



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Phone: (503) 373-0050

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 10/20/2014
Jurisdiction: City of Phoenix
Local file no.: ZO 14-01
DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/13/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 002-14 {22375}
Received: 10/13/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Phoenix

Local file no.: **Z014-01**

Date of adoption: 9-19-2014

Date sent: 10-13-2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 7-21-2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Matt Brinkley, Planning Director

Phone: 541-535-2050

E-mail: matt.brinkley@phoenixoregon.gov

Street address: 112 West 2nd Street

City: Phoenix

Zip: 97535

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from G1	to LI	Acres: 0.88
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: 0 Acres added: 0 Acres removed: 0

Location of affected property (T, R, Sec., TL and address): 381W16AA 8400 3721 Colver Rd.,

List affected state or federal agencies, local governments and special districts: City of Phoenix

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

See attached.



Date of Notice: August 4, 2014
File Number: ZO 14-01

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Phoenix will hold a Public Hearing on August 25, 2014 at 6:30 pm at Phoenix Public Works at 1000 S “B” Street, Phoenix, Oregon to consider the following request:

Request: To rezone property located at 3721 Colver Road from GI General Industrial to LI Light Industrial

Applicant: City of Phoenix

Date of Planning Commission hearing: August 25, 2014

Reason for Request: The subject property is located on Colver Road, south of 1st Street, north of Megan Lane. The 0.88 acre parcel was previously used as an administrative office building for Associated Fruit which owned and operated warehousing logistics facilities on “C” Street. Both uses ceased several years ago, and the office building has been vacant ever since. Residential neighborhoods are adjacent to the subject property along the west side of Colver Road. The east side of the property abuts a railroad. Other industrial zoned property lies on the east side of the railroad.

A prospective user/developer has indicated a strong desire to acquire the property and repurpose it as a “learning center” for the teaching of art and handicrafts including ceramics, woodworking, and small-scale printing. In addition to instruction in fine and industrial arts, small scale fabrication would occur on the premises.

The property is currently zoned GI General Industrial; the proposed Light Industrial zone allows for a variety of less intensive industrial, non-retail commercial, and service oriented activities.

Uses Allowed within Proposed Zone: According to Chapter 2.6.1 of the City of Phoenix Land Development Code (PLDC), the purpose of the Light Industrial District (“LI” zone) is to “accommodate[s] a range of light manufacturing, industrial-office uses, automobile-oriented uses [...] and similar uses”. Permitted uses include light manufacturing, warehousing, office, personal and professional services, limited retail trade, public facilities, vocational schools, and similar uses.

Quasi Judicial Review: The purpose of the quasi-judicial review is to ensure compliance with the Comprehensive Plan for the City of Phoenix and with the Land Development Code. A public hearing before the Planning Commission is required.

Review Criteria: The request will be evaluated for its consistency with the City’s comprehensive plan and its intent; compatibility with surrounding land uses and development patterns at-large; the availability and adequacy of public services and infrastructure to serve the intended and potential uses of the site.

More specifically, Chapter 4.7.3.B of the PLDC which states that

A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:



Date of Notice: August 4, 2014
File Number: ZO 14-01

1. *Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;*
2. *Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances;*
3. *Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property that is the subject of the application; and the provisions of Chapter 4.7.6 – Transportation Planning Rule Compliance, as applicable.*

These criteria will be considered by the Planning Commission at the public hearing.

After holding and closing a public hearing, the Planning Commission may vote to approve, approve with conditions, or deny the request. Contact Planning and Building Department for an explanation of the criteria with which this request will be reviewed, or visit the Planning and Building Department on the City of Phoenix home page at www.phoenixoregon.net. Information will be made available electronically.

Public Participation: We encourage the public to comment on this matter either in writing or orally at the Public Hearing. Mailed comments should be sent to the City of Phoenix, Planning and Building Department, P.O. Box 330, Phoenix, OR. The application and related information are available for public review at the

Planning and Building Department at City Hall
112 W. 2nd Street
Phoenix, Oregon 97535

Office hours are 8 a.m. to noon and 1 p.m. to 5 p.m., Monday through Friday. The contact person is Matt Brinkley, Planning Director, at 541-535-2050. Failure to raise an issue in person, or in writing either before or at the hearing, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to an issue would mean that an appeal based on that issue could not be filed with the State Land Use Board of Appeals (see Land Development Code 4.1.5.C.2.e).

Staff Report: A staff report will be available for review by Friday, August 8, 2014. The report will be available on the City's website or a hard copy may be obtained at the planning department office for 25 cents per page.

Notice to mortgagee, lien holder, vendor, or seller: If you receive this notice, it shall be promptly forwarded to the purchaser.



August 4, 2014

P.O. Box 330 – Phoenix, Oregon 97535 – (541) 535-2050

EMAIL: matt.brinkley@phoenixoregon.gov - FAX (541) 535-5769

PUBLIC HEARING – REQUEST FOR AGENCY COMMENTS

File No. ZO14-01

Monday, August 25, 2014 – 6.30 pm

Public Works, 1000 S 'B' Street, Phoenix, OR

The Planning Commission will be holding a public hearing for to consider the below-described zone change request. We are requesting your comments preferably in time for staff report due seven days before hearing.

Applicant: City of Phoenix **SITE:** 3721 Colver Road

Property Owner: Washington Federal Bank, Seattle, WA

Request: **To rezone property located at 3721 Colver Road from G-I, General Industrial to L-I, Light Industrial**

Assessor's ID: 381W16AA 8400 **Present Zoning:** G-I, General Industrial

If you are not able to attend this public hearing, please indicate any issues you would like addressed, so that they may be incorporated into the City's comments and/or conditions of approval. Space is available below for your comments or attach letter. If you need any additional information, please contact **Matt Brinkley**, Planning Director, at 541-535-2050 or matt.brinkley@phoenixoregon.gov.

Comments by: _____ Date: _____



August 4, 2014

P.O. Box 330 – Phoenix, Oregon 97535 – (541) 535-2050

EMAIL: matt.brinkley@phoenixoregon.gov - FAX (541) 535-5769

Development Coordination Report

Public Hearing: August 25, 2014

File No.: ZO 14-01

Address: 3721, Phoenix, OR

- | | |
|--|---|
| <input checked="" type="checkbox"/> Public Works Department | <input type="checkbox"/> Dept. of Revenue |
| <input type="checkbox"/> City Engineer, Jeff Ballard | <input type="checkbox"/> Phoenix-Talent School District |
| <input checked="" type="checkbox"/> Pat DeBenedetti, Building Official | <input type="checkbox"/> Medford Irrigation District |
| <input checked="" type="checkbox"/> Steve Dahl, City Manager | <input type="checkbox"/> Talent Irrigation District |
| <input type="checkbox"/> Police Chief | <input checked="" type="checkbox"/> Rogue Valley Sewer |
| <input type="checkbox"/> Fire Chief District 5 | <input type="checkbox"/> Charlotte Ann Water District |
| <input type="checkbox"/> Jackson County Surveyor | <input type="checkbox"/> RVTD |
| <input type="checkbox"/> Jackson County Roads and Parks | <input type="checkbox"/> Pacific Power |
| <input type="checkbox"/> ODOT | <input type="checkbox"/> Avista Utilities |
| <input type="checkbox"/> DEQ | <input type="checkbox"/> Charter Communications |
| <input checked="" type="checkbox"/> DLCD | <input type="checkbox"/> Century Link Communications |
| <input type="checkbox"/> Division of State Lands | <input type="checkbox"/> Hunter Communication |
| <input type="checkbox"/> Jackson County Planning & Development | <input type="checkbox"/> RVCOG |
| <input type="checkbox"/> Lisa Deitrick, Phoenix Post Master | <input type="checkbox"/> Oregon Department of Fish & Wildlife |
| <input type="checkbox"/> Phoenix Urban Renewal Agency | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Applicant: <u>City of Phoenix</u> | |
-



Department

112 W. 2nd Street, Phoenix, Oregon 97535
Office: 541-535-2050

ZO 14-01

**Petition for Zone Change, Type III Quasi-Judicial Review
3721 Colver Road, Phoenix, OR 97535**

Application date: July 21, 2014

Applicant: City of Phoenix

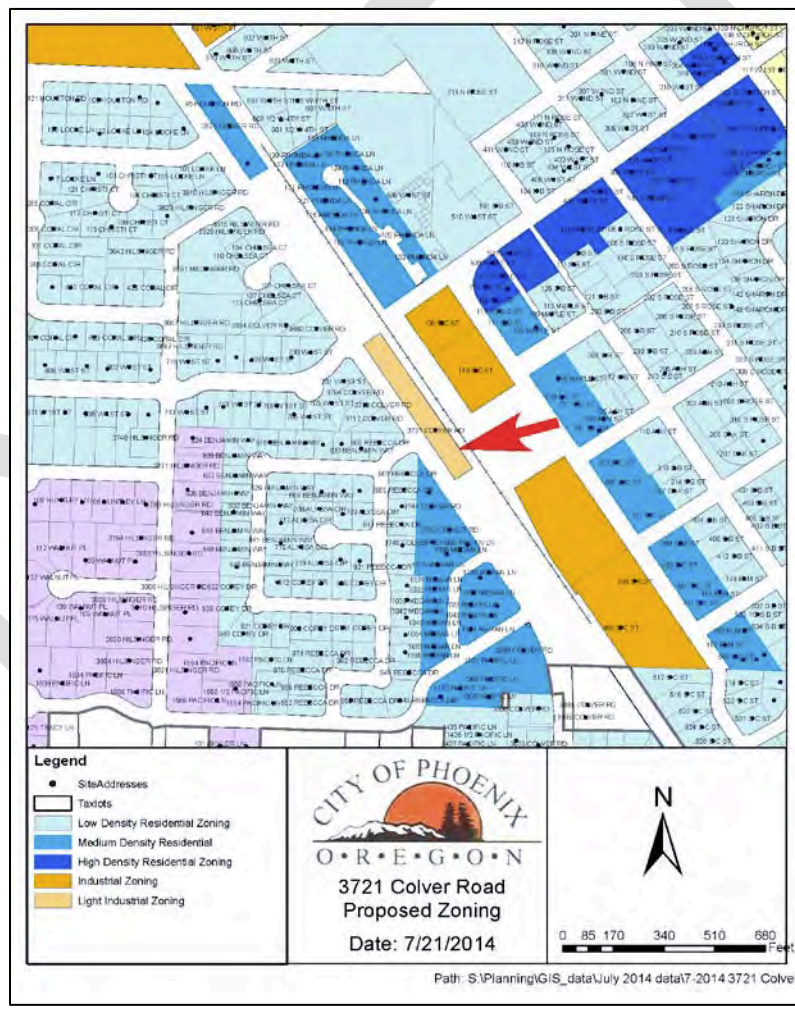
Phone: 541-535-2050

Contact: Steve Dahl

Phone: 541-535-1955

Property Owner: Ricka Gerstmann on behalf of Washington Federal

Location: 3721 Colver Road., Phoenix, OR 97535, Parcel 38 1W 16AA 8400





Department

112 W. 2nd Street, Phoenix, Oregon 97535
Office: 541-535-2050

Request: To rezone property located at 3721 Colver Road from GI General Industrial to LI Light Industrial

Information Reviewed: Application

Comprehensive Plan Amendment: None

Related permits: None

Date of 1st Evidentiary Hearing: August 25, 2014

Date of 2nd Evidentiary Hearing: N/A

Staff Recommendation: Accept Findings of Fact and Conclusions of Law as submitted by the applicant and approve the request for zone change from GI General Industrial to LI Light Industrial with the condition that “automobile-oriented uses” as defined by the Phoenix Land Development Code shall not be permitted.



Department

112 W. 2nd Street, Phoenix, Oregon 97535
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Projection Description

1. **Subject Property Location:** 3721 Colver Road., Phoenix, OR 97535, Parcel 38 1W 16AA 8400
2. **Subject Property Owner:** Rikka Gerstmann on behalf of Washington Federal
3. **Subject Property Legal Description:** see Exhibit 1
4. **Subject Property Characteristics and Features:** 2,705 square foot office building constructed on elongated, rectangular shaped parcel of 0.88 acres. Site improvements include paved parking lot and drive opening to Colver Road. The majority of the site is undeveloped and wooded.
5. **Land Entitlement Status:** According to City records, a site plan was approved around the time the building was constructed in 1986. The site plan file was incomplete and did not include any analysis. According to records, the office building was permitted as an office or commercial use "integral to a primary industrial use".
 - a. **Subject Property Current Zoning:** General Industrial
 - b. **Subject Property Proposed Zoning:** Light Industrial
 - c. **Subject Property Current Comprehensive Land Use Plan Designation:** Industrial
 - d. **Subject Property Proposed Comprehensive Land Use Plan Designation:** Industrial
6. **Neighborhood Characteristics and Features:**
 - a. **Adjacent Zoning:** North, R-2 Medium Density Residential and R-1 Low Density Residential; East (east of CORE RR ROW), GI General Industrial; West, R-1 Low Density Residential; South, R-2 Medium Density Residential.
 - b. **Adjacent Comprehensive Land Use Designations:** N, Low Density Residential and Residential Employment; East, Industrial; West, Low Density Residential and Medium Density Residential; South, Medium Density Residential.
7. **Utilities and Infrastructure:** The site is served by modern utilities, urban infrastructure and services as described in the following:
 - a. **Electricity:** provided by Pacific Power
 - b. **Natural Gas:** unknown
 - c. **Potable Water:** the property is served by a 1" meter (slightly larger than typical residential meter).
 - d. **Sanitary Sewer:** Sanitary sewer is provided by Rogue Valley Sewer Services via a private pump system.
 - e. **Transportation:** Access to the subject is provided by 2 drives onto Colver.
 - f. **Police:** The property is within the Phoenix city limits and already served by the Phoenix Police Department.
 - g. **Fire:** Fire protection is provided by Jackson County, Station #5 Phoenix.



