



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:

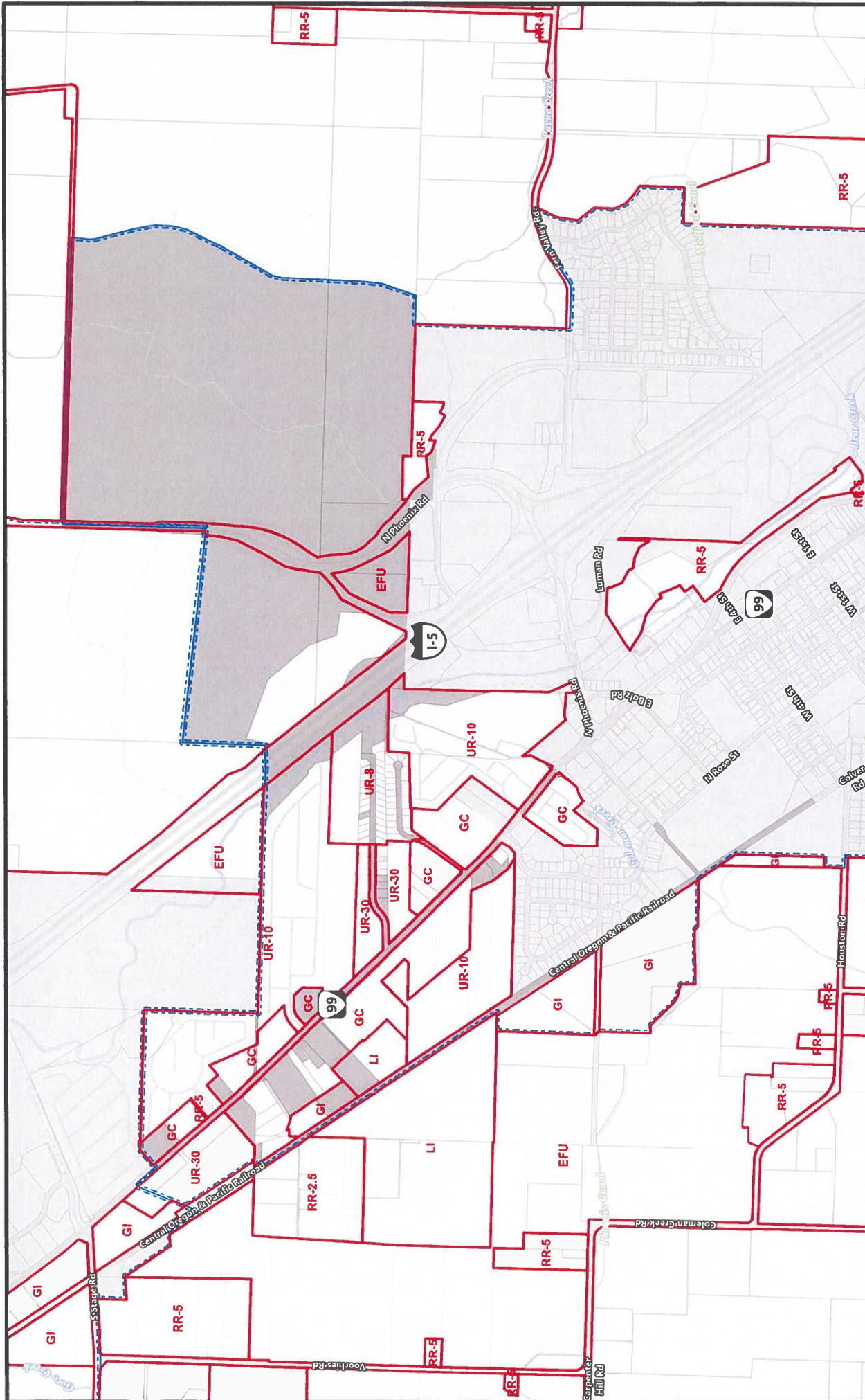
Approved as to form:

Bonnie Pickett, City Recorder

Douglas McGeary, City Attorney

Exhibit "A"

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



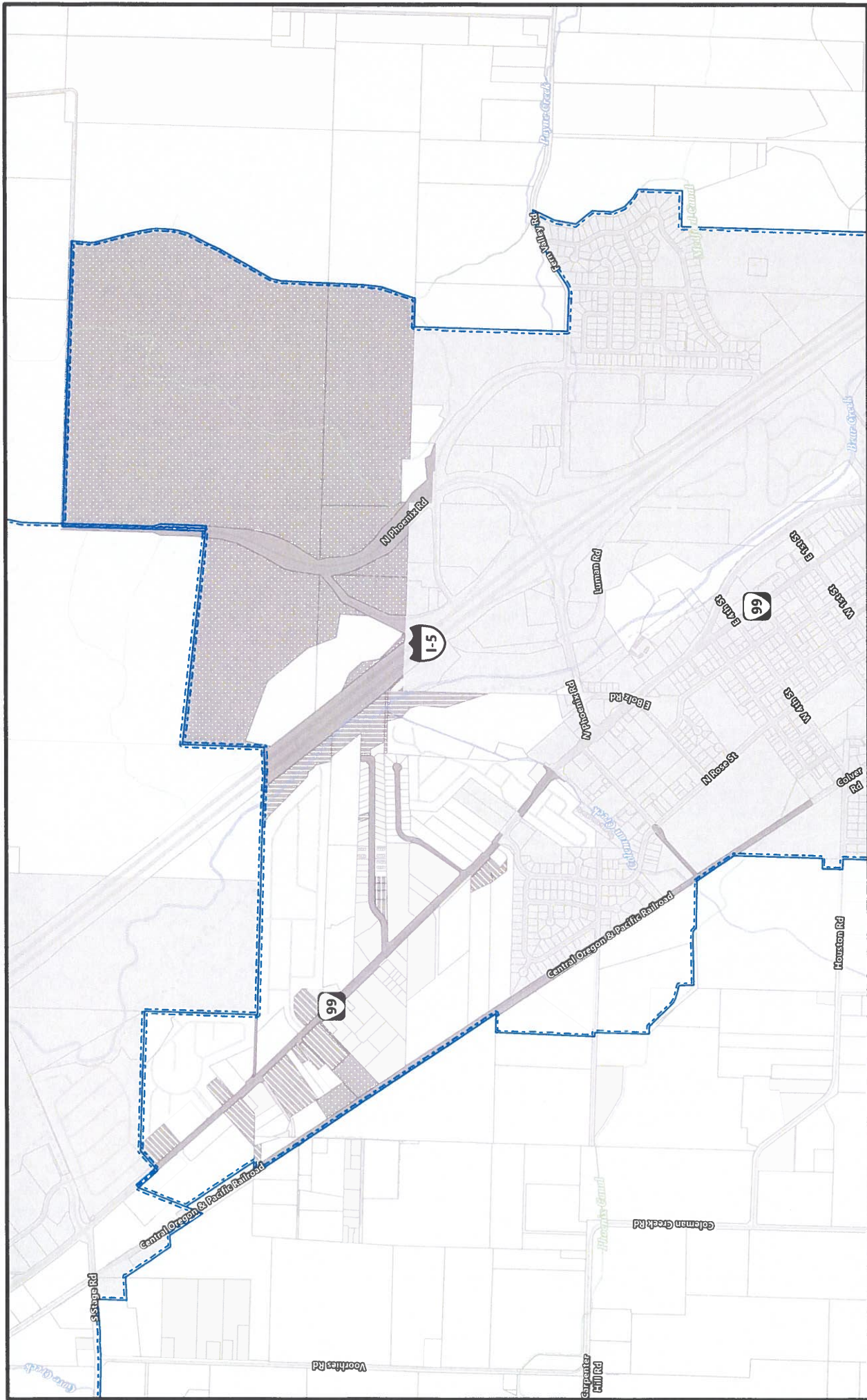
0 0.13 0.25 Miles
1 Inch equals 0.25 Miles

