

**STAFF REPORT
JUNCTION CITY PLANNING COMMISSION
ANNEXATION (A-13-01)
IVORY LLC, INC.**

Application Submitted: November 21, 2013
 Application Complete: December 13, 2013
 Referrals Sent: November 26, 2013
 Public Notices Mailed: January 6, 2014
 Notices Posted on Website: January 16, 2014
 Notice Posted at City Hall: January 16, 2014
 Staff Report Date: January 15, 2014
 Planning Commission: January 21, 2013

Resent Public Notices: January 24, 2014
 Reposted on Website: January 24, 2014
 Reposted at City Hall: January 24, 2014

Referrals:

Junction City Administrator – M Bowers
 Junction City Public Works Director – J Knope
 Junction City Police – Chief Chase
 Junction City, City Recorder – K Vodrup
 Junction City Building Official – A Clair, Clair Company
 Junction City Rural Fire Protection District - Chief Perry
 Junction City School District
 Junction City Water Control District
 Lane County Transportation – L McKinney
 Lane County Land Management – M Laird
 Lane Council of Governments (LCOG)
 Lane County Surveyors
 Lane Regional Air Pollution Authority (LRAPA)
 ODOT – Region 2 Development Review Coordinator
 ODOT – Region 2, Access Management
 ODOT Region 2, Planning
 Oregon Department of Aviation
 Oregon Division of State Lands
 US Postmaster for Junction City
 Verizon
 Comcast Serviceability
 Emerald People Utility District (EPUD)
 NW Natural – B Elder
 Lane Transit District – S Luftig
 Pacific and Willamette RR
 BNSF Railway, T Finn
 MCI

BASIC DATA

Property Owner Representative: Nick Klingensmith
Law Office of Bill Kloos, PC
375 W. 4th Avenue, Suite 204
Eugene, OR 97401

Property Owner: Ivory, LLC, William J. Boresek
PO Box 2703
Eugene, OR 97402

Location: Southwest corner of Highway 99 and Highway 36

Assessors Map and Tax Lots: 16-04-08-00-0700 and 16-04-08-31-0400

Area: Total: 40.66 acres¹

Tax lot 16-04-08-31-00400
Approximate taxlot acreage - 4.72
Tax account acreage - 5.01¹

Tax lot 16-04-08-00-0700
Approx. taxlot acreage 35.88
Tax account acreage 35.65¹

Lane County Zoning: Exclusive Farm Use (EFU)

Junction City Zoning: Not currently zoned

Plan Designation: Commercial (C)

REQUEST

The applicant proposes to annex 40.66 acres of privately owned land. Two tax lots make up the subject property. Staff recommends future replat of the property through subdivision or partition to address issues such as existing property lines, utility and access easements and dedication of public right-of-way. The applicant wishes to annex the subject site to plan for future development of commercial uses consistent with the Comprehensive Plan designation (Commercial). At this time the applicant is not requesting a zone change request concurrent with the annexation. Prior to development the applicant will submit a rezone application to change the existing County zoning to City zoning.

Annexation is the first step towards development of the site. With development, the developer will be required to complete a Transportation Impact Analysis (TIA) for review and approval by ODOT and Lane County. City applications to be submitted prior to development include a Rezone and Development Review application. After these applications have been approved, building permits may be

¹ RLID Report Kit online. Retrieved November 22, 2013.

submitted. All public and private improvements occur after Development Review approval has been issued by the City and prior to building permits and building occupancy.

BACKGROUND

The subject property was recently included in the City's Urban Growth Boundary expansion adopted by City Council August 25, September 18, 2012 (Ordinance 1212) and approved by DLCD August 9, 2013 (Order # 001840).

The property is designated Commercial on the City's Comprehensive Plan Map. The site lies at the southwest corner of Highway 99 and Prairie Road (Highway 36) intersection. The site is immediately south of Highway 37, west of Highway 99.

The annexation will be made contiguous with the City limits running along the western boundary of Highway 99.

Transportation Issues

Access is likely to be limited to access to Highway 36.

Neither ODOT nor Lane County Transportation provided comments on the proposed annexation.

Water and Sewer Issues

The City Engineer and City Public Works provided no comment to the proposed annexation. In earlier remarks concerning annexations south of this annexation, the City Engineer raised questions as to whether the City currently has adequate water and sewer capacity to serve annexations in this area. As part of the new prison project, the State of Oregon funded a new Water System Master Plan and a new Wastewater Facilities Plan that is currently underway and the City, in conjunction with the State of Oregon, is in the process of completing a number of upgrades to the water and sewer systems. Water and sewer lines have been extended along Highway 99 past the site.

