

City Council Meeting/Public Hearing
Agenda

February 20, 2024

7:00 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/82112209018?pwd=i01hYilh-JHWCPllqjA4Aew09AJVJQ.Yv--ME3tMgl1obsW> Passcode: 029624

Or One tap mobile: +1 346 248 7799, 82112209018#, *029624# US (Houston)
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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. Government Public and Safety Center Update,.....5

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:

- b. Minutes to Approve and File:

- 1. Minutes from City Council Meeting February 05, 2024,.....13

6. Consent Agenda Items Pulled for Discussion

7. Public Hearing

- a. Ordinance No. 1037 – An Ordinance of the City of Phoenix, Withdrawing Language of PMC 8.08.010 Prohibiting Camping and Replacing Language,.....18

8. Ordinance: Reading/Adoption

- a. Ordinance No. 1036 – An Ordinance Annexing 253 Acres within the City’s Urban Growth Boundary Pursuant to ORS 222.750, Removing the Area from Jackson County Fire District No. 2 Pursuant to ORS 222.524 and Annexing the Area to Jackson County Fire District No. 5 Pursuant to ORS 198.867 (3),.....28

9. Staff Reports

- a. City Attorney
- b. City Manager
- c. Deputy City Manager

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

To be scheduled: City Council

- Monument Policy – TBS
- Annual Police Report – Mar 4th
- Hwy 99/Bear Creek Greenway Corridor Re-Visioning Update/Next Steps – Mar 4th

To be scheduled: PHURA

- Annual Report – TBS
- Appointment Chair - Mar 18th
- Appointment Vice-Chair – Mar 18th
- Budget Calendar – Mar 18th

Upcoming City of Phoenix Meetings:

March 04, 2024	Joint City Council/Planning Commission Study Session 5:30 pm at 220 N. Main St.
March 04, 2024	City Council Meeting 7:00 pm at 220 N. Main St.
March 11, 2024	Planning Commission Meeting 6:30 pm at 220 N. Main St.
March 18, 2024	PHURA Board Meeting 5:30 pm at 220 N. Main St.
March 18, 2024	City Council Meeting 6:30 pm at 220 N. Main St.
March 21, 2024	Parks and Recreation Committee Meeting 6:00 pm at 220 N. Main St.
April 01, 2024	City Council Meeting 6:30 pm at 220 N. Main St
April 08, 2024	Planning Commission Meeting 6:30 pm at 220 N. Main St.

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



GOVERNMENT AND PUBLIC SAFETY CENTER PROJECT

January 2024



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
Windows Sector A/B	09/27/23	10/31/23	100%	
Electrical Rough A/B first floor	08/07/23	10/20/23	100%	
Drywall Sector A	10/17/23	10/27/23	100%	
Weather Barrier Sector C	10/02/23	10/20/23	100%	
Building Construction	03/02/23	03/14/24	80%	
Substantial Completion	12/06/22	03/29/24	70%	

CURRENT ACTIVITIES

Construction

The contractor has been working through a difficult winter season but are making great progress with exterior site work. Pictured to the right is the seat wall and the city buildings lettering.



Seat Wall with city building lettering



Complete North façade hardie board installation

Pictured to the left is the exterior façade of the north side of the building. The contractor has been working through a 14-day delay related to the exterior insulation. The contractor has successfully attached the exterior waterproofing barrier, Roxall exterior insulation and Hardie board façade. The next step for this installation will be to release the painter to begin on the north exterior.



Complete north façade hardie board installation



Apparatus Bay drywall installation



Apparatus Bay hard lid drywall installation

Pictured to the left is the Apparatus Bay, that will house the fire engines for the Jackson County Fire District 5. The subcontractor is installing drywall to the framing. The next step for area will be to tape and float the drywall in preparation for sanding and painting activities.



Budget

Budget has been updated with January information.

HIGHLIGHTS, CHALLENGES, SOLUTIONS

Highlights / Challenges:

- ✓ See below link/URL to the updated project website
- ✓ Insulation installation at the Apparatus Bay was completed
- ✓ Drywall has begun at the Apparatus Bay
- ✓ Interior drywall on the second floor has begun and nears completion
- ✓ Lights and acoustical ceiling tile frames are being hung on the second floor

ACTIVITIES SCHEDULED FOR NEXT PERIOD

- ✓ Continue installation of finishes throughout the building.
- ✓ Completion of the roof weather permitting.
- ✓ Continue installation of the siding and trim.
- ✓ Continued site improvements.

REVENUE / PROJECT BUDGET REPORTS

See attached reports.

ADDITIONAL INFORMATION

For questions, comments or additional information, please contact:

David McKay, CEO
david.mckay@hmkco.org | <https://hmkco.org/cityofphoenix/> | 503-453-2836



**CITY OF PHOENIX
CITY GOVERNMENT BUILDING PROJECT
REVENUE BUDGET
JANUARY 31, 2024**

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	\$ 4,630,017	\$ 13,600,000	\$ -	\$ 13,600,000
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)	\$ -	\$ -	\$ 3,292,861	\$ 119,322	\$ 3,412,183
Total Revenue	\$ 16,538,000	\$ 4,630,017	\$ 19,746,183	\$ 119,322	\$ 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
JANUARY 31, 2024**

Program Expense		Original Budget		Paid to Date		Remaining Balance		Revised Budget
Hard Cost								
Maximum Allowable Construction Cost (MACC)	3	\$ 13,421,067	\$	8,626,353	\$	6,697,490	\$	15,323,843
1.5% Solar Requirement (1.5% of Total Project Budget)		\$ 270,325	\$	2,737	\$	225,996	\$	228,733.0
Construction Contingency	3	\$ 671,053	\$	-	\$	679,759	\$	679,759
Construction Sub Total		\$ 14,362,445	\$	8,629,090	\$	7,603,246	\$	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	3	\$ 608,575	\$	647,160	\$	11,415	\$	658,575
Reimbursable Expenses		\$ 15,000	\$	14,768	\$	232	\$	15,000
Other Administrative Charges		\$ -	\$	-	\$	-	\$	-
Site Cost								
Site Survey	2	\$ 24,280	\$	11,030	\$	-	\$	11,030
Geo-Tech Report		\$ 48,560	\$	31,000	\$	-	\$	31,000
Planning Cost								
Design Fees	3	\$ 1,214,005	\$	1,026,108	\$	113,892	\$	1,140,000
A & E Reimbursable Expenses		\$ 15,000	\$	1,588	\$	13,412	\$	15,000
Commissioning	2	\$ 60,700	\$	21,640	\$	29,248	\$	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	\$	52,532	\$	11,268	\$	63,800
Constructability Review	2	\$ 48,560	\$	-	\$	-	\$	-
Plan Review & Building Permits		\$ 121,400	\$	3,241	\$	118,159	\$	121,400
Special Inspection and Testing		\$ 60,700	\$	46,063	\$	14,637	\$	60,700
Miscellaneous Fees	3,4	\$ 63,560	\$	66,991	\$	26,569	\$	93,560
Relocation Cost		\$ -	\$	28,941	\$	71,059	\$	100,000
Kitchen		\$ 24,280	\$	-	\$	-	\$	-
Miscellaneous								
Legal Advertisements		\$ 2,500	\$	433	\$	2,067	\$	2,500
Furniture, Fixtures, and Equipment (FF&E)	1	\$ -	\$	145,352	\$	604,648	\$	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	\$	14,963	\$	106,437	\$	121,400
Unallocated Owner Contingency	1,2,3,4	\$ 843,633	\$	-	\$	16,241	\$	16,241
Inflation		\$ -	\$	-	\$	-	\$	-
Sub Total Soft Cost		\$ 3,659,233	\$	2,151,521	\$	1,362,327	\$	3,513,848
Total Project Cost		\$ 18,021,678	\$	10,780,611	\$	8,965,572	\$	19,746,183

1. Reallocated funds within budget (09.30.22)
2. Reallocated funds within budget (12.31.22)
3. Reallocated funds within budget (10.31.23)
4. Reallocated funds within budget (11.30.23)

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City Council Meeting Hybrid Meeting in Person and Via Zoom Monday, February 05, 2024

1. CALL TO ORDER:

Mayor Baker called the City Council's hybrid meeting to order on Monday, February 05, 2024, at 6:32 p.m.

ROLL CALL:

PRESENT: Terry Baker, Karen Shrader, Angie Vermillion, Scott Clauson, Krista Peterson, Larry Dickson and Jillian Shainholtz

STAFF PRESENT: Eric Swanson, City Manager
Joe Slaughter, Deputy City Manager
Doug McGeary, City Attorney
Bonnie Pickett, City Recorder
Derek Bowker, Chief of Police
Chris Stephenson, PW Superintendent

2. PLEDGE OF ALLEGIANCE:

3. PRESENTATION:

4. PUBLIC COMMENT:

Will Volpert, Phoenix, gave an update on the Phoenix Chamber of Commerce. He thanked the City for Financial support through an ad for PHURA.

5. CONSENT AGENDA:

a. Reports for Information & Possible Action:

b. Minutes to Approve and File:

1. Minutes from City Council Study/Work Session Meeting January 17, 2024.

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

ROLL CALL VOTE AS FOLLOWS:

Ayes: Vermillion, Clauson, Shrader, Peterson, Shainholtz, Dickson

MOTION APPROVED WITH SIX AYES

6. CONSENT AGENDA ITEMS PULLED FOR DISCUSSION:

7. NEW BUSINESS

a. Resolution No. 1120 – A Resolution Adopting the City of Phoenix Representation in the Updates to the Jackson County Multi-Jurisdictional Natural Hazard Mitigation Plan.

Eric Swanson, City Manager, introduced the Resolution to the Council.

Joe Slaughter, Deputy City Manager, briefly explained the plan's details to the Council. He answered questions from the Council regarding the plan. Mr. Slaughter answered questions about hazardous trees and how to mitigate the issue possibly. He spoke about upcoming work this week on the greenway to cut hazardous trees with funding from ODOT and future work to remove hazardous trees in the greenway areas. Mr. Slaughter answered additional questions regarding the mitigation plan and the fire that occurred in September.

Mr. Swanson noted that the Almeda fire was declared a wildfire, which opened up the opportunity for funds to recover.

Mr. Slaughter noted that the mitigation plan is designed to allow for the work needed to prevent future fires in Phoenix. He spoke about match requirements for funding projects noted in the plan; however, at this time, the city doesn't have any projects for which we would be looking for this type of funding.

Motion: I Move to Approve Resolution No. 1120, Adopting the City's Representation in the Updates to the Jackson County Multi-Jurisdictional Natural Hazards Mitigation Plan.
MOVED BY SHAINHOLTZ, SECONDED BY VERMILLION.

ROLL CALL VOTE AS FOLLOWS:

Ayes: Shainholtz, Vermillion, Clauson, Shrader, Peterson, Dickson

MOTION APPROVED WITH SIX AYES

8. PUBLIC HEARING:

a. An Ordinance of the City of Phoenix to annex 253 Acres of Property and Right-of-Way Within the City's Urban Growth Boundary.

Mr. Swanson introduced the Ordinance to the Council and the explained the invitation of Fire Chief Hanley to speak.

Mr. Slaughter gave a brief overview of the letter regarding the annexation and how the city would honor the permits issued in the area being annexed. He spoke about the change made to the Ordinance after the packet was sent to the Council. Mr. Slaughter gave a brief history of the Urban Growth Boundary and the annexation process of the areas of PH3 and PH5. He gave additional details about the Ordinance to annex property into Phoenix. He answered questions from the Council and presented staff recommendations.

Councilor Clauson asked Fire Chief Hanley to chime in on annexing additional land to Phoenix and his take on the response time to this area.

Fire Chief Hanley noted that nationwide, the speed for a response to a fire is 25 miles an hour in a residential area. He noted that Fire District #5 is a smaller fire District but is responsible for a smaller area than other Districts. Chief Hanley noted that they go into the Fire District #2 area daily per their mutual aid agreement, so his team is familiar with it. He stated that Phoenix will soon have a fully staffed fire station to respond to the calls.

Open Public Hearing 7:28 p.m.

Public Comments: Jay Harlan, CJ Planning, representing Summitt Properties, LLC, spoke in favor of the language change in the Ordinance. He spoke about the lengthy process they have had to go through to get to this point in the redevelopment of the property since the Almeda Fire, and having to start the process again would create an undue hardship for them.

Closed Public Hearing 7:30 p.m.

Motion: I Move to Approve, on Reading by Title Only, Ordinance 1036, An Ordinance Annexing 253 Acres Within the City's Urban Growth Boundary Pursuant to ORS 222.750, Removing the Area From Jackson County Fire District No. 2 Pursuant to ORS 222.524 and Annexing the Area to Jackson County Fire District No. 5 Pursuant to ORS 198.867 (3) Ordinance 1036 as Amended. **MOVED BY PETERSON, SECONDED BY VERMILLION.**

ROLL CALL VOTE AS FOLLOWS:

Ayes: Peterson, Vermillion, Dickson, Clauson, Shrader, Shainholtz
MOTION APPROVED WITH SIX AYES

9. STAFF REPORT:

a. City Attorney Doug McGeary, no comment.

b. City Manager Eric Swanson noted that the staff will be meeting with the City Attorney in early March to work out the Monument Ordinance. He noted that the city has not received any comments on the Camping Ordinance, which will be brought before the Council on March 4th for consideration. Mr. Swanson noted that he is on a League of Oregon Cities Committee looking into Broadband and Telecommunication Cyber Securities. He noted that he received an email from the Oregon Housing and Community Service outlining PAC Wall as a company that received a \$5,000,000 grant for boosting modular housing. Mr. Swanson advised that the next few council meetings will start at 7:00 p.m. instead of 6:30 p.m. due to study sessions before the meetings.

c. Deputy City Manager Joe Slaughter spoke about the properties on the east side of the Freeway that don't have proper zoning, and the staff is working on creating the zoning that will go to the Planning Commission and Council in the spring. He noted that bringing

the properties into the city before having proper zoning is unusual, but it was done so infrastructure work could start on the property now that it is in the city.

