

City Council Meeting
Agenda
August 07, 2023
6:30 p.m. Public Meeting
Hybrid Meeting in Person and Via Zoom
Phoenix Plaza Civic Center 220 N. Main St./Via Zoom

*A complete agenda packet is available on the city's website. This meeting is being conducted in person and virtually to allow for public participation. A recording of the meeting in its entirety will be posted to www.phoenixoregon.gov. To comment on agenda items, please write your name on the sign-in sheet and include the item number, if attending via Zoom raise your hand when the topic is discussed by Council. **If you need special accommodations, please give the City Recorder 72-hours prior notice.***

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/87017092315?pwd=L01kcWRDMGoxVGNIU2JLVVdHM1NFQT09>

Passcode: 358398

Or One tap mobile: +1 719 359 4580, 87017092315#, *358398# US +1 253 205 0468, 87017092315#, *358398# US

Or Telephone: Dial (for higher quality, dial a number based on your current location):

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- +1 669 900 6833 US (San Jose)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
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1. Call to Order / Roll Call / Confirmation of a Quorum

Except as provided in Section 33 of the City Charter, a minimum of four Council Members are needed for a quorum and to conduct city business. If the Mayor is needed to establish a quorum, then he/she may become a voting member for that meeting (Phoenix Municipal Code, Chap. 2.28.020.A.4).

2. Pledge of Allegiance

3. Presentations

- a. John Vial, Medford Public Works Director - Regional Water Reclamation,.....5
- b. John Vial, Medford Public Works Director - South Stage overcrossing/interchange

4. Public Comments

*This item is for persons wanting to present information or raise an issue, not on the agenda. Each person shall be limited to three minutes and may not allocate their time to others unless authorized by the Presiding Officer. To comment, please write your name on the sign-in sheet. When your name is called, step forward to the podium and state your name and address for the record. If attending virtually, please raise your hand and wait to be allowed to speak. When your name is called, please unmute yourself and state your name and address for the record. (In accordance with state law, a recording of the meeting will be available at city hall, but only your name will be included in the meeting minutes). While the Council or staff may briefly respond to your statement or question, **the law does not permit action on, or extended discussion of, any item not on the agenda** except under special circumstances.*

5. Consent Agenda

*Items on the Consent Agenda are considered routine and will be adopted by one motion. **There will be no separate discussion of these items unless it is requested by a member of the Council or staff.** If so requested, that item will be pulled from the Consent Agenda and considered separately immediately following approval of the remaining items.*

a. Reports for Information & Possible Action:

- 1. Phoenix Police Department Surplus Vehicles,.....29
- 2. Resolution No. 1113 – A Resolution Authorizing the City Manager or His Designee to Apply for a Transportation Growth Management Grant Offered by ODOT and DLCD’s TGM Grant Program for the Purpose of Updating the 2019 Transportation Plan and Delegating Authority to the City Manager to Sign the Application,.....30
- 3. Approval of Application for Mass Timber Code-Up Phase II,.....33

b. Minutes to Approve and File:

- 1. Minutes from City Council Meeting June 17, 2023,.....36

6. Consent Agenda Items Pulled for Discussion

7. New Business

- a. Phoenix Government and Public Safety Center (PGAPSC) Lease Agreement,.....40
- b. Selection of Council Representative to Serve on the South Stage Project Advisory Committee (PAC),.....50

8. Ordinance: Reading/Adoption

- a. Ordinance No. 1032 – An Ordinance Annexing 0.39 Acres, Including the Adjacent Right-of-way Within the City’s Urban Growth Boundary Pursuant to ORS 222.170, Removing the Area from Jackson County Fire District No. 2 Pursuant to ORS 222.524 and Annexing the Area to Jackson County Fire District No. 5 Pursuant to ORS 198.867(3),..... 52
- b. Ordinance No 1033 – An Ordinance Annexing 345 Acres Within the City’s Urban Growth Boundary Pursuant to ORS 222.170, Removing the Area from Jackson County Fire District No. 2 Pursuant to ORS 222.524 and Annexing the Area to Jackson County Fire District No. 5 to ORS 198.867(3),..... 91
- c. Ordinance No. 1034 – An Ordinance Accepting Dedication of Right-of-Way and a Public Utility Easement in the City of Phoenix,..... 141

9. Staff Reports

- a. City Attorney
- b. City Manager
- c. CEDEV Director

10. Mayor and Council Comments / Reports

Any Councilor may make an announcement or raise any item of business that is not on the agenda. While other Councilors or city staff may briefly respond or comment, the law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. If extended deliberation or potential action on a matter is desired, Council may direct staff to place the item on a future meeting agenda.

11. Adjournment



To be scheduled: City Council

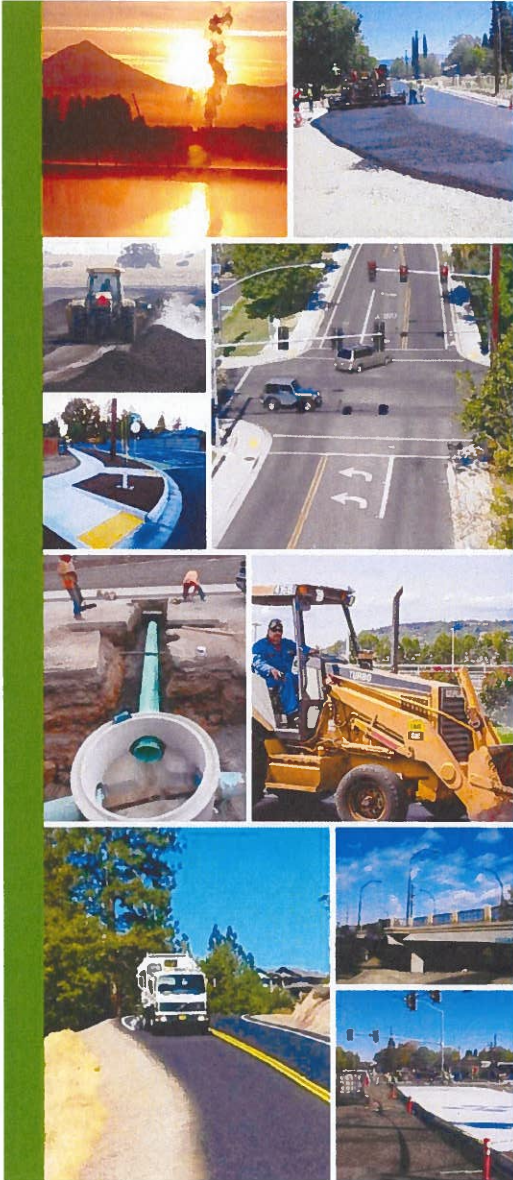
To be scheduled: PHURA

- Annual Report

Upcoming City of Phoenix Meetings:

August 14, 2023	Planning Commission Meeting 6:30 pm at 220 N. Main St.
August 17, 2023	Parks and Recreation Committee Meeting 6:00 pm at 220 N. Main St.
August 21, 2023	City Council Meeting 6:30 pm at 220 N. Main St.
August 28, 2023	Planning Commission Meeting 6:30 pm at 220 N. Main St.
September 5, 2023	City Council Meeting (Tuesday) 6:30 pm at 220 N. Main St.
September 11, 2023	Planning Commission Meeting 6:30 pm at 220 N. Main St.
September 16, 2023	Phoenix Rising Event 215 N. Rose St.
September 18, 2023	PHURA Board Meeting 6:00 pm at 220 N. Main St.
September 18, 2023	City Council Meeting 6:30 pm at 220 N. Main St.
September 21, 2023	Parks and Recreation Committee Meeting 6:00 pm at 220 N. Main St.
September 25, 2023	Planning Commission Meeting 6:30 pm at 220 N. Main St.

All of the above meetings are tentative and are subject to change.



Regional Wastewater Reclamation Facility Upgrade

July 13, 2023

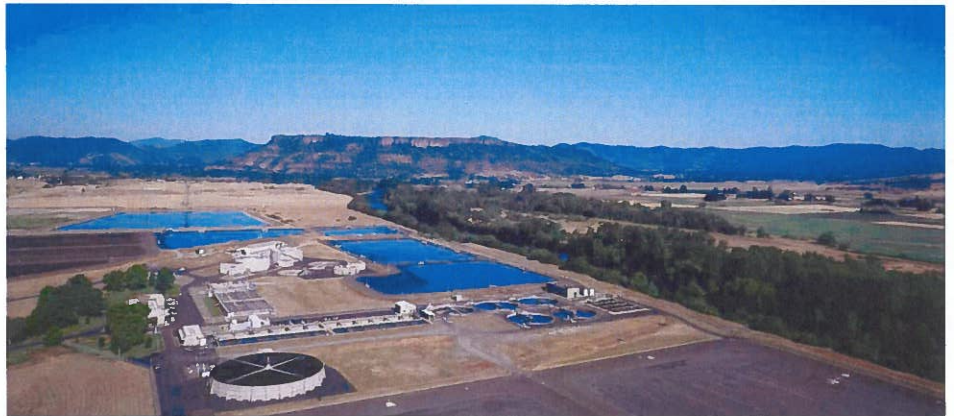


MEDFORD
PUBLIC WORKS

Regional Wastewater Reclamation Facility Upgrade

Bottom Line:

- Significant plant upgrades are required
-and it's going to be expensive
- We want to get this on your radar now



Regional Wastewater Reclamation Facility Upgrade

Agenda

- Brief overview of the RWRP John Vial
- Legal action against the City
- New NPDES Permit
- New Facility Plan & Costs
- Financing plan Ryan Martin
- Process for setting future rates
- Q & A

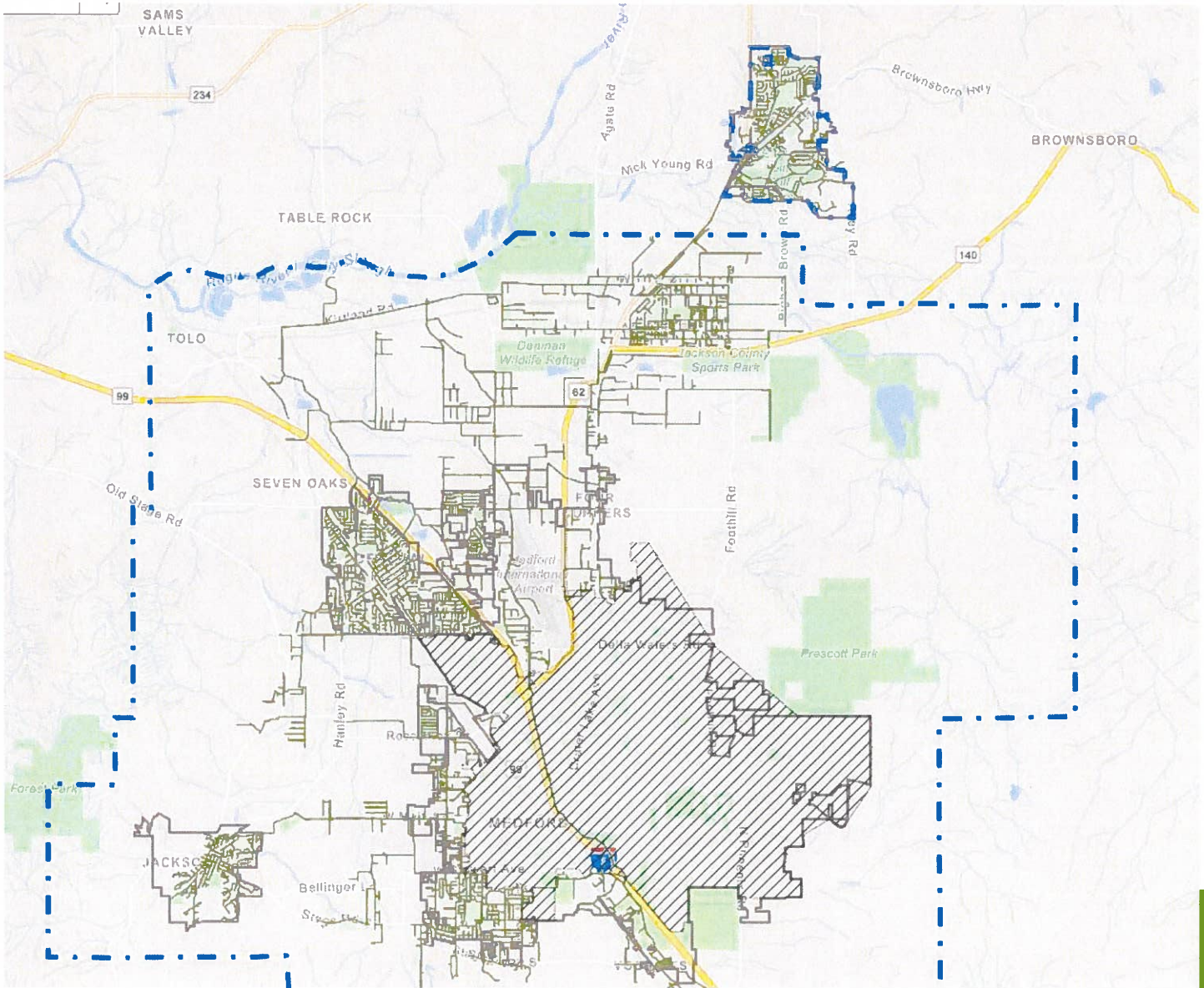


Regional Wastewater Reclamation Facility Upgrade

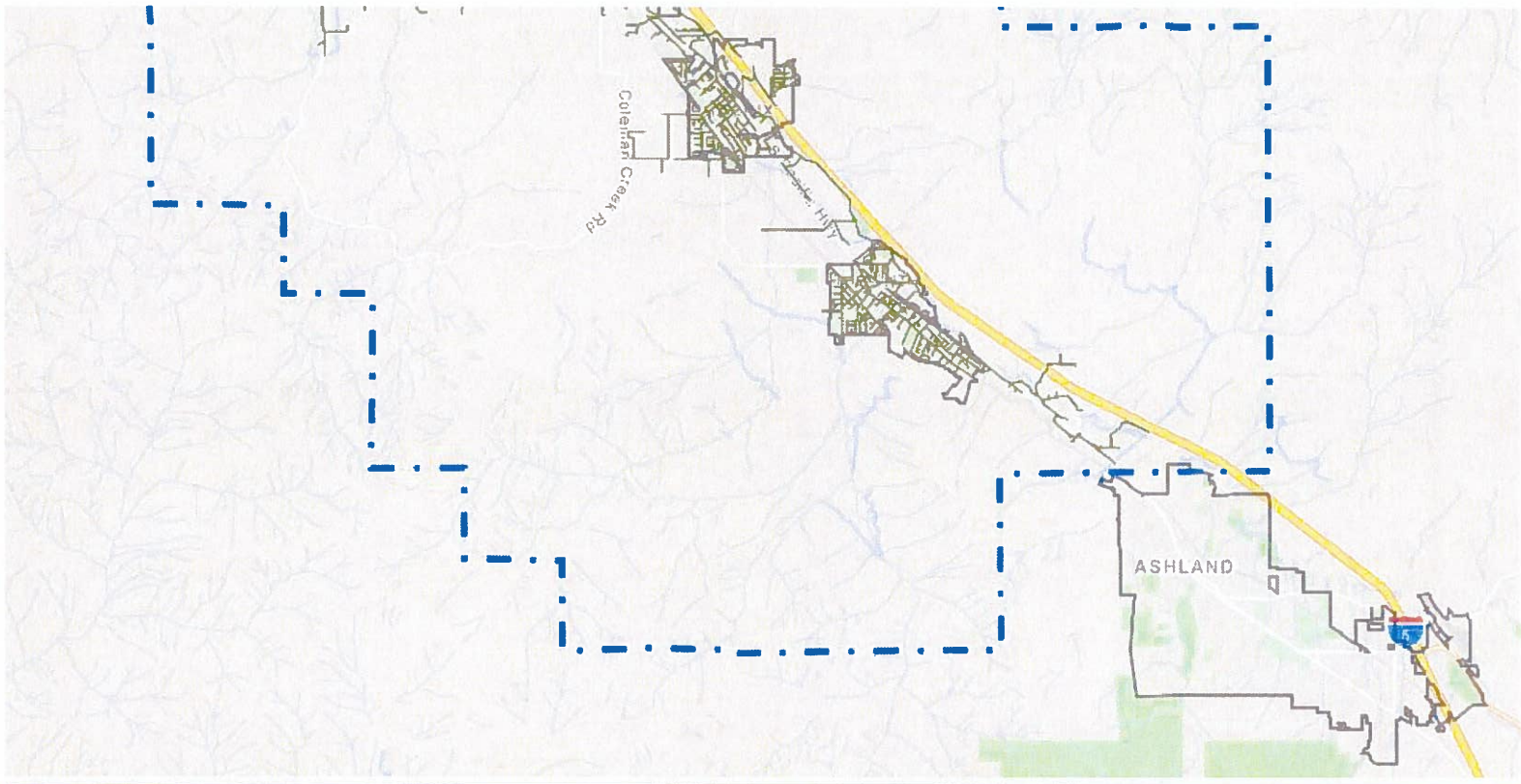
Overview of RWRF

- Serves the Bear Creek Drainage Basin, except Ashland
- Plus, Eagle Point, White City and some unincorporated areas
- Population served:
 - 2010 – 145,150
 - 2020 – 159,185
 - 2045 – 212,250
(projected in Facility Plan)





Regional Wastewater Reclamation Facility Upgrade



Regional Wastewater Reclamation Facility Upgrade

Overview of RWRF

- Original Camp White Facility, City took it in 1948
- Major reconstruction in 1970, significant expansions since 1980
- Plant treats 18 million gallons of waste daily
- Treatment:
 - Primary & Secondary treatment with disinfection
 - Secondary – Suspended Growth / Activated Sludge
 - Solids treatment – Anaerobic digestion and landfill
- Plant technology - time-test & very common



Regional Wastewater Reclamation Facility Upgrade



Regional Wastewater Reclamation Facility Upgrade

Legal Actions

- Northwest Environmental Advocates (NWEA) brought a suit against the city in 2018
 - Violating the Clean Water Act (algae growth, impacts to natural biological communities, odor, foaming, etc.)
- NWEA - very critical of DEQ (not enforcing permit)
- DEQ found repeatedly – City's not in violation
- Lawsuit is currently stayed pending the NPDES Permit



Regional Wastewater Reclamation Facility Upgrade

NPDES Permit

- Federal Clean Water Act – prohibits the discharges of pollutants to “waters of the state”
- National Pollutant Discharge Elimination System (NPDES)
- Previous permit - Dec. 2011, Expired Nov. 2016
 - stays into effect until a new permit is issued
- City was always in compliance



Regional Wastewater Reclamation Facility Upgrade

NPDES Permit

- DEQ issued new permit August 10, 2021
- Required **significant** reductions in Total Nitrogen, Total Phosphorus, and in temperature
 - *Current plant incapable of meeting new permit conditions*
- City appealed – too stringent
- NWEA appealed – not stringent enough
- Judge – Both the City and NWEA are wrong – the NPDES permit issued by DEQ is fine



Regional Wastewater Reclamation Facility Upgrade

NPDES Permit

- Permit - Significant Plant Upgrades Required
 - Sept. 1, 2023 – Submit a New Facility Plan
 - Sept. 1, 2024 – Submit preliminary plant design
 - Sept. 1, 2026 – Submit final plant design
 - Sept. 1, 2028 – Complete new plant construction to meet all permit conditions
 - Sept. 1, 2030 – Meet all new permit conditions



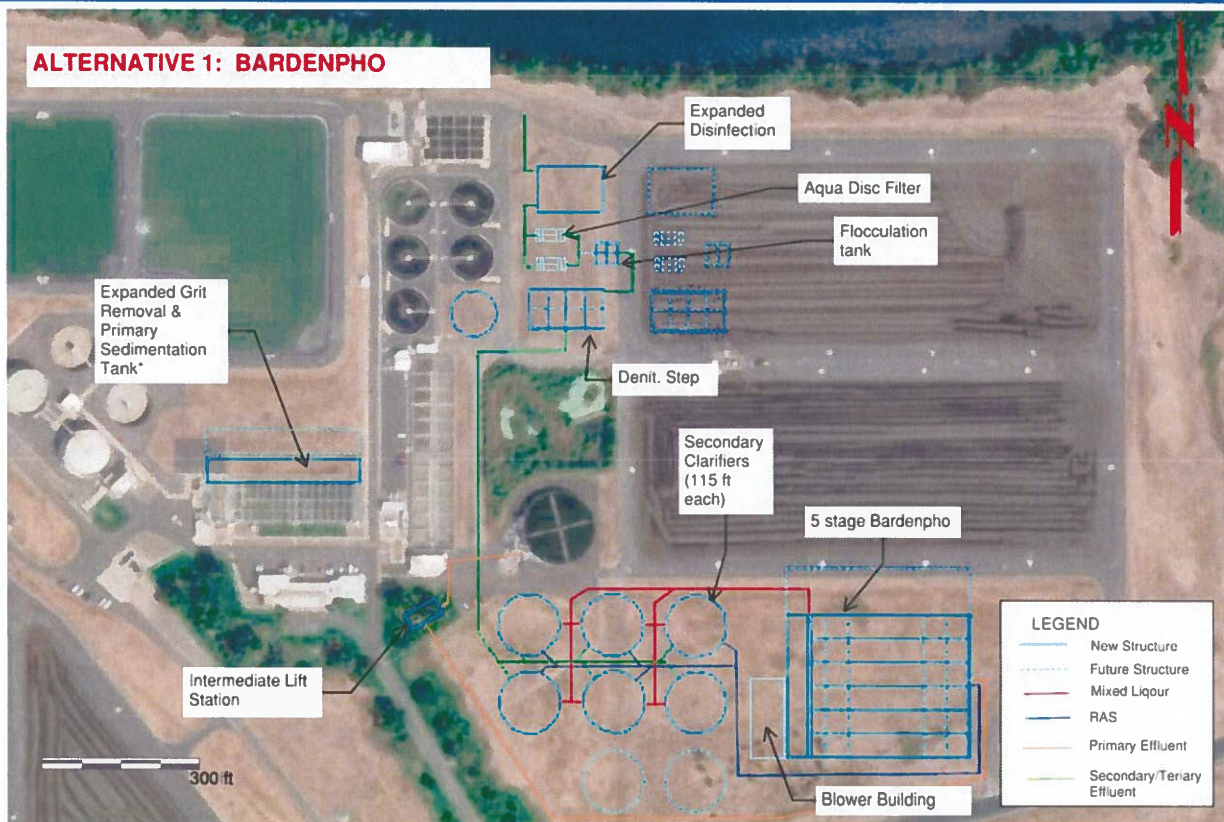
Regional Wastewater Reclamation Facility Upgrade

New Facility Plan

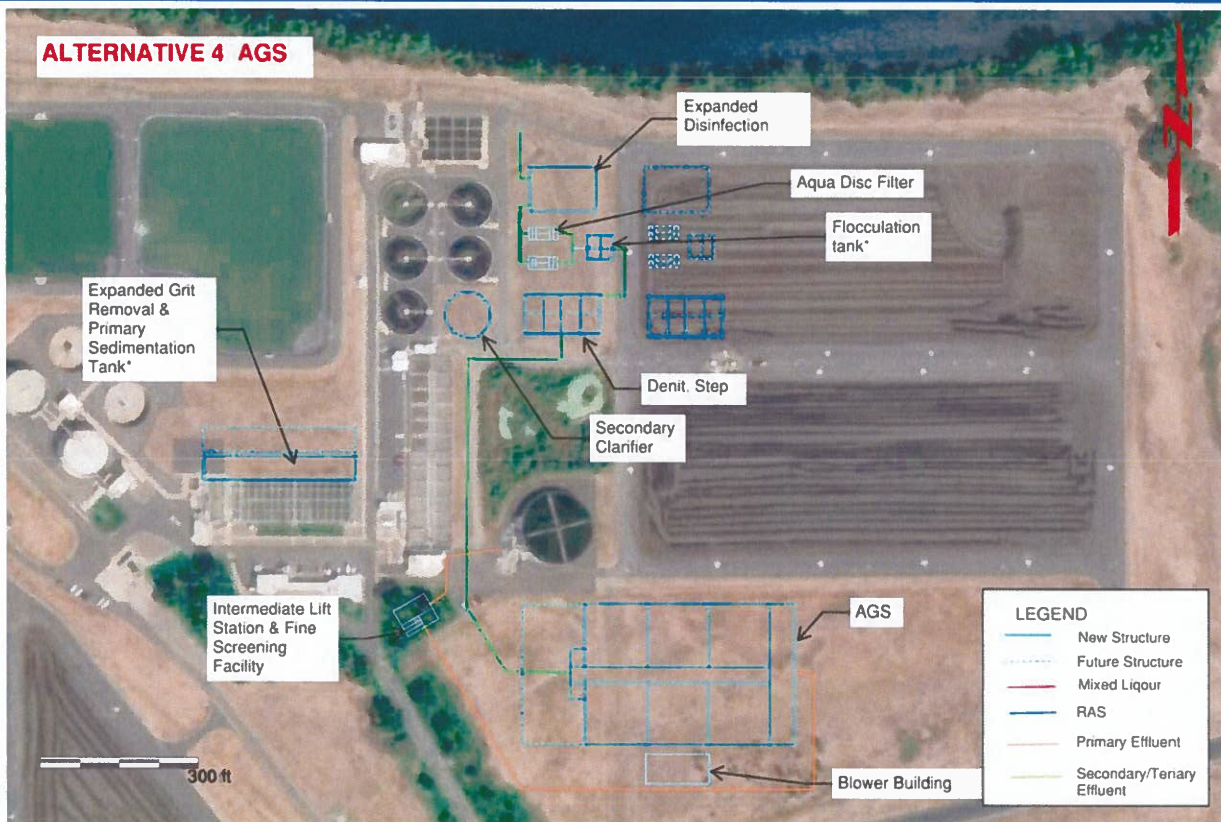
- Contracted with West Yost and Black & Veatch
- Facility Plan – answers the question:
“What does the plant need to look like to meet permit requirements and future population growth?”
- Broad range of alternatives, technologies, designs, and costs



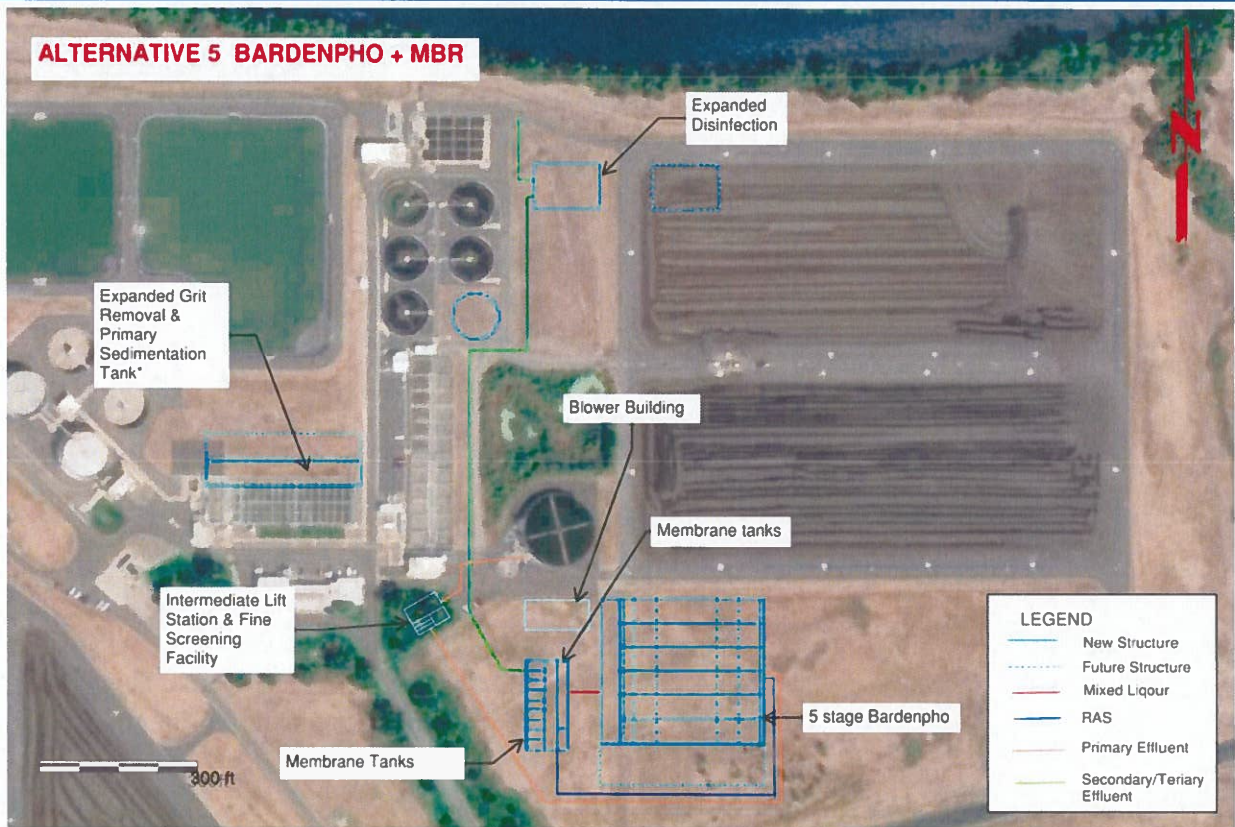
Regional Wastewater Reclamation Facility Upgrade



Regional Wastewater Reclamation Facility Upgrade



Regional Wastewater Reclamation Facility Upgrade



Regional Wastewater Reclamation Facility Upgrade

New Facility Plan

	Workshop 5 Range (\$M)	Workshop 6 Estimate (\$M) Low-High (OPCC Estimate)
1. SG-SC	\$95 - \$200	\$120 - \$250 (\$170)
4. AGS	\$80 - \$150	\$145 - \$320 (\$210)
5. BNR-MBR	\$90 - \$200	\$100 - \$220 (\$145)

Secondary Treatment OPEX	Total chemicals	Total Energy	R&R	20-yr Present Worth OPEX
Alt1. SG-SC	10,115,000	9,000,000	3,000,000	22,100,000
Alt4. AGS	6,870,000	7,800,000	3,500,000	18,130,000
Alt5. MBR	25,160,000	18,300,000	14,700,000	59,000,000



Regional Wastewater Reclamation Facility Upgrade



Regional Wastewater Reclamation Facility Upgrade

Financing Plan

- WIFIA by EPA Loans
- Revenue Bonds
- Goal is to minimize rate increases as much as possible



Regional Wastewater Reclamation Facility Upgrade

Timeline

- August 3, 2023: Council adopts bonding authorization resolution
- October 3, 2023: Letter of intent submitted to WIFIA
- March 31, 2024: Formal WIFIA application submitted



Regional Wastewater Reclamation Facility Upgrade

Timeline

- June 30, 2024: Revenue bonds issued
- September 30, 2024: WIFIA application approved for funding
- July 2026: Second bond issuance
- July 2028: Third bond issuance



Regional Wastewater Reclamation Facility Upgrade

Utility Rates

- Current sewer treatment rate for COM is \$9.79 per month for SFR
- Estimated sewer treatment rate at completion of project is >\$30 per month for SFR





**THANK
YOU**

City of Medford | Public Works
200 S. Ivy Street, Medford, OR 97501



City of Phoenix
Heart of the Rogue Valley

Agenda Item #: 5a1.

