



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

January 16, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Junction City Plan Amendment
DLCD File Number 007-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 31, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

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

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PROP **2**

DLCD

Notice of Adoption

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

In person electronic mailed

DEPT OF

JAN 14 2008

**LAND CONSERVATION
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **Junction City**

Local file number: **CPA 07-02**

Date of Adoption: ~~1/8/2007~~ **1/8/2008**

Date Mailed: ~~1/10/2007~~ **1/10/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 09/26/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amendments to the Junction City Comprehensive Plan and Zoning Ordinance to establish a process to review annexations, withdrawals, and extraterritorial extensions, consistent with ORS 222.

Does the Adoption differ from proposal? No, no explanation is necessary

Yes. The annexation review criteria is more detailed and is significantly different.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved: **0**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment..

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 007-07 (16429)

DLCD file No. _____

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

Local Contact: **Kay Bork**

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

Address: **650 Greenwood Ave**

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

City: **Junction City**

Zip: **97448-**

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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EXHIBIT A – Ord. 1181

AMENDMENTS PROPOSED FOR COMPREHENSIVE PLAN

**City of Junction City Comprehensive Plan
Annexation Objectives and Policies
Section V. of Chapter 3. Land Use Element**

In order to obtain any city services a property must be annexed to the city. Also included in the definition of annexation is delayed effective date annexation, as allowed by state law. Property subject to a delayed effective date annexation may obtain city services.

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.
2. The development of the property is compatible with the rational and logical extension of utilities and roads to the surrounding area.
3. Public facilities and services can be provided in an orderly and economic manner.
4. The annexation is in conformance with Oregon state law; ~~Lane County Local Government Boundary Commission (LGLGBC) administrative rules, and this plan.~~
5. ~~Sufficient land of a particular designation is not already available within the current city limits.~~

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Non-Contiguous Annexations

~~The city shall review non-contiguous annexation requests to ensure they comply with the following:~~

- ~~1. Requests comply with all criteria listed above under Contiguous Annexations; **AND**~~
- ~~2. There is insufficient supply of land within a particular plan designation both within the city and contiguous to the city limits, provided that the non-contiguous territory can be serviced with a minimum level of services (*for example*, water, sewer, police, fire, and other services that the city is providing) in a timely (inclusion in the city's capital improvement plan would meet the criteria for timely) and cost-efficient manner; **OR**~~
- ~~3. The area is requesting annexation due to existence of a health hazard situation related to water quality or sewer; **AND**~~
- ~~4. The annexation application is supported by a formal action of the Planning Commission, or on appeal by the City Council.~~

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AMENDMENTS PROPOSED FOR ORDINANCE NO. 950

ORDINANCE NO. 950

**Appendix D
Annexation Policies on Property Owner Consent,
The Costs of Annexation, and the Right to Appeal**

Section 1. Consent for Annexation: It is a policy of Junction City that no property will be annexed, except in health hazard situations, unless owners petition the city as allowed by state law.

Section 2. Costs Associated With Annexations, Withdrawals from Special Districts after Annexation, and Extraterritorial Extensions:

a) Applicants for annexations, withdrawals from special districts, after annexation and extraterritorial extensions, shall pay the costs of processing the annexation, including any costs associated with recording, as established by the city council.

b) Property owners within the territory requesting annexation must agree to pay all costs of extending city services. The city will require the property owners to sign a non-remonstrance agreement. The city may agree to commit its resources to extend services to an area or contribute to the costs of extending services.

c) The city will reach agreement with the property owner(s) requesting annexation on how payment of costs for extending city services will be made during the city's review of an annexation request.

d) The city may consider formation of an assessment district in accordance with Junction City ordinances during its review of the annexation request.

Section 3. Following the appeals procedures outlined in Ord. 950 Sections 111-114, if ~~staff determines that there already is sufficient land of a particular designation within the current city limits and does not support annexation, to the Lane County Boundary Commission, then the staff's decision may be appealed to the Planning Commission. Planning Commission~~ City Council determinations on annexations may be appealed to the City Council. Land Use Board of Appeals.