10. MAYOR AND COUNCIL COMMENT / REPORTS:

Dave Dotterrer, County Commission, noted that the Commissioners signed a letter in favor of a one-time UGB expansion of 75 acres into the city, hoping there will be no stipulations in the bill.

Councilor Dickson thanked Chris Stephenson and his team for the work they did to clear out a storm drain issue and clean up trash on Corey Road. He advised that he has been putting notices on his neighbors' doors to get more involved with the city.

Councilor Shrader noted that she enjoyed the new Government and Public Safety Center tour. She noted that the community characteristics were interesting to read and appreciated that the information was from one location.

Councilor Vermillion noted that she noticed lovely comments about Chris on Facebook for stepping up and helping one of the residents of Phoenix. She noted that the Phoodyery received 40 applications for the five spots they will have available. Councilor Vermillion stated that they are still pushing to open in May 2024.

Mr. Slaughter noted that the total seating area for the Phoody is around 200, with half of the seating on the structure's rooftop. He answered questions about Moxie Brew. Mr. Slaughter spoke about a wine tasting and Starbucks that is upcoming in Phoenix.

Councilor Clauson said he will give a Greenway update at the next meeting.

Councilor Peterson noted that she did the tour of the new building; it is incredible. This is a historic moment for Phoenix. She stated how proud she is to be part of the process.

Councilor Shainholtz noted she plans to attend the following Parks and Recreation Committee and will attend the next LOC meeting. She is excited about the spring and all the fun things planned for the city.

Mayor Baker noted that he will attend the LOC Conference, but he encourages any of the Council to attend. He noted that he attended a meeting with a few State Legislature members a week ago, telling us to keep up the excellent work. Mayor Baker noted that Mr. Swanson and Mr. Slaughter will speak at the LOC Conference. He spoke about a conversation with Pam Marsh at the Grand Opening of PAC Wall and how she was working to help them get the grant funding. He noted that PAC Wall will bring 30 more employees due to the grant funding. Mayor Baker advised that RVCOG is working on a fire camera for Phoenix. He thanked Will Volpert for another unique Travel Phoenix Magazine. Mayor Baker stated when you see a member of the Police Force, thank them for all they do.

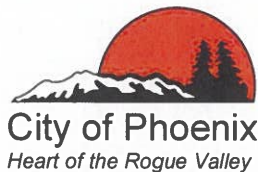
11. ADJOURNMENT

The meeting adjourned at 7:24 p.m.

Respectfully submitted by,

Bonnie Pickett
City Recorder

DRAFT



Agenda Report to Mayor and Council

Agenda item title: Proposed Changes to Camping Ordinance

Meeting Date: February 20, 2024

From: Douglas M McGeary, City Attorney

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

SUMMARY

Over the past two decades, the legal landscape surrounding homelessness and transient populations in Oregon has evolved significantly. The City of Phoenix has largely avoided substantial impact. However, recent federal and state laws have imposed additional requirements on cities, necessitating specific adjustments to Phoenix's longstanding laws and approach to camping and public space occupation.

This revision aims to effectively guide homeless individuals toward using the newly established shelter spaces while ensuring legal compliance and addressing the broader issue of homelessness in our community.

This proposed ordinance modifies our existing ordinances. These changes are designed to strike a balance between recognizing the unique challenges faced by the homeless population and safeguarding the integrity of our public spaces.

BACKGROUND AND DISCUSSION

Civil rights lawsuits filed in federal courts have contested the legality of camping prohibitions, resulting in restrictions on the conventional enforcement of these measures. These legal challenges have invoked the 8th Amendment, which safeguards individuals against cruel and unusual punishment. In a series of rulings, the courts have maintained that it is essentially impermissible to penalize individuals for engaging in basic life activities, such as sleeping, lying, or sitting, particularly when they are involuntarily homeless and lack alternative locations to conduct these essential daily functions. You can find an in-depth explanation of the developing case law in this field on homelessness, provided by the League of Oregon Cities.

Regardless of federal law interpretation, Oregon's legislature has anticipated the need for comprehensive protections for homeless individuals on public property. This has led to the passage of laws such as HB 3115 and HB 3124, which went into effect in July, 2023.

The proposed ordinance aims to restore the city's capacity and necessity to regulate camping on public property in a way that differentiates addressing behavior rather than the status of individuals who are involuntarily homeless. The proposed Prohibited Camping ordinance is an updated version of ordinances previously employed by our city, as well as by most municipalities throughout the state. What sets Phoenix apart is its distinctive prohibition on camping or occupying a specific public area with the intent of excluding others from its use, rather than establishing a temporary campsite for the purpose of

"maintaining a temporary place to live," which is typically the norm in ordinances of other Oregon cities. This shift in approach signifies a departure from prohibiting individuals from living in public spaces and, instead, places emphasis on addressing the issue of individuals establishing residency or asserting a sense of ownership over public property.

The changes to the prohibited camping ordinance concentrate on clarifying definitions for phrases that have either been utilized or left ambiguous by federal courts, as well as in HB 3115 and HB 3124. For instance, the term "involuntarily homeless" in the proposed ordinance aligns precisely with the courts' established definition of the term. In contrast, HB 3115 and HB 3124 employ terms like "established camping site" and "apparent value or utility" to respectively specify the duration a campsite must remain in place and what belongings can or cannot be left at that campsite. Without clear definitions, the city remains vulnerable to judicial interpretation of these phrases, which could significantly affect the city's ability to prevent recurrent violations of camping regulations and determine how to handle the substantial volume of property left behind at illegal campsites.

The remaining adjustments to these ordinances are crafted to align with established "time, place, and manner" regulations commonly applied in constitutional analyses of government laws. These ordinances are designed to prevent individuals from camping on streets, parks, or other unsuitable areas. Defendants are given the option to cease their occupation of the site, or they may face citation and penalties. However, they allow for specified periods of time for a camper to move after becoming "established", which is also time period based.

In terms of location or "place" restrictions, certain areas are designated as inherently prohibited for any form of camping. These areas are typically identified as sensitive areas to ensure public safety, well-being, and the preservation of public spaces, such as parks and buildings. But importantly they rely on sensitive populations such as children and Oregon criminal statutes relating to littering waters of the state. There are amendments to the ordinance that address unique challenges posed by camping in cars or RVs on public streets.

Regarding "manner" regulation, this ordinance anticipates situations where individuals experiencing involuntary homelessness may not find available shelter spaces within the city limits. In such cases, the city may enter into contracts with organizations across the region that offer accessible shelter, easily reachable via local public transit, and designed and operated to safeguard involuntarily homeless individuals and other vulnerable populations. Oregon's new laws also establish specific responsibilities for the city in managing property left behind by both homeless individuals and others who may have left their belongings due to lack of alternatives. In these instances, the ordinance sets reasonable limits on what the city is required to store and the quantity thereof.

PMC 8.08.020 through 8.08.030, although interesting and instructive as to how this issue has evolved over the last century, because of this they are obsolete.

FISCAL IMPACT - None

RECOMMENDATION

Staff recommends that Council make suggested changes and approve moving the matter to First Reading of Ordinance and send it thereafter to second Reading for its enactment.

PROPOSED MOTION

I move to approve, on readying by title only, Ordinance No. 1037 An Ordinance of the City of Phoenix, Withdrawing Language of PMC 8.08.010 Prohibited Camping and Replacing Language.

ATTACHMENTS

Proposed Ordinance Relating to Prohibited Camping and Prohibited Occupancy; Replacing and Amending PMC CHAPTER 8.08.010 and Removing PMC 8.08.020 through 8.08.030.

1 CITY OF PHOENIX
2 PHOENIX, OREGON

3
4 ORDINANCE NO. 1037

5
6 AN ORDINANCE OF THE CITY OF PHOENIX, WITHDRAWING LANGUAGE OF
7 PMC 8.08.010 PROHIBITED CAMPING AND REPLACING LANGUAGE

8 Annotated to show deletions and additions to the Phoenix Municipal Code sections being
9 modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

10
11
12
13
14 **WHEREAS, the City of Phoenix must balance and prioritize several interests: recognition**
15 **of the essential human dignity of everyone in the City of Phoenix; the need to have safe and**
16 **orderly conditions in City rights-of-way for the safety and benefit of everyone in Phoenix;**
17 **the right of everyone in Phoenix to have shelter and safety; and respect for public spaces**
18 **and public property in service to the entire community.**

19 **It is in the public interest to regulate public streets and dedicated rights of way in a way**
20 **that could allow all to use the roads and sidewalks as they are intended and in the way that**
21 **they remain safe and accessible. Similarly, it is in the public interest to regulate park**
22 **spaces, playgrounds, and other public areas protected by the nature of their cultural and**
23 **historic character and their importance to the businesses and community that relies upon**
24 **and enjoys their preservation.**

25 **The City acknowledges that living on its streets is often a last resort for individuals. For**
26 **many of these persons the lack access to shelter is involuntary due to unforeseen**
27 **circumstances beyond a person's control that occurs when a person lacks viable options to**
28 **obtain housing due to factors such as economic hardship, loss of social network, health or**
29 **disability, or having exhausted available options for temporary or permanent housing**
30 **assistance.**

This chapter is intended to regulate the use of public rights-of-way and City property to
protect and preserve the above-described public places for their designed and intended
purposes, while providing alternative space and shelter to rest and sleep for persons who
lack access to suitable temporary shelter due to either financial inability or the
unavailability of free, viable options.

1 While recent federal case law is unclear as to whether the city can differentiate between
2 those who voluntarily choose to live homeless from those who are homeless involuntarily,
3 this chapter and the City's enforcement efforts are primarily intended to minimizing public
4 health and safety concerns related to survival camping in public areas, taking into account
5 the resources and opportunities available to those experiencing involuntary homelessness.

6 Those persons who are involuntarily homeless should feel secure that they will not be
7 penalized for their condition. The objective of this ordinance is to differentiate between
8 those who genuinely lack alternatives and use public spaces out of necessity, and those who
9 have access to suitable alternative spaces and shelter but instead willfully exploit public
10 spaces for personal gain or advantage, to the detriment of the general public that includes
11 the involuntarily homeless population.

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

13 SECTION 1. Phoenix Municipal Code Chapter 8.08.010 Prohibited Camping is hereby
14 amended to remove its existing language in its entirety and to be replaced with language under
15 the following Section 2:

16 SECTION 2.

17 8.08.010. Definitions.

18 A. “Apparent value or utility” in reference to personal property means property that is
19 essential in practicality and significance to the owner's daily life and well-being, and
20 includes but is not limited to, clothing, bedding, personal hygiene items, identification
21 documents, and any tools or resources necessary for survival and meeting basic needs,
22 maintaining dignity, and facilitating self-care. This definition does not include such
23 property as non-functional or broken items, excessive or redundant items, hazardous or
24 dangerous materials, items with limited or no personal value.

25 B. “To camp” means to set up or to remain in or at a campsite.

26 C. “Campsite” means any place where bedding, sleeping bag, or other material used for
27 bedding purposes, or any stove, fire, or cooking apparatus, other than in a designated
28 picnic area, is placed, established, maintained, or occupied, so as to exclude the use of
29 public property by the general public, whether or not such place incorporates the use of
30 any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

1 **D. “Established camping site” means a campsite that has been in its current location for at**
2 **least 72 hours. In the absence of evidence regarding the age of a campsite, a camping site is**
3 **presumed established.**

4 **E. “Designated space or shelter” those areas to be delineated on a map in accordance with**
5 **guidelines set by the City Manager as permitted und 8.08.020(F). Standards for these**
6 **guidelines will, at a minimum, ensure the presence of adequate shelter that is readily**
7 **accessible by local public transit, and that is designed and reasonably operated for the**
8 **purpose of protecting involuntarily homeless persons and other at-risk populations for up**
9 **to 72 hours in one location.**

10 **F. “Involuntarily homeless” means a person who lacks access to suitable temporary shelter**
11 **due to either financial inability or the unavailability of free, viable options.**

12 **G. “Occupy” or “Occupancy” means to maintain physical control over a publicly owned**
13 **area of 50 square feet or greater by a person or person’s private property, wherein the**
14 **primary effect is to exclude the use of the public property by the general public for more**
15 **than two (2) hours. Occupancy does not include recreational park use.**

16
17 **8.08.020. Camping Prohibited**

18
19 **A. Except as otherwise provided herein, no person shall camp in or upon any sidewalk,**
20 **street, alley, lane, public right-of-way, business-front, park, playground, or any**
21 **other publicly owned property or under any bridge or viaduct.**

22 **B. The prohibition on camping may be subject to the following exemptions:**

23 **a. A camping exemption due to an emergency as declared under state law or**
24 **the powers granted to the City Manager under law;**

25 **b. The offender is Involuntarily Homeless and a Designated Space or Shelter is**
26 **unavailable.**

27
28 **C. Camping is strictly prohibited under any circumstance that includes existence of a**
29 **fire or gas stove, or when the campsite exceeds 100 square feet (10 feet by 10 feet),**
30 **or when located:**

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- i. On Sidewalks,
- ii. Parks with playgrounds,
- iii. Within 250 feet of a preschool, kindergarten, elementary or secondary school, or a childcare center licensed, certified or authorized under ORS 329a.250-329a.460, ORS 418.205 to 418.970: OAR 419-410-0010 to OAR 419-490--0170,
- iv. Within 250 feet of a Designated Space or Shelter;
- v. Within 250 feet of freeway entrance or exits;
- vi. Within 150 feet of other campsites;
- vii. Within 100 yards of water or the waters of the state as defined by ORS 468B.005; or
- viii. Attached to any fence, trees, building, or vehicle.