Agenda Report to Mayor and Council

Agenda item title: Phoenix Police Department Surplus Vehicle

Meeting Date: August 7, 2023

From: Derek Bowker, Chief of Police

Action: Motion, Ordinance, Resolution, Information only, Other

PREPARED BY: Chief Derek Bowker **REVIEWED BY:** _____

SUMMARY

Declare Phoenix Police Department Vehicle #4605, a 2010 Dodge Charger, VIN #2B3AA4CV0AH188887, surplus.

BACKGROUND AND DISCUSSION

The Phoenix Police Department currently has a 2010 Dodge Charger used by the Reserve Officer. This vehicle was purchased new in late 2009, has well over 100,000 miles on the odometer and has served the City of Phoenix well. However, the maintenance upkeep on the vehicle outweighs its benefit. All of the emergency equipment that we can re-purposed has been removed and placed in storage for future use.

FISCAL IMPACT

None to minimally positive. When these vehicles go to auction, they tend to sell for less than \$1000.

RECOMMENDATION

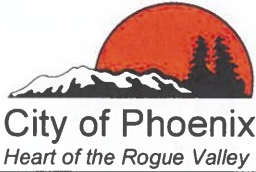
Staff recommends the City Council declare Vehicle #4605, a 2010 Dodge Charger surplus.

PROPOSED MOTION

I move the City declare Phoenix Police Department Vehicle #4605, a 2010 Dodge Charger, surplus and allow the Phoenix Police Department to dispose of the vehicle in a lawful manner.

ATTACHMENTS

None



City of Phoenix
Heart of the Rogue Valley

Agenda Item #: 5a2.

Agenda Report to Mayor and Council

Agenda item title: Resolution No. 1113 authorizing the City Manager to apply for a planning grant offered by the Oregon Department of Transportation and DLCD's TGM Grant program.

Meeting Date: August 7, 2023

From: Zac Moody, Planning Manager

Action: Motion, Ordinance, Resolution, Information only, Other

SUMMARY

In October 2021, the City Council adopted a Strategic Plan that was developed to maximize and build on strengths and opportunities following the September 2020 Almeda Fire. The Council adopted a list of goals and objectives with some identified as "priority" and others as "priority two".

Priority Goals 7, 9, 12 and 16 were adopted in part, as a means of providing an improved transportation system within the City of Phoenix. The objectives outlined in these goals include increasing pedestrian safety, constructing sidewalks in areas that are not currently served by pedestrian facilities, developing plans for better connectivity to the Bear Creek Greenway and pursuing grants to fund the development of plans that would lead to the construction of multimodal facilities.

At the beginning of 2023, the Oregon Department of Transportation (ODOT) and Department of Land Conservation and Development (DLCD) announced the 2023 Transportation Growth Management (TGM) grant cycle. The TGM program provides both funding assistance and outreach to Oregon's local communities through various programs. TGM currently administers several grant programs, which combined give millions of dollars annually to grant project sponsors.

TGM grants were developed to support planning work that leads to local policy decisions and projects resulting in the development of a new adoption-ready plans or land use regulations or amendments to existing plans or land use regulations. There are two categories of grants: Transportation System Planning (Category 1) and Integrated Land Use and Transportation Planning (Category 2).

Staff is requesting authorization through this resolution to apply for a Category 1 grant to update the city's Transportation System Plan (TSP) to evaluate the transportation systems (current and future) in the areas of PH-3, PH-5 and areas within the city's downtown core. This grant will not only allow the city to evaluate the current and future needs of the transportation system, but will also allow the city to bring the TSP into compliance with Transportation Planning Rules (OAR 660-012-0045) and to develop policies that further the city's implementation of the Oregon Transportation Plan and other statewide modal plans.

Applying for this grant not only meets three strategic planning goals, but allows the city to better plan for future growth and to provide multimodal transportation facilities in areas that are underserved or not served at all by a multimodal facility.

COUNCIL GOALS SUPPORTED

Goal 7: Increase sidewalks and controlled intersections and improve road conditions. Address parking issues, especially downtown. (Not categorized) Objectives 7.a Update the pavement management plan. **7.b Seek and secure grant funding.** 7.c Evaluate the need for standards for surface parking for new development. **7.d Enhance pedestrian safety at crossings.** 7.e Create a downtown parking plan, including investigation of a downtown parking district

Goal 9: Continue to advocate for PH-3 and PH-5 inclusion. (Important/Not Urgent) Objectives 9.a Follow up with Jackson County on applications for PH-3 and PH-5 inclusion. **9.b Ensure that PH-5 bike path connects to Bear Creek Greenway.** 9.c Plan for bringing city water to areas currently served by Charlotte Ann W.D. **9.d Work with City of Medford to develop a joint plan for the development of infrastructure in PH-5 and MD-5.**

Goal 12: Support organizations that support the Bear Creek Greenway and riparian areas. (Not categorized) Objectives 12.a Participate in the Bear Creek restoration initiative. **12.b Study the feasibility of lighting the Greenway through Phoenix.**

Goal 16: Continue pursuit of all available grant funding – public and private. (Category: Important/Urgent) Objectives 16.a Regular reporting on status of grants and potential grants. 16.b Regular reporting on fire-related state appropriations and public assistance grants.

FISCAL IMPACT

Possible future grant funding and transportation system development expenditures.

RECOMMENDATION

Approve the resolution as drafted or modify the resolution if desired.

PROPOSED MOTION

"I move to approve Resolution number 1113 as presented (as modified), authorizing the City Manager to apply for a planning grant offered by the Transportation and Growth Management Program."

ATTACHMENTS

- Draft Resolution No. 1113

**CITY OF PHOENIX
RESOLUTION NO. 1113**

**A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPLY FOR A
TRANSPORTATION GROWTH MANAGEMENT GRANT OFFERED BY ODOT AND DLCDC'S
TGM GRANT PROGRAM FOR THE PURPOSE OF UPDATING THE 2019 TRANSPORTATION
PLAN AND DELEGATING AUTHORITY TO THE CITY MANAGER TO SIGN THE
APPLICATION**

WHEREAS, The City of Phoenix, Oregon is a local unit of government recognized by the State of Oregon and the IRS; and

WHEREAS, Oregon Department of Land Conservation and Development and Oregon Department of Transportation jointly administer the Transportation and Growth Management (TGM) Grant Program; and

WHEREAS, The TGM Grant Program is accepting applications for grant funding to support local area integrated land use and transportation planning; and

WHEREAS, the City Council is the governing body of the City and is authorized to delegate authority to the City Manager to sign the grant application; and

WHEREAS, the Phoenix Community Development Department desires to participate in this grant program to develop a transportation and pedestrian connectivity plan for three areas within the City's Urban Growth Boundary.

WHEREAS, the city is required to plan for and develop adequate transportation facilities within its Urban Growth Boundary.

NOW, THEREFORE, BE IT RESOLVED by the Phoenix City Council that:

SECTION 1 Authorization. The City Council authorizes the City Manager to submit a grant application to the Transportation Growth Management Program to update the 2019 Transportation System Plan.

SECTION 2 Effective Date. This Resolution shall take effect on August 7, 2023.

PASSED AND ADOPTED by the City Counsel of the City of Phoenix, Oregon on the 7th day of August 2023, and signed in authentication thereof.

Terry Baker, Mayor

ATTEST:

Bonnie Pickett, Recorder



City of Phoenix
Heart of the Rogue Valley

Agenda Item #: 5a3.

Agenda Report to Mayor and Council

Agenda item title: Approval of application for Mass Timber Code-Up Phase II

Meeting Date: August 7, 2023

From: Joe slaughter, Community and Economic Development Director

Action: Motion, Ordinance, Resolution, Information only, Other

SUMMARY

Approval of application for Department of Land Conservation and Development (DLCD) Mass Timber Code-Up Phase II grant program.

BACKGROUND AND DISCUSSION

The City of Phoenix participated in Phase I of Mass Timber Code-Up, a program hosted by Department of Land Conservation and Development (DLCD). Mass Timber Code-Up is a program to assist wildfire-impacted communities with land use permitting that will accelerate the use of modular mass timber housing. Phase I reviewed Phoenix's development code, and Phase II will offer recommendations on how we can update our code to better support modular mass timber housing. If this agenda item is approved via consent calendar, it will authorize the Mayor to sign the application required to participate in Phase II of Mass Timber Code-Up.

COUNCIL GOALS SUPPORTED

Goal 8: Promote and encourage developers. Maintain responsive and effective planning and building services.

Goal 14: Create and maintain the best disaster preparedness and fire-resistant community in the Rogue Valley. Enhance public participation.

Goal 16: Continue pursuit of all available grant funding – public and private.

FISCAL IMPACT

RECOMMENDATION

PROPOSED MOTION

ATTACHMENTS

- Mass Timber Code Up One Pager from DLCD
- Phoenix Mass Timber Code Up application



Mass Timber Code-UP Project

Why Mass Timber Housing?

In January 2023, Governor Kotek declared a state of emergency on housing in response to the state's estimated shortage of 140,000 homes across Oregon. Our growing mass timber industry can be part of the solution to meet this housing demand.

Mass Timber is: Multiple layers of lumber or wood veneer joined to form solid timber panels or beams. It is a strong, low-carbon alternative to concrete and steel construction. Mass timber products can also be substituted for traditional "stick built" (wood framing) residential construction methods.



Image source: <https://www.masstimmercoalition.org/projects>

Through the Build Back Better Regional Challenge, the U.S. Economic Development Administration has awarded the [Mass Timber Coalition](#) \$41.4 million to develop and expand Oregon's emerging Mass Timber industry, with an emphasis on utilizing mass timber products in prefabricated/modular home construction.

The Code Up Project

As a part of the Mass Timber Coalition, the Oregon Department of Land Conservation and Development (DLCD) was awarded \$500,000 to "assist wildfire-impacted communities with land use permitting." Phase 1 of this project was conducted in 2022, in which 5 cities undertook development code audits to evaluate local potential for mass timber housing development.

DLCD is currently taking applications for Phase 2 of the Code Up project.

In 2023-24, DLCD will provide technical assistance to local jurisdictions for updating planning and development codes to allow and encourage the development of mass timber modular housing in those communities.

[The application can be found here.](#)

Key Dates

Application due date: August 18, 2023

Informational Webinars:

July 12 and July 25, 2023 @ 1 PM

Click the links to register, registration is required.

Contact Information

Project Lead: Leigh McIlvaine
Leigh.mcilvaine@dlcd.oregon.gov
971-701-1041

**MASS TIMBER CODE-UP ASSISTANCE
JULY 2023 REQUEST FOR ASSISTANCE**

APPLICANT

City: City of Phoenix

County (for unincorporated areas): N/A

County: N/A

For these cities: _____

Council of Governments: _____

For these cities: _____

Contact Person (name and title): Zac Moody, Planning Manager

Contact phone number: 541-535-2050 Ext 313

Contact e-mail address: zac.moody@phoenixoregon.gov

Additional Questions.

List the person(s) from your jurisdiction and their position titles who will be responsible for managing this project locally:

Zac Moody, Planning Manager

Does your jurisdiction know who their priority/underserved populations are?

Yes

No

By signing below, the local government demonstrates community support as required by ORS 284.753(5) – signature by an elected official authorized to act on behalf of the governing body. Authorized

Signature of local governing body representative

Date

Title

SUBMITTAL

Please submit this Request for Assistance by August 18th 2023, to DLCD by email to the following address: DLCD.GFGrant@dlcd.oregon.gov.

City Council Meeting Hybrid Meeting in Person and Via Zoom Monday, July 17, 2023

1. CALL TO ORDER:

Mayor Baker called the City Council's hybrid meeting to order on Monday, July 17, 2023, at 6:30 p.m.

ROLL CALL:

PRESENT: Terry Baker, Karen Shrader, Angie Vermillion, Scott Clauson, Krista Peterson

ABSENT: Jim Snyder (excused)

STAFF PRESENT: Eric Swanson, City Manager
Bonnie Pickett, City Recorder
Joe Slaughter, CEDEV Director
Derek Bowker, Chief of Police
Doug McGeary, City Attorney

2. PLEDGE OF ALLEGIANCE:

3. PRESENTATION:

a. Richard Randleman, HMK - Government and Public Safety Center update.

Richard Randleman, HMK, presented the monthly report on the Government and Public Safety Center. He spoke about a unique process when pouring the concrete to prevent cracking with successful results.

b. Brad Taylor and Julie Smitherman, Medford Water Commission – Regional Water Conservation

Eric Swanson introduced Brad Taylor and Julie Smitherman. He thanked Mr. Taylor and his team for representing Medford Water Commission (MWC) so well in transferring Charlotte Ann Water District (CAWD) customers to the City of Phoenix. Mr. Swanson noted that we are working with MWC to send welcome letters to the CAWD customers welcoming them to the Phoenix water system.

Brad Taylor and Julie Smitherman, Medford Water Commission, presented the Regional Water Conservation activities in the valley. He discussed the importance of water conservation is more important than ever. Mr. Taylor and Ms. Smitherman answered questions on how water loss can be measured from our water system. He spoke about MWC outreach and education on water conservation. Ms. Smitherman spoke about the water conservation programs MWC offers to the public.

4. PUBLIC COMMENT:

None

5. CONSENT AGENDA:

a. Reports for Information & Possible Action:

1. None.

b. Minutes to Approve and File:

1. Minutes from City Council Meeting June 05, 2023
2. Minutes from City Council Meeting June 19, 2023

Motion: I Move to Approve the Consent Agenda. MOVED BY PETERSON, SECONDED BY VERMILLION.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Vermillion, Clauson, Shrader

MOTION APPROVED WITH FOUR AYES

6. CONSENT AGENDA ITEMS PULLED FOR DISCUSSION:

None

7. NEW BUSINESS:

a. New Tap Intergovernmental Agreement

Mr. Swanson introduced Catherine Hansford. He spoke about the work that has happened over the past year to update the Intergovernmental Agreement (IGA) that is being presented this evening.

Catherine Hansford, Hansford Economic Consulting, LLC, presented the updated TAP IGA to the Council.

Motion: I Move to Approval of the New Intergovernmental Agreement Between the Cities of Talent, Ashland, and Phoenix Water Distribution System Facilities, Operations and Maintenance Management, Cost-Sharing, and Authorize the City Manager to Execute Said IGA. MOVED BY PETERSON, SECONDED BY CLAUSON. No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Clauson, Shrader, Vermillion

MOTION APPROVED WITH FOUR AYES

8. ORDINANCE: READING / ADOPTION:

a. Ordinance No. 1031 – An Ordinance of the City of Phoenix to Amend Chapter 3.4 of the Phoenix Land Development Code (Ord. No. 851 & 999) Regarding Parking Mandates.

Joe Slaughter, CEDEV Director, presented the history behind the new parking regulations established by the Oregon State Legislation for Oregon's Climate Friendly and Equitable Communities (CFEC). He noted that there had been some difficulty with the rollout of the new regulations that have been created. Mr. Slaughter highlighted the Ordinance before the Council with recommendations from the Planning Commission and staff. He answered

questions from Council. He answered questions about placing different parking regulations on areas outside the radius of the main thoroughfare in Phoenix.

Doug McGeary noted that this Ordinance would not stop developers from putting in parking for their developments.

Mr. Slaughter answered questions regarding the two properties slated for affordable housing parking plans. He stated that he believes developers see the value in parking for their customers. Mr. Slaughter noted that we are not telling people that they can't put in parking; they are now not going to be required to put in parking.

Open Public Hearing: 7:57 p.m.

Public Comment: Julia McFadden spoke about the parking requirements and DLCD letter presented to the Council. She presented documents to the Council; see attached.

Close Public Hearing: 8:02 p.m.

Motion: I Move to Revisit Ordinance 1031, and I Direct Staff to Adjust the Map to the Half Mile Radius Mandated by the State and to Bring it Back to Council at a Date to be Determined.
MOVED BY PETERSON, SECONDED BY SHRADER. No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Shrader, Vermillion, Clauson

MOTION APPROVED WITH FOUR AYES

9. STAFF REPORT:

a. City Attorney Doug McGeary is working on city Ordinances regarding possible prohibited camping concerns. He noted the Ordinance would reflect the updated Oregon State laws that went into place on July 01, 2023. Mr. McGeary stated that the Ordinance will focus on time, place, and manner when making regulations regarding prohibited camping.

b. CEDEV Director Joe Slaughter spoke about the upcoming Planning Commission, where they will review two separate annexation applications. He noted that Planning Commission will make recommendations regarding the annexations that will be presented to the Council in August. Mr. Slaughter spoke about the Local Innovative Fast Track program (LIFT) that the State of Oregon has funded to bring in more affordable housing for Oregon residents. He noted that the City of Phoenix would see two private projects for affordable housing in Phoenix that were awarded 28.8 million, a quarter of the 100 million allocated by the State of Oregon. Mr. Slaughter noted that historically, Phoenix had been a more affordable area in the valley. He answered questions regarding the two housing projects upcoming in Phoenix.

c. City Manager Eric Swanson stated that having the Community Development Department in Phoenix helped the two housing developers successfully get funding. This would not have happened if it were not for the MWAP funding the City has received from the State.

10. MAYOR AND COUNCIL COMMENT / REPORTS:

Councilor Shrader noted that the meeting was good and that she was sorry to hear about the change in parking standards.

Councilor Vermillion noted that she was pondering all the homes that were lost in the Almeda Fire and how far the City has come in the rebuilding process. She stated that Phoenix is truly blessed to have such great people driving the rebuilding process.

Councilor Peterson noted she is happy to hear about the new development in Phoenix. She stated the benefits for the business community will be substantial. Councilor Peterson reminded everyone about the Dog Days Event that will be happening this Saturday.

Councilor Clauson questioned Chief Bowker about complaints received during this year's 4th of July holiday. He stated that Chief Bowker advised that they received few complaints this holiday season. Councilor Clauson said he was happy we made it through the holiday without any significant structure fires. He noted that he is happy to see the new golf shop in Phoenix.

Mayor Baker spoke about an interview he recently did on the Bill Meyer show, where he was questioned about the two affordable housing developments coming to Phoenix. He passionately spoke about how the fire disproportionately affected the folks that would have the most challenging time rebuilding what they had lost. Mayor Baker stated that the two housing projects would allow residents that didn't have anywhere else to come back home to Phoenix. He noted how proud he is of the staff and the Council for all they have done to help the process along under the outstanding leadership of Eric Swanson.

11. ADJOURNMENT:

The meeting adjourned at 8:34 p.m.

Respectfully submitted by,

Bonnie Pickett
City Recorder



City of Phoenix
Heart of the Rogue Valley

Agenda Item #: 7a.

Agenda Report to Mayor and Council

Agenda item title: Phoenix Government and Public Safety Center (PGAPSC) Lease Agreement

Meeting Date: August 07, 2023

From: Eric Swanson, City Manager

Action: Motion, Ordinance, Resolution, Information only, Other

SUMMARY

Authorization for City Manager to negotiate a lease agreement with Jackson County Fire District No. 5 for the use of the fire station portion of the Phoenix Government and Public Safety Center.

BACKGROUND AND DISCUSSION

In the wake of the Almeda Fire, the City of Phoenix (City) and Jackson County Fire District No. 5 (District) have worked collaboratively and independently to seek out alternative revenue streams for the expressed purpose of developing the Phoenix Government and Public Safety Center owned and operated by the City of Phoenix. Through these efforts the City and the District have brought in nearly \$17,000,000 in outside funding. No new taxes were required to fund the project. The total project is exceeding original estimates by over \$3,000,000. The City and District have agreed that each of the parties will be responsible for paying ½ of the project budget shortfall.

As the building owner, the City is investigating options for financing including programs offered by the State of Oregon that include General Obligation Bonds and other low interest debt instruments. One such program is Special Public Works Funding available through Business Oregon. The application for this program is due by August 18th and the application must include a signed lease agreement with the District. The District will make semi-annual (twice yearly) rent payments to the City to cover its portion of the debt service.

QUESTION: Should the City Council authorize the City Manager to negotiate a lease agreement with the District for the use of the fire station portion of the Phoenix Government and Public Safety Center?

COUNCIL GOALS SUPPORTED

Goal 6: Build the new public safety building on time and on budget.

Goal 14: Create and maintain the best disaster preparedness and fire-resistant community in the Rogue Valley. Enhance public participation.

Goal 16: Continue pursuit of all available grant funding – public and private.

FISCAL IMPACT

The lease agreement will provide no profit to the City. The lease agreement is intended to ensure that the City and the District are responsible for paying their proportional share for debt service, building maintenance and repair, utilities, and insurance associated with the use of the PGAPSC.

RECOMMENDATION

Staff recommends Council authorize the City Manager to negotiate a lease agreement with the District for the use of the fire station portion of the Phoenix Government and Public Safety Center.

PROPOSED MOTION

I move to authorize the City Manager to negotiate a lease agreement with Jackson County Fire District No. 5 for the use of the fire station portion of the Phoenix Government and Public Safety Center.

ATTACHMENTS

- Draft lease agreement

PHOENIX GOVERNMENT AND PUBLIC SAFETY CENTER LEASE AGREEMENT

This Phoenix Government and Public Safety Center Lease Agreement ("Agreement") is entered into by and between the Jackson County Fire District No. 5 (the "District") and the City of Phoenix (the "City") (together referred to as the "Parties") for the lease of the Phoenix Government and Public Safety Center to the District pursuant to the following terms:

RECITALS

WHEREAS, In the wake of the Almeda Fire, the City and the District have worked collaboratively and independently to seek out alternative revenue streams for the expressed purpose of developing the Phoenix Government and Public Safety Center owned and operated by the City of Phoenix; and

WHEREAS, through these efforts the City and the District have brought in nearly \$17,000,000 in outside funding; and

WHEREAS, the total project is exceeding original estimates by over \$3,000,000 and the City and the District have agreed that each will be responsible for paying their 50% share of the project budget shortfall (the "Shortfall"); and

WHEREAS, as the building owner, the City is eligible and may find it in the public interest to avail itself of financial programs offered by the State of Oregon that include General Obligation Bonds and other low interest debt instruments that provide up to 30-year repayment requirements that can be utilized to finance the Shortfall; and

WHEREAS, both parties have agreed that the purpose of this lease agreement is to ensure that both parties are responsible for paying their proportional share for debt repayment that includes the Shortfall, building repair and maintenance, utilities, and insurance related to the use of the building.

THE PARTIES AGREE to the following:

TERMS AND CONDITIONS

1. Recitals adopted. The Parties incorporate the above Recitals as material to this Agreement.
2. Leased Premises. The City owns the Phoenix Government and Public Safety Center ("PGAPSC") located at 112 West 2nd Street, Phoenix, Oregon ("Property"). The District operates the Fire Station ("District Facilities") located within the Center, which the District shall continue to lease from the City pursuant to the terms of this Agreement. This Agreement supersedes and replaces the prior lease between the parties executed in March of 2017.
3. Original Term and Rent. The initial term of this Agreement shall commence upon its execution by both parties and shall continue until either of the following conditions is met: (i) thirty (30) years from the execution date; or (ii) until the

District pays off all of its portion of the debt incurred by the City to finance the Shortfall, whichever occurs first.

- a. Responsibility for Shortfall: The District shall be responsible for 50% of the final Shortfall amount, and the City shall be responsible for the remaining 50% of the Shortfall.
 - b. Financing: The City, being eligible, may utilize financial programs offered by the State of Oregon, including General Obligation Bonds and other low-interest debt instruments, to fund the Shortfall. The City will secure financing for up to 100% of its portion of the Shortfall and up to 100% of the District's portion of the Shortfall. Each party, independently, shall decide how to finance its own portion of the Shortfall, and the City will arrange financing based on the directions provided by both parties.
 - c. Rent Payment: The District shall pay rent to the City semi-annually, on or before January 1st and July 1st, in an amount equal to their proportional share of the debt payment. The City shall provide the District with payment details once received from the creditor.
4. Post Debt Terms and Rent Once the District has fully repaid its portion of the debt, the Post-Debt Terms and Rent shall replace the provisions mentioned in the previous Section 3 (Original Term and Rent). The District shall pay an annual rent amount on or before July 1st of each year. This rent shall be determined based on the documented expenses incurred by the City in administering the Agreement during the previous year. These expenses are in addition to any other applicable costs or reimbursements as provided here in this Agreement.
 5. Use The District Facilities shall be used solely as a fire station and in support of fire protection and other emergency services to be provided by the District to its patrons and for no other purpose.
 6. Utilities The City shall ensure that the District Facilities are connected to basic utilities services, including water, electric, sanitary sewer, gas, and storm sewer. District shall be responsible for the cost to operate and maintain those utility services. In addition, District shall be responsible for the installation, maintenance, and ongoing expenses for any needed telephone, internet, cellular, solid waste services, and security services or equipment.
 7. Maintenance City/District agree that routine maintenance and janitorial services will be provided for the Center and the District shall pay 50% of the total documented costs for these services. Routine maintenance shall include all preventative and corrective maintenance and routine and on-demand services of these facilities, including the building and landscaping.
 - a. In the event that City fails to perform maintenance or janitorial services as required by this Section, District shall notify City in writing of the deficiency. If City fails to remedy the deficiency within ten (10) days, District may undertake the needed work and City shall reimburse documented District amounts spent. If invoiced amounts remain unpaid, District may offset incurred amounts against rent due under Section 2.

8. Inspection of District Facility City shall have the right to inspect the District Facilities at any reasonable time or times, upon reasonable notice, to determine the necessity of repairs, maintenance or replacements. Whether or not such inspection is made, the duty of City to begin repairs, maintenance or replacements shall mature within 15 days after City has received from District written notice of the work that is required. City shall complete any repairs required of City within a reasonable timeframe considering the nature and extent of the repair.

9. Improvements Material improvements shall remain the responsibility of the City. The District shall make no material improvements to the District Facilities without first obtaining the City's written consent, which shall not be unreasonably withheld. The term "material improvements" shall mean any installation, alteration, addition, or other change to the District Facilities that Involves structural work to the District Facilities and exceeds Five Thousand Dollars (\$5,000.00) in total project cost.
 - a. All improvements of any kind to the District Facilities and all work performed by the District pursuant to this Agreement shall be made in a professional manner and shall be in compliance with applicable laws, including, but without limitation, applicable zoning codes, the Americans with Disabilities Act, and other legal requirements related to applicable accessibility, zoning, and use permits. All material improvements shall be made by licensed contractors and subcontractors in accordance with good practice and the requirements of this Agreement. Any and all improvements shall be paid for by the District, unless separately agreed to in an addendum to this Agreement or by separate agreement.

10. Condition of District Facility Upon expiration of the lease term or earlier termination on account of default, District shall deliver all keys to City and surrender the District Facility in first-class condition and broom clean. Alterations constructed by District with permission from City shall not be removed or restored to the original condition unless the terms of permission for the alteration so require. Depreciation and wear from ordinary use for the purpose for which the District Facility are leased shall be permitted, but repairs for which District is responsible shall be completed to the latest practical date before such surrender. District's obligations under this section shall be subordinate to the provisions of Section 8 relating to destruction.
 - a. Prior to expiration or other termination of the lease term District shall remove all furnishings, furniture, and trade fixtures that remain its property. If District fails to do so, this shall be an abandonment of the property, and City may retain the property and all rights of District with respect to it shall cease 10 days following written notice to District of such abandonment, or, by notice in writing given to District within 20 days after removal was required, City may elect to hold District to its obligation of removal. If City elects to require District to remove, City may effect a removal and place the property in public storage for District's account. District shall be liable to City for the cost of

removal, transportation to storage, and storage, with interest at the legal rate on all such expenses from the date of expenditure by City.

11. City's Interference with District In performing any repairs, replacements, alterations, or other work performed on or around the District Facilities, City shall not cause unreasonable interference with use of the District Facilities by District. District shall have no right to an abatement of rent nor any claim against City for any inconvenience or disturbance resulting from City's activities performed in conformance with the requirement of this provision.
12. Assignment Prohibited The District may not assign, mortgage, or sublease any portion of the District Facilities to any third party without the prior written consent of the City, which may be withheld at the City's sole and complete discretion.
13. Insurance The City shall be responsible for the cost of insurance coverage for the Center, which includes protection against fire, theft, and other casualties, along with an endorsement for extended coverage. The insurance policy shall name the District as a named insured on the coverage.

Periodically, the City shall bill the District for the insurance premiums, and the billing amount shall be determined based on the proportion of the District Facilities' square footage occupied by the District in relation to the total square footage of the entire Center.

- a. The District shall maintain commercial general liability insurance for the District Facilities and the conduct or operation of District business throughout the duration of this Agreement, at the District's sole expense. The City must be listed as an additional named insured on the policy. The insurance coverage must have a combined single limit of not less than the minimum tort claim limits applicable for any given year, as provided under ORS 30.260 to 30.300, with a minimum limit of two Million Dollars (\$2,000,000.00).
- b. The insurance policies must include endorsements and deductibles that are typically carried by the District and are reasonably acceptable to the City. These policies should cover bodily injury and property damage claims arising from the District's alleged negligent activities at the District Facilities. Additionally, the District's policy must have an endorsement that covers the District's contractual obligation for indemnification as outlined in this Agreement.
- c. Waiver of Subrogation Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire or any of the risks enumerated in a standard fire insurance policy with an extended coverage endorsement, and in the event of insured loss, neither party's insurance company shall have a subrogated claim against the other. Each party agrees to use best efforts to obtain such an agreement from its insurer if the policy does not expressly permit a waiver of subrogation.

