



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

March 29, 2006

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Phoenix Plan Amendment  
DLCD File Number 003-05



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 10, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
John Renz, DLCD Regional Representative  
Angela Barry, City of Phoenix

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**FORM 2**

**DLCD NOTICE OF ADOPTION**

This form **must be mailed** to DLCD within **5 working days after the final decision**  
Per ORS 197.610, OAR Chapter 600 – Division 18

DEPT OF

MAR 27 2006

LAND CONSERVATION  
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Phoenix

Local File No.: Z005-03  
(If no number, use none)

Date of Adoption: 3/20/2006  
(Must be filled in)

Date Mailed: 3/24/2006  
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 12/8/2005

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

A request to annex 1.54 acres into the city. Upon annexation the property would be re-zoned from Jackson County SR-2.5 to the City's R-1, Single Family Residential zone district

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same". If you did not give notice for the proposed amendment, write "N/A".

Same

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: Jackson County SR-2.5 to: R-1 Single Family Residential

Location: 1549 Pacific Lane Acres Involved: 1.54

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: \_\_\_\_\_

Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD File No.: 003-05  
(14869)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: X No:     

If no, do the Statewide Planning Goals apply. Yes:      No:     

If no, did The Emergency Circumstances Require immediate adoption: Yes:      No:     

Affected State or Federal Agencies, Local Governments or Special Districts: Jackson County

Local Contact: Angela Barry Area Code + Phone Number: 541-535-2050

Address: PO Box 330 City: Phoenix, Oregon

Zip Code + 4: 97535 Email Address: phoenixplanangela@charterinternet.com

### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD within **5 working days after the final decision**  
Per ORS 197.610, OAR Chapter 600 – Division 18

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD no later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Larry.French@state.or.us – ATTENTION: PLAN AMENDMENT SPECIALIST.

Jackson County Official Records 2006-014864  
R-OR  
Cnl=1 Sin=10 ALONZOKM 03/24/2006 08:14:37 AM  
\$95.00 \$5.00 \$11.00 Total:\$111.00



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,  
certify that the instrument identified herein was recorded in the Clerk  
records. Kathleen S. Beckett - County Clerk

**ORDINANCE NO. 857**

**AN ORDINANCE ANNEXING A CONTIGUOUS AREA LOCATED AT 1549 PACIFIC LANE, ALSO KNOWN AS 381W16A TAX LOT1400.**

WHEREAS, the Phoenix Planning Commission conducted a public hearing on January 23, 2006 on the proposed annexation that was conducted to give interested parties and opportunity to be heard, and

WHEREAS, the Planning Commission voted to recommend the annexation to the City Council for approval based upon the findings contained in the Planning Commission Staff Report and Recommendations, including the Findings of Fact submitted by the applicant in support of the annexation, and

WHEREAS, the City Council held a public hearing on this request to annex on March 20, 2006, and after considering the recommendations of staff, the Planning Commission, and public testimony received at the hearing, elected to grant approval to the request for annexation,

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

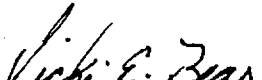
**Section 1:** The 1.54-acre tract of land described as Jackson County Assessor Parcel 381W16A TL1400, also known as 1549 Pacific Lane is hereby annexed to the City of Phoenix, subject to compliance with the annexation agreement for this property.

**Section 2:** The above-described property is hereby withdrawn from the Jackson County Fire District No. 5 pursuant to the provisions of ORS 222.520. The City of Phoenix elects to make payments to the special taxing district, if required, pursuant to ORS 222.520.

**Section 3:** The City Recorder is hereby authorized and directed to make and submit to the Secretary of State of Oregon a copy of this ordinance and the consent of the property owner. The City Recorder is also authorized and directed to submit a copy of this ordinance to the Jackson County Assessor and County Surveyor.

PASSED and adopted by the City Council and signed by me in authentication thereof this 20<sup>th</sup> day of March 2006.

ATTEST:

  
Vicki E. Bear, Mayor

STATE OF OREGON,  
COUNTY OF JACKSON

This instrument was acknowledged before me on this  
20<sup>th</sup> day of March, 2006

by Vicki E. Bear as Mayor of City of Phoenix

  
Notary Public - State of Oregon

  
Betty Smith, City Recorder

STATE OF OREGON,  
COUNTY OF JACKSON

This instrument was acknowledged before me on this  
20<sup>th</sup> day of March, 2006

by Betty Smith as City Recorder of City of Phoenix

  
Notary Public - State of Oregon

**CITY OF PHOENIX  
ANNEXATION AGREEMENT (A05-01/ZO05-03)**

This agreement is made between the City of Phoenix, a municipal corporation of the State of Oregon, hereinafter called "City", and MBR Pacific LLC.

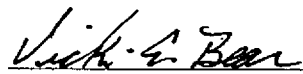
In consideration of the City holding the necessary public hearings, investigating the facts, and considerations surrounding the application of MBR Pacific LLC for annexation of their land, MBR Pacific LLC hereby acknowledges and hereby agrees to fully comply with the conditions set forth below, which are imposed by the City. The property being annexed is known as follows:

The parcel known as Jackson County Assessor Map No. 381W16A tax lot 1400

It is agreed that in the event of annexation, zone change, and other proceedings related to the application of MBR Pacific LLC is challenged or found invalid for any reason whatsoever, the applicant hereby agrees to hold harmless the City, its agents, employees, and officer, including any legal expenses or court costs before the Land Use Board of Appeals, incurred by the City. This property shall be withdrawn from Fire District No. 5 prior to completion of the annexation process

If the Oregon Department of Revenue does not approve the map and legal description for the annexation, then this agreement is null and void.

Executed by Vicki E. Bear on this 20<sup>th</sup> day of March, 2006

  
\_\_\_\_\_  
Vicki E. Bear, Mayor

**FINDINGS OF FACT**

**FOR ANNEXATION  
AND  
ZONE CHANGE**

Before the City of Phoenix

MBR Pacific LLC

) Findings of Fact  
) and Conclusions of  
) Law

**FINDINGS OF FACT: INTRODUCTION**

These findings for annexation have been prepared as part of a concurrent application for a change the zoning from County SR-2.5 to City of Phoenix R-1, Hilsinger Overlay, and a six (6) lot preliminary plat. These findings have been prepared based on a zone change to R-1, Hilsinger Overlay and development of the Property as a six (6) lot single-family residential subdivision. These findings have been prepared in accordance with the requirements of the Annexation Application

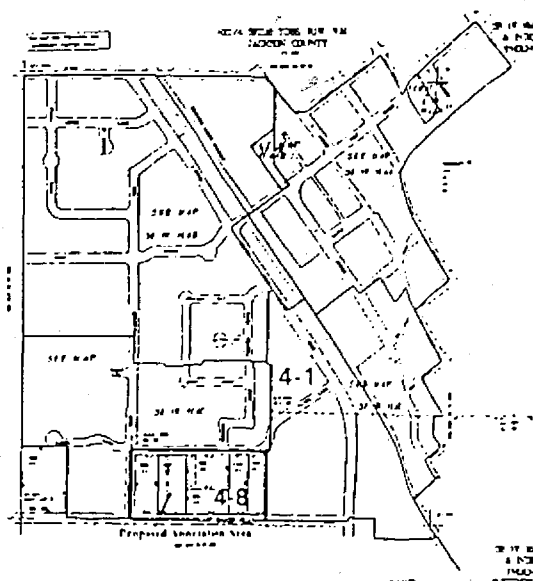
**I. PROPERTY INFORMATION**

A. Address: 1549 Pacific Lane  
Phoenix, OR

B. Assessor's I.D.:  
Township 38 Range 1W Section 16A  
Tax Lot(s) 1400

C. Size of Parcel(s): Acres - 1.54 Square Feet -  
67,082.4

D. Describe Adjacent Land Uses:  
North: Single-Family, R-1, City of Phoenix  
South: Single-Family, SR-2.5, County  
East: Single-Family, SR-2.5, County  
West: Single-Family, SR-2.5, County



