

# JUNCTION CITY PLANNING COMMISSION

## AGENDA ITEM SUMMARY



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RZ-14-02, ACTA LLC

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Meeting Date: August 19, 2014  
Department: Planning  
www.junctioncityoregon.gov

Agenda Item Number: 5c  
Staff Contact: Jordan Cogburn  
Contact Telephone Number: 541-998-2153

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### **ISSUE STATEMENT**

The applicant proposes to rezone 13.28 acres from Lane County zonings C3 (Commercial District) and RR5 (Rural Residential 5 acre minimum) to Junction City zoning of GC (General Commercial), R2 (Duplex Residential) and R1 (Single Family Residential).

### **BACKGROUND**

The property abuts the east side of Prairie Road, south side of David Lane and the west side of Hwy 99S. The private commercially zoned portion of the subject site is currently used as an RV Sales and Service Facility. The subject site was included in the City's Urban Growth Boundary expansion adopted by City Council September 18, 2012 and later annexed into city limits (Ordinance 1219, dated March 25, 2014). The subject site includes eight (8) parcels. Tax lots 900, 1004 and 1006 are designated Commercial on the City's Comprehensive Plan Map while tax lots 500 1002 are designated Medium Density Residential and Tax lot 509 is designated as Low Density Residential. The applicant has requested clarification on what appears to be a split designation on tax lots 1000 and 1001. As shown on the City's Comprehensive Plan Map there does appear to be a split designation of Commercial and Low Density Residential on these two tax lots (1000 and 1001).

### **COMMITTEE REVIEW AND/OR RECOMMENDATION**

None

### **RELATED CITY POLICIES**

As there are no specific criteria for zone changes in the Junction City Municipal Code, the City must rely on the policies of the Junction City Comprehensive Plan and Map and Statewide Planning Goals when rezoning parcels.

The following section of the Junction City Municipal Code is relevant to this request.

17.145.010 Authorization to initiate amendments.

An amendment to the text of this title or the zoning map may be initiated by the City Council, by the planning commission or by application of a property owner or his authorized agent. The planning commission shall, within 40 days after a hearing, recommend to the City Council approval, denial, or modification of the proposed amendment. An amendment to the text or the zoning map may be consolidated with a related amendment to the comprehensive plan text or map. [Ord. 1170 § 6, 2007; Ord. 950 § 107, 1991.]

The following Chapters of the Junction City Comprehensive Plan are relevant to this request.

Chapter 1: Citizen Involvement Element

Chapter 2: Environmental Element

Chapter 3: Land Use Element

Chapter 4 – Economic Development Element

Chapter 6: Transportation Element  
Chapter 7: Public Facilities Element

The following Statewide Planning Goals are relevant to this request.

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6 Air, Water and Land Resources Quality
- Goal 7 Areas Subject to Natural Hazards
- Goal 9 Economic Development
- Goal 11 Public Facilities and Services
- Goal 12 Transportation
- Goal 13 Energy Conservation
- Goal 14 Urbanization

### **CITY ADMINISTRATOR'S COMMENT**

The City Administrator requests that the Planning Commission follow process for review of the preliminary partition as presented.

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

The Commission may:

- a. Recommend conditional approval of the Zoning Map Amendment based on the proposed findings.
- b. Recommend modification of the Zoning Map Amendment based on changes to the proposed findings.
- c. Deny the request for a Zoning Map Amendment with findings to support the denial.
- d. Continue the public hearing to a date certain if more information is needed.

### **SUGGESTED MOTION**

I make a motion to (approve/conditionally approve/deny/continue) the zone change request from ACTA LLC, file # RZ-14-02 based the findings as stated in the Final Order.

### **ATTACHMENTS**

Staff Report

- I. Junction City Comprehensive Plan Map
- II. Applicant's Written Submittal
- III. Referral Comments
- IV. Public Hearing Notice
- V. Summary of Statewide Planning Goals 1 - 19
- VI. Applicable Statewide Planning Goals – Chapters 1, 2, 5-7, 9, 11, 12-14
- VII. Proposed Planning Commission Final Order (RZ-14-02) Rezone, Ivory LLC

### **FOR MORE INFORMATION**

Staff Contact: Jordan Cogburn  
Telephone: 541-998-2153  
Staff E-Mail: [jcplanning@ci.junction-city.or.us](mailto:jcplanning@ci.junction-city.or.us)

**STAFF REPORT  
JUNCTION CITY PLANNING COMMISSION  
REZONE (RZ-14-02) – ACTA, LLC**

Application Submitted:	April 23, 2014
Application Complete:	May 21, 2014
Referrals Sent:	July 17, 2014
Public Notices Mailed:	August 1, 2014
Notice Posted at City Hall:	August 15, 2014
Staff Report Date:	August 7, 2014
Planning Commission:	August, 19 <sup>th</sup> , 2014
<b><u>Concurrent Applications:</u></b>	<b>A-14-01 (Annexation) and AMD-14-01 (Zoning Text Amendment)</b>

Referrals:	Junction City Administrator Junction City Public Works Director Junction City Police Department Junction City Recorder Junction City Building Official Junction City Rural Fire Protection District Junction City School District Junction City Water Control District Lane County Transportation Lane County Land Management Lane Council of Governments (LCOG) Lane County Surveyors Lane County Clerk Oregon Department of Transportation (ODOT) – Region 5 Oregon Division of State Lands (DSL) Verizon / MCI Century Link Comcast Pacific Power Emerald People Utility District (EPUD) NW Natural Lane Transit District
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**BASIC DATA**

Property Owner Representative:	Law Office of Bill Kloos
Property Owner:	ACTA LLC
Location:	Highway 99, backs to Prairie Road, south of David Lane
Assessors Map and Tax Lots:	Map 16-04-05-32 TL 00500, 00509, 00900, 01000, 01001, 01002, 01004, and 01006

Area: 13.28 acres  
Lane County Zoning: Rural Residential (RR5), Commercial (C3), Commercial Airport Safety (CAS)  
Proposed Junction City Zoning: General Commercial/Duplex Residential (R2)  
Plan Designation: Commercial/Low and Medium Density Residential

### **REQUEST**

The applicant submitted an application for annexation, which is being processed concurrently with a proposed rezone of eight (8) parcels totally 13.28 acres of privately owned land to the City of Junction City. The property is Designated Commercial/Medium Density Residential/Single Family Residential on the Junction City Plan Designation Map and are currently zoned as C3 and RR5.

The applicant wishes to rezone the subject sites to allow use of city services and to plan for possible future development under city Code. The applicant has also submitted an annexation request concurrent with this rezone request. Any future development would be subject to Development Review.

### **BACKGROUND**

The subject property was included in the City's most recent Urban Growth Boundary expansion adopted by City Council September 18, 2012 (Ordinance 1212) and approved by DLCD August 9, 2013 (Order # 001840). The properties consist of several contiguous tax lots under the same ownership. The property abuts the east side of Prairie Road, south side of David Lane and the west side of Hwy 99S. The private commercially zoned land is currently used as an RV Sales and Service Facility. The residentially zoned parcels on the subject site are vacant.

The subject site includes eight (8) parcels. Tax lots 900, 1004 and 1006 are designated Commercial on the City's Plan Designation Map while tax lots 500 and 1002 are designated Medium Density Residential and Tax lot 509 is designated as Low Density Residential. Tax lots 1000 and 1001 as shown on the City's Plan Designation Map have split designations of Commercial and Low Density Residential. The applicant requests clarification regarding a possible mapping error on the 2012 Plan Designation Map involving tax lots 1000 and 1001.

The applicant submitted evidence into the record showing how the mapping error may likely have occurred (Applicant's written narrative, Exhibit II). In the application, the applicant requested an interpretation; however, the Junction City Municipal Code does not contain a mechanism for such a process.

Staff conducted extensive research on the history of tax lots 1000 and 1001. Junction City Comprehensive Plans and Plan Designation Maps from 1973 to present, records from the Lane County Surveyor's Office and Lane County Deeds and Records were searched. There was no indication the 'sliver' of LDR land on the west side of tax lots 1000 and 1001 was ever created intentionally.

The parcels have undergone multiple partitions and property line adjustments. The 1982 Plan Designation Map was scanned and viewed at a 400% magnification. Tax lots 1000 and 1001 are visible. Black lines were used to indicate property line boundaries. The color red was used to indicate Commercial Plan Designation (see map below) and at that time, both tax lots 1000 and 1001 were completely red. There is a boundary line separating tax lot 1000 and 1001 from separate tax lots on their west property line. The separate lots are in yellow indicating a Plan Designation of Low Density

Residential. The magnified 1982 Plan Designation Map was compared with the Assessor's Map, 16-04-05-32 (Exhibit III). At one time, two (2) tax lots, 1004 and 1005 abutted the west property line of tax lots 1000 and 1001. Tax lot 1005 was eventually absorbed into tax lot 1003.