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AMENDMENTS PROPOSED FOR ORDINANCE NO. 950

Administration, Enforcement and Interpretation

Section 111. Procedures for Development Permit Applications

(4) Type IV Procedure, Legislative.

(g) Examples of Type IV applications include, but are not limited to the following;

1. amendments to the Comprehensive Plan;
2. amendments to the Junction City Development Ordinances;
3. changes to the zoning map; and
4. withdrawal of property from special districts ~~prior~~-after to annexations;
5. annexation of property to the city; and
6. extraterritorial extensions of water, stormwater, or sewer.

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(5) Summary of Development Decisions/Permits by Type of Decision-making Procedure, Table 111 (A)(5). The following table lists land development application types, illustrating the types defined in Section 111(A)(1-4). Examples listed in Table 111(A)(5) are for informational purposes and are not exclusive.

Table 111 (A)(5)			
Development Decision/Permit	Category	Title/Ordinance	Review/Hearing
Access Permit (not requiring site plan review)	Type I	Title 10-11/ Ord. 950 App H	staff
Annexation	Type I/II/IV	Title 10-11/Ord. 950 App. D and Ord. _____	staff, LCLGBC PC/CC
Billboard Permit	Type I	Title 9-3/Ord. 235	staff
Building Permit (Uses permitted outright)	Type I	Title 9-5/Ord. 487	staff
Code Interpretation	Type II		staff
Code Amendment	Type IV	Title 10-11/Ord. 950 Sec.106	
Comprehensive Plan Amendment	Type IV	Title 10-8 Comprehensive Plan	
Conditional Use Permit	Type III	Title 10-11/Ord. 950 Sec. 99	
Development Review	Type I	Title 10-7/Ord. 809	staff
Extraterritorial Extension of Water, Stormwater, or Sewer	Type II/IV	Title 10-11/Ord. 950 App. D	staff, PC/CC
Flood Hazard Zone Development Permit	Type I	Title 10-9/Ord. 906	staff
Home Occupation Permit	Type I		staff
Master Planned Development (PUD)	Type III		
Modification to Approval	Type II/III		
Land Use District Map Change Quasi-Judicial (no plan amendment required) Legislative (plan amendment required)	Type III Type IV	Title 10-11/Ord. 950 Sec.106	PC PC/CC
Lot Line Adjustment	Type I		staff
Non-Conforming Use or Development Confirmation	Type I	Title 10-11/Ord. 950 Sec. 92	staff
Partition Major or Minor	Type II	Title 10-/Ord. 809 Sec. 3 and 4	PC
Sign Permit	Type I	Title 9-10/Ord. 949	staff
Stream Corridor and Wetland District Development Permit	Type I	Title 10-11/Ord. 950 Appendix G	PC
Subdivision	Type II	Title 10-7/Ord. 809 Sec. 4	PC
Subdivision – final plat approval	Type I	Title 10-7/Ord. 809 Sec. 4	PC
Temporary Use Permit	Type III	Title 10-11/Ord. 950 Appendix F	PC
Tree Removal	Type I/II	Title 7-4/Ord. 965	staff
Variance	Type III	Title 10-11/Ord. 950 Sec. 103	PC
Minor Variance (clear & obj. standards, i.e. 10%)	Type I	Title 10-11/Ord. 950 Sec. 105	staff
Withdrawal of property from special districts after annexation	Type IV	Title 10-11/Ord. 950 Sec. 111	City Council only

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NEW ORDINANCE NO. _____

ZONING REGULATIONS

Annexations, Withdrawals, and Extraterritorial Extensions

Section 1. Definitions.

(1) Boundary Change. Specific examples of terms related to boundary changes are listed as follows:

(a) **Affected City.** A city, city-county or cities, named in a petition, for which a boundary change is proposed or a city, city-county or cities, named in an ordinance or order, for which a boundary change is ordered.

(b) **Affected County.** Each county that contains any territory for which a boundary change is proposed or ordered.