14. District Indemnification of the City The District, being in control of the District Facilities, shall indemnify, reimburse, and hold the City (including its elected officials, officers, employees, agents, and volunteers, collectively referred to in this District Indemnification of the City section as the "City") harmless. At the City's discretion, the District shall also provide a defense for the City against any and all causes of action, obligations, damages, penalties, subrogations, losses, claims, costs, charges, expenses, or other liabilities (including reasonable attorney fees) that may be imposed on or incurred by the City (whether rightfully or wrongfully filed). This indemnification and defense obligation apply to any matters arising out of or in any way connected with:
- a. Any use of the District Facilities or the Center or any activity conduct by, for, or through the District (including its elected officials, officers, employees, agents, and volunteers, collectively referred to in this District Indemnification of the City section as the "District") on, near, or in conjunction with the District Facilities or the Center, other than to the extent arising from the negligent or willful acts or omissions of the City;
 - b. Any condition of the District Facilities and any maintenance except to the extent that the City is responsible for providing such maintenance, management, or operation of the District Facilities;
 - c. Any failure on the part of the District to perform or comply with any of the provisions contained in this Agreement; and
 - d. Any and all federal, state, and local taxes, charges, fees, or contributions required to be paid with respect to the District engaged in the performance of services at the District Facilities including, without limitation, social security, unemployment insurance, and payroll tax withholding.
15. City Indemnification of the District The City will hold the District (including its elected officials, officers, employees, agents, and volunteers, collectively referred to in this City Indemnification of the District section as the "District") harmless. At the District's discretion, the City shall also provide a defense for the District against any and all causes of action, obligations, damages, penalties, subrogations, losses, claims, costs, charges, expenses, or other liabilities (including reasonable attorney fees) that may be imposed on or incurred by the District (whether rightfully or wrongfully filed). This indemnification and defense obligation apply to any matters arising out of or in any way connected with:
- a. Any use of the District Facilities or the Center or any activity conduct by, for, or through the City (including elected officials, officers, employees, Agents, and volunteers, collectively referred to in this City Indemnification of the District section as the "City") on, near or in conjunction with the District Facilities or the Center, other than to the extent arising from the negligent or willful acts or omissions of the District, its elected Officials, officers, employees, agents, and volunteers;
 - b. Any condition of the District Facilities or the Center and any maintenance Except to the extent that the District is responsible for providing such

Maintenance, management, or operation of the District Facilities or the Center;

- c. Any failure on the part of the City to perform or comply with any of the Provisions contained in this Agreement;
 - d. Any and all federal, state, and local taxes, charges, fees, or contributions Required to be paid with respect to the City's officers, employees, agents, and volunteers engaged in the performance of services at the Center including, without limitation, social security, unemployment insurance, and payroll tax withholding; and
 - e. Any and all federal, state, and local laws, rules, and regulations governing City's financing, design, construction, and permitting of the Center.
16. Compliance with Laws Each party shall comply with all applicable federal, state, and local laws, rules, ordinances, and regulations at all times in the performance of their obligations under this Agreement.
17. Notices Any notice permitted or required by this Agreement shall be deemed given when personally delivered or upon deposit in the United States mail, postage fully prepaid, certified, and with return receipt requested, to the person and addresses shown below. In addition, if directions for telephonic or electronic transmission (fax or email) are set forth below, notices may be delivered by fax or email. Notices sent by certified mail will be deemed delivered three business days after placement in the mail and notices sent by fax or email will be deemed delivered when successful transmission is electronically confirmed. Except as expressly provided in this Agreement, required notices must be signed by the person designated to receive notices, or that person's designee or attorney.
- The District: ????????
- The City: ????????
- Each party shall notify the other of any change in the name, physical address, fax number, or email address to be used for the delivery of notices.
18. Good Faith Requirement Notwithstanding anything to the contrary herein, each party hereto shall act in good faith in a commercially reasonable manner in discharging each and every one of its duties and obligations or in exercising its rights under this Agreement.
19. Time of Essence Time is of the essence of the performance of each of District's obligations under this Agreement.
20. Nonwaiver Failure of either party at any time to require performance of any provision of this Agreement shall not limit the party's right to enforce the provision (except to the extent expressly set forth in a writing signed by such party), nor

shall any waiver of any breach of any provision constitute a waiver of any succeeding Breach of that provision or a waiver of that provision itself.

21. Default The following shall be events of default:
- a. Default in Rent: Failure of District to pay any rent or other charge within ten days after it is due.
 - b. Default in Other Covenants: Failure of District to comply with any covenant, term or condition, or to fulfill any obligation of the lease (other than the payment of rent or other charges) within 30 days after written notice by City specifying the nature of the default. If the default is such that it cannot be completely remedied within the 30-day period, this provision shall be complied with if District begins correction of the default within the 30-day period and proceeds in good faith to effect the remedy as soon as practicable.
 - c. Insolvency: Insolvency of District and assignment by District for the benefit of creditors; the filing by District of a voluntary petition in bankruptcy; an adjudication that District is bankrupt or the appointment of a receiver of the properties of District; the filing of an involuntary petition of bankruptcy and failure of the District to secure a dismissal of the petition within 30 days after filing; attachment of or the levying of execution on the leasehold interest and failure of the District to secure discharge of the attachment or release of the levy of execution within ten days.
 - d. Remedies on Default. In the event of a default, the City at its option may terminate the lease by notice in writing by certified or registered mail to District. The notice may be given before or within thirty days after the running of the grace period for default and may be included in a notice of failure of compliance. If the property is abandoned by District in connection with a default, termination shall be automatic and without notice.
 - e. Damages. In the event of termination by default, City shall be entitled to recover immediately the following amounts as damages:
 - i. The reasonable cost of re-entry and reletting including the cost of any clean up, refurbishing, removal of District's property and fixtures, or any other expense occasioned by District's failure to quit the premises upon termination and to leave the premises in the required condition, any remodeling costs, attorney fees, court costs, broker commissions and advertising cost.
 - ii. The loss of reasonable lease fee value from the date of default until a new tenant has been or, with the exercise of reasonable efforts could have been secured.
22. Disputes In the event of any dispute regarding this Agreement, the City Manager and District Fire Chief will meet and attempt to resolve their differences. If they cannot reach Agreement, the matter will be referred to the respective governing bodies.
- a. If any dispute arises between parties, either party may request arbitration and appoint as an arbitrator an independent real estate appraiser having knowledge of valuation of rental properties comparable to the premises. The other party shall also choose an arbitrator with such qualifications, and the two arbitrators shall choose a third. If the choice of the second or third arbitrator is not made within 10 days of the choosing of the prior arbitrator,

then either party may apply to the presiding judge of the judicial district where the premises are located to appoint the required arbitrator.

- i. Procedure for Arbitration. The arbitrator shall proceed according to the Oregon statutes governing arbitration, and the award of the arbitrators shall have the effect therein provided. The arbitration shall take place in the county where the leased premises are located. Costs of the arbitration shall be shared equally by the parties, but each party shall pay its own attorney fees incurred in connection with the arbitration.

- 23. Destruction Neither the City nor the District shall be under any obligation to restore the Center or District Facilities in the event of partial or total destruction. In the event that the Center or the District Facilities are declared unusable by the District, at its sole discretion, it shall so notify the City in writing and the term shall expire within thirty (30) days hereafter.
- 24. Integration of This Agreement This Agreement embodies the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein. This Agreement shall supersede all prior communications, representations, or agreements, either oral or written, between the parties. This Agreement shall not be amended except in writing signed by both parties.
- 25. Termination of Prior Agreements By virtue of execution of this Agreement, the parties hereby extinguish the prior Agreement in its entirety and agree that this Agreement shall stand in full novation of the extinguished Agreement. All prior agreements between the parties regarding the Center or the District Facilities, whether written or oral, are merged herein.
- 26. Interpretation This Agreement shall be governed by and interpreted in accordance with the laws of the State of Oregon.

Wherefore, the parties have caused this Agreement to be executed as of the date set forth above.

For the District:

For the City:

Signature: _____

Signature: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



City of Phoenix
Heart of the Rogue Valley

Agenda Report to Mayor and Council

Agenda item title: Selection of Council representative to serve on the South Stage Project Advisory Committee (PAC).

Meeting Date: August 07, 2023

From: Joe Slaughter, Community and Economic Development Director

Action: Motion, Ordinance, Resolution, Information only, Other

SUMMARY

Phoenix has been asked to provide a Council representative to serve on the South Stage Project Advisory Committee. The PAC will be participating in virtual meetings over the next 14 months.

BACKGROUND AND DISCUSSION

The Oregon Department of Transportation (ODOT) is preparing a Facility Plan to evaluate transportation improvements across Interstate 5 (I-5) between the Phoenix interchange (at Exit 24) and South Medford interchange (at Exit 27) in south Medford. The purpose of the South Stage Road Extension project is to improve east-west travel efficiency and connectivity across I-5, to reduce congestion at the existing interchanges and local street network accessing those interchanges, and safely accommodate traffic associated with current and planned land development in a rapidly urbanizing areas in south Medford and north Phoenix, which abut one another.

Bear Creek and I-5 limit east-west connectivity in the growing, urbanized areas of south Medford and north Phoenix. No roads cross Bear Creek and I-5 between Exits 24 and 27, a distance of approximately 3 miles. Additionally, Exit 27 has existing and future projected capacity issues, and South Stage Road is the only road between the two interchanges that provides east-west connectivity from the City of Jacksonville to Highway 99. These factors make the planned 2018-2038 Medford Transportation System Plan (TSP) Project (#537a and #537b) to extend South Stage Road the most logical location for a new facility – which would be either an overcrossing or an interchange at or near Bear Creek and I-5.

In 2019, the City of Medford received a Better Utilizing Investments to Leverage Development (BUILD) grant from the U.S. Department of Transportation (USDOT) that includes building a 1,000-foot segment of South Stage Road from North Phoenix Road to the west. This segment of South Stage Road will be built to the City’s functional classification of a minor arterial¹ cross-section, which includes one travel lane in each direction, center turn lane, planter strip, separated bike lanes, and sidewalk. If constructed, the South Stage Extension would connect to the City’s anticipated BUILD project.

¹ The 2018-2038 Medford TSP notes that the South Stage Road extension may be upgraded to a major arterial if an interchange is built at I-5.

Engaging with our community is an important part of this process. As part of the engagement program, the project team is forming a Project Advisory Committee that will include state and local agency representatives as well as community members. The PAC's two primary functions are to:

- Review and provide input into the development of potential overpass alternatives and interchange alternatives (purpose and need, evaluation criteria, etc.) that will ultimately result in selection of a preferred alternative for the facility plan.
- Provide a direct link to decision making bodies, constituencies and communities needed to support the adoption and implementation of the recommended plan.

The PAC will be facilitated and meet virtually four times from 3-5 p.m. Here are the tentative dates:

- October 11, 2023
- January 31, 2024
- May 8, 2024
- July 31, 2024

COUNCIL GOALS SUPPORTED

Goal 1: Concise, transparent and frequent communication to build a culture of respect, accountability and excellence. Leadership that is accessible, responsive and proactive.

Goal 8: Promote and encourage developers. Maintain responsive and effective planning and building services.

Goal 9: Continue to advocate for PH-3 and PH-5 inclusion

FISCAL IMPACT

None.

RECOMMENDATION

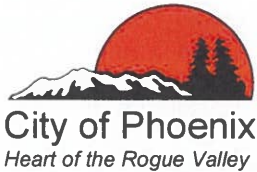
Take nominations for South Stage Project Advisory Committee and select a representative.

PROPOSED MOTION

I move to appoint (state nominee) to the South Stage Project Advisory Committee.

ATTACHMENTS

None.



City of Phoenix
Heart of the Rogue Valley

Agenda Report to Mayor and Council

Agenda item title: AN23-03 - An ordinance of the City of Phoenix annexing 0.39 acres of land and adjacent right-of-way located at 157 N. Phoenix Road.

Meeting Date: August 7, 2023 (second reading scheduled for 8/21/23).

From: Zac Moody, Planning Manager

Action: Motion, Ordinance, Resolution, Information only, Other

SUMMARY

The proposal is for annexation of a tract of land 0.39-acre in size and the adjacent right-of-way within the City's Urban Growth Boundary. The property is zoned Urban Residential (UR) and described as Township 38 South, Range 1 West, Section 09A, Tax Lots 400 & 401 located at 157 N. Phoenix Road.

The City is in receipt of an application from the property owner containing the required consent to annexation as well as a recommendation for approval by the Phoenix Planning Commission.

BACKGROUND AND DISCUSSION

The City allows voluntary annexation of property within its Urban Growth Boundary (UGB). Any property that is inside the UGB and abuts City limits may be annexed by providing consent forms signed by the owner(s) to the City and by proclamation of annexation by the City Council. No public vote is required unless explicitly stated in local code. Annexation requests are presented directly to the City Council, who must adopt the annexation by ordinance.

Properties inside the UGB generally have a Jackson County zone. In this case the property is zoned Urban Residential (UR), but is entirely surrounded by commercially designated lands. Considering the unique nature of the county's urban residential zoning compared to the surrounding area and because of its city comprehensive plan designation of commercial, these properties will be zoned with a commercial designation upon annexation.

Since annexations are a Type IV review in the City of Phoenix, the review process outlined in Chapter 4.1.6 of the Phoenix Land Development Code applies. Type IV legislative actions required a minimum of two hearings, one before the Planning Commission and one before the City Council. Notice for both the Planning Commission and City Council meetings was provided to the property owner and all affected government agencies. In addition, the initial public hearing held by the Planning Commission was noticed in the Rogue Valley Times pursuant to ORS 227.175 two consecutive weeks prior to the Planning Commission hearing. Both meetings have been published on the city's website. No public comments were received or considered by the Planning Commission. No City Council public comments have been received prior to the date this agenda report was prepared. Agency comments are provided as an attachment to the staff report.

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. Although the Land Development and Municipal Codes do not define specific standards of review for a proposed annexation, the Land Use Element of the City's Comprehensive Plan (Goal 3, Policy 3.1-3.5) provides five policies intended to manage annexations to achieve the objectives

of the Plan, ensuring that the cumulative effects of the annexation are considered. These policies are described in detail in the signed Final Order of the Planning Commission. The Oregon Revised Statutes, ORS 222 provides the statutory requirement for annexations while the Urban Growth Boundary Management Agreement provides guidance for the urbanization of county lands. Both the ORS and UGBMA requirements and subsequent findings are detailed in the Final Order of the Planning Commission.

All urban infrastructure is available to the subject property and provides sufficient capacity to accommodate development. North Phoenix Road currently meets the city requirements for street design, therefore street improvements are not required as part of this annexation. Any necessary changes in infrastructure as a result of future development will be reviewed at the time of Site Design Review through the appropriate administrative or quasi-judicial process.

Upon review of a subdivision plan, minor lot partition, site design or development review application, if it is demonstrated that water pressure is insufficient for minimum domestic water supply and fire suppression standards, the City may consider requiring further improvements at the developer's expense.

The subject parcels are currently within the Fire District 2, and Phoenix-Talent School district service areas. If adopted, the ordinance will remove the property from the Fire District 2 boundary and add it to the existing Fire District 5 service area.

It is likely that future development of these lands will take place. 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.

COUNCIL GOALS SUPPORTED

Goal 8: Promote and encourage developers. Maintain responsive and effective planning and building services.

FISCAL IMPACT

After annexation the City will collect property tax revenue from the subject property. Annexation will also allow for water service connection resulting in an additional water customer.

RECOMMENDATION

The Planning Commission recommends approval of the requested annexation.

PROPOSED MOTION

"I move to approve, on reading by title only, Ordinance 1032 annexing property identified as Tax Lots 400 & 401 on Assessor Map 38-1W-09A, located at 157 N. Phoenix Rd. and to rezone the property from Jackson County Urban Residential (UR) to Commercial Highway (C-H), consistent with the Comprehensive Plan and the zoning on abutting properties.

ATTACHMENTS

- Applicant's Submittal
- Agency Comments
- Adopting Ordinance No. 1032
- Signed Final Order of the Planning Commission dated August 2, 2023



PO Box 330, Phoenix, Oregon 97535
541-535-2050 Fax 541-535-5769

Annexation Application

Fee: \$1,000.00

I. Property Information:

- A. Location (Address If Available) 157 N Phoenix Rd, Medford
- B. Assessor's I.D.:
Township 38 Range: 1W Section: 09A Tax Lots(S) 500/400/401
- C. Size Of Parcel(S): Acres 0.62 Square Feet _____
- D. Describe Adjacent Land Uses (Example: Single Family, Restaurant, Auto Repair, Etc.):
- North: Residential, trailer park
South: Commercial & Residential
East: Creek, trailer park
West: Commercial

II. Description Of Annexation:

- A. Comprehensive Plan Land Use Designation
1) Current Jackson County Designation: Commercial Improved, zoned Commercial
2) Proposed City Of Phoenix Designation: Unknown
- B. Zoning
1) Current Jackson County Zoning: Commercial Improved, zoned Commercial
2) Proposed City Of Phoenix Zoning: Unknown

III. Submittal Requirements:

Submit one of each of the Submittal Requirements that follow for review by the City Planner. Once this "Application Package" is deemed complete, submit 20 additional "Application Packages" (excluding numbers 6 & 9) to the Planning Department.

1. A 24x36 copy of an assessor's map of the proposed annexation area. The map shall identify those parcels for which consents to annex have been acquired. An 8 1/2" x 11" set of reductions and one (1) set of 8 1/2" x 11" clear transparencies of all exhibits.
2. Submit one of the following:
 - a. Consent to annex forms completed and signed by all consenting property owners within the proposed annexation area, or
 - b. Consent to annex form by a majority of the registered voters living within the proposed annexation area.

3. Legal metes and bounds description of the annexation area. Legal metes and bounds description of adjacent roadways that will be annexed with the parent annexation.
4. Specific information on each parcel within the proposed annexation area.
 - a. Current assessed valuation as determined by the county.
 - b. Acreage to the hundredth percentile
 - c. Map and tax lot number
 - d. Current county zoning designation
5. Addresses of all dwelling units and businesses located within the annexation area.
6. Property owners master mailing list and notification labels (see attached instruction sheet).
7. Written findings which address the following:
 - a. Existing land uses within the annexation area.
 - b. Existing improvements:
 - _____ water system
 - _____ streets
 - _____ sanitary sewer
 - _____ storm sewer
 - c. Special districts within the area:
 - _____ water system
 - _____ streets
 - _____ fire district
 - _____ school district
 - _____ bear creek valley sanitary authority
 - _____ others
 - d. The present availability of urban services to the proposed annexation area, their capacity, and cost of extension or improvement:

_____ sanitary sewer	_____ parks
_____ storm drainage	_____ water
_____ fire	_____ power
_____ streets	_____ police
 - e. Compliance with all applicable goals and policies of the comprehensive plan. (including goal 3 of the land use element)
 - f. Compliance with the annexation criteria provided in the city's zoning ordinance.
8. Completed application with property owner and applicant signatures.
9. Application fee.

Notice To Applicants: Applications Cannot Be Processed Until All Of The Required Information Has Been Submitted And Has Been Found To Be Complete. Refer To The Handout Titled "Planning Application Submittal Requirements". Also Refer To The Document Titled "City Of Phoenix Procedural Requirements" For A More Detailed Description Of What Must Be Included With Any Application Package. Because Of State Rules Annexation Applicants Are Requested To Waive The 120 Day Processing Requirement. Please Sign The Following Waiver:

On This Date 5/7/2023 I Agree to Waive the State 120-Day Application Processing Mandate.

Oliver Trumbly

Applicant's Signature

IV. Property Owner/Applicant Information

Property Owner Name: Oliver Trumbly
(Please Print Or Type)
Address: 3458 BURSSELL R.D. Central Point OR 97502
Phone: 541-621-5616 2nd Phone: BIGOTRUM@GMAIL.COM

Applicant's Name: _____

Address: _____

Phone: _____ 2nd Phone: _____

Other Contact Name: _____

Address: _____

Phone: _____ 2nd Phone: _____

V. Applicant's Certification: I Do Hereby Certify That The Information Submitted Herein Is True And Correct To The Best Of My Knowledge And Belief.

Oliver Trumbly

Applicant's Signature

5/7/2023

Date

Vi. Property Owner Certification: I Do Hereby Certify That The Information Submitted Herein Is True And Correct To The Best Of My Knowledge And Belief.

Tranna Trumbly
Property Owner Signature
Maicell W. Trumbly

May 7th 2023
Date
May 7th 2023

For City Use Only	
Received By: <u><i>[Signature]</i></u>	Date: <u>6/2/23</u>
Fee Received: _____	Receipt No.: _____
File No. Assigned: <u>AN23-03</u>	

ANNEXATION APPLICATION - TYPE IV

RESTRICTIVE COVENANT REGARDING ANNEXATION AND ZONE CHANGE

The undersigned is/are the record owner/s of the property described as:

Map and Tax Lot: _____

Address: _____

which is subject to the attached consent to annexation and separate agreement making the consent irrevocable.

As part of the contract consent to annexation and zone change, and in consideration of the city accepting the application for annexation and zone change, the undersigned hereby waives any rights and claims for compensation as a result of the enactment or enforcement of land use regulations by the City of Phoenix, arising under 2007 Oregon Ballot Measure 37 and future versions thereof.

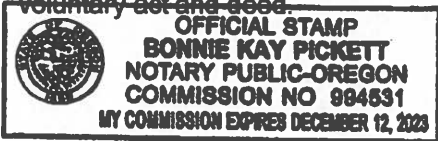
This waiver shall bind the undersigned, their agents, heirs, successors and assigns, and shall constitute a covenant running with the land, and may be recorded in the official records of the county in which the subject real property is located.

DATED this 02 day of June, 2023.

STATE OF OREGON)
) ss
County of Jackson)

On this 02 day of June, 2023, personally appeared

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their ~~voluntary act and deed.~~



Bonnie Kay Pickett
Notary Public for Oregon
My Commission
expires 12-12-23

Filed with the City of Phoenix this 2nd day of June, 2023.

[Signature]

Planning Director or Designee

CONFIDENTIAL

Census Form

Use one form per housing unit

City of Phoenix
Address _____

Housing Type:

- Single Unit Structure
- Multiple Unit Structure
- Trailer or Mobile Home

Tenure:

- Owner Occupied
- Renter Occupied
- Vacant
- Seasonal

Residents:

Last Name

First Name

Respondent:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____
- 8) _____
- 9) _____
- 10) _____

**POPULATION RESEARCH
CENTER PORTLAND STATE
UNIVERSITY (503)725-3922**

Item 4 (Page 2 of Annexation Application)

Map & Tax Lot	Acreage	Assessed Value	Current County zoning
38 1W09a TL 500	.23 acres	\$64,750.00	Within Urban Growth Boundary
38 1W09a TL 400	.34 acres	\$70,760.00	Within Urban Growth Boundary
38 1W09a TL 401	.05 acres	\$ 4,850.00	Within Urban Growth Boundary

Narrative:

All improvements on these 3 tax lots were destroyed in the Alameda Fire. Currently the lots are vacant – therefore no existing land uses or improvements exist. Please see attached Real Property Tax Statement for any Special District information. Nothing is label as “Special District” on these documents.



Jackson County Taxation
 PO BOX 1569
 MEDFORD OR 97501-0242

REAL PROPERTY TAX STATEMENT
 JULY 1, 2022 TO JUNE 30, 2023
 www.jacksoncounty.org/tax

TAX ACCOUNT: 10009239

10009239

TRUMBLY SHANNA ET AL
 120 THOMASON LN
 EUGENE OR 97404-3273

CODE: 0429 MAP: 381W09-A0-00500 ACRES: 0.23
 SITUS: 137 NORTH PHOENIX RD PHOENIX

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET (RMV)		
LAND	111,190	115,630
STRUCTURES	2,150	2,230
TOTAL RMV	113,340	117,860
TOTAL ASSESSED VALUE	62,870	64,750
VETERAN/MISC EXEMPTION		
NET TAXABLE:	62,870	64,750
TOTAL PROPERTY TAX:	1,044.32	1,069.81

EDUCATION SERVICE DISTRICT	20.40
RCC	29.67
PHOENIX / TALENT SD 4	245.49
EDUCATION TOTAL:	295.56

JACKSON COUNTY	116.31
4-H EXTENSION SERVICE DISTRI	2.47
VECTOR CONTROL	2.49
RVTD	10.26
RVTD LOCAL LEVY	8.42
JACKSON SOIL & WATER CONS	2.89
JACKSON COUNTY LIBRARY DIS	30.10
CITY OF PHOENIX	211.01
JACKSON COUNTY RFPD #5	185.04
PHOENIX URBAN RENEWAL	101.79
GENERAL GOVT TOTAL:	670.78

JACKSON COUNTY BONDS ECSC	4.91
RCC BONDS	6.27
RCC SHARED BONDS	3.39
PHOENIX/TALENT SD 4 BONDS	88.90
BONDS - OTHER TOTAL:	103.47

COPY

If you pay the 1/3 or 2/3 option, a reminder statement will be mailed before the next payment is due.

IMPORTANT INFORMATION ON BACK

PAYMENT QUESTIONS (541) 774-6541
 VALUE QUESTIONS (541) 774-6059

TOTAL TAXES DUE (includes discount) **1,037.72**

Please include this coupon with payment. NO STAPLES, PAPER CLIPS, OR TAPE!

Due November 15th, 2022

Check Payable To: Jackson County Taxation

3% Discount 1,037.72
 2% Discount 698.95 Next Payment 05/15/2023
 Trimester Option 356.61 Next Payment 02/15/2023

TRUMBLY SHANNA ET AL
 120 THOMASON LN
 EUGENE OR 97404-3273

Mailing address change on back



ACCOUNT NO.
10009239
AMOUNT ENCLOSED
\$

JACKSON COUNTY TAXATION
 PO BOX 1569
 MEDFORD OR 97501-0242

15100100092390000035661000006989500001037724



Jackson County Taxation
PO BOX 1569
MEDFORD OR 97501-0242

REAL PROPERTY TAX STATEMENT
JULY 1, 2022 TO JUNE 30, 2023
 www.jacksoncounty.org/tax

TAX ACCOUNT: 10018798

10018798

TRUMBLY SHANNA ET AL
 120 THOMASON LN
 EUGENE OR 97404-3273

CODE: 0403 **MAP:** 381W09-A0-00400 **ACRES:** 0.34
SITUS: 157 FERN VALLEY RD PHOENIX-TALENT/

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET (RMV)		
LAND	146,140	175,370
STRUCTURES	0	0
TOTAL RMV	146,140	175,370
TOTAL ASSESSED VALUE	68,700	70,760
VETERAN/MISC EXEMPTION		
NET TAXABLE:	68,700	70,760
TOTAL PROPERTY TAX:	842.30	861.29

EDUCATION SERVICE DISTRICT	24.94
RCC	36.29
PHOENIX / TALENT SD 4	300.18
EDUCATION TOTAL:	361.41
JACKSON COUNTY	142.22
4-H EXTENSION SERVICE DISTRI	3.01
VECTOR CONTROL	3.04
RVTD	12.54
RVTD LOCAL LEVY	9.20
JACKSON SOIL & WATER CONS	3.54
JACKSON COUNTY LIBRARY DIS	36.80
MEDFORD RFPD #2	176.46
GENERAL GOVT TOTAL:	386.81
JACKSON COUNTY BONDS ECSC	5.37
RCC BONDS	6.85
RCC SHARED BONDS	3.70
PHOENIX/TALENT SD 4 BONDS	97.15
BONDS - OTHER TOTAL:	113.07

COPY

If you pay the 1/3 or 2/3 option, a reminder statement will be mailed before the next payment is due.

IMPORTANT INFORMATION ON BACK

PAYMENT QUESTIONS (541) 774-6541
 VALUE QUESTIONS (541) 774-6059

TOTAL TAXES DUE (includes discount) **835.45**

Please include this coupon with payment. NO STAPLES, PAPER CLIPS, OR TAPE!

Due November 15th, 2022

Check Payable To: Jackson County Taxation

- 3% Discount 835.45
- 2% Discount 562.71 **Next Payment** 05/15/2023
- Trimester Option 287.10 **Next Payment** 02/15/2023

TRUMBLY SHANNA ET AL
 120 THOMASON LN
 EUGENE OR 97404-3273

Mailing address change on back



ACCOUNT NO.
10018798
AMOUNT ENCLOSED
\$

JACKSON COUNTY TAXATION
 PO BOX 1569
 MEDFORD OR 97501-0242

15100100187980000028710000005627100000835455



Jackson County Taxation
 PO BOX 1569
 MEDFORD OR 97501-0242

REAL PROPERTY TAX STATEMENT
 JULY 1, 2022 TO JUNE 30, 2023
 www.jacksoncounty.org/tax

TAX ACCOUNT: 10018803

10018803

TRUMBLY SHANNA ET AL
 120 THOMASON LN
 EUGENE OR 97404-3273

CODE: 0403 MAP: 381W09-A0-00401 ACRES: 0.05
 SITUS: FERN VALLEY RD PHOENIX-TALENT/COUN

EDUCATION SERVICE DISTRICT	1.71
RCC	2.49
PHOENIX / TALENT SD 4	20.57
EDUCATION TOTAL:	24.77

JACKSON COUNTY	9.75
4-H EXTENSION SERVICE DISTRI	0.21
VECTOR CONTROL	0.21
RVTD	0.86
RVTD LOCAL LEVY	0.63
JACKSON SOIL & WATER CONS	0.24
JACKSON COUNTY LIBRARY DIS*	2.52
MEDFORD RFPD #2	12.09
GENERAL GOVT TOTAL:	26.51

JACKSON COUNTY BONDS ECSC	0.37
RCC BONDS	0.47
RCC SHARED BONDS	0.25
PHOENIX/TALENT SD 4 BONDS	6.66
BONDS - OTHER TOTAL:	7.75

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET (RMV)		
LAND	8,320	9,990
STRUCTURES	0	0
TOTAL RMV	8,320	9,990
TOTAL ASSESSED VALUE	4,710	4,850
VETERAN/MISC EXEMPTION		
NET TAXABLE:	4,710	4,850
TOTAL PROPERTY TAX:	57.75	59.03

If you pay the 1/3 or 2/3 option, a reminder statement will be mailed before the next payment is due.