Figure 1. 1982 Comp Plan Designation Map



Figure 2. 1982 Comp Plan Designation Map at 400 % Magnification

The 1988 Plan Designation Map shows the boundary lines for tax lots 1001, 1004 and 1005 are the same as those in 1982. As noted in the applicant's narrative, Chartpak tape was used for the boundary lines on the 1988 map. The heavy black Chartpak tape obscures the boundary line between tax lot 1001 and 1004/1005.

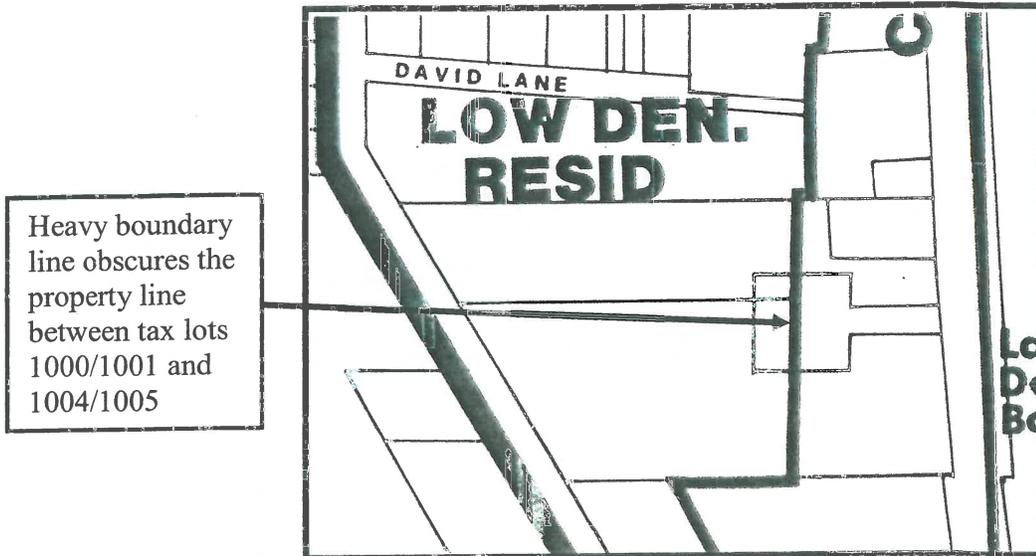


Figure 3. 1988 Plan Designation Map

The 1996 Plan Designation Map shows the four (4) tax lots 1000, 1001, 1004 and 1005. An LDR designation is still in place for tax lots 1004 and 1005. However, tax lots 1000 and 1001 are each shown with split designations of Commercial and LDR. As stated above, the Comprehensive Plan text from 1973 forward were reviewed and no language was found indicating a split designation was intended.

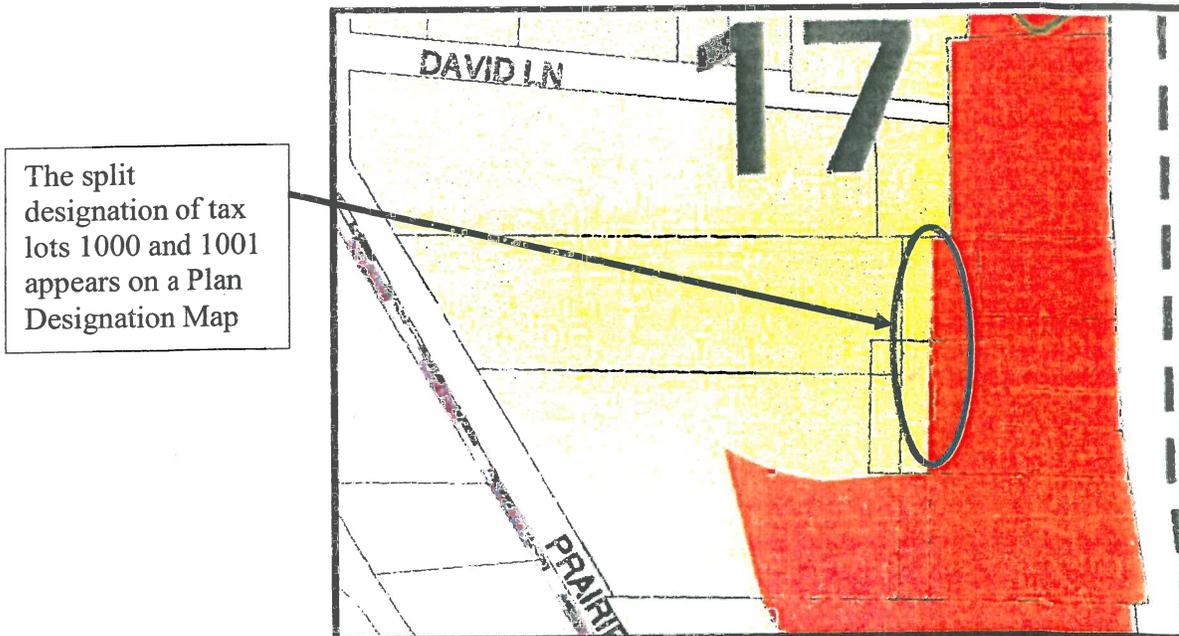


Figure 4. 1996 Plan Designation Map

During the 2012 Comprehensive Plan update tax lots 500, 1002 1003 were re-designated Medium Density Residential thus creating the 'sliver of LDR on the west side of tax lots 1000 and 1001.

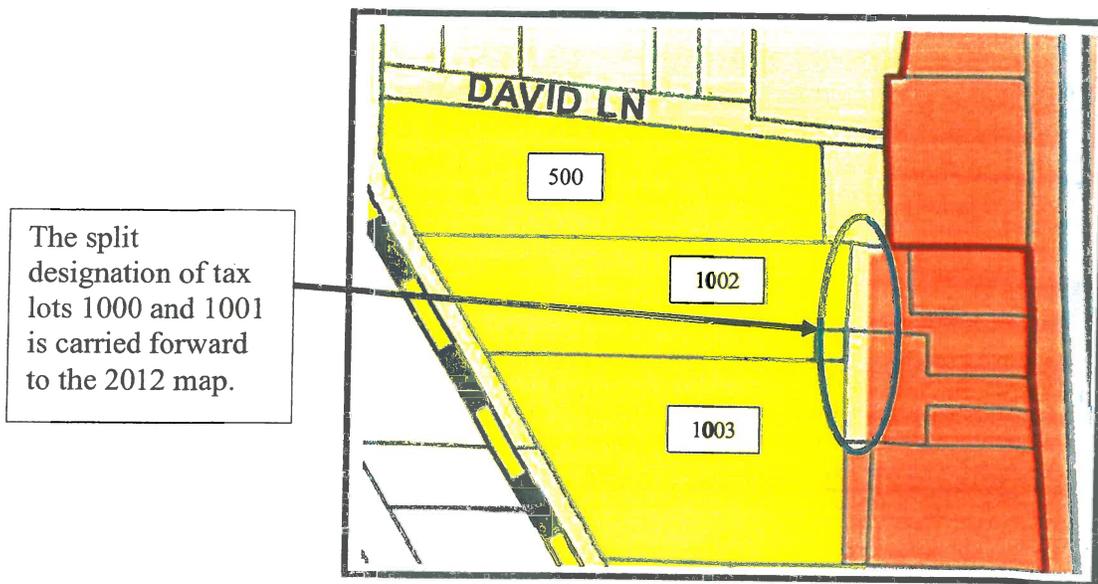


Figure 5. 2012 Plan Designation Map

Planning Staff looked at available records from 1995 to the present for reference to a City policy on split designations or past practices related to this issue. A single reference to split designations was located. During the March 3, 2011 Citizen Comprehensive Plan Committee meeting, a member asked about split designations. At the May 5, 2011 meeting, Planning staff reported back that, per Lane County, there were existing lots with split designations and this status would not prohibit development of the property. The 2012 Comprehensive Plan update included portions of two (2) lots in the Urban Growth Boundary expansion (UGB). The remainder of each lot was excluded from the UGB expansion. A designation of Commercial was applied to the portions of both parcels included in the UGB expansion, creating two (2) parcels split by the UGB rather than a split by Plan Designations.

Files reviewed from the Regional Land Information Database website, including Lane County Deeds and Record, and the Lane County Surveyor's website did not locate any road dedications or right-of-way easements indicating the LDR portion of tax lots 1000 and/or 1001 were intended for a possible future roadway.

