

**PROPOSED FINAL ORDER
OF THE JUNCTION CITY PLANNING COMMISSION
ANNEXATION (A-10-01)
IVORY, LLC, INC.**

A. The Junction City Planning Commission finds the following:

- a. The property owner initiated the Annexation on November 21, 2013, as authorized by Section 4 of the Annexation Ordinance. The application was deemed complete December 26, 2013.
- b. The applicant submitted the application and information required by Section 2(5) of the Annexation Ordinance – 1182.
- c. The Junction City Planning Commission held a public hearing on January 21, 2014 after giving the required notice for Legislative decisions per Section 111(A)(4)(d) of the Zoning Ordinance—950.
- d. The Junction City Planning Commission followed the required procedures for approving an annexation contained in Section 2 (7)(a)-(d) of Ordinance 1182 – Annexations, Withdrawals and Extraterritorial Extensions and Section 111(A)(4) Procedure, Legislative of Zoning Ordinance 950.

B. Conditions of Approval:

1. Prior to development of the site the applicant shall submit a Development Review application and detailed utility plans that demonstrate how the site will be served by water and that adequate water supply is in place or will be provided concurrently with the development of the property (i.e. new or upgraded wells/water treatment).
2. All water service must be provided consistent with the Junction City Public Works Design Standards.
3. Prior to development of the site the applicant shall submit a Development Review application and detailed sanitary sewer plans that demonstrate adequate sewer treatment and disposal capacity is in place or will be provided concurrently with the development of the property (i.e. new or upgraded wastewater treatment and disposal).
4. All sanitary sewer service must be provided consistent with the Junction City Public Works Design Standards.
5. Prior to development of the site the applicant shall submit a Development Review application with a detailed stormwater plan. All engineered plans relating to storm water discharges shall be submitted to the Junction City Water Control District's

contract Engineer, EGR & Associates, for review and comment prior to additional discharges of water into the channel

6. Any storm water discharge into the Junction City Water Control District's system from the subject property shall comply with JCWD F-2-a Basin Policy.
7. All future storm water facilities on the subject property shall be designed and constructed in a manner that is consistent with the provisions contained in Division 3 of the City of Junction City Public Works Design Standards.
8. Applicant shall submit an ODOT and Lane County scoped and approved Transportation Impact Analysis that complies with the State's Transportation Planning Rule (TPR) at the time of a Zone Change request.
9. Upon submittal for a zone change, land division or development, the applicant to submit a Transportation Impact Analysis (TIA) that has been approved by ODOT and Lane County Transportation.
10. Prior to future development the applicant shall be responsible for designing and constructing transportation improvements to mitigate transportation impacts in a manner that is consistent with requirements of Lane County and ODOT.
11. For future development, Ivory, LLC, Inc. (applicant) is required to comply with the City's access management requirements as stated in Ordinance 950, Appendix H and Development Requirements as stated in Ordinance 944, Section 5(d). Applicant is required to design and construct urban street improvements for any new streets required as a result of any proposed land division and or Development Review request with the City. Such improvements will meet or exceed standards of Subdivision Ordinance 804, Development Review Ordinance 944, and Junction City Public Works Design Standards.
12. An Annexation Agreement shall be signed prior to the effective date of the annexation.

C. IT IS HEREBY ORDERED THAT the Junction City Planning Commission recommends approval of the annexation and zone change for Tax Lots 700 and 400 on Lane County Assessor's Map # 16-04-08, subject to the Conditions of Approval listed above based on the following findings of fact:

ORDINANCE 1182—ANNEXATION

Section 2. Annexations

- (1) **The purpose of this Chapter 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.

- (2) These regulations apply to annexation applications as specified in this section. Other proposals permitted by ORS 222 shall be processed as provided in ORS 222.

FINDING: The City of Junction City Ordinance 1182— Annexation, Withdrawals, and Extraterritorial Extensions was adopted on January 8th, 2008 and conforms to the provisions of Oregon Revised Statute 222— City Boundary Changes; Mergers; Consolidations; Withdrawal as it pertains to annexations and thereby satisfies the above stated criteria.

- (3) Annexation applications are reviewed under Type IV procedures per Zoning Ordinance No. 950 Section 111. The Planning Commission shall forward a written recommendation on the application to the City Council based on the approval criteria specified in Section 2(7)(a)-(d), Ordinance 1182. The City Council shall approve proposed annexations and withdrawals by Ordinance.

Applicable criteria from Section 111: “(a) A Type IV procedure requires review by the Commission and the Council (except for withdrawals of property from special districts prior to annexations where only a review by the Council is required)...”; (d) A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except for withdrawals of property from special districts prior to annexations where only a review by the Council is required. Procedures for these hearings are set forth in [Section 113](#). Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions; (e) The Commission may submit recommendations and findings regarding the proposal to the City Council.”