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Review

The criteria for review of a quasi-judicial map amendment are set forth in Chapter 4.7.3.B Criteria for Quasi-Judicial Amendments and are stated as follows:

1. *Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;*
2. *Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances;*
3. *Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property that is the subject of the application; and the provisions of Chapter 4.7.6 – Transportation Planning Rule Compliance, as applicable.*

Chapter 4.7.6 further states that a zone change (land use district change) must also comply with the Transportation Planning Rule as delineated in OAR 660-012-0060.

Each of these criteria is considered below.
Compliance with Comprehensive Plan

1. **Population Element.**

The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

2. **Natural Resources Element.**

The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

3. **Historic Element.**

The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

4. **Natural Hazards.**

The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

5. **Public Facilities.**

The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

6. **Housing Element.**



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The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

7. Parks & Recreation Element.

The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element. **NOT APPLICABLE.**

8. Urbanization Element.

Finding: The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element.

Conclusion: NOT APPLICABLE.

9. City Center.

Finding: The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element.

Conclusion: NOT APPLICABLE.

10. Urban Growth Boundary.

Finding: The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element.

Conclusion: NOT APPLICABLE.

11. Transportation Element.

Goal 3 Utilize the volume to capacity standards specified in Table 4-3 to determine transportation facility adequacy.

Policy 3.1 Manage the transportation systems and pursue facility improvements consistent with the specified performance standards.

Although Colver Road is classified as collector by the Transportation System Plan, it experiences relatively low traffic volumes. A collector is capable of handling between 1,000 to 10,000 ADT. In this particular case, Colver Road has an estimated hourly capacity of 1,800 vehicles. According to the TSP, which was last updated in 1999, peak hour traffic on Colver Road south of 1st Street was forecasted to be 411 vehicles/hour (the majority of that southbound toward Camp Baker Road).

Current PM peak hour traffic was calculated at 354 and 360 vehicles south of from 1st Street to Rebecca Lane and from Rebecca Lane to Pacific Lane, respectively. The current volume to capacity ratio, the measure by which road function is often judged, is 0.20. Even with an additional 50 trips, that ratio increases to 0.23. Anything under 0.40 indicates a Level of Service (LOS) of "A", a condition defined by "free flowing traffic conditions with no delays for motorists".



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It is important to understand that these projections were made at a time when the subject property functioned as the main offices for Associated Fruit. Traffic counts and future projections were made with the assumption that the property would be used as industrial property. If the entire property were developed for "General Light Industrial" purposes as allowed by the proposed LI zone, the subject property would generate 46 trips/day on average, 7 AM peak trips, and 8 PM peak trips. If the subject were used, in its entirety, for a more intensive industrial use like manufacturing, 34 trips/day on average, 8 AM peak trips, and 9 PM peak trips would be generated. The use proposed by Mr. Larson, which would function more or less like a recreational community center in terms of traffic generation, would generate 7 AM peak trips, 6 PM peak trips, 23 total daily trips a Saturday, and 4 peak trips on Saturday. Weekend trips are important to determine because the largest number of trips for this type of use often occur on non-weekdays and off peak hours (early in the morning or after school and work).

Additional attention should be given to "automobile-oriented uses" which are a permitted use within the LI District. Drive-in and drive-through facilities, particularly restaurants, would generate significantly more traffic that could create peak hour traffic conditions that are incompatible with the adjacent residential uses and existing traffic volumes, patterns, and operations. This issue would need to be addressed if the property were to be used for such a purpose (for example through site plan review). The site is unlikely to be used for such purposes, however, due to site constraints that reduce the suitability of the subject property for any such use.

The functional capacity of Colver Road is not likely to be exceeded due to the Zone Change considered here. **ZO 14-01 is consistent and complies with Comprehensive Plan policies.**

12. Land Use Element.

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 the purpose of administration of the zoning and subdivision ordinances or other pertinent land use regulations and codes.

The discussion of "Plan Designations" in the Land Use Element of the Comprehensive Plan identifies the most significant industrial land as located "west of the railroad tracks in the vicinity of Dano Drive". The subject is not included this area, and this section of the comprehensive plan does not discuss any specific policy, goal, or vision for the development or redevelopment of the subject or adjacent industrial lands. Nor does it differentiate between GI and LI zone designations, and thus the "Industrial" comprehensive land use designation can be assumed to allow either GI or LI zones.



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The comprehensive plan designation for the majority of surrounding land uses is “Low” or “Medium Density Residential” (see Exhibit 3). These properties are developed, and nothing suggests that established development patterns within this area should or will transition away from residential to some other non-residential land use.

This section of the Comprehensive Plan does not explicitly discuss the desirability of particular spatial relationships between various land use designations. In other words, it does not provide any particular guidance concerning whether industrial lands should be located directly adjacent to residential lands, whether commercial lands should be located adjacent to schools, etc. This lack of direction notwithstanding, planning best practices raise several land use computability issues that warrant careful consideration. First, the current GI zone would allow “heavy manufacturing, assembly, and processing”, all activities which at various scales of operation could reasonably be anticipated to negatively affect residential land uses that are within close proximity. Reasonably anticipated negative effects could include noise, heavy truck traffic, environmental pollution, odors, etc.

The policies of the Land Use element of the Comprehensive Plan do not discourage or prohibit the location of industrial land adjacent to residential land; nor does it establish criteria for the establishment of different industrial zoning (GI or LI) within lands that have been designated as “Industrial” by the Comprehensive Plan Map. **ZO 14-01 is consistent and complies with Comprehensive Plan policies.**

13. Economic Element

Goal 1 To foster economic development through the retention, renewal, upgrading, expansion, and linkage of existing commercial and industrial business, and recruitment of new ones.

As described above in Section I, this property has been vacant since 2011. The current zoning restricts land uses in such a way so as to discourage the beneficial reuse or redevelopment of the property. Generally speaking, the GI zone only allows non-industrial uses in cases where such a use would be ancillary to the principal industrial use. Given the size, configuration, and location of the subject property, it is unlikely that the type of user that would need to be located within the GI zone (as opposed to the LI zone) would select the subject property. Under the current GI zoning the only way to reuse the existing building would be to locate an industrial use that would act as a principal land use. LI would allow a greater variety of land uses by removing this restriction (while prohibiting certain retail commercial uses that would be undesirable given the predominately residential character of the surrounding neighborhood).

The proposed Zone Change would enable “renewal” and “recruitment” of new commercial and industrial businesses. **ZO 14-01 is consistent and complies with Comprehensive Plan policies.**

Goal 5 To encourage the development of new local business and start-ups [...]



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See discussion above for “Goal 1”. Additionally, this petition for Change of Zone was in fact initiated by a local start-up business. Mr. Thomas Larson intends to operate the “Rogue Valley Brainery and Ludoteca Open Learning Center” on the premises.

The proposed Zone Change from GI to LI would allow the operation of a new start-up business in the City of Phoenix. **ZO 14-01 is consistent and complies with Comprehensive Plan policies.**

8. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances.

Site layout and design were not reviewed as a part of the land use action considered here. The subject property has been developed, no new site improvements, buildings or other structures have been proposed.

According to Chapter 2.5—General Industrial (GI) District, the purpose of this zone is to “segregate incompatible development from other districts while providing a high quality environment for businesses and employees [...]”. With its close proximity to well-established residential neighborhoods, ensuring separation between potentially incompatible development (e.g. residential and industrial) would very difficult. The LI zone on the other hand, does not permit the most intensive production activities that are more likely to create land use incompatibilities and, thus, require spatial separation.

Site design requirements for GI and LI zones are very similar. The characteristics of the subject property, however, are more consistent with the wider variety of use allowed within the LI zone. The lot has a relatively shallow depth (only 70 feet), making it difficult to develop for more intensive industrial uses that require larger buildings and shipping facilities that accommodate delivery, storage, and processing of large quantities of raw materials. **ZO 14-01 is consistent and complies with all applicable standards and criteria of the Land Development Code, and other applicable implementing ordinances.**

9. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property that is the subject of the application; and the provisions of Chapter 4.7.6 – Transportation Planning Rule Compliance, as applicable.

The basis for rezoning the subject property is not a “mistake” or “inconsistency” in the comprehensive plan. The neighborhood surrounding the subject property has, however, changed significantly since the subject was developed in the mid-1980s. Specifically, low density residential land uses have proliferated west of Colver Road throughout the 1990s and early 2000s. That change is consistent with the Comprehensive Plan. Approval of the Zone Change constitutes a relatively minor adjustment that brings the zoning into greater consistency with Comprehensive Plan and actual development as it is and will be into the distant future.



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Chapter 4.7.6 implements OAR 660-012-0060 locally by requiring that a development application be reviewed to “determine whether it significantly affects a transportation facility” when the application includes a comprehensive plan amendment or land use district change. A proposal is considered to “significantly affect a transportation facility” when it would

1. *Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of collector street classification, requiring a change in the classification to an arterial street, as identified by the Comprehensive Plan and the Transportation System Plan; or*
2. *Change the standards implementing a functional classification system; or*
3. *Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or*
4. *Reduce the level of service of the facility below the minimum acceptable level identified in the Comprehensive Plan and the Transportation System Plan.*

As explained in the discussion of conformance with the Transportation System Plan element of the Comprehensive Plan, Colver Road is currently classified as a collector. The proposed Zone Change would not in and of itself require reclassification of Colver due to potential traffic generated by land uses permitted within the LI zone; no changes of the implementing standards are proposed or would be required due to the Zone Change. In fact, the current zoning (G1) would allow traffic that could place additional demands on the capacity of Colver Road and other streets within the City’s transportation network.

There are additional safeguards that would prevent certain uses of the subject property from impairing the proper function of Colver Road or any other transportation facility in the City. If a specific use of the subject property were proposed that would increase the number of daily trips on any existing street within the City by more than 10%, a Conditional Use Permit would be required. Redevelopment of the subject property would also require site design review. Impacts of the proposed use on capacity and traffic operations would be evaluated at that time.

The Zone Change is not likely to significantly affect a transportation facility. The petition, therefore, satisfies the requirements of OAR 660-012-0060 without need for further review. **ZO 14-01 is consistent and complies with all applicable standards and criteria of the Land Development Code, and other applicable implementing ordinances.**

Matt Brinkley, AICP
Planning Director
City of Phoenix
Department of Planning & Building

Date

AMERIGAS PROPANE L P
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AMERIGAS PROPANE INC
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VALLEY FORGE PA 19482

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TALENT OR 97540

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PHOENIX OR 97535

BELLAH JEFFRY W/LAURA S
703 W FIRST ST
PHOENIX OR 97535

HENSLER DAWN M/JEFFREY P
3660 COLVER RD
PHOENIX OR 97535

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803 MAIN ST
KLAMATH FALLS OR 97601 -6070

BUCHANAN ANNETTE TRUSTEE ET AL
795 CREEK STONE WAY
ASHLAND OR 97520

JAMES BRANDON/JIMENEZ VANESSA
900 REBECCA DR
PHOENIX OR 97535

STARK CHRISTOPHER T
913 REBECCA
PHOENIX OR 97535

BURKHART JOHN E TRUSTEE ET AL
7803 RAPP LN
TALENT OR 97540

LESLEY PROPERTIES LLC
NOEL A LESLEY AND MARY C LESLEY
2630 SISKIYOU BLVD
ASHLAND OR 97520

WILEMAN JASON W/LISA P
3748 COLVER RD
PHOENIX OR 97535

CEDER DAVID R/CINA M
3744 COLVER RD
PHOENIX OR 97535

LEWIS JACK A TRUSTEE ET AL
71 CRYSTAL HEIGHTS RD
MEDFORD OR 97501

CENTRAL OREG/PACIFIC RR INC
C/O GENESEE & WYOMING
13901 SUTTON PARK DR S 150
JACKSONVILLE FL 32224

PIPGRAS CAROL J
3712 COLVER RD
PHOENIX OR 97535

CHENG PEGGY
761 TOLMAN CR RD
ASHLAND OR 97520

POTTER STEVEN M/ANN K
3740 CLOVER LN
PHOENIX OR 97535

CHILDS RENEE R/CLAYTON E
3708 COLVER RD
PHOENIX OR 97535

RIDGWAY RONALD F
3752 COLVER RD
PHOENIX OR 97535

DEL BIAGGIO DEANNA DRAKE
700 FIRST ST
PHOENIX OR 97535

ROBISON ROBERTA D
1006 MEGAN LN
PHOENIX OR 97501

DOUGHTY PAUL TRUSTEE FBO
2997 SECKEL ST
MEDFORD OR 97504

SALIGER ROSIE P/ROBERT A
701 W FIRST ST
PHOENIX OR 97535

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW
FOR ZONE CHANGE

Before the City of Phoenix, Oregon

In the matter of the amendment of the)	Findings of Fact
City of Phoenix Land Use District Map from)	
GI General Industrial to LI Light)	
Industrial for real property located at 3721)	
Colver Road in the City of Phoenix, Oregon)	and Conclusions
)	of Law
Applicant City of Phoenix)	

I. Nature of the Request

The subject property is located on Colver Road, south of 1st Street, north of Megan Lane. The 0.88 acre parcel was previously used as an administrative office building for Associated Fruit which owned and operated warehousing logistics facilities on C Street. Both uses ceased several years ago, and the 2,507 square foot office building has been vacant ever since. Residential neighborhoods are adjacent to the subject property along the west side of Colver Road. The east side of the property abuts a railroad. Other industrial zoned property lies on the east side of the railroad.