(c) **Affected District.** Each special district named in a petition that contains or would contain territory for which a boundary change is proposed or ordered. Affected district also means a district or districts, named in a petition, for which a boundary change is proposed or ordered.

(d) **Affected Territory.** Territory described in a petition. Affected territory also means an area within the urban growth boundary of a city that is otherwise eligible for annexation to a city where there exists an actual or alleged danger to public health as defined in ORS 222.

(e) **Annexation.** The attachment or addition of territory to, or inclusion of territory in, an existing city or district.

(f) **Annexation Agreement.** A written agreement between the City and owners of land requesting annexation that states the terms, conditions and obligations of the parties to mitigate fiscal and service impacts to the City associated with the annexation and future development of the property. The agreement may be used to ensure annexation consistent with the Comprehensive Plan.

(g) **Annexation Contract.** A contract between a city and a landowner relating to extraterritorial provision of service and consent to eventual annexation of property of the landowner. The contract shall be recorded and shall be binding on all successors with an interest in that property.

(h) **Boundary Change.** An action by the City Council duly authorized by ORS 222 that results in the adjustment of the City limits or the boundary of a special district.

(i) **Cadastral Map.** A map prepared by the Lane County Assessor's office showing bearings and distances and the boundaries of parcels, lots, and tracts of land.

(j) **Consent to Annex.** Forms provided by the affected City that must be signed by the owner when urban services are provided to property that cannot annex. The Consent to Annex commits the property to future annexation, is recorded, and is binding on any successive owner or owners. The signature of the owner of part or all of the affected territory and electors, if any, is required, as applicable.

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(k) Contiguous. Territory that abuts the City limits at any point along the property's exterior boundary or separated from the City limits by a public right-of-way or a stream, bay, lake, or other body of water.

(l) Effective Date of Annexation. The effective date of the boundary change as prescribed in ORS 222.040, 222.180, or 222.465.

(m) Elector. A registered voter at an address located within the affected territory who may be active or inactive. Only an active registered voter is qualified to sign a petition.

(n) Extraterritorial Connection of Service. The connection of water, ~~or~~ sanitary sewer ~~or~~ stormwater service to developed property located outside the City limits and within the urban growth boundary.

(o) Extraterritorial Extension of a Facility. The extension of a water, ~~or~~ sanitary sewer, ~~or~~ stormwater facility ~~line~~ outside the City limits or urban growth boundary to serve territory inside the ~~and within~~ the urban growth boundary.

(p) Extraterritorial Service/Facility Contract. A contract between the owner of property proposed to be served and the City specifying and identifying service provisions, obligations of the City and cost obligations of the owner of the affected territory. The decision to enter into such contract shall be initiated at the sole discretion of the City Council.

(q) Filing. The submittal of materials to initiate a boundary change process.

(r) Initiation Methods. Any of the following descriptions of participants and documentation necessary for commencement of City annexation process:

- (1) All of the owners of land in the territory proposed to be annexed, and not less than 50 percent of the electors, if any, residing in the territory proposed to be annexed, have consented in writing to the annexation and file a statement of their consent to annexation with the City;
- (2) More than half of the owners of land in the territory proposed for annexation who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation and file a statement of their consent to annexation with the City;
- (3) A majority of the electors registered in the territory proposed to be annexed and owners of more than half of the land in that territory consent in writing to the annexation and file a statement of their consent to annexation with the City;
- (4) The City Council may, without any vote or any consent by the owners, annex territory within the urban growth boundary if it is found that a danger to public health exists within that territory and that such condition can be removed or alleviated by sanitary, water or other facilities ordinarily provided by incorporated cities; or
- (5) The City Council may by resolution initiate annexation of territory contiguous to the city limits.

(s) Legal Description. As defined in ORS 308.225(2), which states: the legal description of the boundary change shall consist of a series of courses in which the first course shall start at a point of beginning and the final course shall end at that point of beginning. Each course shall be identified by bearings and distances and, when available, refer to deed lines, deed corners, and other monuments, or, in lieu of bearings and distances, be identified by reference to:

- (1) Township, range, section, or section subdivision lines of the U.S. Rectangular survey system.
- (2) Survey centerline or right-of-way lines of public roads, streets or highways.
- (3) Ordinary high water or ordinary low water of tidal lands.
- (4) Right-of-way lines of railroads.