## II. DESCRIPTION OF ANNEXATION

### A. Comprehensive Plan Land Use Designation

1. Current Jackson County Designation:
2. Proposed City of Phoenix Designation: Low Density Residential

### B. Zoning

1. Current Jackson County Zoning: SR-2.5
2. Proposed City of Phoenix: R-1, Hilsinger Overlay

## III. SUBMITAL REQUIREMENTS

- A) Submittals A-1 through A-3: See attached Exhibit "A – Assessor's Map" and Exhibit "B – Comprehensive Plan Land Use Map"
- B) Consent to Annex Form: See attached Exhibit "C – Consent to Annex Form"
- C) LEGAL METES AND BOUNDS: See attached Exhibit "D – Legal Metes and Bounds Description"
- D) SPECIFIC ANNEXATION INFORMATION:
  - 1) Current Assessed Valuation: RMV = \$198,890 AV = \$102,450
  - 2) Acreage to the Hundredth Percentile: 1.54 acres
  - 3) Map and Tax Lot Number: 38 1W 16A 1400
  - 4) Current county Zoning Designation: SR-2.5
- E) ADDRESS OF ANNEXATION DWELLINGS: 1549 Pacific Lane, Phoenix, OR
  - 1) Master mailing List: See attached labels.
- F) WRITTEN FINDINGS
  - 1) Existing Land Uses within the Annexation Area.

*The annexation is for a single tax lot, the current use of which is single-family structure. The immediate area to the north is a single-family residential subdivision within the city limits. Lands to the south, east, and west are single-family residential are all within the County and zoned SR-2.5.*
  - 2) Existing Improvements:

*Water: Water is currently provided from a private well. Upon annexation water service will be available from the City of Phoenix.*

*Streets: The Property has frontage on Pacific Lane and Camp Baker Road. Access is from Pacific Lane.*

*Sanitary Sewer: The Property is currently served by a private septic system. At such time as the Property is developed sanitary sewer service will be provided by the City of Phoenix.*

*Storm Sewer: The Property is currently served by the open ditch in Camp Baker Road and the storm drainage system in Pacific Lane.*

3) Special Districts within the Area:

*Water System: Not applicable.*

*Streets: Not applicable.*

*Fire District: Jackson County Fire District No. 3<sup>5</sup>*

*School District: Phoenix-Talent School District*

*Rogue Valley Sanitary: Not applicable.*

*Others: Not applicable.*

4) The Present Availability of Urban Services to the Proposed Annexation Area, their Capacity, and Cost of Extension or Improvement:

**Sanitary Sewer:** The Property can be served by an existing sanitary sewer line in Pacific Lane and/or Camp Baker Road. This line can adequately serve the proposed annexation and development of the Property as intended (six single-family detached lots). It is proposed that at time of development a sanitary sewer line will be extended from Pacific Lane to Camp Baker Road. The sanitary sewer line will be located in a proposed private mid-block lane. The cost of connecting and installing the sanitary sewer line is approximately \$21,000.

**Storm Drainage:** A storm drainage line exists in Pacific Lane east of the Property. At time of development the Property will extend a storm drain (12") from the existing location to the Property and down the private mid-block lane as necessary to service all proposed lots. The cost of extending and installing a storm drain line is approximately \$22,000.

**Fire:** Jackson County Fire District 3<sup>5</sup> currently serves the Property and has adequate capacity to serve development of the Property as proposed. A condition of development

5



would be the provision of additional fire protection facilities (hydrants) per City standards. The cost to provide fire protection services is approximately \$5,000.

**Streets:** The Property has frontage on Pacific Lane, a fully improved public street (city standards), and Camp Baker Road, a county street. Both streets have adequate capacity to accommodate the estimated 50 additional trips that the Property will eventually generate as R-1, Hilsinger Overlay zoned land. It is proposed that at time of development a 22-foot wide private mid-block lane will be constructed to provide access to all lots. The estimated cost of the private mid-block lane is approximately \$60,000.

**Parks:** The proposed Property is served by Colver Road Park, a neighborhood park. No additional park improvements are proposed, or required as a result of this annexation.

**Water:** There is an 8" City water line in Pacific Lane. This line is adequate in size and capacity to serve the Property. At such time as the Property is developed an 8" water line will be constructed in the private mid-block lane. The cost of constructing and extending the water system is approximately \$16,000.

**Power:** All electric, gas, telephone, and cable service is located in either Camp Baker Road and/or Pacific Lane. The cost of extending power and communications is approximately \$45,000.

**Police:** Police service is currently provided by the Jackson County Sheriffs Dept. Upon annexation police service will be provided by the City of Phoenix. The Phoenix Police Department can provide necessary services. Cost of additional services will be paid by property taxes.

5) Compliance with all Applicable Goals and Policies of the Comprehensive Plan (Including Goal 3 of the Land Use Element):

*The proposed annexation and zone change have been evaluated against each element and applicable goals and policies of the City's Comprehensive Plan.*

**Population Element**

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*Finding: The goals and policies (Goal 1, Policy 1A through 1C) do not pertain to the proposed annexation, but are general goals and policies applicable to the City in general.*

*Conclusion: Not applicable.*

**Economic Element**

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*Finding: The goals and policies (Goals 1 through 11) do not pertain to the proposed annexation, but are general goals and policies applicable to the City in general.*

*Conclusion: Not applicable.*

**Natural Resources Element**

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*Finding: The goals and policies do not pertain to the proposed annexation, but are general goals and policies applicable to the City in general. The annexation of the Property and subsequent development will be subject to applicable City standards, which in address the statewide goals for preservation of natural resources.*

*Conclusion: Not applicable.*

**Historic Element**

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*Finding: The property is not identified, or otherwise designated, as having any historic significance, or being within the vicinity of other properties that are of historic significance.*

*Conclusion: Not applicable.*

**Natural Hazards Element**

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*Finding: The Property is not identified as being subject to any natural hazards, nor is it considered hillside property, or located within a designated flood plain.*

*Conclusion: Not applicable.*

**Land Use Element**

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Goal 1. Foster sound community growth and development through effective management of public land use policy.

*Finding, Goal 1: Policies 1.1 through 1.1.2 applies to amendments to the Comprehensive Land Use Plan and Map. The proposed annexation and zone change to not alter, or otherwise affect the Comprehensive Land Use Plan, or Map.*

*Conclusion, Goal 1: Not applicable.*

Goal 2. Define the extent of urban development through the establishment of a defensible, long-term, and recognizable boundary between urban and rural lands; a Permanent Urban Growth Boundary.

*Finding, Goal 2: The proposed annexation and zone change are within the current urban growth boundary and about the existing City limits. The proposed annexation and zone change do not alter, or otherwise affect, the current urban growth boundary.*

*Conclusion, Goal 2: Not applicable.*

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

Policy 3.1 The City Council may approve annexations, without referral to the City's entire electorate, when findings and facts show that development of the property or properties proposed for annexation would be consistent with the Plan and:

- A) That development on the land proposed for annexation can be served with all urban services and facilities without adverse impact 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), and

*Finding, Policy 3.1(A): As discussed in Section F(4) of these Findings the proposed annexation is currently served by existing urban services and facilities. Development of the Property will add an additional five (5) single-family detached dwellings requiring urban services such as water, storm, sanitary sewer, power, and communications to be extended on site. The on-site extension of these facilities will not cause a reduction in the availability, quality, or reliability of these City provided services for developable lands within the incorporated City.*

*Conclusion, Policy 3.1(A): The proposed annexation is consistent with Policy 3.1(A).*

B) Population impacts of the proposed development will not cause the City's population to grow at a rate in excess of the Comprehensive Plan, Population Element's planned population. The population impact of residential lands development shall be computed by:

- 1) Multiplying the gross area in square feet time 72 percent (to account for lands dedicated to streets) then;
- 2) Dividing the maximum lot size permissible within the zone that would be applied to the property if annexed, and then,
- 3) Multiplying by the average occupancy associated with the dwelling type based on the most recent U.S. Census.

Such analysis shall be submitted by the applicant at the time of application.