A prospective user/developer, Mr. Thomas E. Larson, has indicated a strong desire to acquire the property and repurpose it as a “learning center” for the teaching of art and handicrafts including ceramics, woodworking, and small-scale printing. In addition to instruction in fine and industrial arts, small scale fabrication would occur on the premises.

The property is currently zoned GI General Industrial which, according to Chapter 2.5 does not allow for the use proposed by Mr. Larson. This limitation was identified in a memorandum written by Interim Planning Director Laurel Samson and dated May 19, 2014. In that inquiry, Ms. Samson was asked “Is it possible to locate a private school with art, yoga and other classes for adults and/or children and an art gallery and, in the future, an art studio?” In her memorandum she replied

The property is currently zoned General Industrial (GI). This zone does not allow office or commercial uses that are not directly related to “the primary industrial use”. It also does not allow Personal Services or Professional uses. Schools are allowed but only vocational schools that are directly associated with a parent industry or sponsoring organization. The proposed uses do not fit this definition and would not be allowed.

Mr. Larson was advised of options for changing the zone to allow for the proposed use. These included rezoning the property to Medium or High Density Residential and obtaining a conditional

use permit; rezoning the property to Highway Commercial; or rezoning the property to Light Industrial. The proposed Light Industrial zone allows for a variety of less intensive industrial, non-retail commercial, and service oriented activities. This approach would, therefore, preserve industrial lands within the City while protecting the existing (and highly desirable) residential character of surrounding neighborhoods.

Mr. Larson chose to pursue the third option, at which time he approached the City requesting assistance with the application and relief from at least some portion of the fee. In reviewing the application, it became the opinion of staff that the zone change was in the city's interest and served the greater purpose of improving development patterns by better protecting surrounding residential neighborhoods from development of the subject property for heavy industrial activities that would be more likely to undermine the residential character of the area and degrade quality of life for residents living there. In recognition of the larger community interest at stake, the City decided to apply for the zone change.

[Remainder of this Page Left Blank]

II. Evidence of Record

- Exhibit 1** Legal Description
- Exhibit 2** Statement of Proposed Use
- Exhibit 3** City of Phoenix Comprehensive Land Use Plan Map
- Exhibit 4** City of Phoenix Land Use District Map
- Exhibit 5** Plat Map
- Exhibit 6** Email Correspondence between T. Larson, S. Roennfeldt, and P. De Benedetti
- Exhibit 7** Memorandum from Interim Planning Director L. Samson to T. Larson, dated May 19, 2014
- Exhibit 8** Original Zone Change Application, filed by T. Larson

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III. Procedure and Substantive Criteria

The substantive criteria by which the petition is to be evaluated are described in PLDC Chapter 4.1—Types of Applications and Review Procedures. This application for a Zone Change shall be reviewed under 4.1.5—Type III Procedure (Quasi-Judicial) which, in the case of a “land use district map [changes] that do not involve comprehensive plan map [amendments]” (Chapter 4.7.3A.1), requires an evidentiary hearing before the Planning Commission and subsequent decision by that body to approve, approve with conditions, or deny the request. The hearings body may not amend or modify the petition.

The criteria for review of a quasi-judicial map amendment are set forth in Chapter 4.7.3.B Criteria for Quasi-Judicial Amendments and are stated as follows:

1. *Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;*
2. *Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances;*
3. *Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property that is the subject of the application; and the provisions of Chapter 4.7.6 – Transportation Planning Rule Compliance, as applicable.*

Chapter 4.7.6 further states that a zone change (land use district change) must also comply with the Transportation Planning Rule as delineated in OAR 660-012-0060.

Each of these criteria is considered below in section IV. Findings of Fact and Conclusions of Law.

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IV. Findings of Fact and Conclusions of Law

The City of Phoenix Planning Commission hereby finds the following facts and reaches the following conclusions of law in the matter of ZO 14-01, a petition to change a land use district map designation that does not involve a comprehensive plan map amendment. Application is made by the City of Phoenix.

A. Subject Property Location: 3721 Colver Road., Phoenix, OR 97535, Parcel 38 1W 16AA 8400

B. Subject Property Owner: Rikka Gerstmann on behalf of Washington Federal

C. Subject Property Legal Description: see Exhibit 1

D. Subject Property Characteristics and Features: 2,705 square foot office building constructed on elongated, rectangular shaped parcel of 0.88 acres. Site improvements include paved parking lot and drive opening to Colver Road. The majority of the site is undeveloped and wooded.

E. Land Entitlement Status: According to City records, a site plan was approved around the time the building was constructed in 1986. The site plan file was incomplete and did not include any analysis. According to records, the office building was permitted as an office or commercial use “integral to a primary industrial use”.

1. **Subject Property Current Zoning:** General Industrial
2. **Subject Property Proposed Zoning:** Light Industrial
3. **Subject Property Current Comprehensive Land Use Plan Designation:** Industrial
4. **Subject Property Proposed Comprehensive Land Use Plan Designation:** Industrial

F. Neighborhood Characteristics and Features:

1. **Adjacent Zoning:** North, R-2 Medium Density Residential and R-1 Low Density Residential; East (east of CORE RR ROW), GI General Industrial; West, R-1 Low Density Residential; South, R-2 Medium Density Residential.
2. **Adjacent Comprehensive Land Use Designations:** N, Low Density Residential and Residential Employment; East, Industrial; West, Low Density Residential and Medium Density Residential; South, Medium Density Residential.

G. Utilities and Infrastructure: The site is served by modern utilities, urban infrastructure and services as described in the following:

1. **Electricity:** provided by Pacific Power
2. **Natural Gas:** unknown
3. **Potable Water:** the property is served by a 1” meter (slightly larger than typical residential meter).
4. **Sanitary Sewer:** Sanitary sewer is provided by Rogue Valley Sewer Services via a private pump system.
5. **Transportation:** Access to the subject is provided by 2 drives onto Colver.
6. **Police:** The property is within the Phoenix city limits and already served by the Phoenix Police Department.
7. **Fire:** Fire protection is provided by Jackson County, Station #5 Phoenix.

H. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Policies in several elements of the Comprehensive Plan may be applied to this review.

1. **Population Element.**

Finding: The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element.

Conclusion: NOT APPLICABLE.

2. **Natural Resources Element.**

Finding: The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element.

Conclusion: NOT APPLICABLE.

3. **Historic Element.**

Finding: The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element.

Conclusion: NOT APPLICABLE.

4. **Natural Hazards.**

Finding: The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element.

Conclusion: NOT APPLICABLE.

5. **Public Facilities.**

Finding: The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element.

Conclusion: NOT APPLICABLE.

6. **Housing Element.**

Finding: The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element.

Conclusion: NOT APPLICABLE.

7. **Parks & Recreation Element.**

Finding: The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element.

Conclusion: NOT APPLICABLE.

8. **Urbanization Element.**

Finding: The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element.

Conclusion: NOT APPLICABLE.

9. **City Center.**

Finding: The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element.

Conclusion: NOT APPLICABLE.

10. **Urban Growth Boundary.**

Finding: The proposed zone change will not affect and has no direct relationship with any goals or policies in this plan element.

Conclusion: **NOT APPLICABLE.**

11. **Transportation Element.**

Goal 3 Utilize the volume to capacity standards specified in Table 4-3 to determine transportation facility adequacy.

Policy 3.1 Manage the transportation systems and pursue facility improvements consistent with the specified performance standards.

Finding: Although Colver Road is classified as collector by the Transportation System Plan, it experiences relatively low traffic volumes. A collector is capable of handling between 1,000 to 10,000 ADT. In this particular case, Colver Road has an estimated hourly capacity of 1,800 vehicles. According to the TSP, which was last updated in 1999, peak hour traffic on Colver Road south of 1st Street was forecasted to be 411 vehicles/hour (the majority of that southbound toward Camp Baker Road). Current PM peak hour traffic was calculated at 354 and 360 vehicles south of from 1st Street to Rebecca Lane and from Rebecca Lane to Pacific Lane, respectively. The current volume to capacity ratio, the measure by which road function is often judged, is 0.20. Even with an additional 50 trips, that ratio increases to 0.23. Anything under 0.40 indicates a Level of Service (LOS) of “A”, a condition defined by “free flowing traffic conditions with no delays for motorists”.

It is important to understand that these projections were made at a time when the subject property functioned as the main offices for Associated Fruit. Traffic counts and future projections were made with the assumption that the property would be used as industrial property. If the entire property were developed for “General Light Industrial” purposes as allowed by the proposed LI zone, the subject property would generate 46 trips/day on average, 7 AM peak trips, and 8 PM peak trips. If the subject were used, in its entirety, for a more intensive industrial use like manufacturing, 34 trips/day on average, 8 AM peak trips, and 9 PM peak trips would be generated. The proposed use, which would function more or less like a recreational community center in terms of traffic generation, would generate 7 AM peak trips, 6 PM peak trips, 23 total daily trips a Saturday, and 4 peak trips on Saturday. Weekend trips are important to determine because the largest number of trips for this type of use often occur on non-weekdays and off peak hours (early in the morning or after school and work).

Additional attention should be given to “automobile-oriented uses” which are a permitted use within the LI District. Drive-in and drive-through facilities, particularly restaurants, would generate significantly more vehicular that create peak hour traffic conditions that are incompatible with the adjacent residential uses and existing traffic volumes and operation. This issue would need to be addressed if the property were to be used for such a purpose. This is unlikely, however, do to site constraints that reduce suitability of the subject property for any such use.

Note: all trip generation calculations derived using ITE Trip Generation, 6th Edition data.

Conclusion: The functional capacity of Colver Road is not likely to be exceeded due to the Zone Change considered here. **ZO 14-01 is consistent and complies with Comprehensive Plan policies.**

12. Land Use Element.

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 the purpose of administration of the zoning and subdivision ordinances or other pertinent land use regulations and codes.

Finding: The discussion of “Plan Designations” in the Land Use Element of the Comprehensive Plan identifies the most significant industrial land as located “west of the railroad tracks in the vicinity of Dano Drive”. The subject is not included in this area, and this section of the comprehensive plan does not discuss any specific policy, goal, or vision for the development or redevelopment of the subject or adjacent industrial lands. Nor does it differentiate between GI and LI zone designations, and thus the “Industrial” comprehensive land use designation can be assumed to allow either GI or LI zones.

The comprehensive plan designation for the majority of surrounding land uses is “Low” or “Medium Density Residential” (see Exhibit 3). These properties are developed, and nothing suggests that established development patterns within this area should or will transition away from residential to some other non-residential land use.

This section of the Comprehensive Plan does not explicitly discuss the desirability of particular spatial relationships between various land use designations. In other words, it does not provide any particular guidance concerning whether industrial lands should be located directly adjacent to residential lands, whether commercial lands should be located adjacent to schools, etc. This lack of direction notwithstanding, planning best practices raise several land use computability issues that warrant careful consideration. First, the current GI zone would allow “heavy manufacturing, assembly, and processing”, all activities which at various scales of operation could reasonably be anticipated to negatively affect residential land uses that are within close proximity. Reasonably anticipated negative effects could include noise, heavy truck traffic, environmental pollution, odors, etc.

Conclusion: The policies of the Land Use element of the Comprehensive Plan do not discourage or prohibit the location of industrial land adjacent to residential land; nor does it establish criteria for the establishment of different industrial zoning (GI or LI) within lands that have been designated as “Industrial” by the Comprehensive Plan Map. **ZO 14-01 is consistent and complies with Comprehensive Plan policies.**

13. Economic Element

Goal 1 To foster economic development through the retention, renewal, upgrading, expansion, and linkage of existing commercial and industrial business, and recruitment of new ones.

Finding: As described above in Section I, this property has been vacant since 2011. The current zoning restricts land uses in such a way so as to discourage the beneficial reuse or redevelopment of the property. Generally speaking, the GI zone only allows non-industrial uses in cases where such a use would be ancillary to the principal industrial use. Given the size,

configuration, and location of the subject property, it is unlikely that the type of user that would need to be located within the GI zone (as opposed to the LI zone) would select the subject property. Under the current GI zoning the only way to reuse the existing building would be to locate an industrial use that would act as a principal land use. LI would allow a greater variety of land uses by removing this restriction (while prohibiting certain retail commercial uses that would be undesirable given the predominately residential character of the surrounding neighborhood).

Conclusion: The proposed Zone Change would enable “renewal” and “recruitment” of new commercial and industrial businesses. **ZO 14-01 is consistent and complies with Comprehensive Plan policies.**

Goal 5 To encourage the development of new local business and start-ups [...]

Finding: See finding above for “Goal 1”. Additionally, this petition for Change of Zone was in fact initiated by a local start-up business. Mr. Thomas Larson intends to operate the “Rogue Valley Brainerie and Ludoteca Open Learning Center” on the premises.

Conclusion: The proposed Zone Change from GI to LI would allow the operation of a new start-up business in the City of Phoenix. **ZO 14-01 is consistent and complies with Comprehensive Plan policies.**

I. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances.

Finding: What follows is not, and should in no way be construed as any form of Development or Site Design Review as defined in Chapter 4.2 of the PLDC. The subject property has been developed, and site design is not addressed here. According to Chapter 2.5—General Industrial (GI) District, the purpose of this zone is to “segregate incompatible development from other districts while providing a high quality environment for businesses and employees [...]”. With its close proximity to well-established residential neighborhoods, ensuring separation between potentially incompatible development (e.g. residential and industrial) would very difficult. The LI zone on the other hand, does not permit the most intensive production activities that are more likely to create land use incompatibilities and, thus, require spatial separation.