IMPORTANT INFORMATION ON BACK

PAYMENT QUESTIONS (541) 774-6541
 VALUE QUESTIONS (541) 774-6059

COPY

TOTAL TAXES DUE (Includes discount) **57.26**

Please include this coupon with payment. NO STAPLES, PAPER CLIPS, OR TAPE!

Due November 15th, 2022

Check Payable To: Jackson County Taxation

3% Discount 57.26
 2% Discount 38.56 Next Payment 05/15/2023
 Trimester Option 19.68 Next Payment 02/15/2023

TRUMBLY SHANNA ET AL
 120 THOMASON LN
 EUGENE OR 97404-3273

Mailing address change on back



ACCOUNT NO.
10018803
AMOUNT ENCLOSED
\$

JACKSON COUNTY TAXATION
 PO BOX 1569
 MEDFORD OR 97501-0242

15100100188030000001968000000385600000057261

OFFICIAL RECORD OF DESCRIPTI
OFFICE OF COUNTY ASSESSOR, JA

RP 2 423-9
381W9A 00300 00403

4-1
CODE NUMBER

ACCOUNT NUMBER
13M

SECTION 9	TOWNSHIP 38	RANGE 1W	MAP NO. 9A 38 1W	SERIAL PHOTO
LOT	BLK	NO.	CITY	
TAX LOT NUMBER	NO.	NO.		

THIS INFORMATION
FOR ASSESSMENT
AND TAXATION
PURPOSES ONLY.

INSERT EACH NEW
CHANGE TO THIS LINE

LEGAL DESCRIPTION

DEED RECORD

ACRES
REMAINING

Hols, Walter R. & Eleanor M.
Beginning at a point on the East line of tract described in Vol. 268, page 563, deed records of JCO, said point being South 0° 12' East 1779.96 feet, from the Northeast corner of BLC 44, Twp. 38 south, range 1 West of the W1, JCO; thence
South 73° 33' West 127.18 feet; thence
South 11° 10' East, 126.82 feet to the Northerly right-of-way line of the Edwards County road; thence along said line
North 75° 24' East, 100.0 feet; thence
North 0° 12' West 135.0 feet to the point of beginning. Excepting from the above described tract a strip of land 15.0 feet in width along the entire East side for road purposes.

YEAR	VOLUME	PAGE	ACRES REMAINING
1916	268	563	
1956	421	432	
		JV 58-2784	

(Written for tax lotting purposes only (Mtg. 305-464))

Less tax lot 381W9A-501 (Mtg. Seg. Req. #73-06218)

YEAR	VOLUME	PAGE	ACRES REMAINING
1946	268	563	
1956	421	432	
		JV 73-06763	

Account Sequence	Map TL Sequence	Assessment Year 2022 v	Print Window	Close Window					
Assessment Info for Account 1-000923-0 Map 381W09A Taxlot 500 Report For Assessment Purposes Only Created June 01, 2023									
Account Info		Tax Year 2022 Info		Land Info					
Account	1-000923-0	Pay Taxes Online		Tax Code					
Map Taxlot	381W09A 500			4-29					
Owner	TRUMBLY SHANNIA			Acres					
	TRUMBLY MONICA			0.23					
	TRUMBLY OLIVER			Zoning					
Situs Address	137 NORTH PHOENIX RD PHOENIX B			Land Class					
Mailing Address	TRUMBLY SHANNIA ET AL 1640 MONROE ST EUGENE OR, 974024072			UNK 0.23 Ac					
Appraiser	162			Property Class					
				201					
				Stat Class					
				536					
				Unit ID					
				183180-1					
				Maintenance Area					
				4					
				Neighborhood					
				000					
				Study Area					
				74					
				Account Status					
				ACTIVE					
				Tax Status					
				Assessable					
				Sub Type					
				NORMAL					
Sales Data (AS 400)									
<input type="checkbox"/> Value Summary Detail (For Assessment Year 2022)									
<input type="checkbox"/> Market Value Summary (For Assessment Year 2022)									
Code Area	Type	Acres	RMV	M5	MAV	AV			
4-29	LAND	0.23	\$ 118,630	\$ 118,630	\$ 84,480	\$ 84,480			
4-29	IMPR	0.00	\$ 2,230	\$ 2,230	\$ 290	\$ 290			
Value History Details		Total:	\$ 117,880	\$ 117,880	\$ 84,750	\$ 84,750			
Improvements									
Building #									
1	Code Area	Year Built	Eff Year Built	Stat Class	Description	Type	Sq Ft	% Complete	Details
	4-29	0		536	SFR/Duplex	Comm Imp	1398	100 %	
Photos and Scanned Documents									
Type	Item Number	Image Files							
ACCOUNT PHOTO	1	1	PDF						
ACCOUNT PHOTO	2	1	PDF						
ACCOUNT PHOTO	3	1	PDF						
ACCOUNT PHOTO	4	1	PDF						
ACCOUNT PHOTO	5	1	PDF						
ACCOUNT PHOTO	6	1	PDF						
ACCOUNT PHOTO	7	1	PDF						
ACCOUNT PHOTO	8	1	PDF						
ACCOUNT PHOTO	9	1	PDF						
ACCOUNT PHOTO	10	1	PDF						
ACCOUNT PHOTO	11	1	PDF						
ACCOUNT PHOTO	12	1	PDF						
ACCOUNT PHOTO	13	1	PDF						
ACCOUNT PHOTO	14	1	PDF						
ACCOUNT PHOTO	15	1	PDF						
ACCOUNT PHOTO	16	1	PDF						
ACCOUNT PHOTO	17	1	PDF						
SCANNED ASSESSOR DOCUMENTS					(See new portal)	(See new portal)	Portal		
<input type="checkbox"/> Improvement Comments									
<input type="checkbox"/> Commercial									
Appraisal Maintenance									
2015 - VALID COMMERCIAL R.T. (Q-DEMOLITION)									
<input type="checkbox"/> Account Comments									
07/18/01: Property class reviewed. Converted to CAAP>>> 01/29/15 NLC, #164/162 >>>									
<input type="checkbox"/> Exemptions / Special Assessments / Notations / Potential Liability									
Notations									
Description	Tax Amount	Year Added	Value Amount						
RECALCULATION		2016							
MAV DEMO'D OR REMOVED ORS 308.148(b)		2015							
CARTOGRAPHIC ACTIVITY		2014							
CARTOGRAPHIC ACTIVITY		2008							
READ BEFORE DATA ENTERING EXCEPTION		2006							
<input type="checkbox"/> Location Map									
DOQ 2018									
County of Jackson, OR, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, I... Powered by Esri									
Close Window		Print Window							

Assessment Info for Account 1-001879-8 Map 381W09A Taxlot 400
Report For Assessment Purposes Only Created April 21, 2023

Account Info		Tax Year 2022 Info		Land Info	
Account	1-001879-8	Pay Taxes Online		Tax Code	4-03
Map	381W09A 400	Tax Report	Details	Acreage	0.34
Taxlot		Tax Statement	Details	Zoning	
Owner	TRUMBLY SHANNA	Second Tri Statement	Details	Land Class	
	TRUMBLY MONICA	Tax History	Details	UNK 0.34 Ac	
	TRUMBLY OLIVER	Tax Details	Details	Property Class	409
Situs Address	157 FERN VALLEY RD PHOENIX-TALENT/COUNTY MS	Tax Rates	Details	Stat Class	000
Mailing Address	TRUMBLY SHANNA ET AL 1840 MONROE ST EUGENE OR, 974024072			Unit ID	183178-3
Associated Taxlots 2 Acct				Maintenance Area	4
4-03 R	1-001890-3 381W09A 401 ACTIVE			Neighborhood	000
4-03 MS	3-004022-1 381W09A 400 ACTIVE			Study Area	14
Appraiser	162			Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL
				MS Park ID	

Sales Data (AS 400)

Value Summary Detail (For Assessment Year 2022)

ID	Value Source	Code Area	SA	Stat Class	Rural Fire Dist.	Size	Size Type
1	MARKET OSD	4-03	0		R		
1	MARKET OSD	4-03	0		R		
1	MS SITE	4-03	0		R		
2	RURAL TRACT	4-03	0		R	0.34	A

ID	Value Source	RMV	M5	Exception Value	Previous Max AV	Previous Max SAV	Max AV
1	MARKET OSD	\$ 37,930	\$ 37,930	\$ 0	\$ 15,310	\$ 0	\$ 15,310
1	MARKET OSD	\$ 6,320	\$ 6,320	\$ 0	\$ 2,550	\$ 0	\$ 2,550
1	MS SITE	\$ 63,220	\$ 63,220	\$ 0	\$ 25,510	\$ 0	\$ 25,510
2	RURAL TRACT	\$ 67,900	\$ 67,900	\$ 0	\$ 27,390	\$ 0	\$ 27,390

Market Value Summary (For Assessment Year 2022)

Code Area	Type	Acreage	RMV	M5	MAV	AV
4-03	LAND	0.34	\$ 175,370	\$ 175,370	\$ 70,760	\$ 70,760
Value History Details			Total: \$ 175,370	\$ 175,370	\$ 70,760	\$ 70,760

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS

(See new portal)

(See new portal)

[Portal](#)

Appraisal Maintenance

2014 - INVENTORY REVIEW

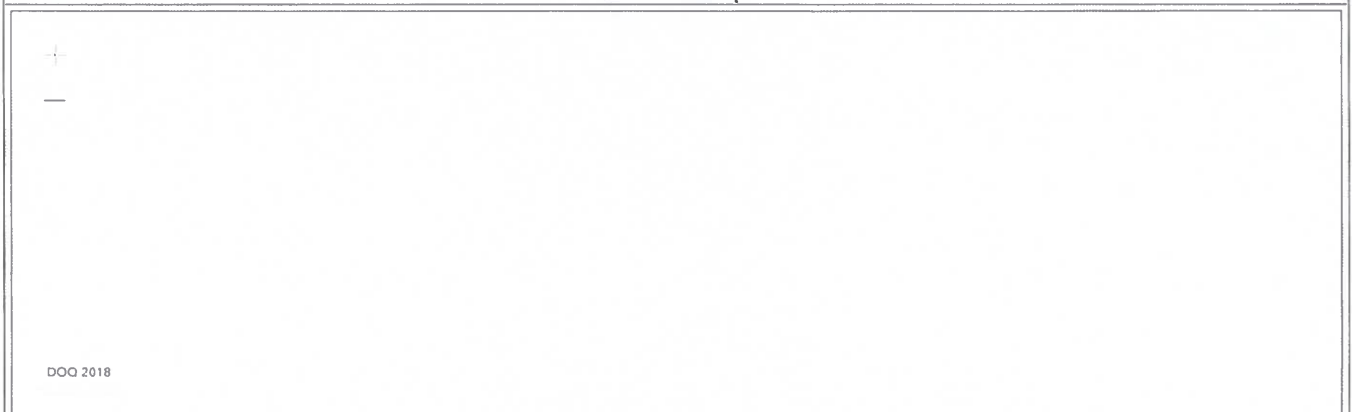
Account Comments

(1) IRREGULAR SHAPE (2) 3-4022-1 X99263R (3) VALUE WITH TL401 >>>10/4/13 NLC #162/146 >>>01/04/2021 IMPROVEMENT DESTROYED IN ALMEDA FIRE. PRORATION DONE FOR 2020, REMOVAL AND REALLOCATION OF MAV FOR 2021. #104>>>

Exemptions / Special Assessments / Notations / Potential Liability

Notations			
Description	Tax Amount	Year Added	Value Amount
CARTOGRAPHIC ACTIVITY		2014	
CARTOGRAPHIC ACTIVITY		2006	
READ BEFORE DATA ENTRING EXCEPTION		2006	

Location Map



[Close Window](#)

[Print Window](#)

381W9A-400

OFFICIAL RECORD OF DESCRIPTION RP 1 1879-8
OFFICE OF COUNTY ASSESSOR, JA

4-3
CODE NUMBER

381W9A 00400 00403

SECTION 9A	TOWNSHIP 38 S	RANGE 1W W.M.	MAP NO. 381W9A	AERIAL PHOTO
LOT NO. 400	BLOCK NO.	CITY		
TAX LOT NUMBER				

IDENTIFY EACH NEW COURSE TO THIS LINE

THIS INFORMATION FOR ASSESSMENT AND TAXATION PURPOSES ONLY.

DEED RECORD
YEAR VOLUME PAGE ACRES REMAINING

LESS:

Beginning at a point which bears North 0° 07' East 2110.2 feet and South 89° 53' East 60.0 feet from the intersection of the South line of Sec. 9 with the West line of D.L.C. 42, in Twp. 38, South Range 1 West of the W.M.; thence

1946 272 535

North 0° 07' East 521.4 feet; thence
North 72° 43' East 154.56 feet; thence
South 37° 00' East 540.70 feet; thence
South 53° 00' West 244.0 feet; thence
North 37° 00' West 33.0 feet; thence
North 37° 39' West 19.9 feet; thence
South 49° 11' West 201.0 feet to the northeast right of way line of Highway 99; thence along said right of way line
North 43° 33' West 137.7 feet to the point of beginning.

4.5

Beginning at the intersection of the southwesterly side line of the Pacific Highway with the northwesterly side line of Block 7, in the Village of Phoenix, JCO; thence along said Pacific Highway side line
North 43° 33' West 124.0 feet to the easterly side line of Church Street; thence
South along the easterly side line of Church Street 159.97 feet to the southwest corner of said Block 7; thence
Northeasterly along the northwesterly side line of said Block 7, 110.1 feet to the point of beginning.

1947 279 421

0.15

Jarman, F P & Mary Etta

1962 523 118
JV 63-1112

413-257

Holz, Eleanor M

1967 191 20 Prob. Jr.
JV 68-6321
Pt of O.R. 73-08688 (note)

~~9-38-34-147~~
 COUNTY NUMBER
 2212/96-480

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
 OFFICE OF COUNTY ASSESSOR, JACKSON COUNTY, OREGON

4-3
 CODE NUMBER

SECTION 9		TOWNSHIP 38	RANGE 1W W.M.	MAP NO. 9A-38-1W	AERIAL PHOTO
LOT 15X		BLOCK	ALLOTMENT		CITY
TAX LOT NUMBER		NO.	NO.		

**THIS INFORMATION
 FOR ASSESSMENT
 AND TAXATION
 PURPOSES ONLY.**

INSERT EACH NEW COURSE TO THIS LINE

Borrang, J. C.

LEGAL DESCRIPTION

DEED RECORD

ACRES REMAINING

LEGAL DESCRIPTION	DEED RECORD			ACRES REMAINING
	YEAR	VOLUME	PAGE	
(Formerly 92-58-2) Beginning at a point which bears North 0° 21' East, 1894.7 feet from the intersection of the south line of Sec. 9 with the west line of D.L.C. 42, in Twp. 38 South of Range 1 West of the W.M., thence North 0° 07' West 1043.8 feet; thence South 37° 00' East 834.7 feet; thence South 53° 00' West 244.0 feet; thence North 37° 39' West 19.9 feet; thence South 49° 11' West 266.0 feet; thence South 52° 21' West 117.0 feet to the point of beginning.	1946	273	68	5.93
Beginning at a point which bears North 0° 26' East, 1853.0 feet from the intersection of the South line of Sec. 9 with the West line of D.L.C. 42 in Twp. 38 South of Range 1 West of the W.M., thence North 52° 21' East 146.0 feet; thence North 43° 35' West 33.2 feet; thence South 52° 21' West 117.0 feet; thence South 0° 07' East 41.8 feet to the place of beginning, being a 33.0 foot strip extending from the D.L.C. line along the northwest line of Lot 2, Block 7 in the Town of Phoenix, Oregon.	1946	part of 273	of 69	
Beginning at a point on the West line of D.L.C. 42, Twp. 38 South, Range 1 West of the W.M., which point is 1894.7 feet North of the intersection of said line with the South line of Sec. 9, Township and Range aforesaid; thence South 89° 53' East 10.24 feet; thence North 52° 21' East 123.64 feet to the South right of way line of the Pacific Highway; thence North 43° 33' West 151.83 feet to intersect said D.L.C. line; thence South 0° 07' West 189.48 feet to the point of beginning.	1946	part of C.C. Jour. 80	of 178-9	0.3

(over)

381W9A-400
ACCOUNT NUMBER

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
OFFICE OF COUNTY ASSESSOR, JACKSON COUNTY, OREGON

43
CODE NUMBER

SECTION 9A	TOWNSHIP 38	RANGE 1W	W.M.	MAP NO. 381W9A	AERIAL PHOTO
TAX LOT NUMBER 400	LOT NO.	BLOCK NO.	ADDITION	CITY	

INSERT EACH NEW COURSE TO THIS LINE

Page 2

LEGAL DESCRIPTION

THIS INFORMATION
FOR ASSESSMENT
AND TAXATION
PURPOSES ONLY

DEED RECORD

ACRES
REMAINING

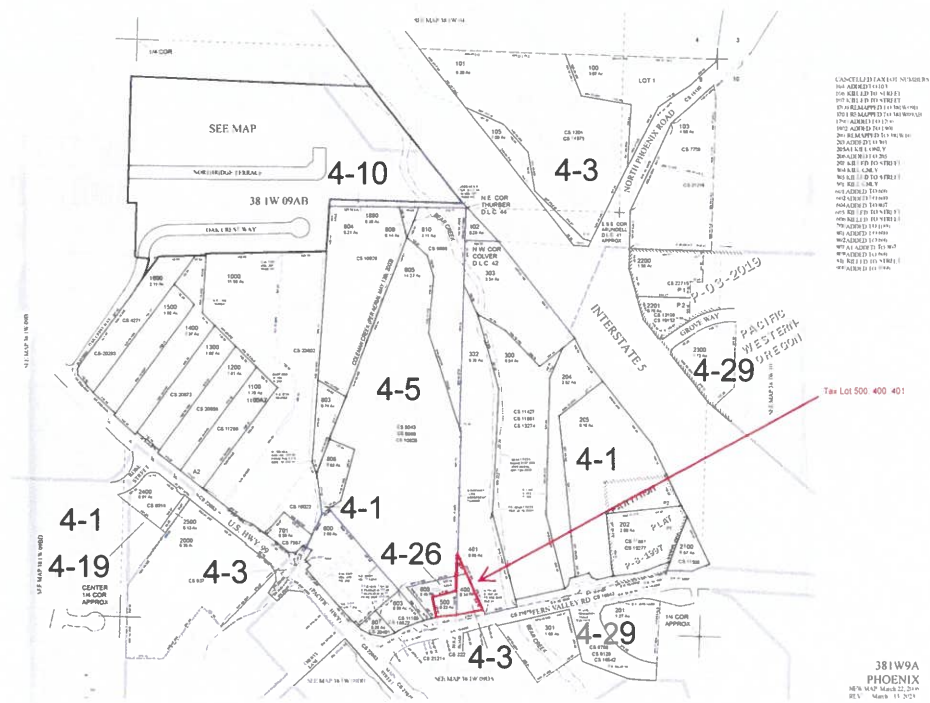
Less tax lot 381W9A-401 (Mtg.Seg.Reg. #73-06218)

YEAR	VOLUME	PAGE	ACRES REMAINING
1967	Part of 191	20	Prob Jr JV 73-06762

FOR ASSESSMENT AND
TAXATION ONLY

N.E. 1/4 SEC 9 T.38S. R.1W. W.M.
JACKSON COUNTY
1" = 200'

381W9A
PHOENIX



Jeff Wilcox

From: David Meads <Meads@JCFD5.com>
Sent: Friday, June 30, 2023 5:33 PM
To: Jeff Wilcox
Subject: Re: AN23-02 City-Initiated annexation within the Phoenix UGB
Attachments: Outlook-5et2g4su.jpg

Fire District 5 has no comment regarding AN23-02.

Thank you,

Captain Dave Meads
Jackson County Fire District 5
5811 S. Pacific Highway
Phoenix, Oregon 97535
541 535 4222



From: Jeff Wilcox <jeff.wilcox@phoenixoregon.gov>
Sent: Friday, June 30, 2023 4:44 PM
To: zuktj@jacksoncounty.org <zuktj@jacksoncounty.org>; chad.murders@ecso911.com <chad.murders@ecso911.com>; 'Jeff Ballard' <jballard@rh2.com>; Matias Mendez <Matias.Mendez@phoenixoregon.gov>; David Meads <Meads@JCFD5.com>; marci.mahpari@pacificorp.com <marci.mahpari@pacificorp.com>; 'Lisa Howell: Postmaster' <lisa.l.howell@usps.gov>; 'Brent Barry' <brent.barry@phoenix.k12.or.us>; 'Nick Bakke' <nbakke@rvss-or.gov>; p.townsend@rvtd.org <p.townsend@rvtd.org>; 'Ryan MacLaren' <rmaclaren@rvcog.org>; micah.horowitz@odot.oregon.gov <micah.horowitz@odot.oregon.gov>
Cc: Joe Slaughter <joe.slaughter@phoenixoregon.gov>; Zac Moody <Zac.Moody@phoenixoregon.gov>
Subject: AN23-02 City-Initiated annexation within the Phoenix UGB

Local Agencies,

City of Phoenix is initiating annexation of ~345 acres of land within the City Urban Growth Boundary.

The Land Use File (with a map) can be found [here](#).

Please provide any comments you have by July 10th, so that feedback (if any) may be incorporated into Staff Findings.
Thank you!

Jeff Wilcox
Associate Planner
City of Phoenix
541-535-2050 Ext 318
220 N Main St
Phoenix, OR 97535



ROGUE VALLEY
SEWER SERVICES
CLEAN WATER · HEALTHY COMMUNITIES

July 6, 2023

**City of Phoenix Community &
Economic Development Dept.
PO Box 330
Phoenix, OR 97535**

ATTN: Jeff

Re: AN23-03, 157 Fern Valley Road, Map 38 1W 09A, TL 500, 400 & 401

Sewer service is available for the subject tax lots via multiple adjacent sewer mains. Our records indicate there is an existing service capped at tax lot 500. However, the condition and exact location of this services is unknown.

Any future development must comply with RVSS sewer and stormwater management standards.

Sincerely,

Nicholas R. Bakke, PE
District Engineer

ORDINANCE NO. 1032

AN ORDINANCE ANNEXING 0.39 ACRES, INCLUDING THE ADJACENT RIGHT-OF-WAY WITHIN THE CITY'S URBAN GROWTH BOUNDARY PURSUANT TO ORS 222.170, REMOVING THE AREA FROM JACKSON COUNTY FIRE DISTRICT NO.2 PURSUANT TO ORS 222.524 AND ANNEXING THE AREA TO JACKSON COUNTY FIRE DISTRICT NO.5 PURSUANT TO ORS 198.867(3)

WHEREAS, the owner of two parcels totaling approximately 0.39 acres in size has consented in writing to annexation and subsequent rezone from county to city zoning; and

WHEREAS the properties will be assigned City zoning which is consistent with the City's Comprehensive Plan Map and is generally equivalent to the County zoning it replaces, as depicted in the Comprehensive Plan Designation map and Zoning Designation map attached as Exhibit "A"; and

WHEREAS, as part of this annexation, the City will also annex all portions of City right-of-way abutting the subject parcel; and

WHEREAS, the subject property is addressed at 157 N. Phoenix Road and specifically identified as Tax Lots 400 & 401 on Jackson County Assessor Map 38-1W-09A; and

WHEREAS, the subject property is currently zoned Jackson County Urban Residential (UR), and the property will be rezoned to city Commercial Highway (C-H); and

WHEREAS, the subject property is designated Commercial on the City of Phoenix Comprehensive Plan map; and

WHEREAS, the subject property abuts lands designated Commercial on the City of Phoenix Comprehensive Plan map, and zoned Commercial Highway (C-H); and

WHEREAS, annexation of the subject property does not commit the City or any public or private utility to provide services to the subject property at taxpayer expense; and

WHEREAS, the Planning Commission of the City of Phoenix, after providing the required public notification, held a public hearing on July 24, 2023, 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 State law, and, after due deliberation and consideration of the proposed changes, the Planning Commission voted to recommend that the City Council approve the annexation; 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 is 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 July 24, 2023 hearing, on file in the city offices, are true and correct and are hereby adopted as findings of the City 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 Urban Residential (UR) to City of Phoenix Commercial Highway (C-H) and Commercial on the Comprehensive Plan map.

Section 3. The City Recorder 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.

PASSED AND ADOPTED by the City Council and signed by me in open session in authentication thereof this 21st day of August, 2023.

Terry Baker, Mayor

ATTEST:

Approved as to form:

Bonnie Pickett, City Recorder

Douglas McGeary, City Attorney

Exhibit "A"

See attached legal descriptions, 2 page total

After recording, please return this deed to, and (until a change is requested) send tax statements to:

Shanna Trumbly
120 Thomason Lane
Eugene, OR 97404



I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Christine Walker - County Clerk

The identities of the Grantor(s) and Grantee(s) are:

Grantor:

Walter R. Bolz and Eleanor M. Bolz Revocable Living Trust
5494 Coleman Creek Road
Medford, OR 97501

Grantee:

Shanna Trumbly, Monica Trumbly and Oliver Trumbly
120 Thomason Lane
Eugene, OR 97404

STATUTORY WARRANTY DEED

Margaret Ann Croly, the sole successor Trustee of the WALTER R. BOLZ AND ELEANOR M. BOLZ REVOCABLE LIVING TRUST U.T.A.D. January 22, 2003 (the original Co-Trustees, Walter R. Bolz and Eleanor M. Bolz, now being deceased), *Grantor*, hereby conveys and warrants to SHANNA TRUMBLY, MONICA TRUMBLY and OLIVER TRUMBLY, as equal tenants in common, *Grantees*, the real property described on Exhibit "A" attached hereto, free of encumbrances other than encumbrances of record on the date of this conveyance and those matters which would be shown by an accurate survey or inspection of the premises.

The true consideration for this conveyance is \$0.00.

Before signing or accepting this instrument, the person transferring fee title should inquire about the person's rights, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007, Sections 2 to 9 and 17, Chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010. This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify that the unit of land being transferred is a lawfully established lot or parcel, as defined in ORS 92.010 or 215.010, to verify the approved uses of the lot or parcel, to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930, and to inquire about the rights of neighboring property owners, if any, under 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007, Sections 2 to 9 and 17, Chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010.

DATED this 2 day of April, 2018.

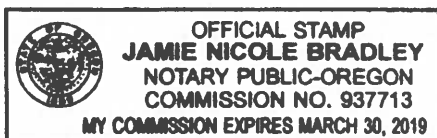
GRANTOR: WALTER R. BOLZ AND ELEANOR M. BOLZ REVOCABLE LIVING TRUST

Margaret Ann Croly, Trustee
Margaret Ann Croly, Trustee

STATE OF OREGON)
County of Jackson) ss.

The foregoing instrument was acknowledged before me this 2 day of April, 2018, by Margaret Ann Croly, Trustee of the Walter R. Bolz And Eleanor M. Bolz Revocable Living Trust, *Grantor*.

WITNESS my hand and official seal.



Jamie Bradley
Notary Public

EXHIBIT "A" TO STATUTORY WARRANTY DEED
[Bolz Trust to Trumbly]

Description of Property Transferred

Parcel #1: 157 Fern Valley Road (381W09A 400)

Commencing at a 3/4 inch iron pin as described in Instrument No 73-09688 recorded in the Official Records of Jackson County, Oregon, said pin bears North 771.48 feet and East 1637.27 feet from the South-Southeast corner of Donation Land Claim No 41, Township 38 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 25°57'00" West, along the Boundary Line Agreement described in said Instrument, 23.91 feet to the POINT OF BEGINNING, said point also being on the Right of Way line established by Instrument No 2014-007644 recorded in said Official Records; thence continuing along said Boundary Line Agreement, North 25°57'00" West, 180.24 feet to the South line of the Tract of Land described in Instrument No 73-06218 recorded in the Mortgage Records of Jackson County, Oregon; thence South 75°33'00" West, along said South line, 42.94 feet; thence South 0°14'30" East, 177.32 feet to said Right of Way line; thence along said Right of Way, North 80°47'40" East, 27.99 feet; thence North 77°29'57" East, 62.03 feet; thence North 75°39'06" East, 32.53 feet to the POINT OF BEGINNING.

Parcel #2: 137 Fern Valley Road (381W09A 500)

Beginning at a point on the East Line of the tract described in Volume 268, Page 563, Deed Records of Jackson County, Oregon, said point being South 0' 12' East, 1779.96 feet, from the Northeast corner of Donation Land Claim #44, Township 38 South, Range 1 West of the Willamette Meridian, in Jackson County, Oregon; thence South 73' 33' West, 127.18 feet; thence South 11' 40' East, 126.82 feet to the Northerly right-of-way line of the Edwards County Road; thence along said line North 75' 24' East, 100.0 feet; thence North 0' 12' West 135.0 feet to the point of beginning. EXCEPTING from the above described tract a strip of land 15.0 feet in width along the entire East side for road purposes: Subject To easements of record.