The LDR area of tax lots 1000 and 1001, combined, contains less than one-half an acre of LDR land. The stated need for LDR land in the 2012 Housing Needs Analysis was 252 acres. The LDR portion of tax lots 1000 and 1001 represents less than one percent of the stated housing need, and, as such, would not impact the residential buildable lands inventory.

The 1982 Plan Designation Map designated both tax lots 1000 and 1001 as Commercial. The City holds the authority and discretion to examine and read its maps in the manner that makes most sense in the context of all available evidence.

Lacking evidence supporting a split designation for either tax lot 1000 or 1001, it would appear the split designation was an unintended mapping error. Based on the Plan Designations of tax lots 1000 and 1001 on the 1982 Plan Designation Map, the lots should, and were intended, to both be designated Commercial.

### **AUTHORIZATION TO INITIATE AMENDMENTS**

Chapter 17.145 of the Junction City Municipal Code states, “An amendment to the text or the zoning map of this ordinance may be initiated by the City Council, by the Planning Commission or by application of a property owner or his authorized agent. The Planning Commission shall, within 40 days after a hearing, recommend to the City Council approval, denial, or modification of the proposed amendment.”

### **APPROVAL CRITERIA**

As there are no specific criteria for zone change request other than the method above, the City must rely on the policies of the Junction City Comprehensive Plan and Map and Statewide Planning Goals when rezoning parcels. The applicant has submitted a written narrative addressing policies of the Comprehensive Plan that are applicable to rezoning parcels and applicable Statewide Planning Goals are addressed in the proposed Findings of Fact. Applicant’s written narrative is attached as Exhibit II to this staff report.

The proposed Planning Commission Final Order RZ-14-02 includes findings of fact and conditions of approval for the Rezone, addressing the criteria of approval listed above. The proposed Final Order is attached as Exhibit VIII to this staff report.

### **CITY AND AGENCY COMMENTS**

#### **Daniel L. Fricke, Oregon Department of Transportation**

“In accordance with Lane Code 15.205(1), a Facility Permit shall be required for placement of facilities within the right-of-way of County roads. Facilities and development includes, but is not limited to, road improvements, sidewalks, new or reconstructed driveway or road approach intersections, utility placements, excavation, clearing, grading, culvert placement or replacement, storm water facilities, or any other facility, thing, or appurtenance. A Facility Permit is required if an existing approach to a County road is used, in order to verify that the portion of the approach that is within the County right-of-way meets current County standards [LC 15.205(3)].”

### **PUBLIC COMMENTS**

None received to date.

### **STAFF RECOMMENDATION**

Based on the proposed findings of fact, staff recommends approval.

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

The Commission may:

- a. Recommend conditional approval of the Zoning Map Amendment based on the proposed findings.
- b. Recommend modification of the Zoning Map Amendment based on changes to the proposed findings.
- c. Deny the request for a Zoning Map Amendment with findings to support the denial.
- d. Continue the public hearing to a date certain if more information is needed.

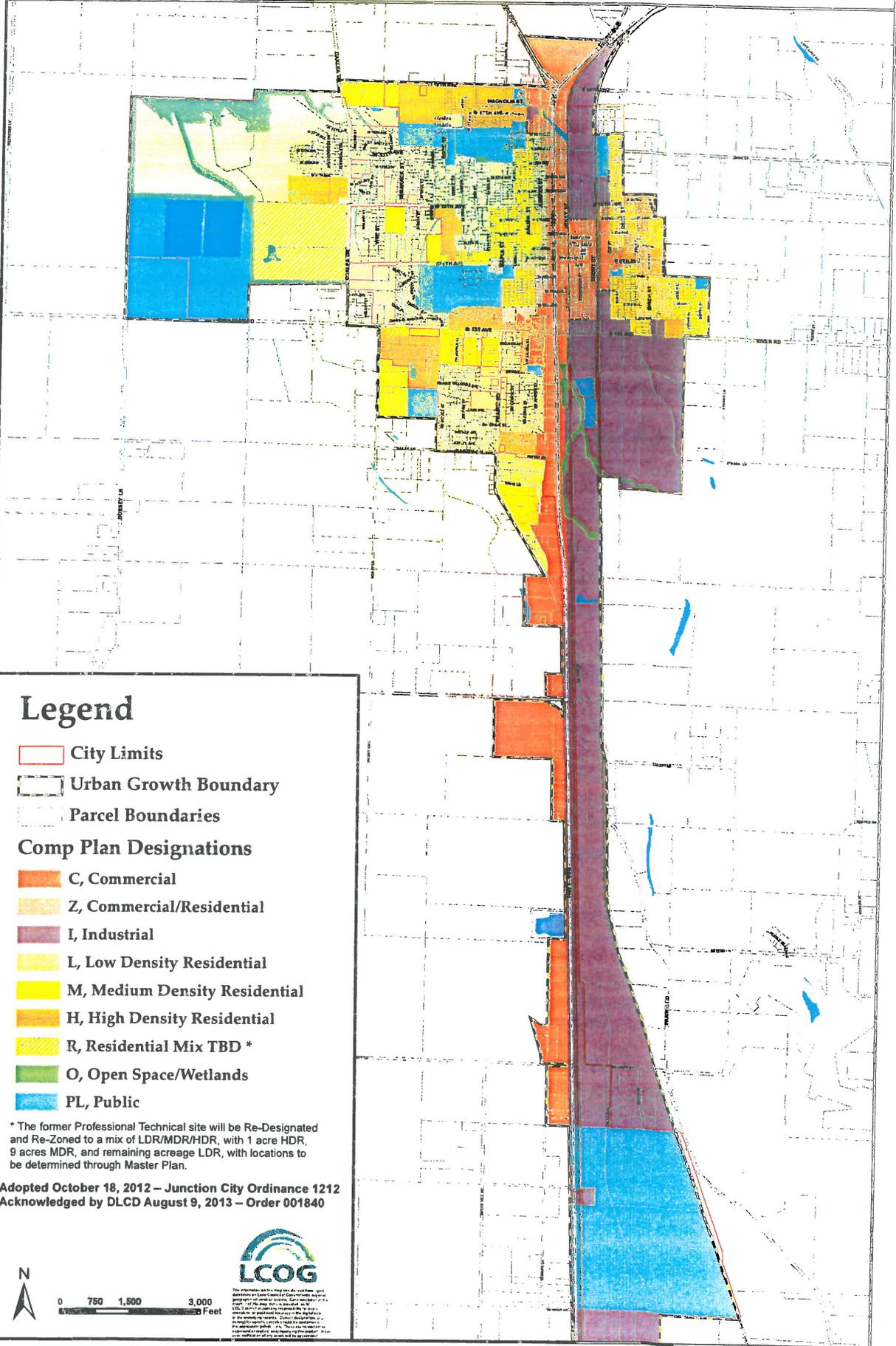
## **EXHIBITS**

- I. Junction City Plan Designation Map
- II. Application Materials including TIA
- III. Referral Comments
- IV. Public Hearing Notice and Comment Received
- V. Summary of Statewide Planning Goals 1 - 19
- VI. Applicable Statewide Planning Goals 1, 2, 5-7, 9, 11-14
- VII. Proposed Planning Commission Final Order (RZ-14-02) Rezone, ACTA LLC





# Junction City Plan Designations



## Legend

-  City Limits
-  Urban Growth Boundary
-  Parcel Boundaries

### Comp Plan Designations

-  C, Commercial
-  Z, Commercial/Residential
-  I, Industrial
-  L, Low Density Residential
-  M, Medium Density Residential
-  H, High Density Residential
-  R, Residential Mix TBD \*
-  O, Open Space/Wetlands
-  PL, Public

\* The former Professional Technical site will be Re-Designated and Re-Zoned to a mix of LDR/MDR/HDR, with 1 acre HDR, 9 acres MDR, and remaining acreage LDR, with locations to be determined through Master Plan.

Adopted October 18, 2012 – Junction City Ordinance 1212  
 Acknowledged by DLCD August 9, 2013 – Order 001840



0 750 1,500 3,000 Feet



The information on this map was derived from the best available data and is not a guarantee of accuracy. The information is provided for informational purposes only and is not intended to be used for any other purpose. The information is provided as a service to the public and is not intended to be used for any other purpose. The information is provided as a service to the public and is not intended to be used for any other purpose.