Site design requirements for GI and LI zones are very similar. The characteristics of the subject property, however, are more consistent with the wider variety of use allowed within the LI zone. The lot has a relatively shallow depth (only 70 feet), making it difficult to develop for more intensive industrial uses that require larger buildings and shipping facilities that accommodate delivery, storage, and processing of large quantities of raw materials.

Conclusion: **ZO 14-01 is consistent and complies with all applicable standards and criteria of the Land Development Code, and other applicable implementing ordinances.**

J. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property that is the subject of the application; and the provisions of Chapter 4.7.6 – Transportation Planning Rule Compliance, as applicable.

Finding: The basis for rezoning the subject property is not a “mistake” or “inconsistency” in the comprehensive plan. The neighborhood surrounding the subject property has, however, changed significantly since the subject was developed in the mid-1980s. Specifically, low density residential land uses have proliferated west of Colver Road throughout the 1990s and early 2000s. That change is consistent with the Comprehensive Plan. Approval of the Zone Change constitutes a relatively minor adjustment that brings the zoning into greater consistency with Comprehensive Plan and actual development as it is and will be into the distant future.

Conclusion: ZO 14-01 is consistent and complies with all applicable standards and criteria of the Land Development Code, and other applicable implementing ordinances.

Finding: Chapter 4.7.6 implements OAR 660-012-0060 locally by requiring that a development application be reviewed to “determine whether it significantly affects a transportation facility” when the application includes a comprehensive plan amendment or land use district change. A proposal is considered to “significantly affect a transportation facility” when it would

- 1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of collector street classification, requiring a change in the classification to an arterial street, as identified by the Comprehensive Plan and the Transportation System Plan; or*
- 2. Change the standards implementing a functional classification system; or*
- 3. Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or*
- 4. Reduce the level of service of the facility below the minimum acceptable level identified in the Comprehensive Plan and the Transportation System Plan.*

As explained in the discussion of conformance with the Transportation System Plan element of the Comprehensive Plan, Colver Road is currently classified as a collector. The proposed Zone Change would not in and of itself require reclassification of Colver due to potential traffic generated by land uses permitted within the LI zone; no changes of the implementing standards are proposed or would be required due to the Zone Change. In fact, the current zoning (GI) would allow traffic that could place additional demands on the capacity of Colver Road and other streets within the City’s transportation network.

There are additional safeguards that would prevent certain uses of the subject property from impairing the proper function of Colver Road or any other transportation facility in the City. If a specific use of the subject property were proposed that would increase the number of daily trips on any existing street within the City by more than 10%, a Conditional Use Permit would be required. Redevelopment of the subject property would also require site design review. Impacts of the proposed use on capacity and traffic operations would be evaluated at that time.

The Zone Change is not likely to significantly affect a transportation facility. The petition, therefore, satisfies the requirements of OAR 660-012-0060 without need for further review. **ZO 14-01 is consistent and complies with all applicable standards and criteria of the Land Development Code, and other applicable implementing ordinances.**

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V. Final Conclusion

Summary Conclusion: The Zone Change as described within ZO 14-01 satisfies the review criteria for a “land use district map changes that [does] not involve [a] comprehensive plan map amendment[s]”. The proposed Zone Change from GI to LI is more likely to achieve a better balance between potentially incompatible and competing interests. The LI designation, furthermore, is more likely to provide for uses and development of the site better suited its characteristics and capacities. The request for Zone Change from GI to LI is hereby approved with the following condition of approval:

Automobile-oriented uses as described in Table 2.6.2.A including vehicle repair, sales, rental, storage, service, drive-up, drive-in, and drive-through, are prohibited.

DRAFT



PLANNING DEPARTMENT
PO Box 330 • Phoenix, OR 97535
541-535-2050 • 541-535-5769 fax

Fee: \$3,000.00

ZONE CHANGE APPLICATION

I. PROPERTY INFORMATION:

- A. LOCATION (address): 3721 Colver Rd.
- B. ASSESSOR'S ID: Township 38W Range 1W Section: 16AA Tax Lot: 8400
- C. Present Zoning: GI General Industrial
- D. Present Use of Property: vacant—former offices for Associated Fruit
- E. Describe adjacent land uses (i.e. single family, restaurant, auto repair, etc.):

North: Vacant (across 1st Street East: RR ROW, Industrial
South: Vacant (RR ROW), Residential West: Residential

II. DESCRIPTION OF ZONE CHANGE

This request is to amend the zoning classification of the property described above from the GI General Industrial District to the LI Light Industrial District.

III. SUBMITTAL REQUIREMENTS:

Submit one of each of the following Submittal Requirements for review by the City Planner. Once this "Application Package" is deemed complete, submit 20 additional "Application Packages" (excluding items 3 & 6) to the Planning Department.

1. Legal description of subject property.
2. Copy of assessor's maps showing the location of property requested to be rezoned, a copy of an 8 ½ x11 reduction of the map, and a copy of an 8 ½x11 clear transparency of the map.
3. Two sets of mailing labels for all property owners of record as specified in Chapter 4.1.5 – Type III Procedure (Quasi-Judicial), Section C (Notice of Hearing). The records of the Jackson County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list;
4. One copy of the Findings of Fact detailing compliance with the City's Comprehensive Plan and applicable Development Code provisions.
5. Completed application with property owner and applicant signatures.
6. Application fee

7. An impact study. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the applicant shall either specifically agree to the dedication requirement, or provide evidence that shows that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

IMPORTANT: Only completed applications will be processed. If you are unsure of the submittal requirements, please contact City staff for clarification.

IV. **PROPERTY OWNER/APPLICANT INFORMATION: (PLEASE PRINT OR TYPE)**

Property Owner Name: Washington Federal, SUCCESSOR IN INTEREST TO SOUTH VALLEY BANK

(Please print or type)

Address: 425 Pike St., Seattle, WA 98101

Phone: 206-777-8354 2nd Phone: _____

Applicant's Name: Steve Dahl, City of Phoenix

Address: 112 W. 2nd Street, Phoenix OR

Phone: 541-535-1955 2nd Phone: _____

Other Contact Name: _____

Address: _____

Phone: _____ 2nd Phone: _____

V. **AUTHORIZATION TO PROCESS:**

PROPERTY OWNER'S CONSENT: I do hereby certify that I am the legal owner of record of the property described above and as such I am requesting that the City of Phoenix process this application in accord with State and local ordinances. I also certify that the information submitted hereto is true and correct to the best of my knowledge and belief.

Property Owner's Signature

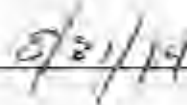
Date

APPLICANT'S AUTHORIZATION: I do hereby certify that the information submitted herein is true and correct to the best of my knowledge and belief.



Applicant's Signature

Date



FOR CITY USE ONLY

RECEIVED BY: MB
FEE RECEIVED: WAIVED
FILE NO. ASSIGNED: ZO 14-01

DATE: July 17, 2014
RECEIPT NO.: N/A



AFFADAVIT OF PUBLIC NOTICE

for a
Public Hearing to be heard before the City of Phoenix Planning Commission

I, **Matthew Brinkley**, am duly authorized by the City of Phoenix to make this affidavit of public notice. Under oath, I state that the following is true and correct:

The City of Phoenix Planning Department mailed the attached public notice to all property owners of record within 200 feet of 3721 Colver Road.

Notice was mailed to property owners identified in the attached list on August 4, 2014.

A handwritten signature in blue ink, appearing to read 'Matt Brinkley', written over a horizontal line.

Matt Brinkley
Planning Director
City of Phoenix

Exhibit "A"

Real property in the County of Jackson, State of Oregon, described as follows:

Commencing at a sandstone monument marked "T" at a lead plug with center point, being located at the most southerly corner of Block 1 of the Original Townsite of Phoenix, Jackson County, Oregon, according to the official plat thereof, now of record; thence South $37^{\circ} 28' 10''$ East, 30.00 feet to the centerline of West First Street; thence South $52^{\circ} 31' 50''$ West along the centerline, 931.23 feet to a $5/8''$ iron pin in concrete in a monument case located at the centerline of North "B" Street (formerly "F" Street); thence continue South $52^{\circ} 31' 50''$ West, along the Southwesterly projection of said centerline, 728.07 feet to an intersect the Northeasterly line of Colver Road (also being the Southwesterly boundary of the Southern Pacific Company Depot Grounds) for the true point of beginning; thence South $35^{\circ} 06'$ East, along said Northeasterly line, 588.0 feet; thence North $54^{\circ} 54'$ East, 70.00 feet; thence North $35^{\circ} 06'$ East 590.90 feet to the Southwesterly projection of the centerline of West First Street, thence along said Southwesterly projection, South $52^{\circ} 31' 50''$ West, 70.06 feet to the true point of beginning.

EXCEPTING THEREFROM that portion lying below a depth of 500 feet, measured vertically from the contour of the surface thereof, as set forth in Bargain and Sale Deed, including the terms and provisions thereof, recorded as No. 86-22258 Official Records

NOTE: This Legal Description was created prior to January 01, 2008.

PROPOSED USE

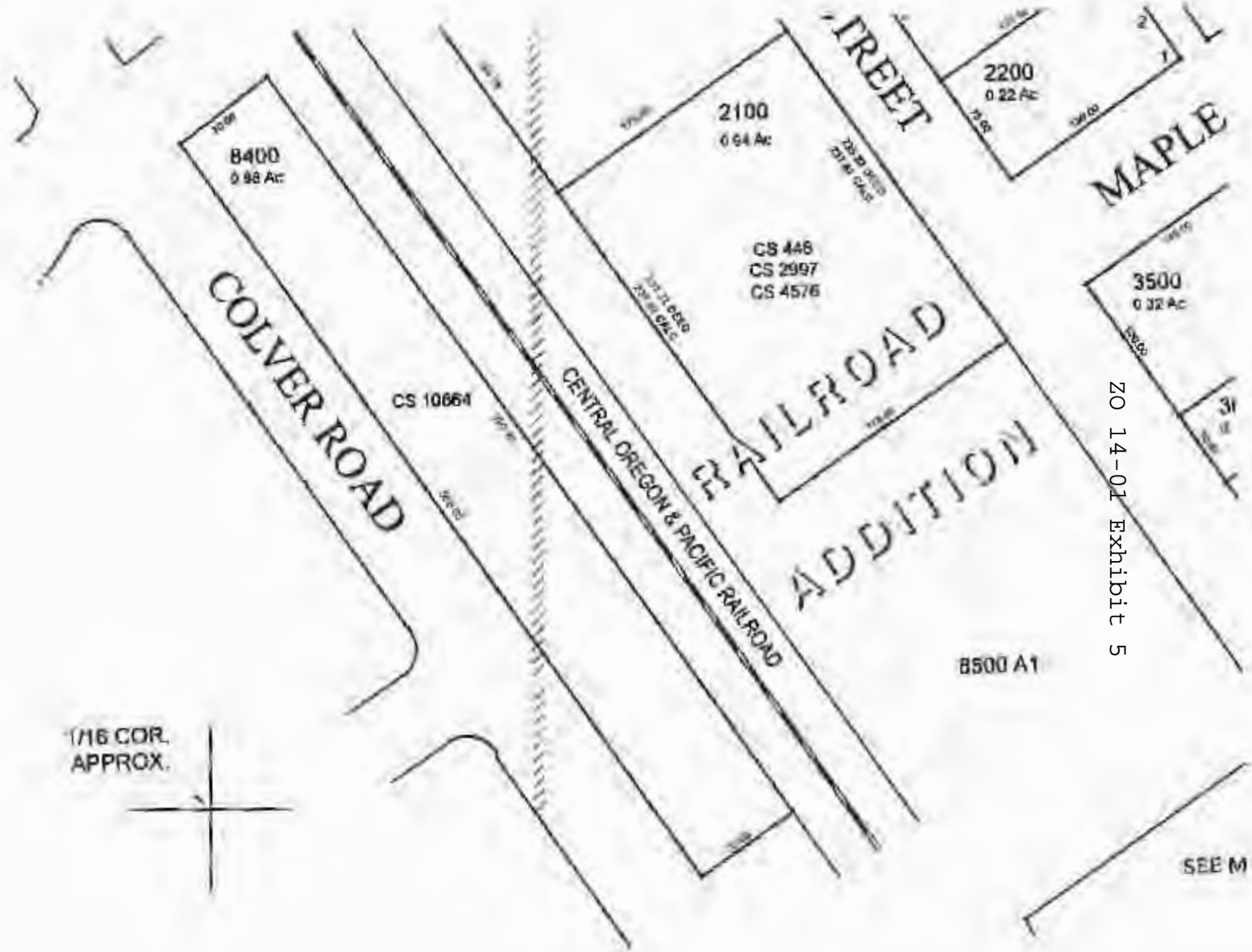
3721 Colyer Rd, Phoenix

Rogue Valley Brainery and Ludoteca, an Open Learning Center

The learning center will be a private gathering and learning site for educators and self-motivated adults and children seeking information and hands-on experience in a diverse array of subjects, within a dynamic and vibrant environment. An individual's experience at the center will likely include participation in organized small group classes, communal projects, and independent use of the facility and resources. The center will provide the materials and equipment/tools conducive to this type of experience, including, but not limited to unique toys for children, art and building supplies and tools, woodworking and gardening tools and equipment, and tinkering elements. Preference will be placed on traditional/mechanical tools and processes, especially those utilizing hand-power.