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- (5) Any line identified on the plat of any recorded subdivision defined in ORS 92.010.
- (6) Donation land claims.
- (7) Line of ordinary high water and line of ordinary low water of rivers and streams, as defined in ORS 274.005, or the thread of rivers and streams.

In lieu of the requirements of the above, boundary change areas conforming to areas of the U.S. Rectangular survey may be described by township, section, quarter-section or quarter-quarter section, or if the areas conform to subdivision lots and blocks, may be described by lot and block description.

(t) Notice. An ordinance, resolution, order, or other similar matter providing notice authorized or required to be published, posted, or mailed.

(u) Owner. The legal owner of record according to the latest available Lane County tax assessment roll or, where there is an existing recorded land contract that is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land, each consenting owner is counted as a fraction to the same extent as the interest of the other owners and the same fraction is applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in the affected territory, the corporation must be considered the individual owner of that land.

(v) Petition. Any document such as signature sheets, resolutions, orders, or articles of incorporation, required for initiating an annexation, withdrawal, or provision of extraterritorial services. In the case of a petition initiated by property owners, the person signing on behalf of a corporation or business must provide evidence showing that person is authorized to sign legal documents for the firm.

(w) Proceeding. A proceeding to consider a boundary change.

(x) Proposal. The set of documents required to initiate proceedings for a boundary change.

(y) Special District. Any of the districts identified in ORS 198.

(z) Urbanizable Land. Those lands between the city limits and Urban Growth Boundary.

(aa) Urban Growth Boundary. A site-specific line, delineated on a map or by written description that separates urban and urbanizable land from rural lands, that is part of a Comprehensive Plan.

(bb) Withdrawal. The detachment, disconnection or exclusion of territory from an existing city or district.

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Section 2. Annexations

(1) The purpose of this Chapter 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.

(2) 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.

(3) Annexation applications are reviewed under Type IV procedures per Section 111. The Planning Commission shall forward a written recommendation on the application to the City Council based on the approval criteria specified in Section 2. The City Council shall approve proposed annexations and withdrawals by Ordinance.

(4) **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.

(5) **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.

(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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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.

(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 197.352 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.

(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.

(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.

(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 Section 2.

(6) **Notice.** In addition to the requirements of Section 112, 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.

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(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.

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

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

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

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

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

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

(8) **Application of Zoning Districts.** An application to apply a zoning district consistent with the Comprehensive Plan designation may be applied for concurrently with the annexation application. Sections 106 – 109, Amendments to Zoning Ordinance, also apply.

(9) **Effective Date, Filing of Approved Annexation, and Notice**

(a) The effective date of an approved annexation shall be set in accordance with ORS 222.040, 222.180 or 222.465. The City Council's decision is the City's final decision either on the date the decision is made, or 30 days after the decision is made if there is no emergency clause in the adopting Ordinance, or as specified herein. Notwithstanding the effective date of an ordinance as specified above, the effective date of annexations shall be as prescribed in ORS 222.040, 222.180, or 222.465, or as otherwise established by statute.

(b) Filing of Approved Annexation.

1. Not later than 10 working days after the passage of an Ordinance approving an annexation, the City Administrator shall:

- a. Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives, and telecommunications carriers (as defined in ORS 133.721) operating within the City; and

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b. Mail a notice of the annexation to the Secretary of State, Department of Revenue, Lane County Clerk, Lane County Assessor, affected districts, and owners and electors in the affected territory. The notice shall include:

- (1) A copy of the Ordinance approving the annexation;
- (2) A legal description and map of the annexed territory;
- (3) The findings; and
- (4) Each site address to be annexed as recorded on Lane County assessment and taxation rolls or found in RLID.

c. The notice to the Secretary of State will also include copies of the petitions signed by electors and/or owners of the affected territory.

d. Notice of decision is mailed to the applicant, property owner, those persons who submitted written or oral testimony, those who requested notice, and as required by ORS 222 and Section 112.

