



GENERAL LAND USE APPLICATION

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

LOCATION OF PROPERTY OR ADDRESS: Southwest corner of Hwy 99 and Hwy 36.

SIZE OF PROPERTY(S): 40.6 Acres Total. (35.88 + 4.72 acres)	ASSESSOR'S MAP AND TAX LOT #: Lane County Tax Map 16-04-08-00 taxlot 700, and Tax Map 16-04-08-31 taxlot 400
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PRESENT USE: Vacant, agriculture	PROPOSED USE: Commercial
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BRIEF SUMMARY OF ACTION REQUESTED: This application requests Commercial zoning for the subject property, consistent with its Commercial designation in the Comprehensive Plan.

PROPERTY OWNER: Ivory, LLC

ADDRESS: PO BOX 2703, Eugene, OR 97402

APPLICANT'S NAME: William J. Boresek, member

ADDRESS:

PHONE:	E-MAIL: [Redacted]@t
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CONTACT: Law Office of Bill Kloos, PC

ADDRESS: 375 W. 4th Ave, Suite 204, Eugene, OR 97401

APPLICANT'S NAME:

ADDRESS:

PHONE: 541-343-8596 or 541-912-5280	E-MAIL: [Redacted]@m
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ATTACHMENT(S):
 Copy of Deed Other: Written narrative

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: [Signature]	Date: 5-23-2014
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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.	
Actual Costs will be Charged for the Following Applications	
	Base Fee
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	
Other Charges	
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

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IVORY, LLC
ZONE CHANGE APPLICATION
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: Apply General Commercial zoning to recently annexed
property.

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

COMP PLAN DESIGNATION: Commercial

CURRENT ZONING: 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

1. Overview of proposal:

The subject property was recently annexed into the city limits of Junction City.¹ The applicant now wishes to apply for city zoning, consistent with the underlying Comprehensive Plan designation. Table 3-1 in the Land Use Element of the Junction City Comprehensive Plan, entitled "Comparison of Land use Categories and Zoning District" indicates that land designated as Commercial can be zoned either C2 Central Commercial or GC General Commercial. The applicant is requesting GC General Commercial zoning.

The applicant could have elected to combine a request for city zoning along with the annexation proceedings, as provided by JCMC 17.165.120. At that time, however, it appeared that it would be more efficient to wait until the city completed its update to its Transportation System Plan ("TSP") because that update would help to address approval criteria found in Junction City Municipal Code ("JCMC") and the State's Transportation Planning Rule ("TPR"). However, despite the fact that the TSP update is not yet finished, the applicant now believes that the time is right to press ahead with a request for city zoning. This will require the applicant to undertake a Transportation Impacts Analysis ("TIA") to support its request for city zoning.

The applicant has not yet performed the TIA. The applicant understands that once it submits this application to the city, the city will circulate the application to the relevant agencies for comment, including ODOT and Lane County Public Works Transportation. The comments received by these agencies will assist the applicant and the applicant's transportation engineer in the scoping of an appropriate TIA. The application can then be supplemented with a completed TIA, which is intended to ultimately demonstrate that the amendment to the city's zoning map (and the uses that could be allowed under the new zoning) would not significantly affect any transportation facilities.

a. 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.

¹ Ordinance 1219 was enacted on March 25, 2014.

