



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 10/24/2014
Jurisdiction: City of Junction City
Local file no.: AMD-14-01/RZ-14-02
DLCD file no.: 003-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/23/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 003-14 {22318}
Received: 10/23/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Junction City

Local file no.: **AMD-14-01 and RZ-14-02**

Date of adoption: 10-14-2014 Date sent: 10/22/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 7-3-2014
No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Jordan Cogburn, City Planner

Phone: 541-998-4763

E-mail: jcogburn@ci.junction-city.or.us

Street address: 680 Greenwood St/PO Box 250

City: Junction City

Zip: 97448-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

17.15.020, Conditional Uses Permitted
Addition of:
(H)(1) & (2))

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from RR5	to R1/R2	Acres: 8.33
Change from C3	to GC	Acres: 4.96
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: cas Acres added: Acres removed: 13.28

Location of affected property (T, R, Sec., TL and address): 16040532 00500, 00509 00900 01000 01001 01002 01004 01006

List affected state or federal agencies, local governments and special districts: Lane County & City of Junction City

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

The amendmens to the code text and zoning map go into effect on November 13, 2014.

ORDINANCE NO. 1223

AN ORDINANCE APPROVING THE ANNEXATION OF TAX LOTS: 500, 509, 900, 1000, 1001, 1002, 1004 & 1006 OF LANE COUNTY ASSESSOR'S MAP 16-04-05-32.

WHEREAS, a request to annex, Tax lots 500, 509, 900, 1000, 1001, 1002, 1004 AND 1006 of T16S R04W S05 as described in the legal description and map attached as Exhibit A was submitted on April 23rd, 2014; and

WHEREAS, the property owner initiated the Annexation request as authorized by Section 17.165.080; and

WHEREAS, the City provided notice of and held public hearings before the Planning Commission and City Council as required by Section 17.165.100 and Section 17.150.070(A)(4)(d) of the Junction City Municipal Code; and

WHEREAS, the Junction City Planning Commission held a public hearing August 19th, 2014 following the required procedures for approving an annexation per Sections 17.165.110 and Section 17.150.070 (A)(4)(d) of the Junction City Municipal Code and recommended conditional approval to the City Council; and

WHEREAS, the City Council held a public hearing September 23rd, 2014 and took testimony on this matter, taking said testimony into consideration in making its decision; and

WHEREAS, the City Council determined that annexation of said territory into the City of Junction City is consistent with the requirements for Annexations in Section 17.165.110 of the Junction City Municipal Code as explained in the Findings of Fact attached as Exhibit B; and

WHEREAS, the Annexation Agreement required by Section 17.165.110.D of the Junction City Municipal Code is attached and incorporated herein as Exhibit C; and

WHEREAS, after annexation the territory will remain in the Junction City Rural Fire Protection District and the Junction City Water Control District; now, therefore

THE CITY OF JUNCTION CITY ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Junction City hereby approves the annexation of territory to the City of Junction City as described in the attached Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2. The City Council of the City of Junction City adopts the above findings and the attached Findings of Fact, set forth in Exhibit "B", attached hereto and incorporated herein by this reference, as the basis of this decision to Annex said property.

Section 3. This Ordinance shall take effect on the thirtieth day after its enactment or upon execution of the Annexation Agreement, whichever is later.

Read in full for its first reading on the 14th day of October, 2014.

Read by title only, for its second reading this 14th day of October, 2014.


Passed by the Council this 14th day of October, 2014.

Approved by the Mayor this 14th day of October, 2014.

ATTEST:

APPROVED:


Kitty Vodrup, City Recorder


David S. Brunscheon, Mayor

FOR ASSESSMENT AND TAXATION ONLY

N.W.1/4 S.W.1/4 SEC.5 T.16S. R.4W. W.M.
Lane County
1" = 100'

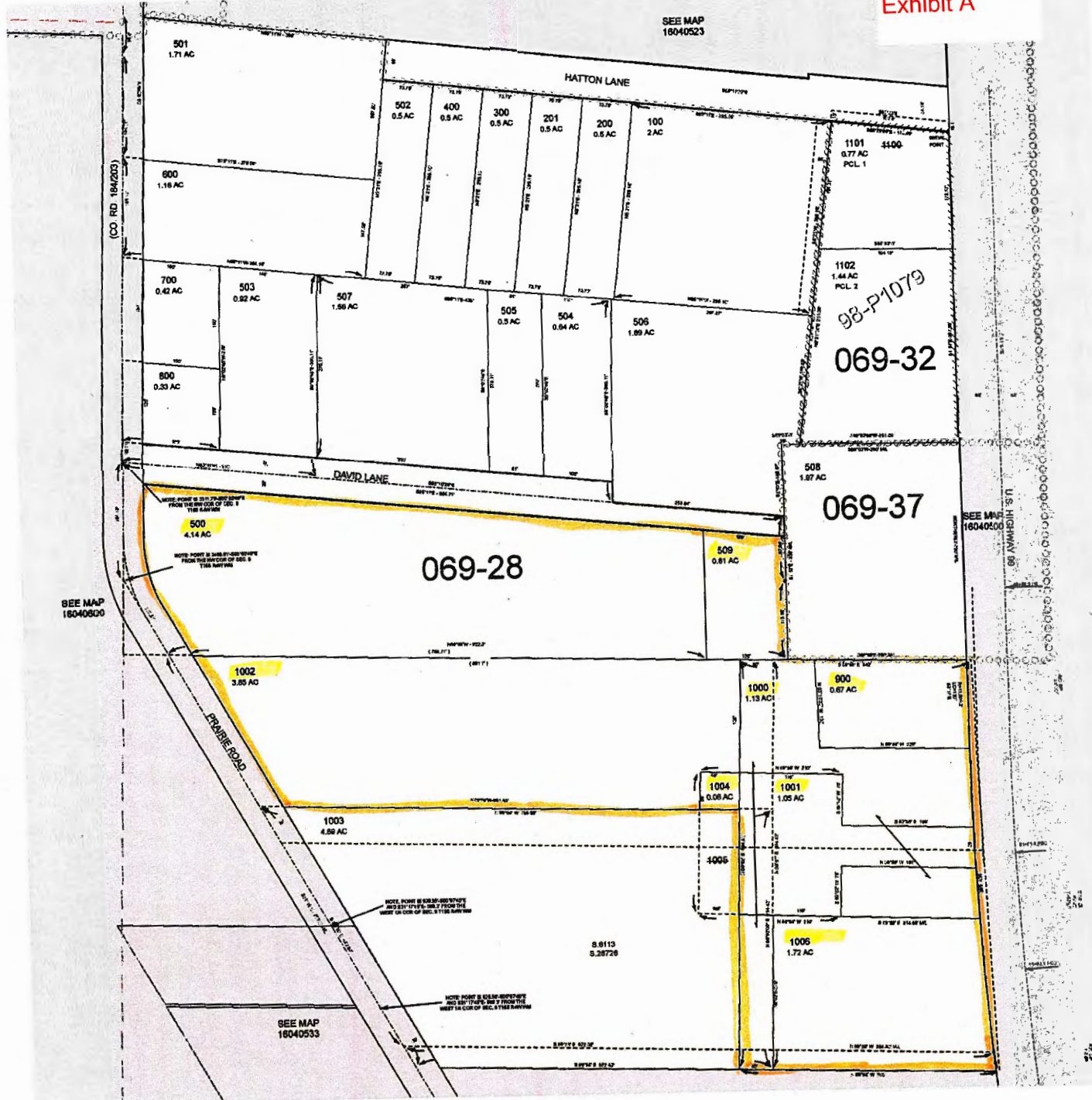
10070002
JUNCTION CITY

Exhibit A

018 DATA
5/30/2008 10:38:35 AM : karkob

CANCELLED:
1005
1100

SEE MAP
16040523



98-P1079

069-32

069-37

069-28

REVISIONS:
526204 - LCAT16 - CONVERT MAP TO DME

JUNCTION CITY
16040532

9859514

[legal description for
TL 500, 1002, 1004]

Beginning 3,311.75 feet South $0^{\circ} 02' 45''$ East from the Northwest corner of Section 5, Township 16 South, Range 4 West of the Willamette Meridian in Lane County, Oregon, said place of beginning being referenced by the quarter corner on the West line of said Section 5, which bears North $0^{\circ} 02' 45''$ West therefrom; thence South $85^{\circ} 11'$ East along the centerline of David Lane 983.85 feet to a point which bears South $88^{\circ} 03'$ West 322.0 feet from the centerline of Pacific Highway No. 99; thence South $1^{\circ} 57'$ East parallel with said centerline 97.04 feet to a point which bears South $88^{\circ} 03'$ West 322.00 feet from highway centerline station 49+88.8 P.S.; thence South $2^{\circ} 00' 18''$ East 115.96 feet; thence North $89^{\circ} 58'$ West 30.0 feet; thence South $0^{\circ} 02'$ West 220.0 feet; thence North $89^{\circ} 58'$ West 756.55 feet to the centerline of County Road No. 203, known as Prairie Road; thence North $31^{\circ} 16'$ West along said centerline 387.09 feet; thence continuing along said centerline North $0^{\circ} 02' 45''$ West 184.16 feet to the place of beginning in Lane County, Oregon.

EXCEPT THEREFROM: Commencing at a point in the center of County Road No. 203, known as Prairie Road 3881.7 feet South and 235.7 feet East of the Northwest corner of Section 5, Township 16 South, Range 4 West of the Willamette Meridian in Lane County, Oregon, said point of commencement referenced by a $3/4$ inch iron pipe bearing South $89^{\circ} 58'$ East 35.11 feet therefrom; thence South $89^{\circ} 58'$ East 671.03 feet; thence North 112.40 feet to a $1/2$ inch iron rod for the PLACE OF BEGINNING; thence South $89^{\circ} 58'$ East 165 feet to a $1/2$ inch iron rod; thence South $0^{\circ} 02'$ West 75.00 feet to a $1/2$ inch iron rod which bears North $89^{\circ} 58'$ West 190.00 feet and North $0^{\circ} 02'$ East 38.02 feet from a $5/8$ inch iron rod set in the Westerly line of the Pacific Highway as a reference to centerline station 53+88.8 P.S.C.; thence South $89^{\circ} 58'$ East 188 feet to the Westerly right of way of said highway; thence Southerly along said right of way line to a point 60.00 feet, normal measurement, South of the last mentioned course; thence North $89^{\circ} 58'$ West 191.00 feet to a $1/2$ inch iron rod which bears North $89^{\circ} 58'$ West 190.00 feet and South $0^{\circ} 02'$ West 21.98 feet from the $5/8$ inch iron rod referencing said centerline station 53+88.8 P.S.C.; thence South $0^{\circ} 02'$ West 75.00 feet to a $1/2$ inch iron rod; thence North $89^{\circ} 58'$ West 165 feet to a $1/2$ inch iron rod; thence North $0^{\circ} 02'$ East 210.00 feet to the place of beginning, in Lane County, Oregon.

