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**FINDINGS AND RECOMMENDATION OF THE PLANNING DEPARTMENT:**

**ISLAND FENCE HIGHWAY 90S ANNEXATION AND REZONE PROPOSAL**  
**(A-24-27 & RZ-24-28)**

**Application Summary:**

An Annexation and Rezone request for four adjacent tax lots totaling 1.44 acres located at 93110, 93114, 93104, 93094 and 93098 Highway 99 South. The subject tract is proposed to be zoned General Commercial and is designated Commercial by the Junction City Plan Designation map.

**Owner(s):**

Indar & Heidi L Bhan Living Trust, PO Box 397, Junction City, OR 97448

**Applicant(s):**

Bineham Construction, Inc. 4171 W. 1<sup>st</sup> Avenue, Eugene, OR 97402

**Lead City Staff:**

Chloe Trifilio, Planner, Lane Council of Governments, (541) 682-4247

**Subject Property/Zoning/Location:**

Tax Lots 00500, 00501, 00600, 00700 of Assessor's Map 16-04-08-31, located south of Prairie Road along Highway 99 South.

**Relevant Dates:**

The Type-IV application was submitted on August 8, 2024, and deemed complete on August 19, 2024. The Planning Commission Public Hearing is scheduled to be held on October 15, 2024.

**Present Request:**

The applicants are seeking to Annex and Rezone the subject tract located south of Prairie Road along Highway 99 South. Approval of this application would Annex the 1.44 Acre tract into the Junction City Limits, and to Rezone to the appropriate Junction City zoning of General Commercial (GC).

**Public Notice and Referrals:**

Staff provided notice in accordance with the applicable provisions set forth in JCMC 17.150.080(A-K). Additionally, Section 17.150.080(C) of the Municipal Code states:

For Type IV applications:

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

2. If particular properties are to be affected more than, or in a manner significantly different from, other properties of the same general character within the city of Junction City, individual notice shall be prepared and mailed to those affected, including all persons within 300 feet of the affected property.
3. When a proposal to change the zone of property which includes all or part of a mobile home park is to be considered at a public hearing, notice shall be sent to each existing mailing address for tenants of the mobile home park.
4. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.

On September 9, 2024 the City mailed public notice of proposal to all property owners and residents within 300 feet of the subject site, including the owner of the subject tract. To date, the City has received no comments regarding this proposal.

No Mobile Home Parks exist within the proposal boundary.

The property subject to the zone use hearing is not within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a visual airport; or within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an instrument airport. Therefore, notice to the owner of an airport is not required.

On August 27, 2024, Staff provided notice to the Department of Land Conversation and Development regarding the proposed legislative amendments. No response was received.

On September 9, 2024 the Planning Commission public hearing was advertised in the Register Guard Newspaper, at least 10 days prior to the public hearing scheduled for October 15, 2024.

Referral comments on the application were also requested from various affected service providers and City departments on August 27, 2024. All referral comments received by the Planning Department on this application are included in the application file for reference and addressed in the context of applicable approval criteria and standards in the following evaluation.

**General Property Information:**

This is a 1.44-acre (62,726 Square Feet) tract made of four adjoining tax lots under the same ownership with an existing “industrial fencing warehouse and office building” occupying multiple of the tax lots. The northern two tax lots, 00501 and 00500, are currently zoned Lane Code Rural Commercial (RC). The southern two tax lots, 00600 and 00700, are zoned Lane Code Rural Residential 5 (RR5). The tract is bounded to the north and west by an undeveloped agricultural property zoned Junction City Municipal Code 17.35 General Commercial (GC). To the south is another property zoned Lane Code Rural Residential (RR5) and appears to be commercially developed. Across the highway to the east, the area is zoned Lane Code Light Industrial (M2). The subject tract takes access off Highway 99 South, which is a state highway in the jurisdiction of the Oregon Department of Transportation.

The property is currently designated Commercial (C) on the City's adopted 2012 Comprehensive Plan.

The Junction City Water Control District (JCWD) has jurisdiction of the water control channels near the site. No comments have been received from the JCWD regarding this proposal. Stormwater plans are not required at the time of annexation. No additional development on the subject tract is proposed at this time. Therefore, stormwater needs are unknown.

**Evaluation:**

The following findings demonstrate that the proposal will comply with all applicable approval criteria and related standards as set forth in the Junction City Municipal Code (JCMC) as well the applicable Oregon Statewide Planning Goals and Junction City Comprehensive Plan Goals. The approval criteria and related standards are listed below in **bold**, with findings addressing each.

**JUNCTION CITY MUNICIPAL CODE COMPLIANCE**

**JCMC 17.145 - AMENDMENTS**

**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 1.** The amendment to the zoning map was initiated by the property owners and their authorized agents through the proper application form and additional materials on August 6, 2024. As such, the above criterion has been satisfied.

**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 2.** The application was accompanied by the appropriate fee. As such, the above criterion has been satisfied.

**17.145.030. Public hearing on amendment.**

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

**Finding 3.** Notice of the time and place of the Planning Commission public hearing has been given in accordance with JCMC 17.150.070 and 17.150.080. On September 9, 2024, the City mailed public notice of proposal to all property owners and residents

within 300 feet of the subject site, including the owner of the subject tract. To date, the City has received no comments regarding this proposal. No Mobile Home Parks exist within the proposal boundary so notice to mobile home park tenants was not required. The property subject to the zone use hearing is not within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a visual airport; or within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an instrument airport. Therefore, notice to the owner of an airport is not required. On August 27, 2024, Staff provided notice to the Department of Land Conversation and Development regarding the proposed legislative amendments. No response was received. On September 9, 2024, the Planning Commission public hearing was advertised in the Register Guard Newspaper, at least 10 days prior to the public hearing scheduled for October 15, 2024. Referral comments on the application were also requested from various affected service providers and City departments on August 27, 2024. All referral comments received by the Planning Department on this application are included in the application file for reference and addressed in the context of applicable approval criteria and standards in the following evaluation. A minimum of two hearings will be held, the first being the October 15 Planning Commission meeting. As such, the above criterion has been satisfied.

## **JCMC 17.165 - ANNEXATION, WITHDRAWAL FROM SPECIAL DISTRICTS AFTER ANNEXATION, AND EXTRATERRITORIAL EXTENSIONS**

### **Section 17.165.110 (7) (A)-(D) 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. [Ord. 1230 § 1 (Exh. A), 2015; Ord. 1182 § 2(7), 20**

**Finding 4.** The annexation request is being sought in accordance with ORS 222.125. 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.

Staff provided notice of the proposal to the Junction City Police Department, the Junction City Rural Fire Protection District, the Oregon Department of Transportation, the Junction City

Public Works Department and other utility service providers. The responses received are provided in Exhibit A and summarized below:

- *Junction City Public Works, September 13, 2024:* Gary Kaping, Public Works Director, stated that water and sewer services are available to the subject tract.
- *Oregon Department of Transportation, September 12, 2024:* Douglas Baumgartner, ODOT Region 2 Development Review Coordinator, stated that there are three existing approaches, one for each property, and any future proposed work in the right-of-way will require a permit. Parking is not allowed in the right-of-way, and parking for employees and customers must be located on-site. There is no development proposed at this time.

No other entity expressed concerns about the proposed annexation. Police and fire services are available to the subject site. According to the application materials, an existing water line is located along the west side of the subject tract and water caps are in the southwest corner of tax lot 501. In addition, it states sewer lines run through the west side of the property. Drainage for the subject properties can be addressed via a drainage ditch along the east side of the tract and also along Highway 99. Electric power is provided by Blachly-Lane County Coop Electric Association and natural gas is provided by Northwest Natural. The applicant has included a Utilities Site Plan in the application materials (Exhibit B) As such, the above criterion has been satisfied.

## **JUNCTION CITY COMPREHENSIVE PLAN COMPLIANCE**

Junction City’s Municipal Code does not contain criteria for addressing proposed changes to the zoning map. Therefore, the Rezone criteria to be applied in this case consist of demonstrating compliance with Oregon’s Statewide Planning Goals and the Junction City Comprehensive Plan. Staff has prepared findings that address applicable Junction City Comprehensive Plan Policies and Statewide Planning Goals.

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

**Finding 5.** 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. As discussed in Finding 3, these processes and procedures have been followed and therefore, the above Goal has been satisfied.

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

**Finding 6.** According to the National Wetlands Inventory no areas of wetlands exist on the subject tract. According to the Statewide Wetlands Inventory, a swathe of Predominantly Hydric Soils is shown along the northern and eastern boundary of the subject tract. According to the Department of State Land, notice is not required for an application such as annexation and rezoning when development is not proposed. The subject tract contains existing development. Additionally, 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 to be outside the 500-year flood. The proposed Annexation and Zone Change will not affect Natural Disaster or Hazard risk area boundaries. Any future development of the subject site shall be subject to review and comment of the Department of State Lands and Army Corp of Engineers. Therefore, Chapter 2 has been properly addressed.

### **Chapter 3: Land Use Element**

**Finding 7.** Table 3-1 of the Land Use Element specifies that the General Commercial (GC) Zoning District implements the Commercial (C) land use designation of the Junction City Comprehensive Plan. The Annexation Objectives and Policies are laid out in this chapter as well (section IV) and generally align with the criteria of JCMC 17.165.110, which are evaluated in Finding 4 above. Therefore, the requested annexation and zoning of General Commercial, is consistent with this table and the Junction City Comprehensive Plan.

### **Chapter 4 – Economic Development Element**

**Finding 8.** Policy 4.1.1 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.” According to the 2009 EOA “Junction City has a deficit of 47 commercial sites smaller than 10 acres”, and “Junction City has a need for 62 vacant suitable acres of commercial land”. Bringing the commercially zoned subject tract into Junction City’s city limits, which was designated for Commercial use by the Comprehensive Plan, will provide employment opportunities and add to the amount of commercial sites Junction City has smaller than 10 acres.

Policy 4.1.2 of Chapter 4 states “Provide commercial land to meet the site characteristics and site sizes described in the EOA by: ... (b) bringing new land into the urban growth boundary”. Although the subject tract is not vacant, bringing more commercially designated and zoned properties into Junction City City Limits would aid in providing suitable sites for employment and provide support for commercial uses. The subject tract was identified in the City’s 2012 Urban Growth Boundary map, which was acknowledged by the Department of Land Conservation and Development on August 9, 2012. Therefore, Chapter 4 has been addressed.

### **Chapter 6: Transportation Element**

**Finding 9.** The site does not abut any Junction City right-of-way, but rather Highway 99 South which is in the Oregon Department of Transportation’s jurisdiction. No new development is proposed at the site and the proposed change in zoning of the site does not affect the current use, its location, or its transportation impacts. Therefore, Chapter 6

has been adequately addressed. Statewide Planning Goal Compliance for Transportation is addressed under Goal 12, Transportation Planning Rule, below.

The following comment was received on September 12, 2024, from Douglas Baumgartner of the Oregon Department of Transportation:

“Thank you for providing ODOT with the opportunity to review and comment on this land use notice. ODOT will defer to the City and County to determine whether the Transportation Planning Rule has been addressed and satisfied for the proposed annexation and zone change and in accordance with any underlying local plan. There are three existing approaches for the subject site, one for each property, and they are presumed to be permitted for the existing development and so new approach permits will not be required as no expansion has been proposed. Any work that is proposed to be done within the ODOT right of way will require a MISC construction permit from our District 5 Maintenance office. While researching this site it has been brought to my attention that the middle of the three existing approaches is frequently being used for parking associated with this development. Parking on State right of way for the maintenance of adjoining property or in furtherance of any business transaction or commercial establishment is strictly prohibited (ORS 811.550). The applicant must provide adequate on-site parking and circulation for employees and customers.”

Any subsequent development or use of the subject tract must comply with applicable local, state and federal regulations.

### **Chapter 7: Public Facilities Element**

**Finding 10.** 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). The subject property is already developed with commercial uses and according to the applicant they are served by Junction City water and sewer. According to a response from Gary Kaping, the Junction City Public Works Director, on September 13, 2024:

“There are services at the property both water and sewer are there and available to the property”.

Therefore, Chapter 7 has been adequately addressed.

### **Chapter 8: Parks, Recreational, and Cultural Preservation Element**

**Finding 11.** The site has not been identified within Chapter 8: Parks, Recreational, and Cultural Preservation Element with the 2012 Comprehensive Plan as undeveloped parkland. Specifically. It was designated in this plan as Commercial and is proposed to be zoned General Commercial. Therefore, Chapter 8 has been adequately addressed.

## **Chapter 9: Housing Element**

**Finding 12.** This proposal does not include lands currently designated for residential uses. The subject site is currently designated Commercial (C) on the adopted Comprehensive Plan Map. Any future development on these parcels is required to be in compliance with their respective Plan Designation and parent Zoning. Therefore, Chapter 9 has been adequately addressed.

## **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 13.** 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, 17.150.080, and 17.165.100. See Findings 3 and 5.

### **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 14.** Goal 2 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 is designated as Commercial (C) on the adopted 2012 Junction City Comprehensive Plan. The proposed zoning of General Commercial (GC) is the implementing zoning for the corresponding Land Use Designation. Therefore, the proposed Annexation and Rezone is consistent with the Comprehensive Plan and Goal 2 as stated above.

### **Goal 3 Agricultural Lands**

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

### **Goal 4 Forest 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 15.** Goals 3 and 4 requires counties to inventory agricultural lands and to maintain and preserve them through EFU zoning. Because the subject property is designated as 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 16.** Goal 5 requires local governments to inventory and protect natural resources. The 2012 DLCDC acknowledged Comprehensive Plan update includes a Goal 5 inventory. The inventory identified locally significant wetlands. There are no inventoried significant Goal 5 resources located on the parcel and therefore Goal 5 is not applicable.

### **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 17.** Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations. The proposed Annexation and Rezone have no Goal 6 impact. Environmental impacts will be addressed in any subsequent land use review for 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 18.** 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 to be outside the 500-year

flood. The proposed Annexation and Zone Change will not affect Natural Disaster or Hazard risk area boundaries. Thus, Goal 7 has been properly addressed.

### **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 19.** The site has not been identified within Chapter 8: Parks, Recreational, and Cultural Preservation Element with the 2012 Comprehensive Plan as undeveloped parkland. Specifically, it was designated in this plan as Commercial and is proposed to be zoned General Commercial. It is already developed. Therefore, Goal 8 has been adequately addressed.

### **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 20.** The subject site is designated Commercial on the Plan Designation Map. As such, the proposal to annex and rezone the site to General Commercial (GC) is consistent with the overall policy framework and analyses used to generate employment forecasts and estimate future land needs in the most recent UGB expansion process. The current Comprehensive Plan Map identifies the site as Commercial, and all approvals associated with the site shall be in the context of its current designation. The proposal to rezone the property does not change the intended use of the site, nor does it change the anticipated employment opportunities associated with the site. Therefore, Goal 9 has been addressed.

### **Goal 10 Housing**

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

**Finding 21.** This proposal does not include lands currently designated for residential uses. The subject site is designated Commercial (C) on the adopted Comprehensive Plan Map. General Commercial (GC) is the implementing zoning for the C Designation. Therefore, Goal 10 is not applicable.

### **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 22.** The DLCDC acknowledged 2012 Comprehensive Plan found compliance with the Statewide Planning Goals, including Goal 11 (Ordinance 1212, Appendix 1, Page 144). The proposed Annexation and Zone Change poses no impact on provision of public facilities and services. Water and sewer lines have been extended through 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 23.** 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 OAR 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.” The subject property takes access off of Oregon State Highway 99 which is in the ownership and control of the Oregon Department of Transportation. The proposed rezoning complies with the Comprehensive Plan Designation map and the City’s Transportation System Plan. No amendments to a functional plan, acknowledged comprehensive plan, or land use regulation that would significantly affect an existing or planned transportation facility are proposed. Therefore, Goal 12 has been adequately addressed.

### **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 24.** 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 annexation and zoning map amendment have been considered and no changes in forms of energy will occur as a

result of Annexation or Rezoning. The proposed Annexation and Rezone does not include a proposed change in 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 25.** The proposed Annexation and Rezone does not involve urbanization of any land not currently within the Junction City UGB. The subject tract has been commercially developed at an urban-scale. A present request is for Annexation and concurrent Rezone of the Commercial designated parcel for continued commercial use. The subject site was included within the 2012 Comprehensive Plan acknowledged by the Department of Land Conservation and Development on August 9, 2013. Therefore, the proposed Annexation and Rezone 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 26.** 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.

