

City Council Meeting/ Public Hearing
Agenda
July 17, 2023
6:30 p.m. Public Meeting
Hybrid Meeting in Person and Via Zoom
Phoenix Plaza Civic Center 220 N. Main St./Via Zoom

*A complete agenda packet is available on the city's website. This meeting is being conducted in person and virtually to allow for public participation. A recording of the meeting in its entirety will be posted to www.phoenixoregon.gov. To comment on agenda items, please write your name on the sign-in sheet and include the item number, if attending via Zoom raise your hand when the topic is discussed by Council. **If you need special accommodations, please give the City Recorder 72-hours prior notice.***

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/85412033202?pwd=ZzVBZ1JOKzFwOUgwM2VDYkNZcnZ2QT09>

Passcode: 659363

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+1 253 215 8782, 85412033202#, *659363# US (Tacoma)

Or Telephone: Dial (for higher quality, dial a number based on your current location):

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1. Call to Order / Roll Call / Confirmation of a Quorum

Except as provided in Section 33 of the City Charter, a minimum of four Council Members are needed for a quorum and to conduct city business. If the Mayor is needed to establish a quorum, then he/she may become a voting member for that meeting (Phoenix Municipal Code, Chap. 2.28.020.A.4).

2. Pledge of Allegiance

3. Presentations

- a. Richard Randleman, HMK – Government and Public Safety Center update,.....5
- b. Brad Taylor – Regional Water Conservation,.....12

4. Public Comments

*This item is for persons wanting to present information or raise an issue, not on the agenda. Each person shall be limited to three minutes and may not allocate their time to others unless authorized by the Presiding Officer. To comment, please write your name on the sign-in sheet. When your name is called, step forward to the podium and state your name and address for the record. If attending virtually, please raise your hand and wait to be allowed to speak. When your name is called, please unmute yourself and state your name and address for the record. (In accordance with state law, a recording of the meeting will be available at city hall, but only your name will be included in the meeting minutes). While the Council or staff may briefly respond to your statement or question, **the law does not permit action on, or extended discussion of, any item not on the agenda** except under special circumstances.*

5. Consent Agenda

*Items on the Consent Agenda are considered routine and will be adopted by one motion. **There will be no separate discussion of these items unless it is requested by a member of the Council or staff.** If so requested, that item will be pulled from the Consent Agenda and considered separately immediately following approval of the remaining items.*

a. Reports for Information & Possible Action:

- 1. None

b. Minutes to Approve and File:

- 1. Minutes from City Council Meeting June 05, 2023,.....19
- 2. Minutes from City Council Meeting June 19, 2023,.....23

6. Consent Agenda Items Pulled for Discussion

7. New Business

- a. New TAP Intergovernmental Agreement,.....27

8. Ordinance: Reading/Adoption

- a. Ordinance No. 1031 – An Ordinance of the City of Phoenix to amend Chapter 3.4 of the Phoenix Land Development Code (Ord. No 851 & 999) regarding parking mandates,..57

9. Staff Reports

- a. City Attorney
- b. City Manager
- c. CEDEV Director

10. Mayor and Council Comments / Reports

Any Councilor may make an announcement or raise any item of business that is not on the agenda. While other Councilors or city staff may briefly respond or comment, the law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. If extended deliberation or potential action on a matter is desired, Council may direct staff to place the item on a future meeting agenda.

11. Adjournment



City of Phoenix

Heart of the Rogue Valley

Future agenda summary 07/17/23

To be scheduled: City Council

To be scheduled: PHURA

- Annual Report

Upcoming City of Phoenix Meetings:

July 20, 2023	Parks and Recreation Committee Meeting 6:00 pm at 220 N. Main St.
July 24, 2023	Planning Commission Meeting 6:30 pm at 220 N. Main St.
August 07, 2023	City Council Meeting 6:30 pm at 220 N. Main St.
August 14, 2023	Planning Commission Meeting 6:30 pm at 220 N. Main St.
August 17, 2023	Parks and Recreation Committee Meeting 6:00 pm at 220 N. Main St.
August 21, 2023	City Council Meeting 6:30 pm at 220 N. Main St.
August 28, 2023	Planning Commission Meeting 6:30 pm at 220 N. Main St.
September 5, 2023	City Council Meeting (Tuesday) 6:30 pm at 220 N. Main St.
September 11, 2023	Planning Commission Meeting 6:30 pm at 220 N. Main St.
September 18, 2023	PHURA Board Meeting 6:00 pm at 220 N. Main St.

All of the above meetings are tentative and are subject to change.



GOVERNMENT AND PUBLIC SAFETY CENTER PROJECT

June 2023



HMKCO.ORG



PROJECT END OF MONTH REPORT

PROJECT

GOVERNMENT AND PUBLIC SAFETY CENTER

PROJECT DESCRIPTION

- Construct a new combined city facility, replacing the Phoenix Fire Station (JCFD 5 Station 3)
- The new building incorporates the footprint of the City Hall, Fire Station, and Police Station
- The 2-story building efficiently collocates and stretches resources to enhance public safety

SCHEDULE & KEY MILESTONES	START	COMPLETION	% CPL	COMMENT
1 st Floor Ext. Wall Framing A/B	05/22/23	07/07/23	80%	
Steel Columns and Beams B	06/26/23	06/30/23	100%	
Steel Columns and Beams A	07/03/23	07/12/23	0%	
Building Construction	03/02/23	03/14/24	30%	
Substantial Completion	12/06/22	03/29/24	50%	

CURRENT ACTIVITIES

Construction

Construction completed several important tasks in June. Interior wall framing, to include structural steel in Sectors A/B made significant progress, and exterior wall framing in Sector C began.

A water pressure test was conducted and the water system produced more than adequate pressure for the fire suppression system and other demands. This is a



Interior wall and structural steel in Sectors A/B were started in June



Sector C exterior walls framing began in June

critical test to complete early because if the water pressure were inadequate, significant retrofitting of plumbing might be required. The concrete floors in Sector C except for the apparatus bay were also poured. The project utilized a concrete mix that contained fiber in lieu of rebar. The result was minimal cracking which is important since the finished floor is exposed concrete. Wall

framing at Sector C began in June as well.

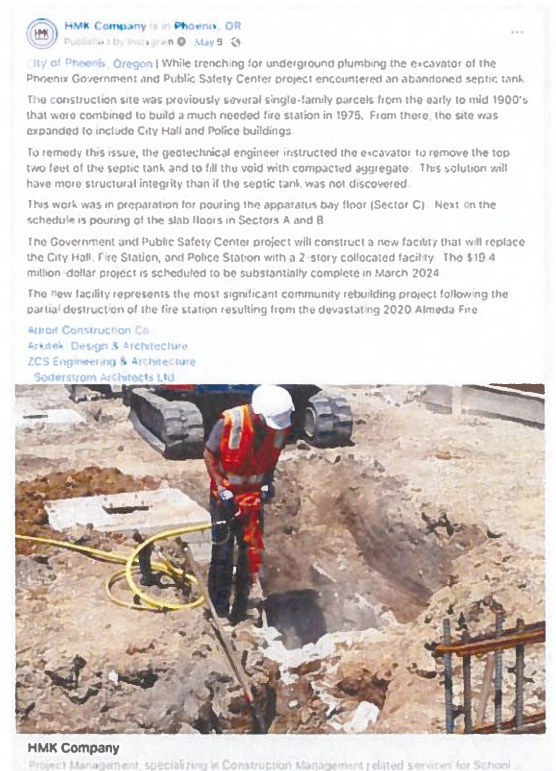
Social Media

As part of its project information efforts, HMK routinely posts project updates on several social media outlets. In the month of May, the Government and Public Safety Center project achieved almost 28,000 impressions across several social media platforms like Facebook, LinkedIn, and Instagram. The post achieved above average engagement and concentrated on users who are within 75 miles of the Phoenix community. HMK has found that social media engagement is a useful tool in keeping community members informed on the progress of projects.

HIGHLIGHTS, CHALLENGES, SOLUTIONS

Highlights / Challenges:

- ✓ Exterior wall framing in Sectors A and B was completed.
- ✓ Floors in Sector C operations rooms was poured.



Sample of project social media post



ACTIVITIES SCHEDULED FOR NEXT PERIOD

- ✓ First floor framing and structural steel at Sectors A and B will be complete.
- ✓ Sector A roof trusses will be set.

REVENUE / PROJECT BUDGET REPORTS

See attached reports

ADDITIONAL INFORMATION

For questions, comments or additional information, please contact:

Richard Randleman, Senior Project Manager
richard.randleman@hmkco.org | <https://hmkco.org/cityofphoenix/> | 541.821.3674



**CITY OF PHOENIX
CITY GOVERNMENT BUILDING PROJECT
REVENUE BUDGET
MAY 31, 2023**

Program Revenue ¹	Original Budget	Received to Date	Allocated to Date	Unallocated Balance	Revised Budget
Bond and Other Proceeds					
House Bill 5006	\$ 13,804,000	\$ 2,049,757	\$ 13,804,000	\$ -	\$ 13,804,000
House Bill 5202	\$ 2,534,000	\$ -	\$ 2,534,000	\$ -	\$ 2,534,000
FEMA - Public Assistance	\$ 200,000	\$ -	\$ 319,322	\$ -	\$ 319,322
	\$ -	\$ -	\$ -	\$ -	\$ -
Other Revenue Sources (Federal, State, ETO)	\$ -	\$ -	\$ 2,123,985	\$ 1,084,199	\$ 3,208,183
Total Revenue	\$ 16,538,000	\$ 2,049,757	\$ 18,781,307	\$ 1,084,199	\$ 19,865,505

1. Program Revenue Budgets are an estimate. Accuracy should be verified by City personnel.



**CITY OF PHOENIX
PUBLIC SAFETY BUILDING
PROJECT BUDGET
MAY 31, 2023**

Program Expense		Original Budget	Paid to Date	Remaining Balance	Revised Budget
Hard Cost					
Maximum Allowable Construction Cost (MACC)		\$ 13,421,067	\$ 1,333,362	\$ 13,915,481	\$ 15,248,843
1.5% Solar Requirement (1.5% of Total Project Budget)		\$ 270,325	\$ -	\$ 228,733	\$ 228,733
Construction Contingency		\$ 671,053	\$ -	\$ 754,759	\$ 754,759
Construction Sub Total		\$ 14,362,446	\$ 1,333,362	\$ 14,898,973	\$ 16,232,335
Soft Cost					
Administrative Cost					
Legal Fees	1	\$ 15,000	\$ 23,559	\$ 1,441	\$ 25,000
Builders Risk Insurance	2	\$ 100,000	\$ -	\$ 67,275	\$ 67,275
Project Management		\$ 608,575	\$ 445,885	\$ 162,691	\$ 608,575
Reimbursable Expenses		\$ 15,000	\$ 978	\$ 14,022	\$ 15,000
Other Administrative Charges		\$ -	\$ -	\$ -	\$ -
Site Cost					
Site Survey	2	\$ 24,280	\$ 11,030	\$ -	\$ 11,030
Geo-Tech Report		\$ 48,560	\$ 30,999	\$ 1	\$ 31,000
Planning Cost					
Design Fees		\$ 1,214,005	\$ 902,607	\$ 197,393	\$ 1,100,000
A & E Reimbursable Expenses		\$ 15,000	\$ 369	\$ 14,631	\$ 15,000
Commissioning	2	\$ 60,700	\$ 6,394	\$ 44,493	\$ 50,887
Printing & Plan Distribution		\$ 2,500	\$ -	\$ 2,500	\$ 2,500
Hazardous Materials Consultant	2	\$ 36,420	\$ 16,152	\$ 6,148	\$ 22,300
Building Envelope Consultant		\$ 60,700	\$ 17,449	\$ 46,351	\$ 63,800
Constructability Review	2	\$ 48,560	\$ -	\$ -	\$ -
Plan Review & Building Permits		\$ 121,400	\$ 10,877	\$ 110,523	\$ 121,400
Special Inspection and Testing		\$ 60,700	\$ 3,869	\$ 56,832	\$ 60,700
Miscellaneous Fees		\$ 63,560	\$ 63,223	\$ 337	\$ 63,560
Relocation Cost		\$ -	\$ 21,212	\$ 78,788	\$ 100,000
Kitchen		\$ 24,280	\$ -	\$ -	\$ -
Miscellaneous					
Legal Advertisements		\$ 2,500	\$ 433	\$ 2,067	\$ 2,500
Furniture, Fixtures, and Equipment (FF&E)	1	\$ -	\$ -	\$ 750,000	\$ 750,000
Technology		\$ -	\$ -	\$ -	\$ -
Technology (Design)		\$ 24,280	\$ -	\$ 24,280	\$ 24,280
Acoustics		\$ 24,280	\$ -	\$ -	\$ -
Criminal Background Checks		\$ 2,500	\$ -	\$ -	\$ -
System Development Charges		\$ 121,400	\$ -	\$ 121,400	\$ 121,400
Value Engineering		\$ -	\$ -	\$ -	\$ -
Utility Connection Fee		\$ 121,400	\$ 11,657	\$ 109,743	\$ 121,400
Unallocated Owner Contingency	1, 2	\$ 843,633	\$ -	\$ 136,241	\$ 136,241
Inflation		\$ -	\$ -	\$ -	\$ -
Sub Total Soft Cost		\$ 3,659,233	\$ 1,566,694	\$ 1,947,154	\$ 3,513,848
Total Project Cost		\$ 18,021,679	\$ 2,900,056	\$ 16,846,127	\$ 19,746,183

1. Reallocated funds within budget (09.30.22)
2. Reallocated funds within budget (12.31.22)

HMK COMPANY



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richard.randleman@hmkco.org
HMKCO.ORG

Regional Water Efficiency Activities: Overview and Potential Group Efforts

March 2023

Regional Water Supply

- Rogue River watershed
(Stored water from Lost Creek Reservoir, located along the Rogue River)
 - Summer (May-September)
- Big Butte Springs watershed
 - Year-round
- These water sources are shared by:
 - Medford Water and Partner Cities: Ashland, Central Point, Eagle Point, Jacksonville, Phoenix, and Talent
 - Irrigators
 - Fish and wildlife



Regional Coordination

- 7 Partners
 - 6 Partner Cities
 - Medford Water
 - Hold 20 water rights at Duff WTP
- Intergovernmental Agreement in 2022 to:
 - Ensure careful management of water rights
 - Water sharing - increase supply source diversity/redundancy/reliability
- Launching pad for regional water efficiency coordination

3

Increasing Water Efficiency is Urgent

- Threats to regional water supply
 - Persistent drought conditions
 - Climate change
 - Longer periods of hot, dry conditions
 - Less snowpack
 - Wildfires

A proactive approach is needed to address threats.

4

Taking Action: Water Efficiency

- Communities are implementing measures that increase water use efficiency
 - Some are required to have a Water Management and Conservation Plan (WMCP)
 - Some are not
- Opportunities for coordination

5

Water Conservation Measures

Annual Water Audits

- Conduct annual water audits
 - Track water loss
 - Track non-revenue water

Metering

- System is fully metered
- Utilize Automated Metering Infrastructure (AMI)

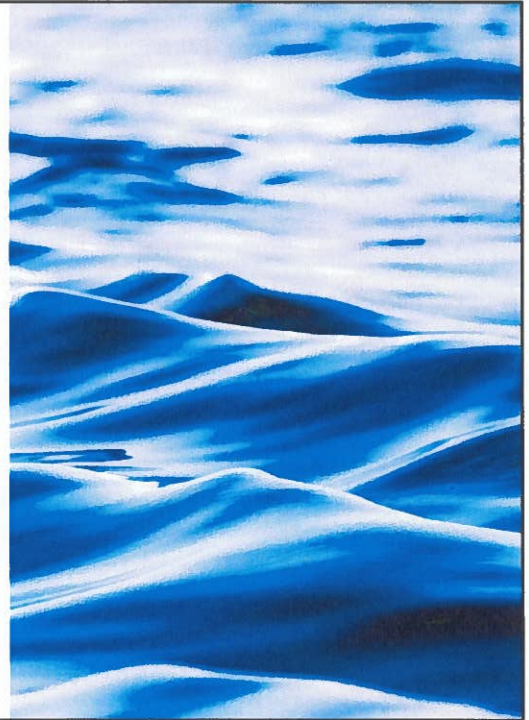
Leak detection and repair

- AMI/WaterSmart Customer Portal
 - Sign up to monitor personal water use, get leak alerts
- System-wide leak detection survey

6

Rate structure and billing practices

- Base rate
 - Based on meter size
- Volume rate
 - Based on volume of water used
 - *Tiered rate structure
 - Water rates increase when water use reaches certain volume thresholds
 - To incentivize water conservation in summer



Public education and outreach

- Water conservation webpages
 - Indoor and outdoor tips
 - Landscape design and plant selection guides
 - Irrigation information
- Newsletter articles
- Billing messages
- Social media messages
- Booth at community events
- School presentations and calendar contests
- WaterSmart Customer Portal



Technical and Financial Assistance

- Sprinkler Survey Program (irrigation system audits)
- Indoor water surveys
- Weekly watering hotline
- Sample watering schedule
- Water wise landscaping webpages with tips about irrigation devices, watering, and plants
- Local evapotranspiration (ET) data available for smart irrigation system controllers



Fixture Retrofit and Replacement



Giveaways

Showerheads, faucet aerators



Rebates

Toilets, smart irrigation controllers, lawn replacement



Benefits of Working Together

- Cost-effective
- More activities
- Expands outreach in communities with less resources
- Conveys that water conservation is a regional priority
- Helps meet WMCP requirements
- Strengthens relationships
- Enhances water supply resiliency

11

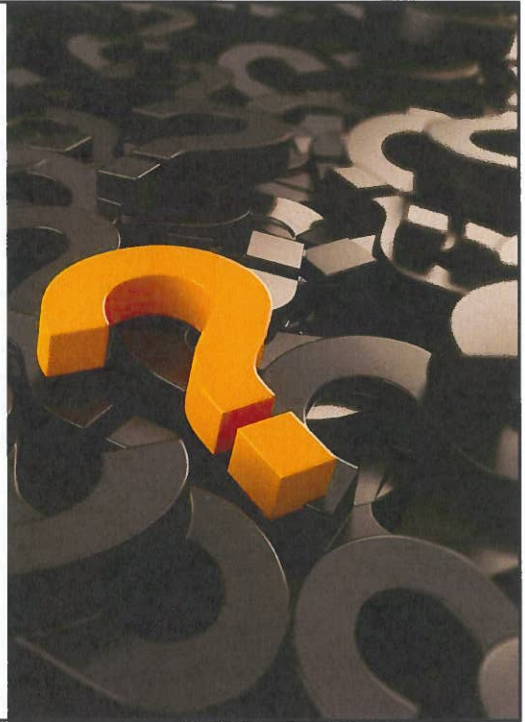
Potential Group Efforts

- Outreach and Education
 - Newsletter articles (quarterly) and/or billing inserts
 - Watering recommendations
 - Participation in a national event
 - Wyland National Mayor's Challenge for Water Conservation
 - Fix-a-Leak Week
 - Drinking Water Week
 - Imagine a Day Without Water
 - Conservation packet for kids
- Free fixtures
 - Bulk purchase of items, such as: faucet aerators, showerheads, soil moisture meters, and leak detection tablets
- Pursuing funding to support water efficiency efforts



12

Questions?