Please Note:

**Application and  
Traffic Impact Analysis**  
are located with the  
Annexation request under  
Agenda Item 5b





PLANNING ACTION REFERRAL  
 REQUEST FOR COMMENTS

**Date:** July 16, 2014  
**From:** Jordan Cogburn, City Planner, jcplanning@ci.junction-city.or.us  
**Staff Contact:** Jordan Cogburn, City Planner, jcplanning@ci.junction-city.or.us  
**File #:** A-14-01, AMD-14-01 & RZ-14-02

Date Mailed	Referral Agency	Response
	Junction City Administrator – M Bowers	
	Junction City Public Works Director – J Knope (HBH Consulting Engineers)	
	Junction City Police – Chief Chase (subdivisions)	
	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 – S White	
	Junction City Water Control District	
	Lane County Transportation – L McKinney	
	Lane County Land Management – M Laird	
	Lane Council of Governments - G. Darnielle	
	Lane County Surveyors	
	Lane County Clerk, C Betschart	
	ODOT Region 5, G Juster	
	Oregon Division of State Lands (special form required) (Wetlands)	
	Verizon (developments affecting underground cable Holly St BNSF RR) MCI	
	Century Link Engineering Grp 800.526.3557 (involves UP RR)	
	Comcast Serviceability (e)	
	Pacific Power - Doris Johnston (e)	
	Emerald People Utility District (EPUD) – T Jeffreys (e)	
	NW Natural – B Elder (R Berry-address changes) (e)	
	Lane Transit District – S Luftig (e)	

**Applicant:** ACTA, LLC  
**Property Owner:** ACTA, LLC  
**Property Location:** The subject parcels include 93660 & 93636 Highway 99S. All eight (8) of the subject parcels are on the west side of Highway 99S, south of David Lane and east of Prairie Road.

**Assessors Map and Lot:** 16-04-05-32 Lots: 00500, 00509, 00900, 01000, 01001, 01002, 01004 & 01006  
**Property Area:** 13.28 acres  
**Plan Designation:** Commercial/MDR/LDR  
**Zoning District:** Lane County zonings of RR5 & C3

The applicant is requesting annexation into the city limits of Junction City. An application to rezone the property from County zoning to City zoning is being processed concurrent with the annexation application. The applicant has also submitted an application requesting an amendment to Junction City Municipal Code, Title 17, Zoning, specifically, to Chapter 17.15, R2 (Duplex Residential). The request is to amend Section 17.15.020, Conditional Uses, to add Recreational Vehicle Parks as a conditional use in R2 zones. The subject

property is located on the west side of Highway 99. A map of the location is attached to this referral. The annexation application and the rezone application each include eight (8) parcels 16-04-05-32, lots 500, 509, 900, 1000, 1001, 1002, 1004 & 1006).

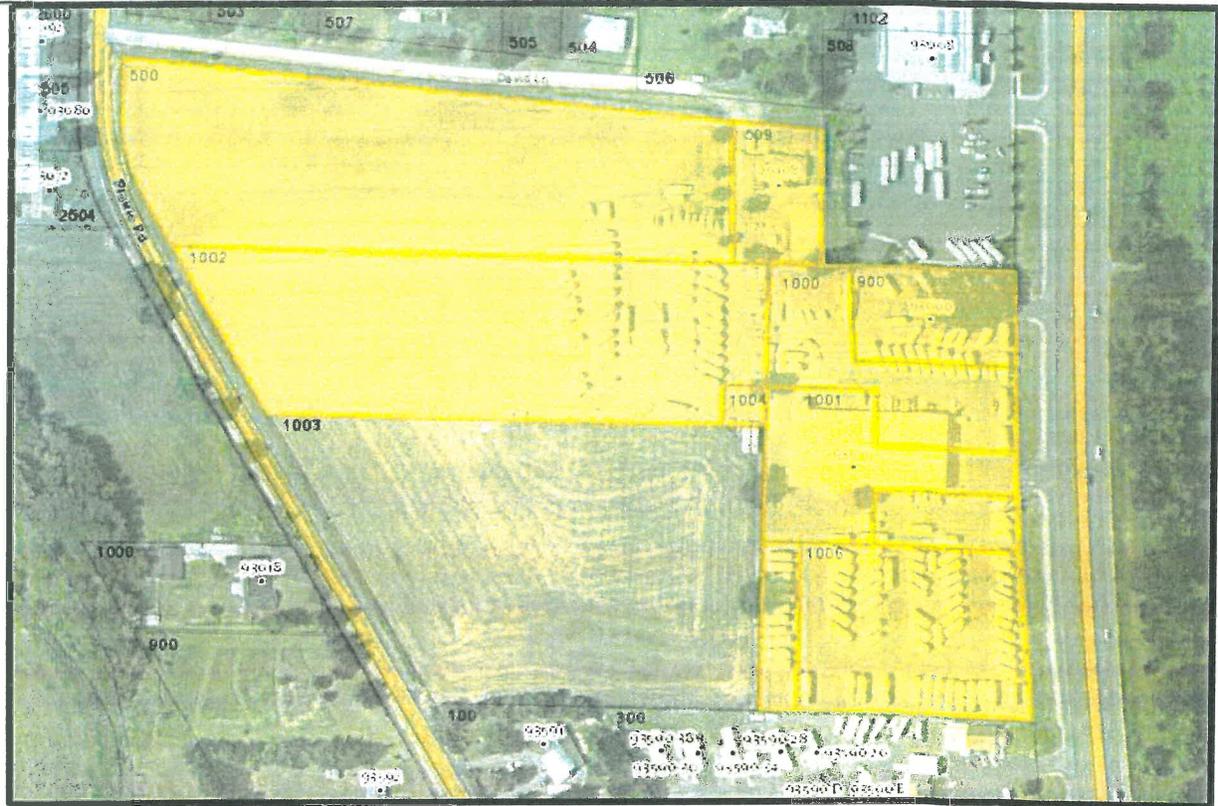
This notice is being sent to you for your review, comment, and conditioning. In order for your comments to be included in the staff report, please have your comments in our office by **5:00 p.m. on Thursday, July 31, 2014**. If your comments are brief, you may use the response form below. You may send 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)

\_\_\_\_\_ We are not affected by the proposal.  
\_\_\_\_\_ We have reviewed the proposal and have no comments.  
\_\_\_\_\_ Our comments are attached.  
\_\_\_\_\_ Our comments are:

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\_\_\_\_\_

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**NOTICE OF PUBLIC HEARING  
JUNCTION CITY PLANNING COMMISSION  
REZONE REQUEST RZ-14-02**

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The Junction City Planning Commission will hold a public hearing **Tuesday, August 19, 2014 at 6:30 pm**, at City Hall, 680 Greenwood Street. The purpose of the public hearing is to take written and oral testimony on a proposed rezone request. The property proposed for zone change is indicated on the map included with this notice.

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NATURE OF APPLICATION	Rezone Request
APPLICABLE CRITERIA	Applicable Statewide Planning Goals and provisions of the Junction City Comprehensive Plan Policies
APPLICANT	ACTA, LLC, 20 Hwy 99, Junction City OR 97448
STAFF CONTACT	Jordan Cogburn, City Planner 541-998-2153 or <a href="mailto:jcplanning@ci.junction-city.or.us">jcplanning@ci.junction-city.or.us</a>
FILE NUMBERS	RZ-14-02

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Citizens may present testimony for or against the request for zone change by submitting written comments or by giving oral testimony at the hearing. Written comments must be submitted by Monday, August 11, 2014. Written comments may be:

- submitted in person at Junction City, City Hall at 680 Greenwood Street weekdays between the hours of 8:00 am and 5:00 pm;
- mailed to the Planning Office, City of Junction City, PO Box 250, Junction City OR, 97448;
- faxed to (541) 998-3140; or
- e-mailed to [jcplanning@ci.junction-city.or.us](mailto:jcplanning@ci.junction-city.or.us)

Written comments can also be submitted to the Planning Commission at the Public Hearing on August 19, 2014.

The Planning Commission will review the request for compliance with applicable criteria based upon information in the application, and comments received and make a recommendation to the City Council. The Council in turn will hold a public hearing and make a final decision. Approval of the proposed zone change must include affirmative findings that are consistent with the provisions of the Comprehensive Plan and Statewide Planning Goals.

