

Council Action Log

Open Issue	Action	Responsibility	Priority	Estimated Next Step Date
PW Superintendent Recruitment	4 interviews scheduled, waiting for confirmation on 2; 2 local and 2 out of area applicants	CM	High	Monday, July 18, 2016
Finance Director Recruitment	CM currently recommends appointment of Interim FD to permanent position	CM, CC	High	Monday, August 1, 2016
City Manager Recruitment	Recruitment plan to CC at July 18 mtg	CM, CC	High	Monday, July 18, 2016
3% Marijuana Tax	Submission to County for inclusion on ballot, need to confirm inclusion on ballot	CA, CM, REC	High	Friday, July 22, 2016
Negotiate Union Contracts	will review at Special CC mtg on July 13, give direction to CM	CM, Council	High	Wednesday, July 13, 2016
N. Rose Connection TAP Line	Contractor waiting for ODOT ROW permits. Project completion date is July 27. CM to follow up with ODOT on ROW permit 7-12-16	PD, CM, PWD	High	Monday, July 18, 2016
Talent/Phoenix Water Meter	Waiting for payment from Talent, expected week of July 18 or 25; CM to check status of payment (7-12-16)	CM	High	Monday, July 18, 2016
SCADA Upgrade	Skyline still needs to be competed, consultant has been working on a number of bugs in the system.	DPW, CM	High	Monday, August 1, 2016
ADA Ramps Fixing	Working with ODOT to get guidance on design deficiencies	CM, PE	High	Monday, August 1, 2016
Bridge Medallions	Have estimates for several materials, waiting for one more (metal)	CM	High	Monday, July 18, 2016
City Banners	Obtained costs for banners, also have proposed contract with banner installer that greatly reduces installation costs	CM, CC	High	Monday, July 18, 2016
Transportation system Plan	Public hearing at 8-15-16 CC meeting; recommended for approval by PC at its 7-11-16 meeting	PD	High	Monday, August 15, 2016
Urban Growth Management Plan	Need to form CAC to update City's Comp Plan (Housing, Economic, Urbanization, other elements); 4 CAC appointments on agenda for 7-18-16	Planning	High	Monday, July 18, 2016
New TAP Line Agreement	CM to review agreement, coordinate with partners;	CM	High	Monday, August 1, 2016
Personnel Manual	Interim CM and interim FD will make final revisions and present to CC in August.	CM, FD, City Attorney	Medium	Monday, August 1, 2016
Update Parks Master Plan	Survey to be widely distributed throughout water accounts database next week	PWD, PD	Medium	Monday, August 1, 2016
First Street Sidewalk and Storm Drain	Out to bid; may have to extend bid deadline	PWD, CM, PD	Medium	June 16
Medford Water Commission Other Cities	Meeting with other cities reps end of July to discuss comr	CM	Medium	Monday, August 15, 2016
Fire District Five Contract	Consider FD5 proposal at CC Special Meeting on Wed., July 13	CM, Council	Low	Wednesday, July 13, 2016
Main Street resurfacing	CM to develop work plan to explore options for resurfacing Main & other City streets	CM, UR, PW	Low	Thursday, September 1, 2016
List of study sessions needed for Council	List at this time for scheduling	CM	Low	ONGOING

Main Street landscaping	95% complete, 1 island not completed			Low	Thursday, September 15, 2016
Strategic Planning Session	Council has prioritized goals developed in February workshop at the March 9th workshop. CM and Staff are now working to develop processes to reach goals	CM		Low	Monday, August 1, 2016
Review of Contracts	Builders Contract needs to be reviewed if company changes.	CM, PD		Low	Sunday, July 9, 1905
City Website re-design	Council will revisit website in July	CM		Low	Ongoing
COMPLETED					
Recruitment for new Council Member	Council to review applicant at first meeting in July	CM		Completed	Complete
Create low income subsidy for water bills	Bills with program selection box have been completed and should go out in the June rbilling cycle.	CM FD		Completed	Complete
Water Rights	Joe Strahl forwarded file to CM and forwarded email from Water Board.	Council, CM		COmpleted	Complete

AGENDA BILL

AGENDA ITEM: 7a

**AGENDA TITLE: FIRST READING BY
TITLE ONLY OF AN ORDINANCE
APPROVING THE ANNEXATION OF LAND
WITHIN THE URBAN GROWTH BOUNDARY
INTO THE CITY.**

DATE: July 13, 2016

ACTION REQUIRED:

ORDINANCE: N/A

RESOLUTION: N/A

MOTION: XX

INFORMATION: N/A

EXPLANATION: This is a public hearing on a project that involves the annexation of 2.47 acres located at 3960 Hilsinger Road and 1680 Camp Baker Road into the City of Phoenix. Upon annexation, the property would also be rezoned from the current Jackson County zoning of RR2.5 to the City’s R-1 H-O, Single Family Residential Hilsinger Overlay zone district.

Property owners within 200 feet of the subject property have been notified of the pending annexation and rezoning. At the time of writing of this Agenda Bill and during the first public hearing held on June 13, 2016, staff has not received any comments against this annexation. However, so far we have received two comments in favor of the annexation.

The Planning Commission conducted public hearings on this request at their June 13, 2016 meeting and has recommended that the City Council approve the request subject to the conditions contained in the accompanying Annexation Agreement.

FISCAL IMPACT: Development of the site will generate payment of System Development Charges, which will be paid at the time of issuance of building permits. There is no immediate capital expense for the City, however, the City will have to maintain any public infrastructure constructed as part of the project.

ALTERNATIVES: The Council may refuse to read the proposed ordinance by title and fail set a date for a Second reading and Public Hearing.

STAFF RECOMMENDATION: Staff recommends the Mayor read the ordinance by title only and schedule a Second Reading and Public Hearing for the next regular City Council meeting on August 1st, 2016. This will be the second evidentiary hearing and public comment will be heard.

MOTION: “I move that the proposed ordinance, also known as A16-01, be read by title only, and that a Second Reading and Public Hearing be set for August 1st, 2016.”

PREPARED BY: Steffen Roennfeldt

REVIEWED BY:

**CITY OF PHOENIX
PHOENIX, OREGON
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING CHAPTER 5.18 OF THE CITY MUNICIPAL CODE
PERTAINING TO THE REGULATION OF THE TIME, PLACE, AND MANNER OF
COMMERCIAL CANNABIS FACILITIES**

WHEREAS, the City of Phoenix duly enacted Ordinance 958 on December 14, 2014, thus establishing a Cannabis Facility License program and regulations on time, place, and manner for cannabis facilities; and

WHEREAS, the City will, from time to time, adjust regulations to address the effects of said regulations on the public health, safety, welfare, as well as the efficient and productive operation of commercial enterprises operating within the City of Phoenix; and

WHEREAS, the City does not anticipate any additional demand on the provision of public services and infrastructure related to the proposed adjustment of regulations on the time, place, and manner of operation of cannabis facilities engaged in the distribution of cannabis to the general public, whether the intended use of the cannabis is for medical or non-medical purposes; and

WHEREAS, the City has not observed any additional law enforcement demands associated with the operation of such cannabis facilities since they began operation in 2015.

NOW THEREFORE, the City of Phoenix **ORDAINS** as follows:

Section 1. The Municipal Code of the City of Phoenix is hereby amended as proposed in Exhibit A.

PASSED AND ADOPTED by the City Council and signed by me in authentication of thereof on this 1st day of August, 2016.

Mayor

ATTEST:

Recorder

EXHIBIT A
CHAPTER 5.18 OF THE CITY OF PHOENIX MUNICIPAL CODE, AS AMENDED BY
ORDINANCE 967 ON OCTOBER 5, 2015, SHALL READ AS FOLLOWS:

Chapter 5.18 – Cannabis Facility License

Sections

5.18.010 Purpose

5.18.020 Definitions

5.18.030 License Required

5.18.040 Application Procedures

5.18.050 Standards for Review and Facility Operation

5.18.060 Period of Validity

5.18.070 Transfer of License Prohibited

5.18.080 Ineligibility for Noncompliance

5.18.090 Annual License Renewal Procedures

5.18.100 Revocation of License for Noncompliance

5.18.110 Appeal of Denial or Revocation of a Dispensary License Application

5.18.120 No Vested Rights

5.18.130 Enforcement

5.18.010 Purpose.

- A. The City of Phoenix intends to protect the public health, safety, and welfare of persons and property within its jurisdiction.
- B. The City of Phoenix wishes to protect the residential character and quality of life within its predominately residential neighborhoods.
- C. The City of Phoenix endeavors to manage its public safety and other municipal resources in the most effective and efficient way possible.
- D. The City of Phoenix has planned, and desires to create a thriving, walkable City Center, that attracts visitors of all ages and backgrounds and provides goods and services to the community within which it is located.
- E. The City of Phoenix wishes to minimize potential adverse secondary effects upon children and other members of the public that may reasonably be anticipated to occur in the absence of the following regulation.

5.18.020 Definitions.

- A. "Cannabis" or "marijuana" means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include industrial hemp, as defined by ORS 571.300, the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

- B. "Cannabis containing products" or "Cannabis derived products" means any compound, manufacture, salt, derivative, mixture, extract, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include industrial hemp, as defined by ORS 571.300, the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- C. "Cannabis cultivation" means the agricultural or industrial practice of growing cannabis from seed or immature plant, as defined by the laws and administrative rules of the State of Oregon. It may include the harvesting and drying of cannabis cola and leaves that have been grown upon the same premises. Cannabis cultivation does not include the agricultural or industrial practice of growing industrial hemp, as defined by the laws and administrative rules of the State of Oregon. Nor does it include the mere incidental possession of immature cannabis plants by a cannabis processor or wholesale or retail distributor.
- D. "Cultivation area" means the area within which plants are grown. All parts of a plant grown within a cultivation area shall be contained within the perimeter of the cultivation area. No part of a plant, except for rhizomal matter, roots, etc., grown within a cultivation area shall grow past the perimeter of the cultivation area.
- E. "Distribution of cannabis" means the physical transfer of any amount of cannabis, marijuana, or taxonomically related plant in any form by one person to any other person or persons, regardless of whether any consideration is paid or received.
- F. "Facility, cannabis" means real property, whether improved or not, whereupon cannabis, cannabis containing products, or products derived from cannabis are distributed, produced, processed, or cultivated. Premises whereupon a resident grower cultivates cannabis for personal consumption as permitted by Chapter 2 of the Phoenix Land Development Code and applicable laws and administrative rules of the State of Oregon are not cannabis facilities.
- G. "Licensed activity" shall mean any single activity for which a cannabis facility license is required including retail and wholesale distribution, production or processing of cannabis containing or derived products, and cultivation.
- H. "Operator" means the person who is the proprietor of a facility, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee or any other capacity. If the operator is a corporation, the term operator also includes each and every member of the corporation's Board of Directors whose directorship occurs in a period during which the facility is in operation. If the operator is a partnership or limited liability company, the term operator also includes each and every member thereof whose membership occurs in a period during which the facility is in operation.
- I. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.

- J. "Premises" means real property at or in which a Cannabis Facility is located.
- K. "Production or processing of cannabis containing or derived products" means the production of substances and finished products by mixing, extraction, or other preparations of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the production of substances and finished products containing or derived from industrial hemp, as defined by ORS 571.300, the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- L. "Purchase or sale" means the acquisition or furnishing for consideration by any person of cannabis or cannabis containing or derived products within the City.
- M. "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority."
- N. Seller" means any person who is required to be licensed or has been licensed by the State of Oregon to provide cannabis and/or cannabis containing or derived products to purchasers for money, credit, property or other consideration.

5.18.030 License Required.

It is unlawful for any persons acting as principal, clerk, agent or servant to engage in the cultivation, processing, production or distribution of cannabis, cannabis containing or derived products and byproducts, otherwise permitted under State law without first obtaining a license from the City of Phoenix. This license shall be an addition to any and all other licenses and permits held by applicant.

- A. Cannabis facilities engaged in the retail distribution of cannabis must obtain separate licenses in order to engage in the retail distribution of cannabis that is intended for medicinal consumption under the OMMP and cannabis that is intended for non-medicinal, "recreational" consumption. The foregoing withstanding, only one licensed activity may be conducted at a particular cannabis facility.
- B. Cultivation of cannabis conducted by a "resident grower" as defined by Chapter 2 of Phoenix Land Development Code shall not require a cannabis facility license but must comply with the provisions of Chapter 2 and all other applicable regulations and laws.