ALSO EXCEPT THEREFROM: Beginning at a point which is 3606.7 feet South, 68.5 feet East and 841.7 feet South $89^{\circ} 58'$ East of the Northwest corner of Section 5, Township 16 South, Range 4 West of the Willamette Meridian; thence South $89^{\circ} 58'$ East 117 feet; thence South $3^{\circ} 10' 25''$ East 130.0 feet; thence South $89^{\circ} 58'$ East 225.0 feet to the West line of the Pacific Highway; thence South $1^{\circ} 54' 14''$ East 110.27 feet along the long chord of an offset spiral curve; thence North $89^{\circ} 58'$ West 188.0 feet; thence North $0^{\circ} 02'$ East 75.0 feet; thence North $89^{\circ} 58'$ West 165.0 feet; thence North $0^{\circ} 02'$ East 165.0 feet to the point of beginning, in Lane County, Oregon.

Continued

9859514

Our No. 145938-R

EXHIBIT "A", continued

ALSO EXCEPT THEREFROM: Beginning at a point in the center of Prairie Road, South 00° 0' 7" East 3311.75 feet from the Northwest corner of Section 5, Township 16 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; thence South 85° 10' 28" along the center of David Lane, 848.76 feet; thence South 01° 46' 53" East 30;.20 feet to a 5/8 inch iron rod on the Southerly line of David Lane, said point begin the True Point of Beginning; running thence South 01° 45' 53" East 194.05 feet to a 5/8 inch iron rod; thence South 89° 58' East 54.15 feet to an iron rod; thence South 89° 58' East 80.85 feet, more or less, to the Southwest corner of the Hansey property described in Deed recorded December 15, 1976, Reception No. 76-66138, Official Records of Lane County, Oregon; thence North 01° 00' 18" West along the West line of said Hansey tract 115.96 feet; thence North 01° 57' West 66.83 feet to the South line of David Lane; thence North 85° 10' 28" West along the South line of David Lane to the True Point of Beginning, in Lane County, Oregon.

State of Oregon
County of Lane — ss.
I, the County Clerk, in and for the said
County, do hereby certify that the within
instrument was received for record at

'98 JUL 28 AM 11:41

Reel

2446R

Lane County OFFICIAL Records
Lane County Clerk

By:

David S. Suckey
County Clerk

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9859514

Ted Douglas Young and Carol Joan Young, Trustees in trust, under the Young Living Trust, dated June 3, 1996, Grantor, conveys and warrants to

ACTA, Ltd., Grantee, the following described real property situated in Lane County Oregon, free of encumbrances except as specifically set forth herein, to-wit:

Exhibit "A" Attached
3722JUL.28'98H06REC 15.00
3722JUL.28'98H06PFUND 10.00
3722JUL.28'98H06A&T FUND 20.00

This conveyance is subject to and excepts: Rights of the public, easements, covenants, and conditions of record.

The true consideration for this conveyance is \$200,000.00 paid to a qualified intermediary as part of an IRC 1031 tax deferred exchange.

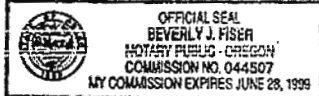
"THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930."

Dated: June 26, 1998

Ted Douglas Young
Ted Douglas Young, Trustee
Carol Joan Young
Carol Joan Young, Trustee

STATE OF Oregon)
County of Lane) ss.

This instrument was acknowledged before me on June 26, 1998 by Ted Douglas Young and Carol Joan Young, Trustees in trust, under the Young Living Trust, dated June 3, 1996



B. Hiser
Notary Public for Oregon
My commission expires: 6-28-99

Until a change is requested, all tax statements shall be sent to the following address:
PO box 279, Junction City, Oregon 97448

After recording return to: Western Pioneer Title Co., P.O. Box 10146, Eugene, Oregon 97440

9463901

PARCEL I:

Beginning at a point in the center of the County Road No. 203, known as the Prairie Road, 3606.7 feet South and 68.5 feet East of the Northwest corner of Section 5, Township 16 South, Range 4 West of the Willamette Meridian; thence South 89° 58' East 1183.7 feet to the West right of way line of the Pacific Highway, which point is the true place of beginning; run thence along said highway right of way line along the arc of a 11,509.2 foot radius curve left (the long chord of which bears South 3° 10' East 130 feet) a distance of 130 feet; thence leaving said highway, North 89° 58' West 225 feet; thence North 3° 10' 25" West 130 feet; thence South 89° 58' East 225 feet to the point of beginning, in Lane County, Oregon.

PARCEL II:

Beginning at a point which is 3606.7 feet South, 68.5 feet East and 841.7 feet South 89° 58' East of the Northwest corner of Section 5, Township 16 South, Range 4 West of the Willamette Meridian; thence South 89° 58' East 117 feet; thence South 3° 10' 25" East 130.0 feet; thence South 89° 58' East 225.0 feet to the West line of the Pacific Highway; thence South 1° 54' 14" East 110.27 feet along the long chord of an offset spiral curve; thence North 89° 58' West 180.0 feet; thence North 0° 02' East 75.0 feet; thence North 89° 58' West 165.0 feet; thence North 0° 02' East 165.0 feet to the point of beginning, in Lane County, Oregon.

ALSO: Beginning at a point on the Westerly right-of-way line of the Pacific Highway which is 4211.34 feet South, 437.22 feet East and 862.60 feet South 89° 58' East of the Northwest corner of Section 5, Township 16 South, Range 4 West of the Willamette Meridian; thence North 89° 58' West 389.78 feet; thence North 0° 02' East 229.42 feet; thence South 89° 58' East 165.0 feet; thence North 0° 02' East 75.0 feet; thence South 89° 58' East 191.0 feet; thence along the arc of a 11,504.16 foot radius curve (the long chord of which bears South 6° 17' 55" East 306.29 feet to the point of beginning; in Lane County, Oregon.

EXCEPT: Commencing at a point in the center of County Road No. 203, known as Prairie Road, 3881.7 feet South and 235.7 feet East of the Northwest corner of Section 5, Township 16 South, Range 4 West of the Willamette Meridian in Lane County, Oregon, said point of commencement, referenced by a 3/4 inch iron pipe bearing South 89° 54' East 35.11 feet therefrom; thence South 31° 16' West along the centerline of said road 384.90 feet to the Southwest corner of that tract of land recorded in Volume 246, Page 332, Lane County Oregon Deed Records; thence South 89° 54' East along the South line of said tract 522.82 feet to the Southeast boundary of that certain tract conveyed by instrument recorded February 25, 1981, Reel 1122; Reception No. 81-08469, Official Records of Lane County, Oregon, for the Place of Beginning; thence North 0° 02' East along the Easterly line of the Junction City Assembly of God Church tract, a distance of 225 feet; thence South 89° 58' East 314.88 feet, more or less, to the Westerly right of way line of the Pacific Highway; thence Southerly along said right of way line 225 feet, more or less, to a point which bears South 89° 58' East from the place of beginning; thence North 89° 58' West 334.88 feet, more or less, to the place of beginning, in Lane County, Oregon.

Continued

EXHIBIT "A" Cont.

PARCEL III:

Commencing at a point in the center of County Road No. 203, known as Prairie Road, 3881.7 feet South and 235.7 feet East of the Northwest corner of Section 5, Township 16 South, Range 4 West of the Willamette Meridian in Lane County, Oregon, said point of commencement referenced by a 3/4 inch iron pipe bearing South 89° 58' East 35.11 feet therefrom; thence South 89° 58' East 671.03 feet; thence North 112.40 feet to a 1/2 inch iron rod for the Place of Beginning; thence South 89° 58' East 165 feet to a 1/2 inch iron rod; thence South 0° 02' West 75.00 feet to a 1/2 inch iron rod which bears North 89° 58' West 190.00 feet and North 0° 02' East 38.02 feet from a 5/8 inch iron rod set in the Westerly line of the Pacific Highway as a reference to centerline station 53 + 88.8 P.S.C.; thence South 89° 58' East 188 feet to the Westerly right of way of said highway; thence Southerly along said right of way line to a point 60.00 feet, normal measurement, South of the last mentioned course; thence North 89° 58' West 191.00 feet to a 1/2 inch iron rod which bears North 89° 58' West 190.00 feet and South 0° 02' West 21.98 feet from the 5/8 inch iron rod referencing said centerline station 53 + 88.8 P.S.C.; thence South 0° 02' West 75.00 feet to a 1/2 inch iron rod; thence North 89° 58' West 165 feet to a 1/2 inch iron rod; thence North 0° 02' East 210.00 feet to the place of beginning, in Lane County, Oregon.

PARCEL IV:

Commencing at a point in the center of County Road No. 203, known as Prairie Road, 3881.7 feet South and 235.7 feet East of the Northwest corner of Section 5, Township 16 South, Range 4 West of the Willamette Meridian in Lane County, Oregon, said point of commencement referenced by a 3/4 inch iron pipe bearing South 89° 54' East 35.11 feet therefrom; thence South 31° 16' East along the centerline of said road 304.90 feet to the Southwest corner of that tract of land recorded in Volume 246, Page 332, Lane County Oregon Deed Records; thence South 89° 54' East along the South line of said tract 522.82 feet to the Southeast boundary of that certain tract conveyed by instrument recorded February 25, 1981, Reel 1122, Reception No. 81-08469, Official Records of Lane County, Oregon, for the Place of Beginning; thence North 0° 02' East along the Easterly line of the Junction City Assembly of God Church tract, a distance of 225 feet; thence South 89° 58' East 314.88 feet, more or less, to the Westerly right of way line of the Pacific Highway; thence Southerly along said right of way line 225 feet, more or less, to a point which bears South 89° 58' East from the place of beginning; thence North 89° 58' East from the place of beginning; thence North 89° 58' West 334.88 feet, more or less, to the place of beginning, in Lane County, Oregon.

