

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

375 W. 4TH STREET, SUITE 204
EUGENE, OR 97401
TEL (541) 912-5280
FAX (541) 343-8702
E-MAIL NKLINGENSMITH@LANDUSEOREGON.COM

November 21, 2013

Junction City Planning Department
680 Greenwood Street
P.O. Box 250
Junction City, OR 97448

Re: Annexation application for Ivory, LLC

Dear Junction City:

Please find attached an annexation application and supporting documents for two taxlots owned by Ivory LLC. In addition, please find attached a check for the application fee, as well as rolled-up full-scale taxmaps. The applicant understands you might require additional information after you have had the opportunity to review this application for completeness. We appreciate the assistance you have provided us up to this point in the process, and we are enthusiastic to move this application forward.

Please contact me with any questions.

Sincerely,

Nick Klingensmith



GENERAL LAND USE APPLICATION

Attachment C
City of Junction City
680 Greenwood Ave/PO Box 250
Junction City, OR 97448
Phone: 541-998-2153
Fax: 541-998-3140
www.junctioncityoregon.gov

Type of Application: (May require a supplemental application to be attached and/or additional documentation)

<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Other:	<input type="checkbox"/> Temporary Use Permit
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Partition	<input type="checkbox"/> Vacation
<input type="checkbox"/> Map <input type="checkbox"/> Text	<input type="checkbox"/> Preliminary <input type="checkbox"/> Final	<input type="checkbox"/> Variance
<input type="checkbox"/> Development Review	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Major <input type="checkbox"/> Minor
	<input type="checkbox"/> Preliminary <input type="checkbox"/> Final	

LOCATION OF PROPERTY OR ADDRESS: Southwest corner of Hwy 99 and Hwy 36	
SIZE OF PROPERTY(S): 40.66 total acres (35.88 + 4.72 ares.)	ASSESSOR'S MAP AND TAX LOT #: Map: 16-04-08-00 taxlot 700 and Map: 16-04-08-31 taxlot 400
PRESENT USE: Agriculture	PROPOSED USE: Agriculture as interim use until commercial development is proposed
BRIEF SUMMARY OF ACTION REQUESTED: Annexation of property into Junction City	

PROPERTY OWNER:	Ivory, LLC
ADDRESS:	Po Box 2703, Eugene, OR 97402
APPLICANT'S NAME:	William J. Boresek, member
ADDRESS:	
PHONE:	E-MAIL: boresek2003@comcast.net

CONTACT:	Law Office of Bill Kloos, PC
ADDRESS:	375 W. 4th Ave, Suite 204, Eugene OR 97401
APPLICANT'S NAME:	
ADDRESS:	
PHONE:	E-MAIL: billkloos@landuseoregon.com
541-343-8596	

ATTACHMENT(S):
 Copy of Deed Other: Narrative addressing annexation criteria

I have the following legal interest in the property (Please check one):
 Owner of Record Lessee Holder of an exclusive Option to Purchase Contract Purchase

Per Resolution 862: All direct costs for contracted city staff shall be charged monthly to the applicant in the amount billed to City. Contracted staff includes, but are not limited to, city engineer, city attorney, building inspector, traffic consultant, wetlands specialist. Direct costs 30 days past due shall be charged 9% interest in addition to the amount billed to the City.

I hereby certify that the foregoing statements and other information attached hereto are true and accurate to the best of my knowledge and belief. I also agree to pay all direct costs associated with processing this land use application. Owner's Signature: 	Date: 11-20-2013
--	----------------------------

[Type text]

FOR STAFF USE ONLY

Filing	Completion	Approval
Date Filing Completed:	Completion Checked by:	Date:
Filing Fee:	Date:	Signature:
Receipt No:	Notes:	Conditions:
Zoning:	Plan Designation:	File No.

Junction City Planning and Development Fees

Application	Fee
Annexation and Withdrawal	\$1,000
Appeal to Planning Commission	\$375
Appeal to City Council	\$1,060
Transcripts	cost up to \$500 plus 1/2 the cost over \$500
Conditional Use Permit	\$650
Development Review (new development)	\$1,070
Development Review (remodel or addition)	\$250
Extraterritorial Extension of Water, Stormwater, or Sewer	\$1,000
Final Partition Plat	\$745
Final Subdivision Plat	\$1,760
Floodplain Permit	\$100
Minor Variance	\$325
Modification to Subdivision Ordinance	\$565
Non-Conforming Use Confirmation	\$130
Partition Improvement Plans	\$270
Pre-Application Conference, Consultation, or Research	\$45/hr for planner
	\$60/hr for public works director
	\$100/hr for both
Preliminary Partition	\$1,335
Preliminary Subdivision	\$1,100 + \$45/lot for each lot beyond 4
Property Line Adjustment	\$230
Rezone	\$1,065
Sign Permit (separate building permit required)	\$75
Stream Corridor Wetland District	\$1,630
Subdivision Improvement Plans	\$1,030
Temporary Use Permit	\$650
Vacation (other)	\$635
Vacation (right-of-way)	\$1,200
Variance (public hearing)	\$650
Written Code Interpretation (Planning Commission)	\$225
Written Code Interpretation (Staff)	\$85
Zoning Compliance Analysis	\$85
All direct costs for contracted city staff (include but not limited to: engineering, legal, building, traffic, wetlands) charged monthly to the applicant in the amount billed to City. Past due bills (30 days) are charged 9% interest in addition to the amount billed.	
<i>Actual Costs will be Charged for the Following Applications</i>	<i>Base Fee</i>
Comprehensive Plan Amendment Lane Co. co-adoption fees not included)	\$950
Expedited Land Division	\$2,350
Planned Unit Development	\$4,000
Site Plan Review	\$1,550
Text Amendment to Zoning or Subdivision Regulations	\$950
Any other land use application or development permit not listed above	
<i>Other Charges</i>	
City of Junction City map 8" x 10"	\$1
Comprehensive Plan map	\$5
Municipal lien search per address or tax lot number	\$25
Zoning map	\$5