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.

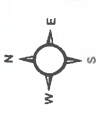
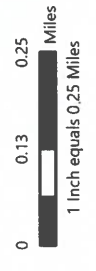
Community & Economic Development Department Annexation (File AN23-02), County Zoning Designations

O • R • E • G • O • N

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








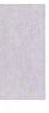


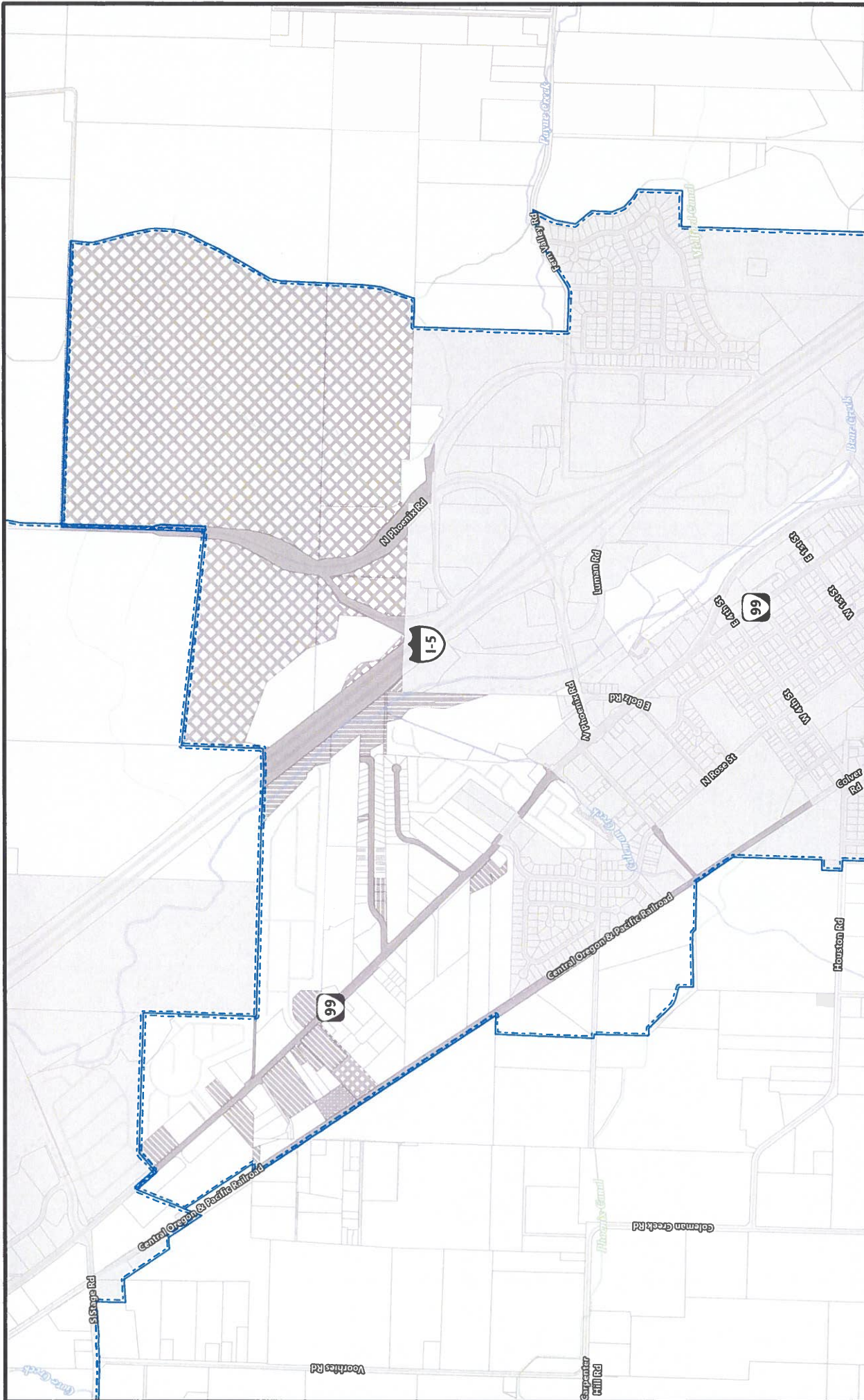
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Community & Economic Development Department Annexation (File AN23-02), City Comprehensive Plan Designations



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



0 0.13 0.25 Miles
1 Inch equals 0.25 Miles

N
W E
S

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.