D. Involuntarily Homeless persons who use vehicles for shelter in a lawful parking space in the following circumstances:

- a. The vehicle must be operational and must be moved at least 1000 feet from its original location every 24 hours.
- b. The parking space cannot be within a 100' radius of any residence.
- c. No building or erecting of any structures connecting or attaching to vehicles is permitted, including tents that are not designed and manufactured to be attached to a vehicle.
- d. Persons may not accumulate, discard or leave behind garbage, debris, unsanitary hazardous materials, or other items of no apparent utility in public rights-of-way, on City Property, or on any adjacent public or private property.
- e. All animals must be under the keeper's control or otherwise leashed or crated at all times.

1 **f. Dumping of gray water (i.e. wastewater from baths, sinks, and the like) or**
2 **black water (i.e. sewage) into any facilities or places not intended for gray**
3 **water or black water disposal is prohibited. This includes but is not limited**
4 **to storm drains, which are not intended for disposal of gray water or black**
5 **water.**

6 **E. Except as provided herein, the City will remove established campsites and**
7 **unclaimed property having Apparent Value or Utility from a campsite as provided**
8 **by ORS 195.505.**

9 **a. The following campsites are subject to immediate removal:**

10 **i. Campsites that are not established;**

11 **ii. Site contamination by hazardous materials, fire hazards, a public**
12 **health emergency or other immediate danger to human life or safety;**

13 **iii. The occurrence or presence of evidence of criminal activity or**
14 **violation of the Phoenix Municipal Code (excluding this offense)**

15 **b. Property held having no apparent value or utility, unless hazardous, will be**
16 **held for fourteen (14) days upon the demand of owner, and processed as**
17 **follows:**

18 **i. The owner may appeal the determination utilizing and in accordance**
19 **with Administrative review, PMC 8.06.280 - .300, seeking to have the**
20 **determination rescinded and the property returned. The appeal notice**
21 **shall specify the relief sought and the reason for said relief.**

22 **ii. The Hearing Officer shall uphold the determination if, upon de novo**
23 **review, the preponderance of the evidence establishes that the**
24 **property does not meet the definition of having apparent value or**
25 **utility according to PMC 8.08.010(A).**

26 **F. The City Manager has the authority to establish additional administrative rules**
27 **regarding time, place, and manner regulations as deemed necessary to address**
28 **particular situations arising from conditions affecting Involuntarily Homeless**
29 **individuals, and that are intended to safeguard the safety, health, and welfare of**
30 **both the general public and those who are Involuntarily Homeless.**

1
2 **8.08.030. Prohibited Occupancy.**

- 3 A. **Subject to PMC 8.08.020 or authorized permit, no person shall occupy a public**
4 **area or street furniture in excess of the time period as provide in definitions of**
5 **“Occupancy” defined under PMC 8.08.010(H).**

6 **8.08.020-040 Grounds requirements.**

7 There shall be erected, on a lot, in the city, to be used as a campground, as many closets for the
8 use of the traveling public, as the health committee may in their judgment deem sufficient to
9 supply their needs. A stove shall be furnished in which to burn paper and such refuse that can be
10 burnt. Sacks shall be hung up in which to put all tin cans. Closed containers shall be placed
11 where they, the campers, can put all refuse that cannot be burned and which draw flies and
12 endanger public health. One water tap is to be placed on the ground. A cesspool shall be built, in
13 which soap suds, dish water, and all waste water shall be poured, the expense of the above
14 improvements to be borne by the city.

15
16 **8.08.030-050 Fees.**

17 All persons who may use the camp shall pay a fee in advance of twenty five cents per car per
18 night, and give the collecting officer their right name and address, and inform him how long they
19 expect to stay. They shall use every precaution to keep the grounds clean and sanitary. They shall
20 not scatter paper and garbage over the ground, but shall burn all that can be burnt, shall put tin
21 cans in the sacks provided, and other refuse in the covered containers, and keep the lid closed.
22 They shall be required to take good care of all city property on the ground, shall demean
23 themselves as good citizens and become subject to the laws and ordinances of the city, in which
24 they are temporarily residing.

25
26 **8.08.040-060 Violation--Penalty.**

27 **Those breaking the rules of the State Board of Health, or the laws and ordinances of the**
28 **city, or refusing to comply with their requirements, shall be subject to a fine of from five to**
29 **ten dollars, or from two to five days imprisonment, or to both such fine and imprisonment,**
30 **as the court may adjudge. Any person who violates any provision of this Chapter is**

1 subject to PMC 1.20 violation and enforcement is pursuant to a category Class C violation
2 under ORS 153. 012.

3 **SECTION 3. Codification.** Provisions of this Ordinance shall be incorporated in the City
4 Code, and the word “ordinance” may be changed to “code”, “article”, “section”, or another word,
5 and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any
6 Whereas clauses and boilerplate provisions (*i.e.*, Sections [No(s.)] need not be codified, and the
7 City Recorder is authorized to correct any cross-references and any typographical errors.

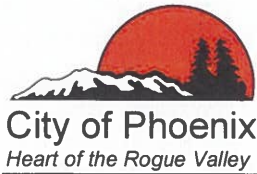
8
9 The foregoing ordinance was first read by title only in accordance with Chapter III, Section 17 of
10 the City Charter on the ____ day of _____, 2023, and duly PASSED and ADOPTED
11 this ____ day of _____, 2023.

12 ATTEST:

13
14 _____
Bonnie Pickett, City Recorder

15
16 SIGNED and APPROVED this ____ day of _____, 2023.

17
18 _____
Terry Baker, Mayor



City of Phoenix
Heart of the Rogue Valley

Agenda Report to Mayor and Council

Agenda item title: AN24-01 – An ordinance of the City of Phoenix to annex 253 acres of property and right-of-way within the City’s urban growth boundary.

Meeting Date: February 20, 2024

From: Joe Slaughter, Deputy City Manager

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

SUMMARY

Second reading of an ordinance annexing 253 acres within the City’s urban growth boundary (UGB) pursuant to ORS 222.750, removing the area from Jackson County Fire District No.2 pursuant to ORS 222.524 and annexing the area to Jackson County Fire District No.5 pursuant to ORS 198.867(3).

BACKGROUND AND DISCUSSION

This is a City-initiated proposal to annex 253 acres within the City’s UGB, remove the area from Jackson County Fire District No.2, and add the area to Jackson County Fire District No.5 boundaries. 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.

The City Council conducted a public hearing on February 5, 2024 on the proposed annexation, affording all citizens an opportunity to be heard on the subject and review the proposal. Upon closing the public hearing, the City Council deliberated and voted unanimously to approve ordinance 1036 for first reading - in its amended form presented to Council that evening. The ordinance is now presented to Council for consideration on second and final reading. No changes have been made since first reading of the ordinance.

COUNCIL GOALS SUPPORTED

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

Goal 9: Continue to advocate for PH-3 and PH-5 inclusion.

FISCAL IMPACT

Properties annexed will pay property taxes to the City of Phoenix following annexation.

RECOMMENDATION

Staff recommends Council approve ordinance 1036 for second/final reading.

PROPOSED MOTION

I move to approve for second reading, on reading by title only, Ordinance 1036, an ordinance annexing 253 acres within the City’s urban growth boundary pursuant to ORS 222.750, removing the area from Jackson County Fire District No.2 pursuant to ORS 222.524 and annexing the area to Jackson County Fire District No.5 pursuant to ORS 198.867(3).

ATTACHMENTS

- Draft Ordinance 1036
- Planning Commission Final Order

ORDINANCE NO. 1036

AN ORDINANCE ANNEXING 253 ACRES WITHIN THE CITY'S URBAN GROWTH BOUNDARY PURSUANT TO ORS 222.750, REMOVING THE AREA FROM JACKSON COUNTY FIRE DISTRICT NO.2 PURSUANT TO ORS 222.524 AND ANNEXING THE AREA TO JACKSON COUNTY FIRE DISTRICT NO.5 PURSUANT TO ORS 198.867(3)

WHEREAS, these territories not within a city are surrounded by the corporate boundaries of Phoenix, or the corporate boundaries of Phoenix, the corporate boundaries of Medford and a portion of Bear Creek, and therefore the City may annex the territories pursuant to ORS 222.750 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 territories proposed to be annexed; and

WHEREAS, notice was mailed to each record owner of real property in the territories proposed to be annexed on either December 29, 2023 or January 2, 2024; and

WHEREAS, the Planning Commission of the City of Phoenix, after providing the required public notification, held a public hearing on January 22, 2024, for the purpose of reviewing the proposed requests and providing a recommendation to the City Council. The Planning Commission public hearing was held in accordance with the appropriate provisions of the City of Phoenix Land Development Code and State law, and, after due deliberation and consideration of the proposed changes, the Planning Commission voted to recommend that the City Council approve the annexation; and

WHEREAS, notice of the City Council public hearing was published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of the published notice; and

WHEREAS, the City Council finds and determines that the facts and conclusions in the staff report issued for the Planning Commission's January 22, 2024 hearing, the Final Order of the Planning Commission dated January 22, 2024, and the information presented in the Council agenda report for the February 5, 2024 hearing, are true and correct and are hereby adopted as findings of the City Council; and

WHEREAS nearly all of the 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, as depicted in the Comprehensive Plan Designation map and Zoning Designation map attached as Exhibit 1; and

WHEREAS the following properties: 381W04 TL 502, 381W09A TL 101, 381W10 TL 401 and 381W10 TL 502 will be assigned the Holding Zone designation per PLDC Chapter 2.11. Per the request of the owner, 381W04 TL 502 and 381W09A TL 101 will also receive the Exclusive Agricultural Overlay per PLDC Chapter 2.12; and

WHEREAS, 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. The properties listed on the Residential Properties list (Exhibit 2) 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)); and

WHEREAS, the properties listed on the Non-Residential Properties list (Exhibit 3) will have an effective date for annexation of March 25, 2024.

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

Section 1. The City Council declares and proclaims that the territory described and depicted in Exhibit “4” is annexed to the City of Phoenix, removed from the boundaries of Jackson County Fire District No.2 and added to the boundaries of Jackson County Fire District No.5.

Section 2. The zoning of nearly all of the properties shall be amended from Jackson County zoning designations to generally equivalent City of Phoenix designation consistent with the City’s Comprehensive Plan map as shown in Exhibit 1.

Section 3. The following properties: 381W04 TL 502, 381W09A TL 101, 381W10 TL 401 and 381W10 TL 502 will be assigned the Holding Zone designation per PLDC Chapter 2.11. Per the request of the owner, 381W04 TL 502 and 381W09A TL 101 will also receive the Exclusive Agricultural Overlay per PLDC Chapter 2.12.

Section 4. All non-residential properties, as shown in Exhibit 3, will have an effective date for annexation of March 25, 2024.

Section 5. All residential properties, as shown in Exhibit 2, 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. The record owners of residential properties within the territory to be annexed with a delayed effective date, may, at any time following the adoption of this ordinance, waive the delay of the effective date. The property becomes part of the city immediately upon waiver.

Section 6. The City Recorder is directed to:
A. File the following with the Secretary of State and Department of Revenue:
a. A copy of this ordinance;

- B. Mail a copy of this Ordinance to Jackson County, to all service providers and to any other parties entitled to receive this notice of its adoption;
- C. Cause notice of the delayed annexation to be recorded by the county clerk of the county in which any part of the territory subject to the delayed annexation is located within 60 days after the city proclaims the annexation approved; and
- D. Notify the county clerk of each county in which any part of the territory subject to delayed annexation is located not sooner than 120 days and not later than 90 days before the annexation takes effect.

PASSED AND ADOPTED by the City Council and signed by me in open session in authentication thereof this 20th day of February, 2024.