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9463901

LEE JOINT VENTURE, A PARTNERSHIP COMPOSED OF ROBERT B. LEE TERRY N. LEE RONALD E. LEE

conveys and warrants to ACTA, LTD.

, Grantor,

the following described real property situated in LANE County OR free of encumbrances except as specifically set forth herein, to-wit:

, Grantee,

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

REVERSE OF WARRANT 15.00
REVERSE OF WARRANT 13.50
REVERSE OF WARRANT FUND 36.00

This conveyance is subject to and excepts: RIGHTS OF THE PUBLIC IN STREETS, ROADS AND HIGHWAYS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OF RECORD AND SUBJECT TO 1994-5 REAL PROPERTY TAXES, A LIEN NOT YET PAYABLE.

The true consideration for this conveyance is \$ 981,740.00

"THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930."

Dated: 08/31/94

LEE JOINT VENTURE, A PARTNERSHIP

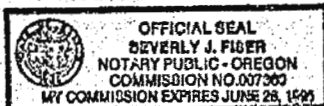
By: [Signature]
ROBERT B. LEE, partner

By: [Signature]
TERRY N. LEE, partner

By: [Signature]
RONALD E. LEE, partner

STATE OF Oregon)
County of Lane) ss.

This instrument was acknowledged before me on September 1, 1994 by Robert B. Lee, Terry N. Lee and Ronald E. Lee



[Signature]
Notary Public for Oregon
My commission expires: 6-28-95

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

PO Box 279, Junction City, Ore 97448
After recording return to: Western Pioneer Title Co., P.O. Box 10146, Eugene, Oregon 97440

9463901

2008.176

9463901

State of Oregon,
County of Lane--ss.
I, the County Clerk, in and for the said
County, do hereby certify that the within
instrument was received for record at

SEP 24 11 22

Reel 1989R

Lane County OFFICIAL RECORDS
Lane County Clerk

By: 
COUNTY CLERK

12-3-99

WPTCO 157171
16 04 05 32 509-801/1266087

2611

99098089

Deed

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MISCHELE A. RUE & DOUGLAS D. RUE, wife and husband, Grantors, convey and warrant to ACTA LIMITED PARTNERSHIP, Grantee, all that real property situated in Lane County, Oregon, described as follows, to-wit:

"That real property as is described on Exhibit "A" which is attached hereto and made a part hereof."

and covenants that Grantors are the owners of the above-described property free of all encumbrances, except for and subject to the following:

1. Rights of the public in streets, roads and highways.
2. Easement for road purpose over the Northerly 30.0 feet as disclosed by numerous documents of record.

The true and actual consideration for this conveyance in terms of dollars is \$185,000.00.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 2d day of DECEMBER, 1999

Mischele A. Rue
Mischele A. Rue

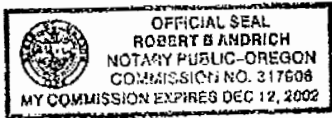
Douglas D. Rue
Douglas D. Rue

STATE OF OREGON)
) ss.
County of Lane)

DECEMBER 2, 1999

Personally appeared before me the above-named MISCELE A. RUE & DOUGLAS D. RUE and acknowledged the foregoing instrument to be their voluntary act and deed.

Robert B. Andrich
Notary Public for Oregon
My Commission Expires: 12/2/02



Until a change is requested mail tax statements to the following address:

ACTA Limited Partnership
20 Highway 99 S
Junction City, OR 97448

After recording, please return to:
Western Pioneer Title Co.
P.O. Box 10146
Eugene, OR 97440-2146

4954DEC.03'99#05REC 10.00
4954DEC.03'99#05PFUND 10.00
4954DEC.03'99#05A&T FUND 20.00

99098089

[legal description for TL 509]

EXHIBIT "A"

Beginning at a point in the center of Prairie Road, South 00° 07' East 3311.75 feet from the Northwest corner of Section 5, Township 16 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; thence South 85° 10' 28" East along the center of David Lane 848.76 feet; thence South 01° 46' 53" East 30.20 feet to a 5/8 inch iron rod on the Southerly line of David Lane, said point being the true point of beginning; running thence South 01° 46' 53" East 194.05 feet to a 5/8 inch iron rod; thence South 89° 58' East 54.15 feet to an iron rod; thence South 89° 58' East 80.85 feet, more or less, to the Southwest corner of the Hansey property described in Deed recorded December 15, 1976, Reception No. 76-66138, Lane County Oregon Official Records; thence North 02° 00' 18" West along the West line of said Hansey tract 115.96 feet; thence North 01° 57' West 66.83 feet to the South line of David Lane; thence North 85° 10' 28" West along the South line of David Lane to the true point of beginning, in Lane County, Oregon.

State of Oregon
 County of Lane — ss.
 I, the County Clerk, in and for the said
 County, do hereby certify that the within
 instrument was received for record at

'99DEC 3 AM 11:29

Reel

2611R

Lane County OFFICIAL Records
 Lane County Clerk

By.

David S. Saha
 County Clerk

**EXHIBIT B
FINDINGS OF FACT
ANNEXATION (A-14-01)
ACTA LLC.**

A. The Junction City City Council finds the following:

- a. The property owner initiated the Annexation on April 23, 2014, as authorized by Junction City Municipal Code Chapter 17.165. The application was deemed complete May 21, 2014.
- b. The applicant submitted the application and information required by Junction City Municipal Code Section 17.165.090.
- c. The Junction City Planning Commission held a public hearing on August 19, 2014 after giving the required notice for Legislative decisions per Junction City Municipal Code 17.150.070 (A) (4) (d).
- d. The Junction City Planning Commission followed the required procedures for approving an annexation contained in JCMC 17.165.110 (A)-(D), Criteria and 17.150.090, Type VI Procedures, Legislative.
- e. The City Council held a public hearing on September 23, 2014 and took testimony on this matter, taking said testimony into consideration in making its decision.

B. Condition of Approval:

1. An Annexation Agreement shall be signed prior to the effective date of the annexation.

C. IT IS HEREBY ORDERED THAT the Junction City City Council approves the annexation for Tax Lots TL 00500, 00509, 00900, 01000, 01001, 01002, 01004, and 01006 on Lane County Assessor's Map # 16-04-05-32, subject to the Condition of Approval listed above based on the following findings of fact:

CHAPTER 17.165 —ANNEXATION, WITHDRAWAL FROM SPECIAL DISTRICTS AFTER ANNEXATION, AND EXTRATERRITORIAL EXTENSIONS

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.

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17.165.060 Applicability. These regulations apply to annexation applications as specified in this section. Other proposals permitted by ORS 222 shall be processed as provided in ORS 222.

FINDING: The City of Junction City JCMC Chapter 17.165 Annexation, Withdrawals, and Extraterritorial Extensions conforms to the provisions of Oregon Revised Statute 222— City Boundary Changes; Mergers; Consolidations; Withdrawal as it pertains to annexations and thereby satisfies the above stated criteria.

17.165.070 Procedures. 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 JCMC 17.165.110 (A)-(D). The City Council shall approve proposed annexations and withdrawals by Ordinance.

Applicable criteria from 17.150.070: “(4) (a) Type IV procedure requires review by the Commission and the Council (except for withdrawals of property from special districts prior to annexations where only a review by the Council is required)...”;(4) (d) A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except for withdrawals of property from special districts prior to annexations where only a review by the Council is required. Procedures for these hearings are set forth in 17.150.090. Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions; (4) (e) The Commission may submit recommendations and findings regarding the proposal to the City Council.”

FINDING: The applicant submitted the Annexation application on April 23, 2014, and the City deemed the application complete on May 21, 2014. Staff reviewed the application in a manner that is consistent with the review procedures contained in JCMC 17.150.070. Staff scheduled a public hearing before the City of Junction City Planning Commission on August 19, 2014. The Planning Commission understood that at the conclusion of the public hearing the Planning Commission was required to make a recommendation to the City Council on the Final Order to approve, approve with conditions, deny, or to continue the public hearing to a future date. On August 19th, 2014, the Planning Commission forwarded its recommendation of approval to the City Council. The Council held a duly noticed public hearing on September 23rd, 2014, in compliance with all procedural requirements of JCMC 17.150.070. The procedures for Type IV application have been followed for the applicant’s Annexation request. Therefore, the above stated criteria are satisfied.

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

**EXHIBIT B
FINDINGS OF FACT
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ACTA LLC.**

FINDING: The applicant, ACTA, LLC, Inc., properly initiated annexation via submittal of its application,. Therefore, this criteria is met.

17.165.090 Application Requirements. In addition to the provisions specified in other sections of this Code, an annexation application shall include the following:

(A) A list of all owners, including partial holders of owner interest, within the affected territory, indicating for each owner:

- 1. The affected tax lots, including the township, section and range numbers;**
- 2. The street or site addresses within the affected territory as shown in the Lane County Regional Land Information Database system (RLID);**
- 3. A list of all eligible electors registered at an address within the affected territory; and**
- 4. Signed petitions as required.**

FINDING: The applicant has requested annexation of Tax Lots 500, 509, 900, 1000, 1001, 1002, 1004 and 1006 on Lane County Assessor's Map #16-04-05. The applicant has submitted a list of all owners of the subject parcels showing ACTA, LLC as owner of all lots to be annexed (0500, 0509, 0900, 1000, 1001, 1002, 1004, and 1006) and otherwise meeting the above criteria.. The materials submitted by the applicant have satisfied the above criteria.

(B) Written consents on City approved petition forms that are:

1. Completed and signed, in accordance with ORS 222.125, by;

- a. All of the owners within the affected territory; and**
- b. Not less than 50 percent of the eligible electors, if any, registered within the affected territory; or**

2. Completed and signed, in accordance with ORS 222.170, by:

- a. More than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory; or**
- b. A majority of the electors registered in the territory proposed to be annexed and a majority of the owners of more than half the land.**

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ACTA LLC.**

c. Publicly owned rights-of-way can be added to annexations initiated by these two methods without any consents.

(C) A City Council resolution to initiate a boundary change, including but not limited to rights-of way.

FINDING: In accordance with ORS 222.125, this annexation petition is made by a double majority method; whereby the annexation application is supported by a petition to annex of 100 percent of the owners of the land within the territory to be annexed and 50 percent of the electors in the territory given written consent to the annexation. A City Council resolution is not necessary to initiate this annexation because 100 percent of the property owners are requesting annexation. The applicant's submitted written consent and signed petition satisfies the above stated criteria.