Required Measure Topic	Ashland	Central Point	Eagle Point	Jacksonville	Medford Water Commission	Phoenix	Talent
	2019 WMCP Progress Report			2019 WMCP Progress Report	2022 WMCP Progress Report	2018 WMCP	2020 WMCP
Annual Water Audit	✓	✓	ND	✓	✓	✓	✓
Full Metering of System	✓	✓	ND	✓	✓	✓	✓
Meter Testing and Maintenance	✓	✓	ND	✓	✓	✓	✓
Rate Structure	✓	✓	ND	✓	✓	✓	✓
Leak Detection Program	✓	✓	ND	✓	✓	✓	✓
Public Education	✓	✓	ND	✓	✓	✓	✓
Additional Measures							
Technical & Financial Assistance Programs	✓		ND	✓*	✓	.	.
Fixture Retrofit and Replacement	✓	planned	ND	✓*	✓	✓*	✓*
Rate Structure and Billing Schedule Assessment	✓		ND	✓*	✓	planned *	✓*
Reuse, Recycling, and Non-potable Supply Opportunities	✓		ND	.	✓	✓*	planned *
Other Identified Conservation Measures	✓		ND	✓*	✓	✓*	planned *

* not required
 ND = No Data

Table informed by the recent WMCP/WMCP Progress Report documents listed and input from the water providers.

City Council Meeting Hybrid Meeting in Person and Via Zoom Monday, June 05, 2023

1. CALL TO ORDER:

Mayor Baker called the City Council's hybrid meeting to order on Monday, June 05, 2023, at 6:30 p.m.

ROLL CALL:

PRESENT: Terry Baker, Karen Shrader, Angie Vermillion, Jim Snyder, Scott Clauson, Krista Peterson

STAFF PRESENT: Eric Swanson, City Manager
Bonnie Pickett, City Recorder
Derek Bowker, Chief of Police
Joe Slaughter, CEDEV Director
Doug McGeary, City Attorney
Denise Woodman, Contract Finance Director

2. PLEDGE OF ALLEGIANCE:

3. PRESENTATION:

4. PUBLIC COMMENT:

None

5. CONSENT AGENDA:

a. Reports for Information & Possible Action:

1. Resolution No. 1105 – A Resolution Certifying that the City of Phoenix Provides Four or More Municipal Services in Accordance with the Requirements of ORS 221.760, Section 1.
2. Resolution No. 1108 – Authorizing the City Manager to Apply for a Planning Grant Offered by the Oregon Parks & Recreation Local Government Grant Program.
3. Donation of an Approximately 0.10-Acre Parcel of Land on the Northwest Corner of Rose Street and Hwy. 99 to the Oregon Department of Transportation (ODOT).

b. Minutes to Approve and File:

1. Minutes from City Council Meeting May 15, 2023

Motion: I Move to Approve the Consent Agenda as it Stands. MOVED BY PETERSON, SECONDED BY SNYDER. No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Snyder, Vermillion, Clauson, Shrader
MOTION APPROVED WITH FIVE AYES

6. CONSENT AGENDA ITEMS PULLED FOR DISCUSSION:

None

7. PUBLIC HEARING:

a. Resolution No. 1106 – A Resolution Declaring the City’s Election to Receive State Shared Revenues.

Eric Swanson, City Manager, presented the resolution to the Council.

Open public hearing 6:33 p.m.

No comment

Close public hearing 6:33 p.m.

Motion: I Move to Approve Resolution No. 1106 – A Resolution Declaring the City’s Election to Receive State Shared Revenues. **MOVED BY PETERSON, SECONDED BY VERMILLION.** No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Vermillion, Snyder, Shrader, Clauson,
MOTION APPROVED WITH FIVE AYES

b. Resolution No. 1107 – A Resolution Adopting the Budget, Making Appropriations and Levying and Categorizing Taxes for Fiscal Year 2023/2024.

Open public hearing 6:34 p.m.

No public comment

Close public hearing 6:34 p.m.

Motion: I Move to Approve Resolution No. 1107 A- Resolution Adopting the Budget, Making Appropriations, and Levying and Categorizing Taxes for Fiscal Year 2023/2024 for City of Phoenix. **MOVED BY PETERSON, SECONDED BY SHRADER.** No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Shrader, Snyder, Vermillion, Clauson
MOTION APPROVED WITH FIVE AYES

8. NEW BUSINESS:

a. Resolution No. 1109 – Accepting Transfer of the Charlotte Ann Water District (CAWD) Property and Infrastructure Water System from the CAWD and Authorizing Other Actions Related to the Assignment of Obligations Necessary to Serve CAWD Customers.

Mr. Swanson spoke about the dissolution approval by the voters allowing the City of Phoenix to move forward through transitioning to the City of Phoenix and Medford Water Commission. He answered questions regarding water rates and annexation from the Council.

Motion: I Move to Approve Resolution No. 1109 as Presented (as Modified), Accepting Transfer of the Charlotte Ann Water District Property and Infrastructure Water System from the CAWD and Authorizing Other Actions Related to the Assignment of Obligations Necessary to Serve CAWD Customers. **MOVED BY PETERSON, SECONDED BY CLAUSON.** No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Clauson, Snyder, Shrader, Vermillion

MOTION APPROVED WITH FIVE EYES

b. Rogue Reimagined – Regional Long-Term Recovery Plan.

Mr. Swanson introduced Barry Long, Oregon Design Associates, and Karen Wheeler-Clay, Long Term Recovery Group, to the Council.

Mr. Long presented the Rogue Reimagined Long-Term Recovery Plan to the Council. He noted the recovery process for Phoenix is very impressive after the Almeda Fire. Mr. Long said the plan would have different adaptations for the jurisdictions affected by the Almeda Fire. He spoke about fire mitigation for the areas affected by the fires. Mr. Long and Ms. Wheeler-Clay answered questions from the Council.

Mr. Swanson thanked the city employees for putting themselves at risk to help the citizens to get out safely during the Almeda fire.

Mayor Baker spoke about various problems that cities face regarding fire prevention in their cities and urban growth areas.

Councilor Peterson asked questions about the survey the Long-Term Recovery Group performed.

Councilor Snyder spoke about fires that have occurred in other areas. He noted that insurance companies have begun dropping or not offering insurance due to the fires in the areas.

9. STAFF REPORTS:

City Attorney Doug McGeary noted he had nothing to report.

City Manager Eric Swanson noted the shade structures have been installed at Blue Heron Park, just in time for the warm weather.

10. MAYOR AND COUNCILOR COMMENTS/ REPORTS:

Councilor Shrader thanked Chief Bowker and his staff for keeping Phoenix safe. She thanked Bonnie Pickett for their name badges. Councilor Shrader thanked Mr. Swanson for taking the time to answer her questions.

Councilor Snyder commented that having the new badges to wear while attending the Phoenix Phoodery Ground Breaking Ceremony was nice. He questioned if anyone knew how the City-wide yard sale went.

Mr. Swanson noted that there was more activity during the City-wide yard sale this year.

Will Volpert noted that 57 citizens registered for the yard sale event. He stated that they held the first Taco Crawl during the yard sale event to bring people into the businesses, with over 30 participating in the taco crawl. Mr. Volpert stated the event was a success.

Councilor Vermillion noted that the City-wide yard sale gave the feel of small-town America, where you would want to stop and hang out. She spoke about the Phoenix Phoodery groundbreaking and how she is looking forward to the opening.

Councilor Peterson noted a neighbor successfully selling some items for her during the City-wide yard sale. She thanked everybody and expressed how excited she was for the Phoodery.

Councilor Clauson noted his excitement for the Phoodery, which will be great for Phoenix. He stated he enjoyed meeting Al Muelhoefer at the Phoodery groundbreaking event.

Mayor Baker thanked staff, Mr. McGeary, and Chief Bowker. He thanked Carolyn Marshall for all she does. Mayor Baker noted that Council rocks, we keep rowing in the same direction, creating amazing victories.

11. ADJOURNMENT:

The meeting adjourned at 8:11 p.m.

Respectfully submitted by,

Bonnie Pickett
City Recorder

City Council Meeting Hybrid Meeting in Person and Via Zoom Monday, June 19, 2023

1. CALL TO ORDER:

Mayor Baker called the City Council's hybrid meeting to order on Monday, June 19, 2023, at 6:30 p.m.

ROLL CALL:

PRESENT: Terry Baker, Karen Shrader, Angie Vermillion, Jim Snyder, Scott Clauson, Krista Peterson

STAFF PRESENT: Eric Swanson, City Manager
Jeff Wilcox, Associate Planner
Joe Slaughter, CEDEV Director
Matias Mendez, PW Superintendent
Denise Woodman, Contract Finance Director

2. PLEDGE OF ALLEGIANCE:

3. PRESENTATION:

a. Alex Knecht, Pacific Wall Systems, Inc.

Eric Swanson introduced Alex Kencht and Connie Knecht to the Council, noting PAC Wall Systems is moving to Phoenix.

Mayor Baker

Mr. Knecht presented to the Council the concept of what Pacific Wall Systems does in constructing single-family homes, multi-family and multi-story buildings. He noted where Pacific Wall Systems will be located in Phoenix. Mr. Kencht noted that they will have 60 employees at the Phoenix location.

b. Richard Randleman, HMK – Government and Public Safety Center update.

Richard Randleman gave a brief update on the progress of the Government and Public Safety Center. He spoke about the photos of the construction of the Government and Public Safety Center.

4. PUBLIC COMMENT:

None

5. CONSENT AGENDA:

a. Reports for Information & Possible Action:

1. Requested Removal of Melissa Rentfrow from the Parks and Recreation Committee.

b. Minutes to Approve and File:

1. None

Motion: I Move to Approve the Consent Agenda. MOVED BY PETERSON, SECONDED BY VERMILLION.

The Council deliberated about the removal of Melissa Rentfrow.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Vermillion, Snyder, Clauson, Shrader

MOTION APPROVED WITH FIVE AYES

6. CONSENT AGENDA ITEMS PULLED FOR DISCUSSION:

None

7. NEW BUSINESS:

- a. Resolution No. 1111 – A Resolution Establishing Outside City Water Rates Pursuant to Ordinance No. 639.

Mr. Swanson presented the resolution to the Council, noting that we are required to set water rates per the agreement with Charlotte Ann Water District.

Mr. Jeff Ballard spoke about the City of Phoenix taking over Charlotte Ann Water District on July 1, 2023. He noted historically, the city has set outside water rates by resolution and not an ordinance. Mr. Ballard noted that the rate in the resolution had been set the same as in city residents until the water rate analysis could be completed. He noted that the rate would be set on the meter size versus the number of units on each parcel, as the billing is handled outside of Phoenix now.

Motion: I Move to Approve Resolution No 1111 as Presented (as Modified), Establishing Water Fees for Water Service Outside of the City Limits of Phoenix, with a Correction to B of the Resolution, Correcting the Tier Numbering. MOVED BY PETERSON, SECONDED BY VERMILLION. No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Vermillion, Clauson, Snyder, Shrader

MOTION APPROVED WITH FIVE AYES

- b. Resolution No. 1112 – Repealing Resolution 1027 and Adopting New Procedures for Deferring SDCs.

Mr. Swanson presented the resolution to the Council, noting that the staff would like to change the current procedures.

Motion: I Move to Approve Resolution No 1112 as Presented (as Modified), Adopting New Procedures for Deferring System Development Charges. **MOVED BY PETERSON, SECONDED BY SHRADER.** No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Shrader, Snyder, Clauson, Vermillion

MOTION APPROVED WITH FIVE AYES

8. ORDINANCE: READING / ADOPTION:

a. Ordinance No. 1030 – An Ordinance Vacating a Public Utility Easement in the City of Phoenix (second reading/adoption).

Mr. Swanson noted that this is the second reading of Ordinance No. 1030.

Joe Slaughter, CEDEV Director, noted a minor change to the Ordinance that was worked out between the Planning Manager and City Attorney.

Motion: I Move to Approval, by Second Reading, an Ordinance of the City of Phoenix Vacating the Drainage Easement Located on Lots 2 of the Clafin Subdivision, Survey 8282, Shown on Exhibit A and B of the Ordinance. **MOVED BY PETERSON, SECONDED BY CLAUSON.** No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Clauson, Snyder, Shrader, Vermillion

MOTION APPROVED WITH FIVE AYES

9. PUBLIC HEARING:

a. Resolution No. 1110 – A Resolution of the City of Phoenix Adopting the Supplemental Budget and Making Appropriations.

Denise Woodman, Contracted Finance Director, presented Resolution No. 1110 to the Council.

Open public hearing at 7:19 p.m.

Public comment – None

Close public hearing at 7:19 p.m.

Motion: I Move to Adopt the Supplemental Budget for Fiscal Year 2022-23 with a Revised Total General, Capital Projects, Streets, and PHURA Debt Service Resources and Requirements of \$3,421,456. **MOVED BY VERMILLION, SECONDED BY SNYDER.** No further discussion.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Vermillion, Snyder, Clauson, Shrader, Peterson

MOTION APPROVED WITH FIVE AYES

10. STAFF REPORT:

City Manager Eric Swanson noted that the City Attorney has been busy working on the CAWD documents and getting them recorded with the County. He stated that he had spoken to Representative Pam Marsh about the \$4,500,000.00 in appropriations being in the legislature's budget for transportation and utilities in PH5. Mr. Swanson noted the funding can be found in HB 3516. He stated the city is working with the legislature on housing production in Phoenix and looks forward to supporting the effort.

11. MAYOR AND COUNCIL COMMENT / REPORTS:

Councilor Clauson noted that he was excited to see PAC Wall Systems coming into Phoenix. He expressed his excitement for the ETHOS project.

Councilor Peterson stated that Phoenix is on a roll. She noted that the money for transportation and Utilities is huge for Phoenix.

Councilor Vermillion expressed her excitement about PAC Wall Systems coming to Phoenix.

Councilor Snyder welcomed PAC Wall Systems to the City of Phoenix. Noting the additional employees from PAC will help all the businesses in Phoenix.

Councilor Shrader stated the meeting had been productive. She noted it is nice to see new businesses coming to Phoenix. Councilor Shrader thanked Mr. Mendez for the beautiful hanging baskets.

Mayor Baker noted that he has been receiving compliments on Blue Heron Park since the completion of the park. He spoke about all the staff time put into the items presented to the Council. Mayor Baker spoke about a conversation with Mr. Swanson after taking office, where they decided to focus on getting people back home. He stated he is proud to be part of the City Council. He spoke about the amazing recognition and trust the City of Phoenix has been receiving from the Oregon Legislation.

12. ADJOURNMENT:

The meeting adjourned at 7:34 p.m.

Respectfully submitted by,

Bonnie Pickett
City Recorder



City of Phoenix
Heart of the Rogue Valley

Agenda Item #: 7a.

Agenda Report to Mayor and Council

Agenda item title: New TAP Intergovernmental Agreement

Meeting Date: July 17, 2023

From: Eric Swanson, City Manager

Action: Motion, Ordinance, Resolution, Information only, Other

SUMMARY

This is a new Intergovernmental Agreement (IGA) between the cities of Talent, Ashland, and Phoenix for the TAP water distribution system facilities, operation and maintenance management and cost-sharing. The three cities will use the IGA to effectively manage the operations of the TAP water system and equitably share in the cost of operations and capital upgrade projects. Approval of the new TAP IGA will rescind previous intergovernmental agreements that are outdated and noncomprehensive. The new TAP IGA has been reviewed and approved by City Attorney Doug McGeary.