Terry Baker, Mayor

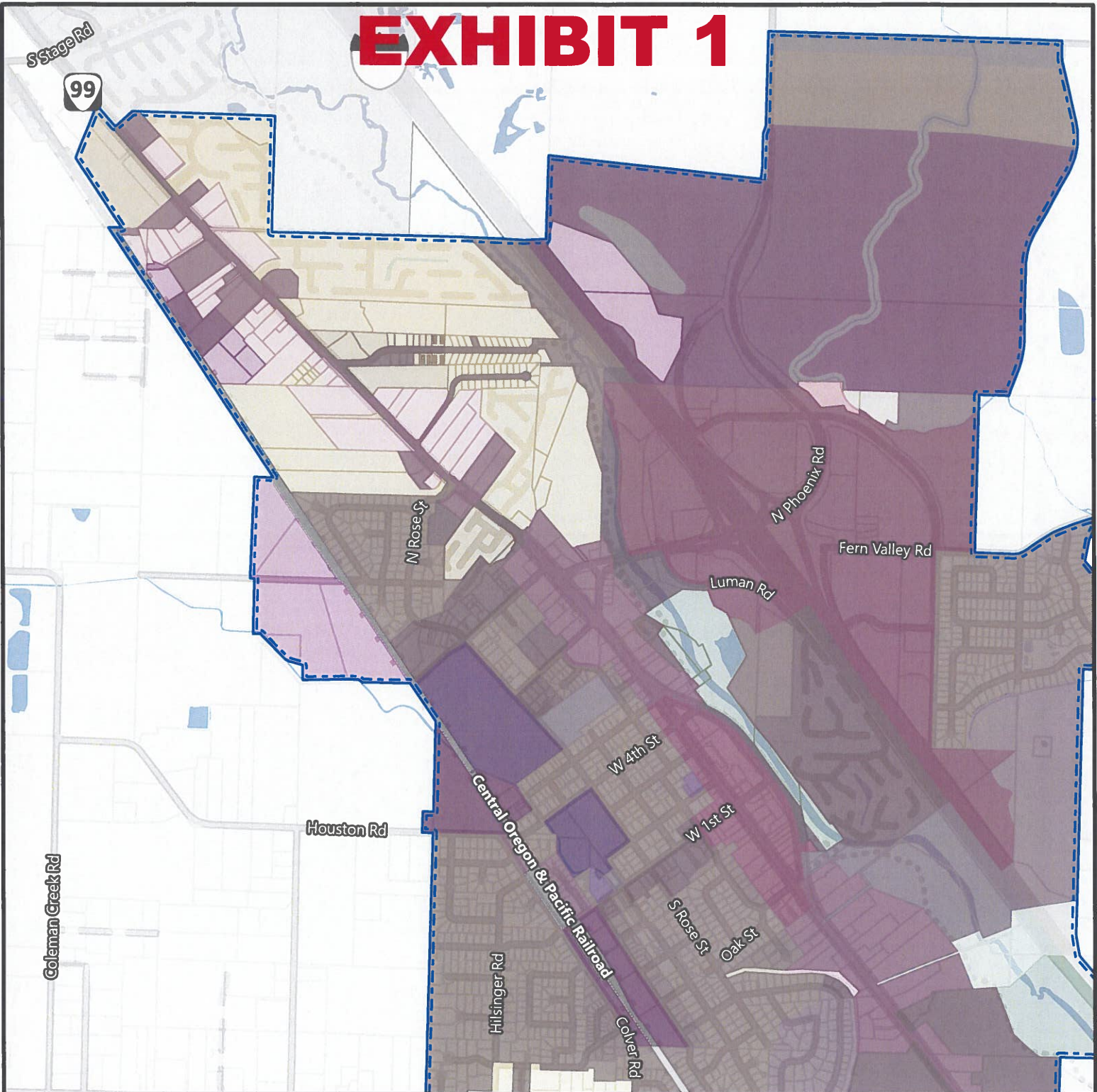
ATTEST:

Approved as to form:


Bonnie Pickett, City Recorder

Douglas McGeary, City Attorney

EXHIBIT 1

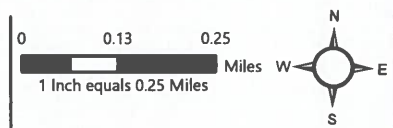


Community & Economic Development Department City Comprehensive Plan Designations

-  Urban Growth Boundary
-  Medford City Limit
-  Phoenix City Limit
(Ord 1033 Eff 01/01/2024)

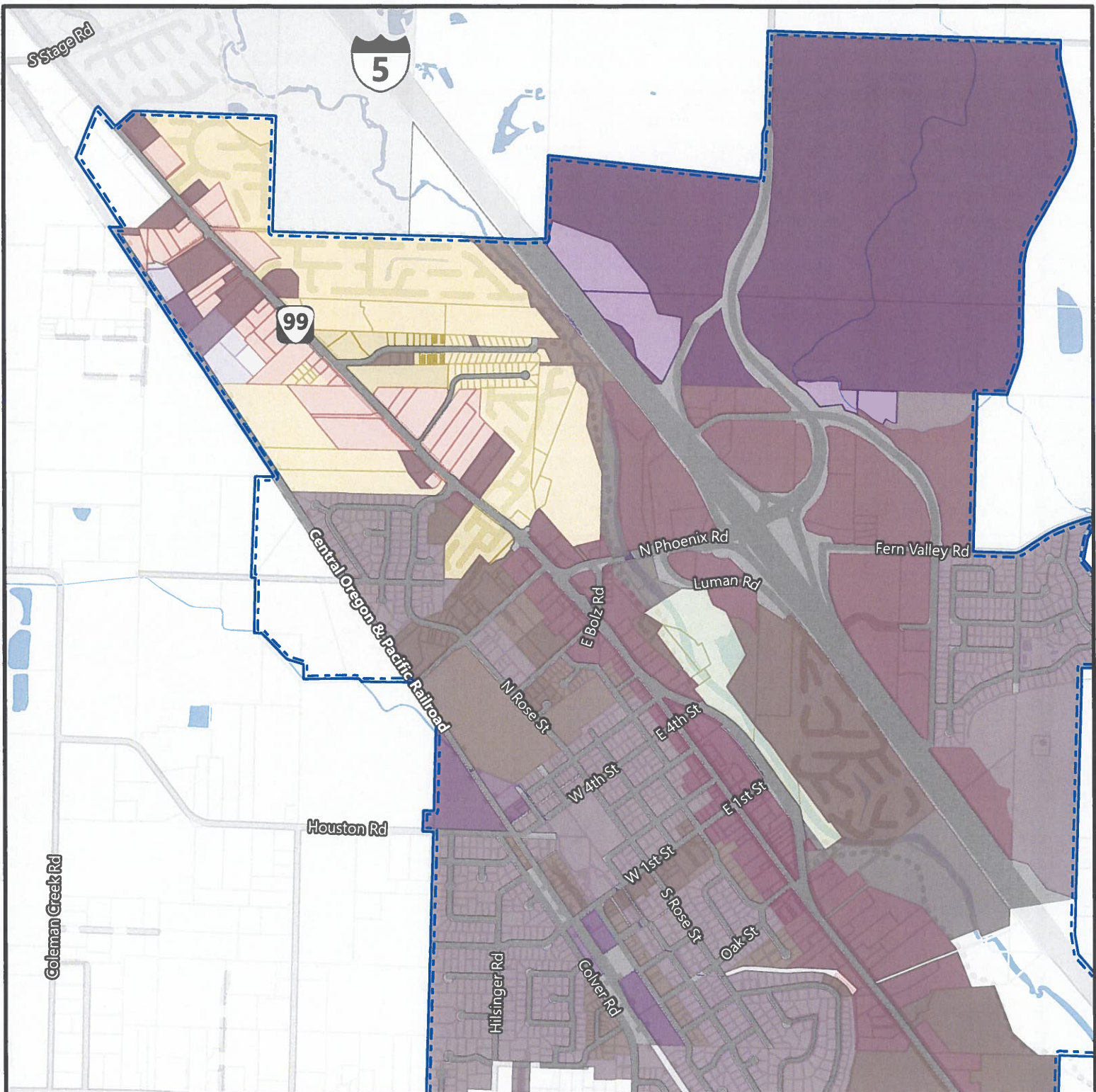
Comprehensive Plan Designation

- | | | | |
|---|----------------------------|---|------------------------|
|  | Residential Hillside |  | Schools |
|  | Low Density Residential |  | Commercial |
|  | Medium Density Residential |  | Residential Employment |
|  | High Density Residential |  | City Center District |
|  | Park & Open Space |  | Interchange Business |
|  | Bear Creek Greenway |  | Industrial |
|  | Public |  | Railroad |







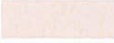

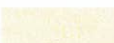





The datasets shown on this map are for planning purposes only. The City of Phoenix is not responsible for errors or omissions. Every effort has been made to insure the accuracy of this map. However, there may be inaccuracies due to human or mechanical error or changes in the Land Use District map created 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) 535-2650. 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. 32

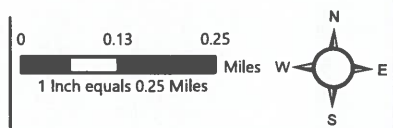
Created by: Jeff, on 1/29/2024



Community & Economic Development Department City Land Use Districts

-  Urban Growth Boundary
-  Medford City Limit
-  Phoenix City Limit
(Ord 1033 Eff 01/01/2024)

- Land Use Districts**
-  City Center (C-C)
 -  Commercial Highway (C-H)
 -  Low Density Residential (R-1)
 -  Medium Density Residential (R-2)
 -  High Density Residential (R-3)
 -  Bear Creek Greenway (BCG)
 -  Light Industrial (L-I)
 -  General Industrial (G-I)
 -  Holding Zone (H-Z)



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EXHIBIT 2

Enclave Annexation - Residential Properties

Enclave Area	Site Address	Map & Tax Lot	City Land Use District	City Comprehensive Plan Designation
C	3748 SOUTH PACIFIC HWY	38-1W-09B-2000	C-H and R-2	C and MDR
C	3966 SOUTH PACIFIC HWY	38-1W-09B-1401	R-2	MDR
C	3966 SOUTH PACIFIC HWY	38-1W-09B-1501	R-2	MDR
C	3848 SOUTH PACIFIC HWY	38-1W-09B-1600	R-2	MDR
C	3718 SOUTH PACIFIC HWY	38-1W-09B-2300	R-2	MDR
C	3716 SOUTH PACIFIC HWY	38-1W-09B-2400	R-2	MDR
C	3710 SOUTH PACIFIC HWY	38-1W-09B-2401	R-2	MDR
C	3712 SOUTH PACIFIC HWY	38-1W-09B-2402	R-2	MDR
C	SOUTH PACIFIC HWY	38-1W-09B-2403	R-2	MDR
C	3848 SOUTH PACIFIC HWY	38-1W-09B-1600	R-2	MDR
D	4074 SOUTH PACIFIC HWY	38-1W-09A-2000	R-3	HDR
D	4074 SOUTH PACIFIC HWY	38-1W-09DB-9100	R-3	HDR
E	136 NORTHRIDGE TERR	38-1W-09BA-1600	R-3	HDR
E	260 NORTHRIDGE TERR	38-1W-09AB-2700	R-2	MDR
E	248 NORTHRIDGE TERR	38-1W-09AB-2800	R-2	MDR
E	284 NORTHRIDGE TERR	38-1W-09AB-2500	R-2	MDR
E	4069 SOUTH PACIFIC HWY	38-1W-09A-803	R-2	MDR
E	4069 SOUTH PACIFIC HWY	38-1W-09A-804	R-2	MDR
E	135 N PHOENIX RD	38-1W-09A-805	R-2	MDR
E	4069 SOUTH PACIFIC HWY	38-1W-09A-1000	R-2	MDR
E	272 NORTHRIDGE TERR	38-1W-09AB-2600	R-2	MDR
E	368 NORTHRIDGE TERR	38-1W-09AB-1800	R-2	MDR
E	356 NORTHRIDGE TERR	38-1W-09AB-1900	R-2	MDR
E	344 NORTHRIDGE TERR	38-1W-09AB-2000	R-2	MDR
E	332 NORTHRIDGE TERR	38-1W-09AB-2100	R-2	MDR
E	320 NORTHRIDGE TERR	38-1W-09AB-2200	R-2	MDR
E	308 NORTHRIDGE TERR	38-1W-09AB-2300	R-2	MDR
E	296 NORTHRIDGE TERR	38-1W-09AB-2400	R-2	MDR
E	236 NORTHRIDGE TERR	38-1W-09AB-2900	R-2	MDR
E	224 NORTHRIDGE TERR	38-1W-09AB-3000	R-2	MDR
E	212 NORTHRIDGE TERR	38-1W-09AB-3100	R-2	MDR
E	200 NORTHRIDGE TERR	38-1W-09AB-3200	R-2	MDR
E	201 OAK CREST WAY	38-1W-09AB-3300	R-2	MDR
E	207 OAK CREST WAY	38-1W-09AB-3301	R-2	MDR
E	213 OAK CREST WAY	38-1W-09AB-3302	R-2	MDR
E	219 OAK CREST WAY	38-1W-09AB-3303	R-2	MDR
E	225 OAK CREST WAY	38-1W-09AB-3304	R-2	MDR
E	231 OAK CREST WAY	38-1W-09AB-3305	R-2	MDR
E	237 OAK CREST WAY	38-1W-09AB-3306	R-2	MDR
E	243 OAK CREST WAY	38-1W-09AB-3307	R-2	MDR
E	249 OAK CREST WAY	38-1W-09AB-3308	R-2	MDR
E	255 OAK CREST WAY	38-1W-09AB-3309	R-2	MDR
E	261 OAK CREST WAY	38-1W-09AB-3310	R-2	MDR
E	267 OAK CREST WAY	38-1W-09AB-3311	R-2	MDR
E	273 OAK CREST WAY	38-1W-09AB-3312	R-2	MDR
E	279 OAK CREST WAY	38-1W-09AB-3313	R-2	MDR
E	268 OAK CREST WAY	38-1W-09AB-3314	R-2	MDR
E	262 OAK CREST WAY	38-1W-09AB-3315	R-2	MDR
E	256 OAK CREST WAY	38-1W-09AB-3316	R-2	MDR
E	250 OAK CREST WAY	38-1W-09AB-3317	R-2	MDR
E	244 OAK CREST WAY	38-1W-09AB-3318	R-2	MDR
E	238 OAK CREST WAY	38-1W-09AB-3319	R-2	MDR
E	232 OAK CREST WAY	38-1W-09AB-3320	R-2	MDR
E	226 OAK CREST WAY	38-1W-09AB-3321	R-2	MDR
E	220 OAK CREST WAY	38-1W-09AB-3322	R-2	MDR
E	214 OAK CREST WAY	38-1W-09AB-3323	R-2	MDR

