



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

July 3, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Junction City Plan Amendment
DLCD File Number 004-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: July 20, 2007

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Marguerite Nabeta, DLCD Regional Representative
Kay Bork, City of Junction City

<paa>

NR01 **2**

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
DEPT OF		
JUL 02 2007		
LAND CONSERVATION AND DEVELOPMENT		
For DLCD Use Only		

Jurisdiction: **Junction City**

Local file number: **RZ 07-01**

Date of Adoption: **6/26/2007**

Date Mailed: **6/29/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one**Date:

- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The applicant is requesting to rezone property from Exclusive Farm Use in Lane County to General Commercial in Junction City. On April 20, 2007 the Boundary Commission approved annexation of the subject property to the City of Junction City. The annexation became effective on the same date. The property is designated Commercial in the Junction City Comprehensive Plan. The applicant plans on developing the property with a commercial use.

Does the Adoption differ from proposal? Please select one

Plan Map Changed from:

to:

Zone Map Changed from: **EFU**

to: **GC**

Location: **Y intersection of Hwy 99E and Hwy 99W**

Acres Involved: **20**

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

DLCD# 004-07 (NOA)

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Kay Bork**

Phone: **(541) 998-2153** Extension:

Address: **PO Box 250**

Fax Number: **541-998-3140**

City: **Junction City**

Zip: **97448-**

E-mail Address: **kbork@ci.junction-city.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1174

AN ORDINANCE AMENDING THE CITY OF JUNCTION CITY OFFICIAL ZONING MAP, TO REZONE TAX LOT 2200 AND A PORTION OF 1300 OF T15S R04W S29 MAP 00 FROM LANE COUNTY EXCLUSIVE FARM USE (EFU) TO JUNCTION CITY ZONING GENERAL COMMERCIAL (GC).

WHEREAS, the City provided notice of and held public hearings before the Planning Commission and City Council as required by Section 112 of the Zoning Ordinance; and

WHEREAS, the City Council took testimony on this matter, taking said testimony into consideration in making its decision; and

WHEREAS, the City Council determined that said rezone from Lane County Exclusive Farm Use (EFU) to Junction City Zoning General Commercial (GC) is consistent with the plan designation of Commercial as set forth in the Junction City Comprehensive Plan; and

WHEREAS, there is one single-family dwelling on the property (address of 94582 Highway 99E); and

WHEREAS, the single-family dwelling will become a legal non-conforming use; now, therefore

THE CITY OF JUNCTION CITY ORDAINS AS FOLLOWS:

Section 1. The City of Junction City Official Zoning Map shall be modified to reflect the new zoning of GC, General Commercial, for tax lot 2200 and a portion of 1300 as annexed into the City Limits, T15S R04W S29 Map 00; more particularly described in the attached Exhibit "A" and is made a part hereto of this ordinance.

Section 2. Findings of Fact in support of the change to the Zoning Ordinance Map are attached as Exhibit "B" and are made a part hereto of this ordinance.

Read in full for its first reading on the 26th day of June 2007.

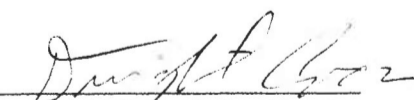
Read by title only, for its second reading this 26th of June 2007.

Passed by unanimous vote of the Council this 26th day of June 2007.

Approved by the Mayor this 26th day of June 2007.

APPROVED:

ATTEST:


Dwight Ceon, Acting Mayor

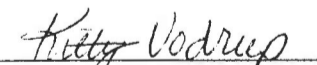

Kitty Vodrup, City Recorder

EXHIBIT A

PARCEL 1: Beginning at the Southwest corner of Section 29, Township 15 South, Range 4 West of the Willamette Meridian; thence along the South line of said Section, South 89°20' East 335.45 feet; thence North 0°38' East, 279.56 feet; thence South 88°30' East, 159.66 feet; thence North 157.44 feet; thence West 495.0 feet to a point in the West line of said Section 29 North 437.0 feet from the point of beginning; thence South 437.0 feet to the point of beginning, in Lane County, Oregon.