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 3 T.38S. R.1W. W.M.
JACKSON COUNTY
1" = 400'

381W3



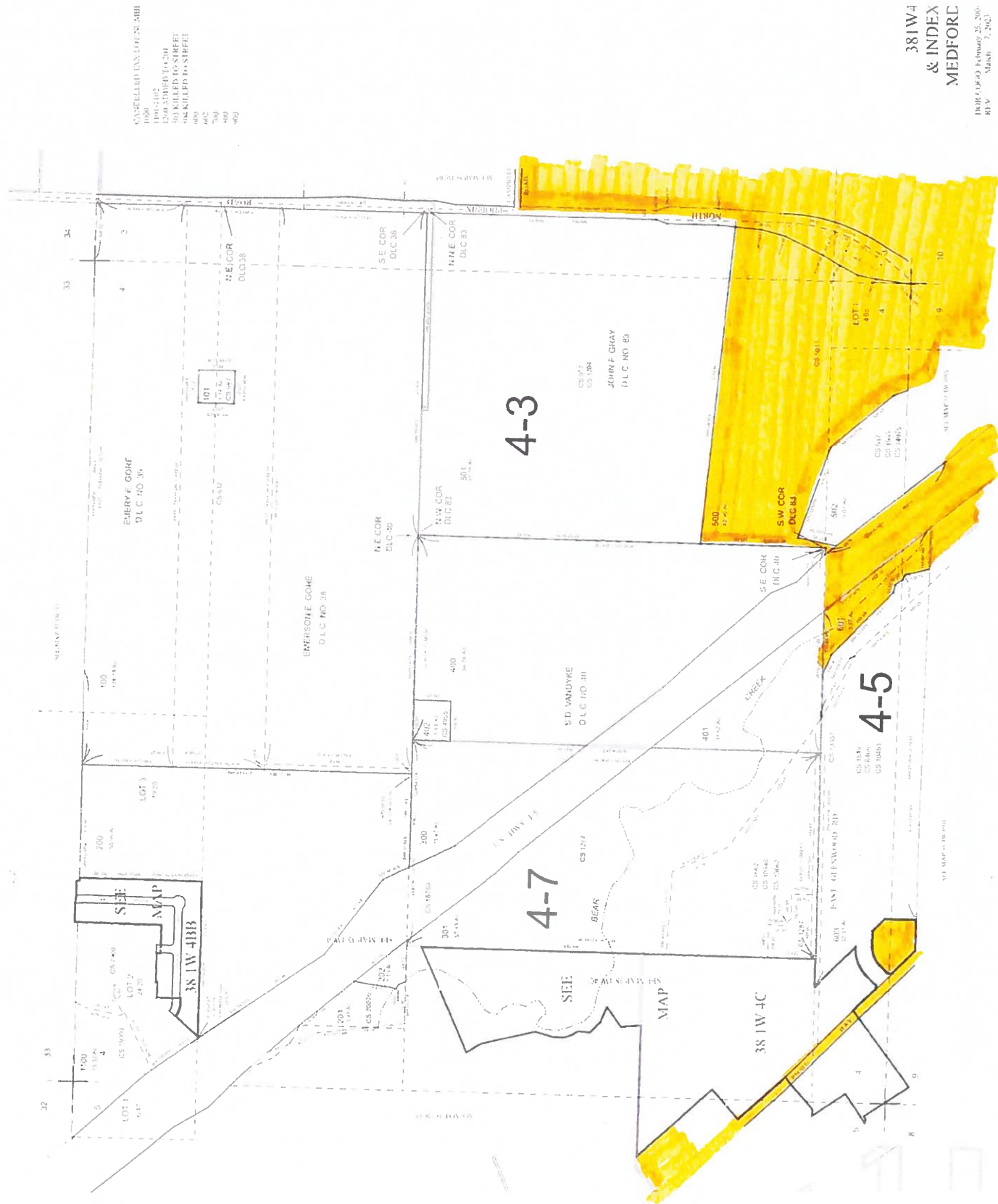
CARROLL COUNTY DEPT. OF SURVEYORS
1000 MILLER TO 1000
1000 ADDED TO 1000
1000 ADDED TO 1000
1000 ADDED TO 1000
1000 ADDED TO 1000
1000 ADDED TO 1000
1000 ADDED TO 1000
1000 ADDED TO 1000

381W3
DORCKO February 24, 2024
REV May 4, 2023

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

1" = 400'

381W4
& INDEX
MEDFORD



CONVEYED BY LOT IN 1881
 1000 1882
 1200 1883 TO 201
 500 KILLED TO STREET
 504 KILLED TO STREET
 600
 602
 700
 702
 800
 802
 900
 902

381W4
& INDEX
MEDFORD

1882
1883
1884
1885
1886
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1900