(D) In lieu of a petition form described above, an owner's consent may be indicated on a previously executed Consent to Annex form that has not yet expired as specified in ORS 222.173.

(E) Verification of Property Owners form signed by the Lane County Department of Assessment and Taxation.

(F) A Certificate of Electors form signed by the Lane County Elections/Voter Registration Department including the name and address of each elector.

(G) An ORS 195.305 waiver form signed by each owner within the affected territory.

(H) A waiver form signed by each owner within the affected territory as allowed by ORS 222.173.

FINDING: Regarding item (D), no prior Consent to Annex form has been filed for this property therefore does not apply. Item (E) above is included, as part of this double majority annexation application and the Verification of Property Owner form has been signed by Lane County Assessment and Taxation. Item (F) has been satisfied, the Lane County Clerk has verified that no electors are registered within the affected territory, as indicated on Form 3 of the applicant's submittal. Item (G) is satisfied, as a signed ORS 195.305 waiver was submitted as a component of Applicant's application. Item (H) has been satisfied as the applicant has signed the One-Year waiver form. The requirements of 17.165.090 (A)-(D) stated above, are satisfied.

(I) A legal description of the affected territory proposed for annexation consistent with ORS 308.225 that will include contiguous or adjacent right-of-way to ensure contiguity as required by ORS 222.111.

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(J) A Lane County Assessor’s Cadastral Map to scale highlighting the affected territory and its relationship to the city limits.

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

FINDING: The applicant has provided a legal description of the territory proposed to be annexed into the City of Junction City—City Limits. A Cadastral Map with the subject properties highlighted was submitted by the applicant. The subject properties reside within the jurisdiction of the Junction City Rural Fire Protection District and the Junction City Water Control District. These Districts are considered special service districts that, respectively, provide fire protection and water/flood control for the property. Based on the materials submitted by the applicant, the criteria stated above is satisfied.

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

(M) A written narrative addressing the proposal’s consistency with the approval criteria specified in Chapter 17.165.

FINDING: The applicant has submitted a written narrative as part of its application addressing the above listed approval criteria, as specified in 17.165.090. Based on the material submitted by the applicant, the above criteria are satisfied.

17.165.100 Notice. In addition to the requirements of 17.165.100, the following are also required for annexations:

(A) Mailed Notice. Notice of the annexation application shall be mailed to:

- 1. The applicant, property owner and active electors in the affected territory;**
- 2. Owners and occupants of properties located within 300 feet of the perimeter of the affected territory;**
- 3. Affected special districts and all other public utility providers; and**
- 4. Lane County Land Management Division, Lane County Elections, and the Lane County Board of Commissioners.**

(B) Posted Notice. Notice of the public hearing at which an annexation application will be considered shall be posted in four public places in the City for two successive weeks prior to the hearing date.

FINDINGS: Staff mailed notice to property owners within 300 feet of the perimeter of the subject territory to be annexed and all parties listed in subsection 6(a) at least two weeks

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prior to the City of Junction City Planning Commission public hearing, staff posted notice of the public hearings on the City of Junction City website, in the Register Guard and on the bulletin boards in City Hall, Community Center, Library and the US Post Office.

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

(A) The affected territory proposed to be annexed is within the City's urban growth boundary, and is;

- 1. Contiguous to the City limits; or**
- 2. Separated from the City only by a public right-of-way or a stream, lake or other body of water;**

FINDING: The City of Junction City Plan Designation Map shows the property to be within the City's Urban Growth Boundary. The subject property is contiguous to City limits to the west along Highway 99. Therefore, the above stated criterion is satisfied.

(B) The proposed annexation is consistent with applicable policies in the City of Junction City Comprehensive Plan and in any applicable refinement plans;

FINDING: The City's Comprehensive Plan includes four annexation policies (Chapter 17.165) pertaining to contiguous annexations. Each policy is quoted below in *bold italic*, followed findings demonstrating compliance with the applicable policy.

Contiguous Annexations. The city shall review annexation requests to ensure that they comply with all of the following:

- 1. The proposed annexation is within the urban growth boundary (UGB); land that is inside the UGB of an acknowledged plan is consistent with statewide planning goals.*

FINDING: As previously found, the subject property is inside the City of Junction City Urban Growth Boundary. The City of Junction City 1982 Urban Growth Boundary (UGB) included the subject property, the Oregon Department of Land Conservation and Development acknowledged the City of Junction City Comprehensive Plan to comply with the 19 Statewide Planning Goals as of November 19, 1982,

- 2. The development of the property is compatible with the rational and logical extension of utilities and roads to the surrounding area.*

FINDING: The rational and logical extension of sanitary sewer, water and storm drainage facilities is further addressed under Annexation Criterion 17.165.110 (C) below. The proposed annexation area allows the rational and logical extension of planned utilities and

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roads to the annexing territory. Utilities have been extended along Prairie Road to reach the Department of Corrections and State Hospital site. Storm drainage may be managed on-site prior to release into the natural drainage ways. Franchise utility services can be provided along public utility easements adjacent to public rights-of-way, and public services such as police, fire and emergency response can be provided by way of the existing public roads and easements by which the property is accessed.

Once annexed, the property will be eligible for extension of City sewer, water, storm drainage and waste collection services, thereby enabling future development.

- 3. *Public facilities and services can be provided in an orderly and economic manner.***

WATER

FINDING: The City's water system has adequate capacity to serve all land within the urban growth boundary.

Water Supply. Public Works reports that water supply has been deemed adequate to serve current and anticipated future uses of the subject parcels, if brought into the urban growth boundary

Water Storage. As a part of water system upgrades, two new elevated storage tanks (300,000 gallons each) and a new ground storage facility (2,200,000 gallons) have been constructed. This new storage is in accordance with the recommendations of the Master Water Plan.

Water Transmission. As part of the State project, sewer and water transmission mains were constructed to serve the new Prison and Mental Hospital, running down Highway 99 adjacent to the property. The transmission mains, which are located on the eastern portion of the property, have sufficient capacity to serve domestic water and fire protection for current and potential future uses the property, if annexed.

SANITARY SEWER

FINDING: The City's sewer system has adequate capacity to serve all land within the urban growth boundary. Sanitary Sewer facilities exist adjacent to the west of the subject properties. Sewer needs for all parcels included in this annexation proposal is unknown and will not be determined until the time of development.

STORM WATER

FINDING: The Junction City Water Control District has jurisdiction of water control channels that eventually drain the entire area west of River Road and east of the Long Tim River. The Junction City Water Control District has not commented on the applicant's

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proposal. Stormwater plans are not required at the time of annexation. At the time of Development Review the applicant will be required to submit detailed stormwater plans that will be reviewed by the City Engineer, Public Works and JCWD. The decision to withdraw or remain within the JCWD boundary is made at the Council level and is a separate application if the city chose to withdraw from the District. The annexed territory can be withdrawn at a later date by future Council action.

TRANSPORTATION

FINDING: The annexing property abuts Highway 99 to the east. Highway 99 is designated a Regional Arterial in the State Transportation System Plan and is under the jurisdiction of Oregon Department of Transportation. Lane County Transportation provided comment on the proposed annexation, and recommended annexation of the road portions under Lane County Jurisdiction. Junction City Public Works has not requested annexation or road surrender of the adjacent facilities and has determined that annexation of these facility is not of interest at this time.

Since ACTA, LLC is proceeding with annexation and a zone change concurrently, a Transportation Impact Analysis was required. The TIA stated that the proposed zone change will not significantly affect the transportation system. Approval has been recommended with no mitigation required

Given the above, public facilities and services can be provided to the subject parcels in an orderly and economic manner. This criteria is met.

4. The annexation is in conformance with Oregon state law and this plan.

FINDING: This annexation is being sought in accordance with ORS 222.125. The property is within the Urban Growth Boundary and contiguous to the municipal limit, which is consistent with guidance provided by the City,'s Comprehensive Plan Annexation Policy discussed above. Therefore, the above stated criterion is satisfied.

(Continued from Annexation Criteria 17.165.110 above)

(C) The proposed annexation will result in a boundary in which key services can be provided;

FINDING: As previously discussed above, sewer, water, storm water, and transportation services can be provided to the subject site. Staff also provided notice of the applicant's proposal to the City of Junction City Police Department and the Junction City Rural Fire Protection District. Neither entity expressed concerns about the proposed annexation. Police and fire services are available to the subject site.

(D) A signed Annexation Agreement to resolve fiscal impacts upon the City caused by the proposed annexation shall be provided. The Annexation Agreement

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shall address, at a minimum, connection to and extension of public facilities and services. Connection to public facilities and services shall be at the discretion of the City, unless otherwise required by ORS. Where public facilities and services are available and can be extended, the applicant shall be required to do so.

FINDING: An Annexation Agreement must be submitted that requires the applicant to incur all costs associated with the extension and connection of public facilities to the subject property. In order to ensure fiscal impacts are addressed, the annexation is conditioned as follows:

CONDITION OF APPROVAL: An Annexation Agreement shall be signed prior to the effective date of the annexation.

Applicant has indicated willingness to sign City's annexation agreement. Given the applicant's ability to meet the condition of approval, the above stated criterion is satisfied.

HEALTH AND SAFETY

FINDING: A number of comments received in writing from members of the public expressed concern with the affects on public health, safety and welfare in the event that the subject parcels are annexed to the City. The above findings address a number of these concerns regarding the extension and availability of urban services to the parcel and the adequacy of transportation facilities to serve existing and potential development of the parcel once annexed. In addition, any existing and proposed development will be subject to and required to comply with all applicable Junction City Municipal Code public health and safety code provisions, including, but not limited to: JCMC Title 8, regarding Health and Safety nuisances, and JCMC Title 17, Zoning and Land Use Standards. The Council finds that the City's existing health, safety and welfare regulations in conjunction with the criteria applied, above, and all development requirements that will apply at the time of future development of the subject parcels, are sufficient to address the concerns expressed in the public comments received.

SUMMARY AND CONCLUSION

For all the reasons set forth above, the proposed amendments comply with the Junction City Comprehensive Plan and other Junction City ordinances.

Exhibit C

Condensed Form for properties along Prairie Road abutting existing City water & sewer service 7-3-14.

After recording, return to:
City of Junction City
PO Box 250
Junction City, OR 97448

Unless requested otherwise, send all tax statements to:

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made between the City of Junction City, an Oregon municipal corporation ("CITY") and ACTA, LLC ("APPLICANT").