[Type text]



CITY OF JUNCTION CITY
 680 Greenwood
 P.O. Box 250
 Junction City, OR 97448
 Phone: 541-998-2153
 Fax: 541-998-3140
www.junctioncityoregon.gov

FORM 1 CHECKLIST

REQUIRED SUBMITTALS

Please review the following checklist and accompanying instructions. You may also contact the Junction City Planning Department for more information.

- Completed General Land Use Application (Step 2 of Instructions)
- Filing Fee
- Petition/Petition Signature Sheet (Step 3 of Instructions)
- Certification of Ownership and Electors (Step 4 of Instructions)
- Owners and Electors Worksheet
- Supplemental Information Form (Step 5 of Instructions)
- Legal Description (Step 7 of Instructions)
- Cadastral Map (Step 8 of Instructions)
- ORS 222.173 Waiver Form (Step 9 of Instructions)
- ORS 197.352 (Ballot Measure 49) Waiver Form (Step 10 of Instructions)
- Public/Private Utility Plan (Step 11 of Instructions)
- Written Narrative addressing approval criteria as specified below:
 1. The affected territory proposed to be annexed is within the City's urban growth boundary; and is contiguous to the City limits or separated from the City only by a public right-of-way or a stream, lake, or other body of water.
 2. The proposed annexation is consistent with applicable policies in the City of Junction City Comprehensive Plan and in any applicable refinement plans.
 3. The proposed annexation will result in a boundary in which key services can be provided.
 4. 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.

Notes:

An application to apply a zoning district consistent with the Comprehensive Plan designation may be applied for concurrently with the annexation application. A separate application form is required.

Withdrawals from special districts may occur concurrently with an annexation proposed by an individual. The City is responsible for the withdrawal process and action.

FORM 3

PETITION/PETITION SIGNATURE SHEET
Annexation by Individuals

We, the following property owners/electors, consent to the annexation of the following territory to the City of Junction City:

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	Land Owner	Reg Voter	Acres (qty)
	11-20-13	William J. Boresek, member Ivory, LLC	5427 Royal Ave. Eugene, OR 97402	Map: 16-04-08-00 TL: 700	X		35.88
	11-20-13	William J. Boresek, member Ivory, LLC	5427 Royal Ave Eugene, OR 97402	Map: 16-04-08-32 TL: 400	X		4.72
3.							
4.							
5.							

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

I, William J. Boresek (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

 (signature of circulator)

CERTIFICATION OF OWNERSHIP

The total landowners in the proposed annexation are 2 (qty). This petition reflects that 2 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity that may not yet be reflected on the A&T computerized tax roll.


Lane County Department of Assessment and Taxation
11-20-13
Date Certified

CERTIFICATION OF ELECTORS

The total active registered voters in the proposed district annexation are 0. I hereby certify that this petition includes 0 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.


Lane County Clerk or Deputy Signature
11/20/2013
Date Certified

FORM 4
(continued)

SUMMARY

TOTAL NUMBER OF ELECTORS IN THE PROPOSAL	0
NUMBER OF ELECTORS WHO SIGNED	0
PERCENTAGE OF ELECTORS WHO SIGNED	N/A
TOTAL ACREAGE IN PROPOSAL	40.6
ACREAGE SIGNED FOR	40.6
PERCENTAGE OF ACREAGE SIGNED FOR	100%

Application Initiated by *(for an explanation of the initiating methods, refer to Step 4 of the Instructions):*

- A – All Owners/Majority Electors [ORS 222.125]
- B – Majority Owners/Area/Value [ORS 222.170(1)]
- C – Majority Electors/Area [ORS 222.170(2)]

LCOG: L:\BC\BCHANGE TRANSITION\APPLICATION FORMS\JUNCTION CITY\FORM 4 WORKSHEET +10 JC.DOC
Last Saved: December 7, 2012

FORM 5

SUPPLEMENTAL INFORMATION FORM

(Complete all the following questions and provide all the requested information. Attach any responses that require additional space, restating the question or request for information on additional sheets.)

Contact Person: William J. Boresek

E-mail: Boresek2003@comcast.net

Supply the following information regarding the annexation area.

