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**NOTICE OF DECISION, IN THE MATTER OF:**

**FILE NUMBER:** Development Code Amendment DC23-02; Ordinance No. 1035  
**APPLICANT:** City of Phoenix  
**HEARING DATES:** October 9, 2023; November 6, 2023  
**NOTICE DATE:** November 6, 2023

**DESCRIPTION:** Pursuant to Oregon Revised Statutes (ORS) 197.615, you are hereby being notified that the Phoenix City Council adopted Ordinance 1035 at a properly noticed public hearing on November 6, 2023, at 6:30 p.m., at the Phoenix Civic Center Plaza, 220 N. Main Street, Phoenix, Oregon 97535.

The ordinance also became effective November 6, 2023. A description of the ordinance follows:

**AN ORDINANCE OF THE CITY OF PHOENIX TO AMEND CHAPTER 2.11 OF AND ADD CHAPTER 2.12 TO THE LAND DEVELOPMENT CODE REGARDING THE HOLDING ZONE AND AN EXCLUSIVE AGRICULTURE OVERLAY, AND APPLYING THE EXCLUSIVE AGRICULTURE OVERLAY TO CERTAIN PROPERTIES TO BE ANNEXED TO THE CITY THROUGH ORD. 1033**

Copies of the adopted ordinance, application, all documents and evidence submitted, and applicable criteria and standards are available for review at the Phoenix Community & Economic Development Department (address above). Copies may be provided at the cost of 25 cents a page or are available electronically upon written request.

The decision of the City Council is final unless an appeal is filed with the Land Use Board of Appeals (LUBA) by filing a "Notice of Intent to Appeal." You can find an example of a Notice of Intent to Appeal in LUBA's [Rule Exhibits](#) (Exhibit 1). The Notice of Intent to Appeal *and* the required fees must be filed at LUBA within 21 days after the land use decision becomes final (the date this notice is mailed, not the hearing date) as described by OAR 661-010-0010(3).

ORS 197.830(3), (4) and (8) contain provisions that affect the deadline for filing a Notice of Intent to Appeal in certain circumstances where decisions are made without required hearings, required notices of hearings are not provided or do not reasonably describe the final action taken, or required notice of the final decision is not provided to the person filing the Notice of Intent to Appeal. Interpretation and application of these provisions is very complex. If you find yourself in the position of having to rely on one of these provisions in filing a Notice of Intent to Appeal, you are advised to consult an attorney who is familiar with Oregon land use law.

Please contact our office with any questions pertaining to this Notice of Decision or the case for which it has been prepared.

Sincerely,

Zac Moody  
Planning Manager