RECITALS:

- A.** APPLICANT owns the parcels of land legally described in Exhibit A and shown on the map attached as Exhibit B. The property is contiguous to the jurisdictional limits of the City on the eastern and portions of the northern property boundaries, and may be annexed by the City of Junction City following annexation procedures.
- B.** APPLICANT has submitted to the City an Annexation Application (A-14-01), deemed complete on May 21, 2014, to annex approximately 13.28 acres on Assessor's Map No. 16-04-05-32, tax lots 500, 509, 900, 1000, 1001, 1002, 1004, and 1006 ("Property").
- C.** APPLICANT wishes to annex the Property to the City and seeks to reach agreement with City regarding APPLICANT's agreement to pay all costs to extend City public facilities and services to Property, per: 1) Comprehensive Plan, Chapter 3, Section IV, Contiguous Annexations; 2) JCMC 17.165.110(D); and 3) JCMC 17.165.020(B) and (C).
- D.** The Property is currently designated in the Junction City Comprehensive Plan as a mix of Commercial, Medium Density Residential and Low Density Residential, and is zoned by Lane County as Commercial and RR-5. Concurrent with annexation, APPLICANT is applying to rezone the Property to zones consistent with underlying Comprehensive Plan Designations.
- E.** SANITARY SEWER: Currently, City sanitary sewer service extends along the portion of the property that abuts Prairie Road. All sanitary sewer system improvements required of APPLICANT shall be commensurate with the use of the property. The use of the Property shall be identified by APPLICANT upon submittal of a Development Review application to the City of Junction City. All sewer system improvements shall be constructed prior to Final Occupancy approval by the City of

Junction City. All public sanitary sewer service must be designed and constructed in compliance with the Junction City Public Works Design Standards. All private sanitary sewer service shall be designed and constructed in compliance with the current edition of the Oregon Plumbing Specialty Code, and the Oregon Department of Environmental Quality Wastewater Treatment System Rules in Oregon Administrative Rules Chapter 340, Divisions 071 and 073.

- F. WATER:** Currently, City water service extends along the portion of the property that abuts Prairie Road. City water service may also be available from a line extending along Highway 99. All water system improvements required of APPLICANT shall be commensurate with the use of the property. The use of the Property shall be identified by APPLICANT upon submittal of Development Review application to the City of Junction City. All water system improvements shall be constructed prior to Final Occupancy approval by the City of Junction City. All water service must be constructed and designed in compliance with the Junction City Public Works Design Standards.
- G. STORM WATER:** The Property is currently not serviced by a storm water drainage system. Future development of Property will be subject to Junction City Water Control District F-2-a Basin Policy and review criteria and City standards for storm water drainage and detention. APPLICANT is, therefore, responsible for designing and constructing a storm water system in a manner where flows do not exceed pre-development flows for the design storm event. Storm water systems must be provided consistent with the stormwater quality measures and storm drainage requirements, as set forth in the Junction City Public Works Design Standards.

H. STREETS

- 1. Currently, the property is adjacent to Prairie Road and Highway 99. The City and APPLICANT will cooperate in obtaining access that is consistent with the proposed development and the Oregon Transportation Planning Rule.
 - 2. Concurrent with future development, APPLICANT will be required to comply with the City's access management requirements as stated in JCMC 17.85. APPLICANT is required to design and construct urban street improvements for any public streets constructed as a result of any proposed land division or development. Such improvements will meet or exceed standards for Subdivisions, as provided by JCMC 16.05, Development Standards as provided by JCMC 17.160, and Junction City Public Works Design Standards. If the Property is served wholly by internal private streets, the streets shall be adequate to serve the fire protection and heavy vehicle needs of the Property.
- I. EXISTING STRUCTURES:** Currently, the Property is developed with an existing commercial building that is devoted to RV sales and service, and also an existing single-family residential structure. The eastern portion of the property is largely paved, and is used for parking of RVs and other vehicles. The western portion of the property is largely undeveloped and is covered with a grass field. At the time of annexation, the applicant will pay transportation SDCs for traffic generated by the existing developments.
 - J. GARBAGE:** Currently, the Property is not serviced by City garbage service. Upon completion of development, APPLICANT will obtain City garbage service, if available. If not available, Applicant will obtain privately provided garbage service.
 - K.** City has determined that the minimum level of public services and City facilities are currently available to Property with regard to police, schools, fire and emergency services.

- L. In order to: (1) facilitate connection to city services and the orderly development of the Property; (2) ensure the full provision of key urban services that are satisfactory to both the City and APPLICANT; (3) obtain City Council approval of the proposed annexation; and (4) in exchange for the obligations of City set forth below, APPLICANT shall comply with all requirements imposed on it in this Agreement.

Now, therefore, based on the foregoing Recitals, which are specifically made a part of this Agreement, the parties agree as follows:

AGREEMENT:

1. Obligations of APPLICANT. Subject to the issuance of land division or development review and public improvement plan approvals, APPLICANT agrees to perform all obligations, as set forth in Recitals E through J, incorporated by this reference as Agreement terms.
2. Pay transportation system development charges for existing structures upon annexation. APPLICANT will dedicate park land consistent with JCMC 16.05.050, as determined necessary in any future land division or residential development review process.
3. Obligations of City. Consistent with the above Recitals and contingent upon no contrary evidence being entered into the record, City agrees to:
 - 3.1 Approve annexation of the Property to the City of Junction City; and
 - 3.2 Use good faith in the timely review and decision making of the rezone, land division, right-of-way, vacation, or development applications for the Property.
4. Covenants Running With the Land. It is the intention of the parties that the covenants herein are necessary for the annexation, and potential future subdivision, partition, or development review, of the Property and as such shall run with the Property and shall be binding upon the heirs, executors, assigns, administrators, and successors of the parties hereto, and shall be construed to be a benefit and burden upon the Property. This Agreement shall be recorded upon its execution in Lane County Deeds and Records. This Agreement may be assigned by APPLICANT and shall bind any assigns or successors in interest to APPLICANT.
5. Mutual Cooperation. City and APPLICANT shall endeavor to mutually cooperate with each other in implementing the various matters contained herein.
6. Waiver of Right of Remonstrance. APPLICANT agrees to sign any and all waivers, petitions, consents and all other documents necessary to obtain the public facilities and services described herein as benefiting the Property, under any Local Improvement Act or proceeding of the State of Oregon, Lane County or the City of Junction City (see JCMC 17.165.020) and hereby waives all rights to remonstrate against these improvements. APPLICANT does not waive the right to protest the amount or manner of spreading the assessment thereof, if the assessment appears to APPLICANT to be inequitable or operate unfairly upon the Property. APPLICANT waives any right to file a written remonstrance against these improvements. APPLICANT does not waive its right to comment upon any proposed local improvement district or any related matters orally or in writing.
7. Modification of Agreement. This Agreement may only be modified by a writing signed by both parties.

8. Land Use. Nothing in this Agreement shall be construed as waiving any requirements of the Junction City Subdivision and Zoning Ordinances, Development Standards, or the Junction City Municipal Code, which may be applicable to the use and development of this Property. Nothing herein shall be construed as City providing or agreeing to provide approval of any building, land use, or other development application submitted by APPLICANT.

9. Invalidity. If any provision of this Agreement shall be deemed unenforceable or invalid, such enforceability or invalidity shall not affect the enforceability or validity of any other provision of this Agreement. The validity, meaning, enforceability, and effect of the Agreement and the rights and liabilities of the parties hereto shall be determined in accordance with the laws of the State of Oregon.

10. Attorney's Fees. If suit, action or arbitration is brought either directly or indirectly to rescind, interpret or enforce the terms of this Agreement, the prevailing party shall recover and the losing party hereby agrees to pay reasonable attorney's fees incurred in such proceeding, in both the trial and appellate courts, as well as the costs and disbursements.

DATED this _____ day of _____, 2014.

IN WITNESS WHEREOF, APPLICANT and City have executed this Agreement as of the date first herein above written.

CITY:

CITY OF JUNCTION CITY

By: _____ Date: _____
 Printed Name: _____
 Title: _____

STATE OF OREGON)

) ss.

County of Lane)

Personally appeared the above named _____, Mayor for the City of Junction City, who acknowledged the foregoing instrument to be [his/her] voluntary act before me this _____ day of _____, 20____.

 Notary Public for Oregon

APPLICANT/OWNER:

 Owner's Printed Name: _____ Date: _____

 Date: _____

Owner's Printed Name: _____

STATE OF OREGON)

) ss.

County of Lane)

Personally appeared the above named _____
_____, Applicant(s)/Owner(s), who acknowledged the foregoing instrument to be [his/her/their]
voluntary act before me this _____ day of _____, 20____.

Notary Public for Oregon

DRAFT

ORDINANCE NO. 1224

AN ORDINANCE AMENDING THE CITY OF JUNCTION CITY OFFICIAL ZONING MAP TO REZONE TAX LOTS: 500, 509, 900, 1000, 1001, 1002, 1004 & 1006 OF LANE COUNTY ASSESSOR'S MAP 16-04-05-32 FROM LANE COUNTY ZONING RURAL RESIDENTIAL (RR5), COMMERCIAL (C3), AND COMMERCIAL AIRPORT SAFETY (CAS) TO JUNCTION CITY ZONING GENERAL COMMERCIAL (GC), SINGLE FAMILY RESIDENTIAL (R1), AND DUPLEX RESIDENTIAL (R2).

WHEREAS, the City provided notice of and held public hearings before the Planning Commission and City Council as required by Section 17.150.070(A)(3); 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 Zoning Rural Residential (RR5), Commercial (C3), and Commercial Airport Safety (CAS) To Junction City Zoning General Commercial (GC), Single Family Residential (R1) and Duplex Residential (R2) is consistent with the plan designations of General Commercial, Low Density Residential, and Medium Density Residential as set forth in the Junction City Plan Designation Map; now, therefore

THE CITY OF JUNCTION CITY ORDAINS AS FOLLOWS:

Section 1. The City of Junction City Official Zoning Map is hereby amended to reflect the new zoning of GC, General Commercial for tax lots 900, 1000, 1001, 1004 & 1006; R1, Single Family Residential for tax lot 509; and R2, Duplex Residential for tax lots 500 & 1002, of T16S R04W S05 as previously annexed into the City Limits, and as more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference.