E	208 OAK CREST WAY	38-1W-09AB-3324	R-2	MDR
E	202 OAK CREST WAY	38-1W-09AB-3325	R-2	MDR
E	3761 SOUTH PACIFIC HWY	38-1W-09B-600	R-3	HDR
E	168 NORTHRIDGE TERR	38-1W-09BA-70003	R-3	HDR
E	170 NORTHRIDGE TERR	38-1W-09BA-70004	R-3	HDR
E	162 NORTHRIDGE TERR	38-1W-09BA-70005	R-3	HDR
E	160 NORTHRIDGE TERR	38-1W-09BA-70006	R-3	HDR
E	NORTHRIDGE TERR	38-1W-09BA-70000	R-3	HDR
E	164 NORTHRIDGE TERR	38-1W-09BA-70001	R-3	HDR
E	166 NORTHRIDGE TERR	38-1W-09BA-70002	R-3	HDR
E	158 NORTHRIDGE TERR	38-1W-09BA-70007	R-3	HDR
E	156 NORTHRIDGE TERR	38-1W-09BA-70008	R-3	HDR
E	NORTHRIDGE TERR	38-1W-09BA-80000	R-3	HDR
E	180 NORTHRIDGE TERR	38-1W-09BA-80001	R-3	HDR
E	182 NORTHRIDGE TERR	38-1W-09BA-80002	R-3	HDR
E	184 NORTHRIDGE TERR	38-1W-09BA-80003	R-3	HDR
E	186 NORTHRIDGE TERR	38-1W-09BA-80004	R-3	HDR
E	178 NORTHRIDGE TERR	38-1W-09BA-80005	R-3	HDR
E	176 NORTHRIDGE TERR	38-1W-09BA-80006	R-3	HDR
E	174 NORTHRIDGE TERR	38-1W-09BA-80007	R-3	HDR
E	172 NORTHRIDGE TERR	38-1W-09BA-80008	R-3	HDR
G	3555 SOUTH PACIFIC HWY 113	38-1W-04-603	R-2	MDR
G	3431 SOUTH PACIFIC HWY	38-1W-04C-300	R-2	MDR
G	3431 SOUTH PACIFIC HWY 19	38-1W-04C-400	R-2	MDR
G	299 NORTHRIDGE TERR	38-1W-09AB-1200	R-2	MDR
G	311 NORTHRIDGE TERR	38-1W-09AB-1300	R-2	MDR
G	335 NORTHRIDGE TERR	38-1W-09AB-1500	R-2	MDR
G	275 NORTHRIDGE TERR	38-1W-09AB-1000	R-2	MDR
G	287 NORTHRIDGE TERR	38-1W-09AB-1100	R-2	MDR
G	93 NORTHRIDGE TERR	38-1W-09AB-300	R-2	MDR
G	203 NORTHRIDGE TERR	38-1W-09AB-400	R-2	MDR
G	215 NORTHRIDGE TERR	38-1W-09AB-500	R-2	MDR
G	227 NORTHRIDGE TERR	38-1W-09AB-600	R-2	MDR
G	263 NORTHRIDGE TERR	38-1W-09AB-900	R-2	MDR
G	347 NORTHRIDGE TERR	38-1W-09AB-1600	R-2	MDR
G	3653 SOUTH PACIFIC HWY	38-1W-09B-200	R-2	MDR
G	93 NORTHRIDGE TERR	38-1W-09B-201	R-2	MDR
G	63 NORTHRIDGE TERR	38-1W-09BA-200	R-3	HDR
G	93 NORTHRIDGE TERR	38-1W-09BA-300	R-3	HDR
G	109 NORTHRIDGE TERR	38-1W-09BA-400	R-3	HDR
G	141 NORTHRIDGE TERR	38-1W-09BA-701	R-3	HDR
G	NORTHRIDGE TERR	38-1W-09BA-2100	R-3	HDR
G	NORTHRIDGE TERR	38-1W-09BA-2101	R-3	HDR
G	NORTHRIDGE TERR	38-1W-09BA-90000	R-3	HDR
G	179 NORTHRIDGE TERR	38-1W-09BA-90001	R-3	HDR
G	181 NORTHRIDGE TERR	38-1W-09BA-90002	R-3	HDR
G	183 NORTHRIDGE TERR	38-1W-09BA-90003	R-3	HDR
G	185 NORTHRIDGE TERR	38-1W-09BA-90004	R-3	HDR
G	193 NORTHRIDGE TERR	38-1W-09BA-90005	R-3	HDR
G	191 NORTHRIDGE TERR	38-1W-09BA-90006	R-3	HDR
G	189 NORTHRIDGE TERR	38-1W-09BA-90007	R-3	HDR
G	187 NORTHRIDGE TERR	38-1W-09BA-90008	R-3	HDR
G	239 NORTHRIDGE TERR	38-1W-09AB-700	R-2	MDR
G	323 NORTHRIDGE TERR	38-1W-09AB-1400	R-2	MDR
J	3381 NORTH PHOENIX RD	38-1W-10-401	H-Z	IB and RH
J	3765 NORTH PHOENIX RD	38-1W-10-502	H-Z	RH

EXHIBIT 3

Enclave Annexation - Non-residential Properties

Enclave Area	Site Address	Map & Tax Lot	City Land Use District	City Comprehensive Plan Designation
A	142 GLENWOOD RD	38-1W-05D-2600	C-H	C
A	W GLENWOOD RD	38-1W-04C-1200	C-H	C
A	3444 SOUTH PACIFIC HWY	38-1W-04C-1300	C-H	C
A	3424 SOUTH PACIFIC HWY	38-1W-04C-1400	C-H	C
A	96 W GLENWOOD RD	38-1W-05D-2700	C-H	C
A	90 W GLENWOOD RD	38-1W-05D-2800	C-H	C
A	74 W GLENWOOD RD	38-1W-05D-2900	C-H	C
A	94 W GLENWOOD RD	38-1W-09B-4500	C-H	C
A	117 W GLENWOOD RD	38-1W-09B-5300	G-I	I
A	W GLENWOOD RIGHT-OF-WAY	N/A	G-I	I
B	3550 S PACIFIC	38-1W-09B-3800	C-H	C
B	3526 SOUTH PACIFIC HWY	38-1W-09B-4100	C-H	C
B	3524 SOUTH PACIFIC HWY	38-1W-09B-4200	C-H	C
C	3960 SOUTH PACIFIC HWY	38-1W-09B-1402	C-H	C
C	3846 SOUTH PACIFIC HWY	38-1W-09B-1700	C-H	C
C	3800 SOUTH PACIFIC HWY	38-1W-09B-1800	C-H	C
C	3766 SOUTH PACIFIC HWY	38-1W-09B-1900	C-H	C
C	3724 SOUTH PACIFIC HWY	38-1W-09B-2100	C-H	C
C	3704 SOUTH PACIFIC HWY	38-1W-09B-2500	C-H	C
C	3672 SOUTH PACIFIC HWY	38-1W-09B-2700	C-H	C
C	3654 SOUTH PACIFIC HWY	38-1W-09B-2800	C-H	C
C	3650 SOUTH PACIFIC HWY	38-1W-09B-2801	C-H	C
C	3628 SOUTH PACIFIC HWY	38-1W-09B-3000	C-H	C
C	3628 SOUTH PACIFIC HWY	38-1W-09B-3100	C-H	C
C	3616 SOUTH PACIFIC HWY	38-1W-09B-3200	L-I	I
C	3604 SOUTH PACIFIC HWY	38-1W-09B-3201	L-I	I
C	SOUTH PACIFIC HWY	38-1W-09B-3202	L-I	I
C	3582 SOUTH PACIFIC HWY	38-1W-09B-3300	C-H	C
C	3622 SOUTH PACIFIC HWY	38-1W-09B-3400	C-H	C
C	3598 SOUTH PACIFIC HWY	38-1W-09B-3500	C-H	C
C	3722 SOUTH PACIFIC HWY	38-1W-09B-2201	R-2	MDR
C	3728 SOUTH PACIFIC HWY	38-1W-09B-2203	R-2	MDR
C	3720 SOUTH PACIFIC HWY	38-1W-09B-2200	R-2	MDR
E	3995 SOUTH PACIFIC HWY	38-1W-09A-1300	C-H	C
E	3957 SOUTH PACIFIC HWY	38-1W-09A-1400	C-H	C
E	3945 SOUTH PACIFIC HWY	38-1W-09A-1500	C-H	C
E	3915 SOUTH PACIFIC HWY	38-1W-09A-1600	C-H	C
E	3823 SOUTH PACIFIC HWY	38-1W-09B-800	C-H	C
E	3847 S PACIFIC HWY	38-1W-09B-900	C-H	C
E	149 OAK CREST WAY	38-1W-09B-5200	C-H	C
E	4119 SOUTH PACIFIC HWY	38-1W-09A-701	R-2	MDR
E	119 N PHOENIX RD	38-1W-09A-806	R-2	MDR
F	NORTH PHOENIX RD	38-1W-04-502	H-Z	I
F	NORTH PHOENIX RD	38-1W-09A-101	H-Z	I
G	131 NORTHRIDGE TERR	38-1W-09BA-700	R-3	HDR
G	3445 SOUTH PACIFIC HWY	38-1W-04C-700	C-H	C
G	3459 SOUTH PACIFIC HWY	38-1W-04C-800	C-H	C
G	3509 SOUTH PACIFIC HWY	38-1W-04C-900	C-H	C
G	3425 SOUTH PACIFIC HWY	38-1W-05D-3200	C-H	C
G	EAST GLENWOOD RD	38-1W-04C-499	C-H and R-2	C and MDR
G	SOUTH PACIFIC HWY	38-1W-04C-500	C-H	C
G	3629 SOUTH PACIFIC HWY	38-1W-09B-100	R-2	MDR
G	3737 SOUTH PACIFIC HWY	38-1W-09BA-100	R-3	HDR
G	3693 SOUTH PACIFIC HWY	38-1W-09B-300	R-3	HDR
H	SOUTH PACIFIC HWY	38-1W-09DA-4100	BCG	BCG
H	SOUTH PACIFIC HWY	38-1W-09DA-4200	BCG	BCG
H	BEAR CR DR	38-1W-09DA-4302	BCG	BCG
H	LUMAN RD	38-1W-10-3000	BCG	BCG
H	BEAR CR DR	38-1W-10CC-100	BCG	BCG
H	BEAR CR DR	38-1W-10CC-3000	BCG	BCG
I	SOUTH PACIFIC HWY	38-1W-15BB-9300	R-1 and C-H	LDR and C

EXHIBIT 4

FRAN ASSOCIATES P.C.

TELEPHONE
541-772-2782



CONSULTING LAND SURVEYORS

JAMES E. HIBBS, PLS

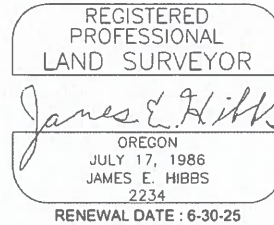
P.O. BOX 1947
PHOENIX, OR 97535

ljfriarandassociates@charter.net

LEGAL DESCRIPTION City of Phoenix File AN24-01

Commencing at the intersection of the Southwesterly line of the Central Oregon & Pacific Railroad and the South line of Donation Land Claim No. 40, Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon also being on the existing City of Phoenix Boundary; thence Easterly along said South line and said City Boundary, 309 feet, more or less, to the Northeast corner of that tract set forth in Document No. 2018-024592, said Official Records and the true point of beginning; thence along said City Boundary the following nine (9) courses: (1) Southeasterly, 73 feet, more or less, to the Southeast corner thereof; (2) Westerly, 206 feet, more or less, to the Southwest corner thereof; (3) Southeasterly along the Southwesterly line of said Railroad, 885 feet, more or less, to the most Westerly corner of that tract set forth in Document No. 2019-035578, said Official Records; (4) Northeasterly, 215 feet, more or less, to the most Northerly corner thereof; (5) Northwesterly along the Southwesterly line of that tract set forth in Document No. 2023-016793, said Official Records, 310 feet to the most Westerly corner thereof; (6) Northeasterly, 440 feet, more or less, to the Southwesterly line of Oregon State Highway No. 99; (7) Northwesterly along said Southwesterly line, 308 feet, more or less, to the Southeasterly line of that tract set forth in Document No. 02-67271, said Official Records; (8) Southwesterly, along said Southeasterly line, 205 feet, more or less, to the North line of said Claim No. 40; (9) Westerly along said North line, 300 feet, more or less, to the true point of beginning. Containing 6.85 acres, more or less.