4-5

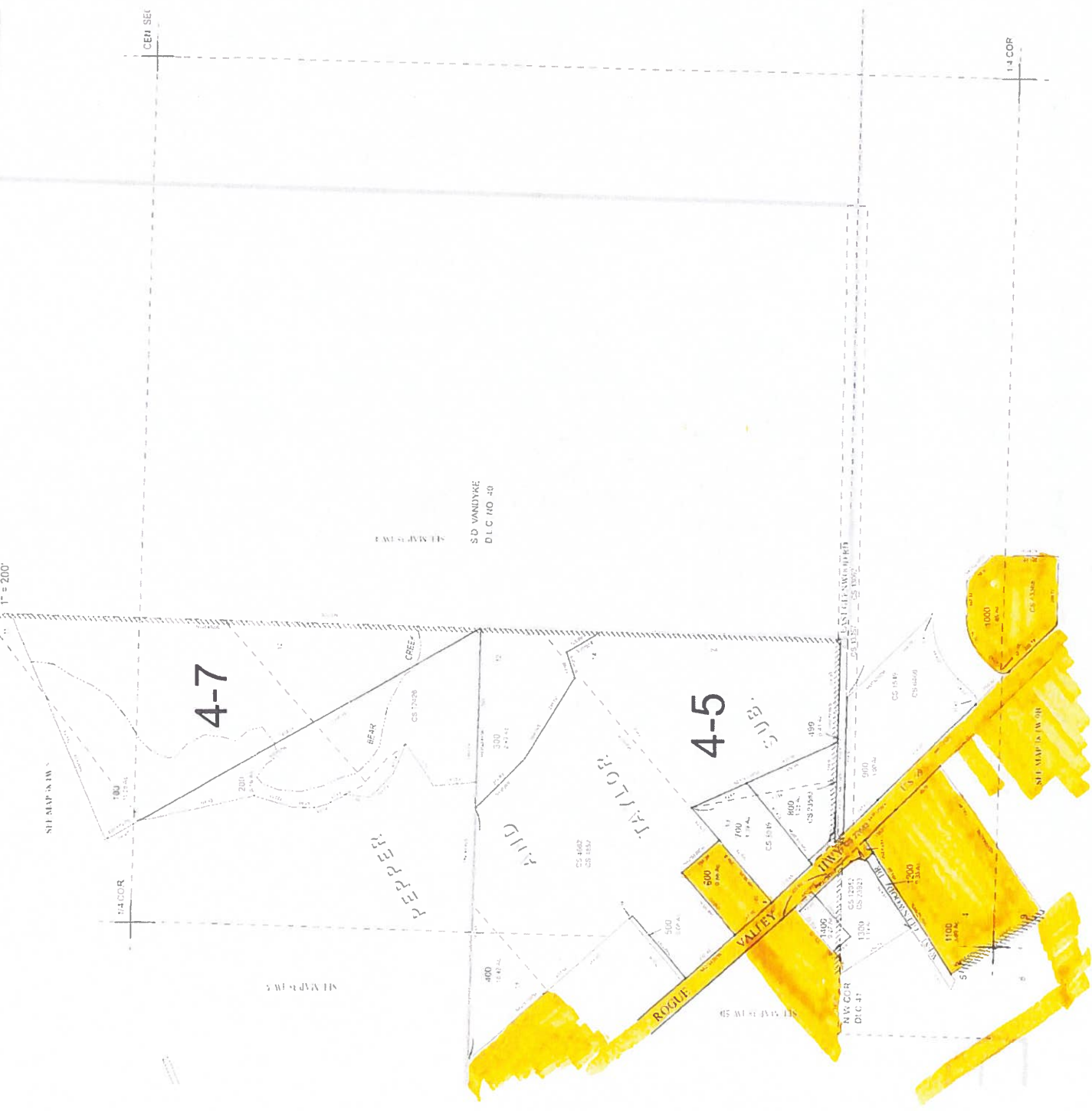
4-3

4-7

38 1W 4C

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

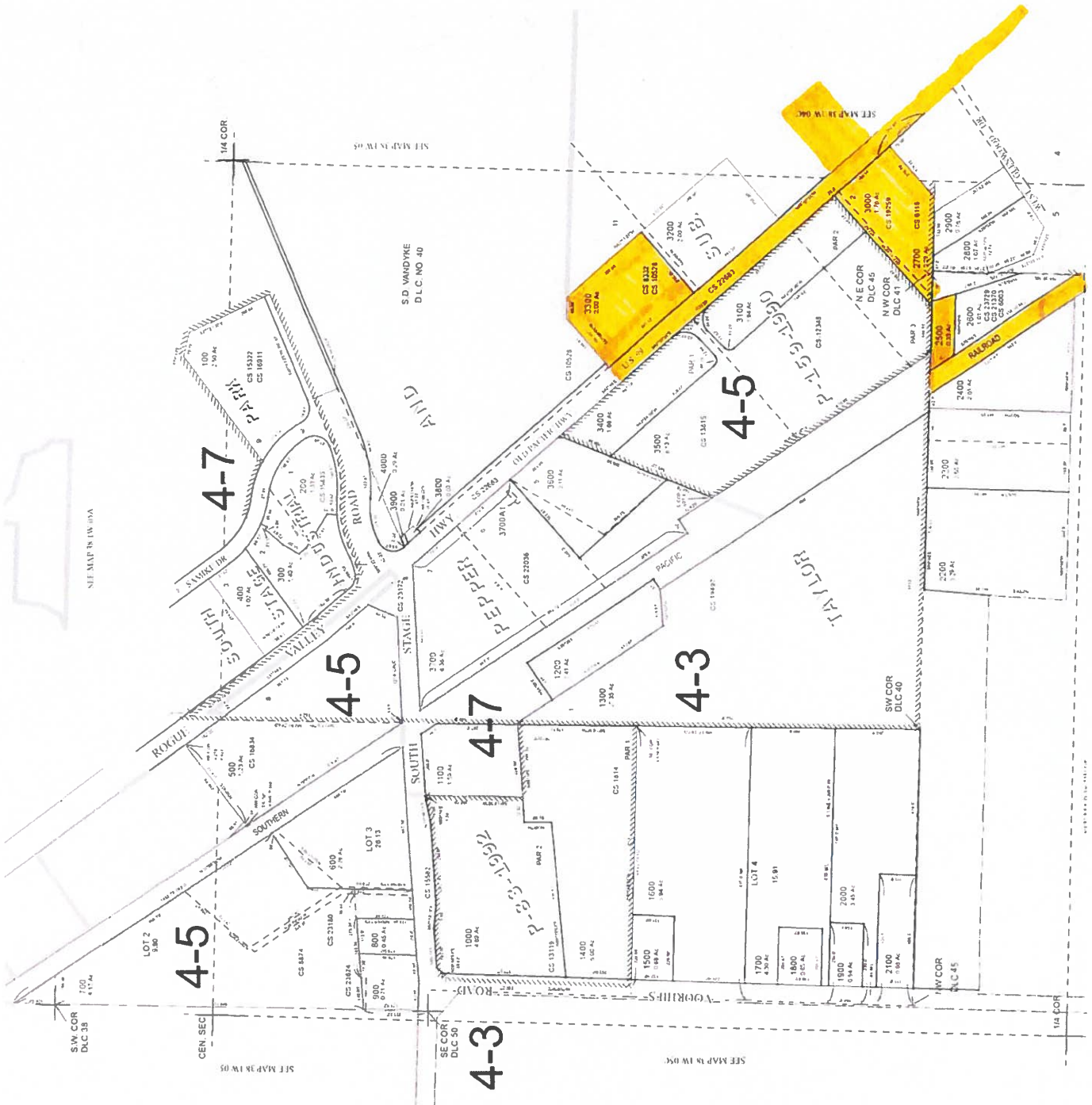
381W4C
MEDFORD



381W4C
MEDFORD

1" = 200'