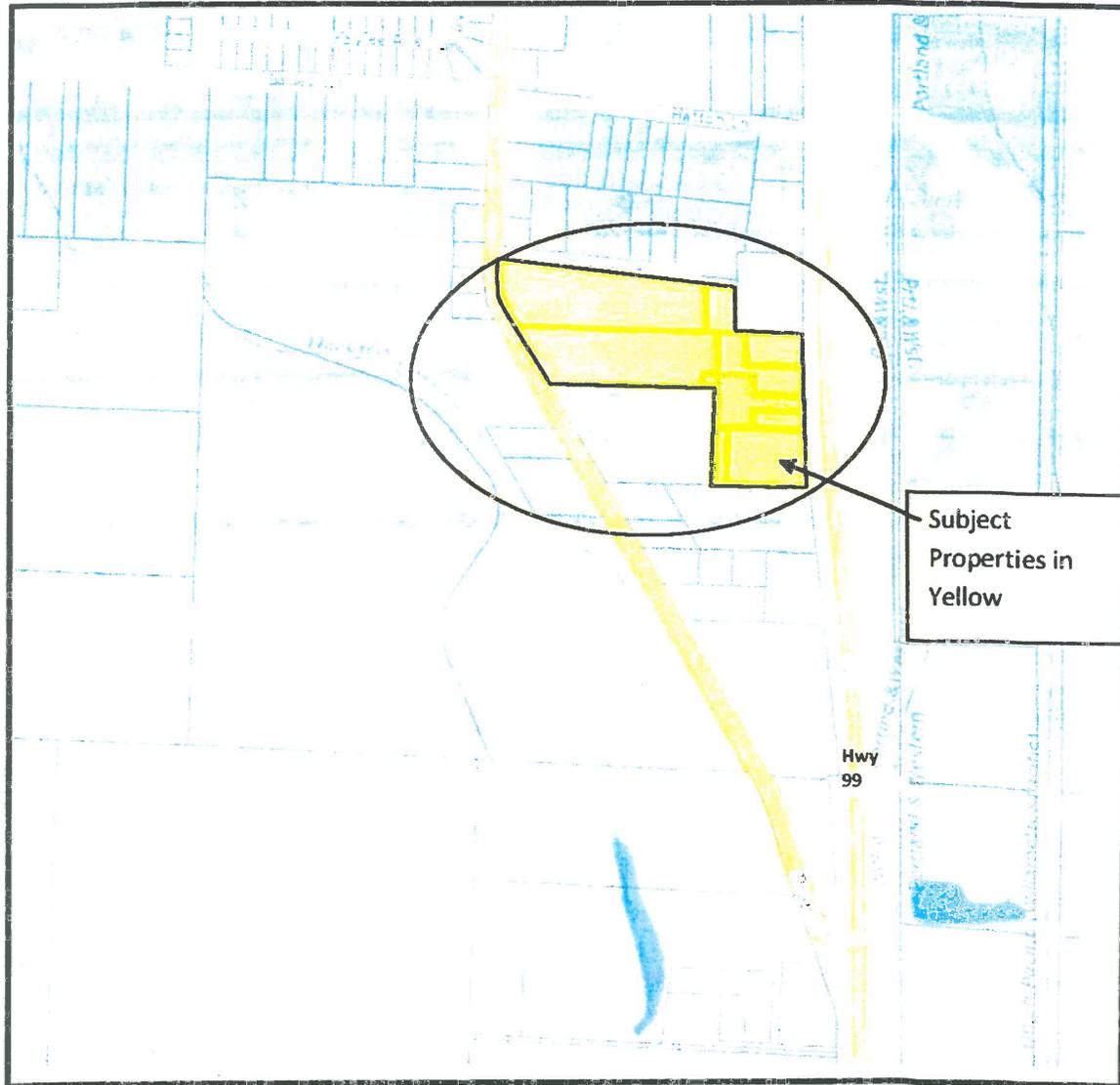
The staff report will be available for review at City Hall seven (7) days prior to the public hearing. Copies of the applicable Code, the staff report, and related documents can be reviewed at City Hall, on the City's website, or purchased for the cost of copying. The Junction City Municipal Code is on the city's website at [www.junctioncityoregon.gov](http://www.junctioncityoregon.gov).

The public hearing will follow the city's land use hearing rules of procedure for a Legislative Decision.

*Failure to raise an issue at this opportunity for comment or hearing, in person or by letter, or failure to provide statements or evidence related to an issue sufficient to afford the decision maker an opportunity to respond to the issue, precludes reliance on that issue in any later appeal of the decision that will be*

*made after consideration of statements and evidence submitted, including an appeal to the Oregon Land Use Board of Appeals based on that issue.*

*Notice to mortgagee, lienholder, vendor, or seller: the Junction City Development Code requires that if you receive this notice, it shall be promptly forwarded to the purchaser.*



## A Summary of Oregon's Statewide Planning Goals

1. **CITIZEN INVOLVEMENT** Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.
2. **LAND USE PLANNING** Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.
3. **AGRICULTURAL LANDS** Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.
4. **FOREST LANDS** This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."
5. **OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES** Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.
6. **AIR, WATER AND LAND RESOURCES QUALITY** This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.
7. **AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS** Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.
8. **RECREATION NEEDS** This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed

types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

19. ***OCEAN RESOURCES*** Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the

nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

# Oregon's Statewide Planning Goals & Guidelines

## GOAL 1: CITIZEN INVOLVEMENT

OAR 660-015-0000(1)

**To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

The citizen involvement program shall incorporate the following components:

**1. Citizen Involvement -- To provide for widespread citizen involvement.**

The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly

representative of geographic areas and interests related to land use and land-use decisions. Committee members shall be selected by an open, well-publicized public process.

The committee for citizen involvement shall be responsible for assisting the governing body with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

If the governing body wishes to assume the responsibility for, development as well as adoption and implementation of the citizen involvement program or to assign such responsibilities to a planning commission, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process.

committee appointments should be well publicized.

## **B. COMMUNICATION**

Newsletters, mailings, posters, mail-back questionnaires, and other available media should be used in the citizen involvement program.

## **C. CITIZEN INFLUENCE**

**1. Data Collection** - The general public through the local citizen involvement programs should have the opportunity to be involved in inventorying, recording, mapping, describing, analyzing and evaluating the elements necessary for the development of the plans.

**2. Plan Preparation** - The general public, through the local citizen involvement programs, should have the opportunity to participate in developing a body of sound information to identify public goals, develop policy guidelines, and evaluate alternative land conservation and development plans for the preparation of the comprehensive land-use plans.

**3. Adoption Process** - The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.

**4. Implementation** - The general public, through the local citizen involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land-use plan. The

general public, through the local citizen involvement programs, should have the opportunity to review each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.

**5. Evaluation** - The general public, through the local citizen involvement programs, should have the opportunity to be involved in the evaluation of the comprehensive land use plans.

**6. Revision** - The general public, through the local citizen involvement programs, should have the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes.

## **D. TECHNICAL INFORMATION**

**1.** Agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and one changes) should provide assistance to the citizen involvement program. The roles, responsibilities and timeline in the planning process of these agencies should be clearly defined and publicized.

**2.** Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

# Oregon's Statewide Planning Goals & Guidelines

## GOAL 2: LAND USE PLANNING

### OAR 660-015-0000(2)

#### **PART I -- PLANNING**

**To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.

All land-use plans and implementation ordinances shall be adopted by the governing body after

public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

**Affected Governmental Units --** are those local governments, state and federal agencies and special districts which have programs, land ownerships, or responsibilities within the area included in the plan.

**Comprehensive Plan --** as defined in ORS 197.015(5).

**Coordinated --** as defined in ORS 197.015(5). Note: It is included in the definition of comprehensive plan.

**Implementation Measures --** are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.

**Plans --** as used here encompass all plans which guide land-use decisions, including both comprehensive and single-purpose plans of cities, counties, state and federal agencies and special districts.

goals. All land-use plans shall state how the guidelines or alternative means utilized achieve the goals.

**Guidelines** -- are suggested directions that would aid local governments in activating the mandated goals. They are intended to be instructive, directional and positive, not limiting local government to a single course of action when some other course would achieve the same result. Above all, guidelines are not intended to be a grant of power to the state to carry out zoning from the state level under the guise of guidelines. (Guidelines or the alternative means selected by governmental bodies will be part of the Land Conservation and Development Commission's process of evaluating plans for compliance with goals.)

## **GUIDELINES**

### **A. PREPARATION OF PLANS AND IMPLEMENTATION MEASURES**

Preparation of plans and implementation measures should be based on a series of broad phases, proceeding from the very general identification of problems and issues to the specific provisions for dealing with these issues and for interrelating the various elements of the plan. During each phase opportunities should be provided for review and comment by citizens and affected governmental units.

The various implementation measures which will be used to carry out the plan should be considered during each of the planning phases.

The number of phases needed will vary with the complexity and size of the area, number of people involved, other governmental units to be

consulted, and availability of the necessary information.

Sufficient time should be allotted for:

- (1) collection of the necessary factual information
- (2) gradual refinement of the problems and issues and the alternative solutions and strategies for development
- (3) incorporation of citizen needs and desires and development of broad citizen support
- (4) identification and resolution of possible conflicts with plans of affected governmental units.