AREA A TO BE ANNEXED INTO
THE CITY OF PHOENIX
23-148
January 8, 2024



TELEPHONE
541-772-2782



L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

JAMES E. HIBBS, PLS

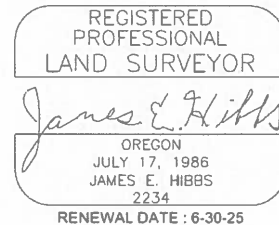
P.O. BOX 1947
PHOENIX, OR 97535

ljfriarandassociates@charter.net

LEGAL DESCRIPTION
City of Phoenix File AN24-01

Commencing at the intersection of the Southwesterly line of the Central Oregon & Pacific Railroad and the South line of Donation Land Claim No. 40, Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon also being on the existing City of Phoenix Boundary; thence Easterly along said South line and said City Boundary, 309 feet, more or less, to the Northeast corner of that tract set forth in Document No. 2018-024592, said Official Records; thence along said City Boundary the following five (5) courses: (1) Southeasterly, 73 feet, more or less, to the Southeast corner thereof; (2) Westerly, 206 feet, more or less, to the Southwest corner thereof; (3) Southeasterly along the Southwesterly line of said Railroad, 885 feet, more or less, to the most Westerly corner of that tract set forth in Document No. 2019-035578, said Official Records; (4) Northeasterly, 215 feet, more or less, to the most Northerly corner thereof; (5) Southeasterly along the Southwesterly line of that tract set forth in Document No. 2023-016793, said Official Records, 25 feet to the most Westerly corner thereof and the true point of beginning; thence along said City Boundary the following ten (10) courses: (1) Southeasterly, 303 feet, more or less, to the most Easterly corner thereof; (2) Northeasterly, 253 feet, more or less, to the most Southerly corner of that tract set forth in Document No. 2015-008179, said Official Records; (3) Northwesterly, 97 feet, more or less, to the most Westerly corner thereof; (4) Northeasterly, 325 feet, more or less, to the Southwesterly line of Oregon State Highway No. 99; (5) Northwesterly along said Southwesterly line, 14 feet, more or less, to the Southeasterly line of that tract set forth in Document No. 2017-034019, said Official Records; (6) Southwesterly along said Southeasterly line, 178 feet, to the most Southerly corner of said tract; (7) Northwesterly, 73 feet, more or less, to the most Westerly corner thereof; (8) Northeasterly, 181 feet, more or less, to the Southwesterly line of Oregon State Highway No. 99; (9) Northwesterly along said Southwesterly line, 73 feet, more or less, to the most Easterly corner of that tract set forth in Document No. 2023-016793, said Official Records; (10) Southwesterly, 542 feet, more or less, to the to the true point of beginning. Containing 2.44 acres, more or less.

AREA B TO BE ANNEXED INTO
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23-148
January 8, 2024



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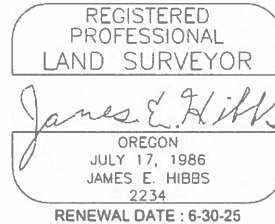
ljfriarandassociates@charter.net

JAMES E. HIBBS, PLS

LEGAL DESCRIPTION
City of Phoenix File AN24-01

Beginning at the Northwest corner of BARNUM SUBDIVISION, according to the official plat thereof, now of record, in Volume 14, Page 17 of plats of Jackson County, Oregon said point being on the existing City of Phoenix Boundary; thence Easterly and Northeasterly along the Northerly line of said SUBDIVISION and along said City Boundary, 1585 feet to the most Northerly corner of Rose Street; thence along said City Boundary the following ten (10) courses: (1) along the Southwesterly line of Oregon State Highway No. 99, 166 feet to the most Easterly corner of that tract set forth in Document No. 2014-005951, said Official Records; (2) Southwesterly, 156 feet, more or less, to the interior ell corner thereof; (3) Southeasterly, 100 feet, more or less, to the Southeast corner thereof; (4) Westerly, 107 feet, more or less, to the Southwest corner thereof; (5) Northwesterly along the Westerly line thereof and the Westerly line of that tract set forth in Document No. 2009-044772, said Official Records, 195 feet, more or less, to an angle point in the Westerly line of that tract set forth in Document No. 2009-044772, said Official Records; (6) Northwesterly, 239 feet, more or less, to the Northwest corner thereof; (7) Easterly, 149 feet, more or less, to the Southwesterly line of Oregon State Highway No. 99; (8) Northwesterly along said Southwesterly line, 2066 feet, more or less, to the Southeasterly line of that tract set forth in Document No. 2023-001589, said Official Records; (9) Southwesterly along said Southeasterly line, 842 feet, more or less, to the Northeasterly line of the Central Oregon & Pacific Railroad; (10) Southeasterly along said Northeasterly line, 1551 feet, more or less, to the point of beginning. Containing 48.01 acres, more or less.

AREA C TO BE ANNEXED INTO
THE CITY OF PHOENIX
23-148
January 11, 2024



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541-772-2782



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CONSULTING LAND SURVEYORS

P.O. BOX 1947
PHOENIX, OR 97535

ljfriarandassociates@charter.net

JAMES E. HIBBS, PLS

LEGAL DESCRIPTION
City of Phoenix File AN24-01

Beginning at the intersection of the centerline of Coleman Creek and the Southwesterly line of Oregon State Highway No. 99 said point being on the existing City of Phoenix Boundary; thence along said City Boundary the following seven (7) courses: (1) along said Southwesterly line, Northeasterly, 634 feet, more or less, to the most Northerly corner of that tract set forth in Document No. 2021-016995, said Official Records; (2) Southwesterly along the Westerly line of said tract, 494 feet to an angle point; (3) South along said Westerly line, 333 feet to the Southwest corner of said tract; (4) East along the South line of said tract, 171 feet to the Southeast corner of said tract; (5) Northeasterly along the Southeasterly line of said tract, 298 feet to the interior ell corner of said tract; (6) Southeasterly along the Southerly line of said tract, 140 feet to the centerline of Coleman Creek; (7) Northeasterly along said centerline, 271 feet to the point of beginning. Containing 6.63 acres, more or less.

AREA D TO BE ANNEXED INTO
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23-148
January 8, 2024



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CONSULTING LAND SURVEYORS

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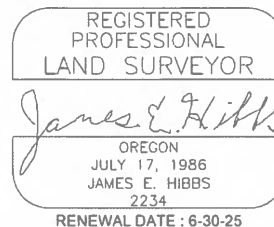
P.O. BOX 1947
PHOENIX, OR 97535

ljfriarandassociates@charter.net

LEGAL DESCRIPTION
City of Phoenix File AN24-01

Commencing at Northwest corner of said Claim No. 42, Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence South along the West line of said Claim No. 42 and along said City Boundary, 859 feet, more or less, to the most Southerly corner of that tract set forth in Document No. 90-10759, Official Records of Jackson County, Oregon and the true point of beginning also being on the existing City Boundary; thence along said City Boundary the following twenty four (24) courses: (1) along the Westerly line of said tract, Northwesterly, 1084 feet, more or less, to the North line of Donation Land Claim No. 44, said Township and Range; (2) Westerly along said North line, 319 feet, more or less, to the East line of OAK CREST ESTATES, according to the official plat thereof, now of record, in Volume 30, Page 9 of plats of Jackson County, Oregon; (3) Northerly along said Easterly line, 32 feet, more or less, to the Southwest corner of Lot 14, Block 2 of said LAKESIDE ESTATES; (4) Easterly, 112 feet, more or less, to the Southeast corner thereof; (5) Northwesterly, 151 feet, more or less, to the Northeast corner thereof; (6) Westerly, 66 feet, more or less, to the Northwest corner thereof; (7) Westerly along the Southerly line of Northridge Terrace, 1236 feet, more or less, to the Northeast corner of Lot 4, Block 2, NORTHWOOD PARK SUBDIVISION, according to the official plat thereof, now of record, in Volume 13, Page 26 of plats of Jackson County, Oregon; (8) Southerly, 120 feet, more or less, to the Southeast corner thereof; (9) Westerly along the Southerly line of said NORTHWOOD PARK, 651 feet, more or less, to the Northeasterly line of Oregon State Highway No. 99; (10) Southeasterly along said Northeasterly line, 1009 feet, more or less, to the Northwesterly line of Oak Crest Way; (11) Northeasterly along the Northwesterly and Northerly line thereof, 1466 feet, more or less, to the corner common to Lots 14 & 15 of said OAK CREST ESTATES; (12) Southwesterly along the Southerly and Southeasterly line of Oak Crest Way, 1417 feet, more or less, to the Northeasterly line of Oregon State Highway No. 99; (13) Southeasterly along said Northeasterly line, 569 feet, more or less, to the most Southerly corner of that tract set forth in Document No. 2006-020546, said Official Records; (14) Northeasterly, 584 feet to the most Easterly corner of said tract; (15) Southeasterly along the Northeasterly line of Parcels I and II set forth in Document No. 2021-010187, said Official Records, 265 feet to the most Easterly corner of said Parcel I; (16) Southwesterly along the Southeasterly line of said Parcel I, 565 feet to the Northeasterly line of said Highway No. 99; (17) along the Northeasterly line of said Highway No. 99, Southeasterly, 586 feet, more or less, to the centerline of Coleman Creek; (18) Northeasterly along said centerline and along the Southeasterly line of that tract set forth in Document No. 2021-051904, said Official Records, 169 feet to the most Southerly corner of that tract set forth in Document No. 2018-011380, said Official Records; (19) Northeasterly along the Southeasterly line of said tract, 43 feet to the most Westerly corner of that tract set forth in Document No. 2021-007750, said Official Records; (20) Southeasterly 488 feet to the most Southerly corner of said tract; (21) Northeasterly, 324 feet to the Southeast corner of said tract; (22) Northwesterly, 96 feet to an angle point in the East line of said tract; (23) North, 568 feet to an angle point in said East line; (24) Northwesterly 16 feet to the true point of beginning. Containing 58.13 acres, more or less.

AREA E TO BE ANNEXED INTO
THE CITY OF PHOENIX
23-148
January 11, 2024



TELEPHONE
541-772-2782



L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

JAMES E. HIBBS, PLS

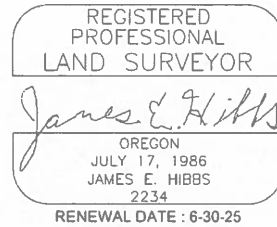
P.O. BOX 1947
PHOENIX, OR 97535

ljfriarandassociates@charter.net

LEGAL DESCRIPTION
City of Phoenix File AN24-01

Commencing at the Southwest corner of Southwest corner of Donation Land Claim No. 83, Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence Southeasterly, 54 feet to the Westerly Southwest corner of Parcel 5, Tract B set forth in Document No. 96-09724, said Official Records and the true point of beginning said point also being on the existing City of Phoenix boundary; thence Southeasterly along the Southwesterly line of said Tract B and along said City Boundary, 1785 feet, to the most Southerly corner of said Tract B; thence Northeasterly and Northwesterly, along the Northerly line of said Tract B and along said City Boundary, 2353 feet to the most Northerly corner of said Tract B; thence Southerly along the Westerly line of said Tract B and said City Boundary, 257 feet to the true point of beginning. Containing 18.25 acres, more or less.

AREA F TO BE ANNEXED INTO
THE CITY OF PHOENIX
23-148
January 6, 2024



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541-772-2782



L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

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PHOENIX, OR 97535

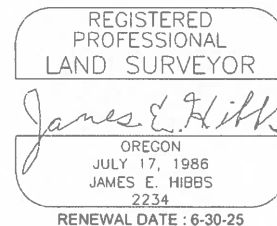
ljfriarandassociates@charter.net

JAMES E. HIBBS, PLS

LEGAL DESCRIPTION
City of Phoenix File AN24-01

Beginning at the Southwest corner of Lot 5, Block 1, LAKESIDE ESTATES MOBILE HOME SUBDIVISION, according to the official plat thereof, in Volume 15, Page 82 of plats of Jackson County, Oregon also being on the existing City Boundary; thence along said City Boundary the following nine (9) courses: (1) Northwesterly, 114 feet, more or less, to the Northwest corner thereof; (2) Easterly, 65 feet, more or less, to the Northeast corner thereof; (3) Southeasterly, 112 feet, more or less, to the Northerly line of Northridge Terrace; (4) Easterly along said Northerly line, 514 feet, more or less, to the Southeast corner of Lot 13, Block 1, said LAKESIDE ESTATES; (5) Northerly, 63 feet, more or less, to the Northeast corner thereof; (6) Easterly along South line of that tract set forth in Document No. 2022-022536, Official Records of Jackson County, Oregon, 279 feet, more or less, to the Southeast corner of said tract; (7) Northwesterly, 382 feet, more or less, to the Northeast corner thereof; (8) Westerly along the North line thereof, 40 feet, more or less, to the Southeast corner of that tract set forth in Document No. 2007-036499, said Official Records; (9) Northwesterly along the Easterly line thereof, 993 feet, more or less, to the South line of Donation Land Claim No. 40, Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence leaving said City Boundary along said South line, WEST, 1849 feet to the Southeast corner of East Glenwood Road; thence along the West line of said East Glenwood Road and the East line of Tracts A and B set forth in Document No. 00-00345, said Official Records, NORTH, 1139 feet to the Northeast corner of said Tract B; thence along the North lines of said Tracts A and B, WEST, 1315 feet to an angle point in that tract set forth in Document No. 2018-036805, said Official Records also being on the existing City Boundary; thence along said City Boundary the following thirteen (13) courses: (1) Southeasterly, 307 feet, more or less, to the most Easterly corner of said tract; (2) Southwesterly, 250 feet, more or less, to the Northeasterly line of Oregon State Highway No. 99; (3) Southeasterly along said Northeasterly line, 564 feet, more or less, to the most Westerly corner of that tract set forth in Document No. 2012-009168, said Official Records; (4) Northeasterly, 250 feet, more or less, to the most Northerly corner thereof; (5) Southeasterly, 150 feet, more or less, to the most Easterly corner thereof; (6) Southwesterly, 250 feet, more or less, to the Northeasterly line of Oregon State Highway No. 99; (7) Southeasterly along said Northeasterly line, 1033 feet, more or less, to the most Westerly corner of that tract set forth in Document No. 92-25143, said Official Records; (8) Northeasterly on the exterior boundary thereof, 245 feet, more or less, to the most Northerly corner thereof; (9) Southeasterly, 112 feet, more or less, to an angle point in said tract boundary; (10) Southerly, 201 feet, more or less, to the Southeast corner of said tract; (11) Westerly along the South line thereof, 115 feet, more or less, to the Northeasterly line of Oregon State Highway No. 99; (12) Southeasterly along said Northeasterly line, 837 feet, more or less, to the Northerly line of Northridge Terrace; (13) Northeasterly along said Northerly line, 1354 feet, more or less, to the point of beginning. Containing 85.83 acres, more or less.