### **Staff Recommendation:**

Based upon the available information and findings set forth above, it is concluded that the proposed Annexation and Rezone will comply with the applicable approval criteria and related standards set forth within the JCMC, Comprehensive Plan, and Oregon Statewide Planning Goals. Therefore, Staff recommends approval of the proposal as submitted.

### **Exhibits:**

- A. Referral Responses
- B. Application Materials
- C. Notice Materials

## **Exhibit A Referral Responses**

**From:** [BAUMGARTNER Douglas G](#)  
**To:** [TRIFILIO Chloe](#)  
**Subject:** RE: A-24-27 & RZ-24-28 Island Fence Annex and Rezone Referral  
**Date:** Thursday, September 12, 2024 12:16:09 PM  
**Attachments:** [image001.png](#)

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**WARNING:** This is NOT an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK.

Good morning, Chloe,

Thank you for providing ODOT with the opportunity to review and comment on this land use notice. ODOT will defer to the City and County to determine whether the Transportation Planning Rule has been addressed and satisfied for the proposed annexation and zone change and in accordance with any underlying local plan. There are three existing approaches for the subject site, one for each property, and they are presumed to be permitted for the existing development and so new approach permits will not be required as no expansion has been proposed. Any work that is proposed to be done within the ODOT right of way will require a MISC construction permit from our District 5 Maintenance office. While researching this site it has been brought to my attention that the middle of the three existing approaches is frequently being used for parking associated with this development. Parking on State right of way for the maintenance of adjoining property or in furtherance of any business transaction or commercial establishment is strictly prohibited (ORS 811.550). The applicant must provide adequate on-site parking and circulation for employees and customers.

Have a great day!

Doug

Douglas Baumgartner, P.E.  
Region 2 Development Review Coordinator  
Oregon Department of Transportation  
455 Airport Rd SE, Bldg. B| Salem, OR 97301  
Cell: 503.798.5793

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**From:** TRIFILIO Chloe <CTRIFILIO@lcog.org>  
**Sent:** Tuesday, August 27, 2024 4:39 PM  
**To:** NORTHEY Dawn (SMTP) <dnorthey@ci.junction-city.or.us>

**Cc:** KNOPE Jason <JKnope@ci.junction-city.or.us>; Jason Johannesen <jjohannesen@ci.junction-city.or.us>; mcrocker@ci.junction-city.or.us; Mwadell@ci.junction-city.or.us; emarkell@jcpolice.org; KAPING Gary <GKaping@ci.junction-city.or.us>; SHAFER Tiffany <TShafer@ci.junction-city.or.us>; VODRUP Kitty <KVodrup@ci.junction-city.or.us>; lstraw@ci.junction-city.or.us; mary.vuksich-shafer@co.lane.or.us; lcbcccom@lanecountyor.gov; DAWSON Dena M <Dena.DAWSON@lanecountyor.gov>; BELL Amber R <Amber.BELL@lanecountyor.gov>; CARSLEY Taylor H <Taylor.CARSLEY@lanecountyor.gov>; brandon@jcfire.org; Keir.miller@co.lane.or.us; bob@jcfire.org; jcwatercontrol@yahoo.com; BORLAND Dale (SMTP) <daleborland@lanefire.org>; Boundary Changes \* DOR <Boundary.CHANGES@dor.oregon.gov>; ODOT Reg 2 Planning Manager <ODOTR2PLANMGR@odot.oregon.gov>; BAUMGARTNER Douglas G <Douglas.G.BAUMGARTNER@odot.oregon.gov>; jane.m.stansbury@usps.gov; crinklawg@blec.coop; smithc@blec.coop; wdssengopsserviceability@comcast.net; gabrield\_norbury@comcast.net; brian.kelley@nwnatural.com; Elke.vath@Pacifcorp.com  
**Subject:** A-24-27 & RZ-24-28 Island Fence Annex and Rezone Referral

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This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hello,

Please see attached referral notice for a proposed Annexation and Rezone of the subject tract and the application. The comment deadline is Friday, September 13<sup>th</sup> at 5 pm. Let me know if you have any questions or concerns.

Best regards,

Chloe Trifilio (she/her)

Planner



Lane Council of Governments

859 Willamette St., Suite 500, Eugene, OR 97401

Ph: 541-682-4247 – Email: [CTrifilio@LCOG.org](mailto:CTrifilio@LCOG.org)

[www.lcog.org](http://www.lcog.org)

**From:** [Gary Kaping](#)  
**To:** [TRIFILIO Chloe](#)  
**Subject:** Re: A-24-27 & RZ-24-28 Island Fence Annex and Rezone Referral  
**Date:** Friday, September 13, 2024 4:56:36 PM  
**Attachments:** [image001.png](#)

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**WARNING:** This is NOT an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK.

There are services at the property both water and sewer are there and availability to the property

Gary L. Kaping  
Public Works Director  
Junction City  
541-998-3125

On Sep 13, 2024, at 4:42 PM, TRIFILIO Chloe <[CTRIFILIO@lcog.org](mailto:CTRIFILIO@lcog.org)> wrote:

Hi Gary,

Could you provide written comment regarding the ability for key services to be provided to the subject properties?

Thank you,

Chloe Trifilio (she/her)  
Planner  
<[image001.png](#)>

Lane Council of Governments  
859 Willamette St., Suite 500, Eugene, OR 97401  
Ph: 541-682-4247 – Email: [CTrifilio@LCOG.org](mailto:CTrifilio@LCOG.org)  
[www.lcog.org](http://www.lcog.org)

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**From:** TRIFILIO Chloe  
**Sent:** Tuesday, August 27, 2024 4:39 PM  
**To:** NORTHEY Dawn (SMTP) <[dnorthey@ci.junction-city.or.us](mailto:dnorthey@ci.junction-city.or.us)>  
**Cc:** KNOPE Jason <[JKnope@ci.junction-city.or.us](mailto:JKnope@ci.junction-city.or.us)>; Jason Johannesen <[jjohannesen@ci.junction-city.or.us](mailto:jjohannesen@ci.junction-city.or.us)>; mcrocker@ci.junction-city.or.us; Mwadell@ci.junction-city.or.us; emarkell@jcpolice.org; KAPING Gary <[GKaping@ci.junction-city.or.us](mailto:GKaping@ci.junction-city.or.us)>; SHAFER Tiffany <[TShafer@ci.junction-city.or.us](mailto:TShafer@ci.junction-city.or.us)>; VODRUP Kitty <[KVodrup@ci.junction-city.or.us](mailto:KVodrup@ci.junction-city.or.us)>; lstraw@ci.junction-city.or.us;

mary.vuksich-shafer@co.lane.or.us; lcbcccom@lanecountyor.gov;  
Dena.Dawson@LaneCountyOR.gov; BELL Amber R <Amber.BELL@lanecountyor.gov>;  
CARSLEY Taylor H <Taylor.CARSLEY@lanecountyor.gov>; brandon@jcfire.org;  
Keir.miller@co.lane.or.us; bob@jcfire.org; jcwatercontrol@yahoo.com; BORLAND Dale  
(SMTP) <daleborland@lanefire.org>; Boundary Changes \* DOR  
<Boundary.CHANGES@dor.oregon.gov>; ODOTR2PLANMGR@odot.state.or.us;  
Douglas.G.BAUMGARTNER@odot.state.or.us; jane.m.stansbury@usps.gov;  
crinklwg@blec.coop; smithc@blec.coop; wdssengopsserviceability@comcast.net;  
gabriel\_d\_norbury@comcast.net; brian.kelley@nwnatural.com;  
Elke.vath@Pacificorp.com

**Subject:** A-24-27 & RZ-24-28 Island Fence Annex and Rezone Referral

Hello,

Please see attached referral notice for a proposed Annexation and Rezone of the subject tract and the application. The comment deadline is Friday, September 13<sup>th</sup> at 5 pm. Let me know if you have any questions or concerns.

Best regards,

Chloe Trifilio (she/her)

Planner

<image001.png>

Lane Council of Governments

859 Willamette St., Suite 500, Eugene, OR 97401

Ph: 541-682-4247 – Email: [CTrifilio@LCOG.org](mailto:CTrifilio@LCOG.org)

[www.lcog.org](http://www.lcog.org)

<RZ-24-28.A-24-27 Island Fence Annex and Rezone Referral.doc>

<A-24-27 & RZ-24-28 Island Fence Application Combined.pdf>



## **Exhibit B Application Materials**

**JUNCTION CITY PUBLIC WORKS DEPARTMENT**  
Planning Office  
1171 Elm Street / P.O. Box 250  
Junction City, Oregon 97448  
Ph: 541.998.3125  
jcplanning@ci.junction-city.or.us  
www.junctioncityoregon.com

August 19, 2024

Bineham Construction, Inc.  
4171 W. 1<sup>st</sup> Avenue  
Eugene, OR 97402  
[jodiarend@binehamconstruction.com](mailto:jodiarend@binehamconstruction.com)

Indar & Heidi L Bhan Living Trust  
P.O. Box 397  
Junction City, OR 97448  
[islandcedar@hotmail.com](mailto:islandcedar@hotmail.com)  
[hbhan1960@aol.com](mailto:hbhan1960@aol.com)

### **RE: NOTICE OF COMPLETE APPLICATION (File# A-24-27 & RZ-24-29 Island Fencing Annexation & Rezone)**

Thank you for your application requesting an Annexation and rezone for your project located at 93110 Highway 99 (one of many addresses) and further identified on Lane County Tax Assessor's Map 16-04-08-31, as tax lots 500, 501, 600, 700. The purpose of this letter is to inform you that the City deemed your application complete. This review of application completeness does not represent a decision of the application but instead means the City has enough information to start the City review process.

Staff will consider general and specific criteria in review of the application and may request additional information once affected agency comments are received. If you have any questions, please feel free to contact me at [ctrifilio@lcog.org](mailto:ctrifilio@lcog.org) or 541-682-4247.

Sincerely,

*Chloe Trifilio*

Chloe Trifilio  
Planner – Lane Council of Governments

cc: Land Use File

**From:** [Jodi Arend](#)  
**To:** [TRIFILIO Chloe](#)  
**Cc:** [Brian Bineham](#)  
**Subject:** RE: Island Fence Annex and Rezone A-24-27 & RZ-24-28  
**Date:** Thursday, August 15, 2024 7:52:10 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

---

**WARNING:** This is NOT an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK.

Hi Chloe,

Please consider this email our written confirmation that we would like the designation for all properties to be General Commercial.

Thanks,

Jodi Arend  
*Office & HR Manager*  
Bineham Construction, Inc.  
(541) 484-9405  
4171 W. 1<sup>st</sup> Ave.  
Eugene, OR 97402



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---

**From:** TRIFILIO Chloe <CTRIFILIO@lcog.org>  
**Sent:** Wednesday, August 14, 2024 1:29 PM  
**To:** Jodi Arend <jodiarend@binehamconstruction.com>  
**Cc:** Brian Bineham <Brian@binehamconstruction.com>  
**Subject:** RE: Island Fence Annex and Rezone A-24-27 & RZ-24-28

Hi Jodi,

The adjacent properties that have been annexed are zoned General Commercial, which is the zone that generally allows high intensity commercial uses. Please read the zoning code for each and propose the zoning that the property owner would like to propose for the property.

General Commercial:

<https://www.codepublishing.com/OR/JunctionCity/#!/JunctionCity17/JunctionCity1735.html#>

[17.35](#)

Central Commercial:

<https://www.codepublishing.com/OR/JunctionCity/#!/JunctionCity17/JunctionCity1730.html#17.30>

Best,

Chloe Trifilio (she/her)

Planner



Lane Council of Governments

859 Willamette St., Suite 500, Eugene, OR 97401

Ph: 541-682-4247 – Email: [CTrifilio@LCOG.org](mailto:CTrifilio@LCOG.org)

[www.lcog.org](http://www.lcog.org)

---

**From:** Jodi Arend <[jodiarend@binehamconstruction.com](mailto:jodiarend@binehamconstruction.com)>

**Sent:** Wednesday, August 14, 2024 1:24 PM

**To:** TRIFILIO Chloe <[CTRIFILIO@lcog.org](mailto:CTRIFILIO@lcog.org)>

**Cc:** Brian Bineham <[Brian@binehamconstruction.com](mailto:Brian@binehamconstruction.com)>

**Subject:** RE: Island Fence Annex and Rezone A-24-27 & RZ-24-28

You don't often get email from [jodiarend@binehamconstruction.com](mailto:jodiarend@binehamconstruction.com). [Learn why this is important](#)

**WARNING:** This is NOT an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK.

Hi Chloe,

The properties currently zoned as RC have a fencing warehouse/storage and office building. The Owner's intention is for all of the subject properties to share the same zoning so his business can expand. Which of these designations allows for this?

Thanks,

Jodi Arend

*Office & HR Manager*

Bineham Construction, Inc.

(541) 484-9405

4171 W. 1<sup>st</sup> Ave.

Eugene, OR 97402



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*of the intended recipient(s). Unauthorized use or disclosure of this information is prohibited. If you are not an intended recipient, please immediately notify Bineham Construction Inc and destroy any copies of this email. Receipt of this e-mail shall not be deemed a waiver by Bineham Construction Inc of any privilege or the confidential nature of the information.*

---

**From:** TRIFILIO Chloe <[CTRIFILIO@lcog.org](mailto:CTRIFILIO@lcog.org)>  
**Sent:** Wednesday, August 14, 2024 10:53 AM  
**To:** Jodi Arend <[jodiarend@binehamconstruction.com](mailto:jodiarend@binehamconstruction.com)>  
**Subject:** Island Fence Annex and Rezone A-24-27 & RZ-24-28

Hello,

I am writing in regard to the application to annex and rezone several properties in Junction City for the Indar & Heidi L Bhan Living Trust. I've had the opportunity to review it and haven't deemed it complete quite yet because I wanted to ask a clarifying question first. Thank you for such a thorough application that addresses all the criteria! I attached the scanned application materials for reference.

My question is about the rezoning aspect of the application (narrative on page 29 of the pdf attached). The request states "The present request is for a zone change of the subject properties from its current zoning of RR5 (Rural Residential 5) to RC (Rural Commercial) to match the abutting properties, tax lots 00500 and 00501". The RR5 and RC zoning districts are zones that Lane County administers, which is why they are currently zoned those, because they are in the County's jurisdiction. If the properties were to be annexed they would be given new zoning designations that are administered by Junction City. The zone map for Junction City can be found [here](#), and the code is [Junction City Municipal Code \(JCMC\) Title 17](#). It sounds like they are interested in zoning the properties a commercial zoning, which is in line with the [Junction City Comprehensive Plan designation](#). This means they could be zoned either [General Commercial \(GC\) JCMC 17.35](#) or [Central Commercial \(C2\) JCMC 17.30](#) according to the zones that implement the Commercial plan designation. The properties to the north that are in Junction City limits are zoned General Commercial.

In writing please confirm what Junction City zoning district the applicants would like to rezone the subject properties to and I will add this correspondence to your application materials. It would be even better if the rezone narrative sections should be updated so the proposal is clear. **If I don't hear back from you in the next couple days I will go ahead and deem the application incomplete in order to address this.**

Let me know if you have any questions!

Best regards,

Chloe Trifilio (she/her)  
Planner



Lane Council of Governments

859 Willamette St., Suite 500, Eugene, OR 97401

Ph: 541-682-4247 – Email: [CTrifilio@LCOG.org](mailto:CTrifilio@LCOG.org)

[www.lcog.org](http://www.lcog.org)

# Bineham Construction, Inc.

4171 West 1<sup>st</sup> Avenue  
Eugene, OR 97402  
(541) 484-9405



City of Junction City  
1171 Elm Street  
Junction City, OR 97448

August 5, 2024

To Whom It May Concern,

Enclosed please find the following regarding the annexation of tax lots 16-04-08-31-00500, 16-04-08-31-00501, 16-04-08-31-00600, & 16-04-08-31-00700 and the rezoning of tax lots 16-04-08-31-00600 and 16-04-08-31-00700.