### **B. REGIONAL, STATE AND FEDERAL PLAN CONFORMANCE**

It is expected that regional, state and federal agency plans will conform to the comprehensive plans of cities and counties. Cities and counties are expected to take into account the regional, state and national needs. Regional, state and federal agencies are expected to make their needs known during the preparation and revision of city and county comprehensive plans. During the preparation of their plans, federal, state and regional agencies are expected to create opportunities for review and comment by cities and counties. In the event existing plans are in conflict or an agreement cannot be reached during the plan preparation process, then the Land Conservation and Development Commission expects the affected government units to take steps to resolve the issues. If an agreement cannot be reached, the appeals procedures in ORS Chapter 197 may be used.

### **C. PLAN CONTENT**

#### **1. Factual Basis for the Plan**

**F. IMPLEMENTATION MEASURES**

The following types of measure should be considered for carrying out plans:

**1. Management Implementation Measures**

(a) Ordinances controlling the use and construction on the land, such as building codes, sign ordinances, subdivision and zoning ordinances. ORS Chapter 197 requires that the provisions of the zoning and subdivision ordinances conform to the comprehensive plan.

(b) Plans for public facilities that are more specific than those included in the comprehensive plan. They show the size, location, and capacity serving each property but are not as detailed as construction drawings.

(c) Capital improvement budgets which set out the projects to be constructed during the budget period.

(d) State and federal regulations affecting land use.

(e) Annexations, consolidations, mergers and other reorganization measures.

**2. Site and Area Specific implementation Measures**

(a) Building permits, septic tank permits, driveway permits, etc; the review of subdivisions and land partitioning applications; the changing of zones and granting of conditional uses, etc.

(b) The construction of public facilities (schools, roads, water lines, etc.).

(c) The provision of land-related public services such as fire and police.

(d) The awarding of state and federal grants to local governments to provide these facilities and services.

(e) Leasing of public lands.

**G. USE OF GUIDELINES FOR THE STATEWIDE PLANNING GOALS**

Guidelines for most statewide planning goals are found in two sections-planning and implementation. Planning guidelines relate primarily to the process of developing plans that incorporate the provisions of the goals. Implementation guidelines should relate primarily to the process of carrying out the goals once they have been incorporated into the plans. Techniques to carry out the goals and plans should be considered during the preparation of the plan.

reservoir sites should be identified and protected against irreversible loss.

4. Plans providing for open space, scenic and historic areas and natural resources should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

5. The National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation should be utilized in designating historic sites.

6. In conjunction with the inventory of mineral and aggregate resources, sites for removal and processing of such resources should be identified and protected.

7. As a general rule, plans should prohibit outdoor advertising signs except in commercial or industrial zones. Plans should not provide for the reclassification of land for the purpose of accommodating an outdoor advertising sign. The term "outdoor advertising sign" has the meaning set forth in ORS 377.710(23).

## **B. IMPLEMENTATION**

1. Development should be planned and directed so as to conserve the needed amount of open space.

2. The conservation of both renewable and non-renewable natural resources and physical limitations of the land should be used as the basis for determining the quantity, quality, location, rate and type of growth in the planning area.

3. The efficient consumption of energy should be considered when utilizing natural resources.

4. Fish and wildlife areas and habitats should be protected and managed in accordance with the Oregon Wildlife Commission's fish and wildlife management plans.

5. Stream flow and water levels should be protected and managed at a level adequate for fish, wildlife, pollution abatement, recreation, aesthetics and agriculture.

6. Significant natural areas that are historically, ecologically or scientifically unique, outstanding or important, including those identified by the State Natural Area Preserves Advisory Committee, should be inventoried and evaluated. Plans should provide for the preservation of natural areas consistent with an inventory of scientific, educational, ecological, and recreational needs for significant natural areas.

7. Local, regional and state governments should be encouraged to investigate and utilize fee acquisition, easements, cluster developments, preferential assessment, development rights acquisition and similar techniques to implement this goal.

8. State and federal agencies should develop statewide natural resource, open space, scenic and historic area plans and provide technical assistance to local and regional agencies. State and federal plans should be reviewed and coordinated with local and regional plans.

9. Areas identified as having non-renewable mineral and aggregate resources should be planned for interim,

# Oregon's Statewide Planning Goals & Guidelines

## GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

### OAR 660-015-0000(6)

**To maintain and improve the quality of the air, water and land resources of the state.**

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

***Waste and Process Discharges*** -- refers to solid waste, thermal, noise, atmospheric or water pollutants, contaminants, or products therefrom. Included here also are indirect sources of air pollution which result in emissions of air contaminants for which the state has established standards.

#### **GUIDELINES**

##### **A. PLANNING**

1. Plans should designate alternative areas suitable for use in controlling pollution including but not limited to waste water treatment plants,

solid waste disposal sites and sludge disposal sites.

2. Plans should designate areas for urban and rural residential use only where approvable sewage disposal alternatives have been clearly identified in such plans.

3. Plans should buffer and separate those land uses which create or lead to conflicting requirements and impacts upon the air, water and land resources.

4. Plans which provide for the maintenance and improvement of air, land and water resources of the planning area should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

5. All plans and programs affecting waste and process discharges should be coordinated within the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plan.

6. Plans of state agencies before they are adopted should be coordinated with and reviewed by local agencies with respect to the impact of these plans on the air, water and land resources in the planning area.

Adopted September 28, 2001  
 Effective June 1, 2002

## Oregon's Statewide Planning Goals and Guidelines

### GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

**To protect people and property from natural hazards.**

#### A. NATURAL HAZARD PLANNING

1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides,<sup>1</sup> earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

#### B. RESPONSE TO NEW HAZARD INFORMATION

1. New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.

2. After such consultation, the Department shall notify local governments if the new hazard information requires a local response.

3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.

#### C. IMPLEMENTATION

Upon receiving notice from the Department, a local government shall:

1. Evaluate the risk to people and

property based on the new inventory information and an assessment of:

a. the frequency, severity and location of the hazard;

b. the effects of the hazard on existing and future development;

c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and

d. the types and intensities of land uses to be allowed in the hazard area.

2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.

3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:

a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and

b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1)

(a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.<sup>2</sup>

4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and

<sup>1</sup> For "rapidly moving landslides," the requirements of ORS 195.250-195.275 (1999 edition) apply.

<sup>2</sup> For purposes of constructing essential facilities, and special occupancy structures in tsunami inundation zones, the requirements of the state building code - ORS 455.446 and 455.447 (1999 edition) and OAR chapter 632, division 5 apply.

# Oregon's Statewide Planning Goals & Guidelines

## GOAL 9: ECONOMIC DEVELOPMENT

### OAR 660-015-0000(9)

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

Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements.

Comprehensive plans for urban areas shall:

1. Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends;
2. Contain policies concerning the economic development opportunities in the community;
3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and

commercial uses consistent with plan policies;

4. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.

In accordance with ORS 197.180 and Goal 2, state agencies that issue permits affecting land use shall identify in their coordination programs how they will coordinate permit issuance with other state agencies, cities and counties.

### GUIDELINES

#### A. PLANNING

1. A principal determinant in planning for major industrial and commercial developments should be the comparative advantage of the region within which the developments would be located. Comparative advantage industries are those economic activities which represent the most efficient use of resources, relative to other geographic areas.

2. The economic development projections and the comprehensive plan which is drawn from the projections should take into account the availability of the necessary natural resources to support the expanded industrial development and associated populations. The plan should also take into account the social, environmental, energy, and economic impacts upon the resident population.

# Oregon's Statewide Planning Goals & Guidelines

## GOAL 11: PUBLIC FACILITIES AND SERVICES

### OAR 660-015-0000(11)

**To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan.

Counties shall develop and adopt community public facility plans regulating facilities and services for certain unincorporated communities outside urban growth boundaries as specified by Commission rules.

Local Governments shall not allow the establishment or extension of sewer systems outside urban growth boundaries or unincorporated community boundaries, or allow extensions of sewer lines from within urban growth boundaries or unincorporated community boundaries to serve land outside those boundaries, except where the new or extended

system is the only practicable alternative to mitigate a public health hazard and will not adversely affect farm or forest land.

Local governments may allow residential uses located on certain rural residential lots or parcels inside existing sewer district or sanitary authority boundaries to connect to an existing sewer line under the terms and conditions specified by Commission rules.

Local governments shall not rely upon the presence, establishment, or extension of a water or sewer system to allow residential development of land outside urban growth boundaries or unincorporated community boundaries at a density higher than authorized without service from such a system.

In accordance with ORS 197.180 and Goal 2, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties.