5.18.040 Application Procedures.

An applicant shall complete an application for a license on a form provided by the City and containing the following information:

- A. A notarized statement that the applicant is the owner of record for the property at which the cannabis facility would operate, accompanied by proof of ownership, or, if the applicant is not the owner of record for the property, a notarized statement that the owner authorized the application for the license.

- B. The full name, mailing address, email address, and telephone number of the owner of record for the property if the applicant is not the owner of record for the property.
- C. Payment of an applicable license review fee established by resolution of the City Council.
- D. A floor plan and site plan, with accurate dimensions and drawn to scale, depicting the enclosed and locked location in the building where cannabis and cannabis containing and derived products will be stored, and detailing security measures undertaken to secure that location and the premises in general;
- E. For safety and building code requirements, a description detailing the electrical, plumbing, and any other building modifications and improvements utilized in the distribution, production, and/or cultivation of cannabis plants and cannabis containing and derived products;
- G. Documentation of any building, development, or other permits and licenses as required and issued by the City or State including a business license as required by Chapter 5.04 of the Phoenix Municipal Code and any licenses issued by the State of Oregon authorizing the distribution, cultivation, or production of cannabis and cannabis containing or derived products.
- H. The names and addresses of all persons that
 - 1. Have an ownership interest in the cannabis facility;
 - 2. Have loaned or given money or real or personal property to the applicant for use by the facility within the preceding year;
 - 3. Will act as an operator.
- I. The Chief of Police shall conduct background checks to determine whether any person named therein has been convicted in any state for the manufacture or delivery of a controlled substance listed in CFR Schedule I or Schedule II once or more in the previous five years or twice or more in the person's lifetime.
- J. Any additional information as may be deemed necessary by the Chief Law Enforcement Official or the Planning Director.
- K. The City shall issue, in writing, a decision approving, approving with conditions, or denying the requested cannabis facility license within 60 days of submission of a completed application.

5.18.050 Standards for Review and Facility Operation

In order to qualify for a cannabis facility license, the facility must meet all of the following standards:

- A. Cannabis facilities may not operate within R-1, R-2, R-3, or C-C land use districts. Production of cannabis containing and derived products is further prohibited in these districts and in the C-H district. This provision shall not be read so as to release cannabis facilities from other requirements to obtain additional land use and building permits as required by the Phoenix Land Development Code and state building and fire codes.
- B. A cannabis facility shall be located more than 250 feet from any R-1, R-2, or R-3, residential zones or a property that is legally used for residential purposes. The minimum separation between the cannabis facility or use and any and all residential property, as defined by this section, shall be calculated using the method described below in 5.18.050.F.

- C. A cannabis facility shall be located more than 250 feet from any park or recreational facility meeting the following standards:
 - 1. A public park or recreation facility that has been identified in the City's Comprehensive Plan, with the exception of the Bear Creek Greenway;
 - 2. A public library;
 - 3. A commercial or residential recreational facility, which serves children under 18 years of age;
 - 4. The minimum separation between the cannabis facility and any and all parks and recreation facilities property as defined by this section shall be calculated using the method described below in 5.18.050.F.
- D. All cannabis facilities shall be located more than 1,000 feet from any public or private school, with an average weekday attendance (during any continuous 3 month period during the preceding 12 months) of not fewer than 30 children who are under 18 years of age. This minimum separation between the cannabis facility and any and all schools shall be calculated using the method described below in 5.18.050.F.
- E. The cannabis facility shall be located at least 1,000 feet from another cannabis facility.
- F. Minimum distance shall be measured using the following method:
 - 1. The entrance to the cannabis facility that is nearest to the nearest residential, school, park or recreational facility property, as defined by this section shall be identified.
 - 2. A straight line shall be drawn from that point to the nearest point on the property line of the nearest residential, school, park or recreational facility property.
 - 3. To measure minimum distance between two cannabis facilities, the entrances to each facility closest to one another shall be identified, and a straight line shall be drawn between these two entrances.
 - 4. The distance as measured using the procedures in 5.18.050.E.1-3 must be less than the minimum spatial separation distances delineated in 5.18.050 B, C, D, and E.
- G. The cannabis facility shall be located in a permanent building and may not be located in a motor vehicle, cargo container, tent, trailer or other temporary structure.
- H. All cannabis and cannabis containing and derived products shall be contained within a secure, locked case, cabinet, safe, or similar enclosure that is not accessible without restricted means of entry.
- I. At no time shall cannabis and cannabis containing and derived products or any items, effect, paraphernalia, accessory or thing which is designed or marketed for use with cannabis and cannabis containing and derived products be visible by passers-by.
- J. Outdoor storage of cannabis, cannabis containing and derived products, or other raw materials for use in the production of cannabis containing or derived products, is strictly prohibited.
- K. The exterior of the building within which the cannabis facility is located shall be consistent in appearance with buildings in immediate vicinity and comply with any applicable architectural design standards. Any modification to the premises or exterior of a building in which a cannabis facility is located shall be subject to Chapter 4.2 of the Phoenix Land Development Code.

- L. Drive-up or drive-through facilities are expressly prohibited for cannabis facilities.
- M. Cannabis facilities shall provide for secure disposal of cannabis remnants, waste and byproducts; such materials and substances shall not be disposed of in unsecured refuse collection containers.
- N. A cannabis facility engaged in the distribution of cannabis to the general public, whether the intended use of the cannabis is for medical or non-medical purposes, shall only operate between the hours of 8:00AM and 10:00PM.
- O. Cannabis and cannabis containing or derived products shall not be consumed on the premises, unless the Cannabis Facility is registered with the State of Oregon Health Authority as a Medical Marijuana Facility, and only then may this activity occur according to applicable state statutes and the rules promulgated there from.
- P. The facility shall utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the facility to the premises. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
- Q. No minor is allowed on the premises unless the minor is a registry identification cardholder, is accompanied by a parent or guardian, and the Cannabis Facility is registered with the State of Oregon Health Authority as a Medical Marijuana Facility, and only then may this activity occur according to applicable state statutes and the rules promulgated there from.
- R. A person who has been convicted in any state for the manufacture or delivery of a controlled substance listed in CFR Schedule I or Schedule II once or more in the previous five years or twice or more in the person's lifetime shall not
 - 1. Be an operator of a cannabis facility;
 - 2. Have an ownership interest of 5% or more in the facility or in any entity that has a 25% or more ownership interest in the facility;
 - 3. Provide equity or debt financing for the facility; or
 - 4. Have an ownership interest of 5% or more in any entity that provides or has provided equity or debt financing for the facility.
- S. All cannabis facilities that are licensed by the State of Oregon shall provide proof of current registration as required by state law and administrative rules.
- T. A cannabis facility shall display its current permit inside the facility in a prominent place easily visible to persons conducting business in the facility.
- U. Cannabis facilities engaged in commercial cultivation shall meet the standards and requirements established in the Phoenix Land Development Code.
- V. Cannabis facilities engaged in commercial cultivation may also be required to post a performance bond or other form of financial surety, the amount of which shall be calculated by City staff to recover all reasonably anticipated costs associated with the removal and disposal of cannabis plants and related materials and equipment.

5.18.060 Period of Validity.

A license granted under these provisions shall be effective and valid for a period of up to one year from issuance or, in the case of facilities licensed by a State agency, until the expiration of that registration whichever occurs first.

5.18.070 Transfer of License Prohibited.

No license issued under the forgoing provisions may be sold, transferred, or otherwise assigned from the original license holder to another person or corporate entity.

5.18.080 Ineligibility for Noncompliance.

No license shall be issued to or renewed for a cannabis facility that

- A. Is not in compliance with the building and property management codes enacted by the City and the International Fire Code;
- B. Has not been issued a valid certificate of occupancy, if applicable;
- C. Is in violation of Chapter 3.17 of the Phoenix Municipal Code.

5.18.090 Annual License Renewal Procedures.

Prior to the expiration of the original one year license, a license renewal application fee as established by the City Council, shall be filed with the City. Any changes to the information provided on the original application shall be indicated on the license renewal application.

- A. Prior to license renewal approval, the Chief Law Enforcement Official, or designee thereof, and the City's building inspector and/or Planning Director, may inspect the licensed facility. The inspection shall include, at minimum, a review of storage areas and security measures.
- B. All requirements established in this section must be satisfied in order for a person to be eligible to renew its license to distribute cannabis and cannabis containing and derived products.
- C. The applicant must be current on all applicable Cannabis Facility Taxes and fees as established in Chapter 3.17 of the Municipal Code.
- D. If the Chief Law Enforcement Official, Planning Director, or designee thereof determines that the cannabis facility is in compliance with these requirements, a one year license renewal shall be issued.
- E. A license renewal application shall be submitted requesting renewal annually at least 30 days prior to expiration of the current permit. The premises used as a cannabis facility may be inspected by the Chief Law Enforcement Official, Planning Director, or a designee thereof, and the City's building official, to ensure compliance with this ordinance.

5.18.100 Revocation of License for Noncompliance.

In the event of any noncompliance with this provision after a license has been issued, the license may be revoked upon any of the following findings by order of the Chief Law Enforcement Official, a designee thereof, the Planning Director, or the City's building official, until noncompliance has been corrected as determined by the aforementioned agent(s):

- A. A violation of any state or local regulations, the provisions of this ordinance, or the provisions of the license;
- B. Operation of a cannabis facility that cultivates, distributes, produces cannabis or cannabis containing products, or otherwise assists a patient, client, or customer, in

the use of cannabis or cannabis products in an unlawful manner or in a manner contrary to the public health, safety, and welfare;

- C. Any attempt to transfer, assign, or sell a license to another location or to use the same improperly;
- D. The information provided with the license application was falsified, incomplete, and/or inaccurate;
- E. Failure to pay any duly enacted fees or taxes

5.18.110 Appeal of Denial or Revocation of a Cannabis Facility License Application.

An application for an original or renewal license which has been denied, or an existing license that has been revoked by the Chief Law Enforcement Official, a designee thereof, the Planning Director, or the City's building official, may be appealed to the Phoenix City Council.

5.18.120 No Vested Rights.

A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment thereto.

5.18.130 Enforcement.

A. A person who violates any provision of this chapter, or the terms, conditions, or provisions of a license, is responsible for a municipal civil infraction, and shall be subject to all fines as established from time to time by resolution of the City Council.

B. In order to secure, remove, and dispose of cannabis plants or cannabis containing or derived products that remain upon the premises of a cannabis facility after it has ceased operations, the City may enter upon the premises.

C. Nothing in this section shall be construed to limit the remedies available to the City in the event of a violation by a person of this chapter and/or a license. Each act of violation, and each day upon which a violation exists or continues, shall constitute a separate offense.

EXHIBIT A
CHAPTER 5.18 OF THE CITY OF PHOENIX MUNICIPAL CODE, AS AMENDED BY
ORDINANCE ____ ON AUGUST, 1, 2016, SHALL READ AS FOLLOWS:

Chapter 5.18 – Cannabis Facility License

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**City of Phoenix
City Council Meeting
Public Works Office
1000 S. "B" Street
Tuesday, July 5, 2016**

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Tuesday, July 5, 2016 at 6:00 p.m. in the Public Works Office.

ROLL CALL

PRESENT: Stan Bartell, Bruce Sophie, Carolyn Bartell, Terry Helfrich, Chris Luz, Jeff Bellah

Staff Present: Matt Brinkley, Interim City Manager
Janette Boothe, Interim Finance Director/City Recorder
Derek Bowker, Chief of Police
J. Ryan Kirchoff, City Attorney

Mayor Bellah convened into executive session at 6:01 p.m. under ORS 192.660 (2)(h), for the purpose of conducting deliberations concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Discussion followed and no decisions were made. Mayor Bellah closed the executive session and convened into regular meeting at 6:30 p.m.

CALL TO ORDER

Mayor Jeff Bellah called the regular meeting of the City Council to order on Tuesday, July 5, 2016 at 6:30 p.m. in the Public Works Office.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS:

Mayor Bellah gave a brief overview of the executive session topic.

CITY COUNCIL POSITION INTERVIEWS:

Three people applied for the vacant City Council position. The position will run through December 31, 2018. Applicants received questions from current council members prior to the meeting. Council members had the opportunity to ask follow up questions at the in person interview.

1) Nancy Flowers

Mrs. Flowers stated she is seeking a local volunteer opportunity to help improve her community. She has lived in Phoenix for four years and currently resides in Bear Lake Mobile Home Park.