1. Completed General Land Use Application
2. Filing Fee in the amount of \$1,950.00
  - a. Annexation: \$1,000.00
  - b. Rezoning: \$950.00
3. Petition/Petition Signature Sheet
4. Certification of Ownership and Electors
5. Owners and Electors Worksheet
6. Supplemental Information Form
7. Legal Description
8. Cadastral Map
9. ORS 197.352 (Ballot Measure 49) Waiver Form
10. Public/Private Utility Plan
11. Written Narrative Addressing Approval Criteria
  - a. Annexation Narrative
  - b. Rezoning Narrative

Should you have any questions regarding the attached documentation, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Jodi Arend".

Jodi Arend  
Office & HR Manager  
Bineham Construction, Inc.  
4171 West 1<sup>st</sup> Avenue  
Eugene, OR 97402  
[jodiarend@binehamconstruction.com](mailto:jodiarend@binehamconstruction.com)  
O: 541-484-9405  
C: 707-694-3811

[www.binehamconstruction.com](http://www.binehamconstruction.com)



## CITY OF JUNCTION CITY LAND USE APPLICATION

1171 Elm Street/PO Box 250 Junction City OR 97448

Ph 541-998-4763 ■ [jcplanning@ci.junction-city.or.us](mailto:jcplanning@ci.junction-city.or.us) ■ [www.junctioncityoregon.gov](http://www.junctioncityoregon.gov)

<b>Date Submitted:</b> 08-06-2024	<b>Received By:</b> Dawn	<b>Fee Paid: \$</b> \$2065.00 (Ck. 5699)	<b>Supplemental Application:</b>
--------------------------------------	-----------------------------	---	----------------------------------

### Section 1

#### LAND USE ACTION (SEE TABLE 1):

Annexation & Rezone

### Section 2

<b>Site Address:</b> 93110 Hwy 99 S, 93114 Hwy 99 S, 93104 Hwy 99 S, 93094 Hwy 99 S, 93098 Hwy 99 S	<b>Location Description:</b> Lot or parcel, as defined by ORS 92.010, 92.192 or 215.010
<b>Property Size:</b> 00500: 0.03 acres, 00501: 0.56 acres, 00600: 0.34 acres, 00700: 0.51 acres	<b>Assessor's Map &amp; Tax Lot #:</b> Map: 16-04-08-31, Tax Lots: 00500, 00501, 00600, 00700
<b>Present Use:</b> Industrial fencing warehouse and office building	<b>Proposed Use:</b> Industrial fencing warehouse and office building
<b>Brief Summary of Action Requested:</b> Annexation and zone change	
<b>Are there other permit applications associated with this application?</b> If yes, list: No	

### Section 3

#### I have the following legal interest in the property (Circle one):

Owner of Record     Lessee     Contract Purchase     Holder of an exclusive Option to Purchase

*Written authorization from the owner to act as his/her agent must be provided if not the owner of record*


### Section 4

<b>Applicant:</b> Bineham Construction, Inc.	
<b>Address:</b> 4171 W 1st Ave, Eugene, OR 97402	
<b>Phone:</b> 541-484-9405	<b>E-Mail:</b> <a href="mailto:jodiarend@binehamconstruction.com">jodiarend@binehamconstruction.com</a>
<b>Property Owner:</b> Indar & Heidi L Bhan Living Trust	
<b>Address:</b> P.O. Box 397, Junction City, OR 97448	
<b>Phone:</b> 541-952-1100	<b>E-Mail:</b> <a href="mailto:islandcedar@hotmail.com">islandcedar@hotmail.com</a> <a href="mailto:hbhan1960@aol.com">hbhan1960@aol.com</a>
<b>Contact:</b> (if different than Applicant) SAME	
<b>Address:</b>	
<b>Phone:</b>	<b>E-Mail:</b>

**City of Junction City  
LAND USE APPLICATION**

Section 5	
Required Information	
	Written statement describing proposal in detail
	Narrative Statement explaining how the application complies with all relevant criteria with enough detail for review and decision-making. <i>Note: See Type I information, at the beginning of this packet, for the municipal code chapters and/or sections related to your land use request</i>
	Three (3) paper copies of application packet including any plan sets
	Digital copy of application packet including any plan sets
	Non-refundable Application Fee




Section 6	
<b>Supplemental Application:</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Attachment(S):</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Section 7	
<b>Your signature below acknowledges the following:</b>	
<p><b>1. Payment of the base fee may not cover the City's costs associated with processing the Application.</b>  <i>Per Resolution 1053: All direct costs for contracted services shall be charged monthly to the applicant in the amount billed to City. Contracted city services include, but are not limited to, city engineer, city attorney, building inspector, traffic consultant, &amp;/or wetlands specialist. Direct costs 30 days past due shall be charged 9% interest in addition to the amount billed to the City.</i></p>	
<p>2. <i>The foregoing statements and other information attached hereto are true and accurate to the best of my knowledge and belief.</i></p>	
<p>3. <i>Signer agrees to pay all direct costs associated with processing this land use application.</i></p>	
<b>Applicant Signature:</b>	
<b>Date:</b>	8/5/2024

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)
1. 	8/5/2024	Heidi Bhan		✓ 16-04-08-31-00501	X		0.34
2. 	8/5/2024	Heidi Bhan		✓ 16-04-08-31-00600	X		0.34
3. 	8/5/2024	Heidi Bhan		✓ 16-04-08-31-00700	X		0.50
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, Indar Bhan Heidi Bhan (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

X  Heidi Bhan (signature of circulator)

**CERTIFICATION OF OWNERSHIP**

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

  
 Lane County Department of Assessment and Taxation  
08.05.2024  
 Date Certified

**CERTIFICATION OF ELECTORS**

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

  
 Lane County Clerk or Deputy Signature  
8/5/24  
 Date Certified

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)
1.		8/5/2024	Indar Bhan		16-04-08-31-00500	X		0.03
2.		8/5/2024	Indar Bhan		16-04-08-31-00501 ✓	X		0.50
3.		8/5/2024	Indar Bhan		16-04-08-31-00600 ✓	X		0.34
4.		8/5/2024	Indar Bhan		16-04-08-31-00700 ✓	X		0.50
5.		8/5/2024	Heidi Bhan		16-04-08-31-00500	X		0.08

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, Indar Bhan Heidi Bhan (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

X INDAR BHAN Heidi Bhan (signature of circulator)

**CERTIFICATION OF OWNERSHIP**

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

\_\_\_\_\_  
 Lane County Department of Assessment and Taxation

08-05-2024  
 Date Certified

**CERTIFICATION OF ELECTORS**

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

Julia Barth  
 Lane County Clerk or Deputy Signature

8/5/24  
 Date Certified

16040831 00500/0048346  
16040831 00501/1307840  
16040831 00600/0048353 fact# 5535164  
16040831 00700/0048361

Division of Chief Deputy Clerk  
Lane County Deeds and Records

2009-003540



\$31.00

01048276200900035400020025

01/26/2009 02:14:36 PM

RPR-DEED Cnt=1 Stn=9 CASHIER 04  
\$10.00 \$11.00 \$10.00

After Recording Return To:  
Western Title & Escrow Company  
437 Oakway Rd Suite 340, Eugene OR 97401

After recording return to:

Indar and Heidi L. Bhan Living Trust  
Indar Bhan & Heidi L. Bhan  
PO Box 397  
Junction City, OR 97448

---

Until a change is requested, all tax statements shall be sent to the following address:

---

Same as Above

Order Number: 16821

Reserved for Recorder's Use

**STATUTORY BARGAIN AND SALE DEED**

**Island Fence, Inc., an Oregon Corporation and Indar Bhan and Heidi L. Bhan, Husband and wife Grantor,**

conveys to

**Indar Bhan and Heidi L. Bhan, Trustees of the Indar and Heidi L. Bhan Living Trust U/T/A dated February 17, 2006, Grantee,**

the following described real property:

**See Attached Exhibit "A"**

Account No(s): **0339578**  
Map/Tax Lot No(s): **15S03W1600206**

The true consideration for this conveyance is **To correct Bargain and Sale Deed, dated February 17, 2006, Recorded March 7, 2006, Reception No. 2006-015013, Lane County Records.** (Here comply with requirements of ORS 93.030.)

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS ORS 195.300, 195.301 and 195.305 TO 195.336 AND SECTIONS 5 TO 11 OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.**

Executed this 24 day of January, 2009  
**Island Fence, Inc., an Oregon corporation**

By: **Indar Bhan**  
Its President

Executed this 24 day of January, 2009

**Indar Bhan**

**Heidi L. Bhan**

State of **Oregon**, County of **Lane** ) ss.

This instrument was acknowledged before me on this 24 day of January, 2009 by **Indar Bhan, individually and as President of Island Fence, Inc. and Heidi L. Bhan**

Notary Public for Oregon



EXHIBIT A

PARCEL I

Beginning at the intersection of the West line of the Pacific Highway No. 99 with the South line of the Northeast quarter of the Southwest quarter of Section 8, Township 16 South, Range 4 West of the Willamette Meridian; thence North 1° 57' West 150.00 feet along the West line of said highway to an iron pin marking the true point of beginning; thence North 1° 57' West 104.00 feet along the West line of said highway to a point marked by an iron pipe; thence North 88° 40' West 234.38 feet along a line parallel with the South line of said Northeast one-quarter of the Southwest one-quarter of Section 8 to a point marked by an iron pipe; thence South 0° 14' East 103.9 feet along the West line of said Northeast one-quarter of the Southwest one-quarter of Section 8 as surveyed in County Survey No. 370, to a point marked by an iron pin; thence South 88° 40' East 237.5 feet to the true point of beginning, in Lane County, Oregon.

PARCEL II

Beginning at a point on the West line of the Pacific Highway No. 99, 150 feet North 1° 57' West of the intersection of said West line of the highway with the South line of the Northeast one-quarter Southwest one-quarter of Section 8, Township 16 South, Range 4 West of the Willamette Meridian; run thence North 1° 57' West along the Westerly line of said highway 104 feet; thence North 88° 40' West 244.5 feet to the Westerly line of said Northeast one-quarter Southwest one-quarter; thence South 0° 14' East along the Westerly line of said Northeast one-quarter Southwest one-quarter 103.9 feet; thence South 88° 40' East 247.5 feet to the place of beginning, in Lane County, Oregon.

EXCEPT THEREFROM that portion described in Warranty Deed recorded April 28, 1980, Recorder's Reception No. 80-21632.

PARCEL III

Beginning at a point 90.0 feet North 1° 57' West from the point of intersection of the West line of the Pacific Highway No. 99 with the South line of the Northeast quarter of the Southwest quarter of Section 8, Township 16 South, Range 4 West of the Willamette Meridian; and running thence North 1° 57' West along the said West line of the highway, 60.0 feet; thence North 88° 40' West 247.5 feet to the West line of said Northeast quarter of the Southwest quarter; thence South 0° 14' East 59.96 feet; thence South 88° 40' East 249.3 feet to the place of beginning, in Lane County, Oregon.

PARCEL IV

Beginning at the point of intersection of the West line of Pacific Highway No. 99 with the South line of the Northeast one-quarter of the Southwest one-quarter of Section 8, Township 16 South, Range 4 West of the Willamette Meridian; running thence North 1° 57' West along said West line of the highway, 90.0 feet; thence North 88° 40' West 249.3 feet to the West line of said Northeast one-quarter of the Southwest one-quarter; thence South 0° 14' East 59.94 feet to the Southwest corner of said Northeast one-quarter of the Southwest one-quarter; thence South 88° 40' East 252 feet to the point of beginning, in Lane County, Oregon.





**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	1.44
ACREAGE SIGNED FOR	1.44
PERCENTAGE OF ACREAGE SIGNED FOR	100

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

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

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

**FORM 5**

**SUPPLEMENTAL INFORMATION FORM**

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

Contact Person: Inder & Heidi Bhan  
E-mail: islandcedar@hotmail.com, hbhan1960@aol.com

**Supply the following information regarding the annexation area.**

- Estimated Population (at present): 0
- Number of Existing Residential Units: 0
- Other Uses: Business (warehouse and office buildings)
- Land Area: 1.44 total acres
- Existing Plan Designation(s): Rural Commercial & Rural Residential
- Existing Zoning(s): 00500 & 00501 = RC, 00600 & 00700 = RR5
- Existing Land Use(s): 00500 & 00501 = Warehouse & office bldg, 00600 & 00700 = parking & storage
- Applicable Comprehensive Plan(s): None
- Applicable Refinement Plan(s): None
- Provide evidence that the annexation is consistent with the applicable comprehensive plan(s) and any associated refinement plans. N/A

- Are there development plans associated with this proposed annexation?

Yes \_\_\_\_\_ No X

If yes, describe.

- Is the proposed use or development allowed on the property under the current plan designation and zoning?

Yes X No \_\_\_\_\_

- Indicate whether a change of zoning is required/requested to allow the proposed use or development.

Zone Change requested: Yes  X  No \_\_\_\_\_

If requested, proposed Zoning District:  RC (all properties)

- Does this application include all contiguous property under the same ownership?

Yes  X  No \_\_\_\_\_

If no, state the reasons why all property is not included:

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- Check the special districts that provide service to the annexation area:

Junction City RFPD

Junction City Water Control District

Junction City School District

Other \_\_\_\_\_

Lane Fire Authority

- Names of persons to whom staff notes and notices should be sent, in addition to applicant(s), such as an agent or legal representative.

Indar & Heidi Bhan

*(Name)*

P.O. Box 397

*(Address)*

Junction City, OR 97448

*(City) (Zip)*

Bineham Construction, Inc.

*(Name)*

4171 W 1st Ave

*(Address)*

Eugene, OR 97402

*(City) (Zip)*

*(Name)*

*(Address)*

*(City) (Zip)*

*(Name)*

*(Address)*

*(City) (Zip)*

**NORTHWEST TIMBERLAND CONSULTING & SURVEYING, INC.**  
**LICENSED PROFESSIONAL LAND SURVEYOR**  
37036 HWY #58, PLEASANT HILL, ORE 97455-9785  
PHONE OR FAX (541) 461-4076

A LEGAL DESCRIPTION FOR  
TAX LOT #500 (DEED INSTRUMENT BOOK 361, PAGE 306)  
LOCATED IN THE  
SE ¼ OF THE NW ¼ OF SECTION 8, T16S, R4W, W.M.  
LANE COUNTY, OREGON  
FEBRUARY 27, 2024

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DEED INSTRUMENT BOOK 361, PAGE 306.

EXCEPTING TL 501 AS REDESCRIBED BELOW (REEL 1070, PAGE 21632):

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF THE 100 FOOT RIGHT-OF-WAY (R-O-W) OF THE PACIFIC HIGHWAY NO. 99 AT CENTERLINE STATION 108+48.8 WITH THE SOUTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 16 SOUTH, RANGE 4 WEST, W.M., SAID NORTHEAST QUARTER BEING DETERMINED BY A CORRECT SECTION BREAKDOWN INCLUDING CALCULATIONS OF COUNTY SURVEY FILE (CSF) #371 BY PERKINS IN 1876, IN CSF #29255 BY SKINNER IN 1990 AS FILED IN THE LANE COUNTY SURVEYORS OFFICE (LCSO), SAID INTERSECTION POINT IS LOCATED ALONG THE SAID SOUTHERLY LINE SOUTH 88° 57' 09" EAST 239.08 +/- FEET FROM THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER, THENCE ALONG THE SAID WESTERLY 100 FOOT R-O-W NORTH 01° 57' 0" WEST 150.00 FEET TO A POINT, SAID POINT BEING REFERENCED BY 5/8" IRON PIN AS SET IN CSF #7636 BY HAYDEN FOR FORTIER IN 1949 AS FILED IN SAID LCSO, ALSO SAID POINT BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

THENCE CONTINUING ALONG SAID WESTERLY 100' R-O-W NORTH 01° 57' 00" WEST 104.00 +/- FEET TO A POINT;

THENCE LEAVING SAID WESTERLY 100' R-O-W AND PARALLEL TO THE SAID SOUTHERLY LINE OF SAID NORTHEAST QUARTER NORTH 88° 57' 09" WEST 232.48 +/- FEET TO A POINT ON THE WESTERLY LINE OF SAID NORTHEAST QUARTER;

THENCE CONTINUING ALONG SAID WESTERLY LINE SOUTH 00° 27' 40" EAST 103.89 +/- FEET TO A POINT, SAID POINT REFERENCED BY A 5/8" IRON PIN AS SET IN SAID CSF #7636;

THENCE LEAVING SAID WESTERLY LINE AND PARALLEL TO THE SAID SOUTHERLY LINE SOUTH 88° 57' 09" EAST 235.18 +/- FEET TO THE TRUE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION.