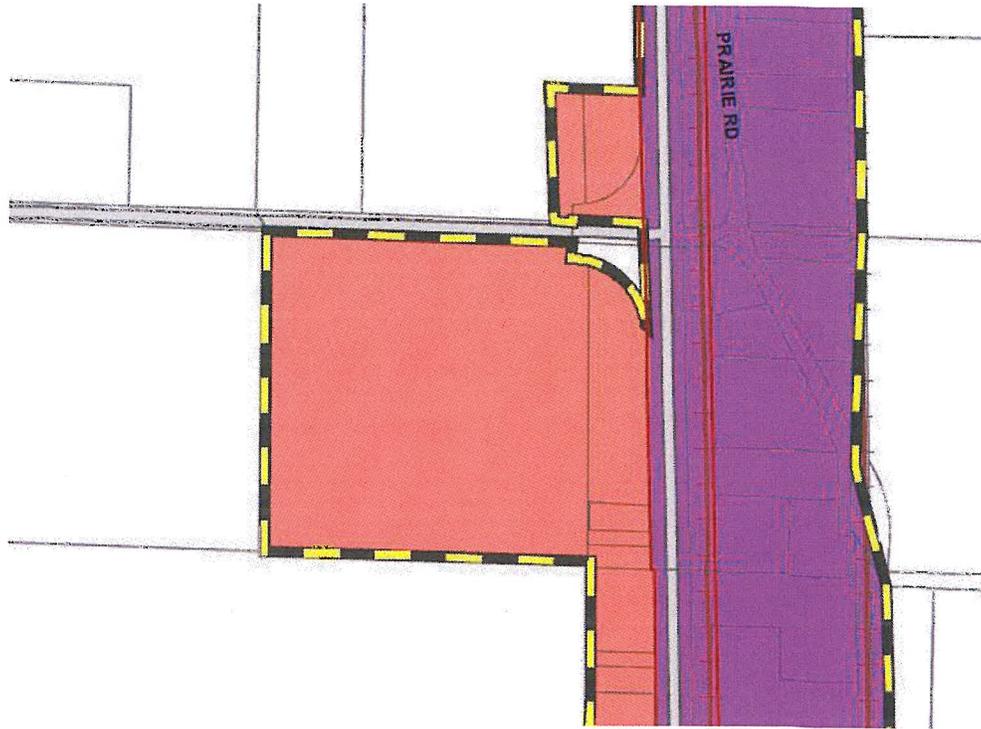
a. Current conditions and uses of the subject site and abutting property

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.



b. Comprehensive Plan Designation and Zoning for subject property and abutting properties

The Junction City Comprehensive Plan Diagram shows the subject property has been designated as Commercial.



The applicant is now proposing to amend the zoning diagram to make the zoning consistent with the Commercial plan designation. As part of the Periodic Review of the Comprehensive Plan, Junction City found that designating this area as Commercial was consistent with the city's projected growth and projected need for employment lands. Both the Economic Opportunities Analysis and the revised Chapter 4 (Economic Development) of the Junction City Comprehensive Plan reflect the suitability of the subject property for commercial uses. For background, see page 27 of the Junction City Comprehensive Plan Amendment and UGB Findings document.

The abutting properties are plan-designated and zoned for a variety of uses. Both to the north (across Hwy 36) and to the south and southeast of the subject property, the adjacent lots that front Hwy 99 are within the Junction City UGB and are also plan-designated Commercial. The property that is generally to the northwest, west and southwest 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.

2. ZONE CHANGE REQUEST – applicant’s narrative addressing approval standards in Junction City Municipal Code for an amendment to the zoning map.

Introduction: this request to have city zoning applied to the subject property requires an amendment to the Junction City zoning map. This type of annexation is governed by JCMC 17.145. In addition, certain requirements derived from state law apply to this application, including the administrative rules implementing Statewide Planning Goal 12 on transportation.

*Chapter 17.145
AMENDMENTS*

17.145.010 Authorization to initiate amendments.

An amendment to the text of this title or the zoning map may be initiated by the city council, by the planning commission or by application of a property owner or his authorized agent. The planning commission shall, within 40 days after a hearing, recommend to the city council approval, denial, or modification of the proposed amendment. An amendment to the text or the zoning map may be consolidated with a related amendment to the comprehensive plan text or map.

Applicant’s response: This application is initiated by a property owner. Specifically, the applicant is requesting that the Planning Commission recommend to the City Council that the General Commercial (GC) zoning be applied to the subject property, consistent with the Comprehensive Plan designation.

17.145.020 Application and fee.

An application for amendment by a property owner or his authorized agent shall be filed with the city. The application shall be accompanied by a fee equal to the average cost of such applications as established by the city council.

Applicant’s response: This application was filed under the city’s “General Land Use Application Form.” The appendix to that form contains a schedule of land use fees. The schedule provides, in relevant part:

Planning and Development Fees for Junction City

Application	Fee
Rezone	\$1,065

This application requests an amendment to the zoning diagram. The applicant has included a check in the amount of this \$1,065 fee. Payment of this fee complies with this criterion.

17.145.030 Public hearing on amendment.

A. Notice of Hearing. Notice of time and place of the public hearing before the planning commission and of the purpose of the proposed amendment shall be given by the city in accordance with JCMC 17.150.070 and 17.150.080.