- Estimated Population (at present): 0
- Number of Existing Residential Units: 0
- Other Uses: currently undeveloped and vacant, in agricultural use
- Land Area: 40.6 total acres
- Existing Plan Designation(s): Commercial
- Existing Zoning(s): County E-40
- Existing Land Use(s): agriculture
- Applicable Comprehensive Plan(s): Junction City Comprehensive Plan
- Applicable Refinement Plan(s): N/A
- Provide evidence that the annexation is consistent with the applicable comprehensive plan(s) and any associated refinement plans. See Applicant's narrative in response to JCMC 17.165.110 (B).

- Are there development plans associated with this proposed annexation?
Yes _____ No X

If yes, describe.
No development is proposed at this time

- Is the proposed use or development allowed on the property under the current plan designation and zoning?
Yes N/A No _____

EXHIBIT A

Parcel 1:

Beginning at the Northeast corner of County Survey No. 370 being 20 chains South 89° East from the quarter section corner between Sections 7 and 8, Township 16 South, Range 4 West of the Willamette Meridian in Lane County, Oregon; thence South 19.68 chains to the Southeast corner of said County Survey No. 370; thence North 89° West 19.25 chains to a point 19.68 chains, South and 3 rods East of aforesaid quarter section corner between Sections 7 and 8, and running thence North 19.68 chains to a point 3 rods South 89° East of aforesaid quarter section corner between Sections 7 and 8; thence South 89° East 19.25 chains to the place of beginning, in Lane County, Oregon; ✓

EXCEPT THEREFROM that portion of said premises over which runs the right of way of the Siuslaw Highway, being approximately the North 60 feet thereof; ALSO EXCEPTING THEREFROM that portion of said premises conveyed unto the State of Oregon for a junction right of way for the Siuslaw Highway and the Pacific Highway as recorded in Book 185, Page 77, of Lane County Oregon Deed Records; ALSO EXCEPTING THEREFROM a private right of way over the East 17 feet of the aforesaid premises as recorded and described in Book 128, Page 310, of the Lane County Oregon Deed Records.

Parcel 2:

That portion of the Northeast quarter of the Southwest quarter of Section 8, Township 16 South, Range 4 West of the Willamette Meridian, lying West and South of U.S. Highway No. 99, described in deed to the State of Oregon, recorded November 21, 1935, in Book 184, Page 489, Lane County Oregon Deed Records, and North of the North line of that certain parcel of land described in deed to Ray Neva and Astrid Neva recorded October 6, 1949, in Book 403, Page 62, Lane County Oregon Deed Records, all in Lane County, Oregon. ✓

FORM 7

ORS 197.352 BALLOT MEASURE 49 WAIVER FORM

Name of Document for Recording: Covenant of Waiver of Rights and Remedies Grantor: <u>Ivory, LLC</u> Grantee: City of Junction City Consideration: Commencement of Proceedings. Tax Statement to be mailed to: No Change. <u>After Recording, Return To:</u> City of Junction City, Attn: City Recorder, P.O. Box 250, Junction City, OR 97448	(For County Recording Use Only)
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Covenant of Waiver of Rights and Remedies

Whereas, Ivory, LLC, hereinafter referred to as "Petitioner/Owner", has petitioned the City of Junction City ("City") to commence an annexation (proceedings) for the following described real property:

[SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"]

Whereas, pursuant to the enactment of Ballot Measure 49 (effective December 6, 2007), a property owner may elect to seek just compensation if a public entity enacts one or more land use regulations that restrict the residential use of private real property after the property owner acquired the property; and

Whereas, there is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner/Owner's requested proceedings if: (1) the result would or could arguably give rise to a later claim by the owner or the owner's successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings; or (2) would or could arguably give rise to a right to require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings; and

Whereas, Petitioner/Owner seeks to induce the City to proceed with the proceedings and therefore agrees to eliminate any potential claim for compensation or right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings;

Now, therefore, the undersigned Petitioner/Owner warrants that the individual(s) executing this Covenant holds the full and complete present ownership and all interests therein in Property, and hereby agrees and covenants as follows:

1. As inducement to the City to proceed with the Annexation and Rezone proceedings, proceeding(s) affecting the subject real property, which may include designation of the property as subject to additional applicable overlay zones and districts (all inclusively referred to herein as "proceedings"), the undersigned Petitioner/Owner, on behalf of Petitioner/Owner, Petitioner/Owner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Junction City, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases, forever discharges, and agrees that Petitioner/Owner shall be stopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
2. This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument or a memorandum hereof may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated only by the City of Junction City filing a Notice of Termination of Covenant with the Lane County recorder.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner/Owner acknowledges that the proceedings may be initiated by the City of Junction City at any time in the discretion of the City of Junction City and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this 20th day of November, 20 13.

<div style="border: 1px solid red; width: 100px; height: 20px; margin-bottom: 5px;"></div> <p style="text-align: center;">(signature)</p> <p>Petitioner Name: <u>William J. Boresek, signing member of Ivory, LLC</u></p> <p>Date Signed: <u>11-20-2013</u></p>	<p style="text-align: center;">(signature)</p> <p>Petitioner Name:</p> <hr/> <p>Date Signed:</p> <hr/>
<p>Petitioner (corporation, etc.) Name: <u>Ivory, LLC</u></p> <p>By: <u>William J. Boresek, signing member of Ivory, LLC</u></p> <p>Name of Signor: <u>William J. Boresek</u></p> <p>Office/Title of Signor: <u>Member, Ivory, LLC</u></p>	

State of Oregon)
) ss.
County of Lane)

On this 20th day of NOVEMBER, 20 13, before me the undersigned Notary Public, personally appeared WILLIAM J. BORESEK (name of Petitioner signing; not Notary name).