Parcel #3: (381W09A 401)

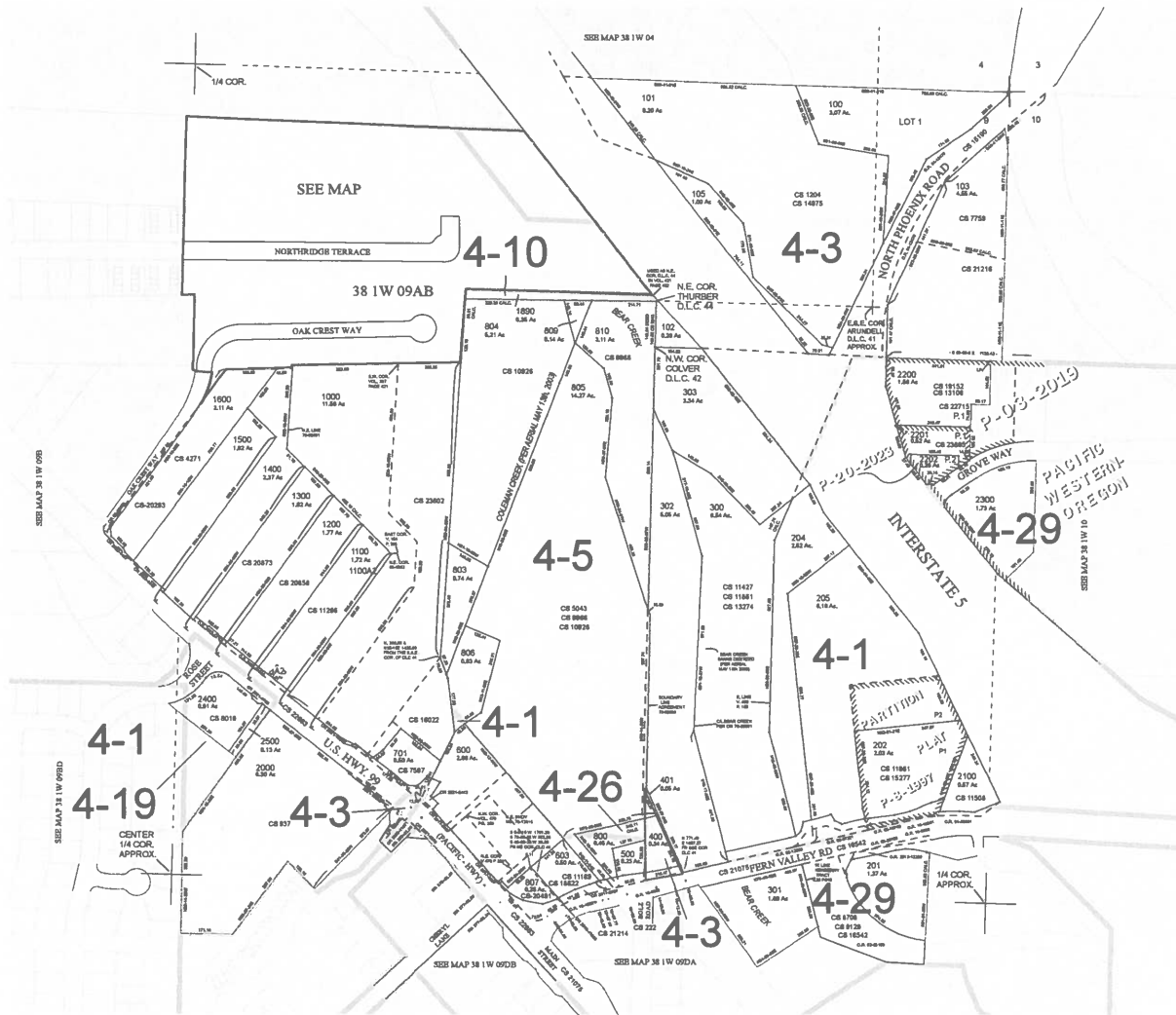
Commencing at a 3/4 inch iron pin as described in Instrument No 73-09688 recorded in the Official Records of Jackson County, Oregon, said pin bears North 771.48 feet and East 1637.27 feet from the South-Southeast corner of Donation Land Claim No 41, Township 38 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 25°57'00" West, along the Boundary Line Agreement described in said Instrument, 23.91 feet to a point, said point also being on the Right of Way line established by Instrument No 2014-007644 recorded in said Official Records; thence continuing along said Boundary Line Agreement, North 25°57'00" West, 180.24 feet to the South line of the Tract of Land described in Instrument No 73-06218 recorded in the Mortgage Records of Jackson County, Oregon, and the POINT OF BEGINNING; thence South 75°33'00" West, along said South line, 42.94 feet; thence North 0°14'30" West, 97.01 feet to said Boundary Line Agreement; thence South 25°57'00" East, along said Line, 95.97 feet to the POINT OF BEGINNING.

Exhibit "B"
See attached maps, 3 pages total

FOR ASSESSMENT AND TAXATION ONLY

N.E. 1/4 SEC. 9 T. 38S. R. 1W. W.M.
JACKSON COUNTY
1" = 200'

381W9A
PHOENIX

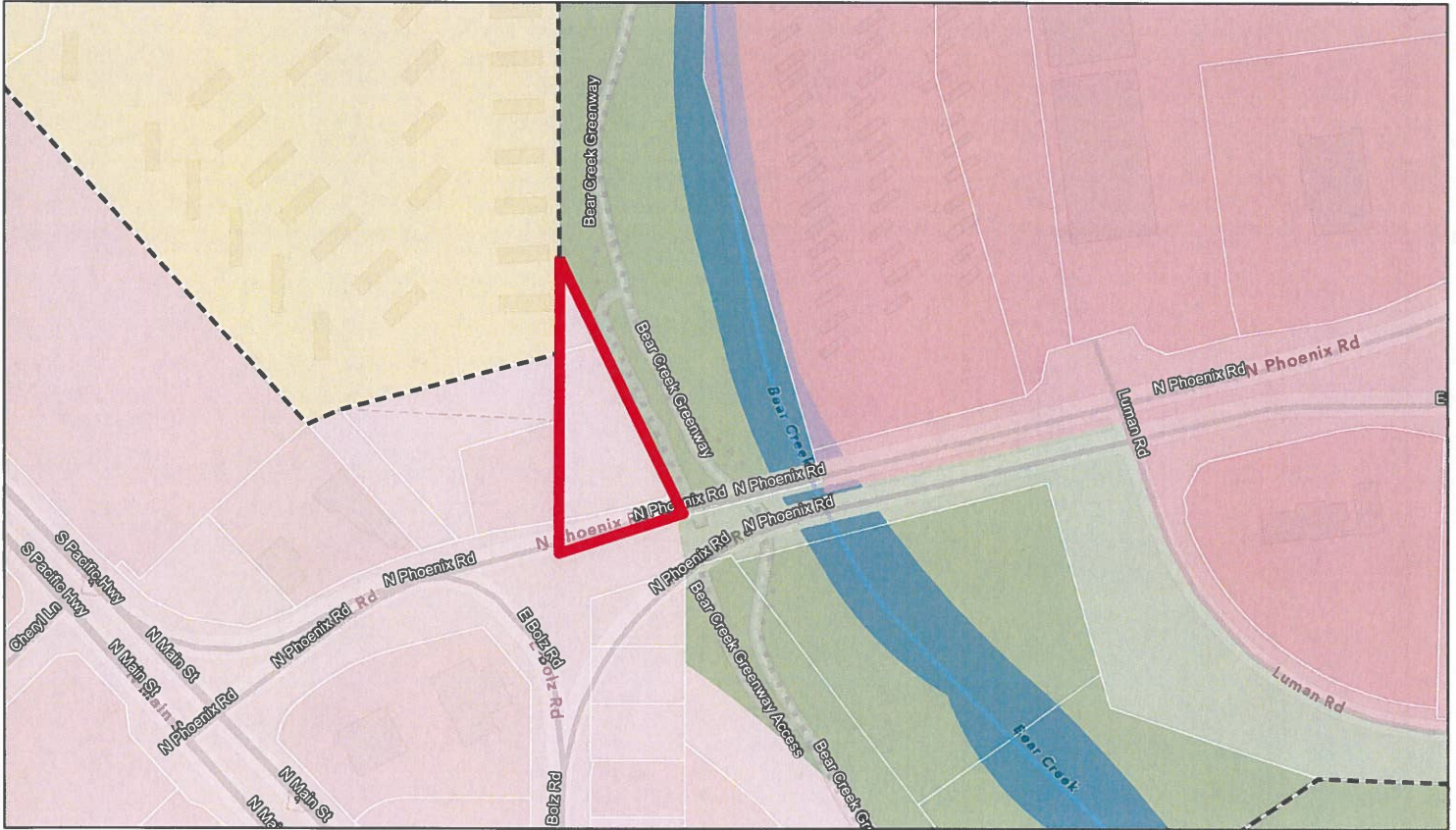


- CANCELLED TAX LOT NUMBERS
- 104 ADDED TO 103
- 106 KILLED TO STREET
- 107 KILLED TO STREET
- 1700 REMAPPED TO 381W09B
- 1701 REMAPPED TO 381W09AB
- 1790 ADDED TO 1700
- 1802 ADDED TO 1901
- 203 REMAPPED TO 381W10
- 203 ADDED TO 303
- 205A1 KILL ONLY
- 206 ADDED TO 205
- 207 KILLED TO STREET
- 304 KILL ONLY
- 305 KILLED TO STREET
- 501 KILL ONLY
- 601 ADDED TO 600
- 602 ADDED TO 600
- 604 ADDED TO 607
- 605 KILLED TO STREET
- 606 KILLED TO STREET
- 700 ADDED TO 1000
- 801 ADDED TO 600
- 803 ADDED TO 600
- 807A1 ADDED TO 807
- 808 ADDED TO 600
- 811 KILLED TO STREET
- 900 ADDED TO 1000

CIS DATA
03/17/2023 1:03:41 PM H:\MHC\G

381W9A
PHOENIX
NEW MAP March 21, 2006
REV June 21, 2023

Phoenix Comprehensive Plan Map



7/17/2023, 2:14:38 PM

City Limit (Ord 1026 Eff 02 21 2023)

Urban Growth Boundary (Ord 1020 Eff 10 19 2022)

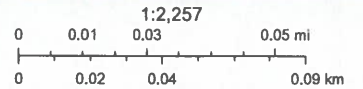
Comprehensive Plan Designations (Ord 1022 Eff 01/04/2023)

Medium Density Residential

Bear Creek Greenway

Commercial

Interchange Business

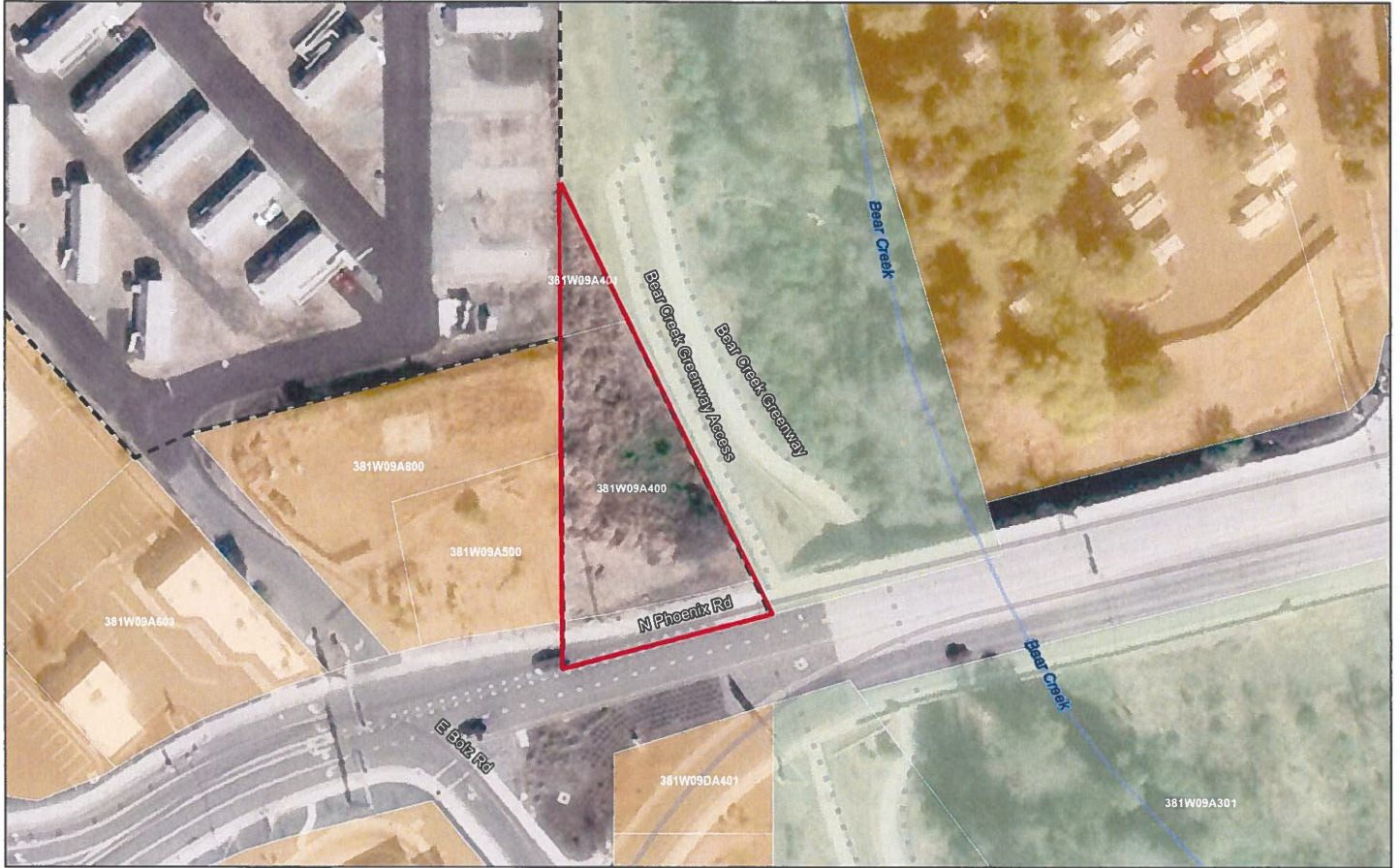


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Mapped by:

Please extend credit to Jackson County GIS in any subsequent works derived from its data, such as maps. | Esri Community Maps Contributors, County of Jackson, OR, Oregon State Parks, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

Phoenix Zoning Map



7/17/2023, 3:28:34 PM

City Limit (Ord 1026 Eff 02 21 2023)

Urban Growth Boundary (Ord 1020 Eff 10 19 2022)

Land Use Districts (Ord 1026 Eff 02/21/2023)

Commercial Highway (C-H)

Bear Creek Greenway (BCG)

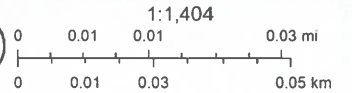


Exhibit "C"

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

Adopted by ORD 1008 Page 24

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.



BEFORE THE PHOENIX PLANNING COMMISSION

STATE OF OREGON, CITY OF PHOENIX

IN THE MATTER OF PLANNING FILE NO. AN23-03 LOCATED AT)
157 N. PHOENIX ROAD [MAP NO. 38-1W-09A TAXLOT 400 & 401],) ORDER
THE PHOENIX PLANNING COMMISSION FINDS THE FOLLOW-)
ING:

1. The Planning Commission held a properly noticed public hearing on this matter on July 24, 2023;
2. The Planning Commission asked the Planning Manager to present a staff report and a final order with findings and recommendations at the July 24, 2023 public hearing;
3. At the public hearing evidence was presented and the public was given an opportunity to comment;
4. The Planning Commission finds that subject property is located within the city's urban growth boundary and meets the annexation requirements of ORS 198 and ORS 222.
5. The Planning Commission finds that the application review is consistent with the legislative review requirements of Chapter 4.1.6 of the Phoenix Land Development Code;

NOW THEREFORE, the Phoenix Planning Commission recommends approval of the requested Annexation (AN23-03) application based on the applicant's petition request and the information presented in the Staff Report and Findings of Fact below:

In the following, any text quoted directly from City codes or State Law appears in italics; staff findings appear in regular typeface.

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.

CHAPTER 4 – APPLICATION AND REVIEW PROCEDURES

Chapter 4.1 – Types of Applications and Review Procedures

4.1.6 – Type IV Procedures (Legislative)

- A. *Pre-Application conference. A pre-application conference is required for all Type IV applications. The requirements and procedures for a pre-application conference are described in Chapter 4.1.7 – General Provisions.*
- B. *Timing of requests. The City Planner shall not review non-City sponsored or State required proposed Type IV actions more than five times annually, based on a City Council Resolution approved schedule for such actions. Legislative requests are not subject to the 120-day review under ORS 227.178.*

FINDING: The applicant submitted the required pre-application conference information and was provided a response detailing the requirements for the submission of an annexation application. At the time this application was submitted, no other non-city sponsored or state required Type IV actions had been submitted. **The standard is met.**

- C. *Application requirements*
 - 1. *Application forms. Type IV applications shall be made on forms provided by the Planning Department;*
 - 2. *Submittal Information. The application shall contain:*
 - a. *The information requested on the application form;*
 - b. *A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);*
 - c. *The required fee; and*
 - d. *Findings or a narrative statement that explains how the application satisfies all of the relevant approval criteria and standards.*
 - e. *Mailing labels*

FINDING: The applicant submitted the required application forms, fees and narrative explaining how the application satisfies all of the relevant approval criteria, standards and Oregon Revised Statutes. Mailing labels for the notice were prepared by staff using the city's GIS system. **The standard is met.**

COMPREHENSIVE PLAN

Land Use Element – Goals & Policies

Goal 3: *Manage annexations to achieve the objectives of the Plan by ensuring that the cumulative effects of annexation decisions are considered.*

Policy 3.1

Pursuant to applicable laws of the State of Oregon, the City Council may approve annexations, without referral to the City's electorate, when finding and facts show that development of the property or properties proposed for annexation would be consistent with the Plan and that development on the land proposed for annexation can be served with all urban services and facilities without adverse impacts 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).*

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 (ORS 222.840).

Policy 3.4

All properties annexed to the City shall eventually be improved to City standards including, but not limited to, street improvements, curbs and gutter, lighting, and other improvements included within the City's development standards or as may otherwise be specified by the City Manager and approved by the City Council. If required improvements are not proposed at the time of annexation, then the annexation agreement shall include a non-remonstrance clause specifying 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 proceedings 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 interested of the City. Such annexations are required to ensure orderly and equitable provisions of public improvements, utilities and community services, and to further growth and development of the community in accordance with the Plan (ORS 222.750).

FINDING:

- 1. The subject property is served by all necessary urban infrastructure and services.**
- 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 subject property is zoned General Commercial in the County and will be zone Commercial Highway upon annexation to the city limits.**

4. No improvements are not proposed at this time; therefore, a non-remonstrance clause specifying that the improvements shall be installed at the time of partitioning, subdivision, development or other time shall be provided to Community & Economic Development.
6. Development on 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.

The standard is met.

OREGON REVISES STATUTES

ORS 198

198.867 – Approval of Annexation to District by Electors of City and District

(3) Upon receipt of the certificate of the city governing body and the district board, the county board shall enter an order annexing the territory included in the city to the district. When the county board enters the order, the city territory, **together with any territory thereafter annexed to the city** (emphasis added):

- (a) Shall be included in the boundaries of the district; and
- (b) Shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.

FINDING: The City of Phoenix annexed to Jackson County Fire District No.5 through an election consistent with ORS 198.866 and 198.867, in March of 2008. This action was completed through Measure No. 15-81 for Jackson County Fire District No. 5 and through Measure No. 15-82 for the City of Phoenix. Both measures passed in Phoenix with overwhelming support, with 96% voting yes on Measure 15-81 and 97% voting yes on Measure 15-82. Per ORS 198.867(3) any territory annexed to the City must also be annexed (included) into the boundaries of Jackson county Fire District No.5. To facilitate this transition to Jackson County Fire District No.5, the property must be removed from Jackson County Fire District No.2 boundaries pursuant to ORS 222.524. **The standard is met.**

ORS 222

222.111 – Authority and Procedure for Annexations

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".

FINDING: The subject property is contiguous with the current Phoenix city boundary. The property owners have submitted a petition to the legislative body of the city for the annexation of the subject property. **The standard is met.**

222.170 – Annexation by Consent Before Public Hearing or Order for Election

1. *The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:
 - (a) *The public hearing is held under ORS 222.120 (Procedure for annexation without election), if the city legislative body dispenses with submitting the question to the electors of the city; or*
 - (b) *The city legislative body orders the annexation election in the city under ORS 222.111 (Authority and procedure for annexation), if the city legislative body submits the question to the electors of the city.**

FINDING: The petitioners, both property owners, submitted the request for annexation. The standard is met.

URBAN GROWTH BOUNDARY AGREEMENT

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.*
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.*

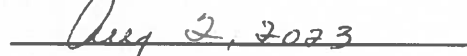
FINDING: The subject property is located within the officially adopted Urban Growth Boundary. The city has notified the county of the proposed annexation and has not yet received any comments.

All urban infrastructure is available to the subject property and has sufficient capacity to accommodate development in this vicinity. Street improvements were completed as part of the Oregon Department of Transportation project in 2012. No changes to the right-of-way are necessary as part of this request.

The subject is within the Fire District 2 boundary and will be annexed into Jackson County Fire District 5. Jackson County Sheriff's office, and Talent/Phoenix School district currently serve the area where the subject property is located. Upon annexation, the City of Phoenix Police Department will serve the newly annexed area.




Larry Dickson
Planning Commission Chair




Date

ATTEST



Zac Moody *Joe Slaughter*
Planning Manager *CEDEV Director*



Date



City of Phoenix
Heart of the Rogue Valley

Agenda Report to Mayor and Council

Agenda item title: AN23-02 – An ordinance of the City of Phoenix to annex 353 acres of property and right-of-way within the City’s urban growth boundary.

Meeting Date: August 7, 2023

From: Joe Slaughter, Community and Economic Development Director

Action: Motion, Ordinance, Resolution, Information only, Other

SUMMARY

Consideration of an ordinance annexing 353 acres within the City’s urban growth boundary pursuant to ORS 222.170, removing the area from Jackson County Fire District No.2 pursuant to ORS 222.524 and annexing the area to Jackson County Fire District No.5 pursuant to ORS 198.867(3).

BACKGROUND AND DISCUSSION

This is a City-initiated proposal to annex 353 acres within the City’s urban growth boundary pursuant to ORS 222.170, remove the area from Jackson County Fire District No.2 pursuant to ORS 222.524, and add the area to Jackson County Fire District No.5 boundaries pursuant to ORS 198.867(3). More than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory have consented in writing to the annexation of their land in the territory and have filed a statement of their consent consistent with ORS 222.170. The territory is located north of the exiting city boundary in two urban reserve areas recently added to the City’s UGB: PH-3 and PH-5. These areas are located generally adjacent to Hwy 99, Interstate-5 and North Phoenix Road.

The City of Phoenix has been investigating the possibility of annexing the urban reserve area known as PH-3 to help facilitate the redevelopment of the area since shortly after the Almeda Fire. At the April 3, 2023 City Council meeting, Council directed staff to pursue annexation of the PH-3 area. In addition to the annexation of PH-3, staff has been working with property owners in PH-5 to annex portions of that area to allow for the development of public infrastructure. Findings addressing the annexation of PH-5 are provided on page 3 and 4 of the Planning Commission Final Order. Following Councils direction, staff sent out two separate mailers to property owners in the PH-3 area seeking consents to annex. The proposed annexation area was established based on consents received from owners along with rights of way, tax exempt properties, and a limited number of other properties needed to cause all portions of the territory to be contiguous with itself and with existing city limits. Upon completion of this annexation process, the City of Phoenix will seek to annex “islands” of unincorporated area within the city limits per Policy 3.5 of the Land Use Element of the Comprehensive Plan, as provided for in ORS 222.750.

The properties in PH-5 which are currently zoned for agricultural use (EFU) in the County will have a delayed effective date (January 1, 2024) of annexation to allow for the creation of an exclusive agricultural overlay, prior to annexation. This will allow for the continued use of the property for agricultural uses while also allowing for the development of urban infrastructure into the expanded city limits.

The Planning Commission conducted a public hearing on July 24, 2023 on the proposed annexation, affording all citizens an opportunity to be heard on the subject and review the proposal. The Planning Commission deliberated and forwarded a unanimous recommendation of approval to the City Council. Tables provided on pages 7 & 8 of the Planning Commission Final Order provide detailed information regarding consents received. Two additional consents to annex, representing four properties, were received after the Planning Commission hearing and prior to the publication of the agenda packet for the public hearing of the City Council. The first property is a 0.16-acre parcel listed as tax lot 800 on Jackson County Assessor's map 381W09AB and it has an assessed value of \$165,500. The second group of properties is three parcels totaling 6.75 acres, listed as tax lots 3600, 3700 & 5301 on Jackson County Assessor's map 381W09B and has a total assessed value of \$1,450,170. With the addition of this property, the City has received consents to annex from 10 of 12 property owners (83%), who represent 281.3 acres of the 283.39 acres of total land (99%), and \$3,556,439 of the \$3,918,039 total assessed value (91%) of the territory proposed for annexation¹.

COUNCIL GOALS SUPPORTED

Goal 8: Promote and encourage developers. Maintain responsive and effective planning and building services.

Goal 9: Continue to advocate for PH-3 and PH-5 inclusion.

FISCAL IMPACT

Properties annexed will pay property taxes to the City of Phoenix following annexation.

RECOMMENDATION

On the recommendation of the Planning Commission, Staff recommends Council approve the annexation as proposed.

PROPOSED MOTION

I move to approve, on reading by title only, Ordinance 1033, an ordinance annexing 353 acres within the City's urban growth boundary pursuant to ORS 222.170, removing the area from Jackson County Fire District No.2 pursuant to ORS 222.524 and annexing the area to Jackson County Fire District No.5 pursuant to ORS 198.867(3).

ATTACHMENTS

- Draft Ordinance 1033
- Planning Commission Final Order
- Consent Forms
- Agency Comments

¹ Calculations do not include real property that is publicly owned, is the right of way for a public utility, telecommunications carrier as defined in ORS 133.721 or railroad or is exempt from ad valorem taxation per ORS 222.170 (4).

ORDINANCE NO. 1033

AN ORDINANCE ANNEXING 353 ACRES WITHIN THE CITY’S URBAN GROWTH BOUNDARY PURSUANT TO ORS 222.170, REMOVING THE AREA FROM JACKSON COUNTY FIRE DISTRICT NO.2 PURSUANT TO ORS 222.524 AND ANNEXING THE AREA TO JACKSON COUNTY FIRE DISTRICT NO.5 PURSUANT TO ORS 198.867(3)

WHEREAS, more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory have consented in writing to the annexation of their land in the territory and have filed a statement of their consent consistent with ORS 222.170; and

WHEREAS the properties will be assigned City zoning which is consistent with the City’s Comprehensive Plan Map and is generally equivalent to the County zoning it replaces, as depicted in the Comprehensive Plan Designation map and Zoning Designation map attached as Exhibit “A”; and

WHEREAS the following properties: 381W03 TL 1600, 381W04 TLs 500, 381W09A TLs 100, 103 & 105 and 381W10 TLs 101 & 103, being zoned for Exclusive Farm Use in the County, will be assigned the Holding Zone designation per PLDC Chapter 2.11; and

WHEREAS for those properties listed above, which are assigned the Holding Zone designation, annexation will be effective January 1, 2024 and will occur only if the City adopts an exclusive agriculture overlay that allows for the preservation of agricultural uses through zoning prior to that date; and

WHEREAS, as part of this annexation, the City will also annex portions of railroad, highway, freeway and street rights-of-way as described in Exhibit “B” and depicted in Exhibit “C”; and

WHEREAS, the subject properties are specifically identified on Jackson County Assessor Maps as shown in the following table; and

Property	Owner	Area
381W04C1100	YOUNGLAND DEVELOPMENT LLC	3.91
381W09B4000	MIRMIR LLC	0.31
381W09B1400	DVM ENTERPRISES LLC	0.58
381W05D3300	HAWK JEFFREY E/LORA A	2.00
381W09AB800	SNOW KIMBERLY LENZ/PATRICIA K	0.16
381W09B1500	BATTY DAVID W	0.85
381W09B3900	THOMAS DAREN L TRUSTEE ET AL	0.57
381W09B3600	SOUTH PACIFIC HIGHWAY LLC	2.40
381W09B3700	SOUTH PACIFIC HIGHWAY LLC	2.63
381W09B5301	SOUTH PACIFIC HIGHWAY LLC	1.72
381W09BA2200	DURAN ESTEBAN GONZALEZ	0.18
381W09BA1800	DURAN ESTEBAN GONZALEZ	0.21

381W09BA1900	DURAN ESTEBAN GONZALEZ	0.26
381W09BA2000	DURAN ESTEBAN GONZALEZ	0.40
381W04500	ARROWHEAD RANCH HOLDING COMPA	42.89
381W031600	ARROWHEAD RANCH HOLDING COMPA	161.39
381W09A100	ARROWHEAD RANCH HOLDING COMPA	3.07
381W10100	ARROWHEAD RANCH HOLDING COMPA	42.55
381W10101	ARROWHEAD RANCH HOLDING COMPA	6.97
381W09A105	ARROWHEAD RANCH HOLDING COMPA	1.01
381W09A103	ARROWHEAD RANCH HOLDING COMPA	4.64
381W10103	ARROWHEAD RANCH HOLDING COMPA	2.60
381W05D2500	KEENE DAVID P ET AL	0.33
381W05D3000	DICOPA INC.	1.76
381W09A102	JACKSON COUNTY	0.28
381W04C1000	MIRMIR LLC	1.85
381W04C600	DVM ENTERPRISES LLC	0.86
381W04601	JACKSON COUNTY	4.07
381W09A809	JACKSON COUNTY	0.14
381W09A810	JACKSON COUNTY	3.11
381W09A1890	JACKSON COUNTY	0.35
381W09AB200	JACKSON COUNTY	4.09
381W09AB1700	JACKSON COUNTY	0.00
<Null>	Cheryl Lane ROW	0.72
<Null>	HWY 99 ROW	8.11
<Null>	HWY 99 ROW	1.16
<Null>	I-5 ROW	11.37
<Null>	North Phoenix ROW	15.97
<Null>	Oak Crest Way	1.55
<Null>	NORTHRIDGE TERR ROW	2.80
<Null>	Campbell Rd ROW	2.64
<Null>	Railroad ROW	10.03

WHEREAS, the Planning Commission of the City of Phoenix, after providing the required public notification, held a public hearing on July 24, 2023, 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 State law, and, after due deliberation and consideration of the proposed changes, the Planning Commission voted to recommend that the City Council approve the annexation; 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

WHEREAS, the City Council finds and determines that the facts and conclusions in the staff report issued for the Planning Commission’s July 24, 2023 hearing, and the Final

Order of the Planning Commission dated August 2, 2023, on file in the city offices, are true and correct and are hereby adopted as findings of the City Council.