*Finding, Policy 3.1(B): Using the above formula and the 2004 PSU estimates for the City of Phoenix it is estimated that the annexation will cause an increase in population of 8.75 persons. This figure represents 0.2% growth in the total 2004 population. However, based on the above formula the annexation will result in population growth that is 1.6 times the average annual population growth (5.45 persons) for the City. It should be noted that the formula uses a 2016 population estimate of 4,630, while the 2004 PSU estimate is 4,570. This allows an average of 5.45 persons per year to the year 2016, or less than two single-family dwelling units per year.*

*Based on these findings it is apparent that the formula needs to be updated and that the proposed annexation meets the intent of the formula, which is to manage growth at sustainable levels. At 0.2% of the total 2004 population the growth potential resulting from the annexation is small, and easily absorbed into the City's current infrastructure system.*

*Conclusion 3.1(B): The proposed annexation is consistent with the intent of Policy 3.1(B).*

Policy 3.2 The City Council may, at its discretion, refer to the City's electorate any annexation that does not fully comply with Policy 3.1. The procedures described within ORS 222.130 regarding annexation elections shall be followed. A simple majority of votes cast shall determine the outcome.

*Finding, Policy 3.2: As illustrated in the previous finding the proposed annexation fully complies with the annexation criteria set forth in Policy 3.1.*

*Conclusion, Policy 3.2: The proposed annexation complies with Policy 3.2.*

Policy 3.3 The Council may annex territory to the City, and dispense with the requirements of Policy 3.1 and 3.2 where the Oregon Health Division has issued a finding that a danger to public health exists because of conditions within the territory.

*Finding, Policy 3.3: The proposed annexation is not the result of a sanctioned public health hazard.*

*Conclusion, Policy 3.3: Not applicable.*

Policy 3.4 All properties annexed to the City shall eventually be improved to City standards; including but not limited to street improvements, curbs, gutters, lighting, and other improvements included within the City's Engineer, Public Works Director, or Planner and

approved by the City Council. If required improvements are not proposed at the time of annexation, then the annexation agreement shall specify that the improvements shall be installed at the time of partitioning, subdivision, development or other time as approved by the Council.

*Finding, Policy 3.4: The proposed annexation and zone change is being processed concurrent with an application to subdivide the Property to the standards of the City. It is the applicant's full intention to commence construction of the subdivision by Spring 2006, with completion to follow within six months.*

*Conclusion, Policy 3.4: The proposed annexation complies with Policy 3.4, Goal 3.*

Policy 3.5 The City Council 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 improvements, utilities, and community services, and to further growth and development of the community in accordance with this Plan.

*Finding, Policy 3.5: The Property to be annexed is to, by definition, classified as an "island."*

*Conclusion, Policy 3.5: Not applicable.*

Policy 3.6 The City Council may initiate "contract annexations" or an alternative procedure, other than standard annexation, when it is determined that the community will derive significant economic advantage.

*Finding, Policy 3.6: The proposed annexation is a standard annexation.*

*Conclusion, Policy 3.6: Not applicable.*

Goal 4. Foster development that achieves the objectives of the community while providing fair and equitable treatment of proposals.

Policy 4.1 Whenever it is possible to simultaneously consider multiple proposals or projects which have similar objectives or would otherwise meet the same public need, the Planning Commission and City Council shall; 1) develop an unbiased ranking system, 2) evaluate the projects against one another, and 3) develop findings which describe the ranking process and outcome. When justification for only one project is documented, the Council shall approve the highest ranked proposal.

*Finding, Policy 4.1: The proposed annexation is not a part of multiple proposals for annexations.*

*Conclusion, Policy 4.1: Not applicable.*

Goal 5. Ensure the close integration of the City's Comprehensive Plan and day to day zoning and land use administration.

Policy 5.1 Utilize the descriptions included in the Section of the Land Use Element entitled "Plan Designations" as policy. As such, the descriptions of plan designations will be the controlling document for purposes of administration of the zoning and subdivision ordinances or other pertinent land use regulations and codes.

*Finding, Policy 5.1: The Plan Designation for the Property is Residential. It is the intent of the annexation to concurrently process a zone change for residential use (R-1) with the Hilsinger Overlay, consistent with the Plan Designation for the Property.*

*Conclusion, Policy 5.1: The proposed annexation and zone change is consistent with Policy 5.1, Goal 5.*

#### Transportation Element

*Finding: The Transportation System Plan identifies Pacific Lane as a local street and Camp Baker Road as a collector street. Neither street is identified as having capacity, maintenance or safety limitations. Camp Baker Road is designated as being part of the City's bicycle system.*

*As the proposed Property is developed sidewalks and bicycle facilities will be provided per the Transportation System Plan. It is proposed that along Camp Baker Road an additional five (5) feet of right-of-way be dedicated to meet the future needs of the City per the Transportation System Plan.*

*Conclusion: The proposed annexation and zone change is consistent with the Transportation System Plan.*

#### Housing Element

Goal 1 To provide, promote, and facilitate as appropriate the provision of housing consistent with the needs and financial capabilities of the City's residents.

Policy 1.1 The City shall ensure that the City's housing stock meets the needs of residents through participation in targeted housing assistance programs.

*Finding: The proposed annexation is not subject to, or otherwise affected by, any City sponsored targeted housing assistance program.*

*Conclusion: Not applicable.*

Policy 1.1.a The City's participation is likely to be limited to endorsement of initiatives undertaken by other public and private agencies.

*Finding: The proposed annexation is not subject to, or otherwise affected by, any City sponsored targeted housing assistance program.*

*Conclusion: Not applicable.*

Policy 1.1.b City owned land planned and developed for residential use should include the full spectrum of housing costs (inclusionary housing).

*Finding: The proposed annexation Property is not City owned..*

*Conclusion: Not applicable.*

Policy 1.2 The City shall promote home ownership by emphasizing housing types and densities within the plan which are conducive to home ownership.

*Finding: The proposed annexation will be developed as single-family detached residential at a density consistent with the City's General Land Use Plan Map designation.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 1.2.*

Policy 1.2.a The Plan shall provide for increasing incidence of home ownership through designation of sufficient lands and at appropriate plan/zone designations, to provide for 65% home ownership by 2016.

*Finding: The proposed annexation will be developed as single-family detached residential at a density consistent with the City's General Land Use Plan Map designation.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 1.2.*

Policy 1.2.b The City shall provide an overall minimum lot size of 6,000 square feet per dwelling within the R-1 zone but allows lots to be as small as 4,500 square feet within Planned Unit Developments containing public and private open space and when consistent with the residential design standards (see Policy 3.2).

*Finding: The proposed annexation and zone change will comply with the minimum lot size allowed within the R-1, Hilsinger Overlay district. The Property is not proposed to be developed as a planned unit development.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 1.2.b.*

Policy 1.2.c Maximum lot sizes and minimum densities shall be established for all residential zoning districts. Such standards shall be applied to all new lots created within areas planned for residential use. Lots in the R-1 zone shall not exceed 9,000 square feet except when lots are proposed adjacent to the permanent portion of the urban growth boundary. Lots adjacent to the permanent portion of the urban growth boundary shall not exceed 16,000 square feet. In the R-2 and R-3 zones lots shall not exceed 15 percent of the minimum.

*Finding: The proposed annexation and zone change will comply with the minimum lot size allowed within the R-1, Hilsinger Overlay district. The Property is not proposed to be developed as a planned unit development.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 1.2.b.*

Policy 1.2.d The City shall consider the use of incentives to promote innovation in the design, layout and construction of residential developments.

*Finding: The City has not offered, nor has the applicant requested, incentives to annex and develop the Property.*

*Conclusion: Not applicable.*

Policy 1.2.e Evaluate innovative affordable housing programs, such as self-help housing, cooperative housing, co-housing, density bonuses and land banking, etc., and consider support when consistent with City policy and objectives.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 1.3 Prepare an amendment to the development code to provide for accessory dwellings in single family areas for City Council consideration.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 1.3.a The amendment should exclude the historic residential district between First and Fifth Streets west of Main.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*



Goal 2. To ensure the City accommodates its share of regional housing needs considering housing types, densities, and price.

Policy 2.1 Review the housing element (in particular the allocation of housing by cost, type and density) on a periodic basis.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 2.2 Periodically update and revise, as necessary, the housing need projection.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 2.3 Update the buildable land inventory to coincide with the review and update of the housing need projection (Policy 2.2).