Future plans may include use of light industrial equipment, such as those needed for clay building and firing, sculptural cutting and manipulating of metal, wood, and rock, and small-scale printing. Any larger machines and/or equipment needed for these activities would likely be incorporated into a new building designed for such use.

It is expected that normal daily occupancy will vary from a few individuals, up to approximately 25, with people coming and going at various times during the day, and the majority of use being in the afternoon. Night use (from 9pm to 7am) is generally not expected. Occasional gatherings and events would likely bring in more people than normal daily use.



8400
0.88 Ac

2100
0.64 Ac

2200
0.22 Ac

3500
0.32 Ac

CS 446
CS 2997
CS 4576

CS 10664

8500 A1

1/16 COR.
APPROX.

SEE M

ZO 14-01 Exhibit 5

COLVER ROAD

CENTRAL OREGON & PACIFIC RAILROAD

MILROAD
ADDITION

STREET

MAPLE

Steffen Roennfeldt

From: Pat De Benedetti <patd@bds.bz>
Sent: Monday, July 14, 2014 8:20 AM
To: 'wamr and tommy'
Cc: 'Steffen Roennfeldt'
Subject: RE: 3721 Colver Rd post Special Inspector.

Tommy, thanks for the info. Based on your info below, there is no occupancy change. Therefore, the building is fine under building code. You still need to deal with planning (a zone change) before you could occupy the structure for that use. If any remodeling is done, building, plumbing mechanical and electrical permits may be required.

Pat De Benedetti 541-821-3180

-----Original Message-----

From: wamr and tommy [<mailto:wamrthoed@yahoo.com>]
Sent: Friday, July 11, 2014 3:22 PM
To: patd@bds.bz
Cc: pamelaryan
Subject: 3721 Colver Rd post Special Inspection

Hello Pat,

It was nice meeting you yesterday, and thank you for your valuable insight, as well as your assessment. Here is a description of our planned use for the building. It is a bit of a work in progress, but this is my best attempt for now:

Rogue Valley Brainery and Ludoteka, an Open Learning Center

The learning center will be a private gathering and learning site for educators and self-motivated adults and children seeking information and hands-on experience in a diverse array of subjects, within a dynamic and vibrant environment. An individual's experience at the center will likely include participation in organized small group classes, participation in communal projects, and independent use of the facility and resources. The center will provide the materials and equipment/tools conducive to this type of experience, including, but not limited to unique toys for children, art and building supplies and tools, woodworking and gardening tools and equipment, and tinkering elements. Preference will be placed on traditional/mechanical tools and processes, especially those utilizing hand-power.

Future plans may include use of light industrial equipment, such as those needed for clay building and firing, sculptural cutting and manipulating of metal, wood, and rock, and small-scale printing. Any larger machines and/or equipment needed for these activities would likely be incorporated into a new building designed for such use.

It is expected that normal daily occupancy will vary from a few individuals, up to approximately 25, with people coming and going at various times during the day, and the majority of use being in the afternoon. Night use (from 9pm to 7am) is generally not expected. Occasional gatherings and events would likely bring in more people than normal daily use.

Let me know if I missed any particular aspects that you need.

Thank you,
Tommy Larson

Memo

To: File 3 81 W16AA Tax Lot 8400 (3721 Colver Road)

From: Laurel Samson, Interim Planning Director

Date: May 19, 2014

Subject: Proposal to provide classes and potential art fabrication at property

This memo outlines the current status of the property as well as the options for rezoning the land to allow for the proposed uses.

Current Status:

The property is a wide but shallow property along Colver Street. It also has a small frontage on West First Street. It is .85 acres and the existing building is 2,507 square feet.

The property is surrounded by rail right of way on three sides. The remaining side is Colver Street, the other side of which is zoned low density residential (R-1).

The property is currently vacant and it appears has been vacant since sometime in 2011. Prior to that, the building on the property was used as an office building for the Industrial use (Associated Fruit Company) located across the rail road tracks.

An inquiry was made about using the property for a commercial use in November of 2011 and the Planning Director prepared a written record of his response which concurs with the one in this memo.

Inquiry:

Is it possible to locate a private school with art, yoga and other classes for adults and/or children and an art gallery and, in the future, an art studio?

Answer: These uses are not allowed in the building with the current Industrial zone.

The property is currently zoned General Industrial (GI). This zone does not allow office or commercial uses that are not directly related to "the primary industrial use". It also does not allow Personal Services or Professional uses. Schools are allowed but only vocational schools that are directly associated with a parent industry or sponsoring organization. The proposed uses do not fit this definition and would not be allowed.

Process to change zoning designation for the property

In order to change the zoning for the property, the Zoning Map and the underlying Comprehensive Map would have to be amended to allow a different zone.

These changes would require a Type IV process which includes a Planning Commission recommendation and a City Council decision. The fee for this is \$3,600. The length of time to a Council decision would be at least two months. This would be followed by an appeal period of approximately one month.

Alternatives future zones

One alternative is to rezone the property to Medium or High Density (R-2 or R-3) and designate the property as Neighborhood Commercial (NC).

The advantages of this alternative are:

This would allow Personal Services as a Conditional Use. The Planning fee for a Conditional Use Permit is \$2,500.

This would allow schools and art studio as permitted uses.

The disadvantages are:

This would require a variance to allow a new NC within .25 miles of an existing NC at the corner of Colver Street and West Fourth Street. The Planning fee for the variance would be \$2,500.

The Oregon Department of Land Conservation and Development (ODLCD) may object to eliminating Industrial land when the City is preparing to argue that Phoenix needs more Industrial land.

The buildings on the property, including any future buildings, would be limited to a total of 5,000 square feet.

Neighbors may object to "Personal Services" at this location, although this seems unlikely.

Any building or fence would have to comply with the Building Setback requirements for residential development. In order to surround the property with six foot fences, a variance would be required. The Code requires a fence along the frontage and 20 into the private property to be no higher than three feet.

A second alternative is to rezone the property to Highway Commercial.

The advantages of this alternative are:

All of the proposed uses would be permitted.

There are no building setbacks.

With the current tree coverage, it would be easy to meet 20% landscaping requirement.

The disadvantages are:

The proposal must demonstrate property is "easily accessible".

The zone designation will feel like it does not fit as there is no other Highway Commercial in the area.

Neighbors may object that this will allow high traffic commercial development.

The Oregon Department of Land Conservation and Development (ODLCD) may object to eliminating Industrial land when the City is preparing to argue that Phoenix needs more Industrial land.

A third alternative is to rezone the property to Light Industrial.

The advantages of zoning to Light Industrial are:

This would provide a good transition between the adjoining Residential and General Industrial.

This zone would allow Personal and Professional services (list includes child care), Vocational Schools and Light Fabrication as permitted uses.

The ODLCD may not object as it remains an Industrial zone.

It would be easy to meet 20% landscaping requirements.

There is no building setback requirement.

The disadvantages are:

Neighbors may argue that proposed use does not fit into Personal and Professional services category.

The ODLCD may object that proposed uses are really not industrial.



PLANNING DEPARTMENT
PO Box 330 • Phoenix, OR 97535
541-535-2050 • 541-535-5769 fax

Fee: \$3,000.00

ZONE CHANGE APPLICATION

I. PROPERTY INFORMATION:

- A. LOCATION (address): 3721 Colver Rd, Phoenix, OR
B. ASSESSOR'S ID:
Township 38 Range 1W Section 16AA Tax Lot: 8400
C. Present Zoning: General Industrial
D. Present Use of Property: Vacant Office Building - Formerly Associated Fruit
E. Describe adjacent land uses (i.e. single family, restaurant, auto repair, etc.):
North: Vacant Land (across 1st St.) East: Industrial - Parking & Lobl Storage (across RR+)
South: Vacant Land West: Residential (across Colver Rd)

II. DESCRIPTION OF ZONE CHANGE

This request is to amend the zoning classification of the property described above from the General Industrial District to the Light Industrial District.

III. SUBMITTAL REQUIREMENTS:

Submit one of each of the following Submittal Requirements for review by the City Planner. Once this "Application Package" is deemed complete, submit 20 additional "Application Packages" (excluding items 3 & 6) to the Planning Department.

1. Legal description of subject property.
2. Copy of assessor's maps showing the location of property requested to be rezoned, a copy of an 8 1/2 x 11 reduction of the map, and ~~a copy of an 8 1/2 x 11 clear transparency of the map.~~ *Don't worry about this.*
3. Two sets of mailing labels for all property owners of record as specified in Chapter 4.1.5 - Type III Procedure (Quasi-Judicial), Section C (Notice of Hearing). The records of the Jackson County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list; *within 2c*
4. One copy of the Findings of Fact detailing compliance with the City's Comprehensive Plan and applicable Development Code provisions.
5. Completed application with property owner and applicant signatures.
6. Application fee.

7. An impact study. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the applicant shall either specifically agree to the dedication requirement, or provide evidence that shows that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

IMPORTANT: Only completed applications will be processed. If you are unsure of the submittal requirements, please contact City staff for clarification.

IV. PROPERTY OWNER/APPLICANT INFORMATION: (PLEASE PRINT OR TYPE)

Property Owner Name: Washington Federal, successor in interest
Address: 425 Pike St., Seattle WA 98101 (Please print or type) to South Valley Bank
Phone: 206.777.8354 2nd Phone: _____
Applicant's Name: THOMAS E LARSON
Address: 6691 COLEMAN CREEK RD MEDFORD, OR 97501
Phone: 541-324-8222 2nd Phone: 541-512-1411
Other Contact Name: PAMELA S RYAN
Address: _____
Phone: 541-324-4446 2nd Phone: _____

V. AUTHORIZATION TO PROCESS:

PROPERTY OWNER'S CONSENT: I do hereby certify that I am the legal owner of record of the property described above and as such I am requesting that the City of Phoenix process this application in accord with State and local ordinances. I also certify that the information submitted hereto is true and correct to the best of my knowledge and belief.

Rico Gerstmann
Property Owner's Signature

6/27/14
Date

APPLICANT'S AUTHORIZATION: I do hereby certify that the information submitted herein is true and correct to the best of my knowledge and belief.

Thomas E. [Signature]
Applicant's Signature

7/2/14
Date

FOR CITY USE ONLY

RECEIVED BY: _____
FEE RECEIVED: _____
FILE NO. ASSIGNED: _____

DATE: _____
RECEIPT NO.: _____

FINDINGS OF FACT

Zone Change Application Supplement
3721 Colver Rd, Phoenix

Rogue Valley Brainery and Ludoteca – an Open Learning Center

The proposed zone change from General Industrial to Light Industrial conforms with Land Use and Development codes, and is consistent with the City of Phoenix Comprehensive Plan.

The property is a wide, but shallow lot along Colver Street. It also has a small frontage on West First Street. It is 0.85 acres and the existing building is 2,307 square feet. The property is surrounded by rail right-of-way on three sides. The remaining side is Colver Street, across which the zoning is low density residential (R-1).

The property is currently vacant, and has been so since 2011. Prior to that, the building on the property was used as office space in support of Industrial use (Associated Fruit Company) located across the railroad tracks. This company ceased operations at this location, and the interest-holding bank subsequently acquired the property.

The proposed activities/business on this property conforms with those allowed in the Light Industrial category of use, and most obviously fits in the personal and professional services category. Future use may expand to the light manufacture and fabrication categories.

In order to change the zoning for the property, the... (zoning map and underlying comprehensive map would have to be amended? Not the comprehensive map?) A Type III application process is required.

On May 19, 2014, Laurel Sampson, City of Phoenix Interim Planning Director, provided a memo outlining options for zoning classifications based on the proposed use. Of the alternative future zones cited, it was unanimously agreed (Ms. Sampson, current planning department staff, and zone change applicant) that the Light Industrial category would be most appropriate and beneficial for all parties involved and affected by the proposed use as well as any future use. In fact, it seemed to be a more appropriate zoning category than the current General Industrial. Light Industrial zoning would provide a good transition between the adjoining Residential and General Industrial areas, providing more acceptable and appropriate use for the community, while still retaining the City of Phoenix's Industrial category intent.

The City of Phoenix Comprehensive Plan Zones map indicates that the subject property is in the Industrial category. The proposed zone change would keep the property in this category, and thus retain the planned distribution of land by designation, while allowing more, broader, and yet less intrusive options for industrial use.

The proposed zoning and use is in accordance with Ordinance 788, Land Use Element, amending the Phoenix Comprehensive Plan. According to Ordinance 788, much of the city's industrial designated property remains vacant. The proposed change in zoning would enable appropriate and effective industrial use of the current vacant property. The proposal also contributes to the

city's stated goal of fostering a viable, efficient, and community-centric pattern of land uses and neighborhoods. The change in zoning would allow more options in achieving this goal, and the proposed use would contribute to creating a more vibrant community within the city limits of Phoenix.