2) James Snyder

Mr. Snyder has lived in Phoenix for four and a half years. He discussed his experience on the homeowner's association, military, small business, and project management.

3) Jason Couch

Mr. Couch and his wife live in a historic house which they are restoring. He has lived locally all his life and stated he feels he can communicate well with people. He has served in the military as well.

Mayor Bellah called for a vote. Councilors voted for both a first and second choice. Mr. Snyder was voted first choice by all five current councilors. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO ELECT JAMES SNYDER TO FILL THE VACANT CITY COUNCIL POSITION THROUGH DECEMBER 31, 2018.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich
MOTION APPROVED WITH FIVE AYES

Mayor Bellah encouraged the other applicants to run in the November 2016 election.

Janette Boothe swore in Mr. Snyder to the City Council with the Oath of Office.

UPDATES/REPORTS:

1) PHURA

Mr. Brinkley left some items for later on the agenda that relate to PHURA. He mentioned the results of the request for qualifications that ended on Friday, July 1, 2016. Six qualifications were received from architectural to construction management firms.

2) Parks and Greenway Commission

Councilor C. Bartell discussed the fliers going out for Dog Days of Summer as well as the parks meeting on July 6, 2016. The Parks Master Plan had a meeting last week and will have a booth at the Dog Days event.

3) Fire Department

Fire Chief Darin Welburn said there were five fires during the holiday. Individuals took action on four of the five fires. In terms of the fire district the call volume is up a bit. An arsonist has been caught in Talent. In Phoenix, things have been pretty quiet. Mayor Bellah asked if there were any areas of particular concern for fire danger. Chief Welburn replied that the hillside homes are a concern because of the limited access. In addition, due to the railroads running through town there needs to be more cleanup. The dead oak trees on Houston Road are a potential area of concern as well. Bear Creek Greenway can have issues with fires from transient activity. Chief Welburn also said there will be three board positions opening in March of 2017 and they would take office in July of next year.

CONSENT CALENDAR:

1) Approval of Minutes from June 20, 2016 Regular City Council Meeting

MOVED BY SOPHIE, SECONDED BY LUZ, TO APPROVE THE CONSENT CALENDAR. There was no further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich

MOTION APPROVED WITH FIVE AYES AND ONE ABSENTION

UNFINISHED BUSINESS:

1) Archangel Gabriel Church's Event Request

Mr. Brinkley suggested developing a policy to differentiate when City Council will grant the exception for alcohol at an event on city property. The municipal ordinance prohibits consumption of alcohol in city parks with exceptions provided by council. The City's concern would be liability in the case of over consumption of alcohol or consumption of alcohol by minors at such an event. The presence of an OLCC licensed distributor can help to prevent such instances from happening. At this point, if Council made some requirements for this particular event, it would be a step towards developing a policy for future events. Mayor Bellah agreed that he would like some requirements and restrictions in place and personally would not be inclined to approve the request on such short notice without those. Chief Bowker did not think there would be an issue. **MOVED BY LUZ, SECONDED BY SOPHIE, TO APPROVE ARCHANGEL GABRIEL CHURCH'S EVENT REQUESTING PERMISSION TO HAVE ALCOHOL AT THEIR ANNUAL PATRONAL FEAST AT BLUE HERON PARK WITH THE FOLLOWING TWO CAVEATS: THEY HAVE AN OLCC APPROVED SERVER AND A TWO MILLION DOLLAR INSURANCE POLICY.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich

Abstaining: Snyder

MOTION APPROVED WITH FIVE AYES AND ONE ABSTENTION

NEW BUSINESS:

1) Approve Loan to Phoenix Urban Renewal

PHURA is requesting a loan of \$150,000 for operating costs for the next four to five months. \$57,000 would be a debt payment due July 27, 2016. Mayor Bellah would like the loan set up for full repayment by December 1, 2016. Mr. Brinkley pointed out that once PHURA sells property it will be in a much better financial situation and easily be able to repay the loan. Attorney Kirchoff said the loan contract would be sufficient. Further discussion followed. **MOVED BY S. BARTELL, SECONDED BY SOPHIE, TO ADOPT RESOLUTION NO. 970, AUTHORIZING THE INTERIM CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT TO LOAN THE PHOENIX URBAN RENEWAL AGENCY FUNDS FOR SHORT TERM OPERATING EXPENSES UP TO \$150,000.** Further discussion followed.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich

Abstaining: Snyder

MOTION APPROVED WITH FIVE AYES AND ONE ABSTENTION

2) Approve City Manager Job Description

Mayor Bellah revised the job description and asked if Council would approve it prior to giving staff directions for starting recruitment. Discussion followed. **MOVED BY SOPHIE, SECONDED BY LUZ, TO APPROVE THE CITY MANAGER JOB DESCRIPTION.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich

Abstaining: Snyder

MOTION APPROVED WITH FIVE AYES AND ONE ABSTENTION

MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO APPROVE STAFF ACTION FOR STARTING RECRUITMENT FOR THE POSITION OF CITY MANAGER.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich

Abstaining: Snyder

MOTION APPROVED WITH FIVE AYES AND ONE ABSTENTION

3) Approve Sale of Property Owned by Phoenix Urban Renewal Agency

The PHURA board considered two different proposals for the sale of property. They selected an offer from Dollar General for the sale of one of their properties. The offer is for \$350,000, \$25,000 of which has to be paid in commission to the buyer's broker. The net purchase would be for \$325,000. PHURA purchased the property for \$284,000, giving a profit of \$41,000. This allows for the back of the property to be split and developed separately. PHURA can require features to be added to the Dollar General structure to make the building useable if business occupancy changes. The property may end up having both a commercial and residential component to it. Councilor S. Bartell inquired about the close date for the sale. Mr. Brinkley replied the close date would be in 60 days. PHURA is asking for Council approval to sell the property to Dollar General.

MOVED BY SOPHIE, SECONDED BY LUZ, TO APPROVE THE SALE OF PROPERTY OWNED BY THE PHOENIX URBAN RENEWAL AGENCY.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, and Helfrich

Abstaining: Snyder

MOTION APPROVED WITH FIVE AYES AND ONE ABSTENTION

4) Request to Waive or Reduce Banner Installation Fees for Phoenix Car Show

Mayor Bellah stated the costs for installing and removing the banners tend to be about \$500. On July 30, 2016, Tony Chavez is hosting a car show in Blue Heron Park. Councilor Sophie clarified that the funding for banner installation would come from the tourist funds. Mr.

Brinkley acknowledged concerns about how to choose which events to support by waiving banner fees. Further discussion followed. **MOVED BY SOPHIE, SECONDED BY C. BARTELL, TO APPROVE THE REQUEST TO WAIVE OR REDUCE BANNER INSTALLATION FEES AND AUTHORIZE THE USE OF TOURIST USAGE FUNDS TO PAY FOR THE COST OF BANNER INSTALLATION FOR THE PHOENIX CAR SHOW.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Sophie, C. Bartell, S. Bartell, Luz, Helfrich, and Snyder
MOTION APPROVED WITH SIX AYES

STAFF REPORTS:

1) City Attorney's Report:

a) Attorney Kirchoff
Nothing to report.

2) City Manager's Report:

a) Mr. Binkley announced
Mrs. Boothe requested Janie La Pierre receive a step increase of 5%. Her bilingual abilities aid in her roles as water clerk and court clerk. The second item is concerning staff asking for direction from Council for labor negotiations. Mayor Bellah suggested a special council meeting take place on Wednesday, July 13, 2016 at 6:30 P.M. As for public works, interviews for utility workers will take place next Wednesday. Mr. Brinkley has received several applications for the public works superintendent. The mayor suggested a council member be present at the interviews. Councilor Sophie volunteered.

3) Chief of Police

Chief Derek Bowker reported that the police department is currently going through the process of hiring two new police officers.

COUNCIL ITEMS, COMMENTS/REPORTS:

- 1) Councilor Snyder expressed his thanks for being elected to the Phoenix City Council.
- 2) Mayor Bellah requested Councilor Snyder receive a City Council Orientation Handbook.
- 3) Councilor Luz talked about an event with the homeowners association using a space at Colver Park.

The second executive session has been rescheduled for the next special meeting to be held on July 13, 2016.

The meeting adjourned at 8:45 P.M.

Respectfully submitted,

Attest:

Sarah Lind
Executive Assistant

Janette Boothe
Assistant Finance Director/City Recorder

AGENDA ITEM

I. ROLL CALL

Chair Micki Summerhays called the meeting to order at 6:30 PM. In attendance were Commissioners Eisenhauer, Atkin, and Couch. Commissioner Ben Farlow was absent. Staff in attendance were Planning Director Matt Brinkley and Assistant Planner Steffen Roennfeldt.

II. APPROVAL OF THE AGENDA

Item three was scratched – Chair and Vice Chair elections took place several months ago.

III. ELECTION OF CHAIR AND VICE CHAIR

See above item.

IV. APPROVAL OF MINUTES

Approval of Minutes: Minutes from the Joint Study Session on May 23, 2016. **MOVED BY COMMISSIONER COUCH, SECONDED BY COMMISSIONER ATKIN, TO APPROVE THE MINUTES WITH ONE MINOR CORRECTION.**

A. JOINT STUDY SESSION MAY 23, 2016

ROLL CALL VOTE AS FOLLOWS:

AYES: ATKIN, COUCH, EISENHAUER (4)

NAYS: (0)

ABSTENTIONS: SUMMERHAYS (1):

V. NEW BUSINESS:

A. PUBLIC HEARING FOR ANNEXATION AND ZONE CHANGE REQUEST ON HILSINGER ROAD AND PACIFIC LANE.

Matt Brinkley gave a brief explanation of the requested annexation supported by some additional information by the applicant, Mr. Williams. The Williams family would retain their lot while the other lots would be divided for residential purposes.

Chair Summerhays explained the history of the Hilsinger Overlay and the reasoning behind its creation. Discussion followed on the possible zoning process.

Matt Brinkley continued his presentation by summarizing the staff report. The recommendation from staff and the planning commission would be to approve the application for annexation to city council. This is the first annexation the city has had since 2006.

In regards to the request for zone change, some elements such as population do not apply. This annexation would be well within the expected population growth boundaries. As for public facilities, the density to which the area may be developed will be limited by the ease of water access to the properties.

Discussion followed about the accessibility and availability of housing in the Phoenix area. Housing such as higher density multifamily rentals to single family detached rentals would be well within the market. The urbanization plan requires that higher density housing take place more toward the city center with access to transportation.

June 13, 2016

Page 1 of 3

**PUBLIC HEARING FOR
ANNEXATION AND ZONE
CHANGE REQUEST (CONT.)**

The application for the property has been found to comply with standards for approval of annexation and to change land use designation.

Chair Summerhays suggested accepting Matt Brinkley's report into the public hearing.

Chair Summerhays opened the hearing to the public and asked for any conflicts of interest among the Commissioners. There were none. She also briefly explained the procedures of the public hearing.

Mr. Williams, applicant, explained his reasoning behind the annexation and zone change request. He discussed the history of the neighborhood, architecture styles, lot layouts, and CC & R's. Mr. Williams discussed the community involvement in this proposed idea as well. Krista Peterson (Tracy Lane resident) and Mike McKay (Pacific Lane resident), neighbors of Mr. Williams, spoke in favor of the annexation.

Chair Summerhays closed the hearing to the public.

Mr. Brinkley said that two Minor Lot Partition applications as well as a Type II variance were also submitted as part of the application. Those applications will be handled administratively. There was no additional deliberation on the proposed annexation A16-01

**MOVED BY COMMISSIONER EISENHAUER, SECONDED BY
COMMISSIONER COUCH, TO RECOMMEND APPROVAL OF THE
ANNEXATION TO CITY COUNCIL**

ROLL CALL VOTE AS FOLLOWS:

AYES: SUMMERHAYS, ATKIN, COUCH & EISENHAUER (4)

NAYS: NONE (0)

ABSTENTIONS: NONE (0)

There was no additional deliberation on the Zone Change request ZO16-01.

**MOVED BY COMMISSIONER EISENHAUER, SECONDED BY
COMMISSIONER COUCH, TO APPROVE ZONE CHANGE APPLICATION
ZO 16-01.**

ROLL CALL VOTE AS FOLLOWS:

AYES: SUMMERHAYS, ATKIN, COUCH & EISENHAUER (4)

NAYS: NONE (0)

ABSTENTIONS: NONE (0)



- V. **PUBLIC COMMENTS** Mr. Williams commented on the new ODOT F.U.I. signs and mentioned that they do not say Phoenix on them.