THE AREA OF THIS PARCEL BEING 0.56 +/- ACRES.

NOTE: THIS DESCRIPTION ELIMINATES TAX LOT 500 AS PREVIOUSLY RECORDED DUE TO THE 10.0 FOOT OREGON DEPARTMENT OF TRANSPORTATION (ODOT) WESTERLY R-O-W JOG AT STATION 108+48.8 THAT CREATED THE LANE COUNTY DEED INSTRUMENT REEL 1470, PAGE 87-34184 FORECLOSURE #13780/ ACCOUNT #48346 JUDGMENT OF GERTRUDE WAGNER C/O LAWRENCE KETCHUM AND ALSO THAT THE WESTERLY LINE OF THE SAID NORTHEAST QUARTER HAS BEEN IN ESTABLISHED SINCE 1876.

LANE COUNTY FORECLOSED ON A BAD DESCRIPTION AND SOLD THIS 10 FOOT STRIP IN SAID DEED INSTRUMENT REEL 1470, PAGE 8734184.

**NORTHWEST TIMBERLAND CONSULTING & SURVEYING, INC.**  
**LICENSED PROFESSIONAL LAND SURVEYOR**  
37036 HWY #58, PLEASANT HILL, ORE 97455-9785  
PHONE OR FAX (541) 461-4076

A LEGAL DESCRIPTION FOR  
TAX LOT #501 (DEED INSTRUMENT REEL 1070, PAGE 21632)  
LOCATED IN THE  
NE ¼ OF THE SW ¼ OF SECTION 8, T16S, R4W, W.M.  
LANE COUNTY, OREGON  
FEBRUARY 27, 2024

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF THE 100 FOOT RIGHT-OF-WAY (R-O-W) OF THE PACIFIC HIGHWAY NO. 99 AT CENTERLINE STATION 108+48.8 WITH THE SOUTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 16 SOUTH, RANGE 4 WEST, W.M., SAID NORTHEAST QUARTER BEING DETERMINED BY A CORRECT SECTION BREAKDOWN INCLUDING CALCULATIONS OF COUNTY SURVEY FILE (CSF) #371 BY PERKINS IN 1876, IN CSF #29255 BY SKINNER IN 1990 AS FILED IN THE LANE COUNTY SURVEYORS OFFICE (LCSO), SAID INTERSECTION POINT IS LOCATED ALONG THE SAID SOUTHERLY LINE SOUTH 88° 57' 09" EAST 239.08 +/- FEET FROM THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER, THENCE ALONG THE SAID WESTERLY 100 FOOT R-O-W NORTH 01° 57' 0" WEST 150.00 FEET TO A POINT, SAID POINT BEING REFERENCED BY 5/8" IRON PIN AS SET IN CSF #7636 BY HAYDEN FOR FORTIER IN 1949 AS FILED IN SAID LCSO, ALSO SAID POINT BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

THENCE CONTINUING ALONG SAID WESTERLY 100' R-O-W NORTH 01° 57' 00" WEST 104.00 +/- FEET TO A POINT;

THENCE LEAVING SAID WESTERLY 100' R-O-W AND PARALLEL TO THE SAID SOUTHERLY LINE OF SAID NORTHEAST QUARTER NORTH 88° 57' 09" WEST 232.48 +/- FEET A POINT ON THE WESTERLY LINE OF SAID NORTHEAST QUARTER AS DETERMINED IN SAID CSF #29255;

THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 00° 27' 40" EAST 103.89 +/- FEET TO A POINT, SAID POINT REFERENCED BY A 5/8" IRON PIN AS SET IN SAID CSF #7636;

THENCE LEAVING SAID WESTERLY LINE AND PARALLEL TO SAID SOUTHERLY LINE SOUTH 88° 57' 09" EAST 235.18 +/- FEET TO THE TRUE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION.

THE AREA OF THIS PARCEL BEING 0.56 +/- ACRES.

**NORTHWEST TIMBERLAND CONSULTING & SURVEYING, INC.**  
**LICENSED PROFESSIONAL LAND SURVEYOR**  
37036 HWY #58, PLEASANT HILL, ORE 97455-9785  
PHONE OR FAX (541) 461-4076

A LEGAL DESCRIPTION FOR  
TAX LOT #600 (DEED INSTRUMENT REEL 427, PAGE 41)  
LOCATED IN THE  
NE ¼ OF THE SW ¼ OF SECTION 8, T16S, R4W, W.M.  
LANE COUNTY, OREGON  
FEBRUARY 27, 2024

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF THE 100 FOOT RIGHT-OF-WAY (R-O-W) OF THE PACIFIC HIGHWAY NO. 99 AT CENTERLINE STATION 108+48.8 WITH THE SOUTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 16 SOUTH, RANGE 4 WEST, W.M., SAID NORTHEAST QUARTER BEING DETERMINED BY A CORRECT SECTION BREAKDOWN INCLUDING CALCULATIONS OF COUNTY SURVEY FILE (CSF) #371 BY PERKINS IN 1875, IN CSF #29255 BY SKINNER IN 1990 AS FILED IN THE LANE COUNTY SURVEYORS OFFICE (LCSO), SAID INTERSECTION POINT IS LOCATED SOUTH 88° 57' 09" EAST 239.08 +/- FEET ALONG SAID SOUTHERLY LINE OF SAID NORTHEAST QUARTER, THENCE ALONG THE SAID WESTERLY 100 FOOT R-O-W NORTH 01° 57' 0" WEST 90.00 FEET TO A POINT, SAID POINT BEING REFERENCED BY 1/2" IRON PIPE (NOT OF SURVEY RECORD) AS FOUND IN CSF #16067 BY CASTLEBERRY IN 1969 AS FILED IN SAID LCSO, ALSO SAID POINT BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

THENCE CONTINUING ALONG SAID WESTERLY 100' R-O-W NORTH 01° 57' 00" WEST 60.00 FEET TO A POINT, SAID POINT BEING REFERENCED BY A 5/8" IRON PIN AS SET IN CSF #7636 BY HAYDEN FOR FORTIER IN 1949 AS FILED IN SAID LCSO;

THENCE LEAVING SAID WESTERLY 100' R-O-W AND PARALLEL TO THE SAID SOUTHERLY LINE OF SAID NORTHEAST QUARTER NORTH 88° 57' 09" WEST 235.18 +/- FEET TO A POINT ON THE WESTERLY LINE OF SAID NORTHEAST QUARTER SAID POINT BEING REFERENCED BY A 5/8" IRON PIN AS SET IN CSF #7636 BY HAYDEN IN 1949 AS FILED IN SAID LCSO;

THENCE CONTINUING ALONG SAID WESTERLY LINE SOUTH 00° 27' 40" EAST 59.94 +/- FEET TO A POINT, SAID POINT REFERENCED BY A 1/2" IRON ROD AS SET IN SAID CSF #16067;

THENCE LEAVING SAID WESTERLY LINE AND PARALLEL TO THE SAID SOUTHERLY LINE SOUTH 88° 57' 09" EAST 236.74 +/- FEET TO THE TRUE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION.

THE AREA OF THIS PARCEL BEING 0.33 +/- ACRES.

**NORTHWEST TIMBERLAND CONSULTING & SURVEYING, INC.**  
**LICENSED PROFESSIONAL LAND SURVEYOR**  
37036 HWY #58, PLEASANT HILL, ORE 97455-9785  
PHONE OR FAX (541) 461-4076

A LEGAL DESCRIPTION FOR TAX LOT #700 (DEED INSTRUMENT REEL 57, PG. 53818)  
LOCATED IN THE  
NE ¼ OF THE SW ¼ OF SECTION 8, T16S, R4W, W.M., LANE COUNTY, OREGON  
FEBRUARY 27, 2024

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY LINE OF THE 100 FOOT RIGHT-OF-WAY (R-O-W) OF THE PACIFIC HIGHWAY NO. 99 AT CENTERLINE STATION 108+48.8 WITH THE SOUTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 16 SOUTH, RANGE 4 WEST, W.M., SAID NORTHEAST QUARTER BEING DETERMINED BY A CORRECT SECTION BREAKDOWN INCLUDING CALCULATIONS OF COUNTY SURVEY FILE(CSF) #371 BY PERKINS IN 1876, IN CSF #29255 BY SKINNER IN 1990 AS FILED IN THE LANE COUNTY SURVEYORS OFFICE (LCSO), SAID INTERSECTION POINT IS LOCATED ALONG SAID SOUTHERLY LINE SOUTH 88° 57' 09" EAST 239.08 +/- FEET FROM THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER, ALSO SAID POINT BEING REFERENCED BY 5/8" IRON ROD AS SET IN CSF #7636 BY HAYDEN FOR FORTIER IN 1949 AS FILED IN SAID LCSO AND SAID POINT BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

THENCE CONTINUING ALONG SAID WESTERLY 100' R-O-W NORTH 01° 57' 00" WEST 90.00 FEET TO A POINT, SAID POINT BEING REFERENCED BY A 1/2" IRON PIPE (NOT OF SURVEY RECORD) AS FOUND IN CSF #16067 BY CASTLEBERRY IN 1969 AS FILED IN SAID LCSO;

THENCE LEAVING SAID WESTERLY 100' R-O-W AND PARALLEL TO THE SAID SOUTHERLY LINE OF SAID NORTHEAST QUARTER NORTH 88° 57' 09" WEST 236.74 +/- FEET A POINT ON THE WESTERLY LINE OF SAID NORTHEAST QUARTER AS DETERMINED IN SAID CSF #29255, SAID POINT BEING REFERENCED BY A 1/2" IRON ROD AS SET IN SAID CSF #16067;

THENCE CONTINUING ALONG SAID WESTERLY LINE SOUTH 00° 27' 40" EAST 89.91 +/- FEET TO THE SOUTHWEST CORNER OF THE SAID NORTHEAST QUARTER, SAID SOUTHWEST CORNER BEING NORTH 0° 27' 40" WEST 7.00 FEET OF A 5/8" IRON PIN AS SET IN SAID CSF #29255;

THENCE LEAVING SAID WESTERLY LINE AND ALONG SAID SOUTHERLY LINE, SOUTH 88° 57' 09" EAST 239.08 +/- FEET TO THE TRUE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION.

THE AREA OF THIS PARCEL BEING 0.49 +/- ACRES.

FORM 7

ORS 197.352 BALLOT MEASURE 49 WAIVER FORM

<b>Name of Document for Recording:</b> <b>Covenant of Waiver of Rights and Remedies</b>	(For County Recording Use Only)
<b>Grantor:</b> Indar & Heidi L Bhan Living Trust <hr/> <b>Grantee:</b> City of Junction City <b>Consideration:</b> Commencement of Proceedings. <b>Tax Statement to be mailed to:</b> No Change.	
<b>After Recording, Return To:</b> City of Junction City, Attn: City Recorder, P.O. Box 250, Junction City, OR 97448	

Covenant of Waiver of Rights and Remedies

**Whereas**, Indar & Heidi L Bhan Living Trust, 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 ATTACHED LEGAL DESCRIPTION]

**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 5th day of August, 2024.

 (signature)	 (signature)
Petitioner Name: Indar Bhan	Petitioner Name: Heidi Bhan
Date Signed: 8/5/2024	Date Signed: 8/5/2024
Petitioner (corporation, etc.) Name: _____	
By: _____	
Name of Signor: _____	
Office/Title of Signor: _____	


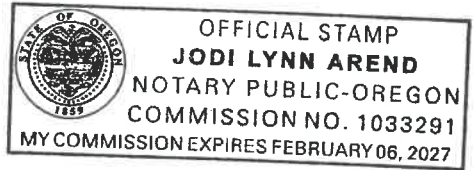
State of Oregon )  
 ) ss.  
 County of Lane )

On this 5th day of August, 2024, before me the undersigned Notary Public, personally appeared Indar & Heidi Bhan (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.

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature 	
Notary name (legible): Jodi Lynn Arend	

**This document is accepted pursuant to authority and approved for recording.**

City of Junction City, Oregon

\_\_\_\_\_  
Jason Knope, 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):  _____	



# Annexation Narrative

**Applicant:** Bineham Construction, Inc. **Phone:** (541) 484-9405  
**Surveyor:** NW Timberland Consulting, Inc. **Phone:** (541) 461-4076

**Date:** August 5, 2024  
**Map:** 16-04-08-31, Tax Lots: 00500, 00501, 00600, 00700

**Present Request:**  
The present request is for approval to annex the subject properties into Junction City.

**Approval Criteria:**  
The following findings demonstrate that the proposed tentative partition plan will comply with all applicable approval criteria and related standards, as set forth in JCMC 17.165. The approval criteria and related standards are listed below with findings addressing each in **bold**.

*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 to annex the subject properties 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 acknowledges 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, who makes the final determination regarding the application.**

*17.165.080 Annexation Initiation*



*Annexation applications 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: This application is initiated via written consent of the property owner.**

**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, indication 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 (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:**

**A. Indar and Heidi Bhan are the owners of the subject properties. The application package includes the owner information on the subject properties, 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*
- 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:**

**B. 1. As noted above, the applicants are the sole owners of the affected territory and have expressed their 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 the owners, exceeding the requirements 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. The applicant**



meets these standards, which are occasionally referred to as the “double majority” method of statutory annexation.

2. As noted above, the applicant is proceeding under the “double majority” method governed by 17.165.090(B), which is derived from ORS 122.125. However, this application also complies with this “triple majority” provision (derived from ORS 222.170) because the applicants are the sole owners of all of the affected territory, representing ownership of all 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.*

**Applicant’s Response:**

**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.*

**Applicant’s Response:**

**Not applicable, as this application is owner-initiated.**

*E. Verification of property owners form signed by the Lane County Department of Assessment and Taxation.*

**Applicant’s Response:**

**The applicant provided this requirement verification using the City’s Form 3, Petition Signature Sheet.**

*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 requirement verification using the City’s Form 3, Petition Signature Sheet.**

*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.**

*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.**

*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:**



**A legal description for each of the subject properties is included with the City's form.**

*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 county assessor's map is attached to this application. Full scale copies are provided, as well as an 11" x 17" copy for convenience. All four of the affected properties are shown on the attached map.**

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

**Applicant's Response:**

**According to data from Lane County Assessment and Taxation, the subject properties are located in tax code area (TCA) 06928. The following entities are listed in TCA 06928:**

- Emerald Peoples Utility District**
- Junction City Rural Fire Protection District**
- Junction City School District 69**
- Junction City Water Control District**
- Lane Fire Authority**
- Lane Community College**
- Lane County**
- Lane Education Service District**
- Upper Willamette Soil & Water**

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

**Applicant's Response:**

**All of the public utilities necessary to serve this property already exist. See the following:**

**Water and Sanitary Sewer:** Water and sanitary sewer are provided by the City of Junction City. An existing water line is located along the West side of the property, as noted on the attached Utilities Site Plan. The water caps in the Southwest corner of lot 501. The sewer manhole lands just outside the Northwest property boundary of lot 700 and the sewer line runs through the West side of the property.

**Transportation and Streets:** The subject properties are abutted by one public right-of-way; Highway 99S, abutting the properties on the East.

**Storm Drainage:** Drainage for the subject properties can be addressed via a drainage ditch abutting the property to the East (West of Highway 99).

**Other Utilities (Power/Gas):** Electric power is provided to the subject properties by Blachly-Lane County Coop Electric Association. Natural gas service is provided by Northwest Natural. Both gas and fiber run along the West property boundary of all lots. There are three existing power poles (as noted on the attached Utilities Site Plan) that provide service to all lots via overhead lines across the East side. There is underground power to lot 700, as noted on the attached Utilities Site Plan. The power meter is located on the existing building toward the Northeast corner of lot 700.



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

**Applicant's Response:** This document and its corresponding 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 application form and fee are included with the materials submitted for this application.

#### *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 the annexation application will be considered shall be posted in four public places in the City for two consecutive 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 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 by only 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 of Junction City and is contiguous with the present city limit line, which currently runs along the East side of lots 00700, 00600, and 00501. Lot 00500 abuts the West side of lot 00501, which is one of the subject properties included in this proposed annexation. Therefore, 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 properties are within the City's urban growth boundary and are depicted by the comprehensive plan diagram as being designated as industrial. The proposed annexation is consistent with



the comprehensive plan because it would bring the subject properties into the city limits, which is the first step toward the uses that are ultimately planned to be developed. The annexation furthers Junction City's goals in providing depth (distance) to the commercial areas along the major arterials serving business areas.