FINDING: The applicant submitted the Annexation application on November 21, 2013, and the City deemed the application complete on December 13, 2013. Staff reviewed the application in a manner that is consistent with the review procedures contained in Section 111 of the City of Junction City Zoning Ordinance 950. Staff scheduled a public hearing before the City of Junction City Planning Commission on January 21, 2014. The Planning Commission understood that at the conclusion of the public hearing the Planning Commission is required to make a recommendation to the City Council on the Final Order to approve, approve with conditions, deny, or to continue the public hearing to a future date. The procedures for Type IV application have been followed for the applicant’s Annexation request. Therefore the above stated criteria are satisfied.

- (4) **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.

FINDING: The applicant, Ivory, LLC, Inc., initiated the annexation request and therefore, the initiation of annexation is permitted.

(5) Application Requirements. In addition to the provisions specified in other sections of this Code, 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.**

FINDING: The applicant has requested annexation of Tax Lots 700 and 400 on Lane County Assessor's Map #16-04-08. The applicant has submitted all of the required materials stated above for the annexation application. The materials submitted by the applicant have satisfied the above criteria.

(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**

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.

(c) A City Council resolution to initiate a boundary change, including but not limited to rights-of way.

FINDING: In accordance with ORS 222.170, this annexation petition is made by a triple majority method; whereby the annexation application is petitioned by 100 percent of the owners representing 100 percent of the assessed value and 100 percent of the territory (acres in tax lots) to be annexed. A City Council resolution is not necessary to initiate this annexation because 100 percent of the property owners are requesting annexation. The applicant has submitted written consent and signed petition as required and therefore, the above stated criteria are satisfied.

(d) In lieu of a petition form described above, 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.

(e) Verification of Property Owners form signed by the Lane County Department of Assessment and Taxation.

(f) A Certificate of Electors form signed by the Lane County Elections/Voter Registration Department including the name and address of each elector.

(g) An ORS 197.352 waiver form signed by each owner within the affected territory.

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

FINDING: Regarding item (d), no prior Consent to Annex form has been filed for this property therefore does not apply. Item (e) above is included as part of this triple majority annexation application and the Verification of Property Owner form has been signed by Lane County Assessment and Taxation. Item (f) has been satisfied, the Lane County Clerk has verified that no electors are registered within the affected territory, as indicated on Form 3, in Exhibit B of this applicant's submittal. Item (g) is not applicable. This provision concerns the potential for claims under Ballot Measure 49. No Measure 49 Claim has been made on the subject site. Although not required, item (h) has been satisfied since the applicant has signed the One-Year waiver form. The requirements of Section 5(d)-(h), stated above, are satisfied.

(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.

(j) A Lane County Assessor's Cadastral Map to scale highlighting the affected territory and its relationship to the city limits.

(k) A list of the special districts providing services to the affected territory.

FINDING: The applicant has provided a legal description of the territory proposed to be annexed into the City of Junction City—City Limits and a Cadastral Map with the subject property highlighted. The subject property resides within the jurisdiction of the South Lane Rural Fire Protection District and the Junction City Water Control District. These Districts are considered to be special service districts that, respectively, provide fire protection and water/flood control for the property. Based on the materials submitted by the applicant, the criteria stated above is satisfied.

- (l) A public/private utility plan describing how the proposed affected territory can be served by key facilities and services.**
- (m) A written narrative addressing the proposal’s consistency with the approval criteria specified in Section 2.**

FINDING: The applicant has submitted a utility plan with the annexation and has provided a narrative addressing the approval criteria, specified in Section 2 of Ordinance 1182. Based on the material submitted by the applicant, the above criteria are satisfied.

- (6) Notice. In addition to the requirements of Ordinance No. 950 Section 112, 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.**

FINDINGS: Staff sent mailed notice to property owners within 300 feet of the perimeter of the subject territory to be annexed and all parties listed in subsection 6(a) at least two weeks prior to the City of Junction City Planning Commission public hearing, staff posted notice of the public hearings on the City of Junction City website, in the Register Guard and on the bulletin boards in City Hall and Library.

(7) **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;**

FINDING: The City of Junction City Comprehensive Plan Map shows the property to be within the urban growth boundary. The subject property is contiguous to city limits to the west along Highway 99.

FINDING: The subject property is within the City of Junction City Urban Growth Boundary and contiguous to the City Limits. Therefore the above stated 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;**

FINDING: The City's Comprehensive Plan includes four annexation policies (Ordinance No. 1181) pertaining to contiguous annexations. Each policy is quoted below in *bold italic*, followed findings demonstrating compliance with the applicable policy.