- VI. **COMMISSIONERS REPORT** Commissioner Couch stated he is still upset about the redwood tree that was removed recently. In the future, he'd like to have the Planning Commission involved in certain tree removal applications.

- VII. **PLANNING DIRECTOR'S REPORT** There will be a public hearing on the TSP on June 27. PHURA and the City Council came together on the location of the plaza. The location follows the recommendation from Matt Brinkley. He stated that the Planning Commission will need to think about the Land Development Code and Comprehensive Plan amendments; trees, homelessness, and tiny homes.

- VIII. **ADJOURNMENT** The meeting was adjourned at 8:15 pm.

Micki Summerhays, Chair

Matt Brinkley, Planning Director

**City of Phoenix
Parks and Greenway Commission Meeting
Public Works Office
1000 S. 'B' Street
April 14, 2016
5:30pm**

The meeting was called to order at 5:30 by David VandeVelde

Members Present: David VandeVelde, Laura Bella, Carolyn Bartell and Nancy Flowers.

Members Absent: Dempsey Haller (excused), Nancy Peterson and Lyla Heigl (excused)

Visitors Present: Sharon Schmidt, BCU Phoenix (arrived at 7:15pm)

Staff Present: Theresa Syphers, Secretary

Citizen Comments

There were none.

Old Business

a) Bee City Charter and Event Preparation

Carolyn reported the Mayor, CC President and the City Manager felt the Bee City USA sub-committee needed a charter and was asking the Parks Commission input. Carolyn shared a rough draft she had with the commissioners. There was discussion. Sharon Schmidt, Chair of the Bee City USA committee stated she was glad a charter was being prepared. She reported on the activities being prepared for the National Pollinator Week in June. There was discussion. She also reported the Bee City committee was interested in placing a bee hive at public works. There was discussion with the Parks Commission directing Sharon to send more information, including where they would like to place the hive, to Carolyn who would share the information with the City Council.

b) Easter Egg Hunt Recap

The commissioners discussed the success of the Easter Egg hunt and the large turnout. There was discussion about possibly moving the event to the high school to accommodate more parking as more people take part in the event. Discussion continued with Dave saying he would get a GC from Iron Skillet to present to the PES janitor in appreciation for all his help along with thank you cards being sent to all who helped out at the event.

c) Dog Days of Summer

Laura updated the commissioners on the progress of the Dog Days event and items discussed at the sub-committee meetings. There was discussion. Laura asked if Theresa would print up "save the date" flyers and the event flyers. Theresa said she would with Laura said she would get the information to be on the flyers to her. Laura said April 21st was the date of the next sub-committee meeting and that she would up-date the commissioners at the next meeting.

d) Parks Commission Budget

Dave began discussion of the Parks Commission budget. There was discussion regarding the budget for the Bee City committee with the commissioners agreeing to budget \$500.00 for Bee City events. There was discussion as to how much money to budget for the Easter Egg Hunt event and the Dog Days of Summer event. Discussion continued with

the commissioners agreeing to request \$3,500.00 from the budget committee for the 2016/17 fiscal year. Carolyn said she would take that recommendation to the Budget Committee on behalf of the Parks and Greenway Commission.

e) Parks Master Plan

Dave reminded the commissioners about the Parks Master Plan Open House on June 4th. There was discussion.

New Business

There was none.

Approval of Minutes

Laura mad a motion to approve the February 18, 2016 Parks Commission meeting minutes as presented. Dave seconded the motion. The motion passed unanimously.

Councilor Comments

There were none.

Set Next Meeting Date

The next meeting was scheduled for July 7, 2016.

Adjournment

The meeting was adjourned at 8:30 pm.

AGENDA BILL

AGENDA ITEM: 9A

AGENDA TITLE: City Manager Recruitment

DATE: July 18, 2016

ACTION REQUIRED:

ORDINANCE: _____

RESOLUTION: _____

MOTION: XX

INFORMATION: _____

EXPLANATION:

At the last City Council meeting on July 5, 2016, the position description for City Manager was approved. The Council directed the Interim City Manager to conduct a plan for recruitment for the position.

FISCAL IMPACT:

The fiscal impact is undetermined and depends on if the City Council chooses to use a recruiter in the process.

ALTERNATIVES:

N/A

STAFF RECOMMENDATION:

Staff recommends reviewing the plan presented in the informational presentation and directing the Interim City Manager to conduct a recruitment strategy.

MOTION: "I MOVE TO DIRECT THE INTERIM CITY MANAGER TO IMPLEMENT THE RECRUITMENT STRATEGY AS DISCUSSED."

PREPARED BY: Sarah Lind REVIEWED BY: _____

AGENDA BILL

AGENDA ITEM: 10 A

AGENDA TITLE: Appointments to Comprehensive Plan Citizen Advisory Committee

DATE: July 18, 2016

ACTION REQUIRED:

ORDINANCE: _____

RESOLUTION: _____

MOTION: XX

INFORMATION: XX

EXPLANATION:

In July of 2016, Krista Peterson and Sarah Westover submitted applications to be on the City's Comprehensive Plan Citizen Advisory Commission. The State of Oregon Planning Goals and Guidelines (OAR 660-015) requires vigorous civic involvement in the creation and amendment of comprehensive plans. Among other things, this is accomplished through the formation of a Citizen Advisory Committee (CAC), which acts as a steering committee, advising the Planning Department staff and consultants. The CAC will assist the City in drafting, in this case, amendments to the housing, economic, urbanization, and land use elements in the comprehensive plan.

The CAC will consist of two residents, one city councilor, one planning commissioner, and one business representative. George "Ike" Eisenhower from the Planning Commission has volunteered for the CAC as well as Bruce Sophie from City Council.

If Council concurs, the Mayor will appoint. Attached is a copy of Krista Peterson's Application.

FISCAL IMPACT:

N/A

ALTERNATIVES:

N/A

STAFF RECOMMENDATION:

Staff recommends the Mayor, in consultation with the City Council, appoint the citizens and other members of the Citizen Advisory Committee.

MOTION: "I MOVE TO APPROVE KRISTA PETERSON AND SARAH WESTOVER FOR THE CITIZEN ADVISORY COMMITTEE AS WELEL AS BRUCE SOPHIE FROM CITY COUNCIL AND GEORGE 'IKE' EISENHAUER FROM PLANNING COMMISSION."

PREPARED BY: Sarah Lind **REVIEWED BY:** _____



Citizens Advisory Committee Application

Name: _____ Krista Peterson _____

Date: ___6/11/2016_

Address: _____ 125 Tracy Lane Medford, OR 97501

Phone: _____ 541-951-1495

Email: _____ kristalp71@hotmail.com

I. Background

When did you move to Phoenix?

1989

Occupation?

Self employed

Educational background?

Home taught k-12

Current and previous civic and volunteer activities?

Willow tree condo – president and board member

Madrone Trail Public Charter school – Board member and volunteer

II. Capabilities and Commitment

What personal and/or professional experience do you possess that will make you a valuable member of the Citizens Advisory Committee for the City of Phoenix?

Being on the Madrone Trail Board for 1 year I learned how to listen and vote on items that needed attention.

What do you like best about living in Phoenix?

I really love Phoenix. I have lived in Medford, Talent and Phoenix over the years. But mostly Phoenix.



Citizens Advisory Committee Application

What one thing would make Phoenix a better place to live?

Keep cleaning it up.

What is an example of a great city, neighborhood, or other place, and what makes it great?

Friendly neighbors, caring about your home, and doing what you can to help.

Are there any citizen issues that most interest or concern you?

No.

Do you feel as a citizen of the community that you are able to provide objective recommendations on housing, economic, urbanization, comprehensive plan updates, and other issues?

Yes.

Do you feel you have any conflicts of interest that may arise due to your appointment to the Citizen Advisory Committee?

No.

The proper function of the Citizen Advisory Committee depends on a reliable, engaged membership. This typically requires approximately 3 hours a month to attend 1 regular meeting on a Monday night and the preparation required for those meetings. There may be times when that commitment involves an additional meeting or, only rarely, two. Given your schedule and current responsibilities, do you foresee any problems attending meetings on a regular basis?

I have a very flexible schedule. I work during the day, but have the ability to make my own hours.



Citizens Advisory Committee Application

III. Special Notice

Please be advised that members of the City Council, Planning Commission, and Citizen Advisory Committee are required to file an annual State of Economic Interest with the State of Oregon. A sample reporting form is available from the administrative office at City Hall.

IV. Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)

Signature

Signature

Date

Date

AGENDA BILL

AGENDA ITEM: 10 b

AGENDA TITLE: A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT TO PRODUCE A LOCAL ECONOMIC OPPORTUNITY ANALYSIS.

DATE: July 18, 2016

ACTION REQUIRED:

ORDINANCE: N/A

MOTION: N/A

RESOLUTION: XX

INFORMATION: N/A

EXPLANATION: The City has begun its Urban Growth Boundary Amendment process. During that process, it must update its “Local Economic Opportunity Analysis” and employment buildable land inventory. The City will update its employment buildable lands inventory internally in collaboration with the consultant that is engaged to complete the LEOA.

E.D. Hovee completed a Regional Economic Opportunity Study for the City in early 2016, and is uniquely positioned to complete an LEOA in a timely and economically efficient manner.

FISCAL IMPACT: The Planning Department currently has budgeted \$47,000 for the “Comp Plan Update” line item. The contract is on a “time and materials with maximum cost not to exceed” basis, with a maximum cost of \$17,500.

STAFF RECOMMENDATION: Approve the enclosed resolution which will authorize the City Manager to negotiate and execute the professional services agreement.

MOTION: “I MOVE TO ADOPT RESOLUTION NUMBER _____ AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR PREPARATION OF A LOCAL ECONOMIC OPPORTUNITY STUDY THAT SUBSTANTIALLY CONFORMS TO THAT PRESENTED.

PREPARED BY: M. Brinkley

REVIEWED BY:

CITY OF PHOENIX

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT TO PREPARE A LOCAL ECONOMIC OPPORTUNITY ANALYSIS.

WHEREAS, the City’s current Comprehensive Plan Economic Element has not been updated since 1996 and does not account for changes in the local, regional, and national economies; and

WHEREAS, the City of Phoenix has begun to update its entire Comprehensive Plan as it prepares to expand its Urban Growth Boundary to address the future need for residential, employment, and recreational and open space lands; and

WHEREAS, the ED Hovee & Company, LLC provided outstanding service in preparing the recently completed Regional Economic Opportunity Study; and

WHEREAS, the City desires to complete the Local Economic Opportunity Analysis as soon as possible;

NOW, THEREFORE, BE IT RESOLVED that the City of Phoenix hereby authorizes the City Manager to negotiate and execute a professional services agreement that substantially conforms to that presented in Exhibit “A”.

APPROVED by the City of Phoenix this 18th day of August, 2016.

Mayor

Attest:

City Recorder

AGREEMENT FOR PROFESSIONAL SERVICES

This is an Agreement for professional services between E.D. Hovee & Company, LLC (EDH) and the City of Phoenix (CITY) to prepare a Local Economic Opportunities Analysis (LEOA) for the PH-5 area of Phoenix, Oregon.

WHEREAS, CITY contracted with EDH in 2015 to prepare a Regional Economic Opportunity Study (REOS) related to proposed expansion of the Phoenix Urban Growth Boundary (UGB) into an area known as PH-5 primarily to address regional traded sector employment needs, and

WHEREAS, CITY is also interested in preparing a Local Economic Opportunities Analysis (LEOA) in compliance with Oregon Goal 9 EOA requirements aimed at documenting locally-oriented industrial, commercial and other related employment together with associated land needs, and

WHEREAS, CITY desires to retain a consultant with experience in preparing both regionally and locally focused economic opportunity analyses offering efficiencies due to common data usage and coordination between the two project assignments; and

WHEREAS, EDH has agreed to undertake the work tasks in a manner as described by the Scope of Services attached as Exhibit A to this Agreement;

NOW THEREFORE, IT IS MUTUALLY AGREED AND UNDERSTOOD BY THE PARTIES TO THIS AGREEMENT, AS FOLLOWS:

1. EDH will perform the Scope of Services described by Exhibit A attached hereto.
2. Specific work tasks may be revised based on discussions between EDH and CITY. Any substantive work task refinements will be documented in writing by EDH and/or CITY before proceeding.
3. For its services, CITY will pay EDH a total professional fee including expenses of not to exceed \$17,500. This amount is based on the Scope of Services attached as Exhibit A to this Agreement.
4. EDH may submit monthly invoices indicating professional services rendered and expenses incurred during the prior month. Each invoice will include a brief description of services completed through the date of the invoice. Payment shall be made by CITY to EDH within 30 days of receipt of invoice.
5. Interest at the rate of 1% per month will be added to the unpaid balance of any invoice not received within 60 days of invoice date to the CITY.
6. EDH shall at all times provide services in the capacity of an independent contractor and not as an employee of CITY. Personnel associated with EDH are not entitled to compensation or benefits of any kind other than as specifically provided herein.