2001

PARCEL 2: Commencing at the Southwest corner of the Southwest quarter of Section 29, Township 15 South, Range 4 West of the Willamette Meridian, in Lane County, Oregon; running thence East along said Section line 30 rods; thence North 34 rods and 12 feet; thence in a Westerly direction 30 rods to the West line of said Section 29; thence in a Southerly direction along said Section line of 29 to the place of beginning, in Lane County, Oregon;

2000

EXCEPT: Beginning at a point on the South line of Section 29, in Township 15 South, Range 4 West of the Willamette Meridian 335.45 feet South 89°20' East from the Southwest corner thereof; and running thence North 0°38' East 279.56 feet; thence South 88°30' East 256.56 feet; thence South 0°38' East 275.85 feet to the South line of said Section 29; thence North 89°20' West 256.45 feet to the place of beginning, in Lane County, Oregon.

ALSO EXCEPT: Beginning at the Southwest corner of Section 29, Township 15 South, Range 4 West of the Willamette Meridian; thence along the South line of said Section, South 89°20' East 335.45 feet; thence North 0°38' East, 279.56 feet; thence South 88°30' East, 159.66 feet; thence North 157.44 feet; thence West 495.0 feet to a point in the West line of said Section 29 North 437.0 feet from the point of beginning; thence South 437.0 feet to the point of beginning, in Lane County, Oregon.

PARCEL 3: Beginning at a point on the Westerly right of way line of Harrisburg-Junction City Section of the Pacific Highway, said point being opposite and 30.0 feet distant North 46°02' West from Engineers centerline station 1572+76.11, and also being 264.51 feet North and 1,341.93 feet East of the Southwest corner of Section 29, in Township 15 South, Range 4 West of the Willamette Meridian, and running thence along said Westerly line of the highway North 43°58' East 135.0 feet; thence North 60°07' West 363.48 feet; thence South 6°36'30" West 251.0 feet; thence South 83°23'30" East 252.0 feet to the place of beginning, in Lane County, Oregon.

2200

EXCEPT THEREFROM that portion described in Stipulated Final Judgment, recorded February 3, 1993, Reception No. 9307003, Lane County Official Records.

PARCEL 4: Beginning at a point on the North line of the Southwest ¼ of Section 29, Township 15 South, Range 4 West of the Willamette Meridian, that is 887.0 feet West of the point of intersection of the Westerly right of way of the Harrisburg-Junction City Section of the Pacific Highway, and the East-West center line through said Section 29 (said place of beginning being the Northwest corner of that tract of land as conveyed to William Claridge and wife, by instrument recorded April 24, 1944, in Book 266, Page 289, Lane County Oregon Deed Records); thence South 208.71 feet to the Northwest corner of that tract as conveyed to Arthur Graville and wife, by instrument recorded December 31, 1946, in Book 338, Page 559, Lane

1300

County Oregon Deed Records; thence along the Westerly line of said Graville tract South 208.71 feet and South 8°38' East 388.0 feet to the Northwest corner of that tract of land as conveyed to Max Keith Wall and wife, as recorded August 21, 1939, in Book 198, Page 616, Lane County Oregon Deed Records; thence South 18°45' East along the West line of said Wall tract 122.9 feet to the Northwest corner of that tract as conveyed to Tri County Grange Supply, as recorded March 3, 1942, in Book 228, Page 319, Lane County Oregon Deed Records; thence South 18°45' East along the West line of said Grange tract 163.6 feet to the Northwest corner of that tract as conveyed to Sam J. Berryhill and wife, as recorded April 10, 1940, in Book 202, Page 468, Lane County Oregon Deed Records; thence South 28° East along the Westerly line of said Berryhill tract 555.0 feet to a point on the Westerly right of way of said Pacific Highway; thence Southwesterly along the Westerly right of way of said highway to the Northeast corner of that Parcel No. 1 of the tracts, as conveyed to Norma E. Fisher, by instrument recorded August 11, 1952, Reception No. 82208, Lane County Oregon Deed Records; thence North 60°07' West 363.48 feet to the Northwest corner of said Fisher tract; thence South 6°36'30" West 251 feet to the North line of that tract as conveyed to D. L. Smith and wife, by instrument recorded March 20, 1947, in Book 344, Page 86, Lane County Oregon Deed Records; thence North 83°23'30" West along the North line of said Smith tract to a point on the Easterly right of way of the Corvallis-Junction City Section of the Pacific Highway; thence Northwesterly along the Easterly right of way of said highway to a point on the West line of Section 29, of said Township and Range; thence North along the West line of the Southwest ¼ of Section 29 to the Northwest corner thereof; thence East along the North line of the Southwest ¼ of Section 29 to the place of beginning, in Lane County, Oregon.