***A Timely, Orderly, and Efficient Arrangement*** – refers to a system or plan that coordinates the type, locations and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.

conservation and development action provided for by such plans should not exceed the carrying capacity of such resources.

## **B. IMPLEMENTATION**

1. Capital improvement programming and budgeting should be utilized to achieve desired types and levels of public facilities and services in urban, urbanizable and rural areas.
2. Public facilities and services should be appropriate to support sufficient amounts of land to maintain an adequate housing market in areas undergoing development or redevelopment.
3. The level of key facilities that can be provided should be considered as a principal factor in planning for various densities and types of urban and rural land uses.
4. Plans should designate sites of power generation facilities and the location of electric transmission lines in areas intended to support desired levels of urban and rural development.
5. Additional methods and devices for achieving desired types and levels of public facilities and services should include but not be limited to the following: (1) tax incentives and disincentives; (2) land use controls and ordinances; (3) multiple use and joint development practices; (4) fee and less-than-fee acquisition techniques; and (5) enforcement of local health and safety codes.
6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal

low-density developments with dispersed origins and destinations should be principally served by the auto.

6. Plans providing for a transportation system should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

## **B. IMPLEMENTATION**

1. The number and location of major transportation facilities should conform to applicable state or local land use plans and policies designed to direct urban expansion to areas identified as necessary and suitable for urban development. The planning and development of transportation facilities in rural areas should discourage urban growth while providing transportation service necessary to sustain rural and recreational uses in those areas so designated in the comprehensive plan.

2. Plans for new or for the improvement of major transportation facilities should identify the positive and negative impacts on: (1) local land use patterns, (2) environmental quality, (3) energy use and resources, (4) existing transportation systems and (5) fiscal resources in a manner sufficient to enable local governments to rationally consider the issues posed by the construction and operation of such facilities.

3. Lands adjacent to major mass transit stations, freeway interchanges, and other major air, land and water terminals should be managed and controlled so as to be consistent with and supportive of the land use and development patterns identified in the comprehensive plan of the jurisdiction within which the facilities are located.

4. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

# Oregon's Statewide Planning Goals & Guidelines

## GOAL 14: URBANIZATION

**OAR 660-015-0000(14)**

*(Effective April 28, 2006)*

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

### **Urban Growth Boundaries**

Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land. Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments. An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements, except for the Metro regional urban growth boundary established pursuant to ORS chapter 268, which shall be adopted or amended by the Metropolitan Service District.

### **Land Need**

Establishment and change of urban growth boundaries shall be based on the following:

(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year

population forecast coordinated with affected local governments; and

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

### **Boundary Location**

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

which should be utilized to direct urban expansion.

2. The type, design, phasing and location of major public transportation facilities (i.e., all modes: air, marine, rail, mass transit, highways, bicycle and pedestrian) and improvements thereto are factors which should be utilized to support urban expansion into urbanizable areas and restrict it from rural areas.

3. Financial incentives should be provided to assist in maintaining the use and character of lands adjacent to urbanizable areas.

4. Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.

5. Additional methods and devices for guiding urban land use should include but not be limited to the following: (1) tax incentives and disincentives; (2) multiple use and joint development practices; (3) fee and less-than-fee acquisition techniques; and (4) capital improvement programming.

6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

**PROPOSED FINAL ORDER OF THE  
JUNCTION CITY PLANNING COMMISSION  
REZONE (RZ-14-02) ACTA LLC**

Exhibit VII

**A. THE JUNCTION CITY PLANNING COMMISSION FINDS THE FOLLOWING:**

- a. The property owner, ACTA LLC, initiated the Rezone request on April 23, 2014 as authorized by Section 17.145.010 of the Junction City Municipal Code. The application was deemed complete May 21, 2014.
- b. The Junction City Planning Commission followed procedures for a Type III Quasi-Judicial Hearing per Junction City Municipal Code Section 17.150.070 (A)(3).
- c. The Junction City Planning Commission held a public hearing on August 19, 2014 in accordance with Junction City Municipal Code Section 17.150.090 after giving the required notice per Section 17.150.080 and considered all material relevant to the Rezone Request that has been submitted by the applicant, staff and the general public regarding this matter.
- d. The subject property is currently designated Commercial/LDR/MDR by the Junction City Comprehensive Plan.
- e. The General Commercial/R1/R2 Zoning Districts implement the Commercial/LDR/MDR Plan Designations of the Junction City Comprehensive Plan.
- f. An unintentional mapping error on the 1996 Comprehensive Plan Designation Map is hereby rectified, all of tax lots 1000 and 1001 are found to have a Commercial designation.

**C. IT IS HEREBY ORDERED THAT the Junction City Planning Commission recommends approval of the zone change for Assessor's Map and Tax Lot 16-04-05-32; Tax Lots: 00500, 00509, 00900, 01000, 01001, 01002, 01004 and 01006 based on the following Findings of Fact:**

**Title 17—Zoning**

**Section 17.145.010. Authorization to Initiate Amendments. An amendment to the text or the zoning map of this ordinance may be initiated by the City Council, by the Planning Commission or by application of a property owner or his authorized agent. The Planning Commission shall, within 40 days after a hearing, recommend to the City Council approval, denial, or modification of the proposed amendment. An amendment to the text or the zoning map may be consolidated with a related amendment to the comprehensive plan text or map.**

**FINDING:** The applicant, Herbert Nill and property owner, ACTA, LLC have initiated an amendment to the City of Junction City Zoning Map. The applicant has requested to amend

the City of Junction City Zoning Map to zone the subject properties as follows: Tax Lots 00500 and 01002 as Duplex Residential (R2); 00900, 01000, 01001, 01004 and 01006 as General Commercial (GC); and 00509 as Single Family Residential (R1) . As such, the above stated criterion is satisfied.

**Section 17.145.020. Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the city. The application shall be accompanied by a fee equal to the average cost of such applications as established by the City Council.**

**FINDING:** The Applicant submitted payment of the appropriate fee for this application on April 23, 2014. This criterion is met.

### **Junction City Comprehensive Plan Compliance**

Junction City's Municipal Code does not contain criteria for addressing proposed changes to the zoning map. Therefore, the criteria to be applied in this case consist of demonstrating compliance with Oregon's Statewide Planning Goals and the Junction City Comprehensive Plan. Because the proposed zonings are essentially identical to the existing plan designations of the Comprehensive Plan Map, the Applicant has submitted Comprehensive Plan Compliance findings. Staff has prepared findings and responses to the applicant's written statement that address applicable Junction City Comprehensive and Plan Policies and Statewide Planning Goals.

#### **Chapter 1: Citizen Involvement Element**

**FINDING:** As stated by the applicant in their written statement, attached to the staff report as Exhibit II, this element of the Comprehensive Plan will be met by compliance with the adopted notification and hearing processes under Junction City Municipal Code Sections 17.145.030, 17.150.070 and 17.150.080

**FINDING:** The City is processing the Zone Change a Type III Legislative Decision per Section 17.150.070 and scheduled a hearing before the Junction City Planning Commission on August 19, 2014.

**FINDING:** On August 7, 2014 the public hearing was advertised in the Register Guard Newspaper, at least 10 days prior to the public hearing scheduled for August 19, 2014 and on August 1, 2014 the City mailed public notice of applicant's request to all property owners within 300 feet of the subject site per Section 17.150.080 of the City's zoning code.

#### **Chapter 2: Environmental Element**

**FINDING:** A Referral Request for Comments was sent to the Department of State Lands on July 17, 2014. No response was received from DSL.

**Chapter 3: Land Use Element**

**FINDING:** Table 3-1 of the Land Use Element specifies that the General Commercial Zoning District implement the Commercial land use designation of the Junction City Comprehensive Plan similarly, the Duplex Residential Zoning District implements the Medium Density land use designation and Single Family Residential Zoning implements the Low Density land use designation. The requested zoning by the applicant, General Commercial, Duplex Residential and Single Family Residential are consistent with this table and the Junction City Comprehensive Plan.

**FINDING:** A mapping error occurred on the 1996 Comprehensive Plan Designation Map that created a split designation of Commercial and Low Density Residential on tax lots 1000 and 1001. The 1982 Plan Designation Map designated the two tax lots as Commercial. Documentation contained in the Staff Report for RZ-14-02 confirmed the split designation was an unintentional mapping

**FINDING:** The proposed General Commercial, Duplex Residential and Single Family Residential zonings for the properties are consistent with Chapter 3 of the Junction City Comprehensive Plan.

**Chapter 4 – Economic Development Element**

**FINDING:** Policy 4.4.1 of Chapter 4 of the Junction City Comprehensive Plan states “Provide an adequate supply of suitable sites as identified in this chapter and the 2009 EOA to meet long-term employment needs.”

