

EXHIBIT "B"



BEFORE THE PHOENIX PLANNING COMMISSION

STATE OF OREGON, CITY OF PHOENIX

IN THE MATTER OF PLANNING FILE NO. DC23-02 ADDING)
CHAPTER 2.12 - EXCLUSIVE AGRICULTURE (E-A) OVERLAY,) ORDER
AND AMENDING CHAPTER 2.11 - HOLDING ZONE (H-Z) IN)
THE PHOENIX LAND DEVELOPMENT CODE, THE PHOENIX)
PLANNING COMMISSION FINDS)

1. The Planning Commission held a properly noticed public hearing on this matter on October 9, 2023;
2. The Planning Commission asked the Community & Economic Development Director to present a Staff report and a final order with findings and recommendations at the 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 proposed text amendment is consistent with the Phoenix Comprehensive Plan and the Phoenix Land Development Code.

IT IS HEREBY ORDERED THAT based on the information presented in the staff report and the following findings of fact, the Phoenix Planning Commission recommends approval of the proposed text amendment to the Phoenix Land Development Code, adding Chapter 2.12 – Exclusive Agriculture (E-A) Overlay and amending Chapter 2.11 – Holding Zone (H-Z).

In the following, any text quoted directly from City codes appears in italics; Planning Commission findings appear in regular typeface.

PHOENIX LAND DEVELOPMENT CODE

4.7.1 Purpose

The purpose of this Chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land-use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs, and desires, to correct mistakes, or to address changes in the law.

4.7.2 Legislative Amendments

A. Legislative Amendments. *Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV Procedure in Chapter 4.1.6 – Type IV Procedure (Legislative) and shall conform to the criteria listed in 4.7.2.B and to Chapter 4.7.6 – Transportation Planning Rule Compliance, as applicable.*

FINDING: As a legislative amendment and consistent with the Type IV procedures in Chapter 4.1.6, the Planning Commission shall make a recommendation to the City Council on this amendment pursuant to the criteria in Chapter 4.7.2 (B) and Chapter 4.7.6 below. As part of this requirement, the Planning Commission held a properly noticed public hearing on the matter on October 9, 2023. **The standard is met.**

B. Criteria for Legislative Amendments.

The text of this Development Code may be recommended for amendment and amended provided that all the following criteria are met:

- 1. The proposed amendment is consistent with the purpose of the subject section and article.*
- 2. The proposed amendment is consistent with other Provisions of this Code.*
- 3. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, and most effectively carries out those goals and policies of all alternatives considered.*

FINDING: The text amendment as proposed will create Chapter 2.12 of the Land Development Code. There is no existing “purpose” for this Chapter in the Code. The “purpose” will be adopted along with the creation of the other details of the Chapter. The timing of the creation of this Chapter, and the “exclusive agriculture overlay” it accomplishes, is based on the need to annex large tracts of land, currently zoned EFU in the County, to facilitate the development of infrastructure into these areas. The land will not be available for urban levels of 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 assignment of the proposed Exclusive Agriculture Overlay will allow for the continued use of the property for agriculture upon annexation. The purpose of Chapter 2.11 is to provide a zoning designation for properties annexed to the City that have not yet been tested for facility adequacy to allow for development of urban level densities and intensities. The proposed changes to this chapter are consistent with the purpose of the chapter as they, along with the E-A Overlay, allow for the continuation of agricultural uses and the construction of urban infrastructure, while still restricting urban development.

The proposed E-A Overlay will be used in tandem with the Holding Zone designation to allow for the continuation of agricultural uses on properties annexed to the City prior to that land being available for urban development. This is an interim step

in the zoning process that will simplify the development of urban infrastructure while also preserving the current use. The changes to the holding zone will also allow for the continuation of agriculture use and the development of urban infrastructure. These efforts support portions of the Land Use and Urbanization Elements in providing a coordinated process for the urbanization of the lands recently added to the City's UGB. Prior to developing lands added to the UGB from urban reserve area PH-5, the owners/developers must first submit an application for a Comprehensive Plan amendment to adopt specific area or neighborhood plans consistent with Policy 2.1. of the Urbanization Element and the City must adopt applicable standards per Policies 2.2 and 2.3, which safeguard against parcelization and establish an industrial employment zone for the area. This is one of several steps to be taken in amending the Comprehensive Plan and Development Code to facilitate the development of these areas recently added to the UGB. **The criteria are met.**

4.7.4 – Conditions of Approval

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved, modified, or denied.

FINDING: As a legislative amendment, no conditions of approval are warranted or proposed. **The standard is met.**

4.7.6 – Transportation Planning Rule Compliance

A. *When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. Significant means the proposal would:*

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

FINDING: The proposed amendments have no direct impact on the functional classification of existing or planned transportation facilities, nor are there any changes to standards that implement a functional classification. Reduced levels

of service of transportation facilities are not anticipated as part of these amendments. **The criteria are met.**

B. *Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:*

1. *Limiting allowed land uses to be consistent with the planned function of the transportation facility; or*
2. *Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,*
3. *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.*

FINDING: The proposed amendments do not significantly affect the city's transportation facilities. **The criteria are not applicable.**



Terry Helfrich
Planning Commission Vice Chair

10-9-23

Date



Zac Moody
Planning Manager

10/9/23

Date