

## STAFF REPORT & DECISION

**File: MP24-03**

**Location:** 604 N Main St.; 38-1W-09DA-3400, -3401 and 3402

**Land Use District:** Commercial Highway (C-H)

**Date Notice of Application mailed:** October 30, 2024

**Date of Decision:** December 17, 2024

**Decision:** Approved with Conditions

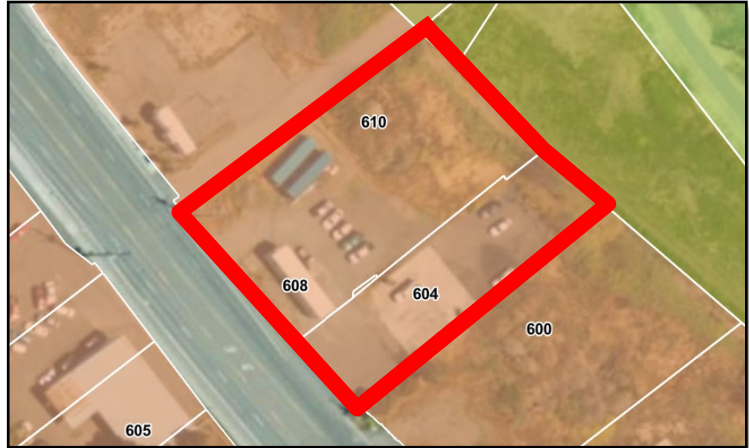
**I. AGENT**

Russell T Arbuckle  
802 N Clinton St Ste 1  
Bloomington, IL 61701

**II. OWNER**

Columbia Bells, LLC  
PO Box 23408  
Eugene, OR 97402

**III. PROJECT INFORMATION**



The applicant proposes to replat/consolidate Water Lots 28, 29 and 30 of the Plat of Phoenix. The subject parcels are under common ownership and are currently vacant; this application will facilitate a commercial drive through approved in file # CU24-02/SP24-04.

**A. Surrounding Land Uses:**

**North:** Vacant, zoned C-H

**South:** Vacant, zoned C-H

**East:** Vacant, zoned R-3

**West:** Auto repair shop, zoned C-H

**IV. COMPLIANCE WITH APPLICABLE STANDARDS AND CRITERIA**

**Overall, the application on review met the applicable Phoenix Land Development Code (PLDC) standards and criteria.**

In order to approve the request, findings must be made showing consistency with all applicable criteria. The Applicant submitted a tentative plan (preliminary plat), general narrative describing the project, findings, and other mapping for City consideration. PLDC approval criteria for Replats in relation to Applicant's submittal are summarized in the staff report and addressed in detail in the findings below.

## CHAPTER 2 – LAND USE DISTRICTS

### Chapter 2.4 – Commercial Highway (C-H)

#### 2.4.3 – Development Standards

B. *Yard Setbacks. There is no minimum yard setback required, except that buildings shall conform to the vision clearance standards in 3.2.2 – Vehicular Access and Circulation, Section M and the applicable fire and building codes for attached structures, firewalls, and related requirements. (Setbacks for self-storage facilities are in Chapter 2.4.5 – Special Standards for Certain Uses, Section G.)*

*However, all buildings within the Oregon 99 Setback Overlay Zone shall be set back no less than 15 feet from the Oregon 99 right-of-way line (see 2.10.2 – Setback Requirement).*

**FINDING:** The subject property is located within the Commercial Highway (C-H) district and is currently undeveloped. The proposed replat/lot consolidation will not negatively impact the capacity of the parcel to be developed with structures that meet the dimensional requirements of the C-H district. **The standards are met.**

## CHAPTER 3 – DESIGN STANDARDS

### Chapter 3.2 – Access and Circulation

#### 3.2.3 - Pedestrian Access and Circulation

#### 3.2.2 - Vehicular Access and Circulation

**FINDING:** The proposed replat/lot consolidation results in one (1) parcel that will retain direct vehicle and pedestrian access onto North Main Street (Highway 99). **The standards are met.**