BACKGROUND AND DISCUSSION

In the late 1990s, the TAP Partner Cities collaborated in the development of a new water supply transmission project to provide domestic water from the Medford Water Commission (MWC) to their communities. The City of Talent (Talent) needed to replace its aging source of supply (water treatment facility on Bear Creek); the City of Phoenix (Phoenix) needed to supplement its existing supply from MWC; and the City of Ashland (Ashland) wanted access to a secondary emergency source of supply.

In 2000, the TAP Partner Cities entered into an IGA to construct the TAP water supply system from the MWC to Talent. Following the initial infrastructure improvements to supply water to Talent and Phoenix, several more system improvements were completed. In 2014, Ashland installed additional transmission facilities to provide an emergency supply source for its community. The original IGA was amended several times between 2000 and 2007 to reflect the changes in management and cost-sharing decision making because of the changes to facilities and operations. Other interlocal agreements were created to handle capital project cost sharing, and a 2006 agreement between just Talent and Ashland was created for emergency water service. In 2016, the TAP Partner Cities signed an IGA with RVCOG for provision of certain administrative services to support the functions of the TAP Water System.

With completion of the first long-range planning document for the TAP Water System, the TAP Water Master Plan, which was adopted by all TAP Partner Cities in 2021, it was acknowledged that a new IGA needed to be created that would improve management of the system and capture the latest understanding between the TAP Partner Cities, the

capacity needs of each, and cost allocations to operate and maintain the TAP Water System.

The new IGA clarifies roles and responsibilities, management, and cost sharing of capital project expenses, operations, maintenance, and depreciation expenses. Methods for handling conflicts are described, and direction is provided for annual upkeep of the agreement as well as administrative actions to make management of the TAP Water System a continual process, while preserving historical record. The new IGA provides clear guidance on how to cooperatively manage the TAP Water System such that key information is preserved and decision-making kept in a formal, yet flexible, arrangement; this is particularly useful as staff turnover occurs at each TAP Partner City in the future.

FISCAL IMPACT

N/A

RECOMMENDATION

Staff recommends approval of the new TAP Intergovernmental Agreement.

PROPOSED MOTION

“I move approval of the new Intergovernmental Agreement between the cities of Talent, Ashland, and Phoenix for TAP water distribution system facilities, operations and maintenance management and cost-sharing, and authorize the City Manager to execute said IGA.”

ATTACHMENTS

Final TAP IGA June 2023 with Exhibits.

INTERGOVERNMENTAL AGREEMENT
Between the Cities of Talent, Ashland, and Phoenix
For TAP Water Distribution System Facilities,
Operations and Maintenance Management and Cost-Sharing

This Intergovernmental Agreement (hereinafter "IGA" or "Agreement") between the incorporated municipalities of Talent, Ashland, and Phoenix, hereinafter referred to collectively as the TAP PARTNERS, sets forth the terms and conditions for management and cost-sharing of the TAP WATER SYSTEM.

SECTION 1: RECITALS

WHEREAS, the TAP PARTNERS affirm that they are authorized to enter into intergovernmental agreements regarding the provision of water service pursuant to ORS 190.010; and

WHEREAS, the TAP PARTNERS have cooperatively developed and operated the TAP WATER SYSTEM since 2000; and

WHEREAS, it is in the interests of all TAP PARTNERS to continue development and operation of the TAP WATER SYSTEM; and

WHEREAS, this agreement does not give the TAP PARTNERS ownership in any other part of the water systems owned by ASHLAND, PHOENIX, and TALENT;

NOW THEREFORE, in consideration of the terms, conditions, stipulations and covenants herein contained, the TAP PARTNERS agree to the following:

SECTION 2: DEFINITIONS

1. ADMINISTRATIVE COSTS means expenses of any TAP PARTNER, the SECRETARY, and the FINANCIAL ADMINISTRATOR reasonably related to the operation and maintenance of the TAP WATER SYSTEM.
2. ASHLAND means City of Ashland, whose boundaries may be adjusted from time to time by annexation or other boundary actions.
3. CURRENT CAPACITY SHARE means the share of capacity of each TAP facility paid for by each TAP PARTNER, or as mutually agreed to in Section 7.3.
4. FACILITIES MAINTENANCE AND REPAIR COSTS means costs incurred for work conducted by City crews or by contractors retained by TAP PARTNERS that is either routine in nature, or triggered by an emergency repair situation. Items may include, but are not

limited to; emergency pipeline repairs, landscaping, valve replacements, generator repairs, and interior and exterior building painting at booster pump stations.

5. FINANCIAL ADMINISTRATOR means a third party contracted with the TAP PARTNERS to (1) handle assembly of all OPERATIONS AND MAINTENANCE COSTS each month, perform cost allocation among the TAP PARTNERS, and bill each TAP PARTNER their allocated cost each month, (2) record PROJECT COSTS, allocations and payments as provided by the LEAD TAP PARTNER for their PROJECT, and (3) provide quarterly financial statements to the TAP COMMITTEE.
6. FLOW means that certain volume of POTABLE WATER expressed in gallons per day as measured by water meters located throughout the TAP WATER SYSTEM.
7. FORCE MAJEURE EVENT means each or any act of war, insurrection, terrorism (foreign or domestic), strikes, walkouts, riots, floods, drought, earthquakes, tsunamis, hurricanes, fires, casualties, pandemics, acts of God, governmental restrictions imposed or mandated by governmental entities other than the TAP PARTNERS, enactment of conflicting State or Federal laws or regulations, and litigation or similar bases for excused performance that is not within reasonable control of the TAP PARTNER to be excused.
8. HISTORICAL WATER USE means the total water use as measured April 1 through March 31 for the past 5 years.
9. IGA means intergovernmental agreement.
10. JOINT BILLS means bills incurred for third-party services (such as power) to all jointly-owned TAP WATER SYSTEM facilities.
11. LEAD TAP PARTNER means the city administering a certain PROJECT(S) on behalf of the TAP PARTNERS.
12. MWC means Medford Water Commission.
13. OPERATION AND MAINTENANCE COSTS means actual costs to the TAP PARTNERS for wheeling of water between TAP PARTNERS through the TAP WATER SYSTEM, including all ADMINISTRATIVE COSTS, JOINT BILLS, and FACILITIES MAINTENANCE AND REPAIR COSTS.
14. ORS means Oregon Revised Statutes.
15. PHOENIX means City of Phoenix, whose boundaries may be adjusted from time to time by annexation or other boundary actions.

16. POTABLE WATER means water that has been treated by the MWC and delivered at certain points of connection in the TAP WATER SYSTEM.
17. PROJECTS means scopes of work of REHABILITATION and/or expansion of capacity in the TAP WATER SYSTEM, and TAP Master Water Plan updates. Replacement of a generator is a PROJECT, for example, whereas repair of a generator is FACILITIES MAINTENANCE AND REPAIR.
18. PROJECT COSTS means the capital costs of PROJECTS.
19. REHABILITATION means the replacement and/or upgrade of existing TAP WATER SYSTEM assets.
20. RVCOG means the Rogue Valley Council of Governments.
21. SDCs means system development charges as established in ORS 223.297 through ORS 223.316 or successor statutes.
22. SECRETARY means the TAP PARTNER or third party responsible for all secretarial duties during the current fiscal year. Secretarial duties include noticing meetings, conducting emergency polls, providing meeting minutes, and record-keeping.
23. TAP COMMITTEE means the representatives for ASHLAND, PHOENIX, and TALENT that meet to coordinate the affairs of the TAP WATER SYSTEM.
24. TALENT means City of Talent, whose boundaries may be adjusted from time to time by annexation or other boundary actions.
25. TAP PARTNERS means the cities of ASHLAND, PHOENIX, and TALENT.
26. TAP WATER SYSTEM means the shared facilities that together create the interconnected water system between the TAP PARTNERS.

SECTION 3: DESCRIPTION OF TAP FACILITIES, WATER AND ELECTRIC MEASUREMENT

3.1 Location of TAP Facilities. Exhibit A illustrates the location and type of TAP Facilities. The SECRETARY shall cause the exhibit to be updated whenever capital improvements or decommissioning of facilities are made to the TAP WATER SYSTEM.

3.2 TAP Water Master Plan. The TAP Water Master Plan provides description of all the major TAP WATER SYSTEM Facilities. The TAP PARTNERS shall prepare updates of the TAP Water

Master Plan every five years, or as close to every five years as is practicable, in accordance with industry best practices. TAP Water Master Plan updates will be treated as a PROJECT, with a LEAD TAP PARTNER appointed by the TAP PARTNERS.

3.3 Water and Electric Measurement. The TAP PARTNERS are responsible for periodic testing and replacement of the water meters to ensure accurate meter reads for monthly billing purposes. The TAP PARTNERS are not responsible for electric measurement, which is the responsibility of the power provider.

SECTION 4: FACILITIES INSURANCE

4.1 TAP WATER SYSTEM Insurance. All TAP PARTNERS will carry insurance on all TAP WATER SYSTEM facilities that they operate. In the event of an insurance claim on a TAP facility shown in **Exhibit A**, the damages for which the policy holder is liable, and any resulting increase in insurance premium that can reasonably be isolated to the claim, shall be allocated among the holders of capacity of the affected TAP facility in a manner agreed to by the TAP PARTNERS. Costs shall be submitted to the FINANCIAL ADMINISTRATOR as an ADMINISTRATIVE COST, and reimbursement to the policy holder shall be made pursuant to Section 7.2.

SECTION 5: REGIONAL WATER RIGHTS STRATEGY

5.1 Water Sharing Plan. The TAP PARTNERS have each entered into an IGA with other regional partners to ensure the most efficient use of Rogue Valley water resources. Nothing within this IGA shall usurp any section of The Intergovernmental Agreement for a Coordinated Water Rights Management and Water Sharing Plan, effective September 19, 2022, and as it may be amended.

SECTION 6: SYSTEM MANAGEMENT

6.1 General. The TAP PARTNERS agree they shall coordinate their operations such that the conveyance of water is optimized to prevent water-related incidents resulting in leaks, excessive power bills, and hazardous conditions to the general public. The TAP PARTNERS agree to coordinate regarding the possible increase in water supply deliveries in an emergency to the extent necessary.

6.2 TAP COMMITTEE Authority. The TAP COMMITTEE is granted authority to monitor TAP WATER SYSTEM implementation, status, performance, and expenses in order to help ensure that the TAP WATER SYSTEM meets its intended purpose in the most efficient and effective manner. The TAP COMMITTEE has the authority to contract with RVCOG, or other entities to manage, operate, maintain, repair and replace any portion of the TAP SYSTEM.

Actions of the members of the TAP COMMITTEE must reflect the policies and directives of the TAP PARTNER they represent.

6.3 TAP COMMITTEE Membership and Structure. The TAP COMMITTEE will be composed of one (1) representative appointed by each TAP PARTNER. Each representative will serve until replaced by his or her city. Each TAP PARTNER shall appoint an alternate to serve in the absence of the TAP COMMITTEE representative.

6.3.1 SECRETARY. At the last regular meeting of the current fiscal year (July 1 through June 30) a SECRETARY shall be appointed, or if a third party, shall be engaged, by the TAP COMMITTEE for the forthcoming fiscal year.

6.3.2 FINANCIAL ADMINISTRATOR. At the last regular meeting of the current fiscal year (July 1 through June 30), or before, the TAP COMMITTEE will secure a renewed or new contract with the FINANCIAL ADMINISTRATOR for the forthcoming fiscal year.

6.4 TAP COMMITTEE Voting Privileges. Each member will have one (1) vote. No proxy votes shall be allowed. If the primary and alternate TAP COMMITTEE representatives are both in attendance at a TAP COMMITTEE meeting, the alternate shall not have a vote.

6.5 Approval. Any matter may be approved only by unanimous vote of the TAP COMMITTEE representatives.

6.6 Meetings.

6.6.1 Quorum. All three (3) TAP COMMITTEE members and/or their alternates must be in attendance to have a quorum. Attendance may be in-person or virtual.

6.6.2 Guests. The TAP COMMITTEE shall invite guests to regularly scheduled meetings as needed for TAP business.

6.6.3 Frequency. The TAP COMMITTEE shall meet at least once every quarter (three months) at such time and place or virtual setting that best suits the TAP COMMITTEE representatives. An item of business at each meeting will be setting the date of the next meeting. The SECRETARY shall provide notice of the next meeting to all TAP COMMITTEE representatives and alternates at least one week in advance of the meeting. Meetings shall also be held at any time for any reason upon the request of any TAP COMMITTEE representative upon two (2) day's oral or written notice to the SECRETARY.

6.6.4 Time and Place. The time and place of meeting or virtual meeting shall be scheduled and determined by the SECRETARY in consultation with the TAP COMMITTEE representatives.

6.6.5 Emergency Polls in Lieu of meetings. Emergency poll votes, initiated by any TAP PARTNER, may be conducted in lieu of meetings if necessary or otherwise advisable. Each TAP COMMITTEE representative shall have two (2) days to respond to the poll. Non-responding TAP COMMITTEE representatives or their alternates shall be contacted

by the SECRETARY via email or telephone to ensure notice had been received and to obtain a confirmation of position. Once the results are received, they may be acted upon immediately. Any such results shall be ratified at the next meeting with a quorum of TAP COMMITTEE representatives.

6.6.6 Minutes. Written minutes shall be taken at each meeting. The SECRETARY shall prepare minutes. Minutes shall record all decision items taken by the TAP COMMITTEE and all major discussion items. Minutes shall be reviewed and approved at the next TAP COMMITTEE meeting and electronically stored by the SECRETARY.

6.6.7 Conduct of Meetings. In the event of a dispute, parliamentary procedure shall be conducted in accordance with the latest version of Robert's Rules of Order.

SECTION 7: ADMINISTRATIVE FUNCTIONS

7.1 Responsibilities.

7.1.1 Records. The SECRETARY is responsible for maintaining all records associated with this IGA. At the last regular meeting of the current fiscal year (July 1 through June 30), the TAP COMMITTEE shall review the records assembled by the SECRETARY, including updates to the Exhibits of this IGA completed by the FINANCIAL ADMINISTRATOR and SECRETARY.

7.1.2 TAP COMMITTEE Reporting to TAP PARTNERS. The TAP COMMITTEE may prepare reports to the TAP PARTNERS as the need arises. The TAP COMMITTEE will evaluate any proposed material changes to the TAP WATER SYSTEM included in this IGA and make recommendations to TAP PARTNERS as appropriate.

The TAP COMMITTEE is an advisory board whose members strictly represent the interest of the TAP PARTNERS. The TAP PARTNERS are not required to adopt an ordinance ratifying the creation of the TAP COMMITTEE pursuant to ORS 190.085 and are not subject to ORS 294 generally, including any requirement therein to undergo an annual budget process. TAP COMMITTEE representatives do not have the discretion to make independent policy decisions but instead carry out policy established by each TAP PARTNER regarding the delivery of water to each TAP PARTNER on behalf of the cities that they represent. The TAP COMMITTEE performs certain purely ministerial duties in addition to its advisory function on behalf of the TAP PARTNERS.

7.2 Processing and Payment of Bills for OPERATIONS AND MAINTENANCE COSTS. The FINANCIAL ADMINISTRATOR shall assume the following responsibilities.

7.2.1 Receipt of Bills. The FINANCIAL ADMINISTRATOR will receive and process all ADMINISTRATIVE COSTS, JOINT BILLS and FACILITIES MAINTENANCE AND REPAIR COSTS connected with the TAP WATER SYSTEM.

7.2.2 OPERATIONS AND MAINTENANCE COSTS allocation. The FINANCIAL ADMINISTRATOR will promptly record all bills received per 7.2.1 in an electronic folder, and will apportion each TAP PARTNER's responsibility for payment pursuant to **Exhibit B**, as it may be amended from time to time.

7.2.3 Confirmation of Accuracy of Bills. The FINANCIAL ADMINISTRATOR will make every reasonable effort to confirm the accuracy of all bills and charges received. However, each TAP PARTNER shall share responsibility for attempting to ensure that source billing information, such as meter reads, are timely and accurate.

7.2.4 Payment of Bills and Notification to each TAP PARTNER of its Share. The TAP PARTNERS and/or FINANCIAL ADMINISTRATOR will promptly pay all bills and charges received no later than the dates they are due. Any bills paid by TAP PARTNERS must be provided to the FINANCIAL ADMINISTRATOR at least quarterly. The FINANCIAL ADMINISTRATOR shall notify each TAP PARTNER of its contractual share of each bill received and paid via appropriate electronic means. Notification shall be sent to the TAP COMMITTEE representatives. Notification shall include an electronic copy of the applicable bill or charge.

7.2.5 Reimbursement by TAP PARTNERS. Each TAP PARTNER shall promptly reimburse the FINANCIAL ADMINISTRATOR for its share of the bills paid by the FINANCIAL ADMINISTRATOR or other TAP PARTNERS pursuant to this IGA. Payment shall be made no later than thirty (30) days after the date of the notice described in 7.2.4.