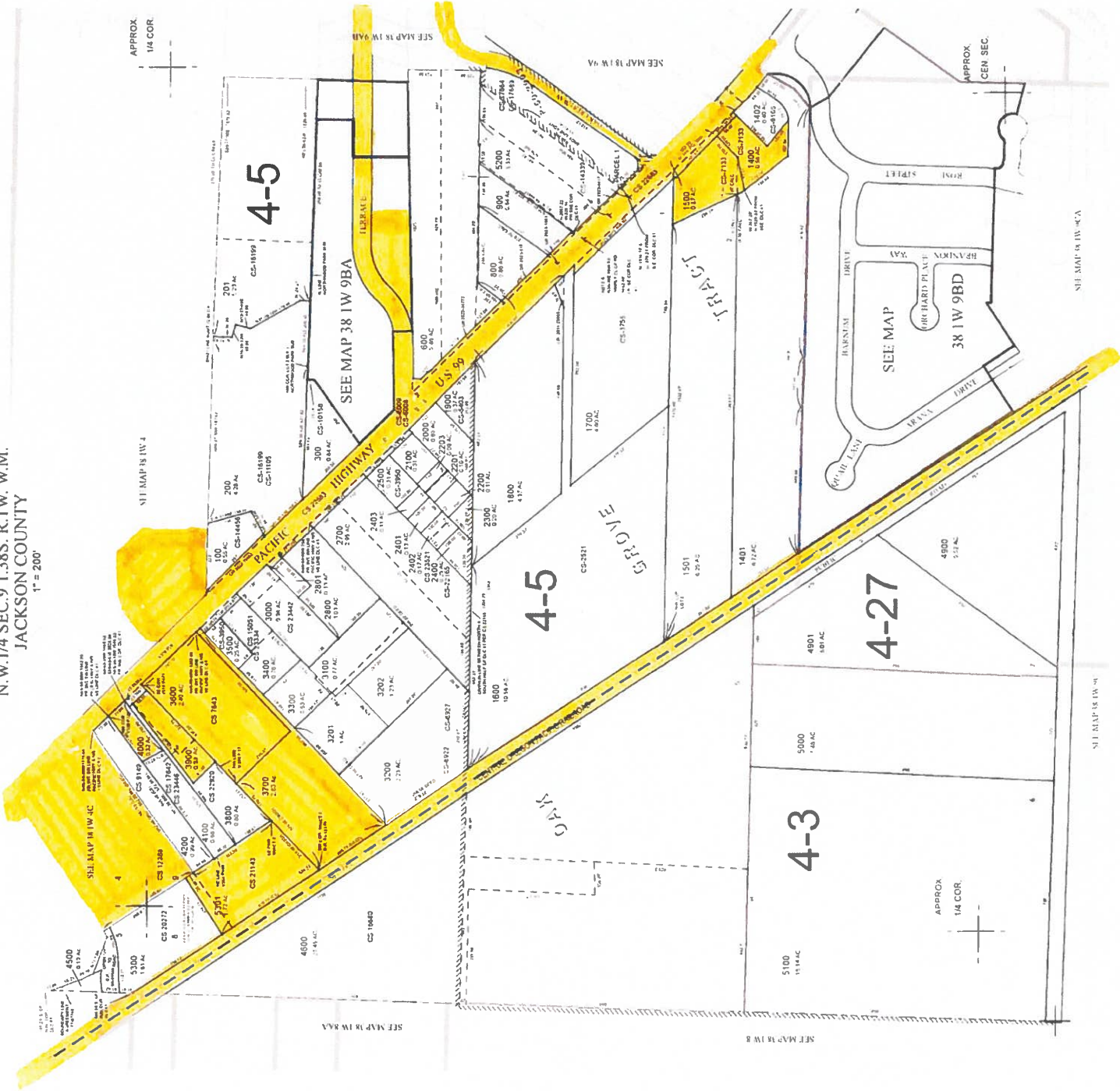
FOR ASSESSMENT AND
TAXATION ONLY



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

381W9B
& INDEX
PHOENIX

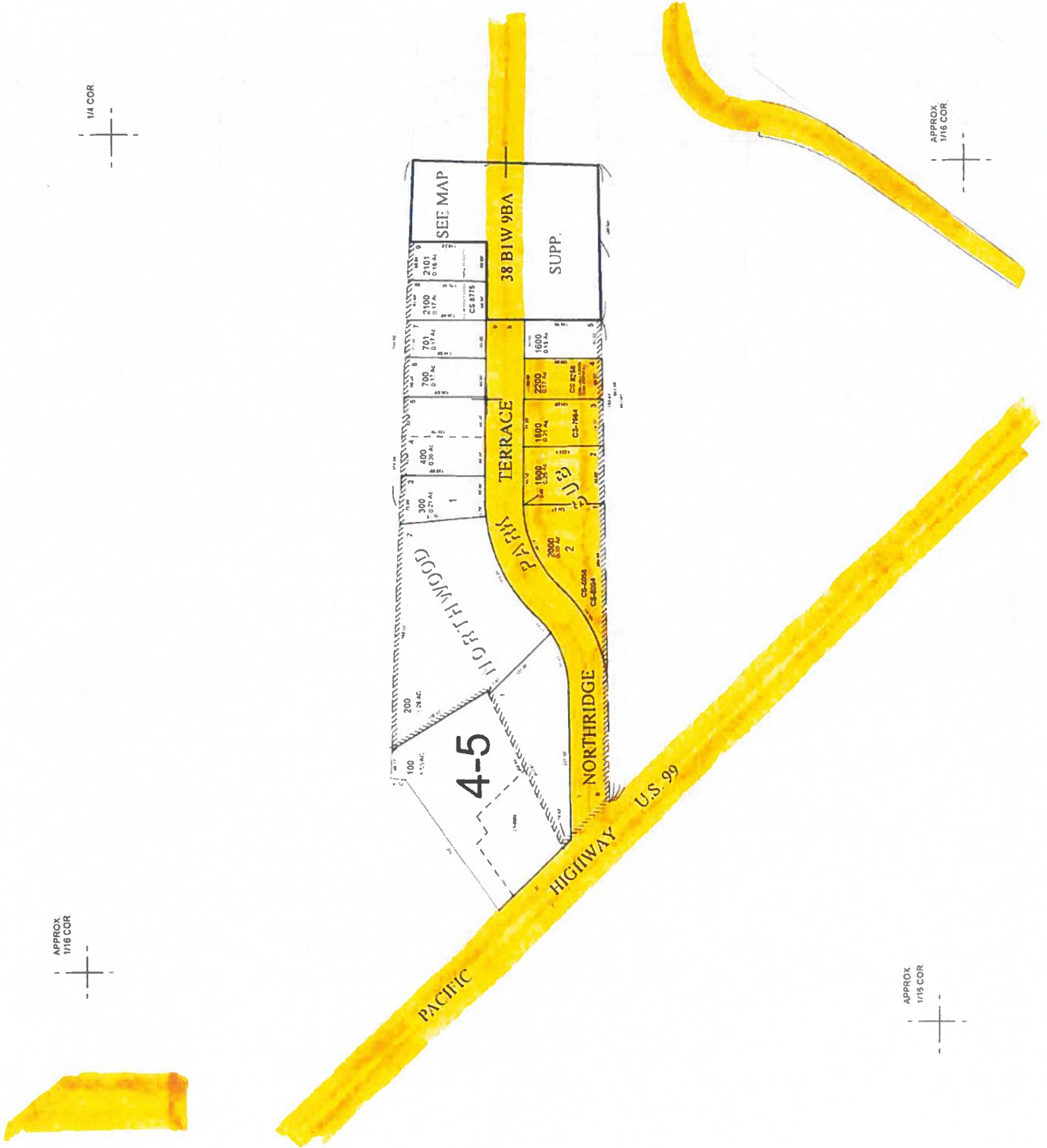
CANCELLED PLATS OF NUMBERS:
1000 ADDED TO 1000
1000 ADDED TO 1000
2202 ADDED TO 2201
400-801 ADDED TO 381W9B-A-100