- 7. This Agreement may be terminated by either EDH or CITY, with thirty days advance written notice. In the event of early termination, EDH shall be reimbursed for services rendered and expenses incurred to date of termination.
- 8. At the completion of this Agreement or upon termination, CITY shall be entitled to receive all written or other materials used or produced during the effective term of the Agreement.
- 9. EDH shall comply with federal regulations pertaining to Equal Employment Opportunity.
- 10. All notices pursuant to this Agreement will be addressed to:

E.D. Hovee & Company, LLC (EDH):

E.D. Hovee & Company, LLC
 P.O. Box 225
 Vancouver, WA 98666
 (360) 696-9870
 Attn: Eric D. Hovee, Principal

City of Phoenix (CITY):

City of Phoenix
 P. O. Box 330
 Phoenix, OR 97535
 (541) 535-2050
 Attn: Matt Brinkley, Planning Director
 and Interim City Manager

- 11. This Agreement shall take effect on the date of its execution, and shall be governed by the respective laws of the States of Washington and Oregon.

Dated this ____ day of _____, 2016.

E.D. Hovee & Company, LLC (EDH):

City of Phoenix (CITY)

Eric D. Hovee, Principal

EXHIBIT A – SCOPE OF SERVICES

The following scope of services is for preparation of a Local Economic Opportunities Analysis (LEOA) on behalf of the City of Phoenix, Oregon (CITY) by the economic and development consulting firm E D. Hovee & Company, LLC (EDH). This scope of services statement provides a description of project understanding, work plan, budget and schedule.

PROJECT UNDERSTANDING

Together with affected property owners, the City of Phoenix is currently proceeding with plans to expand the city's Urban Growth Boundary (UGB) into an area known as PH-5, with the intent of developing a major portion of the site for regionally significant traded sector employers. A review draft Regional Economic Opportunity Study (REOS) dated February 2016 has been prepared by EDH to address regional employment needs, focused on the need for traded sector industrial and ancillary business uses not readily accommodated by other jurisdictions in Jackson County or on the I-5 corridor from the Eugene area to northern California.

A parallel but separate Local Economic Opportunities Analysis (LEOA) is planned to address locally community needs for industrial, commercial and other related employment together with associated land needs. In effect, the LEOA will address employment and related land needs for other industrial and commercial properties throughout the City of Phoenix (as an addition to regional opportunities represented by the PH-5 property). The LEOA will be prepared to address community economic development objectives in accord with Goal 9 DLCD requirements for an EOA document.

WORK PLAN

The scope of services encompasses a five-point work plan described as follows:

Task 1 – Project Background & Orientation. At the outset, a meeting will be scheduled with representatives of the City of Phoenix and/or project advisory committee to:

- Discuss community economic development objectives to be covered by the LEOA.
- Identify and secure important background information – including existing pertinent Phoenix Comprehensive Plan documentation, 1996 Economic Element and pertinent analysis related to other Jackson County jurisdictions as covered by the draft REOS including local/regional population and employment data/forecasts.
- Determine key assumptions to be utilized for the LEOA analysis such as the appropriate time frame for the employment and land utilization projections (proposed to be the 20-year period from 2016-36 as with the REOS).
- Identify other agency or related contacts – potentially including representatives of DLCD and local/regional economic development organizations.

At the completion of Task 1, EDH will prepare and submit a brief memorandum outlining final refinements to the scope of work including data collection and analysis methodology. EDH will then proceed with subsequent work tasks subject to prior client approval.

Task 2 – Trend Data Compilation. EDH will compile pertinent data to describe local, regional, statewide and national economic trends and forecasts, including:

- Pertinent population and demographic information based on sources including the U.S. Census Bureau, Portland State University Population Research Center, and proprietary national data sources such as Nielsen/Claritas.
- Detailed employment data for Jackson County and the Phoenix 97535 zip code, likely requiring the CITY to submit a zip code specific request to OED.
- Other regional, statewide and national data as consistent with the information utilized and analysis conducted with the REOS.

From this information, EDH will prepare a *base case* 20-year employment and commercial/industrial acreage projection for the Phoenix UGB – including REOS information for the PH-5 site. The Phoenix UGB forecast will reflect or reference existing forecasts available from state or local jurisdictions. Any proposed deviations will be documented based on empirically supportable data.

Task 3 – Industrial & Commercial Lands Inventory. Concurrent with Task 2, EDH will obtain and summarize information regarding vacant and underutilized commercial/industrial lands as obtained from the Buildable Lands Inventory (BLI) compiled by the City of Phoenix for the Phoenix UGB and other jurisdictions county-wide. Information will be provided by CITY to EDH in tabular (Excel) and mapped (PDF) formats.

It is understood that the BLI may also address constraints as for critical lands and infrastructure to the extent that CITY compiled information is readily available. As determined in consultation with the CITY, the inventory analysis will be evaluated through a supply / demand comparison. As warranted and determined in consultation with the CITY, an alternative employment land allocation scenario may be considered as consistent both with locally-driven employment lands and Phoenix UGA expansion to meet regional, traded sector needs.

Task 4 – Preliminary Draft LEOA Report. EDH will proceed to prepare and submit a complete and relatively streamlined preliminary draft LEOA report. At a minimum, contents of the draft and final LEOA are anticipated to cover:

- Executive Summary
(up-front 1-2 page summary of major LEOA findings and recommendations)
- LEOA introduction
(describing analysis methodology and community economic development objectives)
- Overview of the Phoenix and regional economy
(including geographies considered, population/demographic and economic trends)
- National, state and regional outlook
(trends and forecast)
- Economic development potential
(including target industries and factors affecting community and regional potential)

- Forecast employment and land needs
(long- and short term including parcel size and suitability evaluation)
- Implementation policies
(adequate sites and facilities, resources for public/private implementation)
- Appendices
(for supplemental data and related information – as needed)

Task 5 – Preliminary Draft Review & Final Draft LEOA Documentation. EDH will meet with the CITY and project advisory committee and/or other organizations as determined by CITY to present and discuss the draft LEOA. Based on questions and comments received, EDH will make report revisions as mutually agreed, included with final draft report documentation.

Note: All LEOA task-specific documents will be submitted in electronic file formats (Word, PDF), suitable for reproduction and printing at the discretion of the client. CITY will be responsible for organizing project advisory committee, community meetings, or other public meetings, and for provision of BLI data and mapping.

BUDGET

EDH will conduct the scope of services as described above for a total **professional fee** including expenses of not to exceed \$17,500. Hourly billing rates for personnel are:

Principal - \$195

Research Associate - \$110

Direct expenses including travel are invoiced at cost with mileage reimbursed at the IRS approved rate. The project budget includes allocation for two trips for meetings and information compilation in the Phoenix / Jackson County area. The first meeting may occur with Task 1 orientation or as otherwise determined with the CITY and the second meeting after submitting the full draft LEOA report.

This budget also assumes that all documents and data provided by the CITY and public agencies for this assignment will be made available at no charge to the consultant. This includes OED employment and assessor datasets. If requested and as may be approved by CITY, additional services may be provided on a time and materials basis. Such services may include but are not limited to additional LEOA research, report draft iterations and/or on-site meetings.

SCHEDULE

Anticipated schedule is approximately 60-75 days from project authorization to preparation and submittal of a preliminary draft LEOA report. A final document will be provided within two weeks of receipt of comments on the draft.

The project schedule is predicated on timely receipt of needed and available information and project data and client feedback when requested. The schedule is also subject to revision as may be otherwise agreed between the parties.

AGENDA BILL

AGENDA ITEM: 10 C

AGENDA TITLE: Discuss Supplemental Drinking Water Testing

DATE: July 18, 2016

ACTION REQUIRED:

ORDINANCE: _____

RESOLUTION: _____

MOTION: _____

INFORMATION: XX

EXPLANATION:

Elevated levels of lead have been discovered in drinking water in certain neighborhoods in the City of Medford. The City of Phoenix receives its water from the Medford Water Commission; however, the elevated levels of lead are attributed to the presence of pigtailed. Pigtailed are not generally thought to be present in the City of Phoenix’s distribution system, but due to the lack of documentation we cannot be certain of the absence of lead pigtailed. Lead pigtailed were used in the early 1900s: short pieces of lead pipe sometimes used to connect the water main to customers’ service lines. The City of Phoenix has replaced nearly every residential water meter in its inventory. Lead pigtailed may have been discovered and replaced during that process. While the City of Phoenix has not found elevated levels of lead or other substances in drinking water, out of abundance of caution, we are initiating a program to do additional testing above that which is required by state law.

Homes built before 1950, hydrants at the ends of long, dead-end roads, parks and other public facilities will be tested at the water meter. Testing will begin in July and continue for the next several months or as necessary.

FISCAL IMPACT:

Cost of conducting tests.

ALTERNATIVES:

N/A

STAFF RECOMMENDATION:

N/A

MOTION: “.”

PREPARED BY: Sarah Lind **REVIEWED BY:** _____

Dear Customer,

Water quality has been in the national spotlight this year following news that residents of Flint, Michigan had been exposed to high levels of lead in their drinking water. Unlike in Flint, lead service lines were not used extensively within Phoenix's distribution system and the City of Phoenix's water system fully complies with state and federal rules regarding testing for lead. However, short lead pipes known as "pigtailed" may exist within our system.

What is a pigtail? In the early 1900s, short pieces of lead pipe were sometimes used to connect the water main to customers' service lines. These lead pipes could be easily bent and allowed for a flexible connection between the rigid pipes. These short runs of lead pipe were used more prevalently in some communities, and less so (or not at all) in others. And although the City has replaced many residential water meters over the past decades and would have replaced lead pigtailed during that procedure, we simply do not have records that quantify how many pigtailed have been discovered and replaced over the years.

While routine testing conducted in 2015 failed to detect levels of lead or copper in exceedance of safe drinking water standards, we want to be as certain as we possibly can be that our customers are not being exposed to harmful substances in the water that they drink. For that reason the City is choosing homes built before 1950 to test for lead and copper at the meter to ensure that the City does not have a problem with lead pigtailed in our system.

We would like to test the water going through the meter at your property. In order to do the test the water at your property can not be used for at least 6 hours. We are asking that no water be used between the hours of 12:00am and 7:00am to allow time for the water to set and then be tested.

If you have any questions please feel free to call Matias Mendez at 541-951-9028 or Theresa Syphers at 541-535-2226.

Thank you for helping us ensure we offer the best drinking water possible.

AGENDA BILL

AGENDA ITEM: 10d
AGENDA TITLE: Utility Worker Hire
DATE: 07/18/2016

ACTION REQUIRED:

ORDINANCE: _____

RESOLUTION: _____

MOTION: X

INFORMATION: _____

EXPLANATION:

In the 2016/17 Budget, as presented to the Budget Committee, a new utility worker position was included. After discussion on the merits of hiring a new utility worker, the Budget Committee approved the 2016/17 Budget that included the new position. The 2016/17 was formally adopted by the City Council at the June 20th City Council meeting.

The Public Works Department advertised the position and received 20 applications. Out of the 20 applications 5 were chosen for interviews.

Interviews were held on July 13th at Public Works by Janette Boothe, Theresa Syphers and Matias Mendez.

It was a unanimous decision to offer the position of Utility Worker to Steven Hall. Mr. Hall possesses a very enthusiastic attitude with an admirable desire to serve the community. Mr. Hall has worked with the City as a temporary employee for the last 2 years. Additionally, Mr. Hall works well with staff who would be a great addition to the Public Works staff for the City of Phoenix.

FISCAL IMPACT:

\$61,633.00 including benefits, with 60% of wages from the Parks fund, 10% from Water fund and 30% from the Street fund.

