

PETITION FOR ANNEXATION – STAFF REPORT

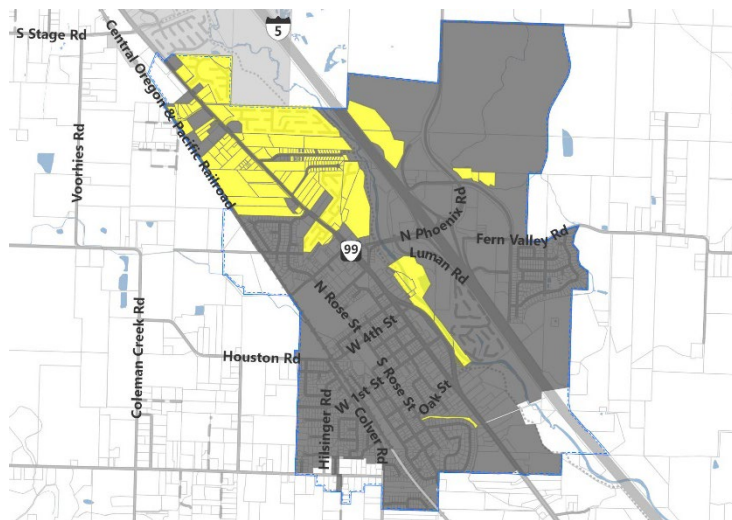
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Location: Enclave areas within the Phoenix urban growth boundary. Primarily located north of the city center near Hwy 99 and Interstate-5 (see map inset).

Land Use District: Various (see attached land use maps and property lists).

Date Notice Published: January 6th and 13th, 2024

Date of Hearing: January 22, 2024



I. APPLICANT

City of Phoenix
PO Box 330
Phoenix, OR 97535

II. PROJECT INFORMATION

The proposal is to annex 253 acres within the City’s urban growth boundary (UGB) pursuant to ORS 222.750, remove the area from Jackson County Fire District No.2 pursuant to ORS 222.524, and add the area to Jackson County Fire District No.5 boundaries pursuant to ORS 198.867(3). This action is consistent with the direction to “pursue annexation of the PH-3 area” provided by the Phoenix City Council in April of 2023. The action is also consistent with Policy 3.5 of the Land Use Element of the Comprehensive Plan which states:

The City shall initiate proceedings to annex “islands” of unincorporated area within the City Limits immediately following their creation or as soon thereafter as practical when deemed to be in the overall best interest of the City. Such annexations are required to ensure orderly and equitable provision of public improvement, utilities, and community services, and to further growth and development of the community in accordance with this Plan (ORS 222.750).

The application seeks to annex unincorporated territory surrounded by the city, with a delayed annexation for certain properties, as provided for in ORS 222.750. Per ORS 222.750(2), which provides for “island” or “enclave” annexation:

When territory not within a city is surrounded by the corporate boundaries of the city, or the corporate boundaries of the city and the corporate boundaries of another city, the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5, the city may annex the territory pursuant to this section after holding at least one public hearing on the question for which notice has been mailed to each record owner of real property in the territory proposed to be annexed.

As shown in the attached Enclaves maps (Exhibit A), there are 10 unique territories relevant to Phoenix which meet these standards for enclave annexation. As shown on the maps, Enclaves A-F and H-J are all completely surrounded by the corporate boundaries of the City of Phoenix, and, as shown on the attached Territories to be Annexed maps (Exhibit B), are proposed to be annexed in their entirety. Enclave G is surrounded by the corporate boundaries of the City of Phoenix, the corporate boundaries of the City



of Medford, and a portion of Bear Creek. Only the portions of Enclave G located within the UGB of Phoenix are proposed to be annexed as only these areas are eligible for annexation to Phoenix.

Pursuant to ORS 222.750(5), properties within the proposed annexation area that are both zoned for residential use and are currently in residential use, will have an effective date for annexation that is at least three years after the date the city proclaims the annexation approved. Exhibit C is a series of map showing non-residential properties and residential properties. Exhibit D is a list of all non-residential properties, which will have an effective date for annexation of March 25, 2024, and a list of all residential properties, which will have an effective date of annexation of March 25, 2027. Any of the Residential properties that are sold during the period of delayed annexation will annex immediately upon sale (ORS 222.750(6)).

The voters of Phoenix overwhelmingly supported Measures 15-81 and 15-82 in 2008 to annex the City of Phoenix into the Jackson County Fire District No. 5 boundaries. Per ORS 198.867(3) and Jackson County Board Order 73-08 (Exhibit E): "...the city property, together with any property thereafter annexed to the city shall: a. Be included in the boundaries of the district; and b. Be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district."

The City seeks to withdraw these territories from the Jackson County Fire District No. 2 boundaries pursuant to ORS 222.524 and add them to the Jackson County Fire district No. 5 boundaries as required by ORS 198.867(3).

All properties will be assigned City zoning which is consistent with the City's Comprehensive Plan Map and is generally equivalent to the County zoning it replaces. The following properties: 381W04 TL 502 and 381W09A TL 101, being zoned for Exclusive Farm Use in the County, will be assigned the Holding Zone designation per PLDC Chapter 2.11 (see Exhibit F).

A. Surrounding Land Uses:

- NORTH: City of Medford City Limits and UGB
- EAST: Portions of urban reserve PH-5 not yet in UGB
- SOUTH: Phoenix City Center
- WEST: Phoenix Urban Reserve Areas PH-1 and PH-1a

B. Utilities and Infrastructure:

- Electricity: Pacific Power
- Natural Gas: Avista Utilities
- Potable Water: Phoenix
- Sanitary Sewer: Rogue Valley Sewer Services
- Transportation: Areas served primarily by Hwy 99 and North Phoenix Road
- Police: The areas are currently served by the Jackson County Sherriff's Department and will be served by the City of Phoenix Police Department upon annexation.
- Fire: The territory will be removed from Jackson County Fire District No.2 and added to Jackson County Fire District No.5.

III. APPLICABLE PHOENIX LAND DEVELOPMENT CODE (PLDC) CRITERIA

PLDC, Chapter 4.1 – Types of Applications and Review Procedures
Chapter 4.1.6 – Type IV Procedures (Legislative)

IV. OTHER APPLICABLE PHOENIX STANDARDS

Comprehensive Plan – Land Use Element Goals and Policies



Community & Economic Development Department
220 N. Main Street / P.O. Box 330
Phoenix, Oregon 97535
(541) 535-2050

Comprehensive Plan – Urbanization Element Goals and Policies
Urban Growth Boundary Management Agreement

V. OREGON REVISED STATUTES

ORS 198.867
ORS 222.524
ORS 222.750

VI. AGENCY COMMENTS

None received.

VII. PUBLIC COMMENTS

None received.

VIII. RECOMMENDATION

Based on the findings and the application for annexation, staff recommends **APPROVAL** of the application, as outlined in the Proposed Final Order.

IX. PROPOSED MOTION

"I move to recommend approval of the requested annexation to the City Council as outlined in the Planning Commission Final Order."

X. EXHIBITS

- A. Maps – Enclaves
- B. Maps – Territories to be Annexed
- C. Maps – Non-Residential Properties, Residential Properties
- D. Lists – Non-Residential Properties, Residential Properties
- E. County Order Annexing Phoenix Properties to JCFD No.5
- F. County Zoning Map, Proposed City Comprehensive Plan Map and Zoning Map
- G. Planning Commission Proposed Final Order

Respectfully Submitted,

Joe Slaughter, AICP
Deputy City Manager