**V. Urbanization**

"[...]"

**"D. Commercial Land Use**

In order to promote the land use and development patterns that will enable the City to provide a commercial center, the City has established the following goals: It is a goal of this plan to provide depth (distance) to the commercial areas along the major arterials serving the business areas."

The tax lots included in the subject properties are currently occupied by a commercial shop and office. This office is to stay (tax lots 00700, 00600, 00501, and 00500).

*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 be provided to the subject property. The applicant's response provided above in regard to section (L) is incorporated here. In summary, the property already abuts key transportation facilities of Highway 99S. An existing sanitary sewer manhole lands just outside the Northwest property boundary of lot 700 and the sewer line runs through the West side of the property. An existing water line is located along the West side of the property, as noted on the attached Utilities Site Plan, abutting the subject properties, and has adequate capacity to serve the subject property. Drainage for the subject properties can be addressed via a drainage ditch abutting the property to the East (West of Highway 99). Electrical, gas, and telephone already exist in all properties. After annexation, the subject properties will be in a position to subscribe to these public services, which also require the applicant to pay applicable SDCs and utility rates.

*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 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 upon the City, as no new public facilities (including transportation, sanitary 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 properties. When a development application is submitted, the applicant will tie into existing and available public facilities and pay applicable utility rates. When the applicant pulls building permit(s), it will contribute to the necessary SDCs.

*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:** Concurrently with this annexation application, the applicant is submitting a request to have city zoning applied to the subject property. The portion of this application that requests city zoning addresses the provisions of JCMC 17.145.

**Note:** The provisions of JCMC 17.165.130 through 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".

**Proposed Conclusion:** The proposed annexation to the City of Junction City complies with the code provisions governing annexations and should be approved.

**Utility Plan:**

**Water and Sanitary Sewer:**

**Water and Sanitary Sewer:** Water and sanitary sewer are provided by the City of Junction City. An existing water line is located along the West side of the property, as noted on the attached Utilities Site Plan. The water caps in the Southwest corner of lot 501. The sewer manhole lands just outside the Northwest property boundary of lot 700 and the sewer line runs through the West side of the property.

**Transportation and Streets:**

The subject properties are abutted by two public street rights-of-way. Highway 99 abuts the subject properties along the West property boundary. This public right-of-way provides adequate capacity for the development of the property.

**Storm Drainage:**

Storm drainage will be addressed via a treatment swale exiting to the Junction City water district. Plans will be submitted to the City as part of the permitting process for surface water management, such as treatment and detention prior to conveyance to any public storm system. Such drainage will be approved by the City prior to installation, as per the requirements of the permitting process.

**Other Utilities (Power/Gas):**

Electric power is provided to the subject properties by Blachly-Lane County Coop Electric Association. Natural gas service is provided by Northwest Natural. Both gas and fiber run along the West property boundary of all lots. There are three existing power poles (as noted on the attached Utilities Site Plan) that provide service to all lots via overhead lines across the East side. There is underground power to lot 700, as noted on the attached Utilities Site Plan. The power meter is located on the existing building toward the Northeast corner of lot 700.

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Annexation Application Instructions "Step 11" Criteria Responses

*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.*



**Applicant's Response:** The subject properties are within the City's urban growth boundary and are contiguous to the City limits. This criterion is satisfied.

*2. 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:** Per the responses provided throughout the narrative above, the proposed annexation of the subject properties is consistent with applicable policies within the City's Comprehensive Plan. There are no refinement plans to adhere to. This criterion is satisfied.

*3. The proposed annexation will result in a boundary in which key services can be provided.*

**Applicant's Response:** Per the responses provided throughout the narrative above, the proposed annexation of the subject properties will result in a boundary in which key services can be provided. This criterion has been satisfied.

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*End of Annexation Narrative*

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# Zone Change Narrative

**Applicant:** Bineham Construction, Inc. **Phone:** (541) 484-9405  
**Surveyor:** NW Timberland Consulting, Inc. **Phone:** (541) 461-4076

**Date:** August 5, 2024  
**Map:** 16-04-08-31, Tax Lots: 00600, 00700

### Present Request:

The present request is for a zone change of the subject properties from its current zoning of RR5 (Rural Residential 5) to RC (Rural Commercial) to match the abutting properties, tax lots 00500 and 00501.

### Junction City Planning Goals:

*Goal 1: To provide for the housing needs of the citizens of Junction City in adequate numbers, price ranges, and rent levels which are commensurate with the financial capabilities of Junction City households.*

**Response: This goal is non-applicable, as there are no habitable dwellings on this property and both properties abut an active commercial property.**

*Goal 2: To provide adequate housing that is affordable to Junction City workers at all wage levels.*

**Response: This goal is non-applicable, as there are no habitable dwellings on this property and both properties abut an active commercial property.**

*Goal 3: To lessen the impact of rising housing costs by requiring a more efficient use of lands available and buildable for new housing.*

**Response: This goal is non-applicable, as there are no habitable dwellings on this property and both properties abut an active commercial property.**

*Goal 4: To ensure that all new multi-family complexes be developed in a manner to provide an aesthetically pleasing environment.*

**Response: This goal is non-applicable, as there are no habitable dwellings on this property and both properties abut an active commercial property.**

*Goal 5: To ensure that all new housing comply with Junction City Ordinances, and State and Federal Law.*

**Response: This goal is non-applicable, as there are no habitable dwellings on this property and both properties abut an active commercial property.**

### State Goals (1 through 19):



### *Goal 1: Citizen Involvement*

*Public involvement is a required part of land use planning in Oregon. This requirement is one of the things that make Oregon's land use planning program unique. The requirement for public participation is written in the first goal of nineteen in the statewide land use planning system.*

*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 that addresses:*

- 1. Opportunities for widespread public involvement*
- 2. Effective two-way communication with the public*
- 3. The ability for the public to be involved in all phases of the planning process*
- 4. Making technical information easy to understand*
- 5. Feedback mechanisms for policymakers to respond to public input*
- 6. Adequate financial support for public involvement efforts*

*The goal also calls for local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.*

*DLCD provides a staff liaison to the Citizen Involvement Advisory Committee (CIAC). The CIAC advises the Land Conservation and Development Commission on matters related to Goal 1. DLCD also provides staff to answer questions about public participation in the land use planning process for local governments and members of the public.*

**Response: The zone change requested is a Type IV process, which includes a public hearing and is reviewed by the Planning Commission and City Council, along with public hearings, which satisfies Goal 1.**

### *Goal 2: Land Use Planning*

*Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. Cities and counties must build their comprehensive plans on a factual base and follow their plan when making decisions on appropriate zoning. City and county plans must be consistent with one another. Special district and state agency plans and programs must be coordinated with comprehensive plans.*

*Comprehensive plans must comply with the requirements of each applicable statewide planning goal. The Land Conservation and Development Commission (LCDC) reviewed each city and county comprehensive plan for compliance with the goals, and when LCDC found that the plan, as a whole, was consistent with the goals, the commission "acknowledged," or approved, the plan. Once a plan is acknowledged, it replaces the statewide planning goals for the purposes of local land use decision-making.*

*Except for federal and tribal lands, every inch of Oregon is planned and zoned. The comprehensive plan and zoning ordinances are the guiding documents for local government land use decisions. They help create predictable outcomes for the people that live and operate businesses in the community for development of homes, stores, and industries. Comprehensive plans also guide public development – streets, municipal water, sewer, and parks – and conservation of natural resources.*



*Part II of Goal 2 provides a process a local government can follow when taking an “exception” to one of the land use goals. A local government can take an exception to a goal when it finds that unique circumstances warrant a local override of the statewide goal to create a better outcome.*

**Response: The proposed zone change is consistent with the Junction City comprehensive plan, which designates the subject property as a rural commercial zone (RC). This goal is satisfied.**

#### *Goal 3: Agricultural Lands*

*Agriculture has had a big influence in Oregon, as farming is what attracted many of Oregon’s first settlers. Agriculture continues to be a major employer in the state. Goal 3 protects farmland for continued production of food and fiber.*

*Goal 3 requires counties to identify farmland, designate it as such on the comprehensive plan map, and zone it exclusive to farm use (EFU). An EFU zone places restrictions on developments that are unrelated to agriculture in order to minimize uses that conflict with farming. Property owners who keep EFU land in agricultural production benefit by receiving lowered property taxes.*

*Goal 3 has perhaps the most involved of all land use rule divisions in the Oregon Administrative Rules. Contact DLCD for questions about Goal 3.*

**Response: This goal is not applicable, as the subject properties are not within an agricultural area.**

#### *Goal 4: Forest Lands*

*Oregon’s forests are some of the most productive in the world. While commercial timber harvest has declined in the last few decades, it remains a major economic contributor to our state’s economy. Forests in Oregon cover more than 30 million acres, about 48% of the state.*

*Goal 4 protects working forest land around the state, preserving it for commercial forestry while recognizing its value for fish and wildlife habitat, recreation, and protection of air and water quality.*

*The goal requires counties to identify forest land, designate it as such on the comprehensive plan map, and zone it consistently with the state rules. The goal defines forest land in two ways. One way is based on productivity, as measured by the U.S. Forest Service. The other is by making a judgement about whether land is suitable for other, non-commercial forest uses, such as watershed protection, fish and wildlife habitat, or recreation.*

*Goal 4 places development restrictions on forest lands. These restrictions seek to prevent activities that could conflict with forestry practices. Local zoning regulations prevent forest land from being divided into parcels too small to manage effectively for timber, habitat, recreation, watershed protection, and other purposes. Some forest parcels qualify for a dwelling.*

**Response: This goal is not applicable, as the subject properties are not within forest lands.**



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

*Goal 5 is a broad statewide planning goal that covers more than a dozen resources. The resources range from wildlife habitat to historic places and gravel mines. To protect and plan for them, local governments are asked to create a number of inventories. The inventories in a local plan may address only a portion of the resources included in Goal 5.*

*When a local government first develops its Goal 5 plan, they look at the Goal 5 resources that occurred locally and were important to address. Cities and counties review land uses allowed on or near each resource site that might have a negative impact on the resource. They then decide on a level of protection appropriate for each resource site and adopt codes to put their policies into effect. State rules for implementing Goal 5 have been adopted and amended over the years. As cities and counties update their plans and codes, they have the opportunity to adopt policies and codes that are consistent with the current state rules for Goal 5.*

*The "Goal 5 Process" starts with an inventory of Goal 5 resources. Resource sites are assessed and significant sites are protected. Rules for some Goal 5 resource categories rely on inventories and assessments that have been conducted by state or federal entities. There are six Goal 5 resource categories that rely on state or federal inventories: wild and scenic rivers, state scenic waterways, ground water resources, Oregon recreation trails, Sage Grouse habitat, and wilderness areas. Three categories require local inventories. Initiating an inventory and completing the Goal 5 process for the remaining resource categories is optional.*

*There are separate state rules for each Goal 5 resource category. Many of the rules have not been revised since 1996 and rely on periodic review as a trigger for compliance. Since many jurisdictions are no longer required to enter into periodic review, many local plans and codes are not consistent with the current Goal 5 standards.*

**Response: This goal is non-applicable, as there are no Goal 5 resources on the subject properties. Furthermore, the subject properties have already been developed.**

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

*Goal 6 instructs local governments to consider protection of air, water, and land resources from pollution and pollutants when developing comprehensive plans. The pollutants addressed in Goal 6 include solid waste, water waste, noise and thermal pollution, air pollution, and industry-related contaminants. The goal asks cities and counties to designate areas suitable for use in controlling pollution. It calls on them to use a variety of market, zoning, and management tools in creating these outcomes.*

*At a federal level, the elements within Goal 6 correspond broadly to the Clean Air Act and Clean Water Act. At a state level, Goal 6 covers many areas regulated by the Oregon Department of Environmental Quality (DEQ) through its permitting actions. DEQ ensures its permitting decisions comply with the plan and zoning regulations of the affected local government and coordinates with DLCD and other agencies to be sure that city and county plans comply with state and federal laws.*



**Response: There are no known pollutants on the subject properties and the subject properties have already been developed.**

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

*Goal 7 requires local comprehensive plans to address Oregon's natural hazards. Protecting people and property from natural hazards requires knowledge, planning, coordination, and education.*

*We have been planning for some of Oregon's natural hazards since the program began. River and coastal floods, landslides, wildfires, and coastal erosion are a consistent presence in Oregon. In recent years, more awareness has been developing about the possibility of a major earthquake and tsunami from the Cascadia Subduction Zone (CSZ). Good planning does not put buildings or people in harm's way. Planning, especially for the location of essential services like schools, hospitals, fire, and police stations, is done with sensitivity to the potential impact of nearby hazards.*

*A local government addresses natural hazards in its comprehensive land use plan. They do this by adopting a natural hazard inventory and supporting plans and policies. A limited amount of planning grant money is available through DLCD to help communities address these planning needs.*

*DLCD works with the Oregon Department of Geology and Mineral Industries, the Federal Emergency Management Agency, and others to help communities plan for natural hazards.*

**Response: This goal is not applicable, as the subject properties are not subject to natural disaster or hazards.**

*Goal 8: Recreational Needs*

*Oregonians and Oregon's many visitors enjoy the diverse recreational opportunities our state offers. From the snows of the Willowa Mountains to the sands of the Pacific coast, outdoor recreation is available everywhere in Oregon. These outdoor resources could diminish from overuse if we don't plan in advance for when, where, how, and how often we use them. Local, state, and federal agencies and the private sector must coordinate their plans for recreation facilities and activities to protect our recreation resources and to help nearby communities prepare to meet the demand these recreation destinations place on public services and facilities, such as roads.*

*Goal 8 requires local government to plan for the recreation needs of their residents and visitors. The goal places priority on non-motorized forms of recreation and recreation areas that serve high-density populations with limited transportation options and limited financial resources. It also places priority on recreation areas that are free or available at a low cost to the public.*

**Response: This goal is not applicable, as there are no recreation-related Goal 5 resources on the subject properties.**

*Goal 9: Economic Development*



*The purpose of Goal 9 planning is to make sure cities and counties have enough land available to realize economic growth and development opportunities. Commercial and industrial development takes a variety of shapes and leads to economic activities that are vital to the health, welfare, and prosperity of Oregon's citizens. To be ready for these opportunities, local governments perform Economic Opportunity Analyses based on a 20-year forecast of population and job growth. Each city and county have a unique local vision for economic development. Ideally, this vision reflects community aspirations and has specific objectives and actions.*

*Under Goal 9, all local governments should have a working inventory of areas suitable for economic growth that can be provided with public services. These inventories primarily focus on planning for major industrial and commercial developments and having a ready supply of land appropriately zoned and located for those opportunities and local investments. As with all areas of the comprehensive plan, economic development plans formed by a city often use one or more market incentives to encourage the type of development a community or country would like to see. These might include tax incentives or disincentives, land use controls, or preferential assessments.*

**Response: The subject properties are currently zoned as "rural residential 5 (RR5)", but not habitable, as they abut an active commercial property. By rezoning the subject properties to "rural commercial (RC)", the current property uses will allow for a greater variety of business uses. Because of this, the owner will be able to expand their business and, in doing so, offer additional jobs and services to Junction City residents.**

#### *Goal 10: Housing*

*An adequate housing supply is a fundamental building block of a healthy community. Likewise, provision of housing for a community is one of the primary elements in a comprehensive plan for cities in Oregon. Housing takes many forms and should be built to serve people at a variety of income levels. A housing supply that meets community needs is one that offers people a range of different places to live, different community densities to choose from, and does not overburden the financial resources of any group living there.*

*Goal 10 planning, at a local level, asks that cities inventory their "buildable lands". This refers to land inside an urban growth boundary that is suitable and available for residential use. This is determined, in large part, by local zoning codes. At a state level, both the administrative rules linked below, and Oregon Revised Statutes (ORS) chapter 215 offer local governments guidance and requirements so that they can fulfill their obligation to provide housing for residents.*

#### *Housing Needs Analysis*

*A Housing Needs Analysis (HNA) is one of the components a city needs to consider if the city wants to satisfy the housing needs of its residents. An HNA is both a product and a process that the city goes through to determine areas of need in their current inventory of housing and their buildable land supply. Because the comprehensive planning process in Oregon is based on cities having a 20-year supply of land, the HNA is needed to determine if the city must either expand its urban growth boundary (UGB), increase the amount of allowed housing development on lands already within the UGB, or combine these two alternatives.*