AREA G TO BE ANNEXED INTO
THE CITY OF PHOENIX
23-148
January 11, 2024



TELEPHONE
541-772-2782

JAMES E. HIBBS, PLS



L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

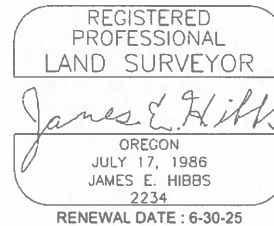
P.O. BOX 1947
PHOENIX, OR 97535

ljfriarandassociates@charter.net

LEGAL DESCRIPTION
City of Phoenix File AN24-01

Beginning at the most Northerly corner of BEAR CREEK CONDOMINIUM, PHASE 1, according to the official plat thereof, now of record, in Volume 13, Page 72 of plats of Jackson County, Oregon said point being on the existing City of Phoenix Boundary; thence along said City Boundary the following twelve (12) courses: (1) Southeasterly along the Northeasterly line of said CONDOMINIUM, 215 feet to the most Easterly corner thereof; (2) Southwesterly along the Southeasterly line of said Condominium, 102 feet to the most Westerly corner of that tract set forth in Volume 369, Page 388, Jackson County Deed Records; (3) Southeasterly & Northeasterly along the Southwesterly and Southeasterly line of said tract, 590 feet to the most Westerly corner of that tract set forth in Document No. 85-02495, Official Records of Jackson County, Oregon; (4) Southeasterly along the Southwesterly line of said tract, 100 feet to the most Southerly corner thereof; (5) Southeasterly along the Southwesterly corner of that tract set forth in Volume 374, Page 450, said Deed Records, 910 feet to the most Southerly corner thereof; (6) Southeasterly along the Southwesterly line of that tract set forth in Volume 371, Page 335, said Deed Records, 759 feet to the most Southerly corner thereof; (7) Southerly along the Westerly line of Parcel 5 set forth in Volume 373, Page 38, said Deed Records, 127 feet to an angle point in said City Boundary; (8) Southeasterly along said City Boundary, 377 feet to the Southeasterly line of said Parcel 5; (9) Northeasterly along said Southeasterly line, 200 feet to the most Easterly corner of said parcel 5; (10) Northwesterly along the Northeasterly line thereof, 734 feet to the Southeasterly corner of that tract set forth in Volume 371, Page 335, said Deed Records; (11) Northwesterly along the Northeasterly line of said tract, 706 feet to the most Northerly corner thereof; (12) Northwesterly and Southwesterly along the Northeasterly and Northwesterly lines of that tract set forth in Volume 374, Page 450, said Deed Records, 2600 feet to the point of beginning. Containing 20.20 acres, more or less.

AREA H TO BE ANNEXED INTO
THE CITY OF PHOENIX
23-148
January 13, 2024



TELEPHONE
541-772-2782



L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

JAMES E. HIBBS, PLS

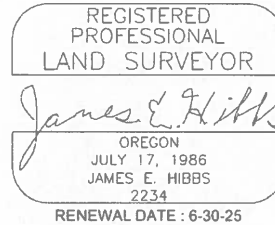
P.O. BOX 1947
PHOENIX, OR 97535

ljfriarandassociates@charter.net

LEGAL DESCRIPTION
City of Phoenix File AN24-01

Beginning at the Southeast corner of Lot 15, MCCLURG SUBDIVISION UNIT NO. 2, according to the official plat thereof, now of record, in Jackson County, Oregon said point being on the existing City of Phoenix Boundary; thence Northwesterly and Westerly along the Southerly line of that tract set forth in Document No. 97-27711, Official Records of Jackson County, Oregon and along said City Boundary, 1345 feet, to the Southwest corner of said tract; thence Northerly along the West line thereof and along said City Boundary, 39 feet to the Northwest corner thereof; thence Easterly and Southeasterly along the Northerly line of said tract and said City Boundary, 1406 feet to the Northeast corner thereof; thence Southeasterly along the Easterly line of said tract and along said City Boundary, 82 feet to the point of beginning. Containing 1.42 acres, more or less.

AREA I TO BE ANNEXED INTO
THE CITY OF PHOENIX
23-148
January 7, 2024



TELEPHONE
541-772-2782



L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

JAMES E. HIBBS, PLS

P.O. BOX 1947
PHOENIX, OR 97535

ljfriarandassociates@charter.net

LEGAL DESCRIPTION
City of Phoenix File AN24-01

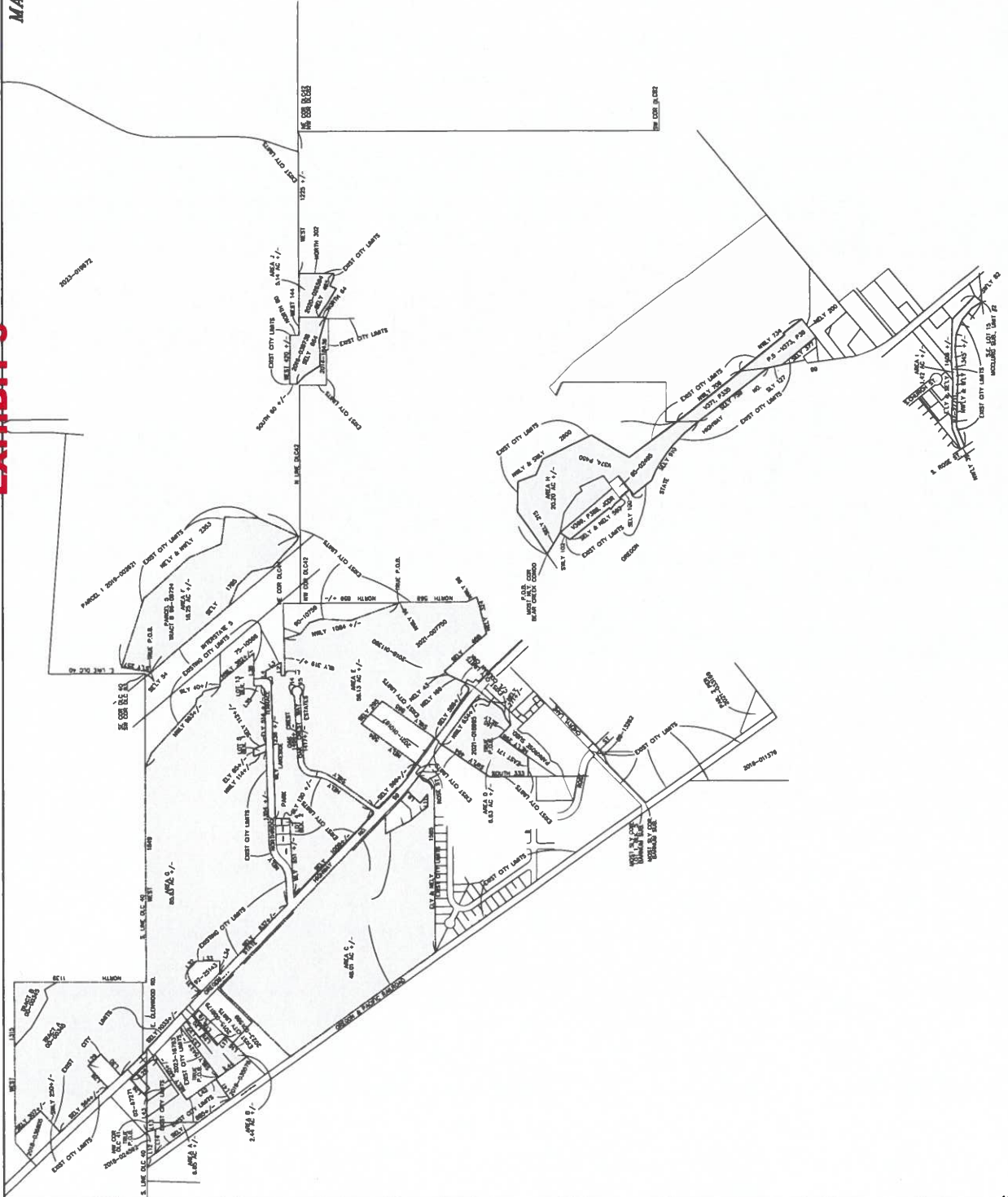
Commencing at the Northeast corner of Donation Land Claim No. 42, Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along the North line thereof, 1225 feet to the Northeast corner of that tract set forth in Document No. 2020-026594, Official Records of Jackson County, Oregon also being on the existing City of Phoenix Boundary; thence said City Boundary, the following eight (8) courses: (1) along said North line, WEST, 533 feet, more or less, to the interior ell corner of that tract set forth in Document No. 2016-038738, said Official Records; (2) North, 80 feet, more or less, to the North Northeast corner thereof; (3) West, 420 feet, more or less, to the Northwest corner thereof; (4) South along the West line thereof, 60 feet, more or less, to the Northeasterly line of that right of way set forth in Document No. 2014-18439, said Official Records; (5) Southeasterly along said Northeasterly right of way, 664 feet, more or less, to the Southeast corner that tract set forth in Document No. 2016-038738, said Official Records; (6) North, along the East line of said tract, 64 feet to the Southwest corner of that tract set forth in Document No. 2020-026594, Official Records; (7) Southeasterly along the Southerly line of said tract, 465 feet to the Southeast corner thereof; (8) North along the East line thereof, 302 feet to the true point of beginning. Containing 5.14 acres, more or less.

AREA J TO BE ANNEXED INTO
THE CITY OF PHOENIX
23-148
January 6, 2024



EXHIBIT 5

MAP OF PROPOSED ANNEXATION CITY OF PHOENIX FILE AN24-01 City of Phoenix Jackson County, Oregon



PROPOSED AREAS TO BE ANNEXED PHOENIX, OREGON CITY OF PHOENIX JACKSON COUNTY, OREGON	
PROFESSIONAL LAND SURVEYOR <i>James T. Haha</i> JAMES T. HAH 1000 N. 10TH ST. PHOENIX, OREGON 97533	REGISTERED PROFESSIONAL ENGINEER L.L. FRENCH & ASSOCIATES P.C. 1000 N. 10TH ST. PHOENIX, OREGON 97533
DATE: 08/11/2011 SHEET NO. 01 OF 01	PROJECT NO. 24-01



BEFORE THE PHOENIX PLANNING COMMISSION

STATE OF OREGON, CITY OF PHOENIX

IN THE MATTER OF PLANNING FILE NO. AN24-01, AN ANNEXA-)
TION OF 253 ACRES WITHIN THE CITY'S URBAN GROWTH)
BOUNDARY PURSUANT TO ORS 222.750, REMOVAL OF THE)
AREA FROM JACKSON COUNTY FIRE DISTRICT NO.2 PURSU-) ORDER
ANT TO ORS 222.524 AND ANNEXATION TO JACKSON COUNTY)
FIRE DISTRICT NO.5 PURSUANT TO ORS 198.867(3), THE)
PHOENIX PLANNING COMMISSION FINDS THE FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on February 12, 2024;
2. The Planning Commission asked the Deputy City Manager to present a staff report and a final order with findings and recommendations at the February 12, 2024 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 subject territory is contiguous with the existing city limit, is located within the city's urban growth boundary and meets the annexation requirements of ORS 222;
5. The Planning Commission finds that the application review is consistent with the legislative review requirements of Chapter 4.1.6 of the Phoenix Land Development Code;
6. The Planning Commission finds that all territory proposed for annexation is territory that is surrounded by the corporate boundaries of the City of Phoenix, or the corporate boundaries of the City of Phoenix, the corporate boundaries of the City of Medford, and a creek, consistent with ORS 222.750(2);
7. The Planning Commission finds that the City, having annexed to Jackson County Fire District No.5 through an election consistent with ORS 198.866 and 198.867 in March of 2008, must also annex this territory to JCFD No.5 upon annexation to the City per ORS 198.867(3);
8. The Planning Commission finds that the territory must be removed from Jackson County Fire District No.2 pursuant to ORS 222.524 in tandem with the required annexation to Jackson County Fire District No.5;

NOW THEREFORE, the Phoenix Planning Commission recommends approval of the requested Annexation (AN24-01) application based on applicant's request and based on the information presented in the Staff Report and Findings of Fact below:

In the following, any text quoted directly from City codes or State Law appears in italics; staff findings appear in regular typeface.

Annexation is governed by the City's Land Development Code, Municipal Code, Comprehensive Plan, its Urban Growth Boundary Management Agreement with Jackson County, and state law. The Land Development and Municipal Codes do not define specific standards of review for a proposed annexation.

Requests for annexation are evaluated using a Type IV Legislative procedure. The Planning Commission recommends action, but does not have authority to render a final decision. The City Council must ratify a proposed annexation by ordinance.