## CHAPTER 4 – APPLICATIONS AND REVIEW PROCEDURES

### Chapter 4.3 – Land Divisions and Lot Line Adjustments

#### 4.3.4 – Preliminary Plat Submission Requirements

B. *Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:*

1. *General information:*
  - a. *Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);*
  - b. *Date, north arrow, and scale of drawing;*
  - c. *Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;*
  - d. *Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey;*
  - e. *Identification of the drawing as a preliminary plat; and*
  - f. *Assessor parcel numbers.*

**FINDING:** All information required by this subsection has been provided on the tentative plat (preliminary plat). **The standards are met.**

2. *Site analysis:*
  - a. *Streets: Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;*
  - b. *Easements: Width, location, and purpose of all existing easements of record on and abutting the site;*

- c. *Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;*
- d. *Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than five percent;*
- e. *The location and elevation of the closest benchmarks within or adjacent to the site (i.e., for surveying purposes);*
- f. *Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having high erosion potential;*
- g. *Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also relevant portions of the Comprehensive Plan.);*
- h. *Site features, including existing structures, pavement, drainage ways, canals and ditches;*
- i. *The location, size and species of trees having a diameter of six inches or greater at four feet above grade in conformance with Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls;*
- j. *North arrow, scale, and name and address of owner;*
- k. *Name and address of project designer, if applicable; and*
- l. *Other information, as deemed appropriate by the Planning Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.*

**FINDING:** All information required by this subsection has been provided on the tentative plat (preliminary plat). **The standards are met.**

- 3. *Proposed improvements:*
  - a. *Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;*
  - b. *Easements: location, width, and purpose of all easements;*
  - c. *Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;*
  - d. *Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;*
  - e. *Proposed improvements, as required by Chapter 3 – Design Standards, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);*
  - f. *The proposed source of domestic water;*
  - g. *The proposed method of sewage disposal, and method of surface water drainage and treatment if required;*
  - h. *The approximate location and identity of other utilities, including the locations of street lighting fixtures;*
  - i. *Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation related to proposed railroad crossing;*

- j. *Changes to navigable streams or other watercourses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;*
- k. *Identification of the base flood elevation and 100-year flood plain;*
- l. *Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the state's jurisdiction; and*
- m. *Evidence of contact with the applicable natural resource regulatory agencies for any development within or adjacent to jurisdictional wetlands and other sensitive lands.*

**FINDING:** All information required by this subsection has been provided on the tentative plat (preliminary plat) and supplementary narrative. **The standards are met.**

#### **4.3.5 – Approval Criteria for Preliminary Plat**

- A. *General Approval Criteria. The City may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:*
  - 1. *The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2 – Land Use Districts and Chapter 3 – Design Standards shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 5 – Exceptions;*
  - 2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*
  - 3. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; and*
  - 4. *All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat.*

**FINDING:** (1) The proposed preliminary plat complies with all applicable Development Code sections, or can be made to do so through the application of conditions of approval. (2) The Tentative Plan is for replat/lot consolidation and satisfies the provisions of ORS Chapter 92. (3) No new streets, sidewalks or utilities are proposed with this application. (4) Private common areas and improvements that will be managed by a home owner association are neither proposed nor required. **The standards are met.**

- B. *Housing Density. The subdivision meets the City's housing standards of Chapter 2*
- C. *Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots, and parcels conform to the specific requirements below:*
  - 1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (See Chapter 2).*
  - 2. *Setbacks shall be as required by the applicable land use district (See Chapter 2).*

**FINDING:** (B) The subject property is located within the C-H district, which does not have a density requirement. (C) The proposed replat/lot consolidation will not negatively impact the capacity of the parcel to be developed with structures that meet the dimensional requirements of the C-H district. **The standards are met.**

- 3. *Each lot shall conform to the standards of Chapter 3.2 – Access and Circulation.*
- 4. *Landscape or other screening may be required to maintain privacy for abutting uses. See also, Chapter 2 – Land Use Districts and Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls.*

5. *In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also, Chapter 3.2 – Access and Circulation.*
6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat...*

**FINDING:** (3) The proposed replat/lot consolidation will continue to meet the access standards of Chapter 3.2. (4) The subject property is surrounded by other C-H zoned properties, with the exception of a residentially zoned property to the east, separated by a substantial change in grade along the east property line. Screening has been addressed in File # CU24-02/SP24-04. (5) The subject tract is currently undeveloped; however, access to the new development meets this standard as proposed in File # CU24-02/SP24-04. (6) Common access has been addressed in File # CU24-02/SP24-04. **The standards are met.**