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

Section 1. The City Council declares and proclaims that the territory described in Exhibit “B” and depicted in Exhibit “C” is annexed to the City of Phoenix, removed from the boundaries of Jackson County Fire District No.2 and added to the boundaries of Jackson County Fire District No.5.

Section 2. The zoning of the above-described properties shall be amended from Jackson County zoning designations to generally equivalent City of Phoenix designation consistent with the City’s Comprehensive Plan map as shown in Exhibit “A”.

Section 3. The following properties – 381W03 TL 1600, 381W04 TLs 500, 381W09A TLs 100, 103 & 105 and 381W10 TLs 101 & 103 are assigned the Holding Zone designation per PLDC Chapter 2.11. For these properties, annexation will be effective January 1, 2024 and occur only if the City adopts an exclusive agriculture overlay that allows for the preservation of agricultural uses through zoning prior to that date; and

Section 4. The City Recorder 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 applicable land owner statements 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 5. This application complies with the City’s Comprehensive Plan and ORS Chapter 222.170 attached as Exhibit “D” and incorporated herein by reference.

PASSED AND ADOPTED by the City Council and signed by me in open session in authentication thereof this 21st day of August, 2023.

Terry Baker, Mayor

ATTEST:

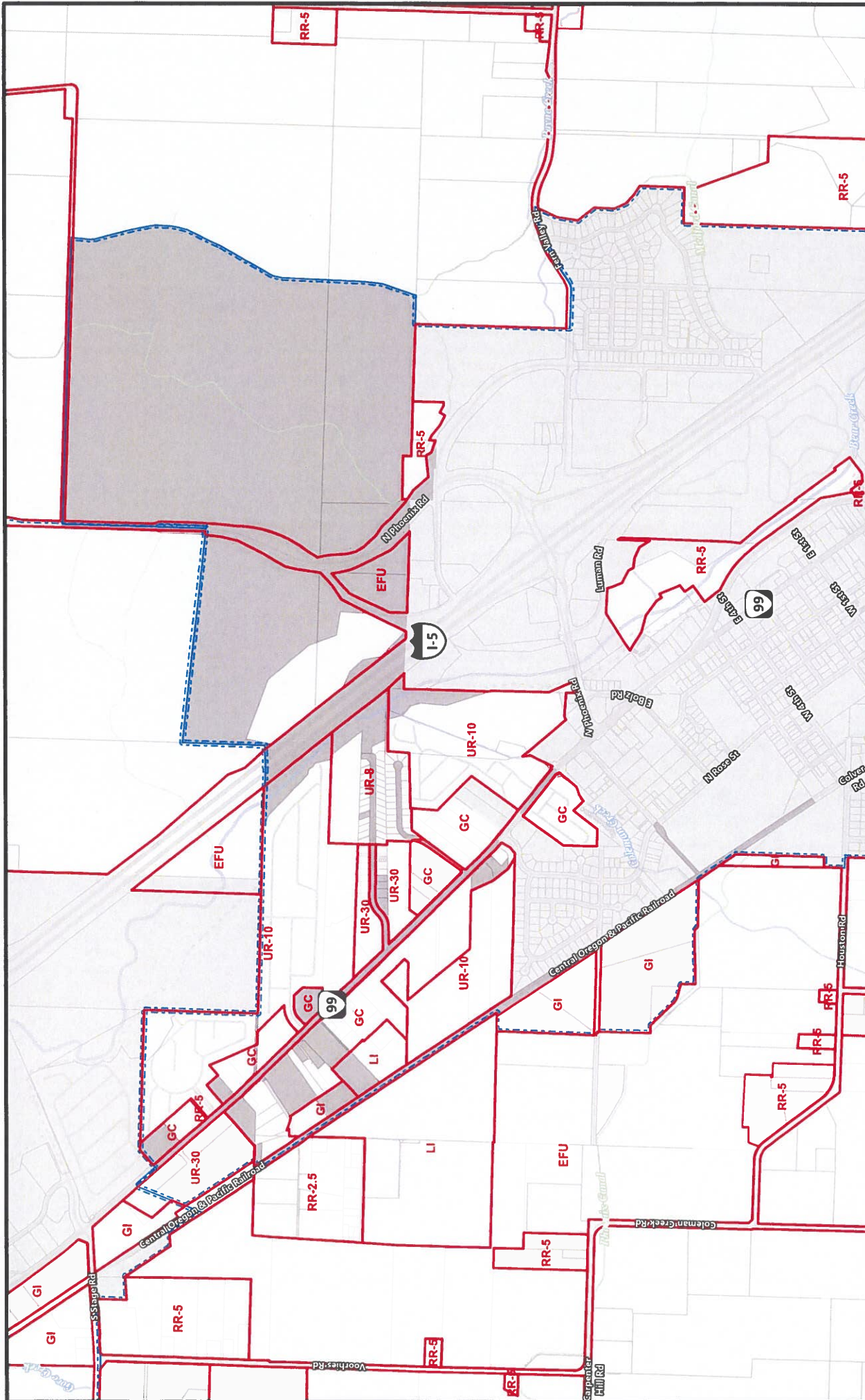
Approved as to form:

Bonnie Pickett, City Recorder

Douglas McGeary, City Attorney

Exhibit "A"

See attached zoning and land use maps, 3 pages total.



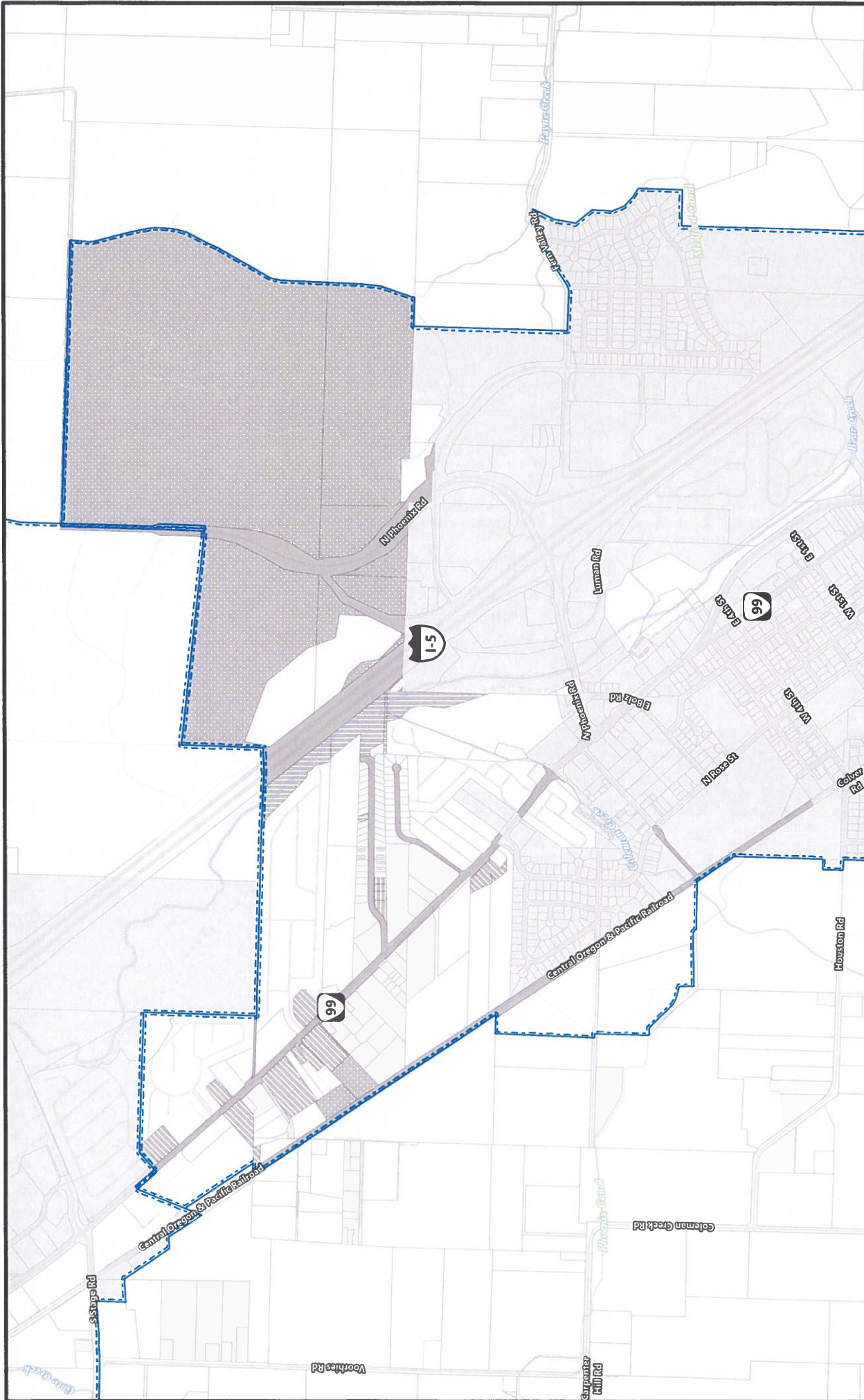
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1 Inch equals 0.25 Miles

The datasets shown on this map are for planning purposes only. The City of Phoenix is not responsible for errors or omissions. Every effort has been made to insure the accuracy of this map. However, there may be inaccuracies due to human or mechanical error or changes in the Land Use District map created by recent land use actions or legislative changes. To verify the zoning designation of a parcel or to report errors, please contact the Planning Department at (541) 535-2050. This product is provided as is, without warranty, in no event is the City of Phoenix liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

Community & Economic Development Department Annexation (File AN23-02), County Zoning Designations

O • R • E • G • O • N

- Urban Growth Boundary
- City Limit
- Annexation Area
- County Zoning Designation



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1 Inch equals 0.25 Miles

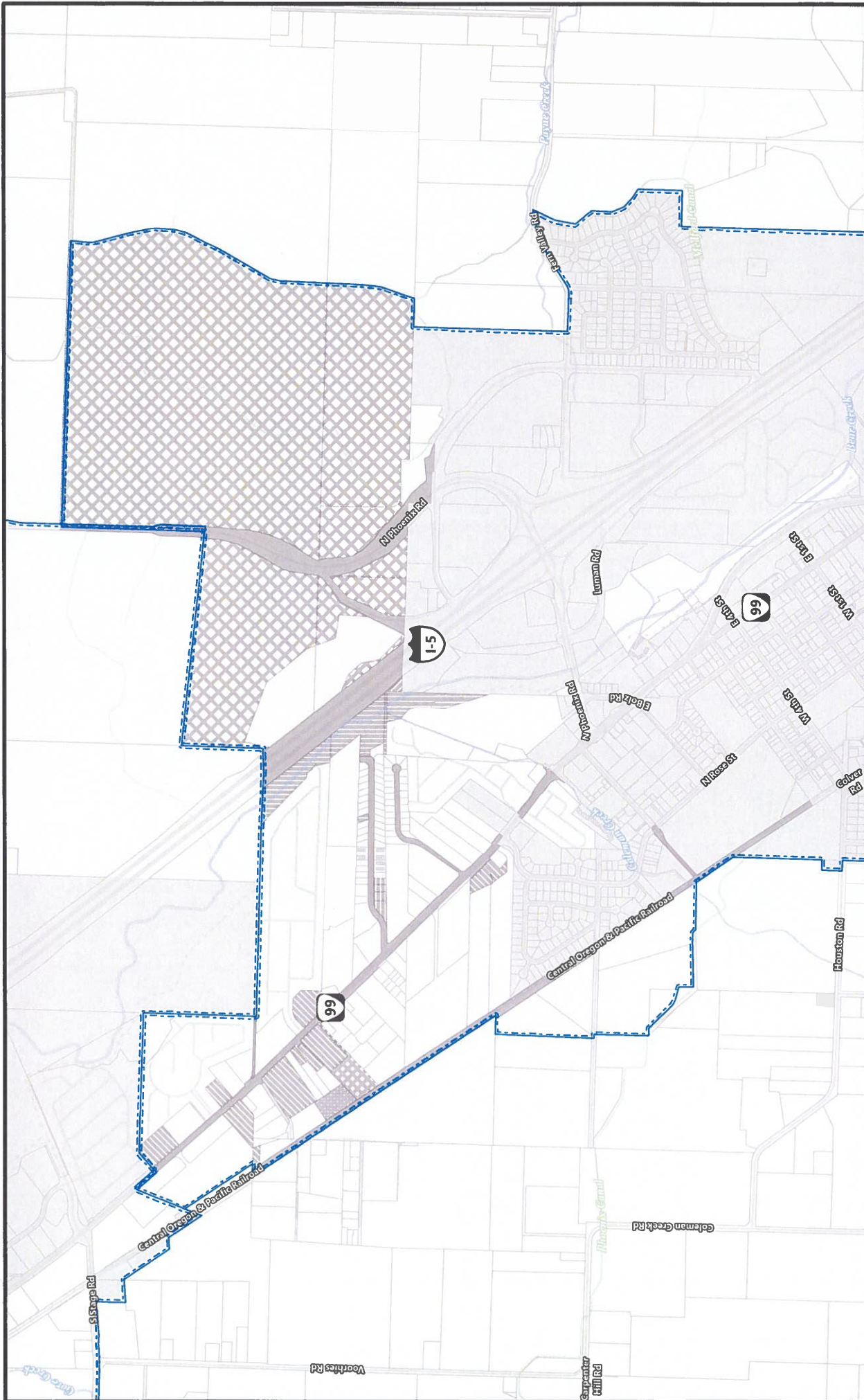
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Community & Economic Development Department Annexation (File AN23-02), City Comprehensive Plan Designations

CITY OF PHOENIX
O • R • E • G • O • N

- Urban Growth Boundary
- City Limit
- Bear Creek Greenway
- Commercial
- Medium Density Residential
- High Density Residential
- Industrial
- Right-of-way



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1 Inch equals 0.25 Miles

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CITY OF PHOENIX
O • R • E • G • O • N

**Community & Economic Development Department
Annexation (File AN23-02), City Land Use Districts**

- Urban Growth Boundary
- City Limit
- Bear Creek Greenway
- Commercial Highway
- Medium Density Residential
- High Density Residential
- Holding Zone
- Right-of-way
- General Industrial
- Light Industrial

Exhibit "B"

Legal Description of Area to be Annexed Effective Immediately

To be provided prior to second reading of the ordinance.

Legal Description of Area to be Annexed Effective January 1, 2024

To be provided prior to second reading of the ordinance.

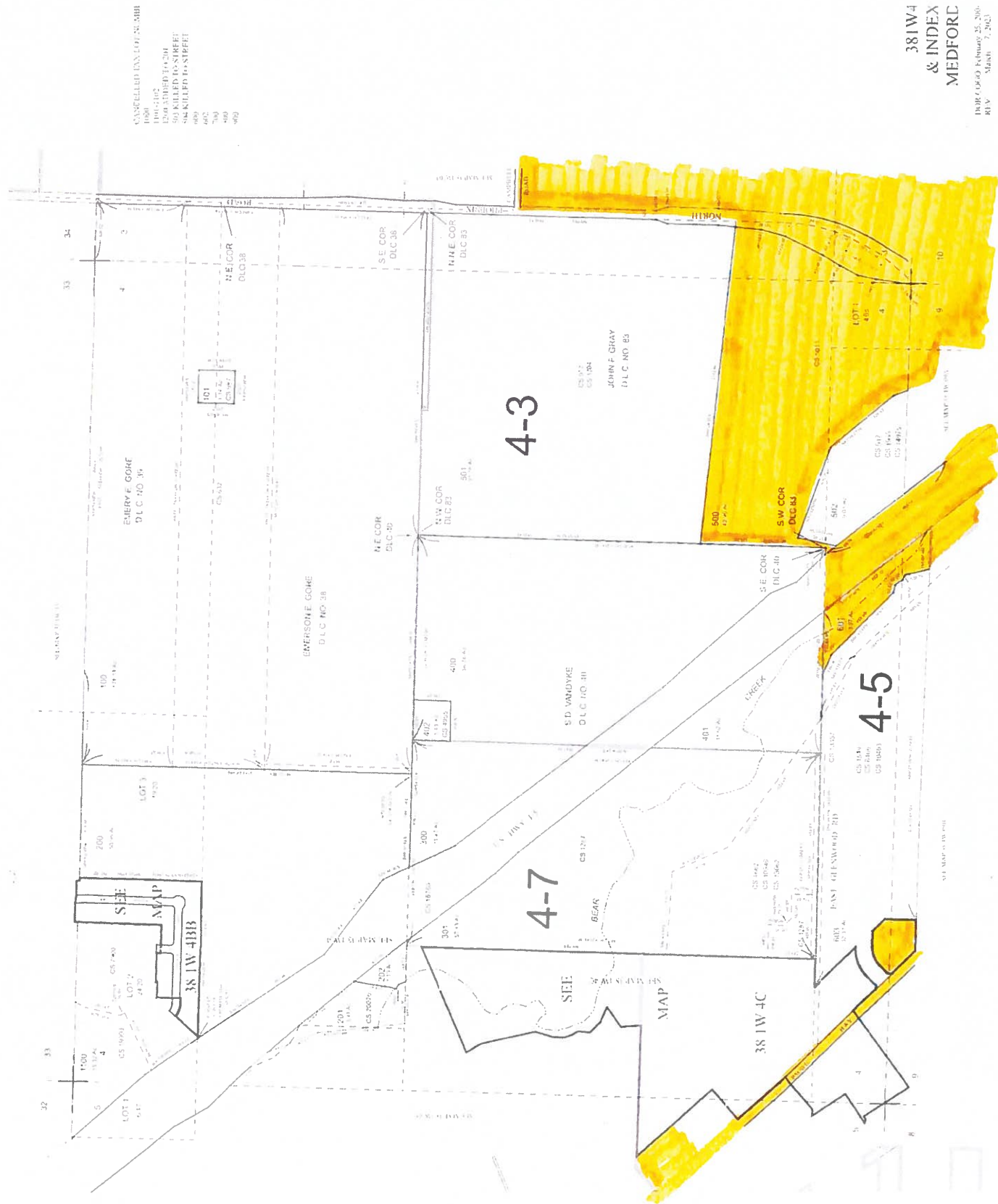
Exhibit "C"

See attached Assessor maps showing area of annexation, 10 pages total.

SECTION 4 T.38S. R.1W. W.M.
JACKSON COUNTY

1" = 400'

381W4
& INDEX
MEDFORD

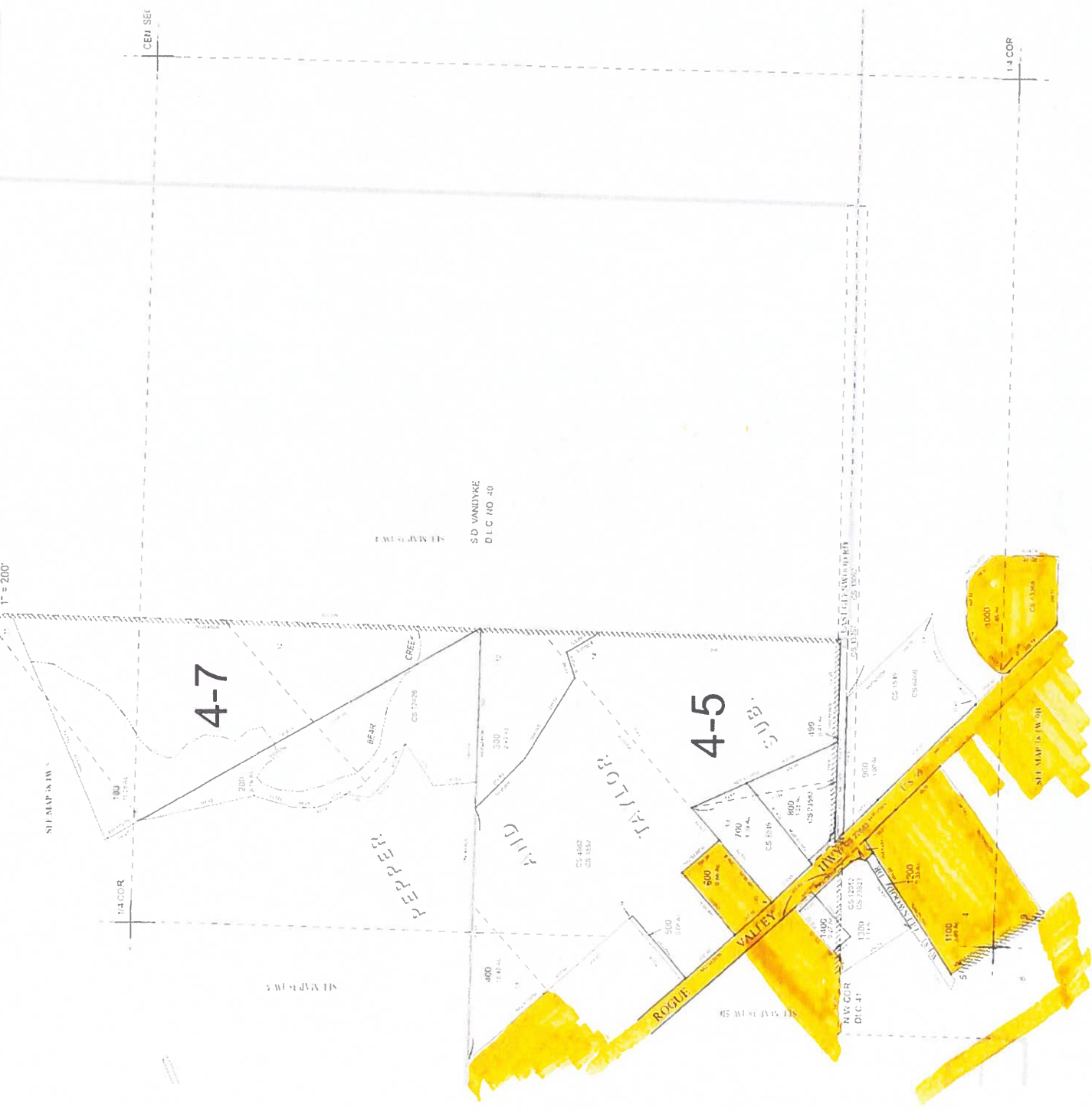


381W4
& INDEX
MEDFORD

OR REG 000 February 25, 2006
REV March 7, 2007

S. W. 1/4 SEC. 4 T. 38S. R. 1W. W.M.
JACKSON COUNTY

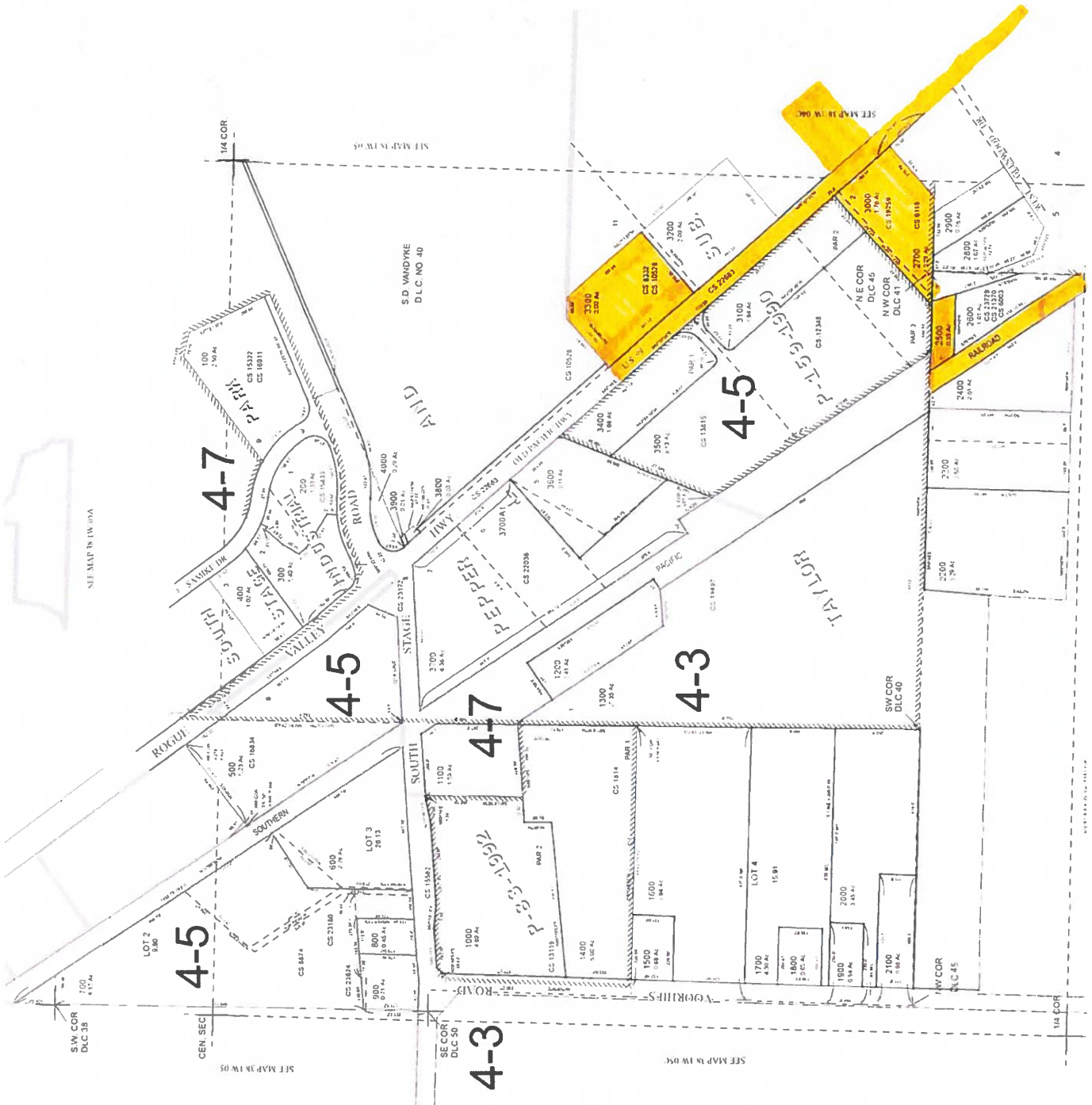
381W4C
MEDFORD



381W4C
MEDFORD

1" = 200'