7.2.6 Reminder Notices. The FINANCIAL ADMINISTRATOR shall send a reminder notice via appropriate electronic means to any TAP PARTNER that has failed to pay a billed charge thirty (30) days after the date of delivery of the invoice.

7.3 Processing and Payment of Bills for PROJECT COSTS. PROJECTS may be administered by any TAP PARTNER. The LEAD TAP PARTNER for a PROJECT(S) will assume the same responsibilities as the FINANCIAL ADMINISTRATOR for Sections 7.2.1, 7.2.2, 7.2.3, and 7.2.5, and each TAP PARTNER shall, within thirty (30) days of receiving notice of the bills, promptly reimburse the LEAD TAP PARTNER for its share of the bills, which may have already been paid by the LEAD TAP PARTNER.

7.3.1 PROJECT COSTS Allocation. The LEAD TAP PARTNER will allocate PROJECT COSTS to the TAP PARTNERS per the terms of the IGA for that PROJECT. Any time a new PROJECT IGA is approved by the TAP PARTNERS, it will be added to the list of PROJECTS in **Exhibit C**. A template for creation of a new PROJECT IGA is provided in **Exhibit D**.

7.3.2 PROJECT Financing Costs. Any financing costs incurred will be allocated according to the percentage allocations specified in **Exhibit C** if the LEAD TAP PARTNER finances

the entire PROJECT. When each TAP PARTNER secures its own financing costs for its share of a PROJECT the LEAD TAP PARTNER will not allocate any financing charges.

7.3.3 PROJECT COSTS record keeping. Every quarter, the LEAD TAP PARTNER(S) will provide records of PROJECT COSTS and payments to the FINANCIAL ADMINISTRATOR for preparation of quarterly financial statements.

7.4 Accounting. The FINANCIAL ADMINISTRATOR shall keep accurate books and records of all bills and other charges received and paid in connection with the TAP WATER SYSTEM, and of all payments received by TAP PARTNERS in reimbursement of bills and charges. All accounting shall be conducted in accounting software that can be easily transferred to other users.

SECTION 8: SYSTEM DEVELOPMENT CHARGES

8.1 System Development Charges. The TAP PARTNERS agree to independently collect Water SDCs for reimbursement and improvement costs associated with the TAP WATER SYSTEM. The SDCs will be different for each TAP PARTNER based on their share of estimated PROJECT COSTS described in the Water Master Plan, or as subsequently identified by the TAP COMMITTEE.

8.1.1 Use of Reimbursement Water SDCs. The TAP portion of Reimbursement Water SDCs collected by TAP WATER PARTNERS will be retained by each TAP PARTNER to pay for its cost share of REHABILITATION PROJECTS.

8.1.2 Use of Improvement Water SDCs. The TAP portion of Improvement Water SDCs collected by TAP WATER PARTNERS will be retained by each TAP PARTNER to pay for its cost share of expanded capacity in the TAP WATER SYSTEM.

SECTION 9: TAP WATER SYSTEM REHABILITATION FISCAL RESPONSIBILITY

9.1 REHABILITATION Reserve Funds. Each TAP PARTNER will establish a TAP REHABILITATION Reserve Fund wherein monies will accumulate for TAP WATER SYSTEM REHABILITATION. Each year, the TAP PARTNERS shall establish the amount to be funded within each TAP PARTNER's respective budget using information contained in **Exhibit E**, which shall be updated annually by the SECRETARY.

9.2 Use of Designated Funds. Reimbursement Water SDC and Rehabilitation Reserve Funds are Designated Funds which revenues may collectively be used by a TAP PARTNER to fund their allocated share of REHABILITATION PROJECTS COSTS.

SECTION 10: DELINQUENT PAYMENTS AND PENALTIES

10.1 Delinquency. Monthly payments for OPERATIONS AND MAINTENANCE COSTS are due on the first day of each month and are delinquent on the 15th day of each month. Delinquent payments are subject to interest accrual of 10%.

10.2 PROJECT COST Delinquency. The LEAD TAP PARTNER for a PROJECT will administer any delinquency penalties per the terms of the IGA for that PROJECT.

SECTION 11: DISPUTE RESOLUTION

11.1 Dispute Resolution Steps. If a dispute arises between the TAP PARTNERS regarding this IGA, the TAP PARTNERS shall attempt to resolve the dispute through the following steps:

1. **Step One – Negotiation.** The TAP COMMITTEE members, or such other persons designated by each TAP PARTNER, will negotiate on half of the TAP PARTNER they represent. If the dispute is resolved at this step, there shall be a written determination of such resolution signed by the committee members or designated persons and ratified by their respective governing body, which shall be binding upon each of the TAP PARTNERS.
2. **Step Two – Mediation.** If the dispute cannot be resolved within 30 days of commencing Step One, the parties shall submit the matter to non-binding mediation. TAP COMMITTEE members shall attempt to agree on a mediator. If they cannot agree, then they shall request the Jackson County Circuit Court to appoint a mediator as provided in ORS Chapter 36. The cost of mediation shall be borne equally between the TAP PARTNERS. Each TAP PARTNER shall be responsible for its own costs and fees. The TAP PARTNERS agree to mediate in good faith. If the issues are resolved at this Step, a written determination of such resolution shall be signed by each TAP PARTNER Mayor and ratified by each City Council.
3. **Step Three – Arbitration.** If the TAP PARTNERS are unsuccessful at Steps One and Two, then the dispute shall be settled by arbitration. The parties shall attempt to agree on an arbitrator. If they cannot agree upon an arbitrator within ten days, the parties shall submit the matter of determining an arbitrator to the Presiding Judge of the Jackson County Circuit Court. Judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction. The decision of the arbitrator shall be final and binding upon all parties and there shall be no appeal to any court. Expenses of arbitration shall be borne by the losing party or parties. Each party shall pay its own attorney fees in such arbitration unless the arbitrator orders otherwise.

SECTION 12: INDEMNIFICATION AND FORCE MAJEURE

12.1 Indemnification. Subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300 and the Oregon Constitution, Article XI, Section 7, the TAP PARTNERS agree to save, hold harmless and indemnify each other from any loss, damage, injury, claim, or demand by a third party against either party to this IGA arising from the activities of the other party in connection with this IGA. No party shall be required to indemnify

any other party for any liability arising out of the wrongful act of another party or the wrongful act on an agent of another party.

12.2 Force Majeure. In addition to the specific provisions of this Agreement, performance by any TAP PARTNER will not be considered in default where delays or failure to perform or conform to the terms of this IGA is due to a Force Majeure event as defined herein.

SECTION 13: NOTICES

13.1 Mailed Notices. Any notice required or permitted to be given, is agreed to be given in writing and will be effective upon receipt for hand delivery or upon actual receipt or three (3) days after mailing, whichever is earlier, for notices delivered by U.S. mail, first class postage prepaid, addressed to the TAP PARTNERS as follows:

City of ASHLAND
Attn: City Manager
20 East Main Street
Ashland, OR 97520

City of PHOENIX
Attn: City Manager
PO Box 330
Phoenix, OR 97535

City of TALENT
Attn: City Manager
PO Box 445
Talent, OR 97540

SECTION 14: AMENDMENTS

14.1 Entire Agreement. This document and all Exhibits shall constitute the entire Agreement between the TAP PARTNERS. The SECRETARY will maintain a list of all current TAP WATER SYSTEM IGAs in **Exhibit F** of this IGA.

14.2 Amendments. All amendments, modifications, or changes to the provisions of this Agreement in whole or in part, may be entered into at any time upon mutual agreement, signed by all TAP PARTNERS. The IGA may be voided at any time upon mutual agreement, signed by all TAP PARTNERS.

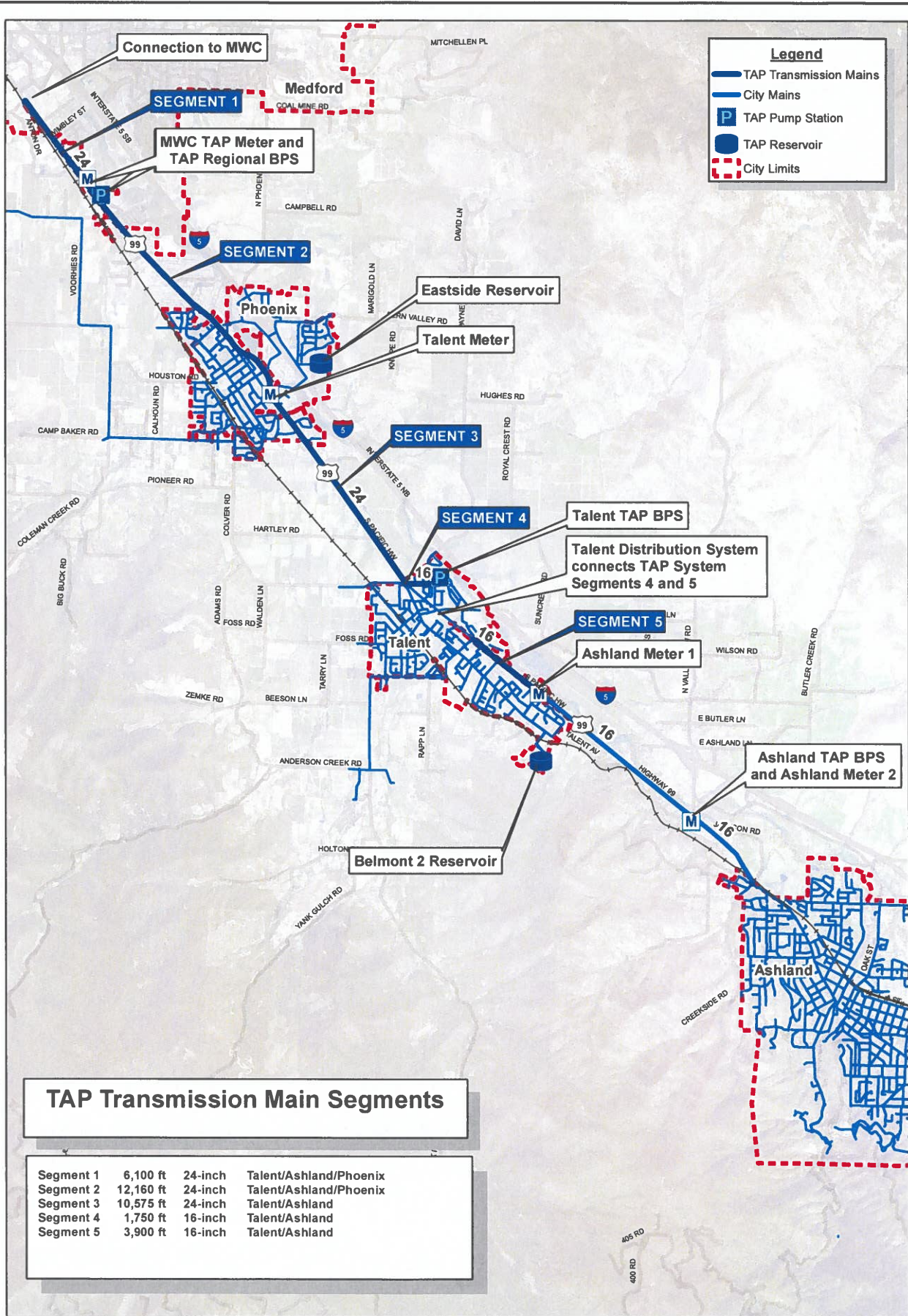
14.3 Transfer of Interest. No TAP PARTNER shall assign or transfer any of its interest in this Agreement without the prior written consent of the other TAP PARTNERS.

SECTION 15: ADDITIONAL PROVISIONS

15.1 Exclusive Property. All work produced by or for the TAP PARTNERS regarding the TAP WATER SYSTEM shall be the exclusive property of the TAP PARTNERS. Any person(s) or entities may obtain a copy of any public record by paying for the reproduction costs of the item(s) requested.

Exhibit A
TAP Facilities

Exhibit A illustrates and describes the facilities of the TAP WATER SYSTEM. The SECRETARY shall maintain and update this exhibit annually every April.



Legend

- TAP Transmission Mains
- City Mains
- P TAP Pump Station
- TAP Reservoir
- City Limits

TAP Transmission Main Segments

Segment	Length	Diameter	Service Area
Segment 1	6,100 ft	24-inch	Talent/Ashland/Phoenix
Segment 2	12,160 ft	24-inch	Talent/Ashland/Phoenix
Segment 3	10,575 ft	24-inch	Talent/Ashland
Segment 4	1,750 ft	16-inch	Talent/Ashland
Segment 5	3,900 ft	16-inch	Talent/Ashland

J:\DATA\TAP_CAD\GIS\MAPS\TAP_2023_IGA_TAP_FACILITIES.MXD BY: HFARRIS PLOT DATE: JAN 17, 2023 COORDINATE SYSTEM: NAD 1983 STATEPLANE OREGON SOUTH FIPS 3602 FEET

1 inch = 4,000 feet

0 1,000 2,000 4,000 Feet

DRAWING IS FULL SCALE WHEN BAR MEASURES 1"

Exhibit A
Existing TAP Facilities

Talent, Ashland, and Phoenix TAP Intergovernmental Agreement

Vicinity Map

This map is a graphic representation derived from the Cities' of Talent, Ashland, and Phoenix (Cities') Geographic Information System. It was designed and intended for Cities' staff use only. It is not guaranteed to survey accuracy. This map is based on the best information available on the date shown on this map.

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Exhibit B

TAP OPERATIONS AND MAINTENANCE COSTS AND COST ALLOCATION

It is the obligation of each TAP PARTNER to submit monthly, but no less than quarterly, the following OPERATIONS AND MAINTENANCE COSTS data, which list may be amended from time to time, to the FINANCIAL ADMINISTRATOR.

1. ADMINISTRATIVE COSTS

- a) TAP PARTNER administrative costs relating to the TAP WATER SYSTEM
- b) FINANCIAL ADMINISTRATOR costs
- c) Other administrative costs

2. JOINT BILLS

- a) Power Bills for electricity consumption at the booster pump stations
- b) Medford Water Commission bills
- c) Other shared bills

3. FACILITIES MAINTENANCE AND REPAIR COSTS

- a) Regional Booster Pump Station maintenance and repair costs
- b) Talent Booster Pump Station maintenance and repair costs
- c) Pipeline repairs costs
- d) Other maintenance costs

The FINANCIAL ADMINISTRATOR shall update Table B.1 every April for use in cost allocation the following fiscal year. The FINANCIAL ADMINISTRATOR shall allocate TAP OPERATIONS AND MAINTENANCE COSTS to the TAP PARTNERS using the cost allocation methodologies in Table B.2, or other cost allocations as mutually agreed to by the TAP PARTNERS, the following fiscal year. If any alternate, mutually agreed to, methodology(ies) is(are) used in any year, it(they) must be documented by the SECRETARY in the IGA.

Each April, the SECRETARY shall coordinate with the FINANCIAL ADMINISTRATOR to update the IGA Tables B.1 and B.2 as follows:

1. Historical water use records will be used to update Table A.1 to the most recent 5-year period.
2. ADMINISTRATIVE COSTS, JOINT BILLS, and FACILITIES MAINTENANCE AND REPAIR COSTS shall be added or removed as necessary in Table B.2.

Table B.1
Historical Water Use

TAP PARTNER	April through March					HISTORICAL WATER USE	Phoenix & Talent	Talent & Ashland	All Partners
	2018/19	2019/20	2020/21	2021/22	2022/23				
	<i>thousands of gallons</i>					[1]	HISTORICAL WATER USE Allocation		
Phoenix	202,861	209,751	201,420	132,825	52,443	159,860	37.13%	0.00%	30.89%
Talent	266,438	266,080	277,917	262,639	280,065	270,628	62.87%	75.66%	52.29%
Ashland	66,479	8,265	48,020	166,832	145,690	87,057	0.00%	24.34%	16.82%
Total	535,778	484,096	527,357	562,296	478,198	517,545	100.00%	100.00%	100.00%

[1] By default this is the 5-year rolling average; however, the TAP PARTNERS may, by mutual agreement, change the allocation of costs based on HISTORICAL WATER USE for special circumstances.

**Table B.2
Operations and Maintenance Costs Allocated by the Financial Administrator**

Operations and Maintenance Costs	Charge Type or Frequency	Allocation Methodology
ADMINISTRATIVE COSTS		
Preparation of Financial Statements	No less than Quarterly	Equal Thirds
RVCOG Supplies	No less than Quarterly	Equal Thirds
JOINT BILLS		
Power Bills		for each Booster Station
Basic Charges	flat monthly fee	Historical Water Use (All)
Public Purpose	variable monthly fee	Metered Power Use
Energy Conservation	variable monthly fee	Metered Power Use
Low Income Assistance	variable monthly fee	Metered Power Use
J C Boyle Dam Removal	variable monthly fee	Metered Power Use
Copco Iron Gate Dams Removal	variable monthly fee	Metered Power Use
Medford City Franchise	variable monthly fee	Metered Power Use
Metered Use	variable monthly fee	Metered Power Use
Medford Water Commission Bills		
Water Use	variable monthly fee	Metered Water Use
RBPS Master Meter	flat monthly fee	Equal Thirds
Medford Utility Fees	flat monthly fee	Historical Water Use (All)
Other Shared Bills		
SOS Alarm @ RBPS	flat monthly fee	Equal Thirds
FACILITIES MAINTENANCE AND REPAIR COSTS		
RBPS Maintenance		
Hardware [2]	No less than Quarterly	Historical Water Use (All)
Labor	No less than Quarterly	Equal Thirds
TBPS Maintenance		
Hardware [2]	No less than Quarterly	Historical Water Use (Talent/Ashland)
Labor	No less than Quarterly	Equal Halves (Talent/Ashland)
Pipeline Repairs [2]		for each Pipeline Segment
Segment 1 (Phoenix/Talent/Ashland)	No less than Quarterly	Historical Water Use (All)
Segment 2 (Phoenix/Talent/Ashland)	No less than Quarterly	Historical Water Use (All)
Segment 3 (Phoenix/Talent/Ashland)	No less than Quarterly	Historical Water Use (All)
Segment 4 (Talent/Ashland)	No less than Quarterly	Historical Water Use (Talent/Ashland)
Segment 5 (Talent/Ashland)	No less than Quarterly	Historical Water Use (Talent/Ashland)

[1] Examples include electrical and radio programming work completed by contractors and landscape maintenance work completed by City crews.