- personally known to me
 - proved to me on the basis of satisfactory evidence
- To be the person who executed the within instrument**
- as _____ or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereon.

<p>WITNESS my hand and official seal</p> <p>(Do not write outside of the box)</p> <p>Notary Signature</p> <div style="border: 1px solid red; width: 100px; height: 20px; margin-top: 10px;"></div> <p>Notary name (legible): <u>CAROL K. COLEMAN</u></p>	<p>Place Notary Seal Below</p> <div style="border: 2px solid black; padding: 5px; text-align: center; margin-top: 20px;">  <p>OFFICIAL SEAL CAROL K COLEMAN NOTARY PUBLIC-OREGON COMMISSION NO. 450273 MY COMMISSION EXPIRES JUNE 23, 2014</p> </div>
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This document is accepted pursuant to authority and approved for recording.

City of Junction City, Oregon

David Clyne, City Administrator

State of Oregon)
) ss.
County of Lane)

On this _____ day of _____, 20____, before me the undersigned Notary Public, personally appeared _____.

- personally known to me
- proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument as City Administrator or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereon.

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below (Do not place seal over any portion of text or signature)
Notary Signature _____ Notary name (legible): _____	

EXHIBIT A

Parcel 1:

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EXCEPT THEREFROM that portion of said premises over which runs the right of way of the Siuslaw Highway, being approximately the North 60 feet thereof; ALSO EXCEPTING THEREFROM that portion of said premises conveyed unto the State of Oregon for a junction right of way for the Siuslaw Highway and the Pacific Highway as recorded in Book 185, Page 77, of Lane County Oregon Deed Records; ALSO EXCEPTING THEREFROM a private right of way over the East 17 feet of the aforesaid premises as recorded and described in Book 128, Page 310, of the Lane County Oregon Deed Records.

Parcel 2:

That portion of the Northeast quarter of the Southwest quarter of Section 8, Township 16 South, Range 4 West of the Willamette Meridian, lying West and South of U.S. Highway No. 99, described in deed to the State of Oregon, recorded November 21, 1935, in Book 184, Page 489, Lane County Oregon Deed Records, and North of the North line of that certain parcel of land described in deed to Ray Neva and Astrid Neva recorded October 6, 1949, in Book 403, Page 62, Lane County Oregon Deed Records, all in Lane County, Oregon. ✓

SUMMARY SHEET

SUBJECT PROPERTY: Lane County Tax Map: 16-04-08-00 taxlot 700, and
Lane County Tax Map: 16-04-08-31 taxlot 400

PROPOSAL: Annexation into City of Junction City, retaining county
zoning for the time being.

SITE SIZE: 40.6Applican Acres Total. (35.88 + 4.72 acres)

COMP PLAN DESIGNATION: Commercial (formerly agricultural, prior to city UGB
expansion.)

ZONING DESIGNATION: County E-40

APPLICANT'S REPRESENTATIVE:

Law Office of Bill Kloos, PC
375 W. 4th Ave, Suite 204
Eugene, OR 97401
541-343-8596

APPLICANT/PROPERTY OWNER:

Ivory, LLC
PO BOX 2703
Eugene, OR 97402

APPLICANT'S NARRATIVE

Overview of proposal:

The subject property was recently included in Junction City's urban growth boundary (UGB). The applicant proposes to annex the property into the city limits of Junction City. The subject property is contiguous to the city limits, which currently extend to the west side of Hwy 99. At some point in the future, and prior to any development or change of use, the subject property will need to be rezoned to city zoning. For the time being, the county E-40 zoning will be retained. The annexation application form and supporting documents are attached to this narrative.

Current conditions and uses of the subject site and abutting property

The approximately 40.66 acre site is comprised of two tax lots owned by Ivory LLC. There are no structures on the subject property. It has been used for agricultural purposes in the past, primarily for cultivation of grass crops. To the north, the subject property is bordered by Hwy 36. To the east, it is bordered by Hwy 99. At the southeast corner, the subject property is adjacent to a commercial development called Island Fence, Inc. To both the south and the west, it is adjacent to large agricultural fields. Generally speaking, the lands to the northeast, east, and southeast of the subject property are within the UGB, while lands to the northwest, west, and southwest are outside the UGB. The subject property (taxlots 400 and 700) are depicted below.



Comprehensive Plan Designation and Zoning for subject property and abutting properties

As part of Junction City's recent periodic review, the UGB was expanded to include the subject property and the Junction City Comprehensive Plan Diagram was amended to provide a Commercial lands designation.

The applicant is now proposing to annex the subject property into the city limits. JCMC 17.165.120 allows an applicant to request that city zoning be applied concurrently with annexation, but in this case the applicant intends to apply for city zoning at some point in the future.