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 2.4 Initiate comprehensive plan amendments following the review of the housing need projection and buildable land inventory when necessary to ensure a 10 year supply of residential land considering housing types and densities.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Goal 3: Promote the efficient use and esthetic design of urban residential uses.

Policy 3.1 Prohibit detached single family dwelling in areas planned for medium and high density residential except when such dwellings are a part of a planned unit development and that development conforms to the density standard.

*Finding: The Property is located in an area designated for low density residential single-family detached use. Concurrent with the annexation the applicant is request a change of zone from SR-2.5 to R-1, Hilsinger Overlay consistent with the General Land Use Plan Map.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 3.1.*

Policy 3.2 Residential site design standards shall be developed for consideration by the City Council.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 3.2.a Street width, standards related to shade trees, building orientation, alleyways, on-street and off-street parking, site distances, lot size variety, and buffering should be addressed. These would be a refinement of the existing City-wide standards and focused more particularly on residential neighborhoods.

*Finding: At such time as the Property is presented for development it will be required to comply with all applicable development standards of the City for property located within the R-1, Hilsinger Overlay.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 3.2.a.*

Policy 3.2.b The city may permit reduced yard setbacks or zero lot lines in the R-1 zone when: A) the reductions are associated with reduced lot-sizes (Policy 1.2(b)), B) the development is targeted for owner occupied low and moderate income households in PUD's in new residential development, and C) the reduction and subsequent building meet the City fire safety standards.

*Finding: The development of the Property, subsequent to annexation and zone change, will not require any reductions in yard setbacks. All future lots will comply with the minimum setback requirements of the R-1 district.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 3.2.b.*

Policy 3.3 Residential uses within the City Center shall be an integral part of the overall land use design within this corridor and should emphasize their spatial, esthetic and economic relationship to the City's downtown core. Distinct site design standards for this area and other commercial areas should be developed for consideration by the City council.

*Finding: The Property is not located within the City Center.*

*Conclusion: Not applicable.*

Policy 3.4 Evaluate methods, design, and development strategies to promote a mix of dwelling types in new residential areas. Prepare an amendment to the development code reflecting this strategy for consideration by the City Council.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

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Goal 4: The City shall strive to provide safe, sanitary, and affordable housing for all citizens of the city of Phoenix, regardless of race, religion, creed, color, marital or family status, mental or physical disability, national origin, age, sex or sexual orientation in conformance with the federal Fair Housing Act of 1988 and the Americans with Disabilities Act.

Policy 4.1 The City shall promote diversity within the City and its neighborhoods.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 4.2 Efforts within the city's neighborhoods to create a sense of identity, structure, and a wholeness of their own shall be supported and honored.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 4.3 The City's approval standards, special conditions, and procedures regulating development of needed housing shall be clear and objective, and shall not have the effect of discouraging needed housing through unreasonable cost or delay.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

#### **Parks and Recreation Element**

*Finding: The property is not designated on the City's General Land Use Plan Map, nor does annexation of the Property conflict with any goal or policy within the Parks and Recreation Element.*

*Conclusion: Not applicable.*

#### 6) Compliance with the Annexation Criteria Provided in the City's Zoning Ordinance:

*Finding: The City currently does not have any criteria for annexations. The proposed annexation and zone change have been prepared in accordance with the requirements of the Annexation Application and Zone Change Application.*

*Conclusion: Not applicable.*

**G) COMPLETED APPLICATION FORM**

The completed application for both an annexation and zone change are submitted with these findings.

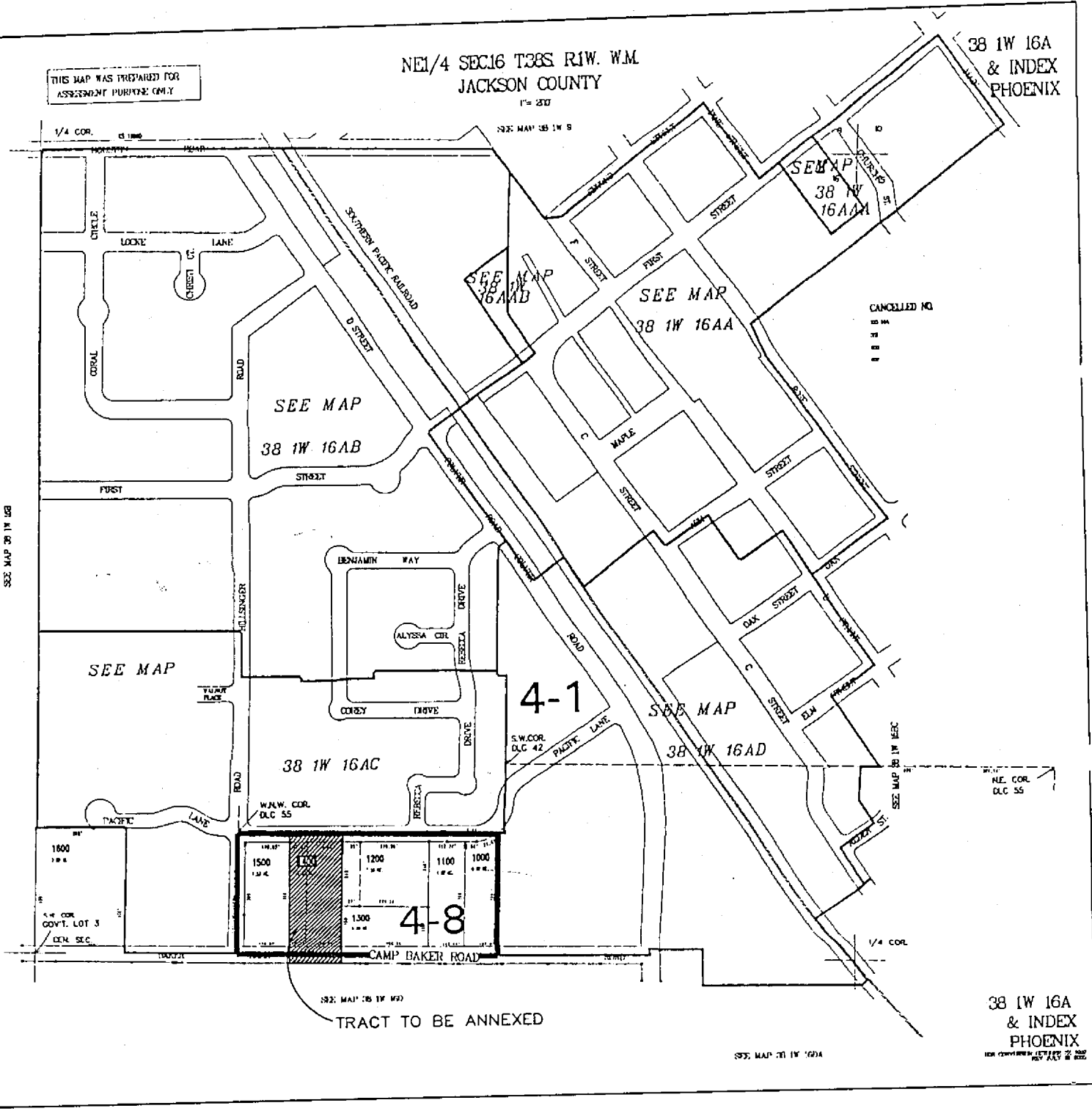
18

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

NE 1/4 SEC 16 T38S R1W. WM JACKSON COUNTY

1" = 250'

38 1W 16A & INDEX PHOENIX



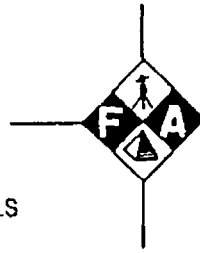
MAPLE & MAPS/2014/10/1/00 PLAT/GRA  
CREATED MONDAY AUGUST 04 2008 11:11 AM BY: CIBSONJO

38 1W 16A & INDEX PHOENIX

TRACT TO BE ANNEXED

SEE MAP 38 1W 16A

TELEPHONE  
541-772-2782



L. J. FRIAR AND ASSOCIATES, P. C.  
CONSULTING LAND SURVEYORS

FAX  
541-772-8465

JAMES E HIBBS, PLS

816 WEST 8TH STREET  
MEDFORD, OREGON 97501

ljfriar@charter.net

LEGAL DESCRIPTION

Beginning at a point 228.0 feet East of the Northwest corner of Donation Land Claim No. 55 in Township 38 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon and the true point of beginning; thence East, 114.63 feet; thence South, 440.0 feet to the South line of Camp Baker Road; thence West, along said South line, 171.96 feet to the Southerly prolongation of the West line of that tract described in Document No. 2005-057402, Official Records of Jackson County, Oregon; thence along said West line and Southerly prolongation, North, 440.0 feet to a point West of the true point of beginning; thence East, 57.33 feet to the true of beginning.