Contiguous Annexations. The city shall review annexation requests to ensure that they comply with all of the following:

- 1. The proposed annexation is within the urban growth boundary (UGB); land that is inside the UGB of an acknowledged plan is consistent with statewide planning goals.*

FINDING: As previously found, the subject property is currently inside the City of Junction City Urban Growth Boundary. When the City of Junction City's Urban Growth Boundary (UGB) was amended through Periodic Review to include the subject property, the Oregon Department of Land Conservation and Development acknowledged the City of Junction City Comprehensive Plan to comply with the 19 Statewide Planning Goals (Periodic Review, DLCDC Order #001777 February 18, 2010). Therefore, the property is within the Junction City UGB and complies with the State of Oregon 19 Statewide Planning Goals.

- 2. The development of the property is compatible with the rational and logical extension of utilities and roads to the surrounding area.*

FINDING: The rational and logical extension of sanitary sewer, water and storm drainage facilities is further addressed under Annexation Criterion 7(c) below. The proposed annexation area allows the rational and logical extension of planned utilities and roads to the

annexing territory. Utilities have been extended along Highway 99 to reach the Department of Corrections and State Hospital site. Storm drainage can be managed on-site prior to release into the natural drainage ways. Franchise utility services can be provided along public utility easements adjacent to public rights-of-way, and public services such as police, fire and emergency response can be provided by way of the existing public roads and easements by which the property is accessed.

Once annexed, the property will be eligible for extension of City sewer, water, storm drainage and waste collection services, thereby enabling future development. Given the applicant's ability to meet the required conditions of approval contained in this document related to public sewer, water, stormwater, and transportation, the requirement for the extension of utilities and roads servicing the subject property in a rational and logical manner is thereby satisfied.

3. *Public facilities and services can be provided in an orderly and economic manner.*

WATER

FINDING: The City water system does not currently have adequate capacity to serve the annexing property (supply and treatment). As part of the new prison project, the State of Oregon funded a new Water System Master Plan. The City in conjunction with the State of Oregon is in the process of completing a number of upgrades to the water system. The discussion below contains a general discussion of the capacity issues.

Water Supply. Public Works reports that current peak water demand exceeds the City's current maximum water supply pumping capacity by approximately 13%. During periods when a well is out of service or operating at reduced capacity, this supply deficiency is even more critical.

Water Storage. With peak demand exceeding maximum supply capacity, the City must utilize stored water to meet the peak demand periods. However, as part of the water system upgrades, two new elevated storage tanks (300,000 gallons each) and new ground storage facility (2,200,000 gallons) have been developed. This new storage is in accordance with the recommendations of the Master Water Plan.

Water Transmission. As part of the State project, sewer and water transmission mains were constructed to serve the new Prison and Mental Hospital, running down Highway 99 adjacent to the property. The transmission mains have sufficient capacity to serve domestic water and fire protection for the property.

Although any additional water supply, treatment, storage and transmission capacity provided as part of the pending prison project will address these, the timeframe for water supply and treatment is uncertain at this point in time. Therefore, the required findings for the necessary improvements to be provided concurrently with the development of the property cannot be made until the exact water demand is known

and a plan is developed on how to address the additional demand. Therefore the Annexation is conditioned as follows:

CONDITION OF APPROVAL: Prior to development of the site the applicant shall submit a Development Review application and detailed utility plans that demonstrate how the site will be served by water and that adequate water supply is in place or will be provided concurrently with the development of the property (i.e. new or upgraded wells/water treatment).

CONDITION OF APPROVAL: All water service must be provided consistent with the Junction City Public Works Design Standards.

SANITARY SEWER

FINDING: The City sewer system does not currently have adequate capacity to serve the annexation property (treatment & effluent disposal). As part of the new prison project, the State of Oregon is funding a new Wastewater Facilities Plan that is currently under way. Until the Wastewater Facilities Plan is completed and accepted by DEQ, a definitive list of improvements that would be required to provide treatment and disposal capacity to serve this property cannot be generated. The discussion below contains a general discussion of the capacity issues of which we are currently aware.

Sewage Treatment & Effluent Disposal. The City's WWTP is operating well beyond its design capacity, and the City is under an MAO with DEQ due to the WWTP's inability to meet standard permit limits and current water quality standards. At present, the City is in the final stages of adopting a Plan and gaining DEQ approval. Therefore the Annexation is conditioned as follows:

CONDITION OF APPROVAL: Prior to development of the site the applicant shall submit a Development Review application and detailed sanitary sewer plans that demonstrate adequate sewer treatment and disposal capacity is in place or will be provided concurrently with the development of the property (i.e. new or upgraded wastewater treatment and disposal).

