



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, **X 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 July XXX, 2023