TRACT TO BE ANNEXED  
381W16A TL1400  
BILL REAGAN

Jackson County Official Records **2006-014864**  
R-OR  
Cnt=1 Stn=10 ALONZOKM 03/24/2006 08:14:37 AM  
\$95.00 \$5.00 \$11.00 Total:\$111.00



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,  
certify that the instrument identified herein was recorded in the Clerk  
records.  
Kathleen S. Beckett - County Clerk

**ORDINANCE NO. 857**

**AN ORDINANCE ANNEXING A CONTIGUOUS AREA LOCATED AT 1549 PACIFIC LANE, ALSO KNOWN AS 381W16A TAX LOT1400.**

WHEREAS, the Phoenix Planning Commission conducted a public hearing on January 23, 2006 on the proposed annexation that was conducted to give interested parties and opportunity to be heard, and

WHEREAS, the Planning Commission voted to recommend the annexation to the City Council for approval based upon the findings contained in the Planning Commission Staff Report and Recommendations, including the Findings of Fact submitted by the applicant in support of the annexation, and

WHEREAS, the City Council held a public hearing on this request to annex on March 20, 2006, and after considering the recommendations of staff, the Planning Commission, and public testimony received at the hearing, elected to grant approval to the request for annexation,

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

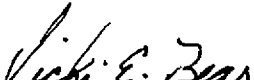
**Section 1:** The 1.54-acre tract of land described as Jackson County Assessor Parcel 381W16A TL1400, also known as 1549 Pacific Lane is hereby annexed to the City of Phoenix, subject to compliance with the annexation agreement for this property.

**Section 2:** The above-described property is hereby withdrawn from the Jackson County Fire District No. 5 pursuant to the provisions of ORS 222.520. The City of Phoenix elects to make payments to the special taxing district, if required, pursuant to ORS 222.520.

**Section 3:** The City Recorder is hereby authorized and directed to make and submit to the Secretary of State of Oregon a copy of this ordinance and the consent of the property owner. The City Recorder is also authorized and directed to submit a copy of this ordinance to the Jackson County Assessor and County Surveyor.

PASSED and adopted by the City Council and signed by me in authentication thereof this 20<sup>th</sup> day of March 2006.

ATTEST:

  
Vicki E. Bear, Mayor

STATE OF OREGON,  
COUNTY OF JACKSON

This instrument was acknowledged before me on this  
20<sup>th</sup> day of March, 2006

by Vicki E. Bear as Mayor of City of Phoenix


  
Notary Public - State of Oregon

  
Betty Smith, City Recorder

STATE OF OREGON,  
COUNTY OF JACKSON

This instrument was acknowledged before me on this  
20<sup>th</sup> day of March, 2006

by Betty Smith as City Recorder of City of Phoenix

  
Notary Public - State of Oregon

**CITY OF PHOENIX  
ANNEXATION AGREEMENT (A05-01/ZO05-03)**

This agreement is made between the City of Phoenix, a municipal corporation of the State of Oregon, hereinafter called "City", and MBR Pacific LLC.

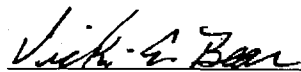
In consideration of the City holding the necessary public hearings, investigating the facts, and considerations surrounding the application of MBR Pacific LLC for annexation of their land, MBR Pacific LLC hereby acknowledges and hereby agrees to fully comply with the conditions set forth below, which are imposed by the City. The property being annexed is known as follows:

The parcel known as Jackson County Assessor Map No. 381W16A tax lot 1400

It is agreed that in the event of annexation, zone change, and other proceedings related to the application of MBR Pacific LLC is challenged or found invalid for any reason whatsoever, the applicant hereby agrees to hold harmless the City, its agents, employees, and officer, including any legal expenses or court costs before the Land Use Board of Appeals, incurred by the City. This property shall be withdrawn from Fire District No. 5 prior to completion of the annexation process

If the Oregon Department of Revenue does not approve the map and legal description for the annexation, then this agreement is null and void.

Executed by Vicki E. Bear on this 20<sup>th</sup> day of March, 2006



Vicki E. Bear, Mayor



**FINDINGS OF FACT**

**FOR ANNEXATION  
AND  
ZONE CHANGE**

Before the City of Phoenix

MBR Pacific LLC

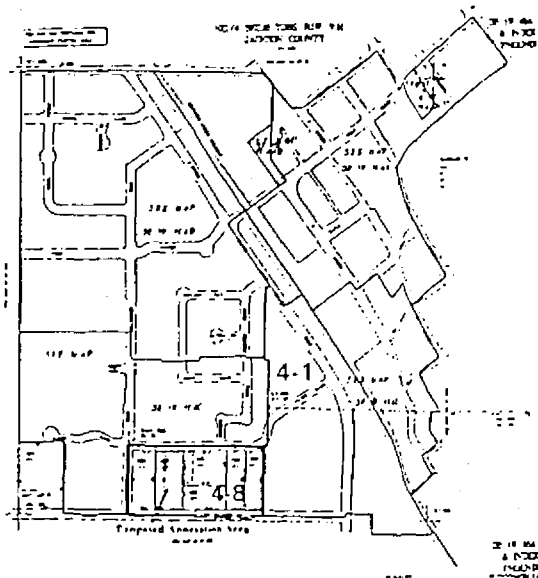
) Findings of Fact  
) and Conclusions of  
) Law

**FINDINGS OF FACT: INTRODUCTION**

These findings for annexation have been prepared as part of a concurrent application for a change the zoning from County SR-2.5 to City of Phoenix R-1, Hilsinger Overlay, and a six (6) lot preliminary plat. These findings have been prepared based on a zone change to R-1, Hilsinger Overlay and development of the Property as a six (6) lot single-family residential subdivision. These findings have been prepared in accordance with the requirements of the Annexation Application

**I. PROPERTY INFORMATION**

- A. Address: 1549 Pacific Lane  
Phoenix, OR
  
- B. Assessor's I.D.:  
Township 38 Range 1W Section 16A  
Tax Lot(s) 1400
  
- C. Size of Parcel(s): Acres - 1.54 Square Feet -  
67,082.4
  
- D. Describe Adjacent Land Uses:  
North: Single-Family, R-1, City of Phoenix  
South: Single-Family, SR-2.5, County  
East: Single-Family, SR-2.5, County  
West: Single-Family, SR-2.5, County



## II. DESCRIPTION OF ANNEXATION

- A. Comprehensive Plan Land Use Designation
  - 1. Current Jackson County Designation:
  - 2. Proposed City of Phoenix Designation: Low Density Residential
- B. Zoning
  - 1. Current Jackson County Zoning: SR-2.5
  - 2. Proposed City of Phoenix: R-1, Hilsinger Overlay

## III. SUBMITAL REQUIREMENTS

- A) Submittals A-1 through A-3: See attached Exhibit "A – Assessor's Map" and Exhibit "B – Comprehensive Plan Land Use Map"
- B) Consent to Annex Form: See attached Exhibit "C – Consent to Annex Form"
- C) LEGAL METES AND BOUNDS: See attached Exhibit "D – Legal Metes and Bounds Description"
- D) SPECIFIC ANNEXATION INFORMATION:
  - 1) Current Assessed Valuation: RMV = \$198,890 AV = \$102,450
  - 2) Acreage to the Hundredth Percentile: 1.54 acres
  - 3) Map and Tax Lot Number: 38 1W 16A 1400
  - 4) Current county Zoning Designation: SR-2.5
- E) ADDRESS OF ANNEXATION DWELLINGS: 1549 Pacific Lane, Phoenix, OR
  - 1) Master mailing List: See attached labels.
- F) WRITTEN FINDINGS
  - 1) Existing Land Uses within the Annexation Area.