[2] Routine and emergency repairs (not replacements/upgrades). May be conducted by City crews or contractors.

Exhibit C

TAP PROJECTS COSTS

Exhibit C catalogs cost share among TAP PARTNERS for PROJECTS. The SECRETARY shall maintain and update this exhibit annually every April.

Interlocal Agreement	LEAD TAP PARTNER	Exhibit F IGA #	Phoenix	Talent	Ashland	Total
ARPA IGA	Ashland	P.1	17.71%	40.92%	41.37%	100.00%

Exhibit D

INTERGOVERNMENTAL AGREEMENT FOR _____*[name of the Project]*_____ AMONG THE CITIES OF TALENT, ASHLAND, AND PHOENIX

This Intergovernmental Agreement (hereinafter "Agreement") is entered into by and among the Cities of Talent, Ashland, and Phoenix, Oregon, hereinafter collectively referred to as the "PARTNERS" and "TALENT", "ASHLAND", and "PHOENIX" when referred to individually.

RECITALS

- A. *[First recital]*
- B. *[Second recital]*
- C. *[Third recital]*
- D. *[add recitals as appropriate]*
- E. The PARTNERS agree that _____*[name of Project]*____ labor costs incurred by ___*[Lead TAP PARTNER]*____'s Project Manager will be split among PARTNERS, at the rate of ___*[\$rate]*___ per hour, according to this cost share basis; City of Phoenix is responsible for ___*[x%]*___, City of Talent is responsible for ___*[x%]*___, and City of Ashland is responsible for ___*[x%]*___, as calculated in the attached ___*["Exhibit #"]*___ and incorporated herein by this reference.

AGREEMENT

NOW THEREFORE, in consideration of the terms and conditions contained herein, the PARTNERS hereby agree to the following:

1. RECITALS/PURPOSE.

The above-listed recitals are true and correct and are specifically adopted and incorporated herein as the purpose of this Agreement.

2. DEFINITIONS.

- A. "TAP System" means the Talent, Ashland, Phoenix water transmission system, including transmission/distribution lines, reservoirs (tanks), pump stations, and assorted appurtenances.
- B. "Technical Advisory Committee" or "TAC" means a group comprised of at least one (1) representative from each of the PARTNERS. The Technical Advisory Committee function will be to assist in ___[activities necessary for the project such as project design, engineering, bidding, and construction management]__.
- C. [add as needed]

3. RESPONSIBILITIES.

A. The PARTNERS:

- 1. Agree to form a Technical Advisory Committee (hereinafter the "TAC") consisting of at least one (1) member from each of the PARTNERS. The TAC will meet regularly to review ___[as relevant for the project - projects, design progress, construction progress, and other items as necessary]__.
- 2. Agree to provide, in a timely manner, the necessary information and facility access required for ___[execution the project – could be the design, engineering, bidding and construction of projects, for example].
- 3. Agree to pay the identified, allocated cost of the project on the basis of ___[describe the basis, could be by capacity, equal split, or other basis]__, plus project labor costs incurred by [the Lead TAP PARTNER] at the rate of ___[\$x]__ per hour.
- 4. Agree that each PARTNER affirms that they have the legal authority to construct the public improvements listed in this Agreement without regard to whether these improvements lie within easements, public rights-of-way, or real estate owned by the PARTNERS ___[strike or modify as relevant to the Project; updating the Master Plan would not need this, for example]__

B. [name of LEAD TAP PARTNER]:

- 1. Agrees to award and administer contracts, pursuant to Oregon's Public Contracting Code and the ___[name of the City]__ Municipal Code, with an ___[type of consultant, such as engineering consultant]__ qualified to ___[perform the work, develop the improvements and so forth]__ to complete the Project.

2. Agrees to pay ___[frequency, most likely monthly]___ invoices to those ___[describe the type of consultant(s)]___ awarded a contract(s) pursuant to this Agreement on behalf of the PARTNERS.
3. Agrees to coordinate as necessary with the selected consultant ___[for description of the Project]___.
4. Agrees to invoice the PARTNERS monthly for any fees associated with the Project –[add any necessary description of payment or total cost]___.

C. [name of 2ND City]:

1. Agrees to reimburse the ___[name of Lead TAP PARTNER]_ for ___[name of 2nd City]___ total share of the costs of the Project within thirty (30) days of invoicing by ___[name of the Lead TAP PARTNER]___.
2. Agrees to coordinate as necessary with the selected consultant ___[provide more description]___.
3. [add as needed].

D. [name of 3RD City]:

1. Agrees to reimburse the ___[name of Lead TAP PARTNER]_ for ___[name of 3rd City]___ total share of the costs of the Project within thirty (30) days of invoicing by ___[name of the Lead TAP PARTNER]___.
2. Agrees to coordinate as necessary with the selected consultant ___[provide more description]___.
3. [add as needed].

4. ___[name of the]_ PROJECT, ESTIMATED PROJECT COSTS, AND PROPOSED WORK PLAN.

- A. The PARTNERS agree to complete the project(s) identified in this Agreement and agree that the projects have been selected from the TAP Water System Master Plan ___[or other document]___ are attached hereto as ___["Exhibit #"]___ and fully incorporated herein by this reference.
- B. Cost estimates including ___[whatever is included, such as engineering, construction costs]___
- C. [add as needed]

5. DISPUTE RESOLUTION.

If the TAC determines that there is a dispute between any of the PARTNERS, and the TAC is unable to reach a resolution to such conflict through negotiation within ten (10) business days of a party giving notice to the other PARTNERS that a dispute has arisen, the dispute shall be presented to the executive officers of the PARTNERS (or their designated representatives) for resolution. In the event the dispute is not resolved using the above process, a party may proceed to mediation. To begin the mediation process, the partners will each submit three (3) names of potential mediators and shall agree upon a mutually acceptable mediator from the list of names. The costs of mediation shall be borne equally among the PARTNERS. In the event the dispute is not resolved using the above mediation process, the dispute shall be subject to binding arbitration. Arbitration shall be conducted pursuant to the rules of the Arbitration Service of Portland and shall be conducted in Jackson County, Oregon, unless otherwise agreed by the PARTNERS. The prevailing party in such action shall be entitled to recover its reasonable attorney fees, costs, and expenses from the non-prevailing party or parties.

6. LIABILITY, INDEMNITY AND HOLD HARMLESS.

A. INDEMNIFICATION. To the extent allowed by the Oregon Constitution and the Oregon Tort Claims act, the PARTNERS hereby agree to indemnify, save, hold harmless, and defend each other from and against any claims, liabilities, or damages, including attorney fees, arising out of or related to the error, omission or negligence on the part of the indemnifying party, its officers, agents, or employees in the performance of this Agreement.

B. STATUS. In providing the services specified in this Agreement (and any associated services) the PARTNERS are public bodies and maintain their public body status as specified in ORS 30.260. The PARTNERS understand and acknowledge that each retains all immunities and privileges granted to them by the Oregon Tort Claims Act and any and all other statutory rights granted as a result of their status as local public bodies.

7. TERM AND TERMINATION.

The Agreement shall be effective upon the date of execution by all of the PARTNERS (hereinafter the "Effective Date") and shall continue in full force and effect until [date] . If the PARTNERS sign on separate dates, the last date shall be the Effective Date. Any PARTNER may agree to terminate its participation in this Agreement at any time by giving not less than fifteen (15) days prior written notice to the other PARTNERS, provided, however, that once a contract with the selected Consultant or Construction Contractor has been signed, the terminating PARTNER agrees to pay its full pro-rata share of the cost of such contract to [name of Lead TAP PARTNER] .

8. NOTICE.

Whenever notice is required or permitted to be given under this Agreement, such notice shall be given in writing to the other parties: by personal delivery; by sending via a reputable commercial overnight courier; or by mailing using registered or certified United States mail, return receipt requested, postage prepaid, to the address(es) set forth below:

If to ASHLAND:

[Name] [Position]
City of Ashland Public Works
20 E Main St.
Ashland, Oregon 97520

If to PHOENIX:

[Name] [Position]
City of Phoenix
112 W 2nd St.
Phoenix, Oregon 97535

If to TALENT:

[Name] [Position]
City of Talent
110 E Main St
Talent, Oregon 97540

9. INSURANCE.

Each PARTNER shall, at its own expense, obtain and maintain during the term of this Agreement a policy or policies of liability insurance including commercial general liability insurance with a combined single limit, or the equivalent, of not less than \$2,000,000 (two million dollars) per occurrence for Bodily Injury, Death, and Property Damage. Notwithstanding the foregoing, each PARTNER may partially or fully meet the obligations of this section by means of self-insurance.

10. FORCE MAJEURE.

None of the parties to this Agreement shall hold the other parties responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents, or other events beyond the control of the other or the other's officers, employees, or agents.

11. GOVERNING LAW.

This Agreement shall be governed by the laws of the State of Oregon without regard to conflict of laws principles. Exclusive venue for litigation of any action arising under this Agreement shall be in the Circuit Court of the State of Oregon for Jackson County unless exclusive jurisdiction is in federal court, in which case exclusive venue shall be in the federal district court for the district of Oregon.

12. AMENDMENTS.

This Agreement may be amended at any time by the mutual, written agreement of the PARTNERS.

13. ENTIRE AGREEMENT.

This Agreement contains the complete understanding of the parties with respect to the subject matter hereof. Any prior agreements, promises, negotiations, or representations of or between the parties, either oral or written, relating to the subject matter of this Agreement, which are not expressly set forth in this Agreement, are null and void and of no further force or effect.

14. WAIVER.

The waiver by any party of a breach or violation of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach thereof. No delay or failure to require performance of any provision of this Agreement shall constitute a waiver of that provision as to that or any other instance.

15. SEVERABILITY.

If any of the provisions contained in this Agreement are held illegal, invalid, or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

IN WITNESS THEREOF, the parties hereto have caused this Agreement to be signed by their proper officers on the dates set forth below.

Page 6: __[name of Agreement]__

[Name of] DATE
City Manager
City of Ashland

[Name of] DATE
City Manager
City of Phoenix

[Name of] DATE
City Manager
City of Talent

Exhibit E

TAP REHABILITATION Reserve Funds

The SECRETARY shall maintain a list of TAP Assets as shown in Table E.1. Each year in April, the table shall be updated per the following steps:

1. Assets retired shall be removed from the list and assets added shall be added to the list.
2. The replacement cost of assets (column 4 of Table E.1) will be updated using the Engineering News Record Construction Cost Index (ENR CCI) March to March change for the prior twelve months.

Annual depreciation (column 9 of Table E.1.) shall be allocated among the TAP PARTNERS according to CURRENT CAPACITY SHARE as detailed in the TAP Master Plan, or as mutually agreed to by the TAP PARTNERS. CURRENT CAPACITY SHARE, detailed in Table E.2, shall be updated April of each year by the SECRETARY.

TAP PARTNERS shall each establish a TAP REHABILITATION Reserve Fund into which each TAP PARTNER shall deposit an amount at least equal to the minimum collection shown in Table E.2 the following fiscal year. The SECRETARY shall update the minimum collection amounts each year upon mutual agreement of the TAP PARTNERS.

Table E.1
TAP Water System Joint Assets

1	2	3	4	5	6	7	8	9
Original Facilities	Estimated Replacement Cost		Useful Life	Year Installed	Years Depreciated	Remaining Life	Annual Depreciation	
	Data Source	Current						
Pipelines Segments		2018 \$'s	2023 \$'s	years				
1	Hwy 99 (MWC connection Garfield St. to RBPS)	\$2,973,750	\$3,575,488	80	2001	22	58	\$44,694
2	Hwy 99 (RBPS to Talent Meter)	\$5,928,000	\$7,127,530	80	2001	22	58	\$89,094
3	Hwy 99 (Talent Meter to Suncrest Rd)	\$5,155,313	\$6,198,489	80	2001	22	58	\$77,481
4	Suncrest Rd (Hwy 99 to TBPS)	\$710,938	\$854,796	80	2001	22	58	\$10,685
5	Hwy 99 (Rapp Rd to Creel Rd)	\$1,584,375	\$1,904,973	80	2013	10	70	\$23,812
Total Pipelines		\$16,352,375	\$19,661,276					\$245,766
Regional Booster Pump Station		2017 \$s	2023 \$'s					
	110 Pump	\$60,000	\$77,000	40	2005	18	22	\$1,925
	120 Pump	\$60,000	\$77,000	40	2005	18	22	\$1,925
	130 Pump	\$80,000	\$103,000	40	2005	18	22	\$2,575
	140 Pump	\$80,000	\$103,000	40	2005	18	22	\$2,575
	MOV 110	\$7,500	\$10,000	40	2005	18	22	\$250
	Check Valve 110	\$4,000	\$5,000	40	2005	18	22	\$125
	MOV 120	\$7,500	\$10,000	40	2005	18	22	\$250
	Check Valve 120	\$4,000	\$5,000	40	2005	18	22	\$125
	MOV 130	\$7,500	\$10,000	40	2005	18	22	\$250
	Check Valve 130	\$4,000	\$5,000	40	2005	18	22	\$125
	MOV 140	\$7,500	\$10,000	40	2005	18	22	\$250
	Check Valve 140	\$4,000	\$5,000	40	2005	18	22	\$125
	VFD 1	\$20,000	\$26,000	20	2005	18	2	\$1,300
	VFD 2	\$20,000	\$26,000	20	2005	18	2	\$1,300
	Electrical Equipment	\$40,000	\$51,000	30	2005	18	12	\$1,700
	Telemetry and SCADA	\$25,000	\$32,000	20	2005	18	2	\$1,600
	Building	\$300,000	\$385,000	100	2005	18	82	\$3,850
	Generator	\$32,000	\$41,000	20	2005	18	2	\$2,050
Total Regional Booster Pump Station		\$763,000	\$981,000					\$22,300
Talent Booster Pump Station		2017 \$s	2023 \$'s					
	Pump 1	\$40,000	\$51,000	10	2005	18	0	\$5,100
	Pump 2	\$40,000	\$51,000	10	2005	18	0	\$5,100
	Replacement Pump 1 (100 to 125 hp)	\$86,000	\$110,000	40	2015	8	32	\$2,750
	Replacement Pump 2 (100 to 125 hp)	\$86,000	\$110,000	40	2015	8	32	\$2,750
	Pump 1 Piping and Valves	\$4,000	\$5,000	30	2005	18	12	\$167
	Pump 2 Piping and Valves	\$4,000	\$5,000	30	2005	18	12	\$167
	VFD 1	\$20,000	\$26,000	20	2005	18	2	\$1,300
	VFD 2	\$20,000	\$26,000	20	2005	18	2	\$1,300
	Electrical Equipment	\$40,000	\$51,000	30	2005	18	12	\$1,700
	Telemetry and SCADA	\$15,000	\$19,000	20	2005	18	2	\$950
	Building [1]	\$0	\$0	100	2005	18	82	\$0
	Generator	\$32,000	\$41,000	20	2005	18	2	\$2,050
Total Talent Booster Pump Station		\$387,000	\$495,000					\$23,333
Total Replacement Cost Estimate			\$21,137,276					\$291,399

[1] Considered a sunk cost. The building was already owned by the City of Talent.

Table E.2
TAP Water System Assets Allocation of Annual Depreciation and
Minimum Collection by each TAP PARTNER

Cost Component	Column 9			
	Table E.1	Phoenix	Talent	Ashland
Pipeline Segment Use by City		<i>Cost Allocation by Capacity Share</i>		
Segment 1		21.78%	58.83%	19.39%
Segment 2		21.78%	58.83%	19.39%
Segment 3		0.00%	57.31%	42.69%
Segment 4		0.00%	57.31%	42.69%
Segment 5		0.00%	41.48%	58.52%
Pipelines Annual Depreciation Allocation				
Segment 1	\$44,694	\$9,734	\$26,293	\$8,666
Segment 2	\$89,094	\$19,405	\$52,414	\$17,275
Segment 3	\$77,481	\$0	\$44,408	\$33,073
Segment 4	\$10,685	\$0	\$6,124	\$4,561
Segment 5	\$23,812	\$0	\$9,878	\$13,934
Subtotal Pipelines Cost Allocation	\$245,766	\$29,139	\$139,117	\$77,509
Booster Pump Stations		<i>Cost Allocation by Capacity Share</i>		
		21.78%	58.83%	19.39%
Regional BPS	\$22,300	\$4,857	\$13,119	\$4,324
			68.70%	31.30%
Talent BPS	\$23,333	\$0	\$16,031	\$7,303
Total FY24 Asset Depreciation	\$291,399	\$33,996	\$168,267	\$89,136
Minimum Collection FY 2024 20%	\$58,280	\$6,799	\$33,653	\$17,827

Source: TAP Master Plan and TAP PARTNERS, January 2023 with April 2023 update.

