



DEVELOPMENT CODE AMENDMENT – DC23-02 STAFF REPORT

File: DA23-02 - Creation of an Exclusive Agriculture Overlay - Chapter 2.12 and Modification of Holding Zone – Chapter 2.11 (Type IV Text Amendment)

Location: N/A

Land Use District: N/A

Date Notice of Application Published: September 15, 2023

Date of Hearing: October 9, 2023 (1st evidentiary hearing)

I. OWNER INFORMATION

N/A

II. APPLICANT

City of Phoenix

Joe Slaughter, Community & Economic Development Director

PO Box 330

Phoenix, OR 97535

III. SUMMARY OF PROPOSED AMENDMENTS

The proposed amendments to the Phoenix Land Development Code will create an Exclusive Agriculture (E-A) Overlay to provide a land use classification that allows for the preservation of agriculture and agricultural uses on properties annexed to the City. The overlay may only be applied upon the request of the property owner, and only if the use on the parcel(s) is agriculture. The overlay can be removed utilizing the Land Use District Map Amendment (zone change) procedures of Chapter 4.7. For removal of the E-A overlay, the property owner must certify that all agriculture and agriculture-related uses not otherwise permitted by the underlying zoning district have been terminated by the date of application for removal of the E-A overlay, and shall not be considered legal nonconformities. The proposed amendments will also amend the Holding Zone (Chapter 2.11) to allow for agricultural use (when the E-A Overlay is applied) and for the development of public and private infrastructure necessary to facilitate future urban development.

The City of Phoenix was allocated \$4,500,000 in the 2023 legislative session (see Section 248, SB 5506 attached) for infrastructure development in the South Valley Employment Center, which is the employment portions of PH-5. Much of this area will be annexed to the City under file number AN23-02 to help facilitate the development of infrastructure into the area. As described in the annexation ordinance (ORD. 1033), the PH-5 properties¹ will be assigned the Holding Zone designation upon annexation as the land will not be available for urban 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. The owners of the land have requested that the E-A Overlay be assigned to the properties to allow

¹ Also referred to Arrowhead properties concerning ownership or EFU properties concerning zoning.



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for the continuation of existing agricultural uses until the property is made available for urban development.

IV. APPLICABLE CRITERIA

PLDC, Chapter 4.1.6 – Type IV Procedure (Legislative)
PLDC, Chapter 4.7.2 – Legislative Amendments

V. AGENCY COMMENTS

N/A

VI. PUBLIC COMMENTS

None

VII. RECOMMENDATION

Based on the findings for the text amendment, staff recommends **APPROVAL** of the amendments as outlined in the Proposed Final Order and that the amendments be forwarded to the City Council for consideration.

VIII. PROPOSED MOTION

“I move to recommend City Council approve the text amendment to add Chapter 2.12 and amend Chapter 2.11 in the Phoenix Land Development Code as outlined in the Planning Commission Final Order.”

IX. EXHIBITS

- A. Specific Text to be Amended
- B. PC Proposed Final Order
- C. Section 248, SB 5506

Respectfully Submitted,

Joe Slaughter
Community & Economic Development Director