*The annexation is for a single tax lot, the current use of which is single-family structure. The immediate area to the north is a single-family residential subdivision within the city limits. Lands to the south, east, and west are single-family residential are all within the County and zoned SR-2.5.*
  - 2) Existing Improvements:

*Water: Water is currently provided from a private well. Upon annexation water service will be available from the City of Phoenix.*

*Streets: The Property has frontage on Pacific Lane and Camp Baker Road. Access is from Pacific Lane.*

*Sanitary Sewer: The Property is currently served by a private septic system. At such time as the Property is developed sanitary sewer service will be provided by the City of Phoenix.*

*Storm Sewer: The Property is currently served by the open ditch in Camp Baker Road and the storm drainage system in Pacific Lane.*

3) Special Districts within the Area:

*Water System: Not applicable.*

*Streets: Not applicable.*

*Fire District: Jackson County Fire District No. 3<sup>5</sup>*

*School District: Phoenix-Talent School District*

*Rogue Valley Sanitary: Not applicable.*

*Others: Not applicable.*

4) The Present Availability of Urban Services to the Proposed Annexation Area, their Capacity, and Cost of Extension or Improvement:

**Sanitary Sewer:** The Property can be served by an existing sanitary sewer line in Pacific Lane and/or Camp Baker Road. This line can adequately serve the proposed annexation and development of the Property as intended (six single-family detached lots). It is proposed that at time of development a sanitary sewer line will be extended from Pacific Lane to Camp Baker Road. The sanitary sewer line will be located in a proposed private mid-block lane. The cost of connecting and installing the sanitary sewer line is approximately \$21,000.

**Storm Drainage:** A storm drainage line exists in Pacific Lane east of the Property. At time of development the Property will extend a storm drain (12") from the existing location to the Property and down the private mid-block lane as necessary to service all proposed lots. The cost of extending and installing a storm drain line is approximately \$22,000.

**Fire:** Jackson County Fire District <sup>5</sup>3 currently serves the Property and has adequate capacity to serve development of the Property as proposed. A condition of development

5

would be the provision of additional fire protection facilities (hydrants) per City standards. The cost to provide fire protection services is approximately \$5,000.

**Streets:** The Property has frontage on Pacific Lane, a fully improved public street (city standards), and Camp Baker Road, a county street. Both streets have adequate capacity to accommodate the estimated 50 additional trips that the Property will eventually generate as R-1, Hilsinger Overlay zoned land. It is proposed that at time of development a 22-foot wide private mid-block lane will be constructed to provide access to all lots. The estimated cost of the private mid-block lane is approximately \$60,000.

**Parks:** The proposed Property is served by Colver Road Park, a neighborhood park. No additional park improvements are proposed, or required as a result of this annexation.

**Water:** There is an 8" City water line in Pacific Lane. This line is adequate in size and capacity to serve the Property. At such time as the Property is developed an 8" water line will be constructed in the private mid-block lane. The cost of constructing and extending the water system is approximately \$16,000.

**Power:** All electric, gas, telephone, and cable service is located in either Camp Baker Road and/or Pacific Lane. The cost of extending power and communications is approximately \$45,000.

**Police:** Police service is currently provided by the Jackson County Sheriffs Dept. Upon annexation police service will be provided by the City of Phoenix. The Phoenix Police Department can provide necessary services. Cost of additional services will be paid by property taxes.

5) Compliance with all Applicable Goals and Policies of the Comprehensive Plan (Including Goal 3 of the Land Use Element):

*The proposed annexation and zone change have been evaluated against each element and applicable goals and policies of the City's Comprehensive Plan.*

**Population Element**

*Finding: The goals and policies (Goal 1, Policy 1A through 1C) do not pertain to the proposed annexation, but are general goals and policies applicable to the City in general.*

*Conclusion: Not applicable.*

**Economic Element**

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*Finding: The goals and policies (Goals 1 through 11) do not pertain to the proposed annexation, but are general goals and policies applicable to the City in general.*

*Conclusion: Not applicable.*

**Natural Resources Element**

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*Finding: The goals and policies do not pertain to the proposed annexation, but are general goals and policies applicable to the City in general. The annexation of the Property and subsequent development will be subject to applicable City standards, which in address the statewide goals for preservation of natural resources.*

*Conclusion: Not applicable.*

**Historic Element**

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*Finding: The property is not identified, or otherwise designated, as having any historic significance, or being within the vicinity of other properties that are of historic significance.*

*Conclusion: Not applicable.*

**Natural Hazards Element**

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*Finding: The Property is not identified as being subject to any natural hazards, nor is it considered hillside property, or located within a designated flood plain.*

*Conclusion: Not applicable.*

**Land Use Element**

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Goal 1. Foster sound community growth and development through effective management of public land use policy.

*Finding, Goal 1: Policies 1.1 through 1.1.2 applies to amendments to the Comprehensive Land Use Plan and Map. The proposed annexation and zone change to not alter, or otherwise affect the Comprehensive Land Use Plan, or Map.*

*Conclusion, Goal 1: Not applicable.*

Goal 2. Define the extent of urban development through the establishment of a defensible, long-term, and recognizable boundary between urban and rural lands; a Permanent Urban Growth Boundary.

*Finding, Goal 2: The proposed annexation and zone change are within the current urban growth boundary and about the existing City limits. The proposed annexation and zone change do not alter, or otherwise affect, the current urban growth boundary.*

*Conclusion, Goal 2: Not applicable.*

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

Policy 3.1 The City Council may approve annexations, without referral to the City's entire electorate, when findings and facts show that development of the property or properties proposed for annexation would be consistent with the Plan and:

- A) That development on the land proposed for annexation can be served with all urban services and facilities without adverse impact 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), and

*Finding, Policy 3.1(A): As discussed in Section F(4) of these Findings the proposed annexation is currently served by existing urban services and facilities. Development of the Property will add an additional five (5) single-family detached dwellings requiring urban services such as water, storm, sanitary sewer, power, and communications to be extended on site. The on-site extension of these facilities will not cause a reduction in the availability, quality, or reliability of these City provided services for developable lands within the incorporated City.*

*Conclusion, Policy 3.1(A): The proposed annexation is consistent with Policy 3.1(A).*

B) Population impacts of the proposed development will not cause the City's population to grow at a rate in excess of the Comprehensive Plan, Population Element's planned population. The population impact of residential lands development shall be computed by:

- 1) Multiplying the gross area in square feet time 72 percent (to account for lands dedicated to streets) then;
- 2) Dividing the maximum lot size permissible within the zone that would be applied to the property if annexed, and then,
- 3) Multiplying by the average occupancy associated with the dwelling type based on the most recent U.S. Census.

Such analysis shall be submitted by the applicant at the time of application.

*Finding, Policy 3.1(B): Using the above formula and the 2004 PSU estimates for the City of Phoenix it is estimated that the annexation will cause an increase in population of 8.75 persons. This figure represents 0.2% growth in the total 2004 population. However, based on the above formula the annexation will result in population growth that is 1.6 times the average annual population growth (5.45 persons) for the City. It should be noted that the formula uses a 2016 population estimate of 4,630, while the 2004 PSU estimate is 4,570. This allows an average of 5.45 persons per year to the year 2016, or less than two single-family dwelling units per year.*

*Based on these findings it is apparent that the formula needs to be updated and that the proposed annexation meets the intent of the formula, which is to manage growth at sustainable levels. At 0.2% of the total 2004 population the growth potential resulting from the annexation is small, and easily absorbed into the City's current infrastructure system.*

*Conclusion 3.1(B): The proposed annexation is consistent with the intent of Policy 3.1(B).*

Policy 3.2 The City Council may, at its discretion, refer to the City's electorate any annexation that does not fully comply with Policy 3.1. The procedures described within ORS 222.130 regarding annexation elections shall be followed. A simple majority of votes cast shall determine the outcome.

