



Community Development Department
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DEVELOPMENT CODE AMENDMENT – DC25-01 STAFF REPORT

File: DC25-01 Land Development Code Amendment – Amending Chapters 1.3, 2.2, 2.3, 2.4, 3.2, 3.3, 3.4, and 4.2 to emphasize a cohesive vision for a vibrant, walkable corridor linking Oregon Hwy 99 to the Bear Creek Greenway.

Location: N/A

Land Use District: N/A

Date Notice of Application Published: April 1, 2025

Date of Hearing: May 12, 2025 (Continued Hearing from April 28, 2025)

I. OWNER INFORMATION

N/A

II. APPLICANT

City of Phoenix
Zac Moody, Community Development Director
PO Box 330
Phoenix, OR 97535

III. SUMMARY

On April 28, 2025, the city held a public hearing to discuss the code amendments prepared as part of the Transportation Growth Management grant process. At the meeting, Planning Commissioners were presented with a summary of proposed changes, discussed Commissioner questions and heard testimony from citizens.

During the public hearing, Phoenix Industrial Studio's owner and Community Advisory Committee member, Paul Kay provided comments at the public hearing in addition to those previously provided. Mr. Kay's comments generally fall into two categories: policy-level and details.

- Policy-level (Mr. Kay has brought these up in CAC meetings and comments previously)
 - o Making pathway connections through properties, voluntary and incentivized, perhaps by allowing pathways in lieu of driveway stubs to adjacent properties
 - **Staff/Consultant Response:** *Recommend keeping the pathway connections as mandatory. Connections are already required to build out the street and bike/ped network, including a very similar pathway requirement at LDC 3.2.3.A.5. The proposed amendment just makes it clearer that connections to the Greenway are part of this consideration.*
 - o Requiring properties within 100' of the Bear Creek Greenway to meet the standards of the BCG zone
 - **Staff/Consultant Response:** *The BCG zone is very specifically written for the type of uses and development scale that would be allowed within the*

Greenway (parks, open space, pathways, accessory buildings up to 15'). Extending those restrictions to the first 100' of abutting parcels would be very restrictive, basically widening the Greenway to apply over private property. We've tried to address some buffering issues through fencing and landscaping requirements, but we would not recommend applying BCG standards outside of the Greenway itself.

- Details

- Trash enclosure location and screening.
 - **Staff/Consultant Response:** *This is a very common requirement as mentioned in the hearing. Locking up the enclosure is the customary way of addressing security concerns.*
- Building code conflicts for things like mechanical screening and ground floor transparency.
 - **Staff/Consultant Response:** *While Mr. Kay's attention to detail on zoning and building code is important, but it has become a bit of a moving target during the process. At the last CAC meeting, Mr. Kay had very specific comments about building code requirements for live-work units that we felt were best addressed through the building code, rather than land use/development standards. We did take a quick look at typical ground floor transparency requirements in other jurisdictions in Oregon, and a 40% minimum is common, with some going as high as 65%. While we want to make sure we get the details right, we also want to avoid chasing exact alignment with codes that operate at a different level of specificity.*
- EV Chargers - Suggests requiring installation of underground conduits for cost-efficient adaptation of rapidly evolving EV charging technology.
 - **Staff/Consultant Response: Recommend adopting the model code requiring the following:**
 - *Newly constructed multifamily residential buildings with five or more residential dwelling units, and newly constructed mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, shall provide sufficient electrical service capacity, as defined in ORS 455.417, to serve no less than 40 percent of all vehicle parking spaces serving the residential dwelling units; or 20 percent of all vehicle parking spaces in commercial building garage or parking areas. Dwelling units in townhouses are not included for purposes of determining the applicability of this regulation.*

Also, during the Planning Commission question/answer portion of the hearing, the Commission had questions regarding standards in Chapter 3.3, Landscaping, Street Trees, and Walls, Chapter 3.4, Vehicle and Bicycle Parking and Chapter 4.2, Development Site Plan Review. These questions and responses are identified below:

Section 3.3.3(C) – Removal of the City Center District landscape requirement. As proposed, the language requiring 10 percent of the development site was removed.

- **Staff/Consultant Response: Recommend keeping the existing language to ensure that the subject property is not completely developed with hardscape features. The required landscaping is not insurmountable considering the need for stormwater retention, which would include some onsite landscaping in the retention facility.**

Section 3.3.3(D) – Discusses landscape material. Recommendation by the Commission to have a statement encouraging native and fire-resistant plants.



- **Staff/Consultant Response: Recommended language:**
 - (2) *Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. When developing new building sites, native and fire-resistant plants are encouraged to enhance safety, conserve water, and support local ecosystems. As necessary, soils shall be amended to allow for healthy plant growth.*
 - (3) *Existing non-native, invasive plants, as per Chapter 3.3.2 – Landscape Conservation, Section B, shall not be counted towards meeting the vegetation requirements prohibited.*

Section 4.2.3(A) – Adopts site plan submission standards consistent with a Type II Review.

- **Staff/Consultant Response: The information outlined in Chapter 4.2.5(B) includes all aspects of site design. Although a Type I review is intended to be less onerous, all current and proposed site development is necessary to make an appropriate decision.**
 - (1) Site Plan Review Information. The applicant shall submit an application containing all applicable requirements of Section 4.2.5(B). (OPTION 2 in draft)

Staff has provided the Commission with a complete Final Draft document of the proposed code amendments, including sections with no recommended changes for consideration. Comments, when deemed appropriate, have been included in the Final Draft revisions. No changes to the previously provided Proposed Final Order were necessary with the recommended changes.

IV. APPLICABLE CRITERIA

- Phoenix Land Development Code (PLDC) Section 4.1.2 D. and Section 4.1.6 - Type IV Procedure, and PLDC Chapter 4.7 - Land Use District Map and Text Amendments.
- Phoenix Comprehensive Plan – Land Use Element

V. AGENCY COMMENTS

N/A

VI. PUBLIC COMMENTS

See Attached

VII. RECOMMENDATION

Staff recommends that the Planning Commission adopt the findings of fact and conclusions of law presented in the proposed final order and, based on those findings and conclusions, recommend that the City Council **APPROVE** the amendments outlined in the proposed final order.

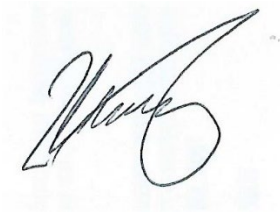
VIII. PROPOSED MOTION

"I move to adopt the findings of fact and conclusions of law presented in the proposed final order, and, based on those findings and conclusions, recommend City Council approve the amendments outlined in the proposed final order."

IX. EXHIBITS

- A. PC Proposed Final Order
- B. Draft Amendments (revised 5/25/25)
- C. Public Comments

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Zac Moody', is written over a light blue rectangular background.

Zac Moody
Community Development Director