**FINDING:** The subject site was identified in the City’s recent UGB Amendment (expansion). The City of Junction City’s Urban Growth Boundary (UGB) was amended through Periodic Review, which included the subject properties. The Oregon Department of Land Conservation and Development acknowledged the City of Junction City Comprehensive Plan to comply with the 19 Statewide Planning Goals (DLCD Order #001840, dated August 19, 2013).

**Chapter 6: Transportation Element**

**FINDING:** The site borders Highway 99S, State Facilities, therefore there is no applicable Transportation Polices that relate to this zone change request. Statewide Planning Goal Compliance for Transportation is addressed under Goal 12, Transportation Planning Rule, below.

**Chapter 7: Public Facilities Element**

**FINDING:** The Junction City Comprehensive Plan states: “It is the goal of this plan to provide public facilities in an efficient and timely manner at level in excess of projected demands.” (Chapter 7, p. 1)

**FINDING:** When development is proposed for the subject property key urban facilities and services will either be immediately available or will be able to be extended in an orderly

manner. Water and sewer lines have been extended along the western boundary of the subject site. Any development on the subject site will be required to demonstrate adequate water supply and sewer treatment and disposal capacity are available.

## **Oregon Statewide Planning Goal Compliance**

### **Goal 1 Citizen Involvement**

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

**FINDING:** This goal will be met by compliance with the adopted notification and hearing processes under Junction Municipal Code Sections 17.145.030, 17.150.070 and 17.150.080.

### **Goal 2 Land Use Planning**

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

**FINDING:** Goal 2 (Land Use Planning) outlines the basic procedures of Oregon's statewide planning program, stating that land use decisions must be made in accordance with comprehensive plans and that effective implementation ordinances must be adopted.

The subject site was identified in the City's recent UGB Amendment (expansion). 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 Comprehensive Plan to comply with the 19 Statewide Planning Goals (Periodic Review, DLCD Order #001840, dated August 19, 2013).

During the periodic review process, the City agreed to designate the subject site on the Comprehensive Plan Map as Commercial/MDR/LDR. On September 18, 2012, The City adopted Ordinance 1212 to amend the Junction City Comprehensive Plan Map to designate the subject site as 'Commercial/MDR/LDR.'

General Commercial (GC), Duplex Residential and Single Family Residential zonings implement the City's Comprehensive Plan land use designations, Chapter 3 Table 3-1. Therefore, the zone change request to General Commercial/Duplex Residential/Single Family Residential are consistent with the City's DLCD acknowledged Comprehensive Plan.

### **Goals 3 Agricultural Lands and 4 Forest Lands**

*Goal 3 - Agricultural Land: To preserve and maintain agricultural lands.*

*Goal 4 - Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient*

*forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

**FINDING:** Goal 3 requires counties to inventory agricultural lands and to maintain and preserve them through EFU zoning. Because the subject property is designated Commercial in the acknowledged Urban Growth Boundary of the City of Junction City and identified for urban uses, Goals 3 and 4 are not applicable.

**Goal 5 Open Spaces, Scenic and Historic Areas & Natural Resources**

*Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: To conserve open space and protect natural and scenic resources.*

**FINDING:** Goal 5 requires local governments to inventory and protect historic areas. The subject property is not included in the inventory (Resolution 314).

**FINDING:** Goal 5 requires local governments to inventory and protect natural resources. The 2012 DLCD acknowledged Comprehensive Plan update includes a Goal 5 inventory. The inventory identified locally significant wetlands. The subject property was not listed in this inventory; therefore, it is consistent with Goal 5

**Goal 6 Air, Water and Land Resources Quality**

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

**FINDING:** Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations. The proposed Zone Change has no Goal 6 impact. Environmental impacts will be addressed in the subsequent land use review for any future proposed development.

**Goal 7 Areas Subject to Natural Disasters and Hazards**

*Goal 7 - Area Subject to Natural Disasters and Hazards: To protect life and property from natural disasters and hazards.*

**FINDING:** Goal 7 requires that jurisdictions apply appropriate safeguards when planning development in areas that are subject to natural hazards such as flood hazards. The only identified natural hazard in Junction City is flooding. Junction City has an acknowledged floodplain protection ordinance. Land within the floodway is considered unsuitable for urban development. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (#41039C0604F) covering the subject property indicates that the property is in Flood Zone X, areas determined to be outside a 500-year floodplain. The proposed Zone Change will not affect Natural Disaster or Hazard risk area boundaries. Thus, Goal 7 has

been properly addressed. Identification of possible flood hazards and their impacts on future proposed development will be addressed during land use review.

**Goal 8 Recreation Needs**

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

**FINDING:** The proposed Zone Change does not affect any lands identified as having high recreation resource value; this Goal is not applicable.

**Goal 9 Economy of the State**

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

**FINDING:** The subject site was identified in the City's recent UGB expansion and designated Commercial/MDR/LDR on the Plan Designation Map. When the City of Junction City's Urban Growth Boundary (UGB) was amended through Periodic Review to include the subject properties, the Oregon Department of Land Conservation and Development acknowledged the City of Junction Comprehensive Plan to comply with the 19 Statewide Planning Goals (Periodic Review, DLCD Order #001840, dated August 19, 2013).

**Goal 10 Housing**

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

**FINDING:** This proposal does include lands designated for residential uses. Tax lot 509 is designated Low Density Residential. Tax lots 500 and 1002 are designated Medium Density Residential. Therefore, Goal 10 is applicable. Any future development on these parcels is required to be in compliance with their respective Plan Designation. Therefore, proposal complies with Goal 10.

**Goal 11 Public Facilities and Services**

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

**FINDING:** The DLCD acknowledged 2012 Comprehensive Plan found compliance with the Statewide Planning Goals, including Goal 11 (Ordinance 1212, Appendix 1, Page 144).

**FINDING:** The proposed Zone Change poses no impact on provision of public facilities and services. Water and sewer lines have been extended to the western boundary of the subject

site. Any future development will be required to demonstrate adequate water supply and sewer treatment and disposal capacity necessary for said development.

### **Goal 12 Transportation**

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

**FINDING:** Goal 12 encourages the provision of a safe, convenient and economic transportation system. This goal also implements provisions of other statewide planning goals related to transportation planning in order to plan and develop transportation facilities and services in coordination with urban and rural development (OAR 660-012-0000(1)).

*As stated in 660-012-0060 "Where an amendment to a functional plan, acknowledged comprehensive plan, or land use regulation would significantly affect an existing or planned transportation facility, the local government shall put onto place measures to assure allowed land uses are consistent with the identified function, capacity, and performance standards of the facility."*

**FINDING:** The applicant's rezone request from county zoning to city zoning allows for future development of the site. ODOT required a Traffic Impact Analysis (TIA). The applicant submitted a TIA to evaluate potential impacts of the proposed rezoning and to determine if any improvements will be necessary to ensure continued acceptable operations of the state highway adjacent to the subject site.

**FINDING:** A determination regarding the significance of the effect that the rezoning will have on existing transportation facilities will not be known until the time a development permit is requested. At that time, a traffic impact analysis will be required to address the specific proposal, unless the issue is addressed by the Transportation System Plan.

### **Goal 13 Energy**

*Goal 13 - Energy Conservation: This goal states: "Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."*

**FINDING:** Goal 13 requires land and uses developed on the land to be managed and controlled to maximize the conservation of all forms of energy, based upon sound economic principles. Energy consequences of the proposed urban growth area amendment have been considered in the Goal 14 alternatives analysis process undertaken as a part of the recently approved UGB expansion. The proposed change in land use zonings does not include a proposed use. Therefore, Goal 13 has been adequately addressed.

### **Goal 14 Urbanization**

*Goal 14 - Urbanization: To provide for an orderly and efficient transition from rural to urban land use.*

**FINDING:** The proposed Comprehensive Plan Map Amendment does not involve urbanization of any land not currently within the Junction City UGB. A request for annexation of the subject site is being processed concurrent with this rezone request. The subject site was part of a recently approved UGB expansion; Goal 14 impacts have been previously addressed in detail through that earlier process. The proposed Comprehensive Plan Map designations are consistent with Goal 14.

**Goal 15 through 19**

***Goal 15 - Willamette River Greenway:** To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

***Goals 16-19; Estuary Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources:** These goals are not relevant to this proposed amendment because there is no coastal, estuarine, ocean, or beach and dune resources related to the site.*

**FINDING:** Goals 15 through 19 are related to the Willamette Greenway and coastal resources. As such, these goals do not apply to the subject sites and no further analysis is required.

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Signature:

Jason Thiesfeld, Junction City Planning Commission Chairperson

Approval Date:

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