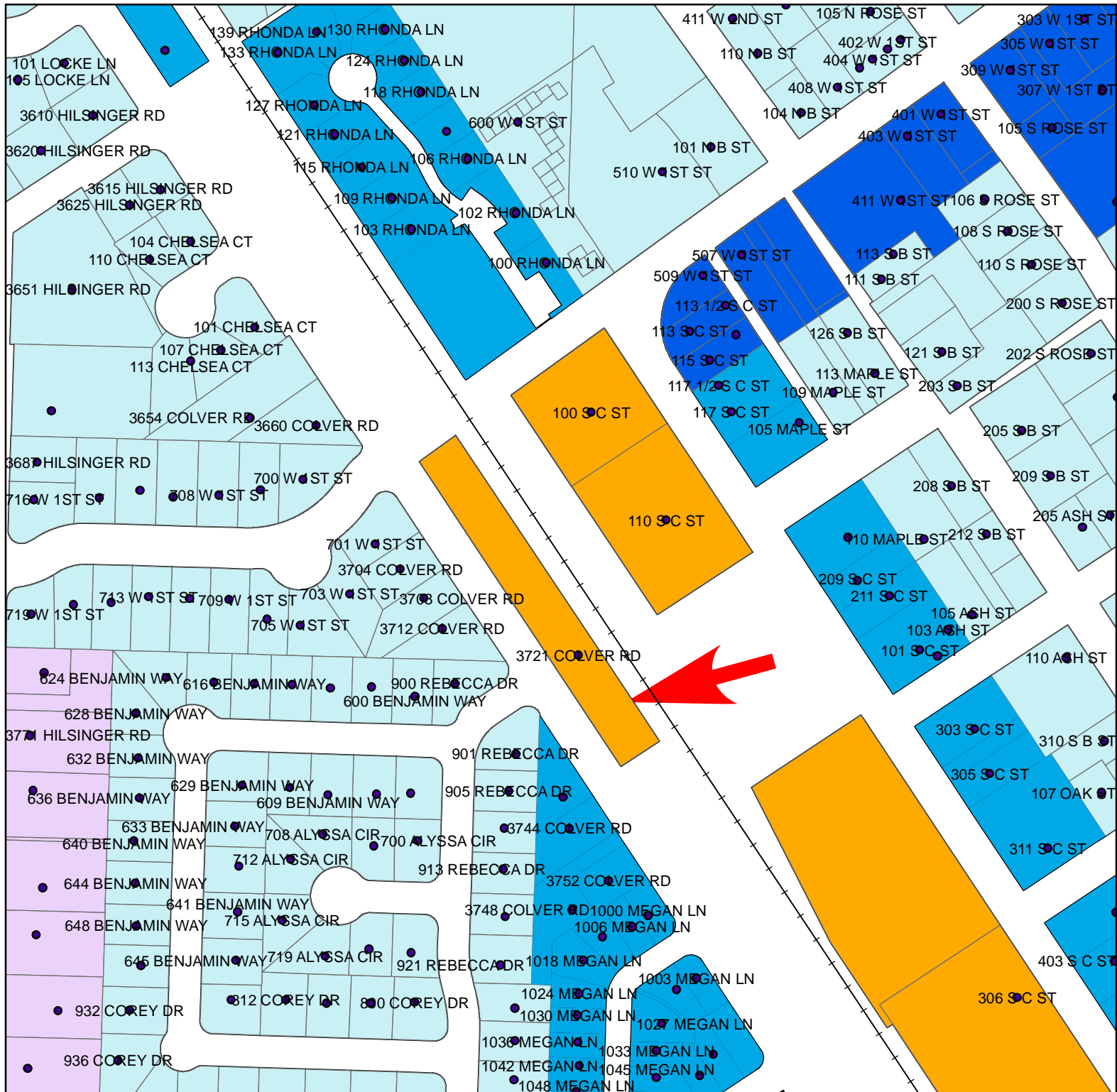
IMPACT STUDY

Zone Change Application Supplement
3721 Colver Rd, Phoenix

Rogue Valley Brainery and Ludoteca

The proposed use and zone change of subject property will not significantly alter demands on existing city infrastructure. The following demand areas were considered in this matter:

- **Public sanitary and sewer.** The average number of persons present in the building at any time is not expected to be significantly different from previous use. Demand should remain comparable.
- **Public utilities and water.** Similarly, the usage of these resources is not expected to differ significantly from previous levels. In the event of future expansion, this effect will be reconsidered.
- **Transportation.** Previous vehicle and foot traffic associated with Associated Fruit Co. is unknown. ... But, it is expected that pedestrian and bicycle traffic might increase slightly in the area due to people accessing the facility on foot/bicycle from the library, bus stop(s), Bear Creek Greenway, and other locations in central Phoenix. Existing roadways and sidewalks are sufficient to accommodate this traffic. Slightly greater vehicle numbers are expected to be coming and going from the building parking area, and at different times during the day, but traffic on Colver Rd and in the surrounding area will not be significantly affected. Normally, there will be no large groups and associated traffic coming and/or going from the property at any one time.

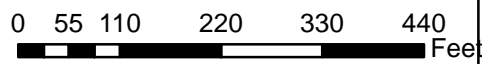


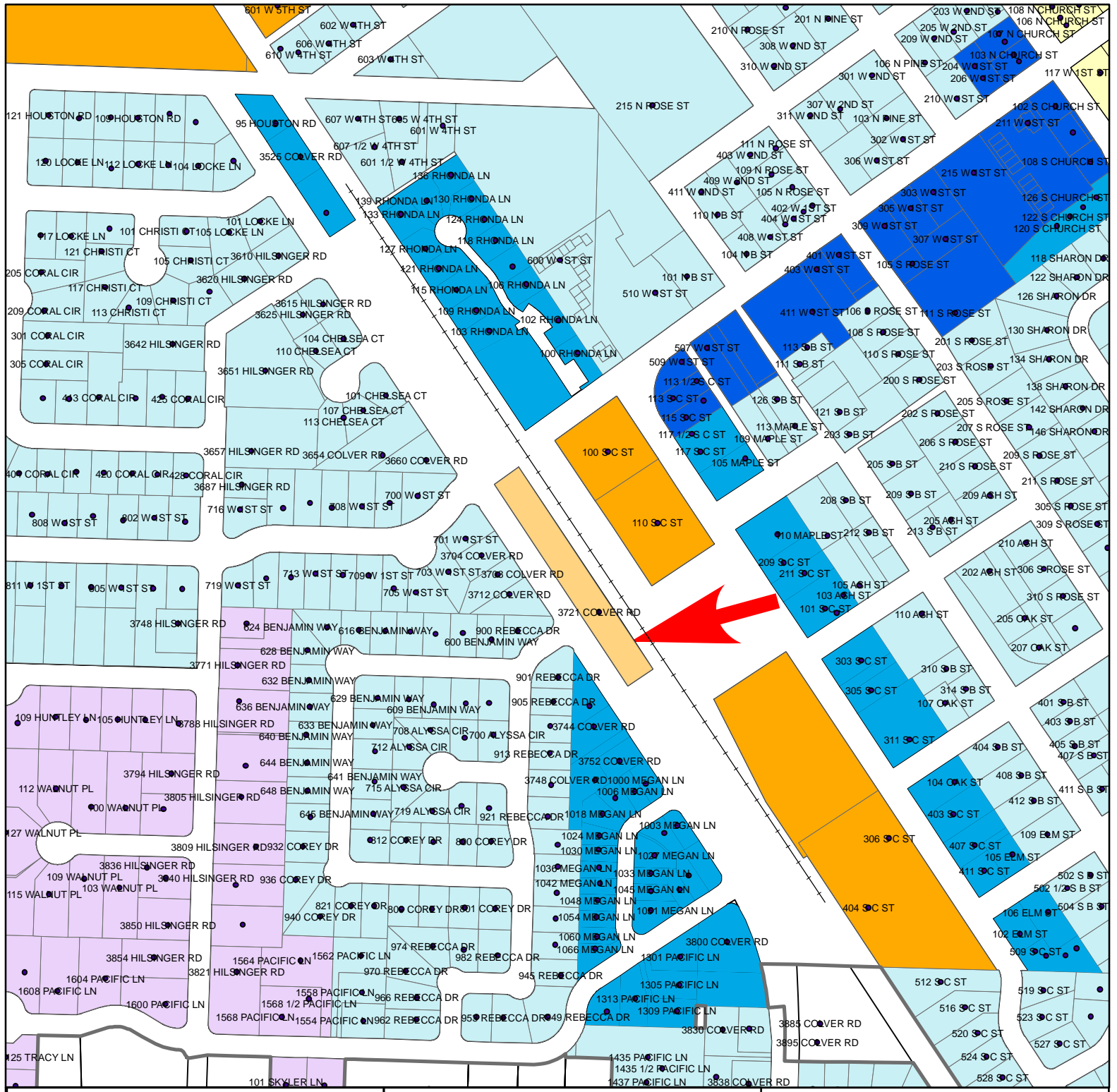
Legend

- SiteAddresses
- Taxlots
- Low Density Residential Zoning
- Medium Density Residential
- High Density Residential Zoning
- Industrial Zoning
- Light Industrial Zoning



3721 Colver Road
 Current Zoning
 Date: 7/21/2014



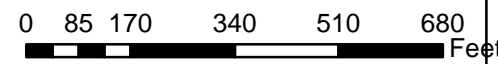


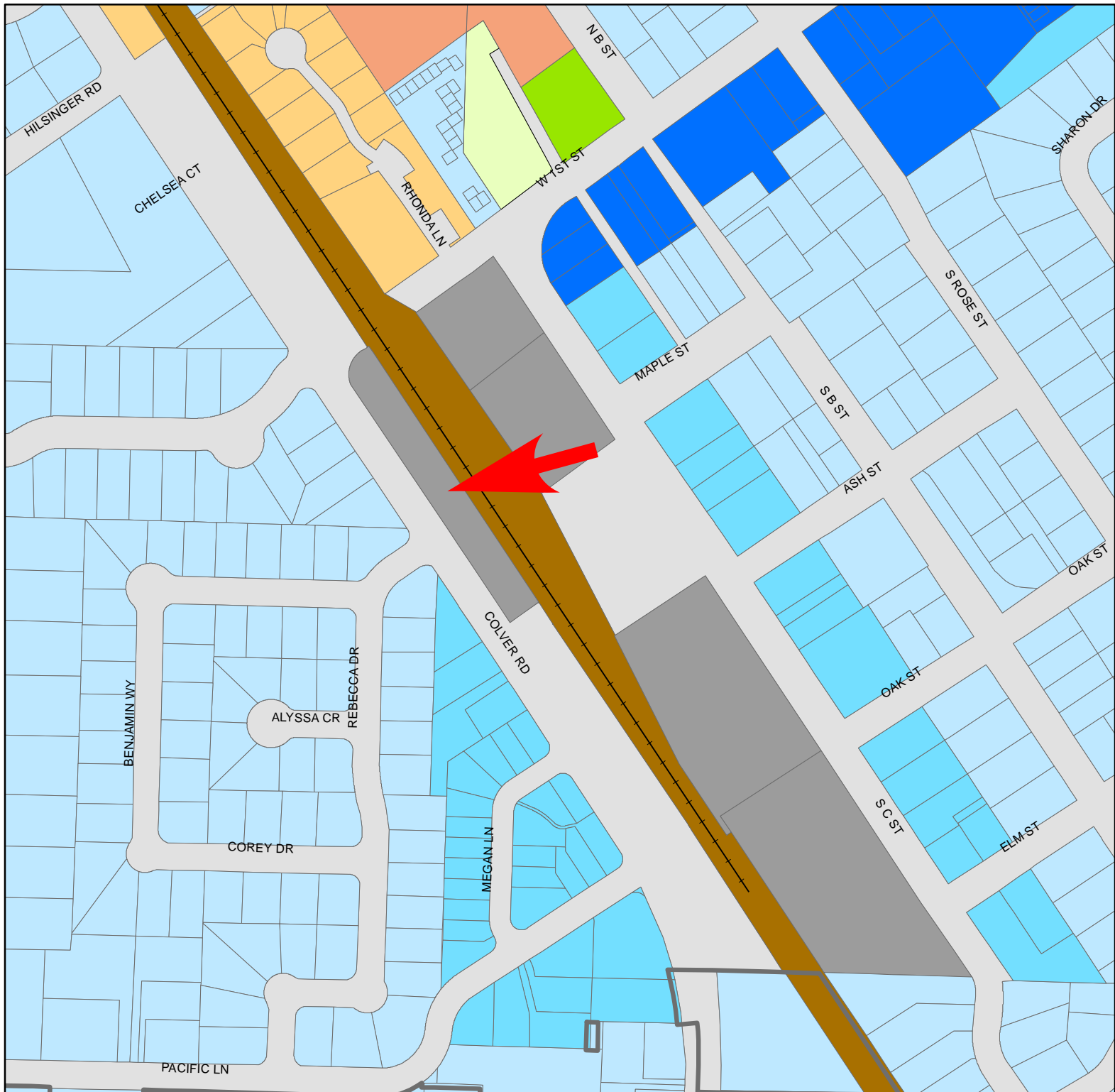
Legend

- SiteAddresses
- Taxlots
- Low Density Residential Zoning
- Medium Density Residential
- High Density Residential Zoning
- Industrial Zoning
- Light Industrial Zoning













3721 Colver Road
Proposed Zoning
Date: 7/21/2014





Legend

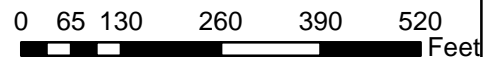
-  High Density Residential
-  Medium Density Residential
-  Low Density Residential
-  Residential_Employment
-  Schools
-  Industrial
-  Park_& Open_Space
-  Public
-  Railroad
-  Road



O • R • E • G • O • N

**3721 Colver Road
Comprehensive Plan
Designations**

Date: 7/21/2014





NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing.** (See [OAR 660-018-0020](#) for a post-acknowledgment plan amendment and [OAR 660-025-0080](#) for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of Phoenix**

Local file no.: **ZO 14 -01**

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- UGB amendment** over 100 acres by a metropolitan service district
- Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- Periodic review task** – Task no.:
- Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgement plan amendment)

Local contact person (name and title): Matt Brinkley, Planning Director

Phone: 541-535-2050 E-mail: matt.brinkley@phoenixoregon.gov

Street address: 112 2nd Street City: Phoenix Zip: 97535-

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

Date of first evidentiary hearing: 08/25/2014

Date of final hearing: 08/25/2014

- This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- Comprehensive Plan text amendment(s)
- Comprehensive Plan map amendment(s) – Change from _____ to _____
Change from _____ to _____
- New or amended land use regulation
- Zoning map amendment(s) – Change from GI General Industrial to LI Light Industrial
Change from _____ to _____
- An exception to a statewide planning goal is proposed – goal(s) subject to exception:
- Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec., TL): 3721 Colver Rd., Phoenix Oregon, 97535

List affected state or federal agencies, local governments and special districts: City of Phoenix

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 1
- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal



Date of Notice: July 21, 2014
File Number: ZO 14-01

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Phoenix will hold a Public Hearing on August 25, 2014 at 6:30 pm at Phoenix Public Works at 1000 S “B” Street, Phoenix, Oregon to consider the following request:

Request: To rezone property located at 3721 Colver Road from GI General Industrial to LI Light Industrial

Applicant: Thomas Larson/City of Phoenix

Date of Planning Commission hearing: August 25, 2014

Reason for Request: The subject property is located on Colver Road, south of 1st Street, north of Megan Lane. The 0.88 acre parcel was previously used as an administrative office building for Associated Fruit which owned and operated warehousing logistics facilities on “C” Street. Both uses ceased several years ago, and the office building has been vacant ever since. Residential neighborhoods are adjacent to the subject property along the west side of Colver Road. The east side of the property abuts a railroad. Other industrial zoned property lies on the east side of the railroad.