Exhibit F

TAP Interlocal Agreements

The SECRETARY shall maintain and update this exhibit annually every April.

Administrative Agreements

IGA #	Title	Purpose	Executed Date	Terminated
A.1	Intergovernmental Agreement	Role of RVCOG	July 1, 2016	

Projects Agreements

IGA #	Title	Purpose	Lead TAP Partner	Executed Date	Terminated
P.1	Intergovernmental Agreement for the American Rescue Plan Act TAP Water System Improvements among the Cities of Talent, Ashland, and Phoenix	ARPA Funding Projects Identification and Cost Share	Ashland	February 28, 2022	



City of Phoenix
Heart of the Rogue Valley

Agenda Item #: 8a.

Agenda Report to Mayor and Council

Agenda item title: DC22-02 - An ordinance of the City of Phoenix to amend Chapter 3.4 of the Phoenix Land Development Code (Ord. No. 851 & 999) regarding parking mandates.

Meeting Date: 7/17/2023 public hearing and consideration to pass for first reading by title only.

From: Joe Slaughter, CEDEV Director

Action: Motion, Ordinance, Resolution, Information only, Other

SUMMARY

This is an ordinance to adopt an update to the Land Development Code (LDC) to modify parking standards as required by OAR 660-012-0405, OAR 660-012-0430 and OAR 660-012-0440.

BACKGROUND AND DISCUSSION

At the direction of then Governor Brown, the Department of Land Conservation and Development (DLCD) coordinated the State of Oregon's work on Oregon's Climate Friendly and Equitable Communities (CFEC) rule making process. The process resulted in updates to Oregon's Transportation Planning Rules and related administrative rules which were adopted by the Land Conservation and Development Commission (LCDC) on July 21, 2022. The rules include extensive new requirements for updated transportation system plans, the creation of "climate friendly areas" in cities of more than 5,000 people, and extensive changes to parking requirements throughout the communities located within the 8 metropolitan areas in the state.

The City of Phoenix, having a population of less than 5,000 people, is required only to amend its parking standards at this time to comply with the recent rule changes. The City must reduce parking mandates per OAR 660-012-0430 and OAR 660-012-0440, effective December 31, 2022 per OAR 660-012-0012(5)(e). These changes must apply to development applications submitted after that date and the City must either directly apply state administrative rules or amend local development standards as follows:

- 1) Reduced mandates for specific developments – cannot mandate more than 1 space/unit for residential developments with more than 1 unit.
- 2) No mandates for small units, affordable units, childcare, facilities for people with disabilities, shelters.
- 3) Reform near transit - no parking mandates allowed within ¾ mile of light or heavy rail stations or ½ mile of frequent transit corridors.

As shown on the attached DLCD CFEC Half-mile Buffer map, the vast majority of Phoenix is located within ½ mile of RVTD bus route 10, which qualifies as a frequent transit corridor per OAR 660-012-0440(3). This being the case, the City of Phoenix can no longer require vehicle parking for most of the city area. Staff recommends eliminating all parking minimum requirements across the entire city area rather than enforcing minimum parking standards only for the R-1 zoned properties existing in the extreme southwest and northeast corners of the city.

There are additional parking regulation improvements that must be adopted by the City per OAR 660-012-0405, by June 30, 2023 per OAR 660-012-0012(4)(f). These include:

- 1) Preferential placement of carpool/vanpool parking

- 2) Allow redevelopment of any portion of a parking lot for bike or transit uses
- 3) Allow and encourage redevelopment of underutilized parking for other uses
- 4) Allow and facilitate shared parking
- 5) Parking lots more than ¼ acre in size must install 50% tree canopy OR solar panels, solar/wind fee-in lieu, or green energy per OAR 330-0135-0010; requires street trees and street-like facilities along driveways.
- 6) Adopt parking maximums in locations such as downtowns, regional or community center, and transit-oriented developments.

The Phoenix Land Development already contains parking maximums across all use categories in all zones. Since parking minimums will be removed for all developments within the city, it is an easy change to allow for redevelopment of existing parking lots.

In advance of these mandates, the Planning Commission conducted a public hearing on November 28, 2022 on the proposed amendments, affording all citizens an opportunity to be heard on the subject and review the amended text. The Planning Commission deliberated and forwarded a unanimous recommendation of approval to the City Council. The decision to delay bringing this to Council for adoption following the Planning Commission's recommendation was due to action taken by a group of municipalities to challenge the legality of the CFEC rule making process. There has been no indication that the challenge will result in a significant change to the existing rules and it has become complicated to administer a Development Code that is not strictly compliant with State rules. Considering the low chance that litigation will result in reversing these mandates, staff has determined it appropriate to bring this proposed change and recommendation to the City Council for review.

COUNCIL GOALS SUPPORTED

Goal 8: Promote and encourage developers. Maintain responsive and effective planning and building services.

FISCAL IMPACT

There will be no financial impact to the City resulting from adoption of the ordinance.

RECOMMENDATION

Staff recommends the council conduct a public hearing for consideration of ordinance No. 1031.

PROPOSED MOTION

I move to approve, on reading by title only, Ordinance 1031, an ordinance to amend Chapter 3.4 of the Phoenix Land Development Code regarding parking mandates.

ATTACHMENTS

- Text to be amended
- DLCD CFEC half-mile buffer map
- Draft Ordinance 1031
- Planning Commission Final Order
- Letter from DLCD dated July 13, 2023

New Text = **Bold**
Deleted Text = ~~Strikethrough~~

Chapter 3.4 – Vehicle and Bicycle Parking

Sections

3.4.1 – Purpose.....	121
3.4.2 – Applicability	121
3.4.3 – Vehicle Parking Standards.....	121
3.4.4 – Bicycle Parking Requirements.....	124
3.4.5 – RVs	127

Amendments

3.4.3.A – Ord. No. 948, 2014

3.4.1 – Purpose

The purpose of this Chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle-parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This Chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements. This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

3.4.2 – Applicability

All developments subject to site design review (Chapter 4.2 – Development Review and Site Design Review), including development of parking facilities, shall comply with the provisions of this Chapter.

3.4.3 – Vehicle Parking Standards

A. Number of Spaces Required Recommended. The ~~minimum~~ number of ~~required~~ **recommended** off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) ~~shall~~ **can** be determined based on the standards in Table 3.4.3.A.

There is no minimum number of parking spaces required for any development. However, all developments must provide ADA parking in compliance with Building Code requirements and all parking provided must meet the standards of this Chapter, including maximum number of spaces allowed. ~~The minimum number of off-street parking spaces required in the City Center District may be reduced by up to two thirds with the justification approved by the Planning Director, however, the maximum parking standards of this Chapter apply. These reductions and justifications should be reported in writing to the Planning Commission at their next meeting.~~

Table 1: 3.4.3.A – Vehicle Parking – Recommended Number of Spaces ~~Minimum Standards Option~~

The number of required <u>recommended</u> off-street vehicle parking spaces shall <u>can</u> be determined in accordance <u>using the</u> with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways.
Residential Uses
Single-family detached housing: 2 parking spaces shall be provided for each detached single-family dwelling or manufactured home on an individual lot.
<ul style="list-style-type: none"> ▪ Two- and three-family housing: 1.5 spaces per dwelling unit. ▪ Multi-family and single-family attached housing, including senior housing <ol style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft.: 1 space/unit b. 1-bedroom units 500 sq. ft. or larger: 1.5 spaces/unit c. 2-bedroom units: 1.75 spaces/unit d. 3-bedroom units: 2 spaces/unit e. Care facilities: 0.5 spaces/unit ▪ Rooming and boarding houses, dormitories: 2 spaces for each three guest rooms, or 1 per three beds, whichever is more. ▪ Manufactured Home Parks: Same as for Single-family detached housing. ▪ Accessory Dwelling: 1 additional parking space
Commercial Uses
<ul style="list-style-type: none"> ▪ Auto, boat, or trailer sales, retail nurseries, and similar bulk retail uses. One space per 1,000 square feet of the first 10,000 sq. ft. of gross land area devoted to retail use; plus one space per 5,000 sq. ft. for the excess over 10,000 sq. ft. of gross land area; and one space per two employees. ▪ Business, general retail, personal services. General – one space for 350 square feet of gross floor area. Furniture and appliances: One space per 750 square feet of gross floor area. ▪ Chapels and mortuaries. One space per four fixed seats in the main chapel. ▪ Hotels and motels. One space for each guest room, plus one space for the manager. ▪ Offices: Medical and Dental Offices: One space per 350 square feet of gross floor area. General Offices: One space per 450 square feet of gross floor area. ▪ Restaurants, bars, ice cream parlors and similar uses: One space per four seats or one space per 100 sq. ft. of gross leasable floor area, whichever is less. ▪ Theaters, auditoriums, stadiums, gymnasiums, similar uses: One space per four seats.
Industrial Uses
<ul style="list-style-type: none"> ▪ Industrial uses, except warehousing: One space per two employees on the largest shift or for each 700 square feet of gross floor area, whichever is less, plus one space per company vehicle. ▪ Warehousing: One space per 1,000 square feet of gross floor area or for each two employees, whichever is greater, plus one space per company vehicle. ▪ Public utilities (gas, water, telephone, etc.), not including business offices: One space per two employees on the largest shift, plus one space per company vehicle; a minimum of two spaces is required.

Table 2: 3.4.3.A – Vehicle Parking – Minimum Standards Option (Continued)

Public and Institutional Uses
<ul style="list-style-type: none"> ▪ Child-care centers having 13 or more children: One space per two employees; a minimum of two spaces is required. ▪ Churches and similar places of worship: One space per four seats. ▪ Golf courses, except miniature: Eight spaces per hole, plus additional spaces for auxiliary uses set forth in this Section. Miniature golf courses: Four spaces per hole. ▪ Hospitals: Two spaces per patient bed ▪ Nursing and convalescent homes: One space per three patient beds ▪ Rest homes, homes for the aged, or assisted living: One space per two patient beds or one space per apartment unit. ▪ Schools, elementary and junior high: One and one-half spaces per classroom, or the requirements for public assembly as set forth herein, whichever is greater. ▪ High Schools: One and one-half space per classroom, plus one space per 10 students the school is designed to accommodate, or the requirements for public assembly as set forth herein, whichever is greater. ▪ Colleges, universities and trade schools: One and one-half spaces per classroom, plus one space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
Unspecified Uses
Where a use is not specifically listed in this table, parking requirements shall <u>recommendations can</u> be determined by finding a use that is similar to those listed in terms of parking needs.

B. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages or carports (no temporary or tarp carports are allowed), or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in Chapter 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). (See also, Chapter 3.2 – Access and Circulation).
2. **Where designated employee parking is provided, preferential parking for carpools and vanpools shall be provided.**
- ~~2. Off site parking. Except for single family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.~~
3. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total ~~requirements~~ **recommendation** for off-street automobile parking shall be the sum of the **recommendations** ~~requirements~~ for all uses. ~~unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly as approved by the Planning Director.~~
- ~~4. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.~~
4. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of Chapter 3.6 – Signs.

C. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the ~~required minimum~~ **recommended** number of spaces provided by this Section by more than 5%.

D. Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the dimensions in Figure 3.4.3.E.

E. Disabled Person Parking Spaces. ~~The following~~ Parking shall be provided for disabled persons **shall be provided** in conformance with the Americans with Disabilities Act and **Oregon Building Code**. Disabled parking is included in the ~~minimum~~ **recommended** number of required parking spaces in Section A, above.

F. Additional Parking Design Standards.

1. **All parking lots that include more than one-quarter acre of surface parking on a lot or parcel shall provide one of the following:**
 - a. **Installation of solar panels with a generation capacity of at least 0.5 kilowatt per parking space on the property. Panels may be located anywhere on the property.**
 - b. **Tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting.**
2. **Developments must provide street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities.**
3. **For new multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five**

or more residential dwelling units, provision of electrical service capacity, as defined in ORS 455.417, to accommodate at least 40 percent of all vehicle parking spaces shall be provided.

G. Redevelopment of Existing Parking Facilities.

1. Property owners are allowed to redevelop any portion of an existing off-street parking area for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities.
2. Property owners are allowed and encouraged to redevelop underutilized parking for other uses.
3. Required parking spaces for disabled persons and access for emergency vehicles must be retained.

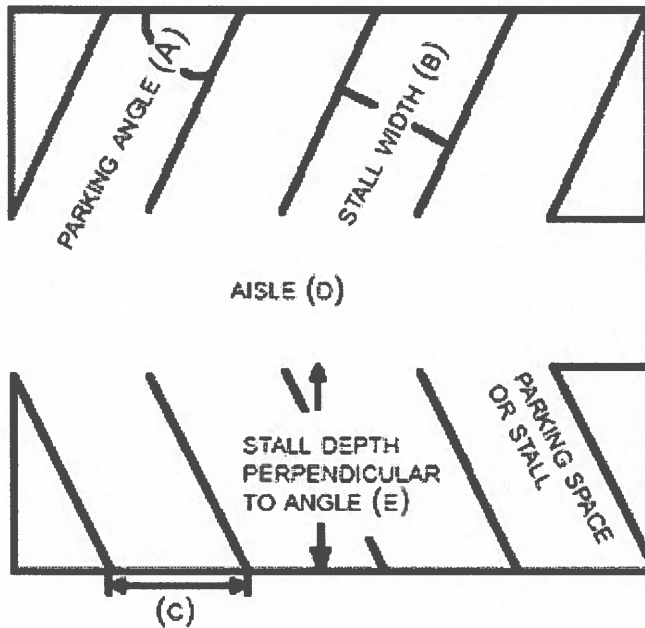


Figure 1: 3.4.3.E – Parking Stall Dimensions

Table 9: Minimum Parking Space and Aisle Dimensions

Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	8 ft.	22 ft. 6 in.	12 ft.	26 ft.	8 ft.
	Compact	7 ft. 6 in.	19 ft. 6 in.	12 ft.	26 ft.	7 ft. 6 in.
30°	Standard	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	7 ft. 6 in.	15 ft.	12 ft.	24 ft.	14 ft.
45°	Standard	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
60°	Standard	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	7 ft. 6 in.	8 ft. 6 in.	18 ft.	24 ft.	16 ft. 6 in.
90°	Standard	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	7 ft. 6 in.	24 ft.	24 ft.	15 ft.

* A two-foot overhang is allowed for standard spaces if the curb acts as the wheel stop.

3.4.4 – Bicycle Parking Requirements

All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the following standards, which are evaluated during Site Design Review:

- A. General Bicycle Parking Requirement.** Bicycle parking shall be provided for all new multiple family residential developments (4 units or more), commercial, industrial and institutional uses, in the following manner:
1. The minimum number of required bicycle parking spaces is listed in Table 3.4.4.
 2. The required minimum number of bicycle parking spaces is based on the primary uses on a site. There are no bicycle parking requirements for accessory uses.
 3. When there are two or more separate primary uses on a site, the required bicycle parking for the site is the sum of the required parking for the individual primary uses.
 4. When the short and long term bicycle parking percentages do not result in whole numbers, the numbers shall be rounded to favor short term bicycle parking.
 5. The following uses are exempted from the bicycle parking requirements:
 - a. Seasonal uses, such as fireworks stands and Christmas tree sales;
 - b. Self-storage facilities.
- B. Bicycle Parking Design Standards.** Required bicycle parking shall comply with the following standards:
1. **Standards for all bicycle parking.** These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.
 - a. Where required bicycle parking is provided in lockers, the lockers must be securely anchored.
 - b. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:
 - i. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle. Staple-design steel racks are recommended.
 - ii. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.
 - iii. The rack must be securely anchored.
 - c. Each required bicycle parking space must be accessible without moving another bicycle.
 - d. There must be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
 - e. The area devoted to bicycle parking must be hard surfaced.
 2. **Additional standards for short-term bicycle parking.** Short-term bicycle parking encourages shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Short-term bicycle parking should serve the main entrance of a building and should be visible to pedestrians and bicyclists. Required short-term bicycle parking shall meet the following standards in addition to the standards in Subsection (a) above:
 - a. Short-term bicycle parking shall be provided in lockers or racks.
 - b. Short-term bicycle parking shall be located outside a building and at the same grade as the sidewalk or at a location that can be reached by an accessible route.
 - c. Bicycle parking may be located anywhere on the site, provided it is visible from a primary building entrance and is no further from the primary building than the furthest vehicle parking area.