Since a development plan was not submitted with the annexation proposal exact, water and sewer demand is not known and the necessary findings for required improvements cannot be made. Therefore, staff recommends that the annexation request be conditioned, which limits development of the property until such time that it can be demonstrated that adequate water supply, as well as adequate sewer treatment and disposal capacity, is in place or will be provided concurrently with the development of the property. This condition is addressed in the proposed findings of fact and the required Annexation Agreement between Ivory, LLC, and the City.

Stormwater Issues

The Junction City Water Control District (JCWD) has jurisdiction of the water control channels adjacent to the site. No comments were received from JCWD. In prior comments on annexation, they state they do not object to approval of the annexation, but have interest in two areas 1) post-development stormwater discharge from the property to be annexed and 2) withdrawal of the property from the JCWD boundary.

Stormwater plans are not required at the time of annexation. At the time of Development Review, the applicant will be required to submit detailed stormwater plans that will be reviewed by the City Engineer, Public Works, and JCWD. Conditions for stormwater required plans are addressed as conditions in the proposed annexation final order. The decision to withdraw or remain within the JCWD

boundary is made at the Council level and is a separate application if the city chose to withdraw from the District at a later date.

Annexation Agreement

An Annexation Agreement is required to be signed by the applicant as a condition of annexation approval. The purpose of the agreement is to memorialize Ivory LLC, and City's commitment and agreement as to the allocation of financial responsibilities for public facilities and services for the property and other users of the facilities, sufficient to meet the City's requirements for the provision of key urban services necessary for City approval of the annexation request. The Annexation Agreement does not obligate the City to be financially responsible for the provision of urban services for the property.

SUBMITTAL REQUIREMENTS

The applicant has submitted all of the information required per the Junction City Municipal Code (JCMC) Section 17.165.080, Annexation, Withdrawals and Extraterritorial, and Section 17.145.010, authorization to initiate amendments.

AUTHORIZATION FOR APPROVAL

Annexation applications are being reviewed and approved by City of Junction City, City Council through the Type IV—Legislative review process as defined by JCMC 17.150.070, Procedures for development permit application. Annexation applications are required to have a minimum of two public hearings, one before the Planning Commission and one before the City Council. Public hearings are required to be held in accordance with the procedures specified by JCMC sections 17.150.090 and 17.165.100

JCMC Section 17.165.080, Annexation, Withdrawals and Extraterritorial:

Annexation Initiation. An annexation application may be initiated by City Council resolution, or by written consents from electors and/or property owners as provided for in this Section.

The annexation application was initiated by the property owner. There are no electors on the subject site.

APPROVAL CRITERIA

JCMC Section 17.165.110 Criteria. *An annexation application may be approved only if the City Council finds that the proposal conforms to the following criteria:*

- “(A) The affected territory proposed to be annexed is within the City’s urban growth boundary, and is;

 1. Contiguous to the City limits; or
 2. Separated from the City only by a public right-of-way or a stream, lake or other body of water;*
- (B) The proposed annexation is consistent with applicable policies in the City of Junction City Comprehensive Plan and in any applicable refinement plans;*
- (C) The proposed annexation will result in a boundary in which key services can be provided;*

- (D) *A signed Annexation Agreement to resolve fiscal impacts upon the City caused by the proposed annexation shall be provided. The Annexation Agreement shall address, at a minimum, connection to and extension of public facilities and services. Connection to public facilities and services shall be at the discretion of the City, unless otherwise required by ORS. Where public facilities and services are available and can be extended, the applicant shall be required to do so.”*

The proposed Planning Commission Final Order A-13-01 includes findings of fact and conditions of approval for the Annexation addressing each of the criteria of approval listed above. The proposed Final Order is attached as Exhibit VI to this staff report.

AGENCY COMMENTS

Oregon Department of Aviation See attachment as a part of Agency Referrals in Exhibit II. The ODA has no comment, but reserves the right to comment on future developments on the property.

Junction City Public Works in an email responded that they had no comments.

No other agency comments were received

PUBLIC COMMENTS

None received to date.

PLANNING COMMISSION RECOMMENDATION

Based on the findings stated in the Proposed Final Order, Planning Commission recommends approval of the annexation with conditions.

POSSIBLE ACTIONS BY THE PLANNING COMMISSION

The Commission may:

- a. Approve the annexation with the recommended conditions based on findings in the Proposed Final Order.
- b. Approve the annexation with changes to the conditions of approval and/or changes to the findings in the Proposed Final Order.
- c. Deny the annexation with findings supporting the denial.

EXHIBITS

- I. Applicants' Submittal Materials
- II. Map of Annexation Area (updated)
- III. Agency Referral Comments: Oregon Department of Aviation
- IV. Draft Planning Commission Final Order (A-13-01)