ALSO: Beginning at the point of intersection of the Westerly right of way of the Corvallis-Junction City Section of the Pacific Highway, with the West line of Section 29, Township 15 South, Range 4 West of the Willamette Meridian, and running thence Southeasterly along the Westerly right of way of said highway to the South line of said Section 29; thence West along the South line of said Section 29 to the Southeast corner of Parcel No. 2 of that tract of land as conveyed to Norma E. Fisher, by instrument recorded August 11, 1952, Reception No. 82208, Lane County Oregon Deed Records; thence North 0°38' West 275.85 feet to the Northeast corner of said Fisher tract; thence North 88°30' West 96.9 feet to a point on the East line of that tract as conveyed to Ida Mable Nielson, by instrument recorded December 4, 1937, in Book 193, Page 180, Lane County Oregon Deed Records; thence North to the Northeast corner of said Nielson tract; thence along the North line of said Nielson tract 30.0 rods to a point on the West line of said Section 29, which is 34.0 rods and 12.0 feet North of the Southwest corner thereof; thence North along the West line of the Southwest ¼ of said Section 29 to the place of beginning, in Lane County, Oregon;

EXCEPT that portion described in deed to Lane County, Oregon, recorded March 15, 1979, Reception No. 7915063, Lane County Oregon Records;

ALSO EXCEPT that portion described in deed to Lane County, Oregon, recorded August 30, 1979, Reception No. 7952138, Lane County Oregon Records.

EXCEPT that property conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division, by Warranty Deed recorded October 22, 1992, Instrument No. 9259739, Reel No. 1799, Lane County Oregon Official Records.

2 – Exhibit A

N:\K - O\Norman Family Properties LLC 15798\LLC Formation 15798-1\Special Warranty Deed 061606.doc

ALSO EXCEPT that property described in Stipulated Final Judgment entered in Case No. 16-92-08574, in the Circuit Court of Oregon, Lane County, on December 28, 1992.

ALSO EXCEPT that portion conveyed to the State of Oregon, by and through its Department of Transportation, by deed recorded September 14, 1998, Reception No. 9873023, Lane County Official Records.

EXHIBIT B

FINDINGS OF FACT

1. The property owner initiated the amendment to the Junction City zoning map on April 23, 2007 as authorized by Section 106 of the Zoning Ordinance.
2. The Boundary Commission approved the annexation of the subject property on April 20, 2007 and became effective on the same date.
3. The Junction City Planning Commission held a public hearing on June 19, 2007 after giving the required notice per Section 112 of the Zoning Ordinance.
4. The Junction City Planning Commission held a public hearing in accordance with Section 113 and considered all material relevant to the Rezoning that has been submitted by staff and the general public regarding this matter.
5. The subject property is currently designated Commercial by the Junction City Comprehensive Plan.
6. The subject property is currently developed with one single-family residence. Upon rezoning the single-family dwelling will become a legal non-conforming use.

**JUNCTION CITY CITY COUNCIL STAFF REPORT
FISHER REZONE (RZ-07-1)**

Application Submitted: April 23, 2007
Application Complete: April 23, 2007
Public Notice Mailed: May 24, 2007
Notice Posted at City Hall: June 4, 2007
Notice Published on Web: June 4, 2007
Notice Published in Paper: June 7, 2007 & June 15, 2007
Staff Report Date: June 20, 2007
Public Hearing Dates: June 19, 2006 and June 26, 2007

BASIC DATA

Applicant: Donald W. Fisher
93735 Strome Lane
Junction City, OR 97448

Property Owners: Norman Family Properties, LLC
93735 Strome Lane
Junction City, OR 97448

Location: "Y" between Hwy. 99 E and Hwy. 99 W

Address: 94582 Hwy. 99 E

Assessors Map and Tax Lots: 15-04-29 lots 2200 and a portion of 1300

Area: 20 acres

Current Zoning: Exclusive Farm Use

Plan Designation: Commercial

REQUEST

The applicant is requesting a rezoning of their property from Exclusive Farm Use in Lane County to General Commercial in Junction City. The applicant plans on developing the property with a commercial use.

At the June 19, 2007 public hearing, the Planning Commission made a recommendation to the City Council to approve the rezone request and to amend the Junction City Zoning Map to rezone the property from Lane County Exclusive Farm Use (EFU) to Junction City Zoning General Commercial.

BACKGROUND

The property to be annexed is bounded by the UGB and City Limits to the north and Highway 99 East and Highway 99 West to the east and west at the Y intersection of the highways. The

property is developed with a single-family dwelling. Properties to the north and across the highway to the west are in agricultural use and outside the UGB. The property across the highway to the east that is within the UGB lies between Hwy. 99 E, and extends to the Union Pacific Railroad. This property is undeveloped and is not annexed into the City.