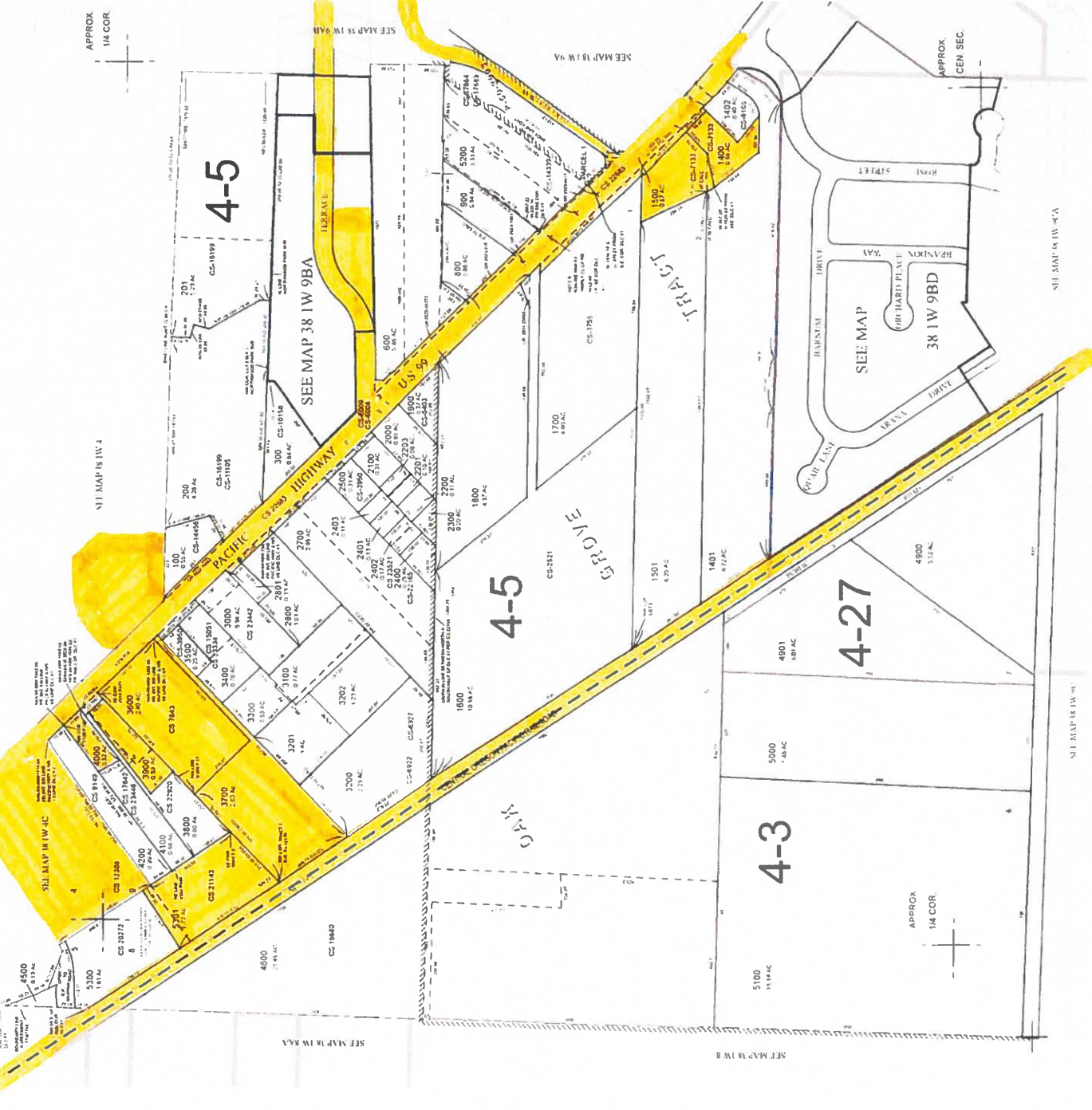
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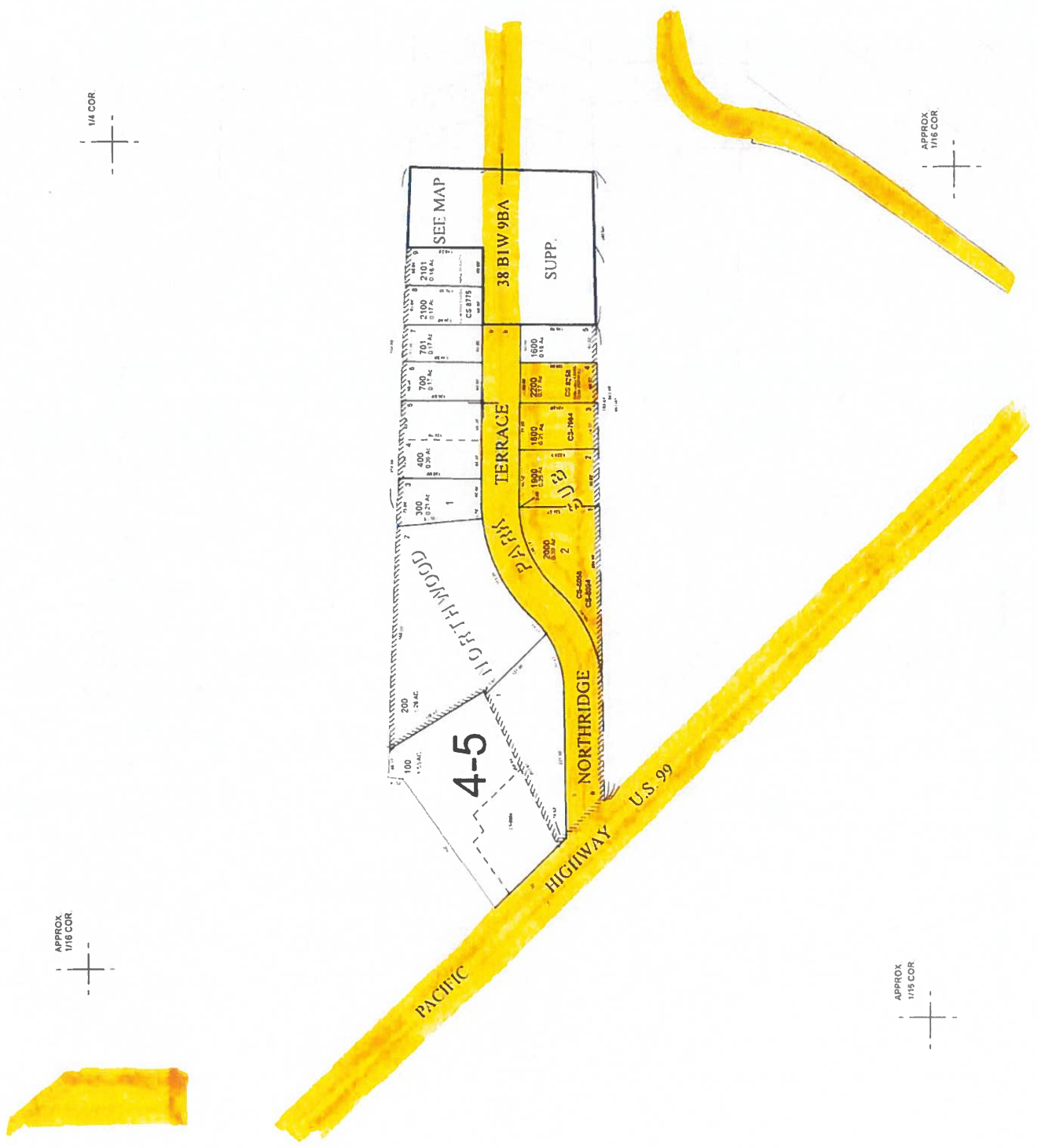
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JACKSON COUNTY
1" = 200'

381W9B
& INDEX
PHOENIX

CANCELLED PLATS OF NUMBERS
1000-1099
1100-1199
1200-1299
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1400-1499
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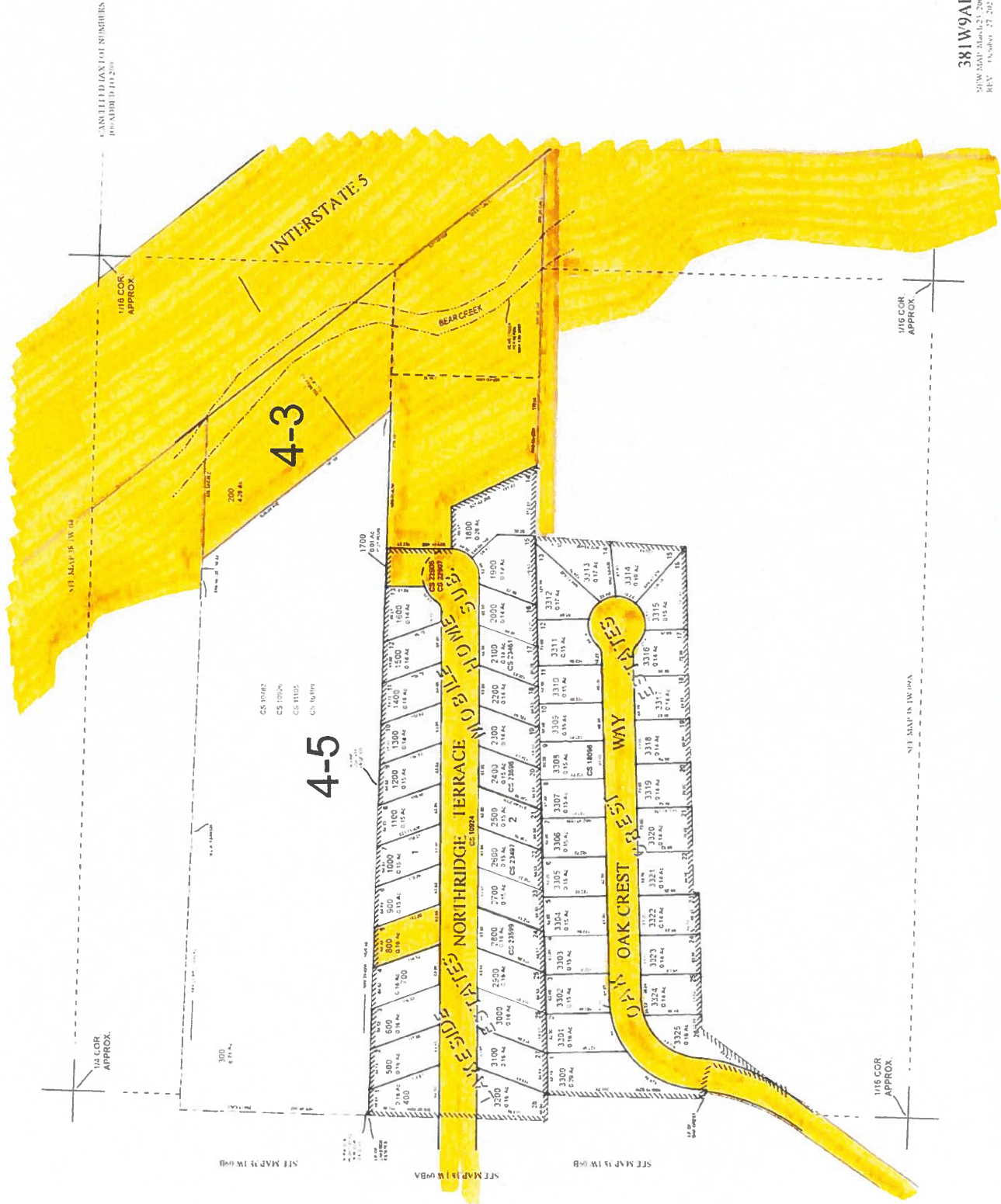
FOR ASSESSMENT AND
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FOR ASSESSMENT AND TAXATION ONLY

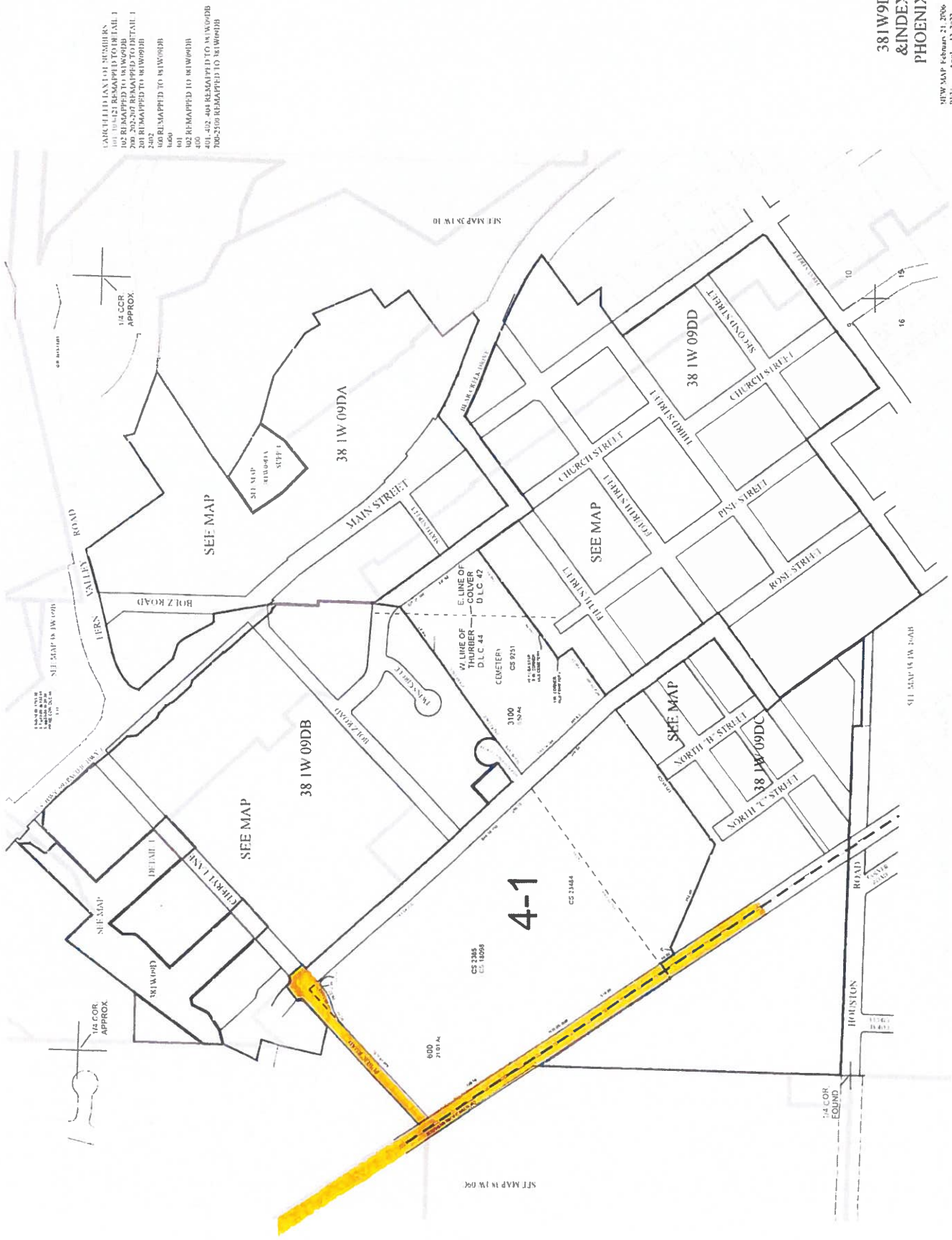
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JACKSON COUNTY
1" = 100'

381W9AB



381W9AB
SFW MAP 18 MAR 21 2005
REV. 10/2001 27 2021

FOR ASSESSMENT AND
TAXATION ONLY



PARCEL IDENTIFICATION NUMBERS
 101-10121 REMAPPED TO 1W09DB
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 103 REMAPPED TO 1W09DB
 200 REMAPPED TO 1W09DB
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 203 REMAPPED TO 1W09DB
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SECTION 10 T.38S. R.1W. W.M.
JACKSON COUNTY



- CANCELLED LOTS LOT 10000 RS
- 102 KILLED TO STREET
- 1022 REMAPPED TO 181W10A
- 1024 - 1004 REMAPPED TO 181W10A
- 2001 REMAPPED TO 181W10C
- 2002 REMAPPED TO 181W10C
- 2003 REMAPPED TO 181W10C
- 2005 ADDED TO 2001
- 2006 REMAPPED TO 181W10C
- 201 REMAPPED TO 181W10A
- 202 REMAPPED TO 181W10A
- 203 REMAPPED TO 181W10A
- 204 REMAPPED TO 181W10A
- 2100 ADDED TO 2000
- 2101 ADDED TO 2001
- 2102 REMAPPED TO 181W10C
- 2103 REMAPPED TO 181W10C
- 2104 KILLED TO STREET
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1008 COMD March 8, 2004
REV May 1, 2021

FOR ASSASSINATED AND
LABORATORY

Exhibit "D"

ORS § 222.170

Annexation by Consent Before Public Hearing or Order for Election

- (1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:
 - (a) The public hearing is held under ORS 222.120 (Procedure for annexation without election), if the city legislative body dispenses with submitting the question to the electors of the city; or
 - (b) The city legislative body orders the annexation election in the city under ORS 222.111 (Authority and procedure for annexation), if the city legislative body submits the question to the electors of the city.
- (4) Real property that is publicly owned, is the right of way for a public utility, telecommunications carrier as defined in ORS 133.721 or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section.[Amended by 1955 c.51 §2; 1961 c.511 §2; 1971 c.673 §1; 1973 c.434 §1; 1983 c.350 §36; 1985 c.702 §11; 1987 c.447 §117; 1987 c.737 §4; 1999 c.1093 §12]

CITY OF PHOENIX LAND USE ELEMENT

Adopted by ORD 1008 Page 24

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.



BEFORE THE PHOENIX PLANNING COMMISSION

STATE OF OREGON, CITY OF PHOENIX

IN THE MATTER OF PLANNING FILE NO. AN23-02, AN ANNEXA-)
TION OF 345 ACRES WITHIN THE CITY'S URBAN GROWTH)
BOUNDARY PURSUANT TO ORS 222.170, REMOVAL OF THE)
AREA FROM JACKSON COUNTY FIRE DISTRICT NO.2 PURSU-) ORDER
ANT TO ORS 222.524 AND ANNEXATION TO JACKSON COUNTY)
FIRE DISTRICT NO.5 PURSUANT TO ORS 198.867(3), THE)
PHOENIX PLANNING COMMISSION FINDS THE FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on July 24, 2023;
2. The Planning Commission asked the Community and Economic Development Director to present a staff report and a final order with findings and recommendations at the July 24, 2023 public hearing;
3. At the public hearing evidence was presented and the public was given an opportunity to comment;
4. The Planning Commission finds that the subject territory is contiguous with the existing city limit, is located within the city's urban growth boundary and meets the annexation requirements of ORS 222;
5. The Planning Commission finds that the application review is consistent with the legislative review requirements of Chapter 4.1.6 of the Phoenix Land Development Code;
6. The Planning Commission finds that more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory have consented in writing to the annexation of their land in the territory and have filed a statement of their consent consistent with ORS 222.170;
7. The Planning Commission finds that the City, having annexed to Jackson County Fire District No.5 through an election consistent with ORS 198.866 and 198.867 in March of 2008, must also annex this territory to JCFD No.5 upon annexation to the City per ORS 198.867(3);
8. The Planning Commission finds that the territory must be removed from Jackson County Fire District No.2 pursuant to ORS 222.524 in tandem with the required annexation to Jackson County Fire District No.5;

NOW THEREFORE, the Phoenix Planning Commission recommends approval of the requested Annexation (AN23-02) application based on applicant's petition request and based on the information presented in the Staff Report and Findings of Fact below:

In the following, any text quoted directly from City codes or State Law appears in italics; staff findings appear in regular typeface.

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.

CHAPTER 4 – APPLICATION AND REVIEW PROCEDURES

Chapter 4.1 – Types of Applications and Review Procedures

4.1.6 – Type IV Procedures (Legislative)

- A. *Pre-Application conference. A pre-application conference is required for all Type IV applications. The requirements and procedures for a pre-application conference are described in Chapter 4.1.7 – General Provisions.*
- B. *Timing of requests. The City Planner shall not review non-City sponsored or State required proposed Type IV actions more than five times annually, based on a City Council Resolution approved schedule for such actions. Legislative requests are not subject to the 120-day review under ORS 227.178.*

FINDING: The applicant submitted the required pre-application conference information and was provided a response detailing the requirements for the submission of an annexation application. The application for annexation is City initiated and City sponsored. **The standard is met.**

- C. *Application requirements*
 - 1. *Application forms. Type IV applications shall be made on forms provided by the Planning Department;*
 - 2. *Submittal Information. The application shall contain:*
 - a. *The information requested on the application form;*
 - b. *A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);*
 - c. *The required fee; and*
 - d. *Findings or a narrative statement that explains how the application satisfies all of the relevant approval criteria and standards.*
 - e. *Mailing labels*

FINDING: The applicant submitted the required application forms and narrative explaining how the application satisfies all of the relevant approval criteria, standards and Oregon Revised Statutes. Mailing labels for the notice were prepared by staff using the city's GIS system. **The standard is met.**

COMPREHENSIVE PLAN

Land Use Element – Goals & Policies

Goal 3: *Manage annexations to achieve the objectives of the Plan by ensuring that the cumulative effects of annexation decisions are considered.*

Policy 3.1

Pursuant to applicable laws of the State of Oregon, the City Council may approve annexations, without referral to the City's electorate, when finding and facts show that development of the property or properties proposed for annexation would be consistent with the Plan and that development on the land proposed for annexation can be served with all urban services and facilities without adverse impacts 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).*

Policy 3.4

All properties annexed to the City shall eventually be improved to City standards including, but not limited to, street improvements, curbs and gutter, lighting, and other improvements included within the City's development standards or as may otherwise be specified by the City Manager and approved by the City Council. If required improvements are not proposed at the time of annexation, then the annexation agreement shall include a non-remonstrance clause specifying that the improvements shall be installed at the time of partitioning, subdivision, development or other time as approved by the Council.

FINDING:

1. There are two distinct areas proposed for annexation through this application: portions of urban reserve area PH-3 and portions of urban reserve area PH-5. The areas will be referred to as PH-3 properties and PH-5 properties, respectively, throughout these findings. The PH-3 properties are served by all urban infrastructure and services. Sanitary sewer service is provided by Rogue Valley Sewer Services, water service is in the process of transitioning from the Charlotte Ann Water District to the City of Phoenix, and all private utility providers for electricity, gas, and communications services are present within the area. Police service will transfer from Jackson County Sherriff to City of Phoenix police and fire/EMS will transfer from Jackson County Fire District No.2 to Jackson County Fire District No.5 upon annexation.

The PH-5 properties are being annexed, in part, to help facilitate the development of urban infrastructure into this area east of I-5. The cities of Medford and Phoenix have been coordinating infrastructure planning with the major property owners and service providers (RVSS, Medford Water, ODOT) within PH-5 and MD-5 in Medford. Some

portions of PH-5 can be served by extending existing infrastructure into development areas, but other portions will require large-scale upgrades to sewer, water and/or transportation infrastructure prior to development. These conditions are understood and recognized by the service providers, the land owners, and the two cities. The annexation of PH-5 is a necessary next step in developing infrastructure into the area.

2. Both the PH-3 properties and the PH-5 properties will benefit by the development of a new water storage reservoir on the east side of PH-5. This reservoir, which is being developed primary to aid in the transition of the Charlotte Ann Water District to the City of Phoenix, was funded by the State of Oregon through HB5006. The construction of this reservoir, along with other improvements to the water system being done as part of the transition, will ensure that there is adequate water system infrastructure in place to serve both existing and planned development within the urban growth boundary. Because PH-3 has been previously developed, the change from an urbanized area in Jackson County to an urbanized area within Phoenix is not expected to materially affect availability for any urban level service. As mentioned above, PH-5 infrastructure will be developed to ensure that adequate capacity is available to the area without effecting capacity in other parts of the system. Provision of the services can be accomplished without adversely affecting existing or future development within the City's current Urban Growth Boundary.
3. Development on the annexed properties must comply with the City's Land Development Code which requires improvements to infrastructure and facilities that meet the City's specifications. This will be reviewed during subdivision and site design/development review.

The standard is met.

Urbanization Element – Goals & Policies

Goal 2: *Ensure efficient urban development patterns that comply with Regional Plan performance indicators.*

Policy 2.1

Neighborhood or Special Area Plans shall be submitted to and approved by the City using a Type IV Land Use decision process, and adopted into the City's Comprehensive Plan as a separate Element, prior to or simultaneously with a request to annex any lands included in the City's UGB that have been designated as Urban Reserve Areas (URA) by the Regional Plan. At minimum, these plans shall demonstrate the following:

1. *Consistency with the arrangement of proposed land uses and urban infrastructure (e.g. transportation network) depicted by applicable Conceptual Land Use and Transportation plans that have been adopted for that particular URA;*
2. *Compliance with applicable Regional Plan performance indicators, especially indicators 3-10.*
3. *Safegaurds against parcelization and land uses which are inconsistent with the purpose of PH-5 as a regional employment center.*
4. *Conformance with all other applicable goals and policies of the City's Comprehensive Plan.*

Policy 2.2

The City shall develop land use regulations that ensure the availability of tracts of land within PH-5 suitable for development by larger, traded-sector employers consistent with the findings and conclusions of the Economic Element, the Local Economic Opportunity Analysis, and the Regional Economic Opportunity Analysis.

In particular, these regulations shall be consistent with the parcelization depicted in Policy 6.1 of the Land Use Element, based on Table 4-3 of the Economic Element. Amendments of its Land Development Code necessary to effectively implement this policy shall be adopted by the City prior annexation of any lands in PH-5.

Policy 2.3

Upon annexation, lands in PH-5 with an employment comprehensive land use plan designation, such as "Industrial", shall receive the new zoning designation outlined in the Restricted Land Uses in PH-5 portion of the Land Use Element, consistent with Regional Plan Performance Indicator 9.

FINDING:

1. These policies apply only to the PH-5 properties, not to the PH-3 properties as PH-3 was previously urbanized and will retain like zoning/development potential upon annexation.
2. As part of the process of amending the urban growth boundary, the City of Phoenix adopted a Land Development Code amendment creating a new Holding Zone specifically for the purpose of annexing PH-5 lands prior to assigning developable zoning to the properties. This was done in recognition of the need to annex the area to facilitate the development of infrastructure into the area.
3. The City is committed to adhering to Urbanization Element policies 2.1-2.3 prior to any of the land being made available for development through zoning. In fact, the City is working with the major land owners in the area to craft zoning language to implement policies 2.2 and 2.3 through the creation of a new Industrial zone, as anticipated by the Urbanization Element. The final language of the new zone, which must be reviewed by the Planning Commission and adopted by the City Council, will help to inform the Neighborhood or Special Area Plan that will be adopted to address policy 2.1.
4. Upon annexation the PH-5 properties will be designated Holding Zone and will not be available for development until Urbanization Element Policies 2.1 – 2.3, along with all applicable provisions of Phoenix Land Development Code Chapter 4.7 have been addressed.
5. The properties are to be annexed now to facilitate the development of infrastructure into the area. The City has been allocated \$4.5 million through SB 5506 for the development of certain critical infrastructure into the area and is currently working with State leaders to receive additional funds to continue this work.

The standard is met.

OREGON REVISES STATUTES

ORS 198

198.867 – Approval of Annexation to District by Electors of City and District

(3) *Upon receipt of the certificate of the city governing body and the district board, the county board shall enter an order annexing the territory included in the city to the district. When the county board enters the order, the city territory, **together with any territory thereafter annexed to the city** (emphasis added):*

- (a) *Shall be included in the boundaries of the district; and*
- (b) *Shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.*

FINDING: The City of Phoenix annexed to Jackson County Fire District No.5 through an election consistent with ORS 198.866 and 198.867, in March of 2008. This action was completed through Measure No. 15-81 for Jackson County Fire District No. 5 and through Measure No. 15-82 for the City of Phoenix. Both measures passed in Phoenix with overwhelming support, with 96% voting yes on Measure 15-81 and 97% voting yes on Measure 15-82. Per ORS 198.867(3) any territory annexed to the City must also be annexed (included) into the boundaries of Jackson county Fire District No.5. To facilitate this transition to Jackson County Fire District No.5, the property must be removed from Jackson County Fire District No.2 boundaries pursuant to ORS 222.524. **The standard is met.**

ORS 222

222.111 – Authority and Procedure for Annexations

1. The land to be annexed is contiguous with the existing political boundaries of the city in question.

FINDING: The subject territory is contiguous with the current Phoenix city boundary. **The standard is met.**

222.170 – Annexation by Consent Before Public Hearing or Order for Election

(1) *The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:*

- (a) *The public hearing is held under ORS 222.120 (Procedure for annexation without election), if the city legislative body dispenses with submitting the question to the electors of the city; or*
- (b) *The city legislative body orders the annexation election in the city under ORS 222.111 (Authority and procedure for annexation), if the city legislative body submits the question to the electors of the city.*

(4) Real property that is publicly owned, is the right of way for a public utility, telecommunications carrier as defined in ORS 133.721 or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section.

FINDING: As summarized in the tables below, the City received signed consent to annex forms from more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all of the real property within the territory proposed for annexation prior to the public hearing held under ORS 222.120. **The standard is met.**

Consent Received

Property	Owner	Area	Assessed Value
381W04C1100	YOUNGLAND DEVELOPMENT LLC	3.91	\$476,190
381W09B4000	MIRMIR LLC	0.31	\$119,890
381W09B1400	DVM ENTERPRISES LLC	0.58	\$213,540
381W05D3300	HAWK JEFFREY E/LORA A	2.00	\$305,920
381W09B1500	BATTY DAVID W	0.85	\$207,490
381W09B3900	THOMAS DAREN L TRUSTEE ET AL	0.57	\$105,700
381W09BA2200	DURAN ESTEBAN GONZALEZ	0.18	\$71,680
381W09BA1800	DURAN ESTEBAN GONZALEZ	0.21	\$85,490
381W09BA1900	DURAN ESTEBAN GONZALEZ	0.26	\$86,410
381W09BA2000	DURAN ESTEBAN GONZALEZ	0.40	\$91,270
381W04500	ARROWHEAD RANCH HOLDING COMPA	42.89	\$10,456
381W031600	ARROWHEAD RANCH HOLDING COMPA	161.39	\$137,251
381W09A100	ARROWHEAD RANCH HOLDING COMPA	3.07	\$1,604
381W10100	ARROWHEAD RANCH HOLDING COMPA	42.55	\$23,601
381W10101	ARROWHEAD RANCH HOLDING COMPA	6.97	\$2,278
381W09A105	ARROWHEAD RANCH HOLDING COMPA	1.01	\$653
381W09A103	ARROWHEAD RANCH HOLDING COMPA	4.64	\$740
381W10103	ARROWHEAD RANCH HOLDING COMPA	2.60	\$606
Total	Number of owners = 8	274.39	\$1,940,769

No Consent Received

Property	Owner	Area	Value
381W05D2500	KEENE DAVID P ET AL	0.33	\$54,480
381W05D3000	DICOPA INC.	1.76	\$307,120
Total	Number of owners = 2	2.09	\$361,600

Exempt per ORS 222.170(4)

Property	Owner	Area	Assessed Value
381W09A102	JACKSON COUNTY	0.28	\$0
381W04C1000	MIRMIR LLC	1.85	\$0
381W04C600	DVM ENTERPRISES LLC	0.86	\$0
381W04601	JACKSON COUNTY	4.07	\$0
381W09A809	JACKSON COUNTY	0.14	\$0
381W09A810	JACKSON COUNTY	3.11	\$0
381W09A1890	JACKSON COUNTY	0.35	\$0
381W09AB200	JACKSON COUNTY	4.09	\$0
381W09AB1700	JACKSON COUNTY	0.00	\$0
<Null>	Cheryl Lane ROW	0.72	\$0
<Null>	HWY 99 ROW	8.11	\$0
<Null>	HWY 99 ROW	1.16	\$0
<Null>	I-5 ROW	11.37	\$0
<Null>	North Phoenix ROW	15.97	\$0
<Null>	Oak Crest Way	1.55	\$0
<Null>	NORTHRIDGE TERR ROW	2.80	\$0
<Null>	E Glenwood ROW	0.35	\$0
<Null>	Campbell Rd ROW	2.64	\$0
<Null>	Railroad ROW	10.03	\$0
Total	Number of owners = 5	69.45	\$0

URBAN GROWTH BOUNDARY AGREEMENT

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.*
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.*

FINDING: The subject property is located within the officially adopted Urban Growth Boundary. The city has notified the county of the proposed annexation and received comments which have been incorporated into the record.

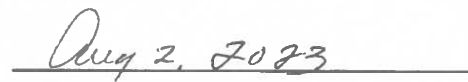
The PH-3 properties are served by all urban infrastructure and services. Sanitary sewer service is provided by Rogue Valley Sewer Services, water service is in the process of transitioning from the Charlotte Ann Water District to the City of Phoenix, and all private utility providers for electricity, gas, and communications services are present within the area. Police service will transfer from Jackson County Sherriff to City of Phoenix police

and fire/EMS will transfer from Jackson County Fire District No.2 to Jackson County Fire District No.5 upon annexation.