Section 2. The City Council of the City of Junction City adopts the above findings and the Findings of Fact set forth in Exhibit "B", attached hereto and incorporated herein by this reference, in support of this Junction City Official Zoning Map amendment.

Section 3. This Ordinance shall take effect on the thirtieth day after its enactment.

Read in full for its first reading on the 14th day of October, 2014.

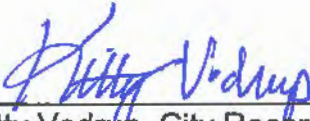
Read by title only, for its second reading this 14th day of October, 2014.


Passed by the Council this 14th day of October, 2014.

Approved by the Mayor this 14th day of October, 2014.

ATTEST:

APPROVED:


Kitty Vodrup, City Recorder


David S. Brunscheon, Mayor

**PROPERTY DESCRIPTION & MAP
JUNCTION CITY, CITY COUNCIL
REZONE (RZ-14-02) – ACTA, LLC**

Exhibit A

BASIC DATA

Property Owner Representative: Law Office of Bill Kloos

Property Owner: ACTA LLC

Location: Highway 99, backs to Prairie Road, south of David Lane

Assessors Map and Tax Lots: Map 16-04-05-32 TL 00500, 00509, 00900, 01000, 01001, 01002, 01004, and 01006

Area: 13.28 acres

Lane County Zoning: Rural Residential (RR5), Commercial (C3), Commercial Airport Safety (CAS)

Proposed Junction City Zoning: Proposed: General Commercial (GC) for TL: 900, 1000, 1001, 1006; Duplex Residential (R2) TL: 500, 1002, 1004; and Single Family Residential (R1) TL: 509

Plan Designation: Commercial (C) TL: 900, 1000, 1001, 1006; Medium Density Residential (M) TL: 500, 1002, 1004; and Low Density Residential (L) TL: 509

REQUEST

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

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

BACKGROUND

The subject property was included in the City's 1982 Urban Growth Boundary acknowledged by the Department of Land Conservation and Development on November 19, 1982. The properties consist of several contiguous tax lots under the same ownership. The property abuts the east side of Prairie Road, south of David Lane and the west side of Hwy 99S. The private commercially zoned land is currently used as an RV Sales and Service Facility. The residentially zoned parcels on the subject site are vacant.

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

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

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

The parcels have undergone multiple partitions and property line adjustments. The 1982 Plan Designation Map was scanned and viewed at a 400% magnification. Tax lots 1000 and 1001 are visible. Black lines were used to indicate property line boundaries. The color red was used to indicate Commercial Plan Designation (see map below) and at that time, both tax lots 1000 and 1001 were completely red. There is a boundary line separating tax lot 1000 and 1001 from separate tax lots on their west property line. The separate lots are in yellow indicating a Plan Designation of Low Density Residential. The magnified 1982 Plan Designation Map was compared with the Assessor's Map, 16-04-05-32. At one time, two (2) tax lots, 1004 and 1005 abutted the west property line of tax lots 1000 and 1001. Tax lot 1005 was eventually absorbed into tax lot 1003.

**PROPERTY DESCRIPTION & MAP
JUNCTION CITY, CITY COUNCIL
REZONE (RZ-14-02) – ACTA, LLC**

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

Heavy boundary line obscures the property line between tax lots 1000/1001 and 1004/1005

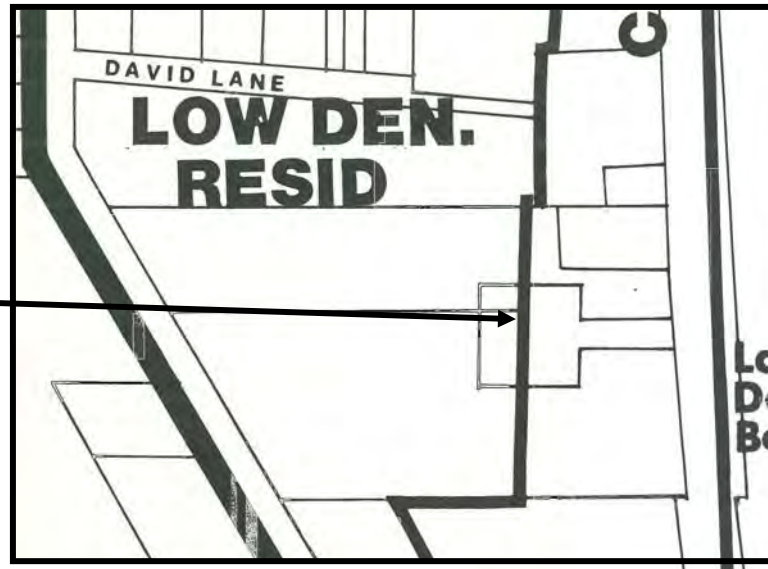


Figure 3. 1988 Plan Designation Map

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

The split designation of tax lots 1000 and 1001 appears on the 1996 Plan Designation Map

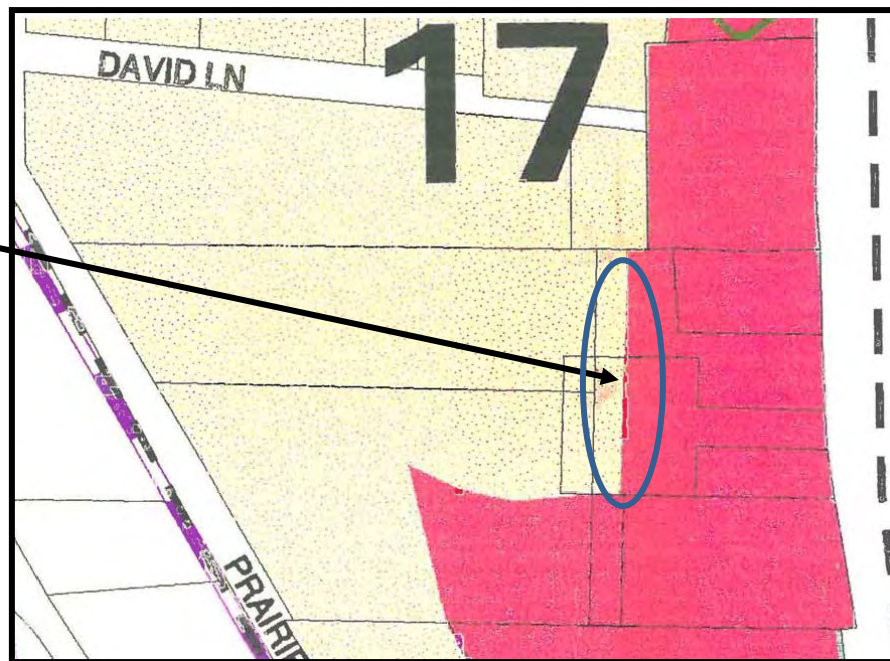


Figure 4. 1996 Plan Designation Map

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

The split designation of tax lots 1000 and 1001 is carried forward on the 2012 Plan Designation Map.

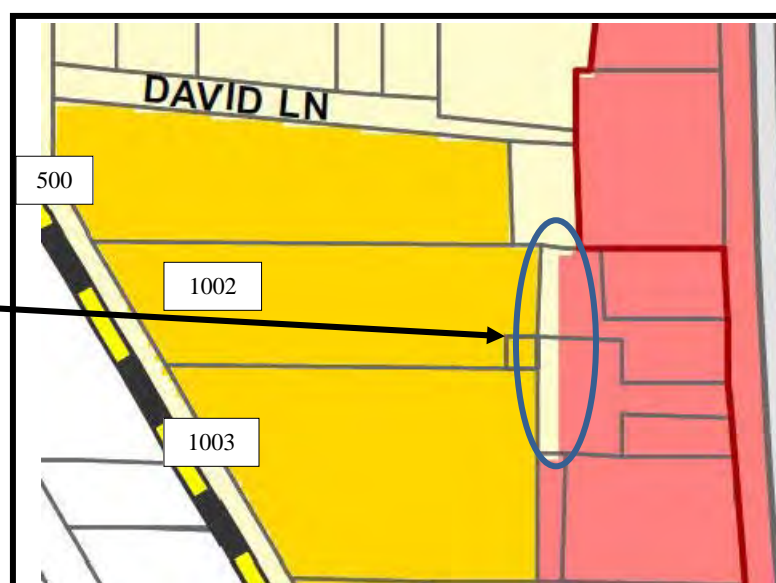


Figure 5. 2012 Plan Designation Map

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

**PROPERTY DESCRIPTION & MAP
JUNCTION CITY, CITY COUNCIL
REZONE (RZ-14-02) – ACTA, LLC**

Exhibit A

each of these tax lots was excluded from the UGB expansion. A designation of Commercial was applied to the portions of both parcels included in the UGB expansion, creating two (2) parcels split by the UGB rather than a split by Plan Designation.