*As opposed to very small cities, cities with a population larger than 2,500 must include a broader range of housing types when they decide what “needed housing units” should be planned for in their community. This means they must look beyond single-family detached housing and include multi-unit housing, manufactured homes, renter occupied units, and other forms of housing.*

**Response: This goal is not applicable, as the subject properties are not zoned for commercial use.**

#### *Goal 11: Public Facilities and Services*

*Sometimes we take for granted the public facilities and services that are a crucial part of our everyday lives. Built and planned into the urban fabric of the world around us, they include water and sewer services, police and fire protection, health services, recreation facilities, energy and communication services, and services provided by the local government, like building permitting or public works.*

*Each city with a population greater than 2,500 is required to create a public facilities plan that meets its current and long-range needs. If a county is home to an unincorporated community, the county too must develop and adopt a community public facility plan that regulates facilities and services. A city with an urban growth boundary (UGB) cannot include, as part of its public facilities plan, the intent to serve areas beyond that UGB, except in very specific and limited circumstances.*

*Within an urban growth boundary, public facilities should be in greater supply in areas planned for higher densities, and available at appropriate levels of service throughout the city. Outside an urban growth boundary, public facilities should not, as a matter of practice, be provided. For example, public sewer service is only allowed outside of a UGB to alleviate an existing health hazard, and public water service is only allowed if it is not used as a justification to increase existing levels of allowed rural development. Examples of this would be areas zoned for “rural residential” use. The city’s public facilities plan should plan for provision of public service to “urbanizable” areas, lands that are within the city’s UGB but don’t have public facilities available to them yet. Additionally, a city’s public facilities plan should consider the location of any urban reserves that may be adjacent to the city’s UGB.*

**Response: The subject properties are near the key transportation facilities of Highway 99. Water and sanitary sewer are provided by the City of Junction City. An existing water line is located along the West side of the property, as noted on the attached Utilities Site Plan. The water caps in the Southwest corner of lot 501. The sewer manhole lands just outside the Northwest property boundary of lot 700 and the sewer line runs through the West side of the property. Drainage for the subject properties is already addressed via the drainage ditch abutting the property to the East (West of Highway 99). Electric power is provided to the subject properties by Blachly-Lane County Coop Electric Association. Natural gas service is provided by Northwest Natural. Both gas and fiber run along the West property boundary of all lots. There are three existing power poles (as noted on the attached Utilities Site Plan) that provide service to all lots via overhead lines across the East side. There is underground power to lot 700, as noted on the attached Utilities Site Plan. The power meter is located on the existing building toward the Northeast corner of lot 700.**



### *Goal 12: Transportation*

*People and businesses rely on daily access to the transportation services they need. From public transit to freight delivery, transportation impacts our quality of life, cost of living, environmental quality, and the flow of goods and services that support local and regional economies. Planning for transportation requires coordination between cities, counties, and the Oregon Department of Transportation.*

*Goal 12 requires cities, counties, and the state to create a transportation system plan that takes into account all relevant modes of transportation: mass transit, air, water, rail, highway, bicycle, and pedestrian. The resulting plan should support a variety of transportation modes so residents are not limited in the ways they can access the jobs, goods, or services available in different parts of their community. A well designed transportation plan conserves energy while also minimizing adverse social and economic impacts for disadvantaged areas.*

*The Transportation Planning Rules (TPR) implements Goal 12. The TPR specifies what must be included in local planning efforts for transportation, and what must be addressed and included in a transportation system plan.*

**Response: The subject properties are abutted by one public right-of-way; Highway 99S, abutting the properties on the East.**

### *Goal 13: Energy Conservation*

*Many land use decisions have a direct effect on the energy we consume. For example, high-density uses along major streets improve the efficiency of public transportation systems, make it easier to walk or bike to a variety of locations, and thereby reduce gasoline consumption. Goal 13 requires local governments to consider the effects of its comprehensive planning decision on energy consumption.*

*Goal 13 encourages communities to look within existing urban neighborhoods for areas of potential redevelopment before looking to expand, to “recycle and re-use vacant land.” The goal also directs cities and counties to have systems and incentives in place for recycling programs.*

*At the time the goal was enacted, Oregonians were particularly concerned by development of new homes that blocked neighbors’ sunlight, which can have impacts on passive heating and availability of natural light. These concerns are expressed in the goal language.*

*Today, concerns about renewable energy sources are seen through a different lens. Innovation in the areas of solar and wind energy have made them increasingly popular in Oregon. Concern about climate change has resulted in an increase in public and private interest in and development of alternative energy sources. Goal 13 was not written to govern or direct the production of energy, but its conservation.*

**Response: All structures to be constructed on the subject properties shall meet or exceed all Junction City code requirements, therefore satisfying this goal.**

### *Goal 14: Urbanization*



*Comprehensive land use planning in Oregon is most well-known for its use of the “urban growth boundary” or UGB. The UGB is used to contain urban development but is also used as a tool to plan for orderly growth. Every incorporated city in the state has a UGB. The UGB is designated in the city’s comprehensive plan. If a land is inside a UGB, it is considered urbanizable. When designating an urban growth boundary, a city must plan to include a twenty-year supply of land for housing, employment, industry, open space, and recreational needs. A UGB should also provide plans for transition from urban to rural land uses to avoid conflicts. Within a UGB, cities that are over 2,500 population will need to have or create a transportation system plan and public utility plan. Lastly, comprehensive plans should encourage efficient use of the land to provide for more livable, walkable, and densely built communities.*

*To write or update a comprehensive plan, there are many different pieces of information a local government takes into account. One critical element is a city’s population forecast for the next twenty years, which can be provided by Portland State University’s Population Research Center. This helps a city estimate how many new people are expected to locate in the city. The supply of “buildable lands” must also be recorded in an inventory. Among the buildable lands is land for housing. A city must perform a Housing Needs Analysis (HNA), which demonstrates what types of housing, if any, are lacking in the current supply. An Economic Opportunities Analysis (EOA) helps a city determine whether or not there is need for additional employment or industrial lands and what types of business development they could reasonably encourage or plan for. A city must also plan for adequate land for recreation and open space.*

*To locate an urban growth boundary, a city must complete a location analysis, comparing alternative locations and considering which addition to the UGB will result in the most accommodating and cost-effective boundary, while creating the fewest conflicts with neighboring land uses and causing the fewest negative environmental and economic consequences.*

*There are circumstances in which residential or industrial development may take place outside an urban growth boundary. Sometimes, this happens in the case of an unincorporated community. In other cases, it takes place in an “exception area,” a lot or parcel that was lawfully created and zoned prior to the beginning of the land use planning program.*

#### *Simplified UGB Expansion*

*Many local governments find the task of updating a comprehensive plan to be time consuming, complicated, and costly. Indeed, the elements of land use planning included in a comprehensive plan update can require to execute well. In 2016, the Land Conservation and Development Commission adopted a Simplified UGB Process to give local governments better access to the process of updating a comprehensive plan. The simplified process reduces much of the complexity, while encouraging cities to increase their development capacity and maintain a supply of land that is ready for development. Unlike the traditional UGB expansion process, which plans for a 20-year period, the simplified UGB process plans for a 14-year period.*

**Response: The subject properties are within the city’s UGB and are depicted by the comprehensive plan diagram as being designated as rural. The proposed annexation is consistent with the comprehensive plan because it would bring the subject properties into the city limits, which is the first step toward the uses that have ultimately been planned for development.**



### *Goal 15: Willamette River Greenway*

*Goal 15 is focused on the Willamette River and applies to cities and counties along the river. The Willamette River Greenway is a corridor of water and land in which development is planned and built with recognition of the unique qualities of the Willamette River. The goal sets tasks for both the state and local communities.*

*Cities and counties adopted local greenway plans, along with criteria for new development, new uses, and the increase of uses along the river. Goal 15 also calls for the state plan and local plans to identify parcels that might be acquired for the purpose of increasing park land near the river. In the early days of the Greenway, state funding was dedicated to such acquisitions. This funding, however, was not maintained. Today, Goal 15 is largely implemented through local comprehensive plans and codes. The state plays a part if local governments propose changes to their local greenway plans.*

### *History of the Willamette River Greenway*

*The idea of a greenway along the Willamette River has its origin in legislation proposed by Governor Tom McCall in 1967. His goals were similar to those that resulted in the protection of Oregon beaches for public use. Private property owners along the river were not supportive of this idea and funding for the purchase of new lands for public parks and trails along the river did not last.*

*Goal 15 reflects the original intent of Governor Tom McCall. Some of the inventories called for in the goal were to lay the groundwork for a long-term effort to increase public access and enjoyment of the river. The fruits of Governor McCall's vision can be seen in the existing network of state parks and in local plans that prioritize the acquisition of land and easements along the river to extend and connect bike and pedestrian paths. For people who experience the river by boat, the Goal 15 provided standards for keeping structures away from the river to preserve access to the river's banks.*

### *State Greenway Boundary*

*The State Greenway Boundary was established with input from Oregon State Parks (which at that time was part of the Department of Transportation), DLCD, and local governments. It was identified and adopted in the 1980s. Since then, only a few small changes have been made to the boundary. The State Greenway Boundary is a composite of all the individual boundary segments identified in city and county comprehensive plans. The Greenway includes both the land and the water within the boundary. Any proposed change in the boundary must be reviewed by the Land Conservation and Development Commission and approved by the Oregon Department of Parks and Recreation. Changes to zoning designations within the boundary must be consistent with Goal 15.*

### *Local Greenway Plans and Compatibility Review*

*Much of the current implementation of Goal 15 rests with cities and counties along the Willamette River. Each jurisdiction has a greenway section within their comprehensive plan, and local development code standards, which implement their greenway plan. These plan and code elements were reviewed and acknowledged by the Land Conservation and Development (LCDC) when the local jurisdictions adopted*



*their original comprehensive plans. Any changes to local plans or codes have been either 1) reviewed and acknowledged by LCDC during a subsequent periodic review of their comprehensive plans, or 2) reviewed for consistency with Goal 15 by DLCD as part of a post acknowledgement plan amendment. For the most part, however, cities and counties implement their greenway plans and codes without DLCD involvement.*

*Local greenway compatibility review is the most common action taken to implement Goal 15. For many jurisdictions, greenway compatibility standards are applied to development anywhere within the State Greenway Boundary. New development, new uses along the river, and the increase of a use must follow standards designed to maintain physical and visual access to the river, preserve habitat and vegetation near the river, and to direct development away from the river. Directing development away from the river does not mean development is prohibited. It means the site design needs to provide open space and access as appropriate to the situation. Local codes also have standards to preserve the visual experience of people recreating on the river and a specified structural setback distance to preserve access to the river's bank from the water.*

**Response: This goal does not apply, as the subject properties are not within the local greenway boundary, nor are they near any river, coastal shore, or coastal lake.**

#### *Goal 16: Estuarine Resources*

*An estuary is the tidal mouth of a river where the freshwater stream is met by the tide. Estuaries are home to unique plant and animal communities that have adapted to brackish water – a mixture of fresh water draining from the land and salty seawater. Estuaries are among the most productive ecosystems in the world. Many animals rely on estuaries for food, places to breed, and migration stopovers. Estuaries are delicate ecosystems that provide essential habitat for wildlife.*

*Statewide Planning Goal 16 provides the principal guidance for the planning and management of Oregon's estuaries. The overall objective of Goal 16 is "to recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long term environmental, economic and social values, diversity, and benefits of Oregon's estuaries." To accomplish this, the goal establishes detailed requirements for the preparation of plans and for the review of individual development projects and calls for coordinated management by local, state, and federal agencies that regulate or have an interest in activities in Oregon's estuaries.*

*The goal requires individual estuary plans to designate appropriate uses fore different areas within each estuary based on biological and physical characteristics and features and to provide for review of proposed estuarine alterations to assure that they are consistent with overall management objectives and that adverse impacts are minimized.*

*Most Goal 16 requirements are implemented through locally adopted estuary plans, but some are applied by state agencies through their review of various permit applications.*

**Response: This goal does not apply, as the subject properties are not near any estuaries.**



### *Goal 17: Coastal Shorelands*

*Our Oregon Coastal Shorelands protect our water quality, and fish and wildlife habitat. They have value for our state that is economic, recreational, and aesthetic. Because they have such a strong nexus with the coastal waters beyond, and the estuarine resources in and among the coastal shorelands, Goal 17 seeks to conserve and protect them, while directing development to the places that are most appropriate and present the lowest risk to human life or property.*

*Statewide Planning Goal 17 outlines planning and management requirements for the lands bordering estuaries (as well as lands bordering the ocean shore and coastal lakes). In general, the requirements of Goal 17 apply in combination with other planning goals to direct the appropriate use of shoreland areas. Provisions in Goal 17 specifically focus on the protection and management of resources unique to shoreland areas; examples of such resources include areas of significant shoreland habitat, lands especially suited for water dependent uses, lands providing public access to coastal waters, and potential restoration or mitigation sites.*

*The goal focuses on the management of shoreland areas and resources in a manner that is compatible with the characteristics of the adjacent coastal waters. Goal 17 requirements are implemented primarily through local comprehensive plans and zoning.*

#### *Water Dependent Shorelands Rule*

*Goal 17 requirements direct that shorelands “especially suited for water dependent uses” be protected for such uses, and that local zoning regulations prevent the establishment of uses which would preempt the availability of such lands for water dependent development. In 1999, LCDC adopted an administrative rule to provide additional guidance for implementing this Goal 17 requirement. Known as the Water Dependent Shorelands Rule, OAR 660, Division 37 establishes a methodology for calculating the minimum amount of shorelands to be protected for water dependent and also provides more detailed guidance on the qualifications of shorelands suitable for water dependent uses, as well as suggested land use regulations and standards appropriate for the protection of these shoreland sites.*

**Response: This goal is not applicable, as the subject properties are not near the ocean.**

### *Goal 18: Beaches and Dunes*

*Beaches and dunes are the physical environments at the very edge of the sea. These are highly dynamic places; sand and gravel are moved by the wind, waves, and currents. They serve as buffers between the energy of the ocean and the land. Beaches and dunes also provide the public with recreational opportunities and draw scores of visitors to Oregon each year.*

*Statewide Planning Goal 18 focuses on conserving and protecting Oregon’s beach and dune resources and on recognizing and reducing exposure to hazards in this dynamic, sometimes quickly changing, environment. Goal 18 is central to the work of coastal communities in addressing the impacts of coastal hazards and climate change in areas along the ocean shore.*



*Local governments are required to inventory beaches and dunes and describe the stability, movement, groundwater resources, hazards, and values of the beach, dune, and interdune areas. Local governments must then apply appropriate beach and dune policies for use in these areas.*

*Goal 18 includes some requirements of particular importance:*

#### *Prohibition Areas*

*The goal prohibits development on the most sensitive and hazardous landforms in the beach and dune environment, including beaches, active foredunes, and other dune areas subject to severe erosion or flooding. This requirement has been instrumental in preventing inappropriate development on these critical landforms.*

#### *Shoreline Armoring*

*The goal limits the placement of beachfront protective structures (i.e., shoreline armoring, such as riprap and seawalls) to those areas where development existed prior to 1977. This policy effectively places a cap on the amount of ocean shore that may be hardened, and thus limits the cumulative impacts of such hardening.*

*Shoreline armoring can cause scouring and lowering of the beach profile, which can result in the loss of access to Oregon's public beaches over time. New development must account for shoreline erosion through non-structural approaches (e.g., increased setbacks). In the face of increased ocean erosion occurring in conjunction with climate change and sea level rise, limiting hard structures and allowing natural shoreline migration is a critical policy tool for conserving and maintaining Oregon's ocean beaches.*

#### *Dune Grading*

*The goal specifies detailed requirements for foredune grading (lowering of the dunes for views). Such grading is permitted in limited circumstances in association with existing development. It must be based on a specific dune system management plan that prescribes standards for maintaining flood protection, maintaining overall system sand supply, and post-grading sand stabilization (e.g., planting of beach grass). There are currently six official dune management plans in place in Oregon.*