ALTERNATIVES:

STAFF RECOMMENDATION:

Staff recommends offering employment classified as a Utility Worker at Step 3, contingent on passing background checks and employment screening to Steven Hall for the City of Phoenix, Oregon.

MOTION: "I MOVE TO OFFER EMPLOYMENT, CONTINGENT ON PASSING BACKGROUND CHECKS AND EMPLOYMENT SCREENING, TO STEVEN HALL AS A UTILITY WORKER WITH THE CITY OF PHOENIX, OREGON."

PREPARED BY: Theresa Syphers

REVIEWED BY: _____

AGENDA BILL

AGENDA ITEM: 10 E

AGENDA TITLE: PHURA Invoice

DATE: July 18, 2016

ACTION REQUIRED:

ORDINANCE: _____

RESOLUTION: _____

MOTION: XX

INFORMATION: XX

EXPLANATION:

PHURA's recent cost consists primarily of work on installation of irrigation on landscaping islands and the new parking lot as well as Planning and Development services. According to the Intergovernmental Agreement, the City provides to the Agency on at least a monthly basis an invoice made by the City in providing administrative and development services pursuant to the agreement. The City submits an invoice monthly to the Agency detailing the specific services rendered by the City and other expenses incurred by the City on behalf of the Agency.

FISCAL IMPACT:

\$35,000 was budgeted for this particular expense in the PHURA budget.

ALTERNATIVES:

The Council can ask staff to review and revise expenses as needed.

STAFF RECOMMENDATION:

Staff recommends Council review and direct staff to forward invoice to PHURA.

MOTION: "I MOVE TO APPROVE THE URBAN RENEWAL INVOICE AND DIRECT STAFF TO FORWARD IT TO PHOENIX URBAN RENEWAL."

PREPARED BY: Sarah Lind REVIEWED BY: _____



P.O. Box 330 – Phoenix, Oregon 97535 – (541) 535-1955

FAX (541) 535-5769

City of Phoenix

112 W Second Street
 Phoenix, OR 97535
 Phone: 541-535-1955
 www.phoenixoregon.gov

Invoice: 053116

May 31, 2016

TO:
 Phoenix Urban Renewal
 157 S. Main
 Phoenix, OR 97535
 Phone: 541-512-8703

PHURA expenses charged to City - May 2016

VENDOR	DESCRIPTION	AMOUNT
Home Depot	Landscaping	\$ 43.92
Ewing	Landscaping	\$ 24.92
Home Depot	Landscaping	\$ 43.92
Home Depot	Landscaping	\$ 139.90
Home Depot	Banner poles	\$ 153.02
Home Depot	Banner poles	\$ 72.79
Ewing	Landscaping	\$ 2,310.22
Ewing	Landscaping	\$ 124.57
United Rentals	Scissor lift/trailer utility hydraulic	\$ 209.69
Ewing	Landscaping - CPM Return	\$ (87.04)
Ewing	Landscaping	\$ 574.98
Ewing	Landscaping	\$ 206.45
Ewing	Landscaping	\$ 341.68
Ewing	Landscaping	\$ 35.72
Ewing	Landscaping	\$ 10.62
J & J Tree Service	Landscaping	\$ 1,350.00
United Rentals	Mini excavator/Trailer Equipment	\$ 358.13
Express Services Inc.	W/E 5/15/16 Temporary Employees	\$ 974.60
Express Services Inc.	W/E 5/22/16 Temporary Employees	\$ 842.37
TOTAL		\$ 7,730.46

Please make all checks payable to "City of Phoenix"



P.O. Box 330 – Phoenix, Oregon 97535 – (541) 535-1955

FAX (541) 535-5769

City of Phoenix

112 W Second Street
 Phoenix, OR 97535
 Phone: 541-535-1955
 www.phoenixoregon.gov

Invoice: 053116

June 30, 2016

TO:

Phoenix Urban Renewal
 157 S. Main
 Phoenix, OR 97535
 Phone: 541-512-8703

PHURA expenses charged to City - June 2016

VENDOR	DESCRIPTION	AMOUNT
Home Depot	Urban Renewal/ Plaza	\$ 75.42
H.D. Fowler	Drain Pipe	\$ 14.90
H.D. Fowler	Drain Pipe and supplies	\$ 122.22
Express Services Inc.	W/E 5/29/16 Temporary Employees	\$ 235.08
Crater Sand & Gravel	sand	\$ 290.00
City Attorney - Kirchoff	May 2016 services	\$ 661.25
Express Services Inc.	W/E 6/5/16 Temporary Employees	\$ 499.55
Express Services Inc.	W/E 6/12/16 Temporary Employees	\$ 715.04
Express Services Inc.	W/E 6/19/16 Temporary Employees	\$ 548.52
PW Staff - Matias Mendez	80 hours at \$39.86/hr	\$ 3,188.80
City Temp - Steve Hall	24 hrs at \$18.85/hr	\$ 452.40
Planning Staff for 2016	Planning & Devolpment Charges	\$ 5,133.75
TOTAL		\$ 11,936.93

Please make all checks payable to "City of Phoenix"

AGENDA BILL

AGENDA ITEM:

**AGENDA TITLE: FIRST READING BY
TITLE ONLY OF AN ORDINANCE
APPROVING THE ANNEXATION OF LAND
WITHIN THE URBAN GROWTH BOUNDARY
INTO THE CITY.**

DATE: July 13, 2016

ACTION REQUIRED:

ORDINANCE: N/A

RESOLUTION: N/A

MOTION: XX

INFORMATION: N/A

EXPLANATION: This is a public hearing on a project that involves the annexation of 2.47 acres located at 3960 Hilsinger Road and 1680 Camp Baker Road into the City of Phoenix. Upon annexation, the property would also be rezoned from the current Jackson County zoning of RR2.5 to the City's R-1 H-O, Single Family Residential Hilsinger Overlay zone district.

Property owners within 200 feet of the subject property have been notified of the pending annexation and rezoning. At the time of writing of this Agenda Bill and during the first public hearing held on June 13, 2016, staff has not received any comments against this annexation. However, so far we have received two comments in favor of the annexation.

The Planning Commission conducted public hearings on this request at their June 13, 2016 meeting and has recommended that the City Council approve the request subject to the conditions contained in the accompanying Annexation Agreement.

FISCAL IMPACT: Development of the site will generate payment of System Development Charges, which will be paid at the time of issuance of building permits. There is no immediate capital expense for the City, however, the City will have to maintain any public infrastructure constructed as part of the project.

ALTERNATIVES: The Council may refuse to read the proposed ordinance by title and fail set a date for a Second reading and Public Hearing.

STAFF RECOMMENDATION: Staff recommends the Mayor read the ordinance by title only and schedule a Second Reading and Public Hearing for the next regular City Council meeting on August 1st, 2016. This will be the second evidentiary hearing and public comment will be heard.

MOTION: "I move that the proposed ordinance, also known as A16-01, be read by title only, and that a Second Reading and Public Hearing be set for August 1st, 2016."

PREPARED BY: Steffen Roennfeldt

REVIEWED BY:

ORDINANCE NO. _____

AN ORDINANCE FOR ANNEXATION OF TWO PARCELS WITHIN TOWNSHIP 38 SOUTH, RANGE 1 WEST, SECTION 16 AC

AN ORDINANCE PROCLAIMING ANNEXATION TO THE CITY OF PHOENIX OF TWO PARCELS TOTALING 2.48 ACRES AND INCLUDING A PORTION OF PUBLIC RIGHT-OF-WAY UNDER JACKSON COUNTY JURISDICTION, KNOWN AS HILSINGER ROAD. THE SUBJECT ANNEXATION IS COUNTY ZONED SINGLE-FAMILY RESIDENTIAL (RR-2.5) AND IS SURROUNDED BY LANDS ALREADY WITHIN THE CITY LIMITS. IF NOT APPEALED, THIS ORDINANCE IS EFFECTIVE 30 DAYS FROM THE DATE OF THE CITY COUNCIL APPROVAL.

WHEREAS, the property owner of parcels in the territory to be annexed has consented in writing to the annexation; and

WHEREAS, the Planning Commission of the City of Phoenix, after providing the required public notification, including notification to the Department of Land Conservation & Development, held a public hearing on June 13, 2016, for the purpose of reviewing the proposed requests and providing a recommendation to the City Council. The Planning Commission public hearing was held in accordance with the appropriate provisions of the City of Phoenix Land Development Code, and, after due deliberation and consideration of the proposed changes, the Planning Commission voted to recommend that the City Council approve the property owner's request; and

WHEREAS, notice of the City Council public hearing was published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of the published notice, and it appears to be in the best interest of the City and the area involved that it be annexed to the City of Phoenix; and

WHEREAS, the City Council finds and determines that the facts and conclusions in the staff report issued for the Planning Commission's June 13, 2016 hearing, on file in the City Offices, are true and correct and are hereby adopted as findings of the council.

NOW, THEREFORE, THE CITY OF PHOENIX ORDAINS AS FOLLOWS:

Section 1. The City Council declares and proclaims that the territory described in Exhibit "A" and depicted in Exhibit "B" is annexed to the City of Phoenix.

Section 2. The zoning of the above-described properties shall be amended from Jackson County SR-2.5 to City of Phoenix R-1 H-O, Single Family Residential with Hilsinger Overlay.

Section 3. The City Recorded is directed to

- A. File the following with the Secretary of State and Department of Revenue:
 - a. A copy of this ordinance;
 - b. A copy of the land owner statement of consent.

B. Mail a copy of this Ordinance to Jackson County, to all service providers and to any other parties entitled to receive this notice of its adoption.

Section 4. This application complies with the City’s Comprehensive Plan and ORS Chapter 222.120 attached as Exhibit “C” and incorporated herein by reference.

Section 5. The Annexation Agreement between the City of Phoenix and Randall and Vicki Williams attached as Exhibit “D” and incorporated herein by reference shall be executed prior to recording of this annexation. The applicant is responsible to pay for all annexation and recording fees.

Section 6. This annexation shall become effective 30 days from the date of City Council approval.

PASSED AND ADOPTED by the City Council and signed by me in open session in authentication thereof this ____ day of July, 2016.

Mayor Jeff Bellah
City of Phoenix

Attest:

Janette Boothe
City Recorded

Exhibit "A"

Tax Lot 600

Beginning at an iron pin, said pin being the Northeast corner of Lot 16 in HILSINGER SUBDIVISION, in section 16, Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence South $0^{\circ}03'$ West along the East line of said Lot, 269.02 feet, more or less, to the Northeast corner of that tract described in Volume 530, Page 476, Jackson County, Oregon, Deed Records; thence West along the North line of said tract 236.55 feet, more or less, to the East line of that tract described in Document No. 77-10232, Official Records of Jackson County, Oregon; thence North $02^{\circ}56'$ West along said East line 267.92 feet, more or less, to the North line of said Lot 16; thence North $89^{\circ}40'$ East along said North line 250.50 feet, more or less, to the point of beginning.

Tax Lot 500

Commencing at the Northeast corner of Lot Sixteen (16) of HILSINGER SUBDIVISION in Jackson County, Oregon, according to the official plan thereof, now of record, and running thence South $89^{\circ}40'$ West, along the North line of said Lot, a distance of 250.50 feet to the true point of beginning; thence South $2^{\circ}56'$ East 401.11 feet to the South line of said Lot; thence West 119.75 feet to the Southwest corner of said Lot; thence North 400.0 feet to the Northwest corner thereof; and thence North $89^{\circ}40'$ East, along the North line of said Lot, a distance of 98.50 feet to the true point of beginning.

Exhibit "B"



Exhibit "C"

ORS § 222.120

Procedure without election by city electors

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.
- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.
- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - (a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 (Annexation by consent of all owners of land and majority of electors) or 222.170 (Effect of consent to annexation by territory), prior to the public hearing held under subsection (2) of this section; or
 - (c) Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915).
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district), the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district), the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district).
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 (Annexation by consent of all owners of land and majority of electors) and 222.170 (Effect of consent to annexation by territory), owner or landowner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcels land mass and assessed value for

purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39; 2009 c.595 §180]

CITY OF PHOENIX LAND USE ELEMENT

As Amended ORD 788 Page 22 Land Use Element March 2, 1998 Phoenix Planning Department Updated September 15, 2008 – ORD 905

Policy 3.1

The City Council may approve annexations, without referral to the City's entire electorate, when findings and facts show that development of the property or properties proposed for annexation would be consistent with the Plan and:

- A) That development on the land proposed for annexation can be served with all urban services and facilities without adverse impact on the availability, quality, quantity, or reliability of City services provided to or likely to be needed by:
 - 1. Existing development within the incorporated area, and
 - 2. Undeveloped, partially vacant, or redevelopable incorporated land (considering approved development plans or permissible densities as set out in the Plan), and
- B) Population impacts of the proposed development will not cause the City's population to grow at a rate in excess of the Comprehensive Plan, Populating Element's planned population. The population impact of residential lands development shall be computed by:
 - 1. Multiplying the gross area in square feet times 72 percent (to account for lands dedicated to streets) then,
 - 2. Dividing by the maximum lot size permissible within the zone that would be applied to the property if annexed, and then,
 - 3. Multiplying by the average occupancy associated with the dwelling type based upon the most recent U.S. Census.