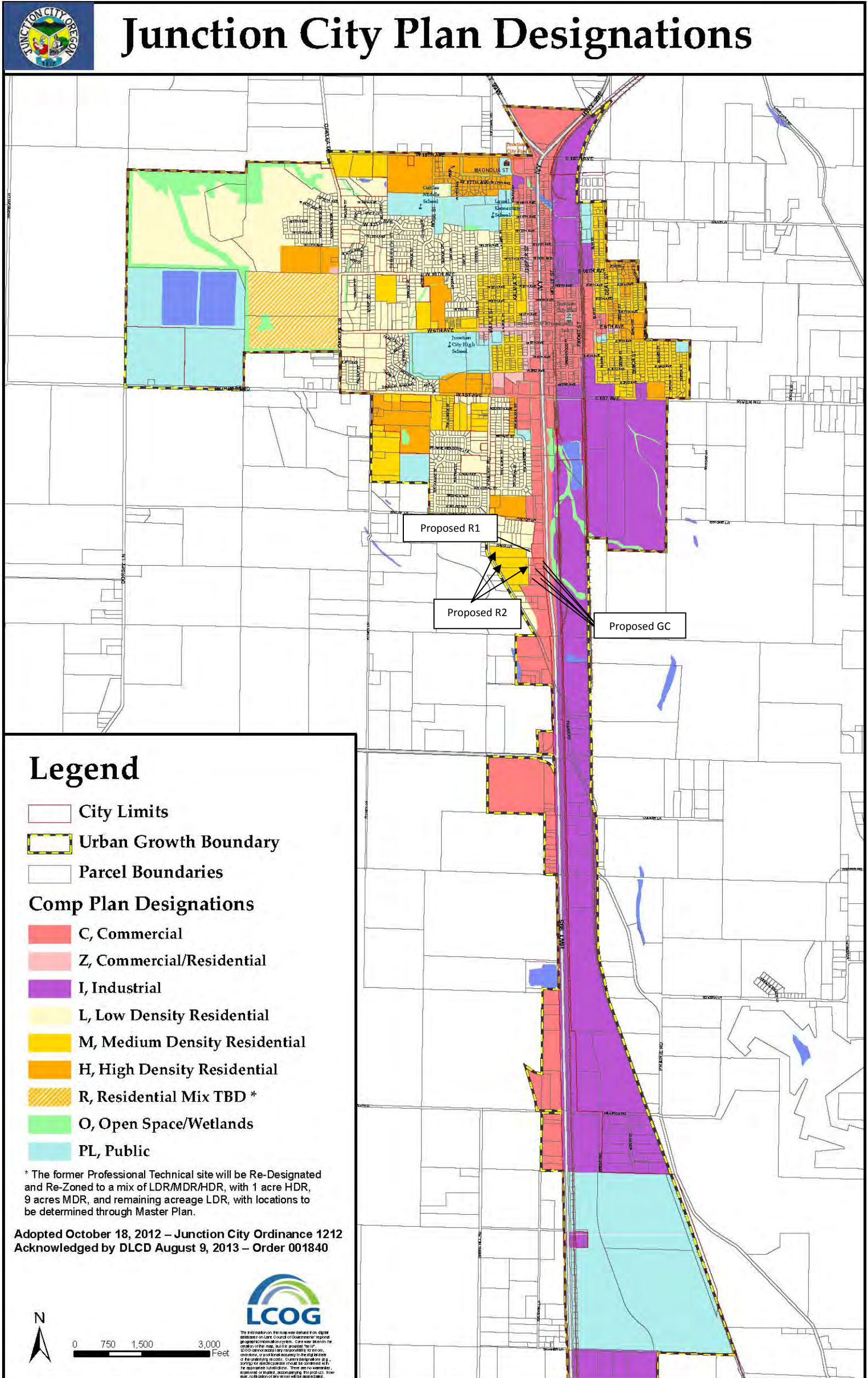
Files reviewed from the Regional Land Information Database website, including Lane County Deeds and Record, and the Lane County Surveyor's website did not locate any road dedications or right-of-way easements indicating the LDR portion of tax lots 1000 and/or 1001 were intended for a possible future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

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

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

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

PROPERTY DESCRIPTION & MAP
 JUNCTION CITY, CITY COUNCIL
 REZONE (RZ-14-02) – ACTA, LLC



**FINDINGS OF FACT OF THE
JUNCTION CITY CITY COUNCIL
REZONE (RZ-14-02) ACTA LLC**

**A. THE JUNCTION CITY CITY COUNCIL MAKES THE FOLLOWING
GENERAL FINDINGS:**

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

**B. SPECIFICALLY, THE CITY COUNCIL FINDS ALL APPLICABLE CRITERIA
ADDRESSED BY THE FOLLOWING FINDINGS:**

Title 17—Zoning

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

FINDING: The applicant, Herbert Nill and property owner, ACTA, LLC have initiated an amendment to the City of Junction City Zoning Map. The applicant has requested to amend the City of Junction City Zoning Map to zone the subject properties as follows: Tax Lots 00500 and 01002 as Duplex Residential (R2); 00900, 01000, 01001, 01004 and 01006 as General Commercial (GC); and 00509 as Single Family Residential (R1). On August 19th, 2014, the Planning Commission recommended council approval of the requested rezone. As such, the above stated criterion is satisfied.

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

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

Junction City Comprehensive Plan Compliance

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

Chapter 1: Citizen Involvement Element

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

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

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

FINDING: On September 1, 2014, the public hearing was advertised in the Register Guard Newspaper, at least 10 days prior to the Council public hearing scheduled for and held on

September 23, 2014. On August 27, 2014, the City mailed public notice of applicant's request to all property owners within 300 feet of the subject site per Section 17.150.080 of the City's zoning code.

Chapter 2: Environmental Element

FINDING: No delineated wetlands are located on the subject parcels. A Referral Request for Comments was sent to the Department of State Lands on July 17, 2014.

Chapter 3: Land Use Element

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

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

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

Chapter 4 – Economic Development Element

FINDING: Policy 4.4.1 of Chapter 4 of the Junction City Comprehensive Plan states “Provide an adequate supply of suitable sites as identified in this chapter and the 2009 EOA to meet long-term employment needs.” Zoning the subject parcels as General Commercial, Duplex Residential and Single Family Residential accomplishes this direction, thereby satisfying this criteria.

Chapter 6: Transportation Element

FINDING: The site borders Highway 99S, State Facilities, and abuts Prairie Road to the west, a county roadway. Both are existing facilities. Because of this, no applicable City Comprehensive Plan Transportation Policies relate to this zone change request. Statewide Planning Goal Compliance for Transportation is addressed under Goal 12, Transportation Planning Rule, below.

Chapter 7: Public Facilities Element

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

FINDING: When development is proposed for the subject property key urban facilities and services will either be immediately available or will be able to be extended in an efficient and timely manner. Water and sewer lines have been extended along the western boundary of the subject site. Any development on the subject site will be required to demonstrate adequate water supply and sewer treatment and disposal capacity are available, and to extend service to serve the new development.

Chapter 8: Health and Safety

FINDING: A number of comments received in writing from members of the public expressed concern with the effects on public health, safety and welfare in the event that the subject parcels are zoned as requested. These findings address a number of these concerns regarding the extension and availability of urban services to the parcel and the adequacy of transportation facilities to serve existing and potential development of the parcel once rezoned. In addition, any existing and proposed development will be subject to and required to comply with all applicable Junction City Municipal Code public health and safety code provisions, including, but not limited to, JCMC Title 8, regarding Health and Safety nuisances, and JCMC Title 17, Zoning and Land Use Standards. The Council finds that the City’s existing health, safety and welfare regulations in conjunction with the criteria applied herein, and all development requirements that will apply at the time of future development of the subject parcels, are sufficient to address the concerns expressed in the public comments received.

Oregon Statewide Planning Goal Compliance

Goal 1 Citizen Involvement

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

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

Goal 2 Land Use Planning

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

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

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

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

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

Goals 3 Agricultural Lands and 4 Forest Lands

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

Goal 4 - Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

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

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

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

FINDING: Goal 5 requires local governments to inventory and protect natural resources. The City’s 2012 acknowledged Comprehensive Plan update includes a Goal 5 inventory (Resolution 314). The inventory identified locally significant wetlands. The subject property was not listed in this inventory, as it contains no significant wetlands. This rezone request is, therefore, consistent with Goal 5 as it will affect no identified natural resources.

Goal 6 Air, Water and Land Resources Quality

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

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

Goal 7 Areas Subject to Natural Disasters and Hazards

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

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

Goal 8 Recreation Needs

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

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

Goal 9 Economy of the State

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

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

DLCD Order #001840, dated August 19, 2013). Zoning the subject parcel as requested is consistent with the adopted Economic Opportunities Analysis (EOA), which identified a need for uses allowed in the requested zones. The proposed rezone has no impact on other buildable land inventory (BLI) established needs.

Goal 10 Housing

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

FINDING: This proposal does include lands designated for residential uses. Tax lot 509 is designated Low Density Residential. Tax lots 500 and 1002 are designated Medium Density Residential. Therefore, Goal 10 is applicable. Table 25 within the City's 2012 acknowledged Comprehensive Plan update includes the buildable lands inventory showing 332 vacant, buildable acres within the urban growth boundary. 252 acres are considered buildable under the Low-Density Residential Plan Designation, and 45 acres are considered buildable under the Medium-Density Residential Plan Designation. The needed acreage for anticipated housing needs shows a total of 209 acres of Low-Density Residential, and 59 acres of Medium Density Residential. The Comprehensive Plan calls for the redesignation of 32 acres of Low Density Residential to Medium Density Residential to meet this identified deficit in areas that are in close proximity to transportation corridors. Any future development on these parcels is required to be in compliance with their respective Plan Designation. Therefore, this proposal complies with Goal 10.

Goal 11 Public Facilities and Services

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

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

FINDING: The proposed Zone Change poses no impact on provision of public facilities and services. Water and sewer lines have been extended to the western boundary of the subject site. Any future development will be required to demonstrate adequate water supply and sewer treatment and disposal capacity necessary for said development.

Goal 12 Transportation

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

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

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

FINDING: The applicant’s rezone request from county zoning to city zoning allows for future development of the site. The proposed rezoning complies with the Plan Designation map and the City’s Transportation System Plan.

FINDING: ODOT required a Traffic Impact Analysis (TIA). The applicant submitted a TIA that evaluated potential impacts of the proposed rezoning. The rezone does not significantly affect planned or existing transportation facilities.

Goal 13 Energy

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

FINDING: Goal 13 requires land and uses developed on the land to be managed and controlled to maximize the conservation of all forms of energy, based upon sound economic principles. Energy consequences of the proposed zoning map amendment have been considered the proposed change in land use zoning does not include a proposed use. Therefore, Goal 13 has been adequately addressed.

Goal 14 Urbanization

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

FINDING: The proposed zoning map amendment does not involve urbanization of any land not currently within the Junction City UGB. A request for annexation of the subject site is being processed concurrent with this rezone request. The subject site was included with the 1982 Comprehensive Plan UGB acknowledged by the Department of Land Conservation and Development on November 19, 1982. The rezone request does not include a proposed use. The proposed zoning map amendment is consistent with Goal 14, as the proposed City zoning of General Commercial (GC), Duplex Residential and Single Family Residential implements the City’s Comprehensive Plan land use designation of Commercial/MDR/LDR.

Goal 15 through 19

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

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

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

ORDINANCE NO. 1225

AN ORDINANCE AMENDING CITY OF JUNCTION CITY MUNICIPAL CODE SECTION 17.15, DUPLEX RESIDENTIAL (R2) ZONING.