#### *Ocean Shore Regulation*

*Oregon's ocean beaches are managed by the Oregon Parks and Recreation Department (OPRD), which has an extensive permitting program for shoreline protection under ORS 390.605 – 390.770, also known as the "Beach Bill". OPRD regulates activities affecting the ocean shorelands west of the statutory vegetation line or the line of established vegetation, whichever is most landward. This includes beachfront protective structures, stairways, walkways, or other structures that encroach on the public beach. OPRD has incorporated the Oregon Department of State Lands authority to regulate removal and fill activities along the ocean shore under its permit program.*



*Permitted activities must be consistent with the Statewide Planning Goals (especially Goal 18), local comprehensive plans, and with the OPRD Ocean Shores Management Plan.*

**Response: This goal is not applicable, as the subject properties are not near the ocean.**

*Goal 19: Ocean Resources*

*Oregonians have long recognized the diverse ocean resources offered just past the shoreline. The Pacific Ocean offers both commercial and recreational opportunity and has a profound impact on Oregon's identity. Statewide Planning Goal 19 addresses matters related to open ocean resources and aims "to conserve the long-term values, beliefs, and natural resources of the nearshore ocean and the continental shelf."*

*Goal 19 deals with matters such as dumping dredge spoils and discharge of waste products into the open sea and prioritizes the protection of renewable marine resources over the development of non-renewable resources. It outlines state interest in conserving resources within the Ocean Stewardship Area, which includes Oregon's territorial sea out to 3 nautical miles, as well as the continental margin seaward to the toe of the continental slope, and adjacent ocean areas.*

*Goal 19 was updated in late 2000 by the Land Conservation and Development Commission. Since 1977, this goal has guided Oregon's policy and management of ocean resources. This is one of the most pertinent "applicable elements" of the Oregon Coastal Management Program (OCMP) referred to in the law.*

*The Ocean Policies in Context*

*State statutes and state agency programs that relate to ocean resources are often extensions of programs or statutes that also cover the terrestrial portion of the coastal zone. A description of most of these is provided in Part 1 of the Territorial Sea Plan.*

**Response: This goal is not applicable, as the subject properties are not near the ocean.**

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*End of Zoning Narrative*

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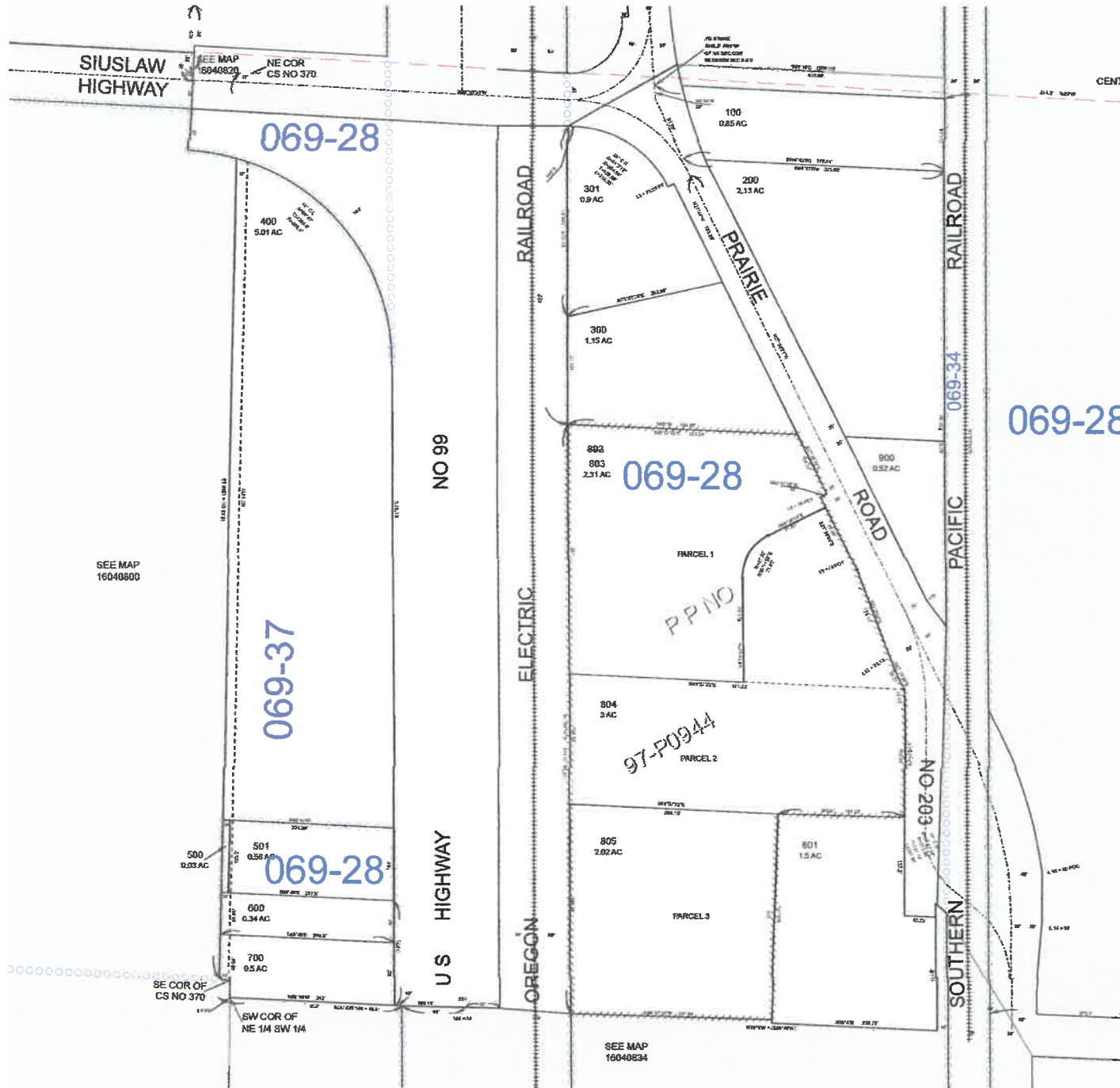
FOR ASSESSMENT AND TAXATION ONLY

# CADASTRAL MAP

N.E. 1/4 S.W. 1/4 SEC. 8 T.16S. R.4W. W.M.  
Lane County  
1" = 100'

16040831  
JUNCTION CITY

LGATJCG - 2017-01-13 08:43



CANCELLED  
802

069-28

069-28

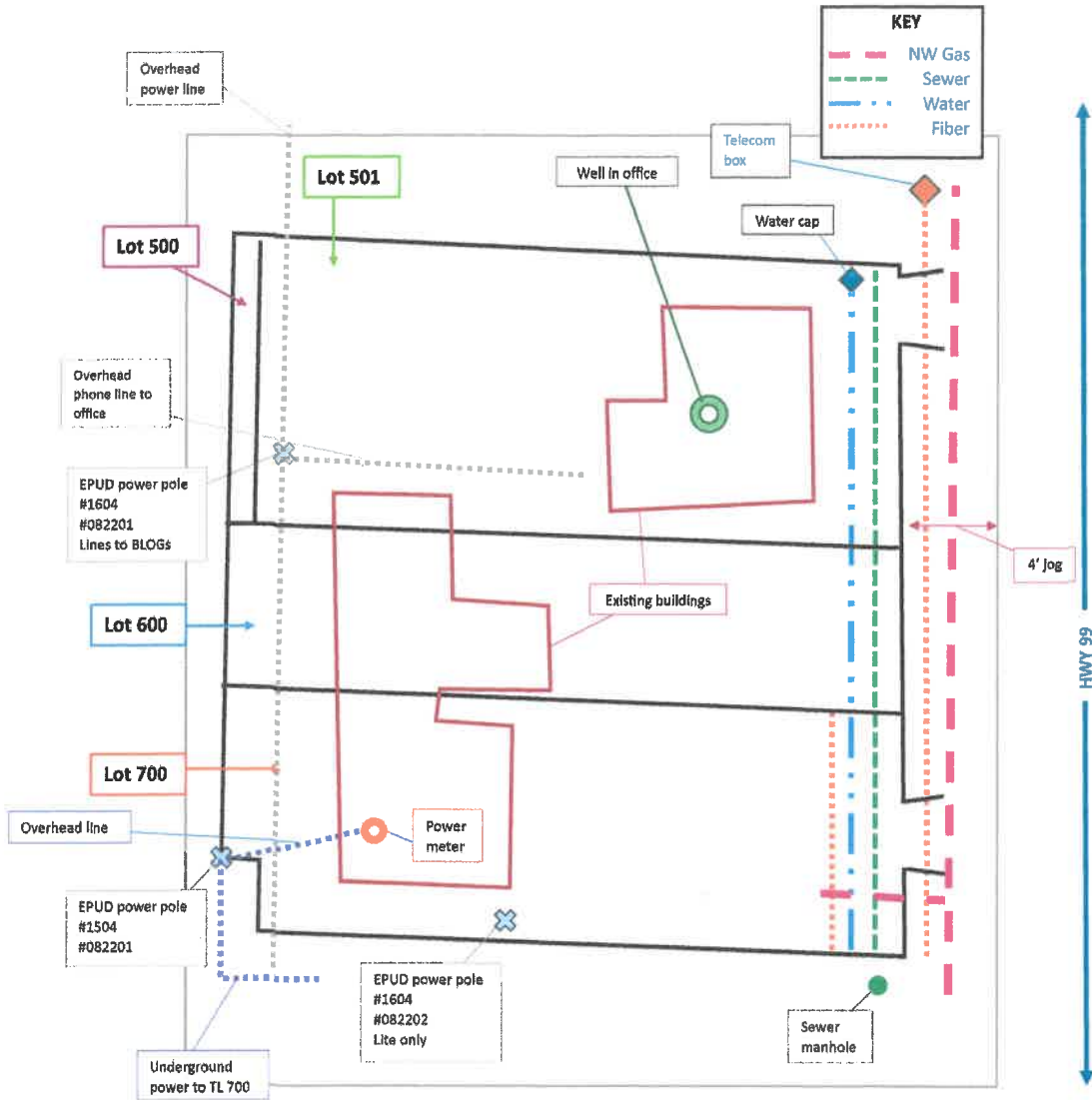
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069-28

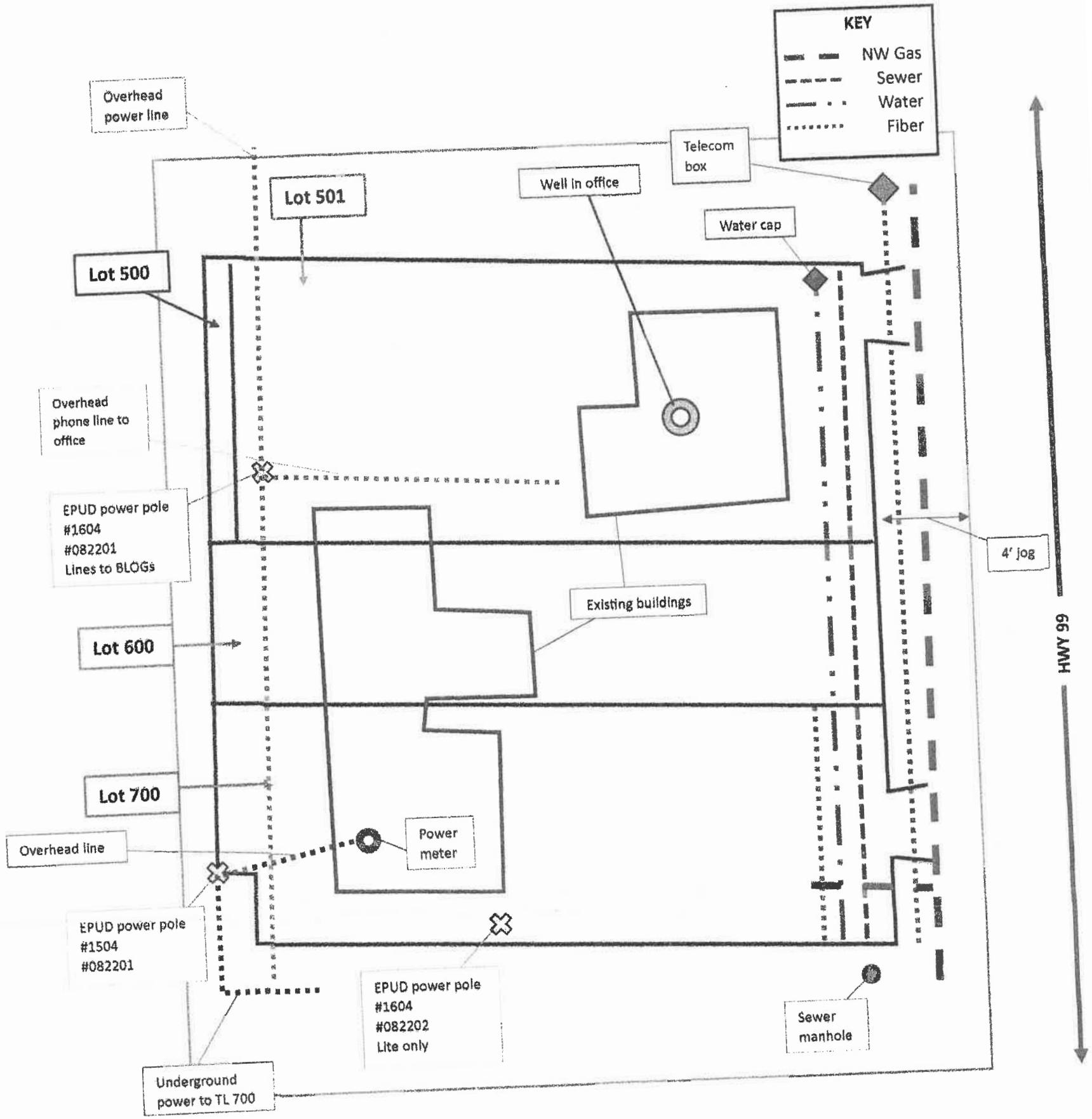
SEE MAP  
16040834

REVISIONS  
02/2008 - LGAT 118 - CONVERT MAP TO GIS  
04/2009 IS - LGAT 118 - CORRECT PARCELS AND  
07/2011 - LGAT 174 - LIA BETWEEN T1.000 & T1.004

JUNCTION CITY  
16040831



Island Fence (Hwy 99) Utilities Site Plan



City of Junction City  
P.O. Box 250, Junction City, OR 97448  
541-998-3125  
www.junctioncityoregon.gov

DATE : 8/8/2024 11:56 AM  
OPER : Dawn  
TKBY : Dawn Northey  
TERM : 3  
REC# : R00054773

03 Miscellaneous Payments 1000.00  
Bineham Construction Inc. 1000.00

Paid By:Bineham Construction Inc.  
2-Check 1000.00 REF:5699

APPLIED 1000.00  
TENDERED 1000.00  
CHANGE 0.00

*Annexation*

City of Junction City  
P.O. Box 250, Junction City, OR 97448  
541-998-3125  
www.junctioncityoregon.gov

DATE : 8/8/2024 12:15 PM  
OPER : Dawn  
TKBY : Dawn Northey  
TERM : 3  
REC# : R00054774

03 Miscellaneous Payments 1065.00  
Bineham Construction Inc. 1065.00

Paid By:Bineham Construction Inc.  
2-Check 1065.00 REF:5699

APPLIED 1065.00  
TENDERED 1065.00  
CHANGE 0.00

*Rezone*

# **Exhibit C Notice Materials**

## **City of Junction City Planning Commission Notice of Public Hearing and Opportunity to Comment**

RESIDENT

«Primary\_Property\_Owner\_Address\_Line\_1»

«Primary\_Property\_Owner\_City», «Primary\_Property\_Owner\_ProvinceState»,

«Primary\_Property\_Owner\_ZIP\_Code»

September 5, 2024

The Junction City Planning Commission will hold a public hearing on **Tuesday, October 15, 2024, at 6:30 pm**, at City Hall, 680 Greenwood Street to take testimony on the following land use application. The public may attend in-person or via computer, tablet, or phone: <https://us06web.zoom.us/j/89980231166> or call: 1-253-215-8782; Meeting ID: 899 8023 1166

<b>File Number/Name</b>	RZ-24-28 & A-24-27 Island Fence Zone and Plan Amendment
<b>Nature Of Application</b>	Annexation and rezone
<b>Applicable Criteria</b>	Junction City Municipal Code (JCMC) 17.165 Annexation, JCMC 17.145 Amendments, Comprehensive Plan and Oregon Statewide Planning Goals
<b>Applicant/Owner</b>	Bineham Construction, Inc., 4171 W. 1 <sup>st</sup> Avenue, Eugene, OR 97402
<b>Owner</b>	Indar & Heidi L Bhan Living Trust, PO Box 397, Junction City, OR 97488
<b>Location</b>	93110, 93114, 93104, 93094, 93098 Highway 99 South Assessor's map 16-04-08-31 Tax lots: 00500, 00501, 00600, 00700
<b>Land Area</b>	1.44 Acres
<b>Zoning</b>	Tax lots 00500 & 00501 currently zoned Rural Commercial (Lane Code 16.291) and tax lots 00600 and 00700 zoned Rural Residential (Lane Code 16.290) Current Comprehensive Plan Designation is Commercial
<b>Proposal</b>	Annex and Rezone to General Commercial (GC) – JCMC 17.35
<b>Staff Contact</b>	Dawn Northey, Planning Technician, <a href="mailto:jcplanning@ci.junction-city.or.us">jcplanning@ci.junction-city.or.us</a> or 541.998-3125, & Chloe Trifilio, Planner (LCOG), 541-682-4747

The purpose of this notice is to provide an opportunity to comment and express concerns you may have related to the approval criteria, prior to the Planning Commission's decision to recommend approval or denial of the proposal to the City Council.

