

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

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

Referrals:

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

**BASIC DATA**

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

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

Location: Southwest corner of Highway 99 and Highway 36

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

Area: Total: 40.66 acres<sup>1</sup>

Tax lot 16-04-08-31-00400  
Approximate taxlot acreage - 4.72  
Tax account acreage - 5.01<sup>1</sup>

Tax lot 16-04-08-00-0700  
Approx. taxlot acreage 35.88  
Tax account acreage 35.65<sup>1</sup>

Lane County Zoning: Exclusive Farm Use (EFU)

Junction City Zoning: Not currently zoned

Plan Designation: Commercial (C)

**REQUEST**

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

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

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<sup>1</sup> RLID Report Kit online. Retrieved November 22, 2013.

## **BACKGROUND**

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

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

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

### **Transportation Issues**

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

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

### **Water and Sewer Issues**

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

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

### **Stormwater Issues**

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

Stormwater plans are not required at the time of annexation. At the time of Development Review, the applicant will be required to submit detailed stormwater plans that will be reviewed by the City Engineer, Public Works, and JCWD. Conditions for stormwater required plans are addressed as conditions in the proposed annexation final order. The decision to withdraw or remain within the JCWD boundary is made at the Council level and is a separate application if the city chose to withdraw from the District at a later date.

### **Annexation Agreement**

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

### **SUBMITTAL REQUIREMENTS**

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

### **AUTHORIZATION FOR APPROVAL**

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

### **JCMC Section 17.165.080 , Annexation, Withdrawals and Extraterritorial:**

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

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

### **APPROVAL CRITERIA**

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

- “(A) The affected territory proposed to be annexed is within the City’s urban growth boundary, and is;
 
  1. Contiguous to the City limits; or
  2. Separated from the City only by a public right-of-way or a stream, lake or other body of water;*
- (B) The proposed annexation is consistent with applicable policies in the City of Junction City Comprehensive Plan and in any applicable refinement plans;*
- (C) The proposed annexation will result in a boundary in which key services can be provided;*
- (D) A signed Annexation Agreement to resolve fiscal impacts upon the City caused by the proposed annexation shall be provided. The Annexation Agreement shall address, at a minimum, connection to and extension of public facilities and services. Connection to public facilities and services shall be at the discretion of the City, unless otherwise*

*required by ORS. Where public facilities and services are available and can be extended, the applicant shall be required to do so.”*

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

### **AGENCY COMMENTS**

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

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

**No other agency comments were received**

### **PUBLIC COMMENTS**

None received to date.

### **PLANNING COMMISSION RECOMMENDATION**

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

### **POSSIBLE ACTIONS BY THE PLANNING COMMISSION**

The Commission may:

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

### **EXHIBITS**

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

**LAW OFFICE OF BILL KLOOS, PC**

OREGON LAND USE LAW

375 W. 4<sup>TH</sup> 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 I**

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"/> 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

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

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

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

**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. <b>Owner's Signature:</b> <span style="border: 1px solid red; display: inline-block; width: 200px; height: 20px; vertical-align: middle;"></span>	<b>Date:</b> 11-20-2013
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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
<b>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.</b>	
<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

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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](http://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	 Eugene, OR 97402	Map: 16-04-08-00 TL: 700	X		35.88
	11-20-13	William J. Boresek, member Ivory, LLC	 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.

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 Department of Assessment and Taxation

11-20-13  
Date Certified

Lane County Clerk/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:\ABC\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: [redacted]

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 \_\_\_\_\_



# WAIVER OF EXPIRATION OF CONSENT TO ANNEXATION

Ivory, LLC \_\_\_\_\_ (Developers) are the owners of that piece of real property commonly known as SW corner of Hwy 99 and Hwy 36, located within Lane County, Oregon and more particularly described as follows (Property): Map 16-04-08-00 taxlot 700 and map 16-04-08-31 taxlot 400

[SEE ATTACHED LEGAL DESCRIPTION FOR PROPERTY]

Developers hereby agree that the consent to annexation of the Property by the City of Junction City, given by the Developers in the Intent to Annex Agreement, dated \_\_\_\_\_, 2012, is irrevocable and shall be binding upon Developers' heirs, successors, and assigns forever, being a covenant running with the land. Developers hereby waive the one-year period prescribed by ORS 222.173.

William J. Boresek, signing member of Ivory, LLC

Date: \_\_\_\_\_

\_\_\_\_\_  
[Developer's Name]

\_\_\_\_\_  
[Developer's Name]

Date: 11-20-2013

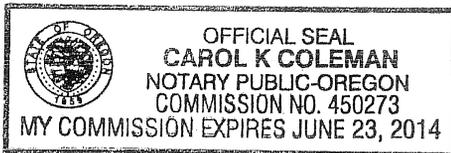
STATE OF OREGON )

) ss.

County of Lane )

This instrument was acknowledge before me on this 20<sup>th</sup> day of November, 2013, by WILLIAM J. BORESEK.

\_\_\_\_\_  
Notary Public for Oregon



## 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: <b>Covenant of Waiver of Rights and Remedies</b>  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 20<sup>th</sup> day of November, 2013.