WHEREAS, Per Section 17.145.010, the applicant initiated an amendment to the City's provisions addressing a revision to JCMC Chapter 17.15 in order to add RV Parks as a Conditional Use in the Duplex Residential (R2) Zone; and

WHEREAS, the proposed amendments to the Zoning Ordinance are consistent with the Junction City Comprehensive Plan and Junction City Municipal Code (JCMC) Title 17, Zoning and Land Use; and

WHEREAS, notice of a public hearing before the Planning Commission was published in the *Register Guard* on August 7th, 2014 and notice of the City Council public hearing was published in the *Register Guard* on September 1st, 2014; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on August 19th, 2014, adopted findings of fact, and recommended to the City Council that JCMC Section 17.15.020 be amended as presented in the attached Exhibit A; and

WHEREAS, the Junction City City Council held a public meeting on September 23rd, 2014 and took testimony on this matter at that meeting, taking said testimony into consideration in making its decision; now, therefore,

THE CITY OF JUNCTION CITY ORDAINS AS FOLLOWS:

Section 1. Junction City Municipal Code Section 17.15.020 is hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein by reference. All unamended provisions of JCMC Section 17.15 and Title 17 shall remain unchanged and in full force and effect.

Section 2. The City Council of the City of Junction City hereby adopts the above findings and the Findings of Fact set forth in Exhibit "B", attached hereto and incorporated herein by this reference, in support of this Code text amendment.

Section 3. This ordinance will go into full force and effect on the 30th day after City Council enactment.

Read in full its first meeting on 14th day of October, 2014.

Read in title only for its second reading this 14th day of October, 2014.

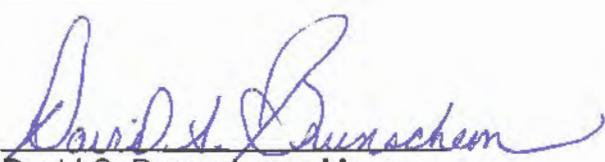
Passed by the City Council this 14th day of October, 2014.

Approved by the Mayor this 14th day of October, 2014.

ATTEST:


Kitty Vodrup, City Recorder

APPROVED:


David S. Bruncheon, Mayor

**Chapter 17.15
DUPLEX RESIDENTIAL ZONE (R2)**

Sections:

- 17.15.010 Uses permitted outright.
- 17.15.020 Conditional uses permitted.
- 17.15.030 Lot size.
- 17.15.040 Setback requirements.
- 17.15.050 Height of buildings.
- 17.15.060 Lot coverage.
- 17.15.070 Setback exceptions.

17.15.010 Uses permitted outright.

In an R2 zone, only the following uses and their accessory uses are permitted outright:

- A. Single and two-family dwellings (duplexes).
- B. A use permitted in the R1 zone.
- C. A use similar to those listed above. [Ord. 1116 § 1, 2003; Ord. 950 § 15, 1991.]

17.15.020 Conditional uses permitted.

In an R2 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Chapter 17.130 JCMC:

- A. A use permitted as a conditional use in an R1 zone.
- B. Multiple-family dwelling, which shall comply with the applicable standards listed in the R3 zone.
- C. Townhome, which shall comply with applicable standards listed in the R3 zone.
- D. Planned unit development.
- E. Neighborhood commercial use less than 5,000 gross square feet which serves the immediate neighborhood, and complies with the applicable neighborhood commercial standards listed in the R3 zone.
- F. Beauty salon and barber shop.
- G. Bed and breakfast facilities; provided, that:
 - 1. No other such facilities exist within 400 feet;

Chapter 17.15
DUPLEX RESIDENTIAL ZONE (R2)

2. The facility is owner-occupied or immediately adjacent to the owner's residence; and
3. Length of stay for guests shall not exceed three days. [Ord. [1116](#) § 1, 2003; Ord. [950](#) § 16, 1991.]

H. Recreational Vehicle Park Developments, as regulated by JCMC 17.105.010 provided that:

- 1. No other such facilities exist within 400 feet; and*
- 2. "The property is located immediately adjacent to an existing commercial zone with a similar use."*

17.15.030 Lot size.

In an R2 zone, the minimum lot size shall be as follows:

- A. The minimum lot area for single-family dwellings shall be 5,000 square feet.
- B. The minimum lot area for two-family dwellings (duplexes) shall be 7,000 square feet.
- C. The minimum lot area for multiple-family dwellings shall be 7,500 square feet.
- D. The minimum lot depth shall be 75 feet.
- E. The minimum lot width shall be 50 feet and 35 feet for cul-de-sac lots. [Ord. [1116](#) § 1, 2003; Ord. [1037](#) § 1, 1997; Ord. [950](#) § 17, 1991.]

17.15.040 Setback requirements.

Except as provided in JCMC [17.95.060](#), in an R2 zone, the yards, measured from the property line to the foundation of the building with a maximum projection of three feet into any setback area as defined in JCMC [17.10.070](#), shall be as follows:

- A. The front yard shall be a minimum of 18 feet to the front facade of the house and a minimum of 20 feet to the garage. Covered but unenclosed porches shall be allowed to be a minimum of 10 feet from the front property line, as long as they do not encroach into a public utility easement and comply with the vision clearance standards in JCMC [17.95.090](#) (see Appendix A, Diagram 4).
- B. Each side yard shall be a minimum of six feet, measured from the foundation, except that on corner lots, the side yard on the street side shall be a minimum of 15 feet measured from the foundation.
- C. The rear yard shall be a minimum of 15 feet, measured from the foundation. An exception shall be permitted where an accessory dwelling unit, garage, or other

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DUPLEX RESIDENTIAL ZONE (R2)

accessory structure is located at the rear lot line abutting an alley, in which case the setback shall be a minimum of four feet.

D. In the case of a duplex residential use on a corner lot where primary vehicular access is provided from two streets, then both yards abutting the street shall be considered the front yard with appropriate front yard setbacks (20 feet from property line to foundation of building). Setbacks for rear yards are measured separately for each residential dwelling opposite the front yard (see Appendix A, Diagram 2). [Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 18, 1991.]

17.15.050 Height of buildings.

In an R2 zone, no building shall exceed a height of 35 feet. [Ord. 1116 § 1, 2003; Ord. 950 § 19, 1991.]

17.15.060 Lot coverage.

In an R2 zone, buildings shall not occupy more than 50 percent of the lot area. [Ord. 1116 § 1, 2003; Ord. 950 § 20, 1991.]

17.15.070 Setback exceptions.

In an R2 zone, the following architectural features are allowed to encroach into the setback yards: eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by up to three feet; provided, that the State Fire Code is met. Walls and fences may be placed on property lines, subject to the standards in JCMC 17.95.020. Walls and fences within front yards shall additionally comply with the vision clearance standards in JCMC 17.95.090. [Ord. 1116 § 1, 2003; Ord. 950 § 20A, 1991.]

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FINDINGS OF FACT
AMENDMENTS TO JUNCTION CITY MUNICIPAL CODE 17.15
(AMD-14-01)

The Junction City Planning Commission met on August 19, 2014 and recommended the proposed amendment to the City Council for adoption. The amendment includes a revision to JCMC Chapter 17.15 in order to add RV Parks as a Conditional Use in the R2 Zoning District. The proposed language is included in Exhibit II.

1. A public hearing was conducted on August 19th, 2014 before the Junction City Planning Commission in accordance with procedures established in JCMC 17.150.070.4.D for proposed amendments to the Junction City development ordinances.
2. JCMC 17.150.070.A.4.D sets forth procedure and notice requirements for amendments to the zoning ordinance, as follows:

“A minimum of two hearings, one before the planning commission and one before the city council, are required for all Type IV applications, except for withdrawals of property from special districts prior to annexations where only a review by the council is required. Procedures for these hearings are set forth in JCMC [17.150.090](#). Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions.”

The Planning Commission held a public hearing on August 19, 2014. A City Council public hearing will be held once the Planning Commission makes a recommendation on the proposed amendments.

The Junction City Council held a public hearing on September 23rd, 2014 after giving the required notice for Legislative decisions per Junction City Municipal Code Section 17.150.070 (A) (4) (d).

5. JCMC 17.150.080.C.2 reads, “If particular properties are to be affected more than, or in a manner significantly different from, other properties of the same general character within the City of Junction City, individual notice shall be prepared and mailed to those affected, including all persons within 300 feet of the affected property.”

The following notice was completed for the Planning Commission public hearing:

Notice of the meeting was submitted to the Register Guard on August 7, 2014, a minimum of 10 days prior to the hearing.

A record of the proposed amendment was made available on the City’s website (August 15, 2014) as well as at City Hall.

Notice of the proposed change to the ordinance was mailed to DLCD, July 3, 2014, no later than the required 35-days prior to the first public hearing and received no objecting comments.

The following notice was completed for the City Council public hearing:

Notice of the meeting was published in the Register Guard on September 1st, 2014, a minimum of 10 days prior to the hearing.

Notice of the proposed change to the ordinance was mailed to affected individuals, including all persons within 300 feet of the affected property on August 26th, 2014, a minimum of two weeks prior to the hearing.

A record of the proposed amendments was made available on the City's website, as well as at City Hall.

6. The proposed amendment is in conformance with the Zoning Ordinance and with the Comprehensive Plan.

FINDING: Junction City will follow the prescribed procedures for public hearings before the Planning Commission and City Council as required by Title 17, Zoning of the Junction City Municipal Code.

FINDING: The Junction Comprehensive Plan currently serves as the controlling land use document for the City. The proposed amendment provides addition of a Conditional Use in the Duplex Residential Zoning District (R2). The Comprehensive Plan policies provide the overarching framework for implementation of the Zoning Code and the process noted above.

7. **Health and Safety**

FINDING: A number of comments received in writing from members of the public expressed concern with the effects on public health, safety and welfare in the event the proposed text amendment is adopted. Any existing and proposed development under this amendment will be subject to and required to comply with all applicable Junction City Municipal Code public health and safety code provisions, including, but not limited to, JCMC Title 8, regarding Health and Safety nuisances, and JCMC Title 17, Zoning and Land Use Standards- specifically JCMC 17.105 regarding RV Park standards; and JCMC 17.15 regarding Duplex Residential Zoning District standards. The Council finds that the City's existing health, safety and welfare regulations in conjunction with the conditions imposed on the proposed use, itself, and all development requirements that will apply at the time of future development of this use in the duplex residential zone, are sufficient to address the concerns expressed in the public comments received.

8. All required referrals were sent to city departments, and relevant local, State, and Government agencies. No comments or concerns were expressed by interested agencies.

SUMMARY AND CONCLUSION

For all the reasons set forth above, the proposed amendments comply with the Junction City Comprehensive Plan and other Junction City ordinances.