The abutting properties are plan-designated and zoned for a variety of uses. Both to the north (across Hwy 36) and to the south of the subject property, the adjacent lots that front Hwy 99 are within the Junction City UGB and are also plan-designated Commercial. Having recently come into the UGB, these other Commercially-designated lots are in the same situation as the subject property, in that they have not yet annexed into the city. The property that is generally to the west of the subject property is outside the UGB, and is designated Agricultural and is zoned Exclusive Farm Use 40-acre minimum (E-40).

The property to the east of the subject property, on the far side of Hwy 99, is inside the UGB, but is mostly outside of the city limits. Accordingly, it also has not been assigned city zoning.

Services and facilities

Water & sanitary sewer supply

Water and sanitary sewer can be provided to the site by the City of Junction City. Water and sanitary sewer lines have been extended south along Hwy 99 to serve the proposed state prison and hospital complex. Those utility lines were sized to provide capacity beyond what the state complex would require, in order to support additional development along Hwy 99. The sewer and water lines currently cross through the subject property, by virtue of a utility easement granted by the applicant, and those lines would allow the subject property to tie into the utility lines at some future point, when development occurs.

Transportation and streets

The subject property is abutted by two public rights-of-way: Hwy 99 and Hwy 36. Access could theoretically be taken from either abutting highway, but Hwy 36 is likely the better option for primary access, given that Hwy 99 is more heavily travelled. Regardless, the specific details of access design can be developed once specific development is proposed for the subject property. For purposes of annexation, the subject property has excellent existing access.

Storm drainage

The site contains natural drainageways and other features. There is no City storm drainage system in place at the proposed annexation site. In the future, once specific development is

proposed, plans will need to be submitted to the City for review and approval as part of the permitting process for surface water management, such as quality treatment, infiltration, or detention prior to conveyance to ditches or natural drainage ways.

Other utilities: power – gas

Electric power can be provided to the subject property by Blachly-Lane County Coop Electric Association. Natural Gas service can be provided by North West Natural.

ANNEXATION – applicant’s narrative addressing approval standards in Junction City Municipal Code

Introduction: Annexation is governed by statute in Oregon. *See generally*, ORS 222. Junction City adopted Ordinance No. 1182 to comply with the statutory requirements. That city ordinance is implemented by Junction City Municipal Code Chapter 17, Section 165, Article II. The code provisions contained in Article II are addressed below. The excerpted code text is presented in *italic typeface*, and each code provision will be followed with a passage labeled **Applicant’s response**.

Article II. Annexations

17.165.050 Purpose.

The purpose of this article is to establish procedures relating to the annexation of territory into the city of Junction City and provide a process for the subsequent withdrawal of territory from special districts in accordance with applicable state statutes. [Ord. 1182 § 2(1), 2008.]

Applicant’s response: The Applicant understands, and wishes to utilize these procedures in order to annex the subject property into the city of Junction City.

17.165.060 Applicability.

These regulations apply to annexation applications as specified in this section. Other proposals permitted by ORS Chapter 222 shall be processed as provided in ORS Chapter 222. [Ord. 1182 § 2(2), 2008.]

Applicant’s response: The Applicant understands that its application is governed by the provisions of this section.

17.165.070 Procedure.

Annexation applications are reviewed under Type IV procedures per JCMC 17.150.070. The planning commission shall forward a written recommendation on the application to the city council based on the approval criteria specified in this article. The city council shall approve proposed annexations and withdrawals by ordinance. [Ord. 1182 § 2(3), 2008.]

Applicant’s response: The Applicant understands the Type IV procedure, where the Planning Commission makes a recommendation to the City Council, which makes the final decision on the application.

17.165.080 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 article. [Ord. 1182 § 2(4), 2008.]

Applicant’s response: The Applicant initiates this annexation application as the property owner

of the subject property.

17.165.090 Application requirements.

In addition to the provisions specified in other sections of this title, an annexation application shall include the following:

A. A list of all owners, including partial holders of owner interest, within the affected territory, indicating for each owner:

- 1. The affected tax lots, including the township, section and range numbers;*
- 2. The street or site addresses within the affected territory as shown in the Lane County Regional Land Information Database system (RLID);*
- 3. A list of all eligible electors registered at an address within the affected territory; and*
- 4. Signed petitions as required.*

Applicant's response: The Applicant is the sole owner of the subject property. The application package includes the owner information the subject property, the address information, the list of eligible electors (which is not applicable, as there are no registered voters with addresses within the affected territory) and the signed petition, using the city's forms, which are attached to this narrative.

B. Written consents on city-approved petition forms that are:

- 1. Completed and signed, in accordance with ORS 222.125, by:*
 - a. All of the owners within the affected territory; and*
 - b. Not less than 50 percent of the eligible electors, if any, registered within the affected territory; or*

Applicant's response: As noted above, the applicant is the sole owner of the affected territory, and the applicant expressed its consent to annexation using the city-approved forms. There are no electors. Therefore, the forms submitted in support of this application contain the written consent of all of the owners, exceeding the requirement of subsection (a). In addition, this application complies with subsection (b), which only requires consent of 50 percent of electors if there are any, and here there are none.

2. Completed and signed, in accordance with ORS 222.170, by:

- a. More than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the*

contiguous territory; or

b. A majority of the electors registered in the territory proposed to be annexed and a majority of the owners of more than half the land.

c. Publicly owned rights-of-way can be added to annexations initiated by these two methods without any consents.