On April 20, 2007 the Boundary Commission approved annexation of the subject property to the City of Junction City. The annexation became effective on the same date. The property is required to be rezoned to a city zone from the existing Lane County zone. The property is designated Commercial in the Junction City Comprehensive Plan. According to the Comprehensive Plan, there are four zoning districts that implement this designation: 1) Commercial, 2) Central Business, 3) Neighborhood Business, and 4) Planned Unit Development. The corresponding zoning districts in the Zoning Ordinance are: General Commercial, Central Business and Commercial Residential.

On February 20, the City of Junction City entered into an agreement (included as an exhibit) with the Norman Fisher Properties requiring the owner to:

1. Develop on-site and off-site stormwater management facilities and obtain or dedicate drainage easements as required as conditions of development approval or as may be necessary to adequately manage and treat stormwater runoff from the development site.
2. In addition to public streets needed to provide circulation and access within Property, address transportation issues along Highway 99.
3. Address sewer system issues with any new development
4. Address water system issues with any new development.
5. Provide any reasonable additional improvements to roadways, including signage, street width and additional hydrants related to fire protection and emergency services that may be requested by the City during the development review process.
6. Pay all applicable City system development charges, including the SDC fees for streets and parks.
7. Submit a Type II, Site Plan Review application with any development proposal.

AUTHORIZATION TO INITIATE AMENDMENTS

Section 106 of the Zoning Ordinance states, “*An amendment to the text or the zoning map of this ordinance may be initiated by the City Council, by the Planning Commission or by application of a property owner or his authorized agent. The Planning Commission shall, within 40 days after a hearing, recommend to the City Council approval, denial, or modification of the proposed amendment.*” The property owner has initiated the rezoning. After the public hearing, the Planning Commission will make a recommendation to the City Council.

ISSUES

Zoning

Currently the Central Commercial (C-1) zoning district is implemented in the downtown area of Junction City. The General Commercial (GC) zoning district is implemented mainly along the properties on Ivy Street and the west side of Holly Street. Commercial Residential (CR) zoning is located mainly along the east and west sides of Juniper Street. The General Commercial (GC)

zone allows all permitted uses in the C-1 zoning district plus more intensive auto-dependent uses such as auto sales, service stations and drive up and drive-through facilities. The Commercial Residential (CR) zoning district is intended for smaller neighborhood commercial uses and residential uses permitted in the R3 zone.

The C-1 and GC zoning district each have required architectural design standards for new construction, including a preferred (not required) siting standard for buildings in the GC zone to locate close to the street. The Commercial Residential zoning district does not include commercial architectural standards. Based on the location of the property along Highway 99 E and W and the large size of the property the General Commercial Zone (GC) is the most appropriate zoning district for this site.

Access Issues

ODOT has informed staff that the Fisher property may not have permitted access from ODOT along Highway 99 W frontage. ODOT and the property owner are meeting to determine the exact locations where access is permitted along the property. There is a possibility that no access is allowed. ODOT will update staff as to the status of access.

Non-Conforming Use

The existing single-family dwelling on tax lot 2200 will become a legal non-conforming use after it is rezoned to Commercial. A non-conforming use is a use or structure which was legally established according to the applicable zoning and building laws of the time, but which does not meet current zoning and building regulations. A use or structure can become *legal non-conforming* due to rezoning, annexation, or revisions to the Zoning Code.

Any alterations of the single-family dwelling would be reviewed under the non-conforming standards under the Zoning Regulations for Nonconforming Uses and Structures, Ordinance 950 Section 90-96. However, is it the intent of the property owner to develop the property with a commercial use.

PLANNING COMMISSION RECOMMENDATION

Based on the findings and materials submitted, the Planning Commission, at the June 19th public hearing, made a recommendation to the City Council to approve the rezone request and to amend the Junction City Zoning Map to rezone the property from Lane County Exclusive Farm Use (EFU) to Junction City Zoning General Commercial.