CHAPTER 4 – APPLICATION AND REVIEW PROCEDURES

Chapter 4.1 – Types of Applications and Review Procedures

4.1.6 – Type IV Procedures (Legislative)

- A. *Pre-Application conference. A pre-application conference is required for all Type IV applications. The requirements and procedures for a pre-application conference are described in Chapter 4.1.7 – General Provisions.*
- B. *Timing of requests. The City Planner shall not review non-City sponsored or State required proposed Type IV actions more than five times annually, based on a City Council Resolution approved schedule for such actions. Legislative requests are not subject to the 120-day review under ORS 227.178.*

FINDING: The applicant submitted the required pre-application conference information and was provided a response detailing the requirements for the submission of an annexation application. The application for annexation is City initiated and City sponsored. **The standard is met.**

- C. *Application requirements*
 - 1. *Application forms. Type IV applications shall be made on forms provided by the Planning Department;*
 - 2. *Submittal Information. The application shall contain:*
 - a. *The information requested on the application form;*
 - b. *A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);*
 - c. *The required fee; and*
 - d. *Findings or a narrative statement that explains how the application satisfies all of the relevant approval criteria and standards.*
 - e. *Mailing labels*

FINDING: The applicant submitted the required application forms and narrative explaining how the application satisfies all of the relevant approval criteria, standards and Oregon

Revised Statues. Mailing labels for the notice were prepared by staff using the city's GIS system. The standard is met.

COMPREHENSIVE PLAN

Land Use Element – Goals & Policies

Goal 3: *Manage annexations to achieve the objectives of the Plan by ensuring that the cumulative effects of annexation decisions are considered.*

Policy 3.1

Pursuant to applicable laws of the State of Oregon, the City Council may approve annexations, without referral to the City's electorate, when finding and facts show that development of the property or properties proposed for annexation would be consistent with the Plan and that development on the land proposed for annexation can be served with all urban services and facilities without adverse impacts on the availability, quality, quantity or reliability of City services provided to or likely to be needed by;

- 1. Existing development within the incorporated area, and*
- 2. Undeveloped, partially vacant, or redevelopable incorporated land (considering approved development plans or permissible densities as set out in the Plan).*

Policy 3.4

All properties annexed to the City shall eventually be improved to City standards including, but not limited to, street improvements, curbs and gutter, lighting, and other improvements included within the City's development standards or as may otherwise be specified by the City Manager and approved by the City Council. If required improvements are not proposed at the time of annexation, then the annexation agreement shall include a non-remonstrance clause specifying that the improvements shall be installed at the time of partitioning, subdivision, development or other time as approved by the Council.

Policy 3.5

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).

FINDING:

- 1. There are two distinct areas proposed for annexation through this application: portions of urban reserve area PH-5 and all other "enclave" areas located outside of PH-5. The areas will be referred to as PH-5 properties and non-PH-5 properties, respectively, throughout these findings. The non-PH-5 properties are served by all urban infrastructure and services. Sanitary sewer service is provided by Rogue Valley Sewer Services, water service is provided by the City of Phoenix, and all private utility providers for electricity, gas, and communications services are present within the area. Police service will transfer from Jackson County Sherriff to City of Phoenix police and fire/EMS*

will transfer from Jackson County Fire District No.2 to Jackson County Fire District No.5, upon annexation.

The PH-5 properties are being annexed, in part, to help facilitate the development of urban infrastructure into this area east of I-5. The cities of Medford and Phoenix have been coordinating infrastructure planning with the major property owners and service providers (RVSS, Medford Water, ODOT) within PH-5 and MD-5 in Medford. Some portions of PH-5 can be served by extending existing infrastructure into development areas, but other portions will require large-scale upgrades to sewer, water and/or transportation infrastructure prior to development. These conditions are understood and recognized by the service providers, the land owners, and the two cities. The annexation of PH-5 is a necessary next step in developing infrastructure into the area.

2. Both the non-PH-5 properties and the PH-5 properties will benefit by the development of a new water storage reservoir on the east side of PH-5. This reservoir, which is being developed primarily to aid in the transition of the Charlotte Ann Water District to the City of Phoenix, was funded by the State of Oregon through HB5006. The construction of this reservoir, along with other improvements to the water system being done as part of the transition, will ensure that there is adequate water system infrastructure in place to serve both existing and planned development within the urban growth boundary. Because PH-3 has been previously developed, the change from an urbanized area in Jackson County to an urbanized area within Phoenix is not expected to materially affect availability for any urban level service. As mentioned above, PH-5 infrastructure will be developed to ensure that adequate capacity is available to the area without effecting capacity in other parts of the system. Provision of the services can be accomplished without adversely affecting existing or future development within the City's current Urban Growth Boundary.
3. Development on the annexed properties must comply with the City's Land Development Code which requires improvements to infrastructure and facilities that meet the City's specifications. This will be reviewed during subdivision and site design/development review.
4. All properties proposed for annexation are within "islands" or "enclaves" consistent with ORS 222.750. This annexation proposal is directly in line with Policy 3.5.

The standard is met.

Urbanization Element – Goals & Policies

Goal 2: *Ensure efficient urban development patterns that comply with Regional Plan performance indicators.*

Policy 2.1

Neighborhood or Special Area Plans shall be submitted to and approved by the City using a Type IV Land Use decision process, and adopted into the City's Comprehensive Plan as a separate Element, prior to or simultaneously with a request to annex any lands included in the City's UGB that have been designated as Urban Reserve Areas (URA) by the Regional Plan. At minimum, these plans shall demonstrate the following:

1. *Consistency with the arrangement of proposed land uses and urban infrastructure (e.g. transportation network) depicted by applicable Conceptual Land Use and Transportation plans that have been adopted for that particular URA;*

2. *Compliance with applicable Regional Plan performance indicators, especially indicators 3-10.*
3. *Safegaurds against parcelization and land uses which are inconsistent with the purpose of PH-5 as a regional employment center.*
4. *Conformance with all other applicable goals and policies of the City's Comprehensive Plan.*

Policy 2.2

The City shall develop land use regulations that ensure the availability of tracts of land within PH-5 suitable for development by larger, traded-sector employers consistent with the findings and conclusions of the Economic Element, the Local Economic Opportunity Analysis, and the Regional Economic Opportunity Analysis.

In particular, these regulations shall be consistent with the parcelization depicted in Policy 6.1 of the Land Use Element, based on Table 4-3 of the Economic Element. Amendments of its Land Development Code necessary to effectively implement this policy shall be adopted by the City prior annexation of any lands in PH-5.

Policy 2.3

Upon annexation, lands in PH-5 with an employment comprehensive land use plan designation, such as "Industrial", shall receive the new zoning designation outlined in the Restricted Land Uses in PH-5 portion of the Land Use Element, consistent with Regional Plan Performance Indicator 9.

FINDING:

1. These policies apply only to the PH-5 properties, not to the non-PH-5 properties as those properties exist within previously urbanized areas and will retain like zoning/development potential upon annexation.
2. As part of the process of amending the urban growth boundary, the City of Phoenix adopted a Land Development Code amendment creating a new Holding Zone specifically for the purpose of annexing PH-5 lands prior to assigning developable zoning to the properties. This was done in recognition of the need to annex the area to facilitate the development of infrastructure.
3. The City is committed to adhering to Urbanization Element policies 2.1-2.3 prior to any of the land being made available for development through zoning. In fact, the City is working with the major land owners in the area to craft zoning language to implement policies 2.2 and 2.3 through the creation of a new Industrial zone, as anticipated by the Urbanization Element. The final language of the new zone, which must be reviewed by the Planning Commission and adopted by the City Council, will help to inform the Neighborhood or Special Area Plan that will be adopted to address policy 2.1.
4. Upon annexation, the PH-5 properties will be designated Holding Zone and will not be available for development until Urbanization Element Policies 2.1 – 2.3, along with all applicable provisions of Phoenix Land Development Code Chapter 4.7 have been addressed.

5. The properties are to be annexed now to facilitate the development of infrastructure into the area. The City has been allocated \$4.5 million through SB 5506 for the development of certain critical infrastructure into the area and is currently working with State leaders to receive additional funds to continue this work.

The standard is met.

OREGON REVISES STATUTES

ORS 198

198.867 – Approval of Annexation to District by Electors of City and District

(3) *Upon receipt of the certificate of the city governing body and the district board, the county board shall enter an order annexing the territory included in the city to the district. When the county board enters the order, the city territory, together with any territory thereafter annexed to the city (emphasis added):*

- (a) *Shall be included in the boundaries of the district; and*
- (b) *Shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district.*

FINDING: The City of Phoenix annexed to Jackson County Fire District No.5 through an election consistent with ORS 198.866 and 198.867, in March of 2008. This action was completed through Measure No. 15-81 for Jackson County Fire District No. 5 and through Measure No. 15-82 for the City of Phoenix. Both measures passed in Phoenix with overwhelming support, with 96% voting yes on Measure 15-81 and 97% voting yes on Measure 15-82. Per ORS 198.867(3) any territory annexed to the City must also be annexed (included) into the boundaries of Jackson county Fire District No.5. To facilitate this transition to Jackson County Fire District No.5, the property must be removed from Jackson County Fire District No.2 boundaries pursuant to ORS 222.524. **The standard is met.**

ORS 222

222.111 – Authority and Procedure for Annexations

1. *The land to be annexed is contiguous with the existing political boundaries of the city in question.*

FINDING: The subject territory is contiguous with the current Phoenix city boundary. **The standard is met.**

222.750 – Annexation of unincorporated territory surrounded by city; delayed annexation for certain property.

- (2) *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.*

- (3) *This section does not apply if the territory not within a city:*
- (a) *Is surrounded entirely by water; or*
 - (b) *Is surrounded as provided in subsection (2) of this section, but a portion of the corporate boundaries of the city that consist only of a public right of way, other than Interstate Highway 5, constitutes more than 25 percent of the perimeter of the territory.*
- (4) *Unless otherwise required by the city charter, annexation by a city under this section must be by ordinance or resolution subject to referendum, with or without the consent of any owner of real property within the territory or resident in the territory.*
- (5) *For property that is zoned to allow residential use as a permitted use in the zone and is in residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved. The city recorder or other officer performing the duties of the city recorder shall:*
- (a) *Cause notice of the delayed annexation to be recorded by the county clerk of the county in which any part of the territory subject to the delayed annexation is located within 60 days after the city proclaims the annexation approved; and*
 - (b) *Notify the county clerk of each county in which any part of the territory subject to delayed annexation is located not sooner than 120 days and not later than 90 days before the annexation takes effect.*
- (6) *Notwithstanding subsection (5) of this section:*
- (a) *Property that is subject to delayed annexation becomes part of the city immediately upon transfer of ownership.*
 - (b) *The record owner of real property described in subsection (5) of this section that is located in the territory to be annexed may waive the delay of the effective date of the annexation provided under subsection (5) of this section. The property becomes part of the city immediately upon waiver.*

FINDING: As shown in the Enclaves maps (attached Exhibit A to staff report), 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 Territories to be Annexed maps (attached Exhibit B to staff report), 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.

None of the areas to be annexed is surrounded entirely by water or is surrounded, but has a portion of the corporate boundaries of the city that consist only of a public right of way, other than Interstate Highway 5, for more that 25 percent of the perimeter of the territory.

Should City Council elect to approve the proposed annexation, the annexation will be accomplished through ordinance subject to referendum.

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 to the Staff Report is a series of maps showing non-residential properties and residential properties. Exhibit D to the Staff Report 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)).

All required noticed will be sent to the Jackson County clerk regarding the delayed annexation. **These standards are met.**

URBAN GROWTH BOUNDARY AGREEMENT

The City of Phoenix and Jackson County manage the urbanization of land through an Urban Growth Boundary and Policy Agreement that was ratified by in 1995. According to this agreement

1. *City annexation shall occur only within the officially adopted Urban Growth Boundary.*
2. *Specific annexation decisions shall be governed by the official annexation policy of the City. The City will provide an opportunity for the County to respond to pending requests for annexation.*
3. *Establishment of an Urban Growth Boundary does not imply that all land within the boundary will be annexed to the City.*
4. *Urban facilities and services must be adequate in condition and capacity to accommodate the additional level of growth, as allowed by the City Comprehensive Plan, prior to or concurrent with the land use changes.*

FINDING: The subject properties are located within the officially adopted Urban Growth Boundary. The city has notified the county of the proposed annexation.

The non-PH-5 properties are served by all urban infrastructure and services. Sanitary sewer service is provided by Rogue Valley Sewer Services, water service is provided by the City of Phoenix, and all private utility providers for electricity, gas, and communications services are present within the area. Police service will transfer from Jackson County Sherriff to City of Phoenix police and fire/EMS will transfer from Jackson County Fire District No.2 to Jackson County Fire District No.5 upon annexation.


The PH-5 properties are being annexed, in part, to help facilitate the development of urban infrastructure into this area east of I-5. The cities of Medford and Phoenix have been coordinating infrastructure planning with the major property owners and service providers (RVSS, Medford Water, ODOT) within PH-5 and MD-5 in Medford. Some portions of PH-5 can be served by extending existing infrastructure into development areas, but other portions will require large-scale upgrades to sewer, water and/or transportation infrastructure prior to development. These conditions are understood and recognized by the service providers, the land owners, and the two cities. The annexation of PH-5 is a necessary next step in developing infrastructure into the area. **The standard is met.**



Terry Helfrich
Planning Commission Chair

1-22-24

Date

ATTEST


Joe Slaughter
Deputy City Manager

1/22/2024

Date