Applicant's response: As noted above, the applicant is proceeding under 17.165.090(B), which is derived from ORS 222.125. However, the application would also comply with this provision (derived from ORS 222.170) because the applicant is the sole owner of all of the affected territory, representing ownership of all of the land, measured both by area and property value.

C. A city council resolution to initiate a boundary change, including but not limited to rights-of-way.

[Not applicable, as this application is owner-initiated.]

D. In lieu of a petition form described in subsection (B) of this section, an owner's consent may be indicated on a previously executed consent to annex form that has not yet expired as specified in ORS 222.173.

[Not applicable, as this application is being initiated with a petition form described in subsection (B).]

E. Verification of property owners form signed by the Lane County department of assessment and taxation.

Applicant's response: the applicant provided this required verification in the city's Form 3, "Petition/Petition Signature Sheet." The applicant is the sole owner of the subject property.

F. A certificate of electors form signed by the Lane County elections voter registration department including the name and address of each elector.

Applicant's response: the applicant provided this required verification in the city's Form 3, "Petition/Petition Signature Sheet." The applicant is the sole owner of the subject property. In this case, the subject property includes no electors.

G. An ORS 197.352 waiver form signed by each owner within the affected territory.

Applicant's response: the applicant provided this required waiver, using the city's Form 7, "Ballot Measure 49 waiver form."

H. A waiver form signed by each owner within the affected territory as allowed by ORS 222.173.

Applicant's response: the applicant provided this required waiver using the city's form "Waiver of Expiration of Consent to Annexation."

I. A legal description of the affected territory proposed for annexation consistent with ORS 308.225 that will include contiguous or adjacent right-of-way to ensure contiguity as required by ORS 222.111.

Applicant's response: the applicant provided the required legal description, contained in Exhibit A, attached to this narrative.

J. A Lane County assessor's cadastral map to scale highlighting the affected territory and its relationship to the city limits.

Applicant's response: the applicant provided three unmarked copies of full-scale tax maps, as well as a full-scale map that has the subject property outlined in pink. For convenience, the applicant also provided a reduced scale 9 ½" x 11" tax map with the subject property outlined in pink, attached to this narrative.

K. A list of the special districts providing services to the affected territory.

Applicant's response: According to information from Lane County Assessment & Taxation, as reported by LCOG's RLID program, the subject property is located in Tax Code Area (TCA) 06928, which is served by the following special districts:

Emerald Peoples Utility District
Junction City Rural Fire Protection District
Junction City School District 69
Junction City Water Control District
Lane Community College
Lane Education Service District

L. A public/private utility plan describing how the proposed affected territory can be served by key facilities and services.

Applicant's response: In general, all of the public utilities necessary to serve this property already exist. The private utilities that will be needed, such as onsite sanitary sewer lines and stormwater system, will be provided when development is proposed for the subject property. For additional information, see the attached public/private utility plan. If the city has additional facilities and services that need to be covered by this plan, the applicant is open to the possibility of submitting a revised public/private utility plan during this annexation proceeding.

M. A written narrative addressing the proposal's consistency with the approval criteria specified in this article.

Applicant's response: This document and its exhibits constitute the written narrative that demonstrates the proposal is consistent with the approval criteria in Article II of JCMC 17.165.

N. A completed application in the form provided by the city, accompanied by an application fee as established by council resolution. [Ord. 1198 § 2, 2010; Ord. 1182 § 2(5), 2008.]

Applicant's response: the applicant provided this information by using the city's General Land Use Application form as the first page of this application package. In addition, the applicant provided a check in the amount of \$1,000, as specified by the city's schedule of application fees.

17.165.100 Notice.

In addition to the requirements of JCMC 17.150.080, the following are also required for annexations:

A. Mailed Notice. Notice of the annexation application shall be mailed to:

- 1. The applicant, property owner and active electors in the affected territory;*
- 2. Owners and occupants of properties located within 300 feet of the perimeter of the affected territory;*
- 3. Affected special districts and all other public utility providers; and*
- 4. Lane County land management division, Lane County elections, and the Lane County board of commissioners.*

B. Posted Notice. Notice of the public hearing at which an annexation application will be considered shall be posted in four public places in the city for two successive weeks prior to the hearing date. [Ord. 1182 § 2(6), 2008.]

Applicant's response: These provisions provide procedural direction to staff for processing the annexation request, and do not require action or a statement by the Applicant.

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;*

Applicant's response: The proposed annexation area is entirely within the urban growth boundary (UGB) of Junction City, and is contiguous with the present City limit line, which

currently runs along the west side of Hwy 99. This criterion is satisfied.