*Finding, Policy 3.2: As illustrated in the previous finding the proposed annexation fully complies with the annexation criteria set forth in Policy 3.1.*

*Conclusion, Policy 3.2: The proposed annexation complies with Policy 3.2.*

Policy 3.3 The Council may annex territory to the City, and dispense with the requirements of Policy 3.1, and 3.2 where the Oregon Health Division has issued a finding that a danger to public health exists because of conditions within the territory.

*Finding, Policy 3.3: The proposed annexation is not the result of a sanctioned public health hazard.*

*Conclusion, Policy 3.3: Not applicable.*

Policy 3.4 All properties annexed to the City shall eventually be improved to City standards; including but not limited to street improvements, curbs, gutters, lighting, and other improvements included within the City's Engineer, Public Works Director, or Planner and

approved by the City Council. If required improvements are not proposed at the time of annexation, then the annexation agreement shall specify that the improvements shall be installed at the time of partitioning, subdivision, development or other time as approved by the Council.

*Finding, Policy 3.4: The proposed annexation and zone change is being processed concurrent with an application to subdivide the Property to the standards of the City. It is the applicant's full intention to commence construction of the subdivision by Spring 2006, with completion to follow within six months.*

*Conclusion, Policy 3.4: The proposed annexation complies with Policy 3.4, Goal 3.*

Policy 3.5 The City Council 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 improvements, utilities, and community services, and to further growth and development of the community in accordance with this Plan.

*Finding, Policy 3.5: The Property to be annexed is to, by definition, classified as an "island."*

*Conclusion, Policy 3.5: Not applicable.*

Policy 3.6 The City Council may initiate "contract annexations" or an alternative procedure, other than standard annexation, when it is determined that the community will derive significant economic advantage.

*Finding, Policy 3.6: The proposed annexation is a standard annexation.*

*Conclusion, Policy 3.6: Not applicable.*

Goal 4. Foster development that achieves the objectives of the community while providing fair and equitable treatment of proposals.

Policy 4.1 Whenever it is possible to simultaneously consider multiple proposals or projects which have similar objectives or would otherwise meet the same public need, the Planning Commission and City Council shall; 1) develop an unbiased ranking system, 2) evaluate the projects against one another, and 3) develop findings which describe the ranking process and outcome. When justification for only one project is documented, the Council shall approve the highest ranked proposal.

*Finding, Policy 4.1: The proposed annexation is not a part of multiple proposals for annexations.*



*Conclusion, Policy 4.1: Not applicable.*

Goal 5. Ensure the close integration of the City's Comprehensive Plan and day to day zoning and land use administration.

Policy 5.1 Utilize the descriptions included in the Section of the Land Use Element entitled "Plan Designations" as policy. As such, the descriptions of plan designations will be the controlling document for purposes of administration of the zoning and subdivision ordinances or other pertinent land use regulations and codes.

*Finding, Policy 5.1: The Plan Designation for the Property is Residential. It is the intent of the annexation to concurrently process a zone change for residential use (R-1) with the Hilsinger Overlay, consistent with the Plan Designation for the Property.*

*Conclusion, Policy 5.1: The proposed annexation and zone change is consistent with Policy 5.1, Goal 5.*

#### Transportation Element

*Finding: The Transportation System Plan identifies Pacific Lane as a local street and Camp Baker Road as a collector street. Neither street is identified as having capacity, maintenance, or safety limitations. Camp Baker Road is designated as being part of the City's bicycle system.*

*As the proposed Property is developed sidewalks and bicycle facilities will be provided per the Transportation System Plan. It is proposed that along Camp Baker Road an additional five (5) feet of right-of-way be dedicated to meet the future needs of the City per the Transportation System Plan.*

*Conclusion: The proposed annexation and zone change is consistent with the Transportation System Plan.*

#### Housing Element

Goal 1 To provide, promote, and facilitate as appropriate the provision of housing consistent with the needs and financial capabilities of the City's residents.

Policy 1.1 The City shall ensure that the City's housing stock meets the needs of residents through participation in targeted housing assistance programs.

*Finding: The proposed annexation is not subject to, or otherwise affected by, any City sponsored targeted housing assistance program.*

*Conclusion: Not applicable.*

Policy 1.1.a The City's participation is likely to be limited to endorsement of initiatives undertaken by other public and private agencies.

*Finding: The proposed annexation is not subject to, or otherwise affected by, any City sponsored targeted housing assistance program.*

*Conclusion: Not applicable.*

Policy 1.1.b City owned land planned and developed for residential use should include the full spectrum of housing costs (inclusionary housing).

*Finding: The proposed annexation Property is not City owned..*

*Conclusion: Not applicable.*

Policy 1.2 The City shall promote home ownership by emphasizing housing types and densities within the plan which are conducive to home ownership.

*Finding: The proposed annexation will be developed as single-family detached residential at a density consistent with the City's General Land Use Plan Map designation.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 1.2.*

Policy 1.2.a The Plan shall provide for increasing incidence of home ownership through designation of sufficient lands and at appropriate plan/zone designations, to provide for 65% home ownership by 2016.

*Finding: The proposed annexation will be developed as single-family detached residential at a density consistent with the City's General Land Use Plan Map designation.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 1.2.*

Policy 1.2.b The City shall provide an overall minimum lot size of 6,000 square feet per dwelling within the R-1 zone but allows lots to be as small as 4,500 square feet within Planned Unit Developments containing public and private open space and when consistent with the residential design standards (see Policy 3.2).

*Finding: The proposed annexation and zone change will comply with the minimum lot size allowed within the R-1, Hilsinger Overlay district. The Property is not proposed to be developed as a planned unit development.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 1.2.b.*

Policy 1.2.c Maximum lot sizes and minimum densities shall be established for all residential zoning districts. Such standards shall be applied to all new lots created within areas planned for residential use. Lots in the R-1 zone shall not exceed 9,000 square feet except when lots are proposed adjacent to the permanent portion of the urban growth boundary. Lots adjacent to the permanent portion of the urban growth boundary shall not exceed 16,000 square feet. In the R-2 and R-3 zones lots shall not exceed 15 percent of the minimum.

*Finding: The proposed annexation and zone change will comply with the minimum lot size allowed within the R-1, Hilsinger Overlay district. The Property is not proposed to be developed as a planned unit development.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 1.2.b.*

Policy 1.2.d The City shall consider the use of incentives to promote innovation in the design, layout and construction of residential developments.

*Finding: The City has not offered, nor has the applicant requested, incentives to annex and develop the Property.*

*Conclusion: Not applicable.*

Policy 1.2.e Evaluate innovative affordable housing programs, such as self-help housing, cooperative housing, co-housing, density bonuses and land banking, etc., and consider support when consistent with City policy and objectives.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 1.3 Prepare an amendment to the development code to provide for accessory dwellings in single family areas for City Council consideration.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 1.3.a The amendment should exclude the historic residential district between First and Fifth Streets west of Main.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Goal 2. To ensure the City accommodates its share of regional housing needs considering housing types, densities, and price.

Policy 2.1 Review the housing element (in particular the allocation of housing by cost, type and density) on a periodic basis.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 2.2 Periodically update and revise, as necessary, the housing need projection.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 2.3 Update the buildable land inventory to coincide with the review and update of the housing need projection (Policy 2.2).

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 2.4 Initiate comprehensive plan amendments following the review of the housing need projection and buildable land inventory when necessary to ensure a 10 year supply of residential land considering housing types and densities.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Goal 3: Promote the efficient use and esthetic design of urban residential uses.

Policy 3.1 Prohibit detached single family dwelling in areas planned for medium and high density residential except when such dwellings are a part of a planned unit development and that development conforms to the density standard.

*Finding: The Property is located in an area designated for low density residential single-family detached use. Concurrent with the annexation the applicant is request a change of zone from SR-2.5 to R-1, Hilsinger Overlay consistent with the General Land Use Plan Map.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 3.1.*

Policy 3.2 Residential site design standards shall be developed for consideration by the City Council.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 3.2.a Street width, standards related to shade trees, building orientation, alleyways, on-street and off-street parking, site distances, lot size variety, and buffering should be addressed. These would be a refinement of the existing City-wide standards and focused more particularly on residential neighborhoods.