#### **4.3.7 – Final Plat Submission Requirements and Approval Criteria**

- A. *Submission Requirements. Final plats shall be reviewed and approved by the City prior to recording with Jackson County. The applicant shall submit the final plat within one year of the approval of the preliminary plat as provided by Chapter 4.3.3 – Approvals Process. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Planning Department.*

**FINDING:** Final plats shall be reviewed and approved by the City prior to recording with Jackson County. The applicant shall submit the final plat within one year of the approval of the preliminary plat as provided by Chapter 4.3.3. As a condition of approval, prior to issuance of permits the applicant shall submit the final plat to Community and Economic Development for review. **The standard is met with conditions.**

- B. *Approval Criteria. By means of a Type I procedure, the Planning Director shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:*
  1. *The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;*
  2. *All public improvements required by the preliminary plat have been installed and approved by the city official and/or city engineer. Alternatively, the developer has provided a performance guarantee in accordance with 4.3.9 – Performance, Maintenance Guarantee and Development Agreement.*
  3. *The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;*
  4. *The streets and roads held for private use have been approved by the City as conforming to the preliminary plat;*
  5. *The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;*
  6. *The applicant has provided copies of all recorded homeowners association Codes, Covenants, and Restrictions (CC&Rs); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat. The CC&Rs have been reviewed by the City and found to contain no conflicts with the City's development codes. A separate review fee will be charged for the review of the CC&R's.;*
  7. *The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);*

8. *Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider to the City that such services will be installed in accordance with Chapter 3.5 – Street and Public Facilities Standards, and the bond requirements of Chapter 4.3.9 – Performance, Maintenance Guarantee and Development Agreement. The amount of the bond, contract, or other assurance by the subdivider shall be determined by a registered professional engineer, subject to review and approval by the City;*
9. *The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.*

**FINDING:** As the final plat review is the next step in the replat process, this section has been included for informational purposes only. It should be noted, that additional dedication of land along Highway 99 to facilitate right-of-way improvements that meet City Transportation Facility standards (sidewalks, street trees, park strips) may be required, as conditioned in File #CU24-02/SP24-04; any such areas should be shown on the final plat.

#### **4.3.8 – Public Improvements**

*The following procedures apply to subdivisions and partitions when public improvements are required as a condition of approval:*

- A. *Public Improvements Required. Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider shall provide a performance guarantee, in accordance with Chapter 4.3.9 – Performance, Maintenance Guarantee and Development Agreement.*

**FINDING:** The proposal is for a *replat*. However, those dedications and improvements that will be required (water line improvements, street trees, park strips and sidewalks) have been made conditions of approval prior to development in File # CU24-02/SP24-04. **The standards of this section are not applicable.**

#### **4.3.11 – Replatting and Vacation of Plats**

- A. *Replatting and Vacations. Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.*
- B. *Procedure. All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 4.1 – Types of Applications and Review Procedures)*
- C. *Basis for denial. A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.*

**FINDING:** (A) The subject properties are under common ownership; the application has been submitted along with a letter of authorization signed by the property owner. (B) Appeal rights are available through this administrative application process. (C) As proposed, the replat/lot consolidation will not have a negative impact on public uses, improvements, streets, alleys and the resulting parcel will continue to be developable with uses that are consistent with the C-H district. **The standards are met.**

## VI CONCLUSION/DECISION

As proposed, the replat/lot consolidation meets or can meet with conditions, the applicable standards set forth in the Phoenix Land Development Code and as enumerated in this staff report. The request is **TENTATIVLY APPROVED** subject to the conditions of approval below.

## VII CONDITIONS OF APPROVAL

### GENERAL CONDITIONS

1. Expiration: This decision will expire one (1) year from the date of final approval.

### PRIOR TO ISSUANCE OF PERMITS:

2. Final Plat Review: The applicant shall submit the final plat to Community and Economic Development for review.

## COMMUNITY AND ECONOMIC DEVELOPMENT



---

By: Jeff Wilcox  
Senior Planner

Date: December 17<sup>th</sup> 2024