

Bineham Construction, Inc.

4171 West 1st 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 black ink that reads "Jodi Arend".

Jodi Arend
Office & HR Manager
Bineham Construction, Inc.
4171 West 1st Avenue
Eugene, OR 97402
jodiarend@binehamconstruction.com
O: 541-484-9405
C: 707-694-3811

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 ■ www.junctioncityoregon.gov

Date Submitted: 08-06-2024	Received By: Dawn	Fee Paid: \$ \$2065.00 (Ck. 5699)	Supplemental Application:
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Section 1

LAND USE ACTION (SEE TABLE 1):

Annexation & Rezone

Section 2

Site Address: 93110 Hwy 99 S, 93114 Hwy 99 S, 93104 Hwy 99 S, 93094 Hwy 99 S, 93098 Hwy 99 S	Location Description: Lot or parcel, as defined by ORS 92.010, 92.192 or 215.010
Property Size: 00500: 0.03 acres, 00501: 0.56 acres, 00600: 0.34 acres, 00700: 0.51 acres	Assessor's Map & Tax Lot #: Map: 16-04-08-31, Tax Lots: 00500, 00501, 00600, 00700
Present Use: Industrial fencing warehouse and office building	Proposed Use: Industrial fencing warehouse and office building
Brief Summary of Action Requested: Annexation and zone change	
Are there other permit applications associated with this application? 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

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

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

Section 7	
Your signature below acknowledges the following:	
<p>1. Payment of the base fee may not cover the City's costs associated with processing the Application. <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, &/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>	
Applicant Signature:	
Date:	8/5/2024

FORM 3

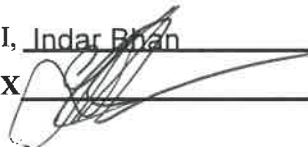
PETITION/PETITION SIGNATURE SHEET
 Annexation by Individuals

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:

- 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)

(Name)

(Address)

(City) (Zip)

Bineham Construction, Inc.

(Name)

4171 W 1st Ave

(Address)

Eugene, OR 97402

(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

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

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: _____	


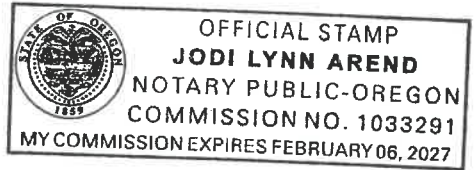
State of Oregon)
) ss.
 County of Lane)

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 (Do not write outside of the box)	Place Notary Seal Below (Do not place seal over any portion of text or signature)
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:

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: 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):

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.

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.

End of Annexation Narrative



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.

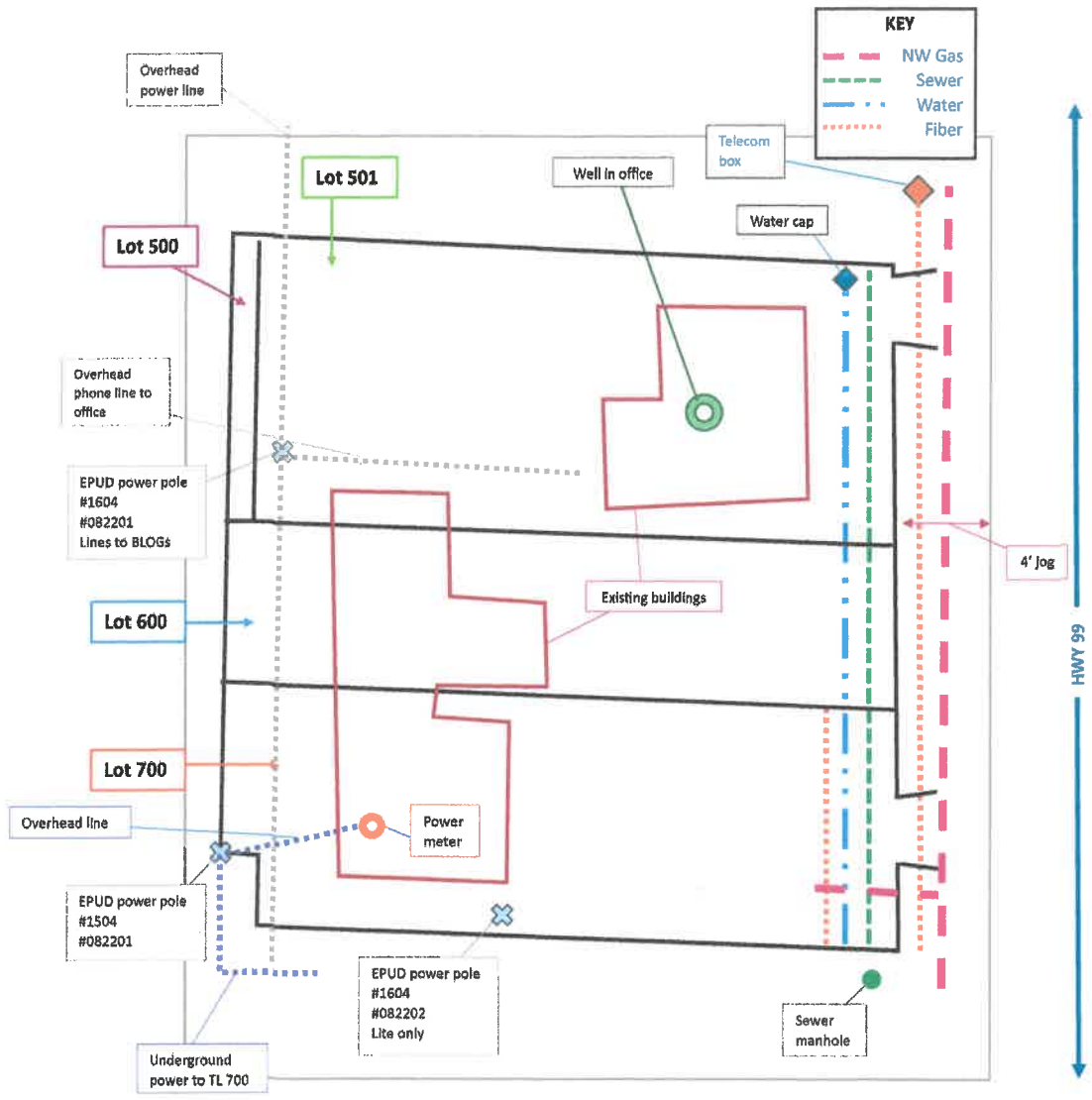
Goal 19 was updated in late 2000 by the Land Conservation and Development Commission. Since 1977, this goal has guided Oregon's policy and management of ocean resources. This is one of the most pertinent "applicable elements" of the Oregon Coastal Management Program (OCMP) referred to in the law.

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.

End of Zoning Narrative



Island Fence (Hwy 99) Utilities Site Plan