2. If the effective date of an annexation is more than one year after the City Council passes the Ordinance approving it, the City Administrator shall mail a notice of the annexation to the Lane County Clerk not sooner than 120 days and not later than 90 days prior to the effective date of the annexation.

(10) Withdrawals Authorized by ORS 222.510 – 222.580

(a) Withdrawal from special districts may occur concurrently with the approved annexation Ordinance or after the effective date of the annexation of territory to the City. The City Administrator shall recommend to the City Council for consideration of the withdrawal of the annexed territory from special districts as specified in ORS 222.

(b) Withdrawal from special districts processed separate from the process annexing the territory to the City requires a Public Hearing with notice as required in this Section and Section 111, Type IV Procedure (Legislative).

(c) Criteria. In determining whether to withdraw the territory, the City Council shall determine whether the withdrawal is in the best interest of the City.

(d) Effective Date. The effective date of the withdrawal shall be as specified in ORS 222.465 as applicable.

(e) Notice of Withdrawal. Notice will be provided in the same manner as specified in this Section and Section 111.A(4), Type IV Procedure, Legislative.

(11) Appeals. When appealed, City Council decisions are subject to review by the State Land Use Board of Appeals (LUBA).

(a) Who may appeal. The following people have legal standing to appeal the decision:

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1. The applicant or owner of the subject property;
2. Any person who was entitled to written notice of the decision;
3. Any other person who participated in the proceeding by submitting written comments.

(b) Appeal filing procedure.

1. Notice of appeal. Any person with standing to appeal, as provided above, may appeal the decision by filing a Notice of Appeal according to the following procedures;
2. Time for filing. A Notice of Appeal shall be filed with the City Administrator on a form provided by the City within 14 days of the date the Notice of Decision was mailed;
3. Content of notice of appeal. The Notice of Appeal shall contain:
 - a. An identification of the decision being appealed, including the date of the decision;
 - b. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - c. A statement explaining the specific issues being raised on appeal;
 - d. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;
 - e. Filing fee (non-refundable).
3. Jurisdictional requirements. Failure to comply with any of the appeal filing procedure requirements as set forth in this Section precludes the appeal from moving forward or any further review by a City decision-maker.

(c) Scope of appeal. The appeal of the decision shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review. The City Council may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

(d) Appeal procedures. Type IV notice, hearing procedures, and decision process shall be used.

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Section 3. Extraterritorial Extension of Water, Stormwater, and Sewer Service

(1) Purpose

(a) These regulations govern the approval of requests for the extension of water, stormwater, or sewer ~~service facilities~~ outside of the city limits within the urban growth boundary or extensions that go beyond the city limits and urban growth boundary to reach ~~serve~~ property within the city limits urban growth boundary. These regulations are intended to accomplish the orderly development of land within the community, ensure the adequate provision of public facilities and services, protect the public health and safety of the community, and enable development to occur consistent with applicable provisions of the Comprehensive Plan.

(b) The City shall not extend water, stormwater, or sanitary sewer service outside the ~~city limits~~ urban growth boundary, unless a health hazard, as defined in ORS 222.840 - 222.915 is determined to exist. Annexation of the territory so served is required if the territory is within the urban growth boundary and is contiguous to the city limits. An alternative to annexation, if agreed to by the City and the owners of the affected property, may occur in the place of annexation. ~~The City may extend water, stormwater, or sanitary sewer facilities outside the city limits or urban growth boundary to provide these services to properties within the city limits.~~

(c) Extraterritorial Service/Facility Contracts between a property owner and the City shall be initiated at the sole discretion of the City Council. The provisions of this contract shall be as directed by the City Council in response to the circumstances and conditions within the affected territory that are causative of the request for extraterritorial service. Extraterritorial extension of water, stormwater, or sewer service applications are reviewed under Section 111A(4), Type IV Procedure, Legislative.