A prospective user/developer has indicated a strong desire to acquire the property and repurpose it as a “learning center” for the teaching of art and handicrafts including ceramics, woodworking, small-scale printing. In addition to instruction in fine and industrial arts, small scale fabrication would occur on the premises.

The property is currently zoned GI General Industrial; the proposed Light Industrial zone allows for a variety of less intensive industrial, non-retail commercial, and service oriented activities.

Uses Allowed within Proposed Zone: According to Chapter 2.6.1 of the City of Phoenix Land Development Code (PLDC), the purpose of the Light Industrial District (“LI” zone) is to “accommodate[s] a range of light manufacturing, industrial-office uses, automobile-oriented uses [...] and similar uses”. Permitted uses may include light manufacturing, warehousing, office, personal and professional services, limited retail trade, public facilities, vocational schools, and similar uses.

Quasi Judicial Review: The purpose of the quasi-judicial review is to ensure compliance with the Comprehensive Plan for the City of Phoenix and with the Land Development Code. A public hearing before the Planning Commission is required.

Review Criteria: The request will be evaluated for its consistency with the comprehensive plan and its intent; compatibility with surrounding land uses and development patterns at-large; the availability and adequacy of public services and infrastructure to serve the intended and potential uses of the site.

These criteria will be considered by the Planning Commission at a public hearing. After holding and closing a public hearing, the Planning Commission may vote to approve, approve with conditions, or deny the request. Contact Planning and Building Department to explain the criteria with which this request will be reviewed, or visit the Planning and Building Department on the City

**PLANNING COMMISSION PUBLIC HEARING
AT PUBLIC WORKS, 1000 S "B" STREET**

of Phoenix home page at www.phoenixoregon.net. Information will be made available electronically.

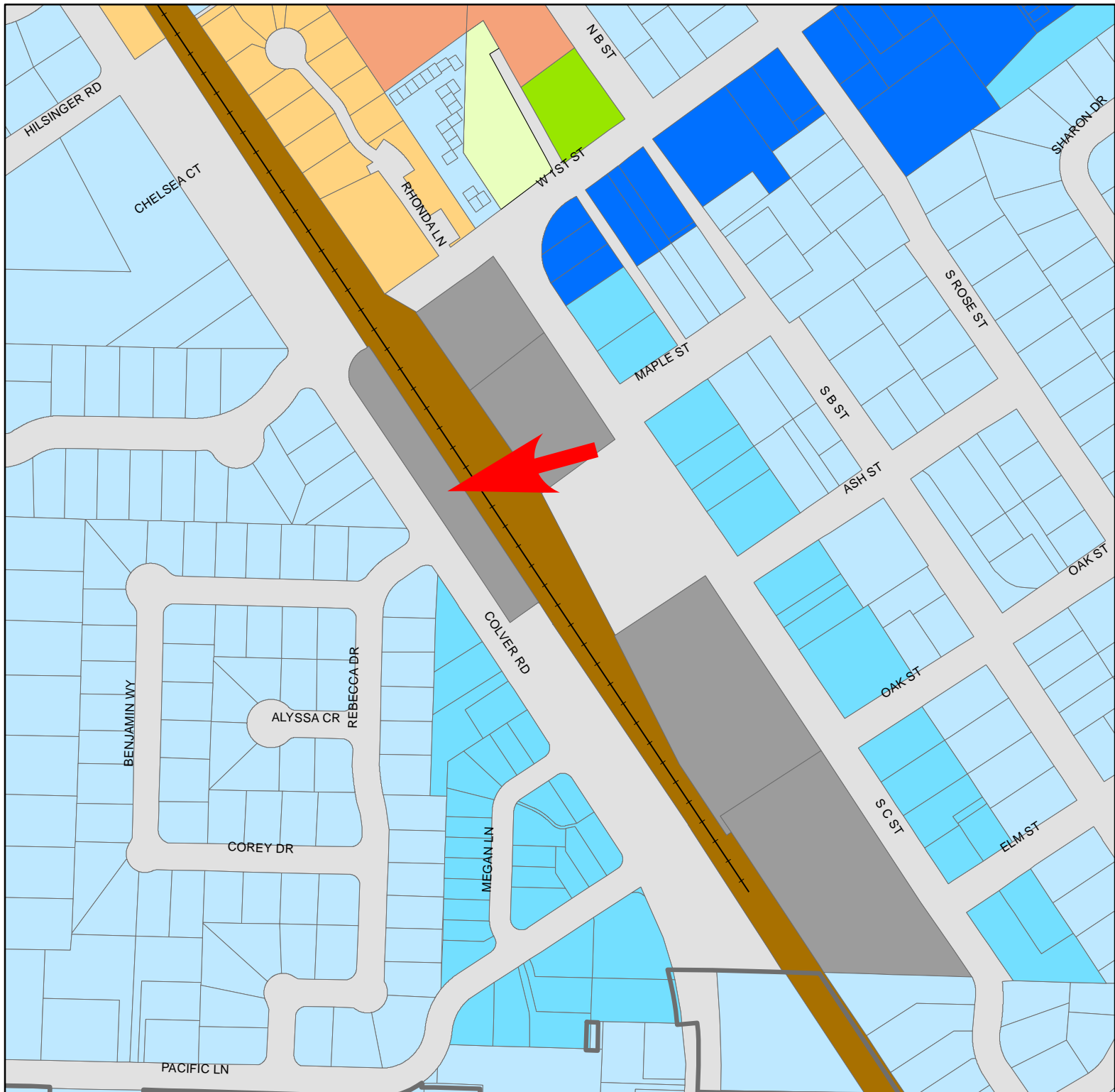
Public Participation: We encourage the public to comment on this matter either in writing or orally at the Public Hearing. Mailed comments should be sent to the City of Phoenix, Planning and Building Department, P.O. Box 330, Phoenix, OR. The application and related information are available for public review at the

Planning and Building Department at City Hall
112 W. 2nd Street
Phoenix, Oregon 97535











Office hours are 8 a.m. to noon and 1 p.m. to 5 p.m., Monday through Friday. The contact person is Matt Brinkley, Planning Director, at 541-535-2050. Failure to raise an issue in person, or in writing either before or at the hearing, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to an issue would mean that an appeal based on that issue could not be filed with the State Land Use Board of Appeals (see Land Development Code 4.1.5.C.2.e).

Staff Report: A staff report will be available for review by Friday, August 8, 2014. The report will be available on the City's website or a hard copy may be obtained at the planning department office for 25 cents per page.

Notice to mortgagee, lien holder, vendor, or seller: If you receive this notice, it shall be promptly forwarded to the purchaser.



Legend

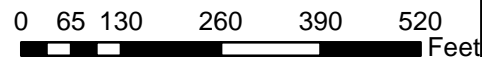
-  High Density Residential
-  Medium Density Residential
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-  Residential_Employment
-  Schools
-  Industrial
-  Park_& Open_Space
-  Public
-  Railroad
-  Road

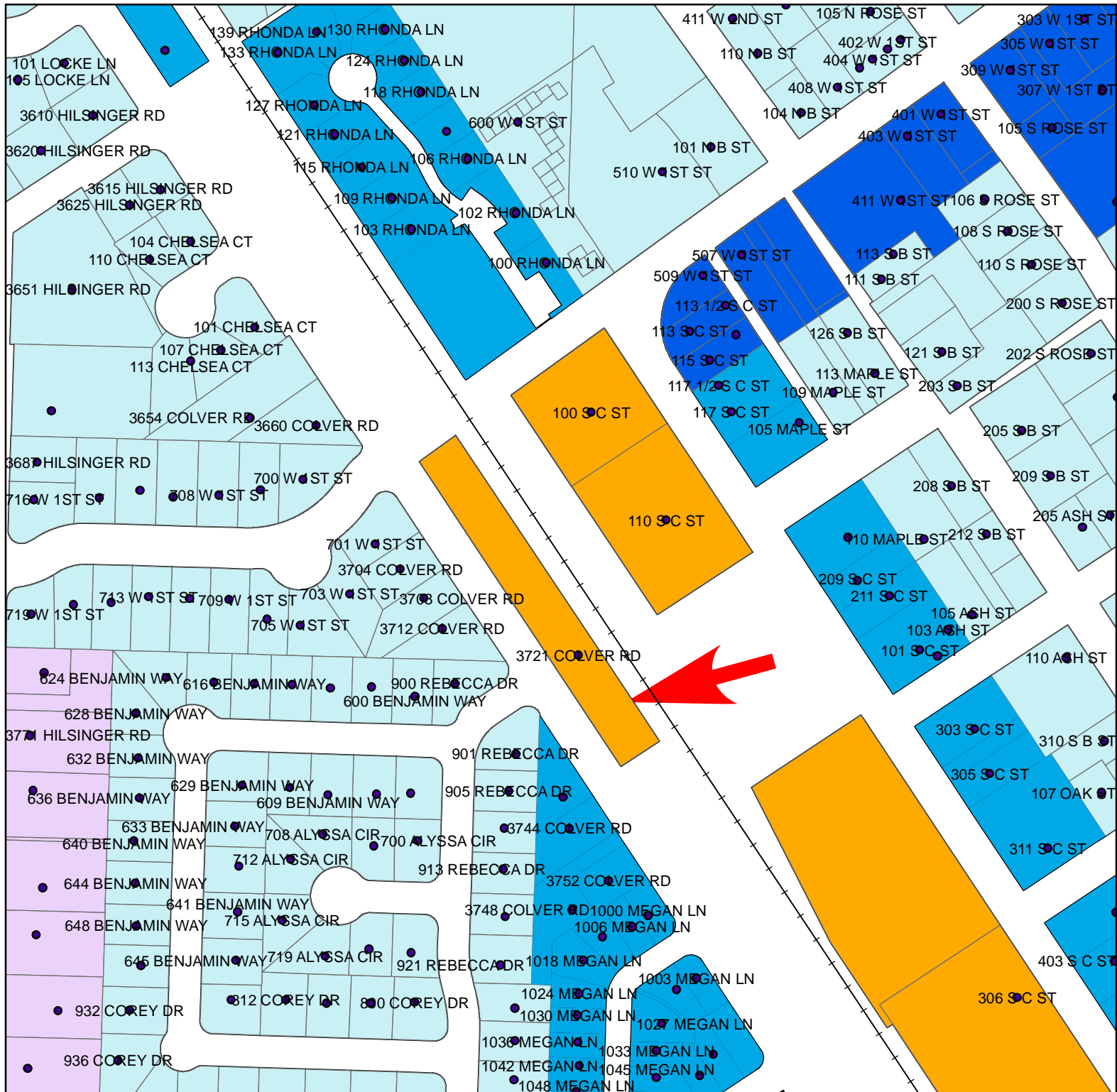


O • R • E • G • O • N

**3721 Colver Road
Comprehensive Plan
Designations**

Date: 7/21/2014



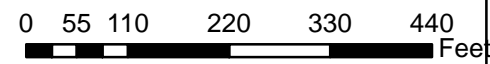


Legend

- SiteAddresses
- Taxlots
- Low Density Residential Zoning
- Medium Density Residential
- High Density Residential Zoning
- Industrial Zoning
- Light Industrial Zoning



3721 Colver Road
 Current Zoning
 Date: 7/21/2014





PLANNING DEPARTMENT
PO Box 330 • Phoenix, OR 97535
541-535-2050 • 541-535-5769 fax

Fees: \$3,000.00

ZONE CHANGE APPLICATION

I. PROPERTY INFORMATION:

- A. LOCATION (address): 3721 Colver Rd, Phoenix, OR
- B. ASSESSOR'S ID:
Township 38 Range 1W Section: 16AA Tax Lot: 8400
- C. Present Zoning: General Industrial
- D. Present Use of Property: Vacant Office Building - Formerly Associated Fruit
- E. Describe adjacent land uses (i.e. single family, restaurant, auto repair, etc.):
North: Vacant Land (across 1st St.) East: Industrial - Packing & Cold Storage (across
South: Vacant Land West: Residential (across Colver Rd) St.

II. DESCRIPTION OF ZONE CHANGE

This request is to amend the zoning classification of the property described above from the General Industrial District to the Light Industrial District.