The PH-5 properties are being annexed, in part, to help facilitate the development of urban infrastructure into this area east of I-5. The cities of Medford and Phoenix have been coordinating infrastructure planning with the major property owners and service providers (RVSS, Medford Water, ODOT) within PH-5 and MD-5 in Medford. Some portions of PH-5 can be served by extending existing infrastructure into development areas, but other portions will require large-scale upgrades to sewer, water and/or transportation infrastructure prior to development. These conditions are understood and recognized by the service providers, the land owners, and the two cities. The annexation of PH-5 is a necessary next step in developing infrastructure into the area. **The standard is met.**



Larry Dickson
Planning Commission Chair

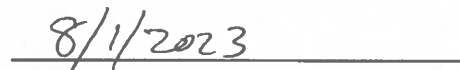


Date

ATTEST



Joe Slaughter,
Community & Economic
Development Director



Date

ANNEXATION APPLICATION – TYPE IV

IRREVOCABLE CONSENT TO ANNEX

The undersigned hereby agree (s) that the consent to annexation of the property described as:
Map and Tax Lot:

Address: 38-1W-03-1600', -04-500', -09A-100, -103, -105, -10-100, -101, -103
2909 NORTH PHOENIX RD

is irrevocable and shall be binding upon our heirs, successors, and assigns forever, being a covenant running with the land. The one-year period prescribed by ORS 222.173 is hereby waived.

DATED this 20th day of JULY, 2023.

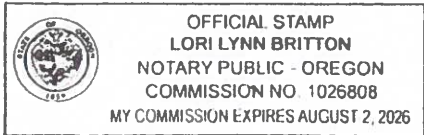
Michael T. Mahar
By Randall D. Jones

His Attorney in Fact

STATE OF OREGON)
) ss
County of Jackson)

On this 20 day of July, 2023, personally appeared
Randall Jones

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.



Lori J. Britton

Notary Public for Oregon
My Commission expires 8-2-2026

Filed with the City of Phoenix this 21ST day of JULY, 2023.

[Signature]

Planning Director or Designee

ANNEXATION APPLICATION – TYPE IV

IRREVOCABLE CONSENT TO ANNEX

The undersigned hereby agree (s) that the consent to annexation of the property described as:

Map and Tax Lot: 38 1W 05D TAXLOT 3300

Address: 3411 S. PACIFIC HWY
MEDFORD, OR 97501

is irrevocable and shall be binding upon our heirs, successors, and assigns forever, being a covenant running with the land. The one-year period prescribed by ORS 222.173 is hereby waived.

DATED this 1st day of JUNE, 2023.

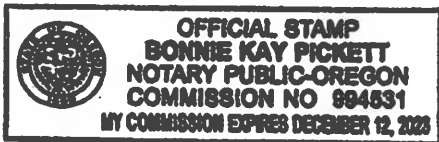
Jeff E. Hawk

Lora A Hawk

STATE OF OREGON)
) ss
County of Jackson)

On this 01 day of June, 2023, personally appeared

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.



Bonnie Kay Pickett

Notary Public for Oregon

My Commission expires 12.12.23

Filed with the City of Phoenix this 1st day of June, 2023.

[Signature]
Planning Director or Designee

ANNEXATION APPLICATION – TYPE IV

IRREVOCABLE CONSENT TO ANNE:

The undersigned hereby agree (s) that the consent to annexation of the property described as:

Map and Tax Lot:

Address:

381W09B 1500
3932 SOUTH PACIFIC HWY

is irrevocable and shall be binding upon our heirs, successors, and assigns forever, being a covenant running with the land. The one-year period prescribed by ORS 222.173 is hereby waived.

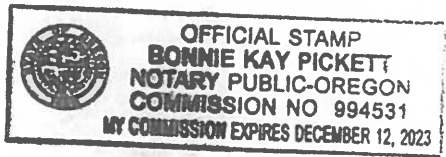
DATED this 10 day of May, 2023.

[Handwritten signature]

STATE OF OREGON |
 |SS
County of Jackson |

On this 10 day of May, 2023, personally appeared

who, being duly sworn did acknowledge the foregoing instrument to be his/hers/their voluntary act and deed.



Bonnie Kay Pickett
Notary Public for Oregon
My Commission expires 12-12-23

Filed with the City of Phoenix this 10 day of May, 2023.

[Handwritten signature]
Planning Director or Designee

ANNEXATION APPLICATION – TYPE IV

IRREVOCABLE CONSENT TO ANNEX

The undersigned hereby agree (s) that the consent to annexation of the property described as:

Map and Tax Lot: **38-1W-09B-3600, 38-1W-09B-3700, 38-1W-09B-5301**

Address: 3558 SOUTH PACIFIC HWY, 3566 SOUTH PACIFIC HWY, 117 W GLENWOOD RD

is irrevocable and shall be binding upon our heirs, successors, and assigns forever, being a covenant running with the land. The one-year period prescribed by ORS 222.173 is hereby waived.

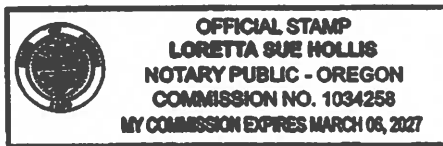
DATED this 2 day of Aug, 2023.

Arthur Larry Lamensdorf, Jr.

STATE OF OREGON)
) ss
County of Jackson)

On this 2nd day of August, 2023, personally appeared

Arthur Larry Lamensdorf, Jr.
who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.



Loretta Sue Hollis

Notary Public for Oregon
My Commission expires March 6, 2027

Filed with the City of Phoenix this 2ND day of AUGUST, 2023.

[Signature]

Planning Director or Designee

Jeff Wilcox

From: HOROWITZ Micah <Micah.HOROWITZ@odot.oregon.gov> on behalf of ODOT Region 3 Development Review <R3DevRev@odot.oregon.gov>
Sent: Friday, July 7, 2023 8:28 AM
To: Joe Slaughter
Cc: 'Zac Moody'; 'Jeff Wilcox'
Subject: RE: AN23-02 City-Initiated annexation within the Phoenix UGB
Attachments: image001.jpg

Hi Joe - that all sounds great, thank you for passing along this info!

Micah

From: Joe Slaughter <joe.slaughter@phoenixoregon.gov>
Sent: Friday, July 7, 2023 8:19 AM
To: ODOT Region 3 Development Review <R3DevRev@odot.oregon.gov>
Cc: 'Zac Moody' <zac.moody@phoenixoregon.gov>; 'Jeff Wilcox' <jeff.wilcox@phoenixoregon.gov>
Subject: RE: AN23-02 City-Initiated annexation within the Phoenix UGB

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Micah,

Being currently zoned EFU, the PH-5 properties will be assigned the Holding Zone designation per PLDC chapter 2.11 (page 103).

2.11.1 – Purpose. The primary purpose of this zoning district is to provide a zoning designation for properties annexed to the City that have not yet been tested for facility adequacy to allow development of urban level densities and intensities. Properties will receive the City zoning designation which most closely matches existing Jackson County zoning upon annexation. Where no generally equivalent zoning exists (e.g., Exclusive Farm Use (EFU) properties), properties will be assigned the Holding Zone designation upon annexation unless a concurrent application for Land Use District Map Amendment (zone change), meeting the standards of Chapter 4.7, is submitted and approved.

2.11.2 – Permitted Uses. Properties in this zoning district are allowed one dwelling unit meeting the development standards of the R-1 zone and one accessory dwelling.

2.11.3 – Land Division Prohibited. Except for portions of existing lots or parcels that have received zoning by meeting the standards of Chapter 4.7, no new parcels or lots may be created in the Holding Zone. This section does not preclude the adjustment of existing property lines.

https://www.phoenixoregon.gov/sites/default/files/fileattachments/community_amp_economic_development/page/13606/phoenix_land_development_code_ord_1027_eff_5-31-2023.pdf

The City of Phoenix was allocated \$4,500,000 for “South Valley Employment Center” in SB 5506 in the recently completed legislative session (page 71, lines 8 & 9

<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/ProposedAmendment/25455>) This money is meant to be used to develop infrastructure into the portion of PH-5 located between I-5 and North Phoenix Road. The annexation is needed to begin this work. However, we recognize that the process of zoning the land for development, including required TPR findings, will be required prior to the land being available for urban development.

I will be sure to send you the staff report and findings as soon as I have them prepared. Please let me know if you have any other questions.

Thanks,

Community & Economic Development Director

Office: 541.535.2050, ext. 316

Cell: 541.951.1971

joe.slaughter@phoenixoregon.gov



From: Zac Moody <zac.moody@phoenixoregon.gov>

Sent: Friday, July 7, 2023 6:38 AM

To: 'ODOT Region 3 Development Review' <r3devrev@odot.oregon.gov>; 'Jeff Wilcox' <jeff.wilcox@phoenixoregon.gov>

Cc: 'Joe Slaughter' <joe.slaughter@phoenixoregon.gov>

Subject: RE: AN23-02 City-Initiated annexation within the Phoenix UGB

Hi Micah,

No zone changes are proposed as part of this request. When the land is brought into the city limits, it will retain a comparable city zoning. For example, if the land is currently zoned General Commercial in the County, it will be zoned Highway Commercial in the City and the same for residential. Lands zoned with a UR county designation will be zoned High Density Residential.

Findings and a staff report will be available in next few day to go along with the map. If you have more questions about the annexation, please don't hesitate contacting Joe or myself directly.

Thanks,

Zac

Zac Moody

Planning Manager

City of Phoenix

220 N. Main St. (P.O. Box 330)

Phoenix, OR 97535

541-535-2050 Ext: 313

zac.moody@phoenixoregon.gov



From: HOROWITZ Micah <Micah.HOROWITZ@odot.oregon.gov> On Behalf Of ODOT Region 3 Development Review

Sent: Thursday, July 6, 2023 4:41 PM

To: Jeff Wilcox <jeff.wilcox@phoenixoregon.gov>

Cc: Joe Slaughter <joe.slaughter@phoenixoregon.gov>; Zac Moody <zac.moody@phoenixoregon.gov>

Subject: RE: AN23-02 City-Initiated annexation within the Phoenix UGB

Hi Jeff, I checked the website but couldn't find much more info in addition to the map. Could you describe in more detail what zoning you will be seeking for PH-5?

Best regards,
Micah

Micah Horowitz, AICP | Senior Transportation Planner
ODOT Region 3 | Southwest Oregon (Coos, Curry, Douglas, Jackson & Josephine Counties)
c: 541.603.8431 | e: micah.horowitz@odot.oregon.gov

From: Jeff Wilcox <jeff.wilcox@phoenixoregon.gov>

Sent: Friday, June 30, 2023 4:44 PM

To: zuktj@jacksoncounty.org; chad.murders@ecso911.com; 'Jeff Ballard' <jballard@rh2.com>; Matias Mendez <Matias.Mendez@phoenixoregon.gov>; 'David Meads' <meads@jcf5.com>; marci.mahpari@pacificorp.com; 'Lisa Howell: Postmaster' <lisa.l.howell@usps.gov>; 'Brent Barry' <brent.barry@phoenix.k12.or.us>; 'Nick Bakke' <nbakke@rvss-or.gov>; p.townsend@rvtd.org; Ryan MacLaren *ODOT <Rmaclaren@rvcog.org>; HOROWITZ Micah <Micah.HOROWITZ@odot.oregon.gov>

Cc: Joe Slaughter <joe.slaughter@phoenixoregon.gov>; Zac Moody <Zac.Moody@phoenixoregon.gov>

Subject: AN23-02 City-Initiated annexation within the Phoenix UGB

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

City of Phoenix is initiating annexation of ~345 acres of land within the City Urban Growth Boundary.

The Land Use File (with a map) can be found [here](#).

Please provide any comments you have by July 10th, so that feedback (if any) may be incorporated into Staff Findings.

Thank you!

Jeff Wilcox
Associate Planner
City of Phoenix
541-535-2050 Ext 318
220 N Main St
Phoenix, OR 97535



ROGUE VALLEY
SEWER SERVICES
CLEAN WATER · HEALTHY COMMUNITIES

July 6, 2023

**City of Phoenix Community &
Economic Development Dept.
PO Box 330
Phoenix, OR 97535**

ATTN: Jeff

Re: AN23-02, North Phoenix UGB

West of I-5:

Sewer service is generally available throughout this area via existing sewer mains which have adequate capacity to service the proposed expansion.

East of I-5:

Sewer service for the majority of this area is generally unavailable without substantial sewer infrastructure improvements. The southern portion of the annexation area naturally drains south to the existing sewer system near Grove Road which crosses Interstate 5 and Bear Creek north of Grove Road.

Arrowhead Ranch tax lots 1600 & 500 generally drain to the northwest. Sewer connection for these lots will require sewer collection system infrastructure and a new pump station, new bore across I-5 & Bear Creek, or very deep trench excavations to drain to the existing sewer system at Grove Road.

Any new infrastructure must be accompanied by a sewer study showing the system is sized for the entire up stream contributing sewer shed. All future development must comply with RVSS sewer and stormwater management standards.

Sincerely,

Nicholas R. Bakke, PE
District Engineer

Jeff Wilcox

From: David Meads <Meads@JCFD5.com>
Sent: Friday, June 30, 2023 5:33 PM
To: Jeff Wilcox
Subject: Re: AN23-02 City-Initiated annexation within the Phoenix UGB
Attachments: Outlook-5et2g4su.jpg

Fire District 5 has no comment regarding AN23-02.

Thank you,

Captain Dave Meads
Jackson County Fire District 5
5811 S. Pacific Highway
Phoenix, Oregon 97535
541 535 4222



From: Jeff Wilcox <jeff.wilcox@phoenixoregon.gov>
Sent: Friday, June 30, 2023 4:44 PM
To: zuktj@jacksoncounty.org <zuktj@jacksoncounty.org>; chad.murders@ecso911.com <chad.murders@ecso911.com>; 'Jeff Ballard' <jballard@rh2.com>; Matias Mendez <Matias.Mendez@phoenixoregon.gov>; David Meads <Meads@JCFD5.com>; marci.mahpari@pacificcorp.com <marci.mahpari@pacificcorp.com>; 'Lisa Howell: Postmaster' <lisa.l.howell@usps.gov>; 'Brent Barry' <brent.barry@phoenix.k12.or.us>; 'Nick Bakke' <nbakke@rvss-or.gov>; p.townsend@rvtd.org <p.townsend@rvtd.org>; 'Ryan MacLaren' <rmaclaren@rvcog.org>; micah.horowitz@odot.oregon.gov <micah.horowitz@odot.oregon.gov>
Cc: Joe Slaughter <joe.slaughter@phoenixoregon.gov>; Zac Moody <Zac.Moody@phoenixoregon.gov>
Subject: AN23-02 City-Initiated annexation within the Phoenix UGB

Local Agencies,

City of Phoenix is initiating annexation of ~345 acres of land within the City Urban Growth Boundary.

The Land Use File (with a map) can be found [here](#).

Please provide any comments you have by July 10th, so that feedback (if any) may be incorporated into Staff Findings.
Thank you!

Jeff Wilcox
Associate Planner
City of Phoenix
541-535-2050 Ext 318
220 N Main St
Phoenix, OR 97535



JACKSON COUNTY

Roads

Roads
Engineering

Nancy Coates
Construction Manager

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6261
Fax: (541) 774-6295
CoatesN@jacksoncounty.org

www.jacksoncounty.org

July 5, 2023

Jeff Wilcox
City of Phoenix Planning
City of Phoenix
PO Box 330
Phoenix, OR 97535

RE: City of Phoenix is considering a city-initiated annexation of 345 acres within the City's Urban Growth Boundary pursuant to ORS 222.170, removal of the area from Jackson County Fire District No. 2 pursuant to ORS 222.524 and annexation to Jackson County Fire District No. 5 pursuant to ORS 198.867(3).
Planning File: AN23-02

Dear Jeff:

Thank you for the opportunity to comment on the request for a city-initiated annexation. Jackson County Roads has the following comments:

1. As provided in the Urban Reserve Management Agreement (URMA) between City and County, please expand the annexation to include the North Phoenix Road, Kirt Road, Colver Road, Oak Crest Way and Northridge Terrace right-of-ways. Then, following the proposed annexation, City is required to request jurisdiction of these County Roads within proposed UGB. As provided in the URMA, the request for jurisdiction shall conform to ORS 373.270, except that conditions and compensation allowed by ORS 373.270(6) are not allowed.
2. Without a jurisdictional transfer of North Phoenix Road, Kirt Road, Colver Road, Oak Crest Way and Northridge Terrace to the City of Phoenix, Jackson County will require the following:
 - a. Development will require traffic impact studies to be reviewed and approved by the County. These studies shall address the safety aspects of new or altered road approaches to North Phoenix Road, Kirt Road, Colver Road, Oak Crest Way and Northridge Terrace and impacts to North Phoenix Road, Kirt Road, Colver Road, Oak Crest Way and Northridge Terrace including stopping sight distance, traffic queuing, storage lengths, need for dedicated turn lanes or a median turn lane, and impacts to the North Phoenix Road, Kirt Road, Colver Road, Oak Crest Way and Northridge Terrace intersections and the any new road intersections. The study shall also address impacts to Private Roads

servicing the new subdivisions or other lessor order public roads if access is provided to these facilities. Mitigation measures for each identified issue should be provided and will be reviewed and approved by Jackson County.

- b. As provided in the URMA, storm drain management within the annexed areas (including road right-of-way) become the responsibility of the City upon annexation.
3. Any new or improved roads inside the proposed Urban Grow Boundary or expanded Urban Growth Boundary shall be permitted, inspected and become the sole jurisdiction of the City of Phoenix.
4. We would like to be notified of future development proposals, as county permits may be required.

If you have any questions or need further information feel free to call me at 774-6261.

Sincerely,

A handwritten signature in blue ink that reads "Nancy Coates". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Nancy Coates
Construction Manager



JACKSON COUNTY

Oregon

Development Services

Ted Zuk
Director / Building Official

10 S Oakdale Ave, Rm 100
Medford, OR 97501
Phone: 541-774-6921
Fax: 541-774-6948
zukjt@jacksoncounty.org

July 14, 2023

City of Phoenix
Community & Economic Development Department
PO Box 330
Phoenix, OR 97535

RE: Jackson County Development Services Comments for city-initiated annexation within the Urban Growth Boundary File #AN23-02

Director Slaughter:

Please find Development Services comments as requested for the City initiated annexation, AN23-02

1. A Property Line Adjustment application (PLA) file # 439-22-00082-SUB was submitted to the County to modify tax lots 38-1w-03-1600 & 38-1w-10-100 to coincide with the new Urban Growth Boundary (UGB) line. Although the application has been approved, the application is not perfected. The perfected property line adjustment will provide definitive surveyed lines indicating precisely where the new UGB line is located. Prior to annexation of these properties the PLA must be perfected.
2. The future north/south collector street right of way (80') along the west boundary of the remaining portion of PH-5 must be included in the annexation as deliberated during the UGB expansion process.
3. Concurrence with respect to the Jackson County Roads Comment letter on this annexation dated July 5th, 2023 is referenced as part of Jackson County Development Services comments.
4. At time of these comments, the City's staff report for this annexation was not received nor is it posted on the City website. Therefore, a number of details of the proposal are unknown to the County. Prior to this proposal, it was the County's understanding that the annexation process would include the Charlotte Ann Water District and PH-3 properties. The Water District was also understood as a reason provided for on the City of Phoenix Annexation 2023 webpage for the City to initiate the annexation. County is respectfully requesting more specific details and / or staff report for review regarding the proposed annexation.

We appreciate the opportunity and thank you for the request to provide comments.

Best regards,

Ted Zuk, Jackson County Development Services Director



Agenda Report to Mayor and Council

Agenda item title: First Reading by Title Only of Ordinance No. 1034 – An Ordinance Accepting Dedication of Right-of-Way in the City of Phoenix

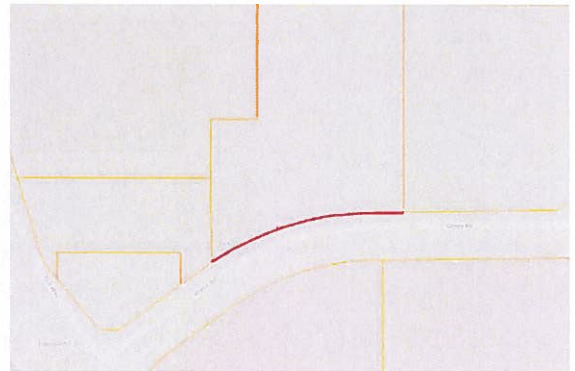
Meeting Date: August 7, 2023

From: Zac Moody, Planning Manager

Action: ___ Motion, **X** Ordinance, ___ Resolution, ___ Information only, ___ Other

SUMMARY

This request is for the acceptance of right-of-way dedication as described on the attached Affidavit of Consent.



BACKGROUND AND DISCUSSION

Pursuant to the Phoenix Land Development Code (PLDC), Chapter 3.5.2(A)(2) and the conditions of approval outlined in the Planning Commission Final Order for Conditional Use Permit File CU23-01, the developer of the property is required to dedicate the right-of-way necessary to construct a planter strip and sidewalk. Currently, the right-of-way adjacent to Grove Road does not have sufficient width to accommodate the required facilities. The dedication of the additional 2.5 feet of right-of-way and expansion of the 10-foot Public Utility Easement will allow the planter strip and sidewalk adjacent to this development to properly align with the recent construction of street facilities to the west adjacent to Garrison's Home.

COUNCIL GOALS SUPPORTED

Goal 8: Collaborate with local businesses and regional partners to promote growth and economic development

FISCAL IMPACT

There is no direct fiscal impact to the city should the request be approved because the right-of-way is currently developed to collector standards. Upon dedication of this right-of-way, the property owner will be able to properly construct the necessary planter strip and sidewalk required as a condition of approval of their Conditional Use Permit (CU23-01).

RECOMMENDATION

Staff recommends approval of the ordinance.

PROPOSED MOTION

"I move approval for first reading, by title only, Ordinance 1034, an ordinance of the City of Phoenix accepting the right-of-way dedication shown on Exhibit A of the ordinance".

ATTACHMENTS:

- Ordinance No. 1034

CITY OF PHOENIX, OREGON

ORDINANCE NO. 1034

**AN ORDINANCE ACCEPTING DEDICATION OF RIGHT OF WAY AND A PUBLIC
UTILITY EASEMENT IN THE CITY OF PHOENIX**

RECITALS:

WHEREAS, the City of Phoenix, Jackson County, Oregon, has received a consent to dedicate right-of-way and public utility easement adjacent to the property identified below:

Parcel 2, Partition Plat P-18-2023 and recorded as filed survey number
23822 in the Clerk's Office, Jackson County, Oregon.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Phoenix, Jackson County, Oregon acting pursuant to the authority granted by its Charter that the property identified in the Affidavit of Consent is hereby dedicated.

1. The City Manager is hereby authorized to execute all documents necessary to carry out the intent of this Ordinance.

PASSED AND ADOPTED by the City Council and signed by me in authentication of thereof on this 21st day of August 2023.

Terry Baker, Mayor

ATTEST:

Bonnie Pickett, City Recorder

AFFIDAVIT OF CONSENT

FOR DEDICATION OF PUBLIC RIGHT OF WAY AND PUE

KNOWN BY ALL MEN BY THESE PRESENTS, that Medford Acres, LLC, an Oregon limited liability company, as Owner of Parcel 2, Partition Plat P-18-2023 and recorded as filed survey number 23882 in the office of the Jackson County Surveyor, do hereby consent to the dedication of that land described in the attached Exhibit A, for use as public right of way and public utility easement to the City of Phoenix, Oregon.

SEE ATTACHED "EXHIBIT A"

_____.

Thomas Thomsen, Manager, Medford Acres, LLC, an Oregon limited liability company

State of Oregon)

) SS

County of Jackson)

Before me, A Notary Public, in and for the state of Oregon on the _____ day of _____ 2023, personally appeared Thomas Thomsen, Manager, Medford Acres, LLC, an Oregon limited liability company and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Signature _____.

Notary Public - Oregon _____.

Commission No. _____.

My Commission Expires _____.

Exhibit A

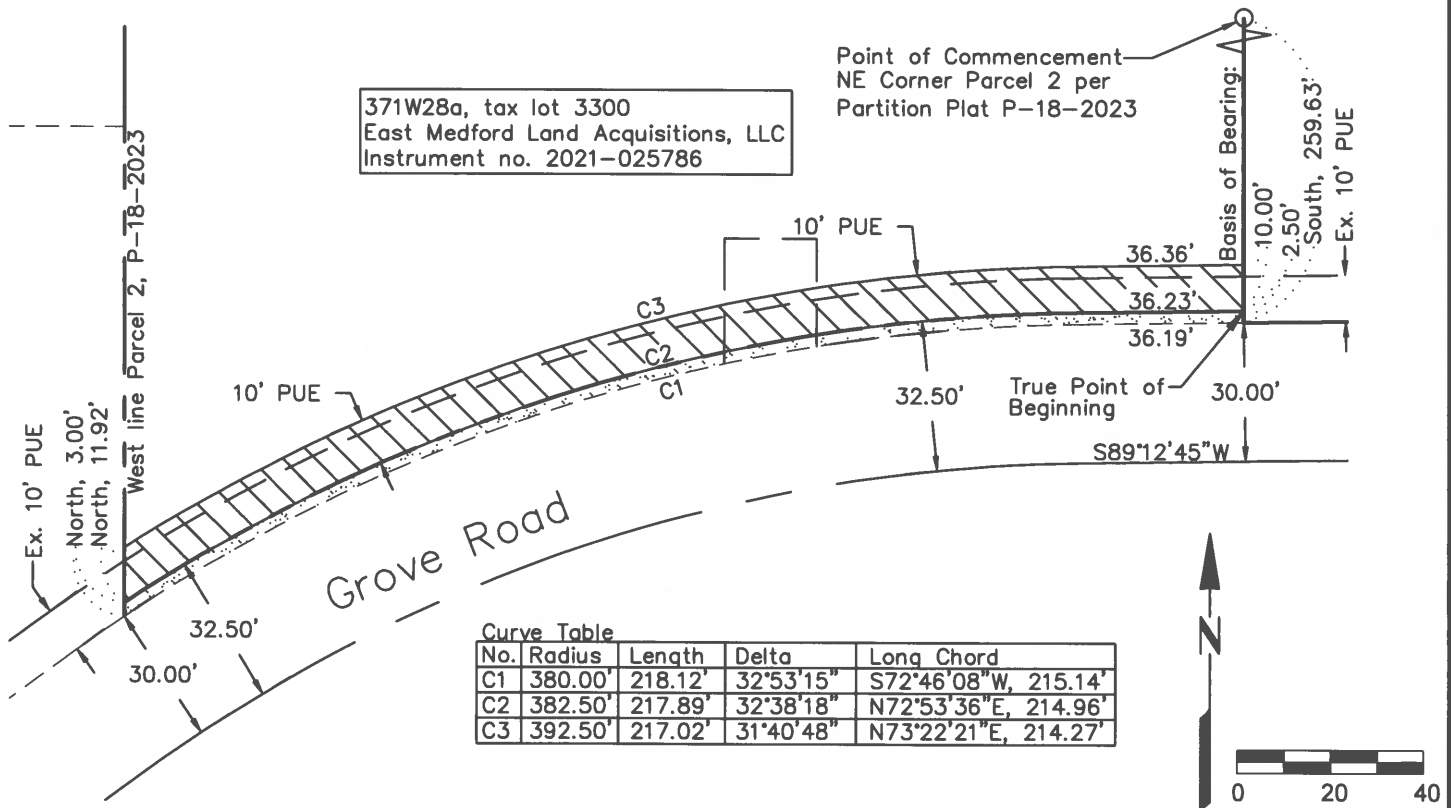
Located at: NW¼ Section 10, Township 38 South, Range 1 West, W.M.,
City of Phoenix, Jackson County, Oregon

Right of Way Parcel: A parcel of land located in the NW quarter Section 10, Township 38 South, Range 1 West, W.M., City of Phoenix, Jackson County, Oregon and more particularly described thus:

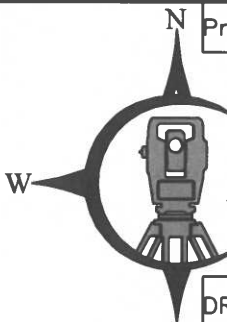
Commencing at the northeast corner of Parcel 2, Partition Plat P-18-2023 of the records of partition plats in Jackson County, Oregon; thence South, along East line of said Parcel 2, 259.63 feet said point also being on the north line of Grove Road; thence North along said east line, 2.50 feet to the **True Point of Beginning**; thence South 89°12'45" West, 36.23 feet; thence along the arc of a 382.50 foot radius curve to the left (the long chord of which bears S72°53'36"W, 214.96 feet) 217.89 feet, to a point on the west line of said Parcel 2; thence South, along the west line of said Parcel 2, 3.00 feet to a point on the north line of said Grove Road; thence along the arc of a 380.00 foot radius curve to the right (the long chord of which bears N72°46'08"E, 215.14 feet) 218.12 feet; thence North 89°12'45" East, 36.19 feet to the sw corner of said Parcel 2; thence North, along the said east line, 2.50 feet to the point of beginning.

Public Utility Easement Parcel: A parcel of land located in the NW quarter Section 10, Township 38 South, Range 1 West, W.M., City of Phoenix, Jackson County, Oregon and more particularly described thus:

Commencing at the northeast corner of Parcel 2, Partition Plat P-18-2023 of the records of partition plats in Jackson County, Oregon; thence South, along East line of said Parcel 2, 259.63 feet said point also being on the north line of Grove Road; thence North, along said east line 2.50 feet to the **True Point of Beginning**; thence South 89°12'45" West, 36.23 feet; thence along the arc of a 382.50 foot radius curve to the left (the long chord of which bears S72°53'36"W, 214.96 feet) 217.89 feet; to a point on the said west line of Parcel 2; thence North along the west line of said Parcel 2, 11.92 feet; thence along the arc of a 392.50 foot radius curve to the right (the long chord of which bears N73°22'21"E, 214.27 feet) 217.02 feet; thence North 89°12'45" East, 36.36 feet to a point on the east line of said Parcel 2; thence South, along the east line of said Parcel 2, 10.00 feet to the point of beginning.



Project: **Right of Way Dedication**



Pariani Land Surveying

PHONE: (541) 890-1131 EMAIL: JOHN@PARIANILS.COM

DRAWN BY: **JRP**

HORZ SCALE: 1" = 40'

DATE: **July 19, 2023**

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

John R. Pariani

OREGON
July 13, 1999

JOHN R. PARIANI
#51382

Renews: **December 31, 2022**