Citizens may present testimony for or against the proposal by submitting written comments or by testifying at a public hearing on **Tuesday, October 15, 2024**.

Written comments may be included in the staff report if received by **5:00 p.m. on Friday, September 20, 2024**. Written comments may be submitted:

- At City Hall, 680 Greenwood St., weekdays between of 8:00am and 5:00pm.

- by mail to Planning, City of Junction City, PO Box 250, Junction City OR, 97448
- by email to [jcplanning@ci.junction-city.or.us](mailto:jcplanning@ci.junction-city.or.us)

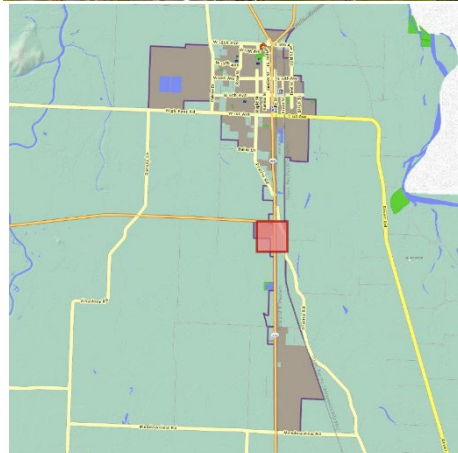
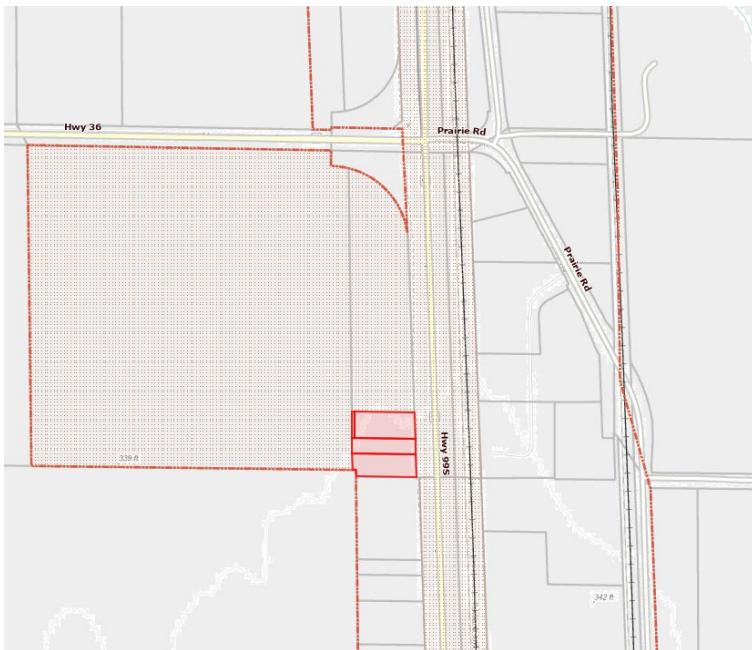
Your comments are important and will greatly improve the decision making process, please note that you will not receive an individual response to information submitted. By law, comments received that are not related to the approval criteria may not be considered.

The Planning Commission will review the request for compliance with applicable criteria based upon information in the application, the staff report and comments received and make recommendation to the City Council. Approval must include affirmative findings that are consistent with the Zoning Code and provisions of the Comprehensive Plan.

The staff report will be available for review on the city website at: [Land Use Applications and Staff Reports - Planning Department - Junction City \(junctioncityoregon.gov\)](http://www.junctioncityoregon.gov) seven days prior to the public hearing, or contact Dawn Northey, Planning Technician at, [jcplanning@ci.junction-city.or.us](mailto:jcplanning@ci.junction-city.or.us) or 541-998-3125. Copies of the applicable municipal code, the staff report, and related documents can also be purchased for the cost of copying. The Junction City Municipal Code is available 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.

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 the statements and evidence submitted, including an appeal to the Oregon Land Use Board of Appeals based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the decision maker to respond to the issue precludes an action for damages in circuit court.

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.



**From:** [DLCD Plan Amendments](#)  
**To:** [TRIFILIO Chloe](#)  
**Subject:** Confirmation of PAPA Online submittal to DLCD  
**Date:** Tuesday, August 27, 2024 5:01:06 PM

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You don't often get email from [plan.amendments@dlcd.oregon.gov](mailto:plan.amendments@dlcd.oregon.gov). [Learn why this is important](#)

**WARNING:** This is NOT an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK.

### **Junction City**

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: A-24-27 & RZ-24-28

DLCD File #: [003-24](#)

Proposal Received: 8/27/2024

First Evidentiary Hearing: 10/15/2024

Submitted by: Chloe Trifilio

If you have any questions about this notice, please reply or send an email to [plan.amendments@dlcd.oregon.gov](mailto:plan.amendments@dlcd.oregon.gov).



**JUNCTION CITY PUBLIC WORKS DEPARTMENT**  
 Planning Office  
 1171 Elm Street / P.O. Box 250  
 Junction City, Oregon 97448  
 Ph: 541.998.3125  
 jcplanning@ci.junction-city.or.us  
 www.junctioncityoregon.com

**PLANNING ACTION REFERRAL  
 REQUEST FOR COMMENTS**

**Date:** August 27, 2024  
**From:** Chloe Trifilio, Planner (LCOG), ctrifilio@lcog.org  
**File #:** A-24-27/RZ-24-28 Island Fence Annex and Rezone  
**Applicant:** Bineham Construction, Inc.  
**Property Owner:** Indar & Heidi L Bhan Living Trust  
**Property Location:** 93110, 93114, 93104, 93094, 93098 Highway 99 South  
**Assessors Map & Tax Lots:** 16-04-08-31  
 00500, 00501, 00600, 00700  
**Property Area:** 1.44 Acres  
**Current Zoning:** Lane Code Rural Commercial and Rural Residential  
**Proposed Zoning:** Junction City Municipal Code 17.35 General Commercial (GC)

Date Sent	Referral Agency	Response
8/27	Junction City Administrator	
8/27	Junction City Building Official	
	Junction City Community Services	
	Junction City Engineer	
	Junction City Finance Department	
8/27	Junction City Police	
	Junction City Public Library	
8/27	Junction City Public Works	
8/27	Junction City Recorder	
8/27	Junction City Utility Billing	
8/27	Lane County Assessment & Taxation (Annexations only)	
8/27	Lane County Board of Commissioners (Annexations only)	
8/27	Lane County Clerk	
8/27	Lane County Land Management Division	
8/27	Lane County Planning Department	
	Lane County Surveyor	
	Lane County Transportation	
8/27	Junction City Rural Fire Protection District & State Fire Marshal	
	Junction City School District	
8/27	Junction City Water Control District	
	Lane Council of Governments (LCOG)	
	Lane Fire Authority	
	Lane Regional Air Pollution Authority (LRAPA)	
	Lane Transit District (LTD)	

	Oregon Department of Aviation	
	Oregon Department of Environmental Quality (DEQ)	
<b>8/27</b>	Oregon Department of Land Conservation & Development (Annexations)	
<b>8/27</b>	Oregon Department of Transportation (ODOT)	
	Oregon Department of Transportation- Rail (ODOT)	
<b>8/27</b>	Oregon Department of Revenue (DOR) (Annexations)	
	Oregon Division of State Lands	
	Oregon – State Historic Preservation Office	
	Confederated Tribes of the Grand Ronde	
	US Post Office	
	US Army Corps of Engineers	
<b>8/27</b>	Blachly-Lane Electric Co-Op	
	CenturyLink	
<b>8/27</b>	Comcast Serviceability	
<b>8/27</b>	EPUD	
	Lane Transit District	
<b>8/27</b>	Pacific Power	
<b>8/27</b>	NW Natural	
	BNSF Railway	
	Portland and Willamette RR	
	Union Pacific RR	
<b>8/27</b>	Verizon	

This is a request from Indar & Heidi L Bhan Living Trust to annex and rezone the subject properties into Junction City city limits.

This notice is being sent to you for your review, comment, and conditioning. In order that your comments may be included in the staff report, please submit comments by **5:00 p.m. on Friday, September 13, 2024** 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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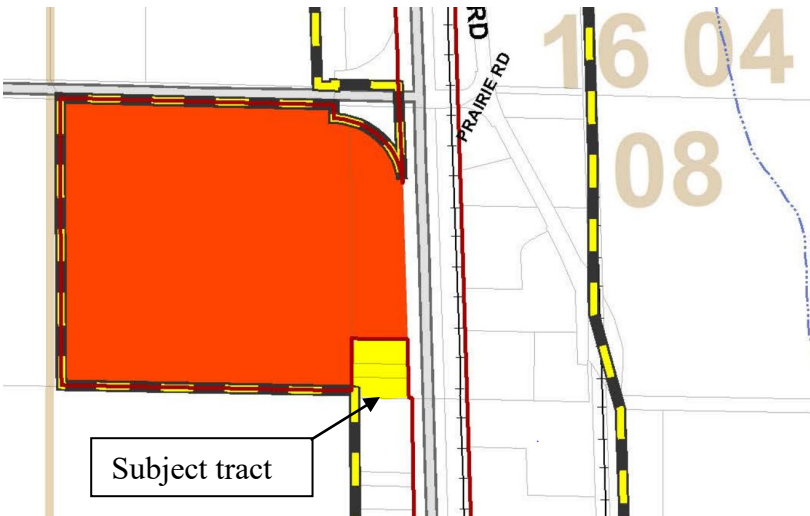
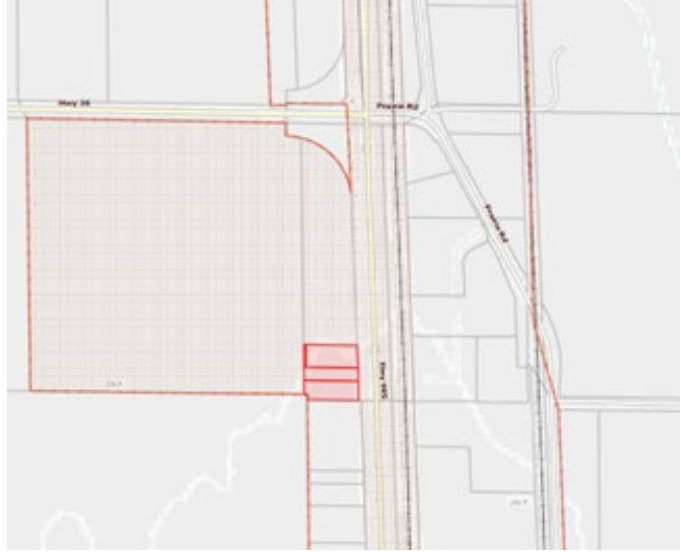
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Subject tract

### Legend

#### Zoning Districts

- AG, Agricultural
- PL, Public Land
- R1, Single Family Residential
- R2, Duplex Family Residential
- R3, Multi-Family Residential
- R4, Multi-Structural Residential
- Rx, Residential Mix TBD \*
- CR, Commercial/Residential
- C2, Central Commercial
- GC, General Commercial
- M1, Light Industrial
- M2, Heavy Industrial
- Wetland Resource
- Overlay District (WRD)
- Parcel Boundaries
- City Limits
- Urban Growth Boundary

\* 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 a Master Planning process.

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

**From:** [Gary Kaping](#)  
**To:** [TRIFILIO Chloe](#)  
**Subject:** Re: A-24-27 & RZ-24-28 Island Fence Annex and Rezone Referral  
**Date:** Friday, September 13, 2024 4:56:36 PM  
**Attachments:** [image001.png](#)

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**WARNING:** This is NOT an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK.

There are services at the property both water and sewer are there and availability to the property

Gary L. Kaping  
Public Works Director  
Junction City  
541-998-3125

On Sep 13, 2024, at 4:42 PM, TRIFILIO Chloe <[CTRIFILIO@lcog.org](mailto:CTRIFILIO@lcog.org)> wrote:

Hi Gary,

Could you provide written comment regarding the ability for key services to be provided to the subject properties?

Thank you,

Chloe Trifilio (she/her)  
Planner  
<[image001.png](#)>

Lane Council of Governments  
859 Willamette St., Suite 500, Eugene, OR 97401  
Ph: 541-682-4247 – Email: [CTrifilio@LCOG.org](mailto:CTrifilio@LCOG.org)  
[www.lcog.org](http://www.lcog.org)

---

**From:** TRIFILIO Chloe  
**Sent:** Tuesday, August 27, 2024 4:39 PM  
**To:** NORTHEY Dawn (SMTP) <[dnorthey@ci.junction-city.or.us](mailto:dnorthey@ci.junction-city.or.us)>  
**Cc:** KNOPE Jason <[JKnope@ci.junction-city.or.us](mailto:JKnope@ci.junction-city.or.us)>; Jason Johannesen <[jjohannesen@ci.junction-city.or.us](mailto:jjohannesen@ci.junction-city.or.us)>; mcrocker@ci.junction-city.or.us; Mwadell@ci.junction-city.or.us; emarkell@jcpolice.org; KAPING Gary <[GKaping@ci.junction-city.or.us](mailto:GKaping@ci.junction-city.or.us)>; SHAFER Tiffany <[TShafer@ci.junction-city.or.us](mailto:TShafer@ci.junction-city.or.us)>; VODRUP Kitty <[KVodrup@ci.junction-city.or.us](mailto:KVodrup@ci.junction-city.or.us)>; lstraw@ci.junction-city.or.us;

mary.vuksich-shafer@co.lane.or.us; lcbcccom@lanecountyor.gov;  
Dena.Dawson@LaneCountyOR.gov; BELL Amber R <Amber.BELL@lanecountyor.gov>;  
CARSLEY Taylor H <Taylor.CARSLEY@lanecountyor.gov>; brandon@jcfire.org;  
Keir.miller@co.lane.or.us; bob@jcfire.org; jcwatercontrol@yahoo.com; BORLAND Dale  
(SMTP) <daleborland@lanefire.org>; Boundary Changes \* DOR  
<Boundary.CHANGES@dor.oregon.gov>; ODOTR2PLANMGR@odot.state.or.us;  
Douglas.G.BAUMGARTNER@odot.state.or.us; jane.m.stansbury@usps.gov;  
crinklwg@blec.coop; smithc@blec.coop; wdssengopsserviceability@comcast.net;  
gabriel\_d\_norbury@comcast.net; brian.kelley@nwnatural.com;  
Elke.vath@Pacificorp.com

**Subject:** A-24-27 & RZ-24-28 Island Fence Annex and Rezone Referral

Hello,

Please see attached referral notice for a proposed Annexation and Rezone of the subject tract and the application. The comment deadline is Friday, September 13<sup>th</sup> at 5 pm. Let me know if you have any questions or concerns.

Best regards,

Chloe Trifilio (she/her)

Planner

<image001.png>

Lane Council of Governments

859 Willamette St., Suite 500, Eugene, OR 97401

Ph: 541-682-4247 – Email: [CTrifilio@LCOG.org](mailto:CTrifilio@LCOG.org)

[www.lcog.org](http://www.lcog.org)

<RZ-24-28.A-24-27 Island Fence Annex and Rezone Referral.doc>

<A-24-27 & RZ-24-28 Island Fence Application Combined.pdf>