Applicant's response: JCMC 17.150.070(4)(g)(iii) indicates that an application for an amendment to the zoning map requires a legislative process, which is a Type IV proceeding. Consistent with the requirements of JCMC 17.145, this provision also requires at least one hearing before the Planning Commission and one hearing before the city council. An amendment to the zoning map would require the city to provide notice (Form 1 and 2) to the Department of Land Conservation and Development. In addition, this standard requires notice to be sent to affected properties, in accordance with JCMC 17.150.080. The relevant notice requirements at JCMC 17.150.180(C) for Type IV applications include:

1. Notice shall be mailed to each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of a property subject to comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment).

2. If particular properties are to be affected more than, or in a manner significantly different from, other properties of the same general character within the city of Junction City, individual notice shall be prepared and mailed to those affected, including all persons within 300 feet of the affected property.

Regarding section (1), above, the only properties that would be rezoned are properties owned by the applicant. Regarding section (2), the applicant believes that rezoning the subject properties would affect the subject properties more than other properties of the same general character, which would require notice to be sent to other properties within 300 feet of the subject property.

B. Recess of Hearing. The planning commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the commission shall announce the time and date where the hearing will be resumed.

C. Notice and Hearing Before City Council. After the hearing and recommendations have been made by the planning commission, the city council shall hold a public hearing on the proposed amendment. Notices of the hearing shall be by one publication in a newspaper of general circulation in the city not less than five days nor more than 20 days prior to the date of hearing.

Applicant's response: These procedural requirements will be met by the city.

17.145.040 Records of amendments.

The city shall maintain a record of amendments to the text of this title and the zoning map in a form convenient for the use of the public.

Applicant's response: This record-keeping requirement can be met by the city.

[In addition to these standards derived from city code, certain Statewide Planning Goals and their implementing rules are relevant to this application. They are addressed in the section on Statewide Planning Goals, below.]

PROPOSED CONCLUSION: The proposed amendment to the city's zoning map complies with the code provisions governing amendments.

3. Statewide Planning Goals

In addition to addressing the approval criteria found at JCMC 17.145, the requested amendment of the city's zoning map also requires relevant state law to be addressed. The majority of the Statewide Planning Goals do not apply in this context, because they are implemented by the comprehensive plan and zoning regulations. However, some Goals do potentially apply, and are addressed here.

Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Applicant's response: The city has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. This zone change does not amend the citizen involvement program. The process for reviewing this zone change application (which include the requirement that notice of the proposed zone change be given and public hearings be held prior to a final decision) complies with Goal.

Conclusion: The proposal satisfies this Statewide Planning Goal.

Goal 2 Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Applicant's response: The Junction City Comprehensive Plan provides the local policy framework for land use decision-making in the City of Junction City. The Comprehensive Plan is acknowledged as being in compliance with Statewide Planning Goals, and these findings and the record of evidence shows that the proposed zone change will remain consistent those goals and relevant provisions of the Comprehensive Plan.

Conclusion: The proposal satisfies this Statewide Planning Goal.

Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.

Applicant's response: Goal 3 is not applicable as the subject property and proposed zone change

do not affect any agricultural plan designation. Goal 3 does not apply within urban growth boundaries. The subject property is entirely within the city's acknowledged urban growth boundary.

Conclusion: This Statewide Planning Goal is not applicable.

Goal 4 Forest Lands: To conserve forest lands

Findings: Goal 4 is not applicable as the subject property and proposed zone change do not affect any forest plan designation or use. Goal 4 does not apply within urban growth boundaries. The subject property is entirely within the city's acknowledged urban growth boundary.

Conclusion: This Statewide Planning Goal is not applicable.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.

Findings: the city has an acknowledged Goal 5 inventory, and has adopted the Wetlands Resources District as an overlay zone that implements the city's Goal 5 requirements for this area. The proposed zone change does not create or amend a list of Goal 5 resources, or a plan or land use regulation adopted in order to protect a significant Goal 5 resources. There are no inventoried Goal 5 resources on the subject property.

Conclusion: The proposal satisfies this Statewide Planning Goal.

Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Findings: Goal 6 addresses waste and process discharge from development, and is aimed at protecting air, water and land from those discharges. Nothing in the proposal or the character of the site or potential uses indicates a future development that would compromise air, water and land resources. The proposal does not amend the City's air, water quality or land resource policies. Future development of the site will be required to comply with applicable environmental laws. As such, the proposed zone change is consistent with Goal 6.