Such analysis shall be submitted by the applicant at the time of application.

An annexation conforms to the Population Element if the average rate of population growth likely to result from annexation (considering development phasing of the proposed annexation) when added to the development of previously annexed lands (considering their phasing and historical rate of development) will not exceed 133 percent of the average annual population growth rate computed as follows:

Planned Population – most recent PSU1 estimate of population Forecast Year – the year of the most recent estimate

Policy 3.2

The City Council may, at its discretion, refer to the City's electorate any annexation that does not fully comply with Policy 3.1. The procedures described within ORS 222.130 regarding

annexation elections shall be followed. A simple majority of votes cast shall determine the outcome.

Policy 3.3

The Council may annex territory to the City, and dispense with the requirements of Policy 3.1 and 3.2 where the Oregon Health Division has issued a finding that a danger to public health exists because of conditions within the territory.

Policy 3.4

All properties annexed to the City shall eventually be improved to City standards; including but not limited to street improvements, curbs, gutters, lighting, and other improvements included within the City's development standards or as may otherwise be specified by the City's Engineer, Public Works Director, or Planner and approved by the City Council. If required improvements are not proposed at the time of annexation, then the annexation agreement shall specify that the improvements shall be installed at the time of partitioning, subdivision, development or other time as approved by the Council.

Policy 3.5

The City shall initiate proceeding to annex "islands" of unincorporated area within the City Limits immediately following their creation or as soon thereafter as practical when deemed to be in the overall best interest of the City. Such annexations are required to ensure orderly and equitable provision of public improvement, utilities, and community services, and to further growth and development of the community in accordance with this Plan.

Policy 3.6

The City Council may initiate "contract annexation" or an alternative procedure, other than standard annexation, when it is determined that the community will derive significant economic advantage.

Exhibit "D"

**City of Phoenix
Annexation Agreement (A16-01/ZO16-01)**

This agreement is made between the City of Phoenix, a municipal corporation of the State of Oregon, hereinafter called "City", and Randall and Vicki Williams, hereinafter called "Williams".

In consideration of the City holding the necessary public hearings, investigating the facts, and consideration surrounding the application of Williams for annexation of their land, Williams hereby acknowledges and hereby agrees to fully comply with the conditions set forth below, which are imposed by the City. The property being annexed is known as follows:

The parcels know as Jackson County Assessor Map No 381W16AC, Tax Lot 500 and 600

It is agreed that in the event of annexation, zone change, and other proceedings related to the application of Williams is challenged or found invalid for any reason whatsoever, the applicant hereby agrees to hold harmless the City, its agents, employees, and officer, including any legal expenses or court costs before the Land Use Board of Appeals, incurred by the City. Williams agrees that the following conditions of annexation be considered a restriction made upon the property by its present owner and its successors or assigns and developers and until all conditions have been fully met, such conditions shall run with the land.

The conditions of annexation are as follows:

1. The plans and all stipulations included in the applicant's submittal shall be completed as proposed unless modified by the following conditions.
2. Upon annexation, development of the properties shall be subject to City standards.
3. The properties shall be rezoned R-1 H-O, Single Family Residential Hilsinger Overlay under the Phoenix Land Development Code.
4. The extension of utilities to serve the subject properties shall be the responsibility of the property owner.
5. All properties will be served by Rogue Valley Sewer Services. A sewer connection must be done in accordance with RVSS standards.
6. This annexation agreement shall be executed prior to recording of this annexation; The applicant is responsible to pay for all annexation recording fees.

Executed by Randall and Vicki Williams on this ____ day of July, 2016.

City of Phoenix

Randall L Williams

Jeff Bellah, Mayor

Vicki I Williams

STATE OF OREGON)
)SS
COUNTY OF JACKSON)

Personally appeared, the above named
Jeff Bellah, Mayor, who acknowledged
the foregoing instrument to be her
voluntary act and deed.

Before me: _____
 Notary Public of Oregon

My commission expires: _____

STATE OF OREGON)
)SS
COUNTY OF JACKSON)

Personally appeared, the above named
Randall L Williams, who acknowledged
the foregoing instrument to be her
voluntary act and deed.

Before me: _____
 Notary Public of Oregon

My commission expires: _____

STATE OF OREGON)
)SS
COUNTY OF JACKSON)

Personally appeared, the above named
Randall L Williams, who acknowledged
the foregoing instrument to be her
voluntary act and deed.

Before me: _____
 Notary Public of Oregon

My commission expires: _____



Department

112 W. 2nd Street, Phoenix, Oregon 97535
Office: 541-535-2050

File Number: A16-01 & ZO16-01

Request: Petition for Annexation and Rezoning, Type IV Legislative Action & Type III Quasi-Judicial Action

Street Address: 1680 Camp Baker Road, Medford, OR 97501

Parcel Number(s): 38 1W 16AC TL500, TL600

Date of Application: April 6, 2016

Applicant: Randall and Vicki Williams

Phone: 541-292-1933
541-227-3964

Applicant Address: 3960 Hilsinger Road
Phoenix, OR 97535

Information Reviewed: Application file

Related permits: VAR16-01, MLP16-01, MLP16-02

Date of 1st Evidentiary Hearing: June 13, 2016

Date of 2nd Evidentiary Hearing: TBD

Staff Recommendation: Accept Findings of Fact and Conclusions of Law as presented in the staff report and recommend approval of the request for annexation to the Phoenix City Council and approve the request for zone change from Jackson County Rural Residential 2.5 to City of Phoenix R-1, Hilsinger Overlay.



Planning & Building

Department

112 W. 2nd Street, Phoenix, Oregon 97535
Office: 541-535-2050

Projection Description

1. Subject Property Legal Description: see Exhibit 1

2. Subject Property Characteristics and Features: Two parcels with a combined land area of 2.49 acres, located on the west side of Hilsinger Road, north of Camp Baker Road. A single family home and four outbuildings are located on TL 600, and the home is occupied by the applicant. One of the outbuildings would be removed, the others would remain. Lot 500 is vacant with the exception of an existing shop building.

The subject is roughly level, with no significant topographic variation. Open, undeveloped land has been used for pasture. There are several "significant" trees as defined the City's Land Development Code including a row of cedars and Cyprus located on the southern property line of TL 600. Note: the applicant has identified preservation of these and several other trees as a principal justification for maintaining lot sizes that exceed the maximum allowed within the Hilsinger Overlay district.

3. Land Entitlement Status:

- a. **Subject Property Current Zoning:** Jackson County, Rural Residential 2.5
- b. **Subject Property Proposed Zoning:** City of Phoenix R-1, Hilsinger Overlay Zone
- c. **Subject Property Current Comprehensive Land Use Plan Designation:** Low Density Residential
- d. **Subject Property Proposed Comprehensive Land Use Plan Designation:** Low Density Residential

4. Neighborhood Characteristics and Features:

- a. **Adjacent Zoning:** North, R-1 Low Density Residential Hilsinger Overlay District; East Jackson County RR2.5; R-1 Low Density Residential Hilsinger Overlay; South, Jackson County EFU
- b. **Adjacent Comprehensive Land Use Designations:** N, Low Density Residential; East, undeveloped & Low Density Residential; West, Low Density Residential; South, agricultural (active vineyard and winery).

5. Utilities and Infrastructure: the property is served by full urban infrastructure that is available throughout the surrounding neighborhood.

- a. **Electricity:** Pacific Power
- b. **Natural Gas:** Avista
- c. **Potable Water:** the existing single family home is property is served by a 1" meter (slightly larger than typical residential meter).
- d. **Sanitary Sewer:** Sanitary sewer, provided by Rogue Valley Sewer Services, is available to the subject
- e. **Transportation:** Access to the subject is provided from Camp Baker Road, Hilsinger Road, and Pacific Lane
- f. **Police:** The property is within the Phoenix UGB and already served by the Phoenix Police Department.



Planning & Building

Department

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g. **Fire:** Fire protection is provided by Jackson County Fire District #5.

Review

Request for Annexation

Annexation is governed by the City's Land Development Code, Municipal Code, Comprehensive Plan, its Urban Growth Boundary Management Agreement with Jackson County, and state law. The Land Development and Municipal Codes do not define specific standards of review for a proposed annexation.

Requests for annexation are evaluated using a Type IV Legislative procedure. The Planning Commission recommends action, but does not have authority to render a final decision. The City Council must ratify a proposed annexation by ordinance.

ORS 222.111 provides the statutory authority for a city in Oregon to expand its territory assuming that

1. The land to be annexed is contiguous with the existing political boundaries of the city in question; and
2. The petition for annexation has been "initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed".

Section 170 of ORS 222 further requires that more than half of the property owners who own more than half of the total assessed valuation within the area to be annexed must consent to the annexation.

Findings of Fact:

1. The subject property is contiguous with the current Phoenix city boundary.
2. The petitioner is the only property owner involved in the request for annexation.

Conclusions of Law:

The requested action **CONFORMS TO THE REQUIREMENTS OF ORS 222.111** for annexation.

The City of Phoenix and Jackson County manage the urbanization of land through an Urban Growth Boundary and Policy Agreement that was ratified by in 1995. According to this *agreement*

1. *City annexation shall occur only within the officially adopted Urban Growth Boundary.*
2. *Specific annexation decisions shall be governed by the official annexation policy of the City. The City will provide an opportunity for the County to respond to pending requests for annexation.*
3. *Establishment of an Urban Growth Boundary does not imply that all land within the boundary will be annexed to the City.*



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4. *Urban facilities and services must be adequate in condition and capacity to accommodate the additional level of growth, as allowed by the City Comprehensive Plan, prior to or concurrent with the land use changes.*

Findings of Fact:

1. The subject is located within the officially adopted Urban Growth Boundary.
2. The City has notified the County of the proposed annexation and has not yet received any comments.
3. All urban infrastructure is available to the subject property and has sufficient capacity to accommodate development in this vicinity. Hilsinger Road does not meet current City standards, but improvements are considered to be a high priority within the City's Transportation System Plan and Capital Improvement Plan.

Historically, there have been concerns about water pressure in this part of Phoenix. Improvements made to the system have improved pressure, and recent measurements from hydrants in this area indicate sufficient pressure for fire suppression and domestic water supply. If, upon review of a subdivision plan, minor lot partition, site design or development review application, it is demonstrated that pressure is insufficient for minimum domestic water supply and fire suppression standards, the City may consider requiring further improvements at the developer's, users, and/or City's expense. Concerns about water pressure may also be allayed by the fact that the property owner has suggested using TID for irrigation, thus reducing one of the most significant demands on municipal water systems during parts of the year when water supplies are under greatest demand.

The subject is within the Fire District 5, Phoenix City Police Department, and Talent/Phoenix School district service areas.

Because the precise nature of development is not known, future impacts on City infrastructure and services are somewhat speculative and should be left to later phases in the development review process. Considering the size of the annexation, it is unlikely that future development of these lands

Conclusions of Law:

The requested action **CONFORMS TO THE REQUIREMENTS OF THE PHOENIX URBAN GROWTH BOUNDARY POLICY AGREEMENT** for annexation.

Last, the Land Use Element of the City's Comprehensive Plan provides goals and policies for annexation. Goal 3 is to "Manage annexations to achieve the objectives of the Plan by ensuring that the cumulative effect of annexations decision are considered." Policy 3.1 states that

The City Council may approve annexations, without referral to the City's entire electorate, when findings of facts show that development of the property or properties proposed for annexations would be consistent with the Plan and A) That development on the land proposed for annexation can be served with all urban services and facilities without adverse impact on the availability, quality, quantity, or reliability of City services provided to or likely to be needed by; 1) Existing development within the incorporated area, and 2) Undeveloped, partially vacant, or



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redevelopable incorporated land (considering approved development plans or permissible densities as set out in the Plan), and B) Population impacts of the proposed development will not cause the City's population to grow at a rate in excess of the Comprehensive Plan, Population Element's planned population [...]An annexation conforms to the Population Element if the average rate of population growth likely to result from annexation (considering development phasing of the proposed annexation) when added to the development of previously annexed lands (considering their phasing and historical rate of development) will not exceed 133 percent of the average annual population growth rate computed as follows: Planned Population - most recent PSU¹ estimate of population.