4000 REMAPPED TO 90000
9000 REMAPPED TO 3100



FOR ASSESSMENT AND
TAXATION ONLY

N.E. 1/4 N. W. 1/4 SEC. 9 T. 38S. R. 1W. W.M.
JACKSON COUNTY
1" = 100'

381W9BA



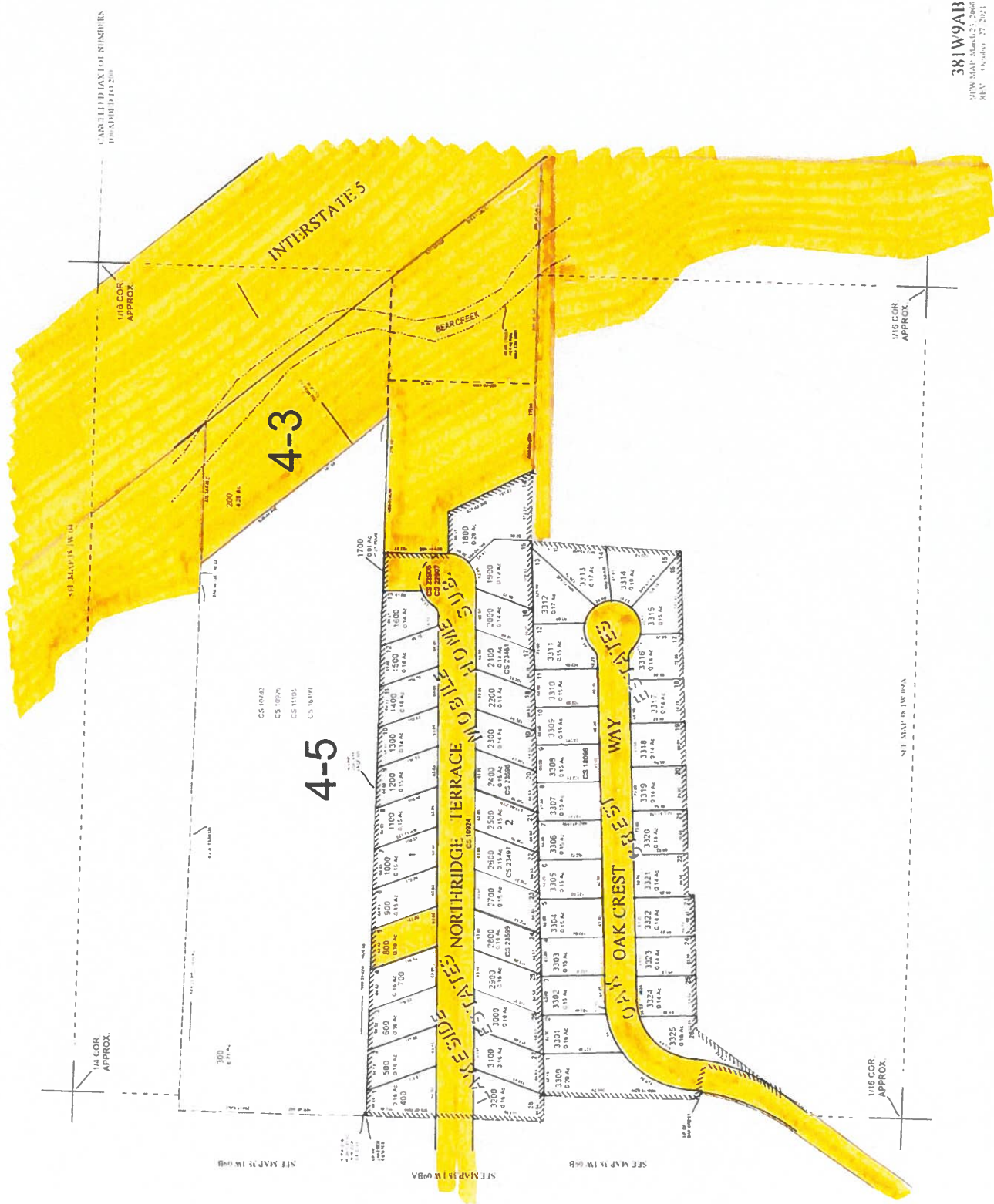
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381W9BA
REV. 4/19/2022