Conclusion: The proposal satisfies this Statewide Planning Goal.

Goal 7 Areas Subject to Natural Hazards: To protect people and property from natural hazards.

Findings: Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards and floods, landslides, earthquake and related hazards, tsunamis and wildfires. The proposed zone change will not affect or amend any local regulations that address potential natural hazards.

Conclusion: The proposal satisfies this Statewide Planning Goal.

Goal 8 Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts

Findings: Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The proposed zone change does not alter or affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

Conclusion: The proposal satisfies this Statewide Planning Goal.

Goal 9 Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Findings: The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Junction City Economic Opportunities Analysis was adopted by the City as an element of the Comprehensive Plan. The EOA complies with the requirements of Goal 9 and its Administrative Rule. The proposed zone change does not affect the amount of land designated for commercial use, and will have the effect of bringing land that is designated for commercial use into a compatible zoning designation, thereby providing for the supply of commercially designated land envisioned by the Comprehensive Plan. Therefore, the proposed plan change is consistent with Goal 9.

Conclusion: The proposal satisfies this Statewide Planning Goal.

Goal 10 Housing: To provide for the housing needs of citizens of the state.

Findings: Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The Junction City Residential Buildable Lands Inventory was adopted by the City as an element of the Comprehensive Plan. The proposed zone change does not affect the amount of land designated for residential use, and will have the effect of bringing land that is designated for Medium-Density use and Low-Density use into compatible zoning designations, thereby providing for the supply of Residentially-designated land envisioned by the Comprehensive Plan. Therefore, the proposed plan change is consistent with Goal 9.

Conclusion: The proposal satisfies this Statewide Planning Goal.

Goal 11 Public Facilities and Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Findings: The proposed zone change does not affect the City's provision of public facilities and services. When development is proposed for the subject property, key urban facilities and services will either be immediately available, or will be able to be extended in an orderly manner. Because local code implements this requirement, Statewide Planning Goal 11 does not apply directly.

Conclusion: The proposal satisfies this Statewide Planning Goal.

Goal 12 Transportation: To provide and encourage a safe, convenient and economic transportation system.

Findings: Goal 12 is implemented through the Transportation Planning Rule (TPR) at OAR 660-012-0060(1), which states:

“If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.”

In this case, the city’s existing Transportation Systems Plan (TSP) does not analyze the possible traffic-generating uses that could be developed on the subject property, because the subject property had not yet been included in the UGB at the time of the last TSP update. In the recent Periodic Review of the Comprehensive Plan, the question of what traffic impacts might follow from the inclusion of new Commercially-designated areas in the UGB was deferred until specific development applications and rezone applications were submitted for those particular areas. See Page 148 of the Junction City Comprehensive Plan Amendment and UGB Findings document.

Therefore, this proposed zone change will require a Traffic Impacts Analysis (TIA) to demonstrate that the transportation facilities serving the subject property have adequate capacity to accommodate the traffic that could be generated. The TIA will consider if the reasonable worst case scenario, in terms of traffic that could be generated under the proposed zoning, would significantly affect a transportation facility. The subject property takes access on two ODOT-controlled highways (Hwy 99 and Hwy 36) this TIA will need ODOT’s input in the scoping process. This application can be supplemented with the results of the TIA prior to Junction City taking final action on the rezone request.

Conclusion: The results of the TIA are expected to show that the reasonable worst-case scenario of the traffic that could be generated by the uses allowed under the requested General Commercial zoning would not significantly affect an existing or planned transportation facility.

Goal 13 Energy Conservation: *To conserve energy.*

Findings: The proposed zone change does not affect any of the City’s energy conservation measures or programs. Therefore, Statewide Planning Goal 13 does not apply

Goal 14 Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Findings: The proposed zone change does not affect the City’s provisions regarding the transition of land from rural to urban uses. The land is currently within the urban growth boundary, and has been planned for urban uses of a commercial nature. The zone change application simply brings the current zoning into harmony with the urban nature of the plan designation. Therefore, the proposed zone change is consistent with Goal 14.

Goals 15 – 19:

Findings: Goals 15 – 19 apply to specific regions or resources that are not relevant to the subject property. Therefore Goals 15 – 19 do not apply.