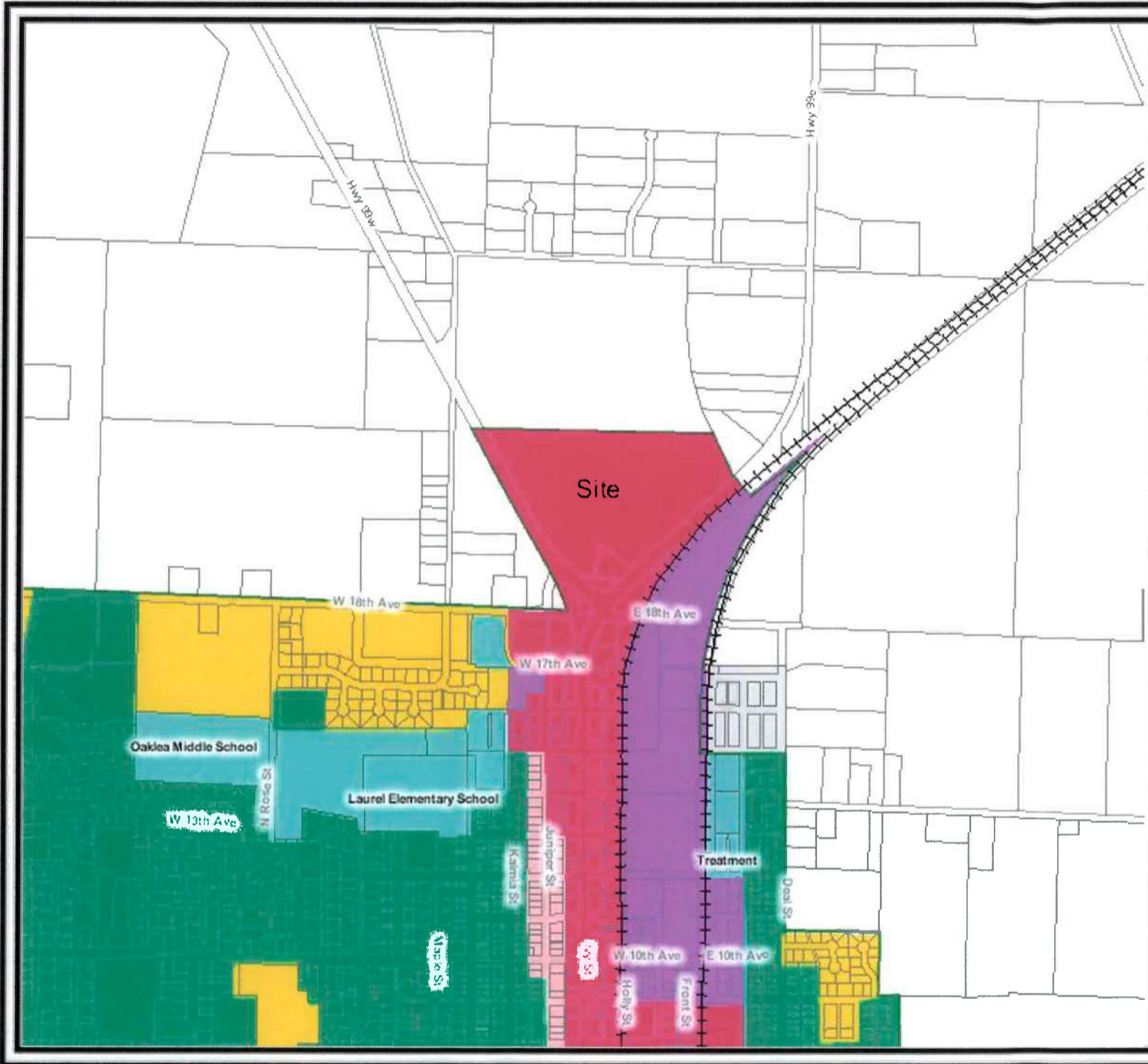
POSSIBLE ACTIONS BY THE CITY COUNCIL

The Council may:

- a. Approve the Zoning Map Amendment by passing the Rezoning Ordinance that includes the recommended findings as an exhibit.
- b. Modify the Zoning Map Amendment based on changes to the recommended findings or the adopting ordinance.
- c. Continue the public hearing to a date certain if more information is needed.

EXHIBITS

- I. Fisher Rezone Map
- II. Copies of written testimony submitted
- III. List of Surrounding Property Owners Receiving Notices



**Rezoning Request RZ
07-01, Fisher**

Legend

- Urban Growth Boundary
- Plan Designation (JC)
- Commercial
- Industrial
- Low Density Residential
- Medium Density Residential
- Commercial / Residential
- Professionals Technical
- Public
- Open Space / Wetlands

**Scale 1:13,791
1 in = 1,149 ft**