III. SUBMITTAL REQUIREMENTS:

Submit one of each of the following Submittal Requirements for review by the City Planner. Once this "Application Package" is deemed complete, submit 20 additional "Application Packages" (excluding items 3 & 6) to the Planning Department.

1. Legal description of subject property.
2. Copy of assessor's maps showing the location of property requested to be rezoned, a copy of an 8 1/2 x 11 reduction of the map, and a copy of an 8 1/2 x 11 clear transparency of the map. *Don't worry about this*
3. Two sets of mailing labels for all property owners of record as specified in Chapter 4.1.5 - Type III Procedure (Quasi-Judicial), Section C (Notice of Hearing). The records of the K Jackson County Department of Assessment and Taxation are the official records for Within 2c determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list;
4. One copy of the Findings of Fact detailing compliance with the City's Comprehensive Plan and applicable Development Code provisions.
5. Completed application with property owner and applicant signatures.
6. Application fee.

7. An impact study. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the applicant shall either specifically agree to the dedication requirement, or provide evidence that shows that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

IMPORTANT: Only completed applications will be processed. If you are unsure of the submittal requirements, please contact City staff for clarification.

IV. PROPERTY OWNER/APPLICANT INFORMATION: (PLEASE PRINT OR TYPE)

Property Owner Name: Washington Federal, successor in interest
Address: 405 Pike St., Seattle, WA 98101 (Please print or type) to South Valley Bank
Phone: 206.777.8354 2nd Phone: _____
Applicant's Name: THOMAS E LARSON
Address: 6691 COLEMAN CREEK RD MEDFORD, OR 97501
Phone: 541-324-8222 2nd Phone: 541-562-1411
Other Contact Name: PAMELA S RYAN
Address: _____
Phone: 541-324-4446 2nd Phone: _____

V. AUTHORIZATION TO PROCESS:

PROPERTY OWNER'S CONSENT: I do hereby certify that I am the legal owner of record of the property described above and as such I am requesting that the City of Phoenix process this application in accord with State and local ordinances. I also certify that the information submitted hereto is true and correct to the best of my knowledge and belief.

Rico Gestmann
Property Owner's Signature

6/27/14
Date

APPLICANT'S AUTHORIZATION: I do hereby certify that the information submitted herein is true and correct to the best of my knowledge and belief.

Thomas E. Liu
Applicant's Signature

7/2/14
Date

FOR CITY USE ONLY

RECEIVED BY: _____
FEE RECEIVED: _____
FILE NO. ASSIGNED: _____

DATE: _____
RECEIPT NO.: _____

Exhibit "A"

Real property in the County of Jackson, State of Oregon, described as follows:

Commencing at a sandstone monument marked "T" at a lead plug with center point, being located at the most Southerly corner of Block 1 of the Original Townsite of Phoenix, Jackson County, Oregon, according to the official plat thereof, now of record; thence South $37^{\circ} 28' 10''$ East, 30.00 feet to the centerline of West First Street; thence South $52^{\circ} 31' 50''$ West along the centerline, 931.23 feet to a $5/8''$ iron pin in concrete in a monument case located at the centerline of North "B" Street (formerly "F" Street); thence continue South $52^{\circ} 31' 50''$ West, along the Southwesterly projection of said centerline, 728.07 feet to an intersect the Northeasterly line of Colver Road (also being the Southwesterly boundary of the Southern Pacific Company Depot Grounds) for the true point of beginning; thence South $35^{\circ} 06'$ East, along said Northeasterly line, 586.0 feet; thence North $54^{\circ} 54'$ East, 70.00 feet; thence North $35^{\circ} 06'$ East 590.90 feet to the Southwesterly projection of the centerline of West First Street; thence along said Southwesterly projection, South $52^{\circ} 31' 50''$ West, 70.06 feet to the true point of beginning.

EXCEPTING THEREFROM that portion lying below a depth of 500 feet, measured vertically from the contour of the surface thereof, as set forth in Bargain and Sale Deed, including the terms and provisions thereof, recorded as No. 86-22268 official Records.

NOTE: This Legal Description was created prior to January 01, 2008.

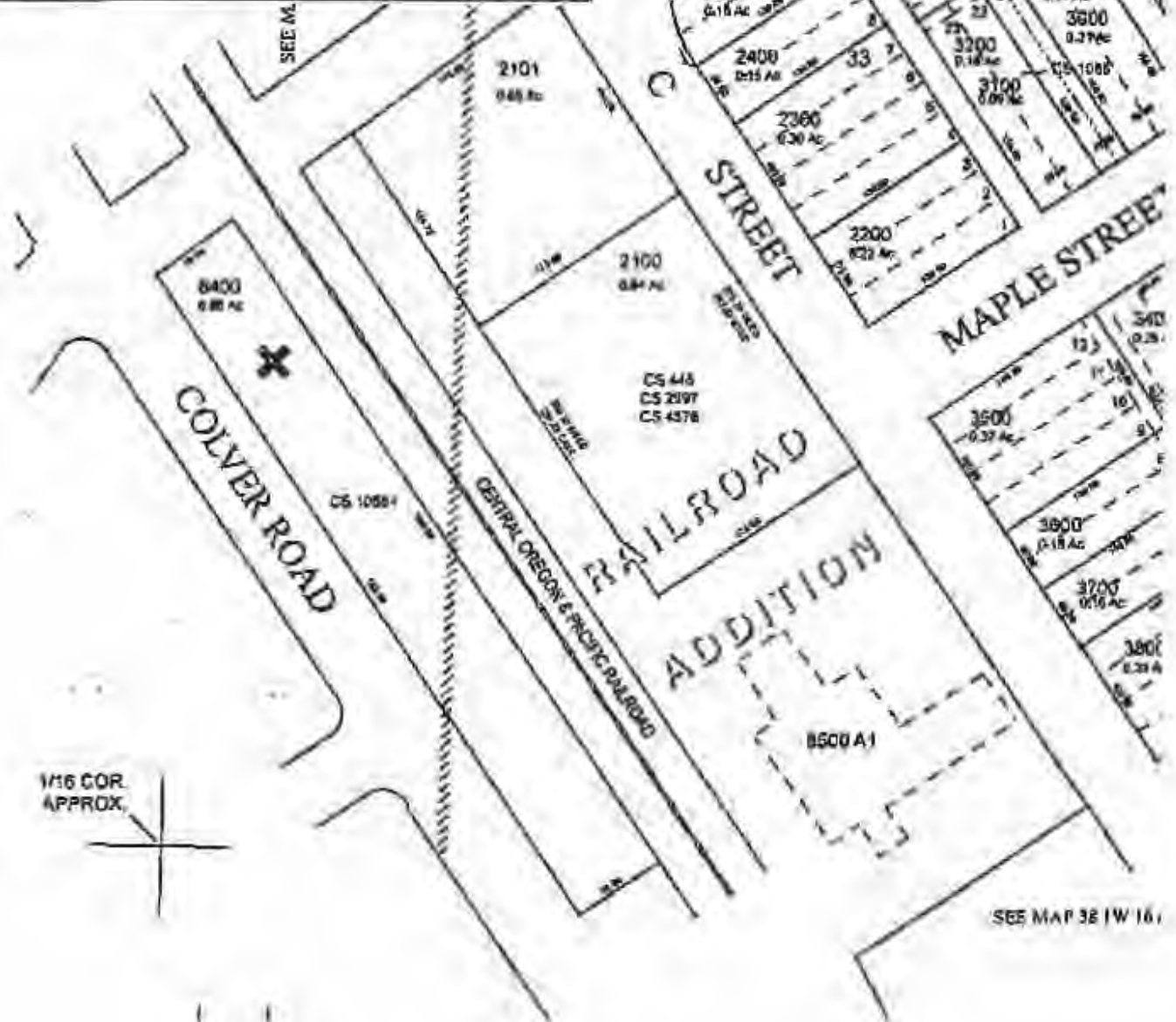
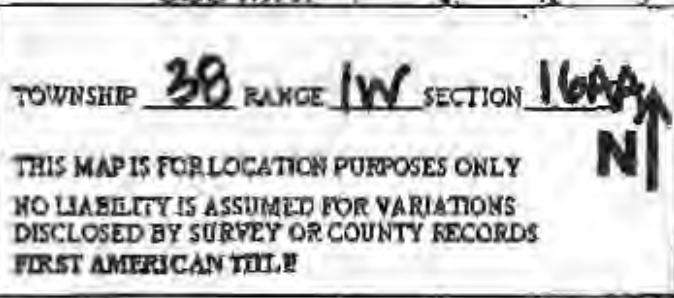
SEE MAP

4-

TOWNSHIP 38 RANGE 1W SECTION 16A

N

THIS MAP IS FOR LOCATION PURPOSES ONLY
NO LIABILITY IS ASSUMED FOR VARIATIONS
DISCLOSED BY SURVEY OR COUNTY RECORDS
FIRST AMERICAN TITLE



SEE MAP 38 1W 16



PROPOSED USE

3721 Colver Rd, Phoenix

Rogue Valley Brainery and Ludoteca, an Open Learning Center

The learning center will be a private gathering and learning site for educators and self-motivated adults and children seeking information and hands-on experience in a diverse array of subjects, within a dynamic and vibrant environment. An individual's experience at the center will likely include participation in organized small group classes, communal projects, and independent use of the facility and resources. The center will provide the materials and equipment/tools conducive to this type of experience, including, but not limited to unique toys for children, art and building supplies and tools, woodworking and gardening tools and equipment, and tinkering elements. Preference will be placed on traditional/mechanical tools and processes, especially those utilizing hand-power.

Future plans may include use of light industrial equipment, such as those needed for clay building and firing, sculptural cutting and manipulating of metal, wood, and rock, and small-scale printing. Any larger machines and/or equipment needed for these activities would likely be incorporated into a new building designed for such use.

It is expected that normal daily occupancy will vary from a few individuals, up to approximately 25, with people coming and going at various times during the day, and the majority of use being in the afternoon. Night use (from 9pm to 7am) is generally not expected. Occasional gatherings and events would likely bring in more people than normal daily use.

FINDINGS OF FACT

Zone Change Application Supplement
3721 Colver Rd, Phoenix

Rogue Valley Brinery and Ludoteca – an Open Learning Center

The proposed zone change from General Industrial to Light Industrial conforms with Land Use and Development codes, and is consistent with the City of Phoenix Comprehensive Plan.

The property is a wide, but shallow lot along Colver Street. It also has a small frontage on West First Street. It is 0.85 acres and the existing building is 2,507 square feet. The property is surrounded by rail right-of-way on three sides. The remaining side is Colver Street, across which the zoning is low density residential (R-1).

The property is currently vacant, and has been so since 2011. Prior to that, the building on the property was used as office space in support of Industrial use (Associated Fruit Company) located across the railroad tracks. This company ceased operations at this location, and the interest-holding bank subsequently acquired the property.

The proposed activities/business on this property conforms with those allowed in the Light Industrial category of use, and most obviously fits in the personal and professional services category. Future use may expand to the light manufacture and fabrication categories.

In order to change the zoning for the property, the... (zoning map and underlying comprehensive map would have to be amended? Not the comprehensive map?) A Type III application process is required.

On May 19, 2014, Laurel Sampson, City of Phoenix Interim Planning Director, provided a memo outlining options for zoning classifications based on the proposed use. Of the alternative future zones cited, it was unanimously agreed (Ms. Sampson, current planning department staff, and zone change applicant) that the Light Industrial category would be most appropriate and beneficial for all parties involved and affected by the proposed use as well as any future use. In fact, it seemed to be a more appropriate zoning category than the current General Industrial. Light Industrial zoning would provide a good transition between the adjoining Residential and General Industrial areas, providing more acceptable and appropriate use for the community, while still retaining the City of Phoenix's Industrial category intent.

The City of Phoenix Comprehensive Plan Zones map indicates that the subject property is in the Industrial category. The proposed zone change would keep the property in this category, and thus retain the planned distribution of land by designation, while allowing more, broader, and yet less intensive options for industrial use.

The proposed zoning and use is in accordance with Ordinance 788, Land Use Element, amending the Phoenix Comprehensive Plan. According to Ordinance 788, much of the city's industrial designated property remains vacant. The proposed change in zoning would enable appropriate and effective industrial use of the current vacant property. The proposal also contributes to the

city's stated goal of fostering a viable, efficient, and community-centric pattern of land uses and neighborhoods. The change in zoning would allow more options in achieving this goal, and the proposed use would contribute to creating a more vibrant community within the city limits of Phoenix.

IMPACT STUDY

Zone Change Application Supplement
3721 Colver Rd, Phoenix

Rogue Valley Brainery and Ludomea

The proposed use and zone change of subject property will not significantly alter demands on existing city infrastructure. The following demand areas were considered in this matter:

- **Public sanitary and sewer.** The average number of persons present in the building at any time is not expected to be significantly different from previous use. Demand should remain comparable.
- **Public utilities and water.** Similarly, the usage of these resources is not expected to differ significantly from previous levels. In the event of future expansion, this effect will be reconsidered.
- **Transportation.** Previous vehicle and foot traffic associated with Associated Fruit Co. is unknown. ...But, it is expected that pedestrian and bicycle traffic might increase slightly in the area due to people accessing the facility on foot/bicycle from the library, bus stop(s), Bear Creek Greenway, and other locations in central Phoenix. Existing roadways and sidewalks are sufficient to accommodate this traffic. Slightly greater vehicle numbers are expected to be coming and going from the building parking area, and at different times during the day, but traffic on Colver Rd and in the surrounding area will not be significantly affected. Normally, there will be no large groups and associated traffic coming and/or going from the property at any one time.