Policy 3.4 requires that "All properties annexed to the City shall eventually be improved to City standards [...]If required improvements are not proposed at the time of annexation, then the annexation agreement shall specify that the improvements shall be installed at the time of partitioning, subdivision, development or other time as approved by the Council."

Findings of Fact:

1. The subject property is served by all urban infrastructure and services (see discussion below throughout review of request for zone change).
2. Provision of the services can be accomplished without adversely affecting existing or future development within the City's current Urban Growth Boundary.
3. The proposed annexation would accommodate a maximum of 6 new dwelling units.
4. The current average household size for the City of Phoenix is 2.2 persons/household.
5. The maximum population added to the City's current population of 4,955 within the City's political boundaries (PSU 2015 certified population estimate) due to the proposed annexation would be 14 or 0.003% more than the current population.
6. Development upon the annexed property must comply with the City's Land Development Code which requires improvements to infrastructure and facilities that meet the City's specifications. This would be reviewed during subdivision and site design/development review.

Conclusions of Law:

The requested action **CONFORMS TO THE REQUIREMENTS OF THE PHOENIX COMPREHENSIVE PLAN** for annexation.

Request for Zone Change ("Rezoning")

The criteria for review of a quasi-judicial map amendment are set forth in Chapter 4.7.3.B Criteria for Quasi-Judicial Amendments and are stated as follows:



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1. *Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;*
2. *Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances;*
3. *Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property that is the subject of the application; and the provisions of Chapter 4.7.6 – Transportation Planning Rule Compliance, as applicable.*

Findings:

Compliance with Comprehensive Plan

1. Population Element.

Goal 1 of the Population Element is to “Plan, design, and implement programs, plans and projects which will support a year 2016 population of 5,250.” The City’s current population is 4,955, according to the certified population estimated determined by Portland State University. The proposed annexation, which would not accommodate more than 4-6 dwelling units, will not exceed this planning goal. As a recently completed Residential Buildable Lands Inventory and Housing Needs Assessment observe, much of the City’s buildable residential land within its current political boundaries has been built-out. Accommodating population growth within the City will need to be achieved through the annexation of land within the Urban Growth Boundary. **Z016-01 is consistent and complies with Comprehensive Plan policies.**

2. Natural Resources Element.

This element of the Comprehensive Plan provides goals and policies for cultural, historical, natural, and open space resources, most of which are considerations for development and are applied during consideration of proposed development. **NOT APPLICABLE.**

3. Historic Element.

No historic assets were identified within the subject property. The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

4. Natural Hazards.

There are no natural hazards as identified by this element that are unique to the subject or its proposed R-1, Hilsinger Overlay zoning. The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

5. Public Facilities.



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According to the applicant, they “developed Pacific Lane to city standards in 1997 and all basic utilities are available therein. Storm drain collection systems are in place on Pacific Lane as well as a French drain along the southern aspects of Pacific Lane to Hilsinger Road. Individual Parcel, storm water control, will be developed by with the city of Phoenix by builders at the time of site development.” Findings of Fact prepared by the applicant further state that “All services are available at suitable gradients to service the subject properties. Utility connections can be made with input and direction from the controlling utility services [...] Required on-site improvements will be furnished and paid for by the property owner at the time of development, thereby insuring the Orderly and Economic Extension of the Urban Facilities and Services” (p. 4). Staff concur with these statements.

At a Pre-Application meeting, Phoenix Public Works Department staff and Fire District 5 representatives provided comments on the application, and all were satisfied that the current water distribution system would be sufficient to provide to minimum domestic water and fire suppression flow. Rogue Valley Sewer Services has also indicated that sanitary sewer facilities within the vicinity have capacity to accommodate additional residential development.

Another, higher density residential neighborhood on Tracey Lane is located directly to the west of Tax Lot 500 and was able to be served by urban infrastructure and services when it was developed in 2005-6. **ZO16-01 is consistent and complies with Comprehensive Plan policies.**

6. Housing Element.

Goal 1 of this element is “To provide, promote, and facilitate as appropriate the provision of housing consistent with the needs and financial capabilities of the City’s residents” (p.25). Several policies developed to achieve this goal are relevant to the current application. They are:

Policy 1.2: The City shall promote home ownership by emphasizing housing types and densities within the plan which are conducive to home ownership.

Policy 1.2.a: The Plan shall provide for an increasing incidence of home ownership through designation of sufficient lands and at appropriate plan/zone designations, to provide for 65% home ownership by 2016.

The comprehensive plan land use map designation for the subject property is “Low Density Residential”. The Comprehensive Plan Housing Element established allocations of various types of residential land (and densities) based on a housing needs analysis performed at the time the current Housing Element was written. Target population that was to be housed within the current Urban Growth Boundary was around 5,200, and the Housing Element accounted for this target in setting residential densities throughout the City. The proposed annexation is consistent with densities needed to meet the target.



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According to a Housing Needs Assessment completed in 2016, most demand for new housing will be single family detached, although more higher density housing will need to be built in order to meet demand for different types of housing that are affordable to households representing divergent life circumstances. The study found that 447 dwelling units will need to be developed on lands designated by the current comprehensive plan land use map as Low Density Residential. The study also found that city-wide overall vacancy rates (for sale and rent) are at record lows in the Rogue Valley. Without new supply, prices for existing units will continue to climb and become less and less affordable. Residential development across a range of densities is essential to alleviate a growing housing shortage and affordability crisis. **ZO16-01 is consistent and complies with Comprehensive Plan policies.**

7. Parks & Recreation Element.

The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

8. Urbanization Element.

Goal 4, Maximum Efficiency of Land Use Within and on the Fringe of the Existing Urban Area, states as follows (underlines for added emphasis):

A. The City/County Urbanization Agreement provides for a coordinated transition for rural to urban development as the City grows. Land that is currently within the City will be developed first, if possible followed by lands adjacent to the City limits to avoid "leap-frogging".

As demonstrated by the Housing Needs Assessment, completed in April 2016, much of the existing residential land within the City has been developed. Very little infill land remains within the existing City boundaries. The vast majority of remaining developable residential lands are located outside of the City's boundaries. This is true for the subject property which is adjacent to the current boundary.

The goal further states

B. All areas within the proposed UGB can be provided with urban level services and facilities. These will be adequately in condition and capacity to serve the new growth prior to or concurrent with any land use changes or annexations, in accordance with City development and annexation policies.

As previously discussed in both Transportation and Public Facilities sections elsewhere in this report, urban infrastructure and services are available to the subject property.

The goal also requires that

D. The development of potential in the downtown (core) area of the community will be maximized by providing adequate opportunities for commercial development and expansion, and by locating higher density residential areas within easy walking distance of shopping and employment. A total of 190 multi-family dwellings are proposed to be



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added within the present City limits and all will be within walking distance (not more than four blocks) of the business district and shopping.

The proposed zone for the newly annexed land would be low density, not higher density that, according to this goal, should only be located in close proximity to the city's downtown.

The appropriate or ideal location of low density residential development is further described in the following:

E. The City has been careful to plan for fringe-area land uses that will be the most compatible with agricultural uses outside the UGB, where they occur. Only low-density single-family residential lands will abut agricultural lands to minimize the numbers of dwellings and people that will be exposed to any potential conflicts.

Higher density residential is not recommended for land located in the vicinity of the subject; lower density residential is recommended for lands on the edge of the Urban Growth Boundary, particularly those that are adjacent to agricultural lands in order to reduce or eliminate land use conflicts that can occur between urbanized and rural/working lands.

Section 6 of Goal 4 actually identifies lands of which the subject is part, as desirable for annexation and development at lower densities:

F. Urbanizable lands in the southwestern portion of the UGB consist of many small "rural-residential" home sites of one or two acres, or less. There are no major farm units in this area and most agricultural that exists is being pursued for personal use or as a hobby for extra income. This area, because of its density and need for public facilities, such as water and sewer, will benefit by eventual annexation to the City.

The subject is located within the "southwestern portion of the UGB" and, as the goal states, would benefit by annexation to the City and the provision of urban infrastructure and services.

Finally, Goal 7 addresses these potential conflicts further, stating that

C. Southwest of the City, the area is already divided into many small rural-residential lots. The proposed low-density development will have no adverse impact on these areas, or larger farm units to the west.

The subject property is located within the southwest of the City, and urbanization should not adversely affect nearby agricultural operations.

ZO16-01 is consistent and complies with Comprehensive Plan policies.

9. City Center.

Finding: The subject property is not located in the City Center area.

Conclusion: NOT APPLICABLE.

10. Transportation Element.



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The portion of Hilsinger Road within the annexation area does not meet current City standards, but improvements are planned for Hilsinger Road according to the City's most recent version of its Transportation System Plan (to be adopted July, 2016) and Capital Improvement Plan. Improvements are planned for Camp Baker road as land within the Urban Growth Boundary and along its south side develops over the next 5-20 years. **ZO16-01 is consistent and complies with Comprehensive Plan policies.**

11. Land Use Element.

Policy 5.1 of the Land Use Element explains the connection between Comprehensive Plan Land Use Map designations and Land Use District or "zoning" map. Its stated goal is to "Utilize the descriptions included in the Section of the Land Use Element entitled "Plan Designations" as policy. As such the descriptions of plan designations will be the controlling document for the purpose of administration of the zoning and subdivision ordinances or other pertinent land use regulations and codes." The Comprehensive Plan map designates the subject property as "Low Density Residential". The Land Use Map District used to implement this designation is "R-1 Low Density Residential". The further application of the "Hilsinger Overlay H-O" designation is intended to achieve other goals and objectives described elsewhere in the Comprehensive Plan (see discussion of the "Urbanization Element" above). **ZO16-01 is consistent and complies with Comprehensive Plan policies.**

12. Economic Element

The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

Compliance with Transportation Planning Rule

Chapter 4.7.6 further states that a zone change (land use district change) must also comply with the Transportation Planning Rule as delineated in OAR 660-012-0060.

Findings:

Chapter 4.7.6 implements OAR 660-012-0060 locally by requiring that a development application be reviewed to "determine whether it significantly affects a transportation facility" when the application includes a comprehensive plan amendment or land use district change. A proposal is considered to "significantly affect a transportation facility" when it would

1. *Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of collector street classification, requiring a change in the classification to an arterial street, as identified by the Comprehensive Plan and the Transportation System Plan; or*
2. *Change the standards implementing a functional classification system; or*
3. *Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or*
4. *Reduce the level of service of the facility below the minimum acceptable level identified in the Comprehensive Plan and the Transportation System Plan.*



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The Zone Change is not likely to significantly affect a transportation facility. The petition, therefore, satisfies the requirements of OAR 660-012-0060 without need for further review. **ZO16-01 is consistent and complies with all applicable standards and criteria of the Land Development Code, and other applicable implementing ordinances.**

Conclusions of Law

1. A16-01, an application to annex land located at 1680 Camp Baker Road and 3960 Hilsinger Road, and consisting of 2.47 acres and identified by parcel numbers 38 1W 16AC tax lots #500 & #600, **has been found to comply with the standards of review and approval for an annexation of unincorporated land into the City of Phoenix.**
2. ZO16-0, an application to change the land use designation of land located at 1680 Camp Baker Road and 3960 Hilsinger Road, and consisting of 2.47 acres and identified by parcel numbers 38 1W 16AC tax lots #500 & #600, from Jackson County Rural Residential RR 2.5 to City of Phoenix Low Density Residential R-1 Hilsinger Overlay H-O, **has been found to comply with the standards of review and approval for an application to change land use designation.**

Staff Recommendation

1. Planning Commission should recommend approval of A16-01 to City Council.
2. Planning Commission should approve ZO16-01, make findings and adopt conclusions of law, and direct the Planning Director to prepare an order to be executed expeditiously by an appropriate member of the Planning Commission and the Director.



Matt Brinkley, AICP
Planning Director
City of Phoenix
Department of Planning & Building

6-22-16

Date