<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> <p>Date Signed:</p>
<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>	

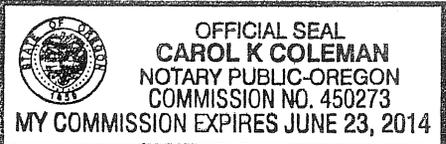
State of Oregon        )  
                                  ) ss.  
County of Lane        )

On this 20<sup>th</sup> day of NOVEMBER, 2013 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><b>(Do not write outside of the box)</b></p> <p>Notary Signature</p> <div style="border: 1px solid red; width: 100%; height: 30px; margin-top: 10px;"></div> <p>Notary name (legible): <u>CAROL K. COLEMAN</u></p>	<p>Place Notary Seal Below</p> <div style="border: 1px solid black; padding: 5px; margin-top: 20px;">  <p style="text-align: center;">OFFICIAL SEAL CAROL K COLEMAN NOTARY PUBLIC-OREGON COMMISSION NO. 450273 MY COMMISSION EXPIRES JUNE 23, 2014</p> </div>
--	---

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  <b>(Do not write outside of the box)</b>	Place Notary Seal Below  <b>(Do not place seal over any portion of text or signature)</b>
Notary Signature  _____  Notary name (legible):  _____	

## 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. ✓



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.



36

PROFILE RD

PINE CREEK

CHURCH ST



Oregon

John A. Kitzhaber, MD, Governor

Attachment III



3040 25th Street, SE  
Salem, OR 97302-1125  
Phone: (503) 378-4880  
Toll Free: (800) 874-0102  
FAX: (503) 373-1688

December 9, 2013

Tere Andrews, Planning Admin  
Planning Department  
PO Box 250  
Junction City, OR 97448

SUBJECT: Annexation Proposal (File # A-13-01)

This letter is in response to Junction City's notice of application for a proposed annexation located at the corner of Hwy 99 & Hwy 36 (tax lots 16-04-08-00 lot 700 & 16-04-08-31 lot 400). After a preliminary review of the proposed application the Oregon Department of Aviation has no direct comment for the annexation of the subject property to the city of Junction City; however ODA will have comments upon future development of the subject property.

Thank you for allowing ODA to comment on this development proposal. If you have any questions or need further information please feel free to contact me at 503-378-2529 or [Jeff.Caines@aviation.state.or.us](mailto:Jeff.Caines@aviation.state.or.us) or Heather Peck – Projects and Planning Manager at 503-378-3168 or [Heather.Peck@aviation.state.or.us](mailto:Heather.Peck@aviation.state.or.us).

Sincerely,

Jeff Caines, AICP  
Aviation Planner



**From:** Tom Jeffreys  
**To:** Tere Andrews  
**Cc:** [REDACTED]  
**Subject:** RE: Annexation request  
**Date:** Tuesday, December 03, 2013 8:09:15 AM

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Please correct Other Utilities comment on the 21<sup>st</sup> page of this document. Blachly-Lane Cooperative will not be a provider in this area as the properties are outside their service territory.

Thanks,

Tom Jeffreys  
Customer Engineering Supervisor



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**From:** Tere Andrews [mailto:tandrews@ci.junction-city.or.us]  
**Sent:** Tuesday, November 26, 2013 3:54 PM  
**Subject:** Annexation request

Good Afternoon,

The attached notice is being sent to you for your review, comment, and conditioning. In order for your comments to be included in the staff report, please return your comments by 5:00 p.m. on Wednesday, December 11, 2013. You may send comments by mail at PO Box 250, Junction City Oregon, 97448; fax to 541.998.3140; or e-mail to [icplanning@ci.junction-city.or.us](mailto:icplanning@ci.junction-city.or.us). If you have questions or trouble with the attachment please let me know. Thank you for your time.

Regards,  
*Tere Andrews*  
Administrative Assistant  
City of Junction City  
[www.junctioncityoregon.gov](http://www.junctioncityoregon.gov)  
541.998.4763 (ph)  
541.998.3140 (fax)

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**Tere Andrews**

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**From:** HUNTER Peggy K [redacted]  
**Sent:** Wednesday, November 27, 2013 3:50 PM  
**To:** Tere Andrews  
**Subject:** RE: Annexation request  
**Attachments:** Proposed Annexation.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Lane County Surveyor's Office is not affected by the proposed annexation.

*Peggy Hunter*  
Lane County Surveyor's Office  
[redacted]

---

**From:** Tere Andrews [mailto:[tandrews@ci.junction-city.or.us](mailto:tandrews@ci.junction-city.or.us)]  
**Sent:** Tuesday, November 26, 2013 3:54 PM  
**Subject:** Annexation request

Good Afternoon,

The attached notice is being sent to you for your review, comment, and conditioning. In order for your comments to be included in the staff report, please return your comments by 5:00 p.m. on Wednesday, December 11, 2013. You may send comments by mail at PO Box 250, Junction City Oregon, 97448; fax to 541.998.3140; or e-mail to [jcplanning@ci.junction-city.or.us](mailto:jcplanning@ci.junction-city.or.us) . If you have questions or trouble with the attachment please let me know. Thank you for your time.

Regards,  
*Tere Andrews*  
Administrative Assistant  
City of Junction City  
[www.junctioncityoregon.gov](http://www.junctioncityoregon.gov)  
541.998.4763 (ph)  
541.998.3140 (fax)

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**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 8<sup>th</sup>, 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