B. The proposed annexation is consistent with applicable policies in the city of Junction City comprehensive plan and in any applicable refinement plans;

Applicant's response: The subject property is within the city's UGB and is depicted by the comprehensive plan diagram as being designated for commercial uses. The proposed annexation is consistent with the comprehensive plan because it would bring the subject property into the city limits, which is the first step toward the commercial uses that are ultimately planned to be developed here. The annexation furthers Junction City's goals for achieving economic development and jobs growth to support the local community. The subject property contains sites suitable for future commercial development, which will provide employment, tax revenue, and synergy with existing commercial development. In particular, the approval of this annexation request is consistent with Section III of Chapter 4 (the Economic Development Element) of the Junction City Comprehensive Plan. Specifically, that section provides, in relevant part:

Junction City's community development vision builds from the economic opportunities that are described in the Junction City EOA and economic development strategy as well as Chapter 3 of the Junction City Comprehensive Plan. Broadly, the vision articulates the city's desire to become a complete community. In short, the vision is for Junction City to be a community that has opportunities for people to live, work, and play. Functionally, that means that the City have:

- Adequate land for the commercial uses that Junction City will need as the City grows, including providing commercial land to serve neighborhoods and businesses on the southern side of Junction City and in the surrounding rural communities that rely upon Junction City for their day-to-day service needs
- Adequate employment opportunities that sustain the population and maintain a population/employment ratio that does not result in Junction City being a "bedroom community" to the major employment centers in Lane County;
- A range of shopping and services available to meet most everyday needs of Junction City residents, together with those near by smaller communities and rural areas, such as (but not limited to) a full-service grocery stores, department store, home improvement store, other large format retail stores, personal services (e.g., a branch bank or beauty salon), restaurants, food and clothing stores;

In addition, the Economic Development Element of the Comprehensive Plan provides the following policies:

4.1.1 Provide an adequate supply of suitable sites as identified in this chapter and the 2009 EOA to meet long-term employment needs.

4.1.2 Provide commercial land to meet the site characteristics and site sizes described in the EOA. by: (a) increasing commercial land-use efficiency by promoting infill or redevelopment; (b) bringing new land into the urban growth boundary; (c) through both infill/redevelopment and bringing new land into the urban growth boundary.

Because the proposed annexation would provide the opportunity for development and employment that was identified as necessary in the Comprehensive Plan, the annexation application is consistent with this approval standard.

C. The proposed annexation will result in a boundary in which key services can be provided;

Applicant's response: As discussed above in regard to 17.165.090(L), all of the key services already exist or can easily be provided to the subject property. The answer given above in regard to subject (L) is incorporated here. In summary, the property already abuts the key transportation facilities of Hwy 36 and Hwy 99. The sewer and water lines already run along the east boundary of the property. Stormwater management (such as onsite-treatment, onsite-infiltration, detention, and discharge to drainage ditches) is not needed for the existing agricultural uses conducted on the subject property, but stormwater management will be included in proposals for future development. Electrical, gas, and telephone already exist nearby and can all readily be provided by the utility companies that serve this area.

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. [Ord. 1182 § 2(7), 2008.]

Applicant's response: The applicant is willing to sign an annexation agreement. The annexation itself will not impose fiscal impacts on the city, as no public facilities (including transportation, sewer, water, stormwater, etc.) will be needed at the time of annexation. Until the subject property is developed, no new facilities will be needed to accommodate the current use of the subject property. At some point in the future, the subject property will be rezoned and developed into a commercial use of some type. When a development application is submitted, the applicant will tie into existing and available public facilities, and will pay for the costs associated through SDCs. See also the attached Public/Private Utilities Plan.

17.165.120 Application of zoning districts.

Application to apply a zoning district consistent with the comprehensive plan designation may be applied for concurrently with the annexation application. Chapter 17.145 JCMC, Amendments, also applies. [Ord. 1182 § 2(8), 2008.]

Applicant's response: At this point, the applicant is not proposing to have city zoning applied

to the subject property. City zoning will need to be applied before any development can occur on the subject property.

NOTE: the provisions of JCMC 17.165.130 through JCMC 17.165.150 are not addressed here, as they are not relevant to the current application. They cover subjects such as: “Effective date – Filing of approved annexation – Notice” and “Withdrawals authorized by ORS 222.510 through 222.580” and “Appeals.”

PUBLIC/PRIVATE UTILITY PLAN

In its current agricultural use, no utilities are needed on the subject property. In the future, when the property is developed, it will need water, sanitary sewer, electric service, telephone, and could possibly need gas. In addition, future development will need access to public transportation facilities. In general, all of these utilities already exist onsite, or can easily be extended.

Water – Junction City installed a pressurized water main that runs alongside Hwy 99. It runs through the eastern portion of the subject property by virtue of a utility easement that the applicant granted to the city. Based on conversations with Junction City Public Works, this water line has capacity to serve future development. When the subject property is developed in the future, this line will be available to provide water.

Sanitary sewer – Junction City has installed a sewer trunk line that runs alongside Hwy 99. It runs through the eastern portion of the subject property by virtue of a utility easement that the applicant granted to the city. Based on conversations with Junction City Public Works, this sewer line has capacity to serve future development. When the subject property is developed in the future, this line will be available to provide sewer service. In addition, Junction City sewage treatment plant is being improved according to terms outlined in a Memorandum of Order and Agreement between the city and state DEQ. Therefore, when the property develops in the future, its sewage needs can be met by existing facilities.