FOR ASSESSMENT AND TAXATION ONLY

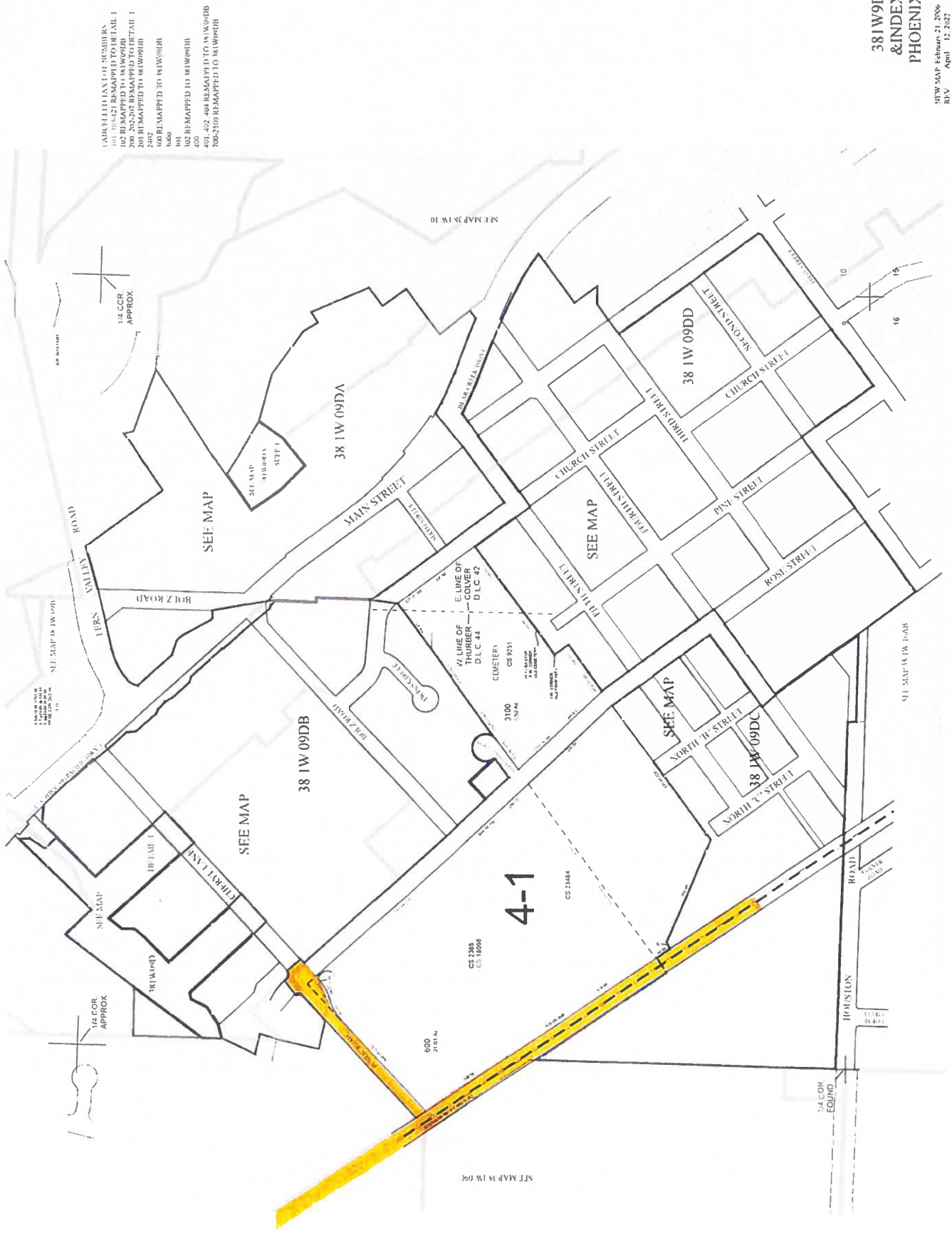
N.W. 1/4 N.E. 1/4 SEC. 9 T.38S. R.1W. W.M.
JACKSON COUNTY
1" = 100'

381W9AB



381W9AB
SFT MAP 15 W 9AB
REV. 10/20/21

FOR ASSESSMENT AND
TAXATION ONLY



CARROLLIAN LOT NUMBERS
101-10121 REMAPPED TO 1W09DB
102 REMAPPED TO 1W09DB
103 REMAPPED TO 1W09DB
200 REMAPPED TO 1W09DB
202
401-402 REMAPPED TO 1W09DB
403
404
405
700-730 REMAPPED TO 1W09DB