- d. If there are multiple primary building entrances, bicycle parking should be dispersed so that bicycle parking facilities are visible from each primary building entrance.
 - e. Each required short-term bicycle parking space must be at least 2 feet by 6 feet.
 - f. Required short-term bicycle parking spaces must be available for shoppers, customers, messengers, and other visitors to the site.
3. **Additional standards for long-term bicycle parking.** Long-term bicycle parking provides employees, students, residents, commuters and others who generally stay at a site for several hours, a secure and weather-protected place to park bicycles. Although long-term parking does not have to be provided on-site, the intent of these standards is to ensure bicycle parking is within a reasonable distance in order to encourage bicycle use. Required long-term bicycle parking shall meet the following standards in addition to the standards in Subsection (a) above
- a. Long-term bicycle parking must be provided in racks or lockers.
 - b. Long-term bicycle parking must be located on the site or in an off-site area where the closest point is within 500 feet of the site. If provided off-site, the standards of Subsection 133.070 shall be met.
 - c. At least 50 percent of required long-term bicycle parking shall be covered. Covered bicycle parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover shall be:
 - i. Permanent.
 - ii. Designed to protect bicycles from rainfall.
 - iii. At least 7 feet above the floor or ground.
 - d. To provide security, long-term bicycle parking shall be in at least one of the following locations:
 - i. A locked room or storage container.
 - ii. An area that is enclosed by a fence with a locked gate. The fence shall be either 8 feet high, or be floor-to-ceiling.
 - iii. Within view of an attendant or security guard.
 - iv. Within 100 feet of an attendant or security guard.
 - v. An area that is monitored by a security camera.
 - vi. An area that is visible from employee work areas.
 - e. Required long-term bicycle parking spaces must be available for employees, students, residents, commuters, and others who stay at the site for several hours.

Table 3.4.4 Minimum Bicycle Parking Space Requirements

Use	Minimum Number of Required Bicycle Parking Spaces	Short / Long Term Bicycle Parking Requirements
Residential Use Categories		
Household Living	None required, except: For a multifamily dwelling containing four or more dwelling units: 1.1 spaces per dwelling unit	25% ST 75% LT
Group Living- Room and Board Facilities	The greater of 4 spaces or 1 space per 2 rentable rooms	100% LT
Group Living- Long Term Care Facilities	1 space per 20 residents (based on capacity)	100% LT
Commercial Use Categories		
Commercial Lodging	The greater of 4 spaces or 1 space per 10 rentable rooms	25% ST 75% LT
Eating and Drinking Establishments	The greater of 4 spaces or 1 space per 1,000 square feet gross floor area	50% ST 50% LT
Commercial Entertainment - Indoor and Outdoor	The greater of 10 spaces or 1 space per 20 vehicle spaces or as determined during land use review	75% ST 25% LT
Office and Business Services	The greater of 4 spaces or 1 space per 3,000 square feet of gross floor area	75% ST 25% LT
Retail and Wholesale Sales and Service	The greater of 4 spaces or 1 space for 5,000 square feet.	75% ST 25% LT
Motor Vehicle – Sales and Service	1 space per 9,000 square feet of gross floor area	75% ST 25% LT
Motor Vehicle – Structured Parking, Park & Ride Lots, Major Transit Stations	The greater of 4 spaces or 10% of the number of vehicle spaces provided	25% ST 75% LT
Institutional Use Categories-		
Civic, Social and Administrative Services	1 space per 5,000 square feet of gross floor area, except:	75% ST 25% LT
Medical, Health and Correctional Services	1 space per 10,000 square feet of gross floor area	75% ST 25% LT
Public Parks and Playgrounds	8 spaces per public park or playground or per as determined during land use review	100% ST
Day Care	The greater of 4 spaces or 1 space per every 20 students based on capacity	50% ST 50% LT
Religious Institutions	The greater of 4 spaces, or: Fixed seating - 1 space per 20 seats or 1 space per 40 feet of bench length No fixed seating - 1 space per 500 square feet gross floor area	100% ST
Schools	Elementary - 2 spaces per classroom Middle/High - 4 spaces per classroom	50% ST 50% LT
Colleges and Universities	The greater of 4 spaces or 1 space per 10,000 square feet of gross floor area	50 % ST 50% LT
Infrastructure and Utilities Use Categories		
General	The greater of 4 spaces or: From 0-99,999 square feet of gross floor area - 1 space for 10,000 square feet. From 100,000 or greater square feet of gross floor area - 1 space for 15,000 square feet	75% ST 25% LT
Industrial Use Categories		
General Manufacturing and Production	The greater of 4 spaces or 1 space per 20,000 square feet of gross floor area	100% LT
Warehouse and Freight Movement	The greater of 4 spaces or 1 space per 40,000 square feet of gross floor area	100% LT
Other Use Categories		
General	Per land use review	Per land use review

3.4.5 – RVs

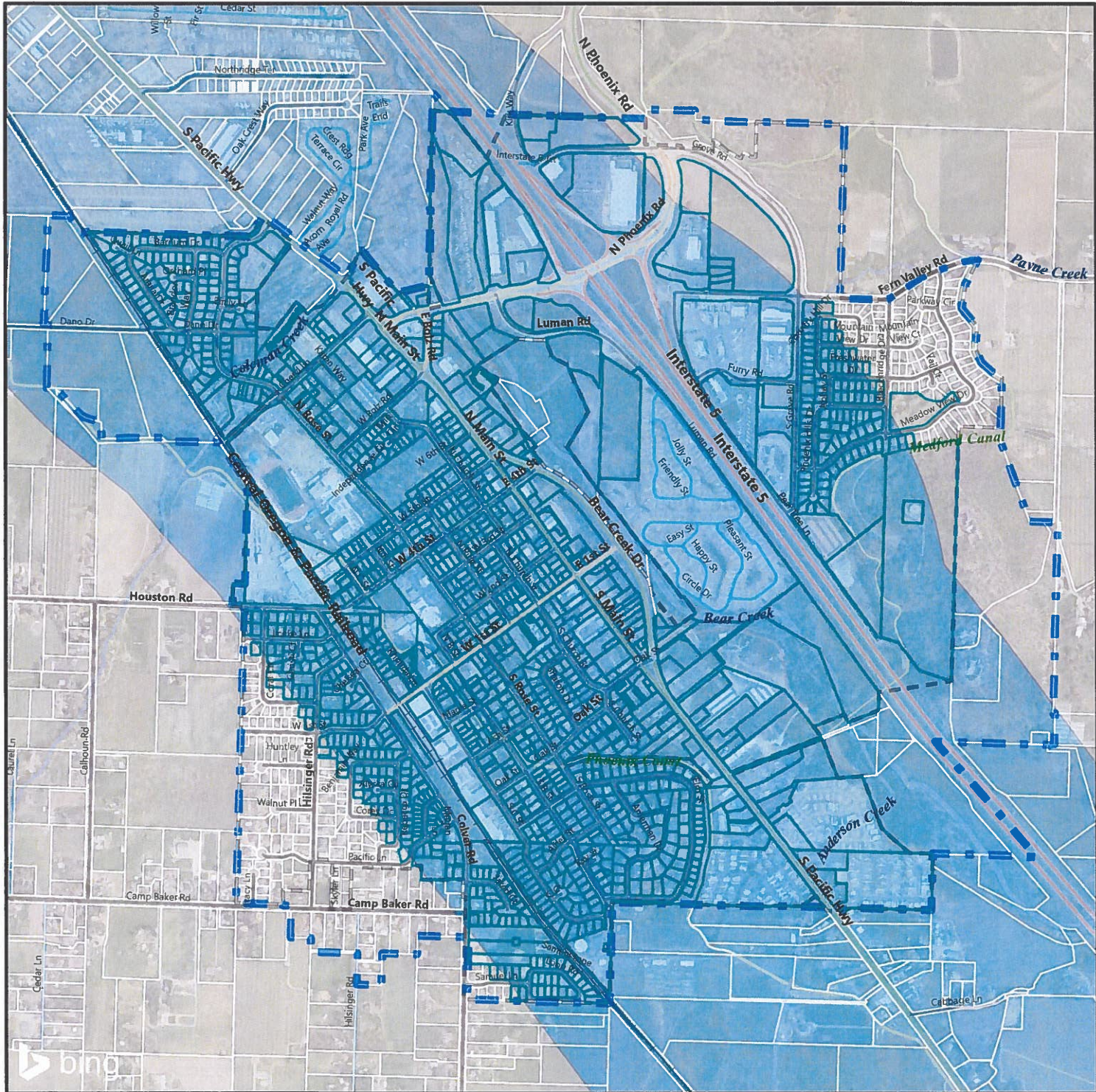
The following regulations pertain to recreational vehicles other than those parked in recreational vehicle parks, mobile home parks, or other areas that are specifically designed for such vehicles;

- A.** It shall be unlawful to occupy a recreational vehicle for sleeping or living purposes in a public street or right-of-way for any length of time within the City of Phoenix.
- B.** A recreational vehicle may be parked on private property and used for sleeping and cooking purposes by guest of the residents of the premises for a period not to exceed two weeks per year. Such recreational vehicles shall have self-contained sewage facilities, or the visitors shall utilize the facilities of the host's residence.
- C.** Additionally, all RV vehicles parked or stored on residential property must be parked upon an improved surface (asphalt, concrete, brick or gravel). Parking on front lawn areas is strictly prohibited and all RV's, Boats, Trailers etc., used for sleeping and cooking purposes on the property must be operational, have current tags and be attached to the site only by temporary utility and security devices.
- D.** No person having ownership or other responsibility for property in Phoenix shall occupy or allow the occupancy of any recreational vehicle upon the premises as permanent living quarters.
- E.** Any unoccupied recreational vehicle that is not in use shall not be stored on any roadway, within any public right-of-way, or upon any public property
- F.** A recreational vehicle shall not be used as a guesthouse, a caretaker's residence, nor as a sole residence on any tax lot, nor shall it be used as a temporary residence during the period of construction of a permanent dwelling on the property, except for City use during municipal projects.
- G.** A recreational vehicle shall not occupy a space within an approved manufactured housing park unless that space has been specially approved by the city for short-term recreational vehicle use.

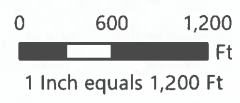


Community & Economic Development Department

DLCD CFEC Half-mile Buffer



- CFEC - Half-mile buffer (1370 Tax Lots)
- Urban Growth Boundary
- City Limit (Ord 1018 Eff 5/4/2022)



The Land Use Districts 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.

Created by: Jeff, on 10/25/2022

CITY OF PHOENIX, OREGON

ORDINANCE NO. 1031

**AN ORDINANCE OF THE CITY OF PHOENIX
TO AMEND CHAPTER 3.4 OF THE PHOENIX LAND DEVELOPMENT
CODE (Ord. No. 851 & 999) REGARDING PARKING MANDATES**

WHEREAS, Oregon law requires that state, regional and local governments adopt and periodically update coordinated Comprehensive Plans and implementing ordinances; and

WHEREAS, the City of Phoenix implements its Comprehensive Plan through Ordinance No. 851, the Phoenix Land Development Code (LDC), which was adopted in 2005 and substantially modified through Ordinance No. 999, which was adopted in 2019; and

WHEREAS, the City must reduce or eliminate parking mandates per OAR 660-012-0430 and OAR 660-012-0440, and must adopt additional parking regulation per OAR 660-012-0405; and

WHEREAS, the amendment to the City's Land Development Code (LDC) contained in Exhibit 1 will modify existing parking standards to comply with the mandates contained in OAR 660-012-0405, OAR 660-012-0430 and OAR 660-012-0440; and

WHEREAS, on November 28, 2022, the Planning Commission conducted a duly noticed public hearing on the proposed amendments, affording all citizens an opportunity to be heard on the subject; and

WHEREAS, following receipt of staff testimony at the November 28, 2022 public hearing, the Planning Commission deliberated and forwarded a unanimous recommendation of approval to the City Council; and

WHEREAS, the City Council has fully reviewed the record and deems all notices and comments to the record as compliant with state law and the City of Phoenix Land Development Code, and that no further action is necessary before the Planning Commission; and

WHEREAS, the City Council has considered the Planning Commission's recommendation, the staff reports in this matter, and testimony and evidence of interested parties, and has evaluated the proposed amendments against Statewide Goals, state, county, and regional requirements, the Comprehensive Plan, and other applicable standards;

NOW, THEREFORE, THE CITY OF PHOENIX ORDAINS AS FOLLOWS:

SECTION 1. Findings. The City Council hereby adopts as findings and conclusions of the foregoing recitals.

SECTION 2. Order. The City Council hereby adopts the amendment to the City of Phoenix Land Development Code attached as Exhibit 1 incorporated as set forth fully herein.

SECTION 3. Limitation. Except as expressly amended in this amendment, all other sections and provisions of the original ordinance are still in full force and effect.

SECTION 4. Staff Directive. To reflect adoption of the ordinance, Staff is directed to make conforming changes to the City of Phoenix Land Development Code necessary to incorporate the amendment adopted herein.

SECTION 5. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 6. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-4) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

PASSED AND ADOPTED by the City Council and signed by me in authentication of thereof on this 7th day of August, 2023.

Terry Baker, Mayor

ATTEST:

Approved as to form:

Bonnie Pickett, City Recorder

Douglas McGear, City Attorney

**ORDINANCE NO. 1031
TO AMEND CHAPTER 3.4 OF THE LAND DEVELOPMENT CODE
"EXHIBIT 1"**

Chapter 3.4 – Vehicle and Bicycle Parking

Sections

3.4.1 – Purpose.....	121
3.4.2 – Applicability	121
3.4.3 – Vehicle Parking Standards.....	121
3.4.4 – Bicycle Parking Requirements.....	124
3.4.5 – RVs	127

Amendments

3.4.3.A – Ord. No. 948, 2014	
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3.4.1 – Purpose

The purpose of this Chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle-parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This Chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements. This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

3.4.2 – Applicability

All developments subject to site design review (Chapter 4.2 – Development Review and Site Design Review), including development of parking facilities, shall comply with the provisions of this Chapter.

3.4.3 – Vehicle Parking Standards

A. Number of Spaces Recommended. The number of recommended off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) can be determined based on the standards in Table 3.4.3.A.

There is no minimum number of parking spaces required for any development. However, all developments must provide ADA parking in compliance with Building Code requirements and all parking provided must meet the standards of this Chapter, including maximum number of spaces allowed.

Table 1: 3.4.3.A – Vehicle Parking – Recommended Number of Spaces

The number of recommended off-street vehicle parking spaces can be determined using the following standards. Off-street parking spaces include spaces in garages, carports, parking lots, and/or driveways.
Residential Uses
Single-family detached housing: 2 parking spaces for each detached single-family dwelling or manufactured home on an individual lot.
<ul style="list-style-type: none"> ▪ Two- and three-family housing: 1.5 spaces per dwelling unit. ▪ Multi-family and single-family attached housing, including senior housing <ul style="list-style-type: none"> a. Studio units or 1-bedroom units less than 500 sq. ft.: 1 space/unit b. 1-bedroom units 500 sq. ft. or larger: 1.5 spaces/unit c. 2-bedroom units: 1.75 spaces/unit d. 3-bedroom units: 2 spaces/unit e. Care facilities. 0.5 spaces/unit ▪ Rooming and boarding houses, dormitories: 2 spaces for each three guest rooms, or 1 per three beds, whichever is more. ▪ Manufactured Home Parks: Same as for Single-family detached housing. ▪ Accessory Dwelling: 1 additional parking space
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Industrial Uses
<ul style="list-style-type: none"> ▪ Industrial uses, except warehousing: One space per two employees on the largest shift or for each 700 square feet of gross floor area, whichever is less, plus one space per company vehicle. ▪ Warehousing: One space per 1,000 square feet of gross floor area or for each two employees, whichever is greater, plus one space per company vehicle. ▪ Public utilities (gas, water, telephone, etc.), not including business offices: One space per two employees on the largest shift, plus one space per company vehicle; a minimum of two spaces is required.
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Unspecified Uses
Where a use is not specifically listed in this table, parking recommendations can be determined by finding a use that is similar to those listed in terms of parking needs.

B. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages or carports (no temporary or tarp carports are allowed), or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in Chapter 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). (See also, Chapter 3.2 – Access and Circulation).
2. Where designated employee parking is provided, preferential parking for carpools and vanpools shall be provided.
3. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total recommendation for off-street automobile parking shall be the sum of the recommendations for all uses.
4. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of Chapter 3.6 – Signs.

C. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the recommended number of spaces provided by this Section by more than 5%.

D. Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the dimensions in Figure 3.4.3.E.

E. Disabled Person Parking Spaces. Parking for disabled persons shall be provided in conformance with the Americans with Disabilities Act and Oregon Building Code. Disabled parking is included in the recommended number of required parking spaces in Section A, above.

F. Additional Parking Design Standards.

1. All parking lots that include more than one-quarter acre of surface parking on a lot or parcel shall provide one of the following:
 - a. Installation of solar panels with a generation capacity of at least 0.5 kilowatt per parking space on the property. Panels may be located anywhere on the property.
 - b. Tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting.
2. Developments must provide street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities.
3. For new multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, provision of electrical service capacity, as defined in ORS 455.417, to accommodate at least 40 percent of all vehicle parking spaces shall be provided.

G. Redevelopment of Existing Parking Facilities.

1. Property owners are allowed to redevelop any portion of an existing off-street parking area for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities.
2. Property owners are allowed and encouraged to redevelop underutilized parking for other uses.
3. Required parking spaces for disabled persons and access for emergency vehicles must be retained.