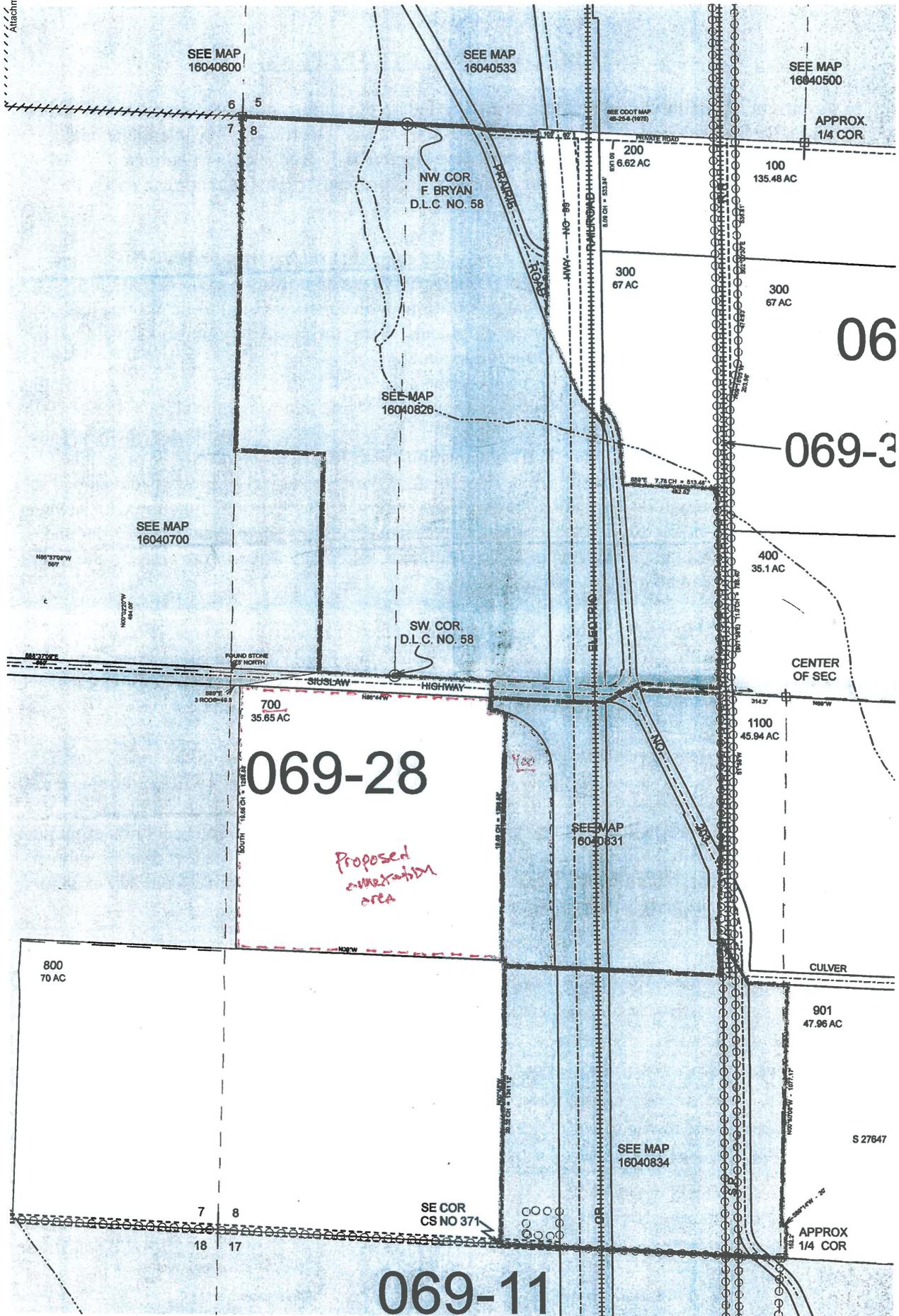
Electric – Emerald People's Utility District provides electric service to the area. Electric transmission lines are currently run along Hwy 99 and Hwy 36. When the subject property develops in the future, it will have to install electrical service on the subject property, but the public utilities already exist to serve the property.

Transportation – the annexation request itself will not lead to any changes in the traffic currently being generated by the subject property. In the future, the subject property will need to have city zoning applied as a precondition to any development. At that point, the adequacy of the transportation facilities will need to be addressed. It seems likely that an internal circulation plan will be required onsite. For the purposes of this annexation application, the fact that the subject property is adjacent to both Hwy 99 and Hwy 36 indicates that public facilities already exist to serve the subject property's transportation needs when those needs arise.

FOR ASSESSMENT AND TAXATION ONLY

SECTION 8 T.16S. R.4W. W.M
Lane County
1" = 400'

Attachment C



069-28

Proposed construction area

069-3

06

069-11

7 8
18 17

CENTER OF SEC

CULVER

S 27647

APPROX 1/4 COR

APPROX 1/4 COR

SEE MAP 16040600

SEE MAP 16040533

SEE MAP 16040500

SEE MAP 16040626

SEE MAP 16040700

SEE MAP 16040631

SEE MAP 16040834

SE COR CS NO 371

NW COR F BRYAN D.L.C. NO. 58

SW COR D.L.C. NO. 58

SEE ODOT MAP 08-25-4 (1975)

200 6.62 AC

100 135.48 AC

300 67 AC

300 67 AC

400 35.1 AC

1100 45.94 AC

800 70 AC

901 47.96 AC

700 35.65 AC