*Finding: At such time as the Property is presented for development it will be required to comply with all applicable development standards of the City for property located within the R-1, Hilsinger Overlay.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 3.2.a.*

Policy 3.2.b The city may permit reduced yard setbacks or zero lot lines in the R-1 zone when: A) the reductions are associated with reduced lot-sizes (Policy 1.2(b)), B) the development is targeted for owner occupied low and moderate income households in PUD's in new residential development, and C) the reduction and subsequent building meet the City fire safety standards.

*Finding: The development of the Property, subsequent to annexation and zone change, will not require any reductions in yard setbacks. All future lots will comply with the minimum setback requirements of the R-1 district.*

*Conclusion: The proposed annexation and zone change is consistent with Policy 3.2.b.*

Policy 3.3 Residential uses within the City Center shall be an integral part of the overall land use design within this corridor and should emphasize their spatial, esthetic and economic relationship to the City's downtown core. Distinct site design standards for this area and other commercial areas should be developed for consideration by the City council.

*Finding: The Property is not located within the City Center.*

*Conclusion: Not applicable.*

Policy 3.4 Evaluate methods, design, and development strategies to promote a mix of dwelling types in new residential areas. Prepare an amendment to the development code reflecting this strategy for consideration by the City Council.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

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Goal 4: The City shall strive to provide safe, sanitary, and affordable housing for all citizens of the city of Phoenix, regardless of race, religion, creed, color, marital or family status, mental or physical disability, national origin, age, sex or sexual orientation in conformance with the federal Fair Housing Act of 1988 and the Americans with Disabilities Act.

Policy 4.1 The City shall promote diversity within the City and its neighborhoods.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 4.2 Efforts within the city's neighborhoods to create a sense of identity, structure, and a wholeness of their own shall be supported and honored.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

Policy 4.3 The City's approval standards, special conditions, and procedures regulating development of needed housing shall be clear and objective, and shall not have the effect of discouraging needed housing through unreasonable cost or delay.

*Finding: This policy applies to the City as a general policy.*

*Conclusion: Not applicable.*

#### **Parks and Recreation Element**

*Finding: The property is not designated on the City's General Land Use Plan Map, nor does annexation of the Property conflict with any goal or policy within the Parks and Recreation Element.*

*Conclusion: Not applicable.*

#### **6) Compliance with the Annexation Criteria Provided in the City's Zoning Ordinance:**

*Finding: The City currently does not have any criteria for annexations. The proposed annexation and zone change have been prepared in accordance with the requirements of the Annexation Application and Zone Change Application.*

*Conclusion: Not applicable.*

**G) COMPLETED APPLICATION FORM**

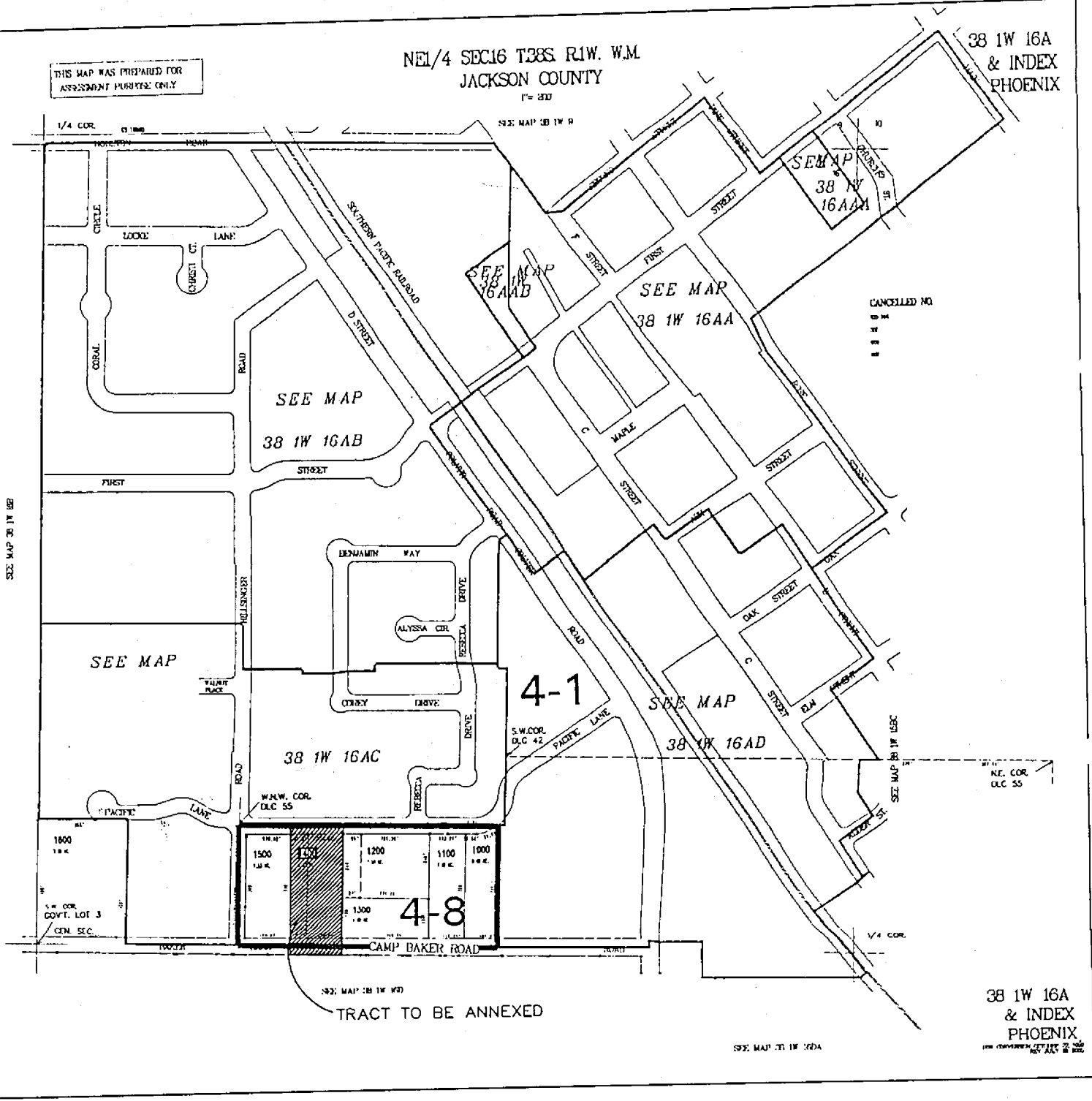
The completed application for both an annexation and zone change are submitted with these findings.

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THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

NE1/4 SEC16 T38S R1W. W.M. JACKSON COUNTY

38 1W 16A & INDEX PHOENIX



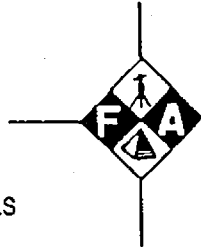
REAR PLAT K/MAP/38W/16A/00 PLAT/CRA  
CREATED MONDAY AUGUST 01 2005 11:11 AM BY GIBSONJO

38 1W 16A & INDEX PHOENIX

TRACT TO BE ANNEXED



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CONSULTING LAND SURVEYORS

FAX  
541-772-8465

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MEDFORD, OREGON 97501

ljfriar@charter.net

LEGAL DESCRIPTION

Beginning at a point 228.0 feet East of the Northwest corner of Donation Land Claim No. 55 in Township 38 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon and the true point of beginning; thence East, 114.63 feet; thence South, 440.0 feet to the South line of Camp Baker Road; thence West, along said South line, 171.96 feet to the Southerly prolongation of the West line of that tract described in Document No. 2005-057402, Official Records of Jackson County, Oregon; thence along said West line and Southerly prolongation, North, 440.0 feet to a point West of the true point of beginning; thence East, 57.33 feet to the true of beginning.

TRACT TO BE ANNEXED  
381W16A TL1400  
BILL REAGAN