Figure 1: 3.4.3.E – Parking Stall Dimensions

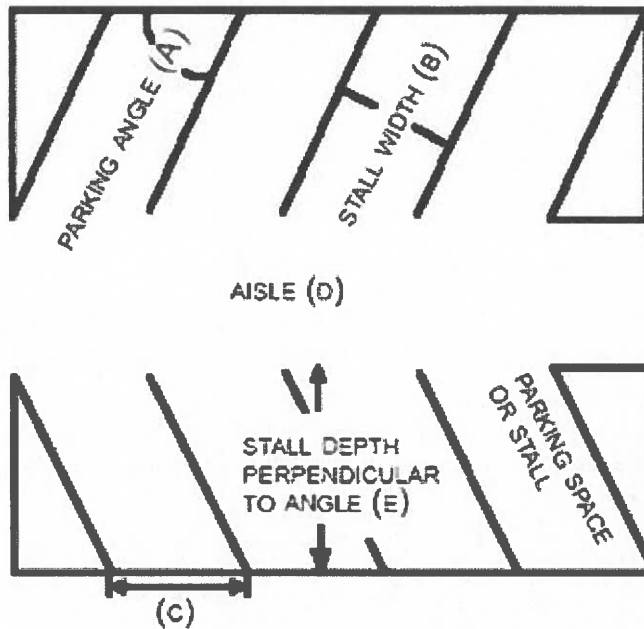


Table 9: Minimum Parking Space and Aisle Dimensions

Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	8 ft.	22 ft. 6 in.	12 ft.	26 ft.	8 ft.
	Compact	7 ft. 6 in.	19 ft. 6 in.	12 ft.	26 ft.	7 ft. 6 in.
30°	Standard	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	7 ft. 6 in.	15 ft.	12 ft.	24 ft.	14 ft.
45°	Standard	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
60°	Standard	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	7 ft. 6 in.	8 ft. 6 in.	18 ft.	24 ft.	16 ft. 6 in.
90°	Standard	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	7 ft. 6 in.	24 ft.	24 ft.	15 ft.

* A two-foot overhang is allowed for standard spaces if the curb acts as the wheel stop.

3.4.4 – Bicycle Parking Requirements

All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the following standards, which are evaluated during Site Design Review:

A. General Bicycle Parking Requirement. Bicycle parking shall be provided for all new multiple family residential developments (4 units or more), commercial, industrial and institutional uses, in the following manner:

1. The minimum number of required bicycle parking spaces is listed in Table 3.4.4.
2. The required minimum number of bicycle parking spaces is based on the primary uses on a site. There are no bicycle parking requirements for accessory uses.
3. When there are two or more separate primary uses on a site, the required bicycle parking for the site is the sum of the required parking for the individual primary uses.
4. When the short and long term bicycle parking percentages do not result in whole numbers, the numbers shall be rounded to favor short term bicycle parking.
5. The following uses are exempted from the bicycle parking requirements:
 - a. Seasonal uses, such as fireworks stands and Christmas tree sales;
 - b. Self-storage facilities.

B. Bicycle Parking Design Standards. Required bicycle parking shall comply with the following standards:

1. **Standards for all bicycle parking.** These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.
 - a. Where required bicycle parking is provided in lockers, the lockers must be securely anchored.
 - b. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:
 - i. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle. Staple-design steel racks are recommended.
 - ii. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.
 - iii. The rack must be securely anchored.
 - c. Each required bicycle parking space must be accessible without moving another bicycle.
 - d. There must be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
 - e. The area devoted to bicycle parking must be hard surfaced.
2. **Additional standards for short-term bicycle parking.** Short-term bicycle parking encourages shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Short-term bicycle parking should serve the main entrance of a building and should be visible to pedestrians and bicyclists. Required short-term bicycle parking shall meet the following standards in addition to the standards in Subsection (a) above:
 - a. Short-term bicycle parking shall be provided in lockers or racks.
 - b. Short-term bicycle parking shall be located outside a building and at the same grade as the sidewalk or at a location that can be reached by an accessible route.

- c. Bicycle parking may be located anywhere on the site, provided it is visible from a primary building entrance and is no further from the primary building than the furthest vehicle parking area.
 - d. If there are multiple primary building entrances, bicycle parking should be dispersed so that bicycle parking facilities are visible from each primary building entrance.
 - e. Each required short-term bicycle parking space must be at least 2 feet by 6 feet.
 - f. Required short-term bicycle parking spaces must be available for shoppers, customers, messengers, and other visitors to the site.
3. **Additional standards for long-term bicycle parking.** Long-term bicycle parking provides employees, students, residents, commuters and others who generally stay at a site for several hours, a secure and weather-protected place to park bicycles. Although long-term parking does not have to be provided on-site, the intent of these standards is to ensure bicycle parking is within a reasonable distance in order to encourage bicycle use. Required long-term bicycle parking shall meet the following standards in addition to the standards in Subsection (a) above
- a. Long-term bicycle parking must be provided in racks or lockers.
 - b. Long-term bicycle parking must be located on the site or in an off-site area where the closest point is within 500 feet of the site. If provided off-site, the standards of Subsection 133.070 shall be met.
 - c. At least 50 percent of required long-term bicycle parking shall be covered. Covered bicycle parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover shall be:
 - i. Permanent.
 - ii. Designed to protect bicycles from rainfall.
 - iii. At least 7 feet above the floor or ground.
 - d. To provide security, long-term bicycle parking shall be in at least one of the following locations:
 - i. A locked room or storage container.
 - ii. An area that is enclosed by a fence with a locked gate. The fence shall be either 8 feet high, or be floor-to-ceiling.
 - iii. Within view of an attendant or security guard.
 - iv. Within 100 feet of an attendant or security guard.
 - v. An area that is monitored by a security camera.
 - vi. An area that is visible from employee work areas.
 - e. Required long-term bicycle parking spaces must be available for employees, students, residents, commuters, and others who stay at the site for several hours.

Table 3.4.4 Minimum Bicycle Parking Space Requirements		
Use	Minimum Number of Required Bicycle Parking Spaces	Short / Long Term Bicycle Parking Requirements
Residential Use Categories		
Household Living	None required, except: For a multifamily dwelling containing four or more dwelling units: 1.1 spaces per dwelling unit	25% ST 75% LT
Group Living- Room and Board Facilities	The greater of 4 spaces or 1 space per 2 rentable rooms	100% LT
Group Living- Long Term Care Facilities	1 space per 20 residents (based on capacity)	100% LT
Commercial Use Categories		
Commercial Lodging	The greater of 4 spaces or 1 space per 10 rentable rooms	25% ST 75% LT
Eating and Drinking Establishments	The greater of 4 spaces or 1 space per 1,000 square feet gross floor area	50% ST 50% LT
Commercial Entertainment - Indoor and Outdoor	The greater of 10 spaces or 1 space per 20 vehicle spaces or as determined during land use review	75% ST 25% LT
Office and Business Services	The greater of 4 spaces or 1 space per 3,000 square feet of gross floor area	75% ST 25% LT
Retail and Wholesale Sales and Service	The greater of 4 spaces or 1 space for 5,000 square feet.	75% ST 25% LT
Motor Vehicle – Sales and Service	1 space per 9,000 square feet of gross floor area	75% ST 25% LT
Motor Vehicle – Structured Parking, Park & Ride Lots, Major Transit Stations	The greater of 4 spaces or 10% of the number of vehicle spaces provided	25% ST 75% LT
Institutional Use Categories-		
Civic, Social and Administrative Services	1 space per 5,000 square feet of gross floor area, except:	75% ST 25% LT
Medical, Health and Correctional Services	1 space per 10,000 square feet of gross floor area	75% ST 25% LT
Public Parks and Playgrounds	8 spaces per public park or playground or per as determined during land use review	100% ST
Day Care	The greater of 4 spaces or 1 space per every 20 students based on capacity	50% ST 50% LT
Religious Institutions	The greater of 4 spaces, or: Fixed seating - 1 space per 20 seats or 1 space per 40 feet of bench length No fixed seating - 1 space per 500 square feet gross floor area	100% ST
Schools	Elementary - 2 spaces per classroom Middle/High - 4 spaces per classroom	50% ST 50% LT
Colleges and Universities	The greater of 4 spaces or 1 space per 10,000 square feet of gross floor area	50 % ST 50% LT
Infrastructure and Utilities Use Categories		
General	The greater of 4 spaces or: From 0-99,999 square feet of gross floor area - 1 space for 10,000 square feet. From 100,000 or greater square feet of gross floor area - 1 space for 15,000 square feet	75% ST 25% LT
Industrial Use Categories		
General Manufacturing and Production	The greater of 4 spaces or 1 space per 20,000 square feet of gross floor area	100% LT
Warehouse and Freight Movement	The greater of 4 spaces or 1 space per 40,000 square feet of gross floor area	100% LT
Other Use Categories		
General	Per land use review	Per land use review

3.4.5 – RVs

The following regulations pertain to recreational vehicles other than those parked in recreational vehicle parks, mobile home parks, or other areas that are specifically designed for such vehicles;

- A.** It shall be unlawful to occupy a recreational vehicle for sleeping or living purposes in a public street or right-of-way for any length of time within the City of Phoenix.
- B.** A recreational vehicle may be parked on private property and used for sleeping and cooking purposes by guest of the residents of the premises for a period not to exceed two weeks per year. Such recreational vehicles shall have self-contained sewage facilities, or the visitors shall utilize the facilities of the host's residence.
- C.** Additionally, all RV vehicles parked or stored on residential property must be parked upon an improved surface (asphalt, concrete, brick or gravel). Parking on front lawn areas is strictly prohibited and all RV's, Boats, Trailers etc., used for sleeping and cooking purposes on the property must be operational, have current tags and be attached to the site only by temporary utility and security devices.
- D.** No person having ownership or other responsibility for property in Phoenix shall occupy or allow the occupancy of any recreational vehicle upon the premises as permanent living quarters.
- E.** Any unoccupied recreational vehicle that is not in use shall not be stored on any roadway, within any public right-of-way, or upon any public property
- F.** A recreational vehicle shall not be used as a guesthouse, a caretaker's residence, nor as a sole residence on any tax lot, nor shall it be used as a temporary residence during the period of construction of a permanent dwelling on the property, except for City use during municipal projects.
- G.** A recreational vehicle shall not occupy a space within an approved manufactured housing park unless that space has been specially approved by the city for short-term recreational vehicle use.



BEFORE THE PHOENIX PLANNING COMMISSION

STATE OF OREGON, CITY OF PHOENIX

IN THE MATTER OF PLANNING FILE NO. DC22-02 AMENDING)
CHAPTER 3.4 OF THE PHOENIX LAND DEVELOPMENT CODE,) ORDER
THE PHOENIX PLANNING COMMISSION FINDS)

1. The Planning Commission held a properly noticed public hearing on this matter on November 28, 2022;
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 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, Chapter 3.4 – Vehicle and Bicycle Parking:

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 November 28, 2022. **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: (B. 1.) The text amendment proposed partially meets the intent of Chapter 3.4 which states:

“The purpose of this Chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle-parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This Chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements. This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.”

The proposed changes to Chapter 3.4 are in response to new State rules resulting from the Climate Friendly and Equitable Communities rule making process directed by the Governor through executive order. While the purpose of Chapter 3.4

includes flexible parking standards that do not result in an oversupply of parking, and allow for better, more efficient/higher intensity use of property, the new mandates in the Oregon Administrative Rules (OAR 660-012) eliminate the City's ability to require parking to ensure that adequate parking is provided to enhance pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. The proposed changes are only partially in-line with the stated purpose of this Chapter. However, the changes are necessary to comply with applicable State standards.

(B. 2.) As mentioned in the findings above, the proposed changes to Chapter 3.4 are in response to new State rules resulting from the Climate Friendly and Equitable Communities rule making process directed by the Governor through executive order. The proposed changes do not result from a local desire to adjust parking standards, but rather, a State mandated change to eliminate vehicle parking minimums. As such, the Development Code is being adjusted to comply with these new rules and all applicable Sections of the Code are being adjusted in order to prevent conflicts within the Code. However, it is not true that the Development Code, in its entirety, was developed on the premise of all vehicle parking being optional. This being the case, the proposed changes to the Code do not strictly align with the remainder of the Code and other changes may be determined necessary in the future to adjust for this paradigm shift.

(B. 3.) Oregon's system of land use planning requires cities to adopt Comprehensive Plans which act as guides to future development and urbanization. Local land use codes are then adopted to ensure that development meets the goals and policies of the locally adopted and State acknowledged Comprehensive Plan. Typically, Land Development Code text amendments are proposed in response to changes to a Comprehensive Plan or to cause the Code to better align with the existing Comprehensive Plan. However, in this case the proposed changes to the Code are a result of new State mandates resulting from the Climate Friendly and Equitable Communities rule making process directed by the Governor through executive order. As such, the proposed changes are required although they do not fully align with the Phoenix Comprehensive Plan. Although the changes may help to further certain goals related to maximizing the efficiency of lands, encouraging additional commercial and residential development, and providing flexible standards, they may also serve as an impediment to other goals related to well-planned, organized development. It is likely the City will adjust certain portions of the Comprehensive Plan in the future in response to these required changes, however, the timelines mandated in the OAR do not provide adequate time to make these adjustments prior to adjusting the Code. **These criteria are met to the extent possible given the timelines provided within the OAR for these mandated changes.**

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 relate only to minimum vehicle parking standards and certain design standards for parking lots. While it is possible the elimination of parking minimums will have a negative effect on streets adjacent to new development, along with the transportation system as a whole, these changes are not anticipated to produce any additional vehicle trips that may change the functional classification of streets or intersections. In fact, if the changes work as anticipated by the State framers of OAR 660-012, the number of vehicle trips will be reduced by making driving more difficult and causing people to choose other means of transportation or change commuting patterns. **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:*

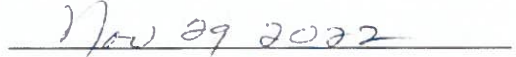
- 1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or*
- 2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement 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 relate only to minimum vehicle parking standards and certain design standards for parking lots. While it is possible the elimination of parking minimums will have a negative effect on streets adjacent to new development, along with the transportation system as a whole, these changes are not expected to significantly affect any particular transportation facility. In fact, if the changes work as anticipated by the State framers of OAR 660-012, the number of vehicle trips will be reduced by making driving more difficult and causing people to choose other means of transportation or change commuting patterns. **The criteria are not applicable.**



Larry Dickson
Planning Commission Chair



Date



Joe Slaughter
Community & Economic Development
Director



Date



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

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City of Phoenix
Community and Economic Development Department
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Phoenix, Oregon 97535



RE: Proposed Text Amendment DC22-02 and Garage/Carport Mandates

July 13, 2023

Dear Mr. Slaughter and Mr. Moody,

I am writing to comment on proposed text amendment DC22-02. Please enter this letter into the record.

Under the Climate-Friendly and Equitable Communities program, and to address the desperate need of Oregonians to have housing choices they can afford, the Land Conservation and Development Commission (commission) adopted reforms of how communities mandate off-street parking.

These reforms are mostly encoded in Oregon Administrative Rules 660-012-0400 through 0450, along with dates for adoption in OAR 660-012-0012.

The parking reforms are structured to have some basic requirements in OAR 660-012-0405 through 0415, and then provide three options for communities. Those communities opting to repeal parking mandates citywide are not required to take additional actions in OAR 660-012-0425 through 0450.

Through our conversations with city staff, it has come to our attention that there is some disagreement on whether a requirement to have a garage or a carport falls under the definition of a parking mandate in OAR 660-012-0005 (27) and (29). The intent of the program is that such requirements – by far the most expensive form of parking mandate – fall under that definition. Garages cost in the tens of thousands of dollars to be built. Carports cost at least several thousand dollars. Such requirements can make housing simply unaffordable for some.

The explicit prohibition on garage and carport mandates lies in OAR 660-012-0425. As mentioned, the structure of the rules presumes cities opting to repeal parking mandates citywide have removed garage and carport mandates as part of that repeal. Therefore, this prohibition appeared redundant as part of 0405 through 0415.

While not explicit, we believe OAR 660-012-0420 does currently prohibit the requirement for garages or carports¹. The administrative rule pertains to “parking mandates”. “Parking mandates” refers to “parking

¹ [660-012-0420](#)

Exemption for Communities without Parking Mandates

(1) *Cities and counties that adopt land use regulations that do not include parking mandates are exempt from OAR 660-012-0425 through OAR 660-012-0450.*

(2) *Cities and counties that retain land use regulations with parking mandates shall conform with OAR 660-012-0425 through OAR 660-012-0450.*

spaces”. A garage or carport would be considered a “parking space” as their primary purpose is to provide covered space for an automobile.

Additionally, the department plans to propose the commission explicitly include garages and carports in the definition of parking mandates as part of its rulemaking to be adopted in November. We encourage the city to adopt amendments in line with that interpretation now, instead of using valuable council time to revisit the issue after that explicit change is made.

Thank you for the opportunity to comment.

Regards,



Evan Manvel
Climate Mitigation Planner

660-012-0005
Definitions

(27) “Parking mandates” means requirements to include a minimum number of off-street parking spaces with development or redevelopment, or a fee-in-lieu of providing parking for residential development

(29) “Parking spaces” means on and off-street spaces designated for automobile parking, other than parking spaces reserved for carpools, vanpools, or parking under the Americans with Disabilities Act.