381W10
& INDEX
PHOENIX

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
- 2105 REMAPPED TO 181W10C
- 2106 ADDED TO 2100
- 2107 ADDED TO 2100
- 2108 ADDED TO 2100
- 2109 ADDED TO 2100
- 2110 ADDED TO 2100
- 2111 ADDED TO 2100
- 2112 ADDED TO 2100
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- 2114 ADDED TO 2100
- 2115 ADDED TO 2100
- 2116 ADDED TO 2100
- 2117 ADDED TO 2100
- 2118 ADDED TO 2100
- 2119 ADDED TO 2100
- 2120 ADDED TO 2100
- 2121 ADDED TO 2100
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- 2230 ADDED TO 2100
- 2231 ADDED TO 2100
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- 2233 ADDED TO 2100
- 2234 ADDED TO 2100
- 2235 ADDED TO 2100
- 2236 ADDED TO 2100
- 2237 ADDED TO 2100
- 2238 ADDED TO 2100
- 2239 ADDED TO 2100
- 2240 ADDED TO 2100
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- 2242 ADDED TO 2100
- 2243 ADDED TO 2100
- 2244 ADDED TO 2100
- 2245 ADDED TO 2100
- 2246 ADDED TO 2100
- 2247 ADDED TO 2100
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- 2250 ADDED TO 2100
- 2251 ADDED TO 2100
- 2252 ADDED TO 2100
- 2253 ADDED TO 2100
- 2254 ADDED TO 2100
- 2255 ADDED TO 2100
- 2256 ADDED TO 2100
- 2257 ADDED TO 2100
- 2258 ADDED TO 2100
- 2259 ADDED TO 2100
- 2260 ADDED TO 2100
- 2261 ADDED TO 2100
- 2262 ADDED TO 2100
- 2263 ADDED TO 2100
- 2264 ADDED TO 2100
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- 2272 ADDED TO 2100
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- 2274 ADDED TO 2100
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- 2276 ADDED TO 2100
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- 2279 ADDED TO 2100
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& INDEX
PHOENIX
LDR CORING March 8, 2004
REV May 1, 2021

FOR ASSASSINATED
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
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<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.*

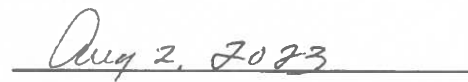
FINDING: The subject property is located within the officially adopted Urban Growth Boundary. The city has notified the county of the proposed annexation and received comments which have been incorporated into the record.

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.

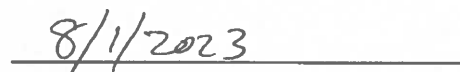
The PH-5 properties are being annexed, in part, to help facilitate the development of urban infrastructure into this area east of I-5. The cities of Medford and Phoenix have been coordinating infrastructure planning with the major property owners and service providers (RVSS, Medford Water, ODOT) within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

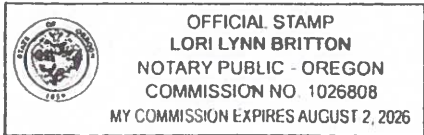
Michael T. Mahar
By Randall D. Jones

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:

Address:

381W04-CO-61100
3490 South Pacific Hwy Phoenix, OR

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 5th day of May, 2023.

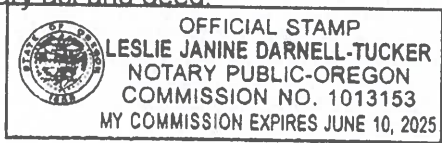
David F. Young
David F. Young

STATE OF OREGON)
) SS
County of Jackson)

On this 5th day of May, 2023, personally appeared

David F Young

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



Leslie Janine Darnell-Tucker
Notary Public for Oregon
My Commission expires June 10, 2025

Filed with the City of Phoenix this 9th day of May, 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.

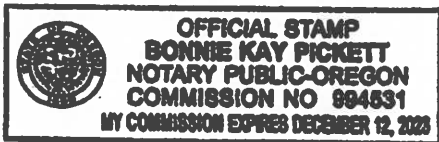
Jeff E. Hawk

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 ANNEX

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

Map and Tax Lot: 381 W 89 AB 800

Address: 251 Northridge Terrace
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 August, 20 23.

[Signature]

STATE OF OREGON)
) ss
County of Jackson)

On this 1 day of August, 20 23, personally appeared

Patricia Snow

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 1 day of August, 20 23.

[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:

Address: 381 W 093 - 1400
3954 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 13 day of May, 20 23.

[Signature]

STATE OF OREGON)
) ss
County of Jackson)

On this 13th day of MAY, 20 23, personally appeared
GLEN F. WINTERS

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



Sarah Kathleen Vaughn
Notary Public for Oregon
My Commission expires 03/08/2027

Filed with the City of Phoenix this 15th day of May, 20 23.

[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.

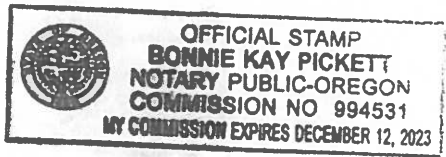
DATED this 10 day of May, 2023.

[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.

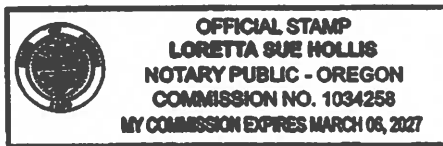
DATED this 2 day of Aug, 2023.

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

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: 381W09-BO-03900

Address: 3552 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.

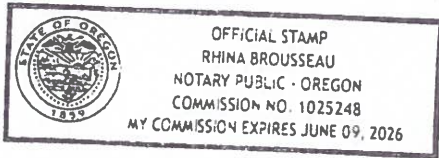
DATED this 24th day of May, 2023.

Daren L. Thomas
Barbara Lynn Thomas

STATE OF OREGON)
) SS
 County of Jackson)

On this 24th day of May, 2023, personally appeared

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



Rhina Brousseau
 Notary Public for Oregon
 My Commission expires June 9, 2026

Filed with the City of Phoenix this 26th day of May, 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:

Address:

385 1W 1,2,3 & 4
72 100 112 & 124 Northridge Terrace

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 9th day of June, 2023.

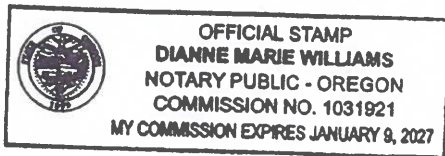
[Signature]

Esteban Gonzales

STATE OF OREGON)
) ss
County of Jackson)

On this 9th day of June, 2023, personally appeared

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



[Signature]
Notary Public for Oregon
My Commission expires January 9, 2023

Filed with the City of Phoenix this 16th day of June, 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,



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