CONDITION OF APPROVAL: All sanitary sewer service must be provided consistent with the Junction City Public Works Design Standards.

STORM WATER

FINDING: The Junction City Water Control District has jurisdiction of water control channels that eventually drain the entire area west of River Road and east of the Long Tim River. The Junction City Water Control District has not commented on the applicant's proposal. In prior responses for similar annexations, they have requested that the City review stormwater discharge plan to ensure they are complete and comprehensive in addressing connection of post-development stormwater flows from the proposed property to be annexed to the Districts channel system. The District also states that development proposals fit the property within the District

adhere to the sated policies in a letter from EGR Engineering & Associates, Inc, to the District and attached Junction City Water Control District F-2-a Basin Policy included in this record as Exhibit X. Based on the finding, the annexation is conditioned as follows.

CONDITION OF APPROVAL: Prior to development of the site the applicant shall submit a Development Review application with a detailed stormwater plan. All engineered plans relating to storm water discharges shall be submitted to the Junction City Water Control District's contract Engineer, EGR & Associates, for review and comment prior to additional discharges of water into the channel

CONDITION OF APPROVAL: Any storm water discharge into the Junction City Water Control District's system from the subject property shall comply with JCWD F-2-a Basin Policy.

CONDITION OF APPROVAL: All future storm water facilities on the subject property shall be designed and constructed in a manner that is consistent with the provisions contained in Division 3 of the City of Junction City Public Works Design Standards.

FINDING: Given the applicant's ability to meet the required conditions of approval, the extension and connection of storm water facilities can be made in an orderly and economic fashion.

TRANSPORATION

FINDING: The annexing property abuts Highway 36 to the north and HWY 99 to the east. HWY 99 is designated a Regional Arterial in the State Transportation System Plan and is under the jurisdiction of Oregon Department of Transportation (ODOT). ODOT and Lane County Transportation have not provided comment on the proposed annexation.

Based on past responses from ODOT and Lane County, since Ivory, LLC is proceeding with annexation and will initiate a zone change separately, no Transportation Planning Rule analysis is required at this time. However, ODOT and Lane County have conditioned annexations to ensure transportation impacts are mitigated with development of the site. Incorporating similar requirements on the proposed annexation would result in conditions as follows:

CONDITION OF APPROVAL: Applicant shall submit an ODOT and Lane County scoped and approved Transportation Impact Analysis that complies with the State's Transportation Planning Rule (TPR) at the time of a Zone Change request.

CONDITION OF APPROVAL: Upon submittal for a zone change, land division or development, the applicant to submit a Transportation Impact Analysis (TIA) that has been approved by ODOT and Lane County Transportation.

CONDITION OF APPROVAL: Prior to future development the applicant shall be responsible for designing and constructing transportation improvements to mitigate transportation impacts in a manner that is consistent with requirements of Lane County and ODOT.

CONDITION OF APPROVAL: For future development, Ivory, LLC is required to comply with the City's access management requirements as stated in Ordinance 950, Appendix H and Development Requirements as stated in Ordinance 944, Section 5(d). Ivory, LLC is required to design and construct urban street improvements for any new streets required as a result of any proposed land division and or Development Review request with the City. Such improvements will meet or exceed standards of Subdivision Ordinance 804, Development Review Ordinance 944, and Junction City Public Works Design Standards.

Given the applicant's ability to meet the above stated conditions of approval public facilities and services can be provided in an orderly and economic manner.

4. *The annexation is in conformance with Oregon state law and this plan.*

FINDING: This annexation is being sought in accordance with ORS 222.170. The property is within the Urban Growth Boundary and contiguous to the municipal limit which is consistent with guidance provided by the City's Comprehensive Plan Annexation Policy discussed above. Therefore the above stated criterion is satisfied.

(Continued from Annexation Criteria 7(b) above)

7(c) The proposed annexation will result in a boundary in which key services can be provided;

FINDING: As previously discussed above, sewer, water, storm water, and transportation services can be provided to the subject property given the applicant's ability to meet the required conditions of approval. Staff also provided notice of the applicant's proposal to the City of Junction City Police Department and Lane Rural Fire Protection District. Neither entity expressed concerns about the proposed annexation. Police and fire services are available to the subject property.

(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.

FINDING: An Annexation Agreement must be submitted that requires the applicant to incur all costs associated with the extension and connection of public facilities to the subject

property. In order to ensure fiscal impacts are addressed, the annexation is conditioned as follows: Given the applicant's ability to meet the condition of approval, the above stated criterion satisfied.

CONDITION OF APPROVAL: An Annexation Agreement shall be signed prior to the March 8, 2011 public hearing before the City of Junction City, City Council.

Signature: _____ Approval Date: _____

Chairman of the Planning Commission

PROPOSED