(2) **Applicability.** Regulations within Section 3 apply to applications requesting the extension (Type IV application) and/or connection (Type II application) of water service or sewer service outside of the city limits and within the urban growth boundary, and stormwater service outside of the city limits and within or outside the urban growth boundary. See Section 111 for Type IV and Type II procedure requirements.

(3) **Application Requirements.** In addition to the provisions specified in this Code, an extraterritorial extension of service application shall include the following:

- (a) A list of all tax lots proposed to be served, including street addresses and property owner names;
- (b) A legal description of the property to be served with water or sewer service;
- (c) A signed Consent to Annex form for the property proposed to be served;
- (d) A map drawn to scale showing the proposed extension of water, stormwater, or sanitary sewer lines to include the proposed number of service connections and their sizes and locations; and
- (e) A written narrative addressing the proposal's consistency with the approval criteria in Section 3.

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(4) **Criteria.** The City Administrator shall forward a written recommendation on the proposed application for extraterritorial extension of water, stormwater, or sewer service to the City Council based on the approval criteria specified in (a) – (g) of this Section:

(a) The property proposed for water or sewer service is located within the city's urban growth boundary, or the property proposed for stormwater service is located within or outside the city's urban growth boundary;

(b) Annexation of the property proposed to be served is currently not possible due to the inability to meet the criteria for annexation specified in Section 2;

(c) The property proposed for service is not vacant;

(d) The provision of service will not prolong uses that are nonconforming uses as specified in Sections 90 – 96, Nonconforming Uses and Structures;

(e) In the case of an application for extension of water service, the property to be served is connected with an approved means of sewage disposal;

(f) The proposed extension is consistent with adopted resolutions, policies, plans, and ordinances concerning extraterritorial extensions; and

(g) Even if a proposed extension is inconsistent with the criteria above, the City may approve an extraterritorial extension of water, stormwater, or sewer service:

1. Where a communicable disease hazard exists and the extension is the only practical remedy as specified in ORS 222.840 - 222.915; or

2. To property within a dissolved water district within which the City is providing service to some properties.

(h) Even if a proposed extension is inconsistent with the criteria above, where the City currently provides water outside the urban growth boundary, the City shall consider new service connection requests only when an applicant can demonstrate that a health condition exists that will negatively impact the City of Junction City.

ORDINANCE NO. 1181

AN ORDINANCE AMENDING THE CITY OF JUNCTION CITY'S COMPREHENSIVE PLAN ANNEXATION POLICIES, SECTION V. OF CHAPTER 3, AND AMENDING ZONING ORDINANCE NO. 950, SECTION 111(4)(G), TABLE 111(A)(5); APPENDIX D, SECTION 2 AND SECTION 3; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission initiated the amendments in order for the City to be able to process annexations and withdrawals per ORS 222; and

WHEREAS, the proposed amendments to Zoning Ordinance No. 950 are consistent with the Junction City Comprehensive Plan; and

WHEREAS, the proposed amendments to the Comprehensive Plan are consistent with the applicable statewide planning goals; and

WHEREAS, the Junction City City Council and Planning Commission held a joint work session on December 5, 2007 to propose amendments to address policies and regulations for processing annexations and withdrawals; and

WHEREAS, notice of a public hearing before the City Council and Planning Commission was published in the *Tri-County News* December 27, 2007; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on January 8, 2008 and adopted findings of fact and recommended to the City Council that the Comprehensive Plan and Zoning Ordinance No. 950 be amended as presented in the attached Exhibit A; and

WHEREAS, the Junction City City Council held a public hearing on January 8, 2008 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. The City of Junction City Comprehensive Plan, Annexation Objectives and Policies, Section V. of Chapter 3. Land Use Element is hereby amended as follows:

"In order to obtain any city services a property must be annexed to the city. Also included in the definition of annexation is delayed effective date annexation, as allowed by state law. Property subject to a delayed effective date annexation may obtain city services.

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.
2. The development of the property is compatible with the rational and logical extension of utilities and roads to the surrounding area.
3. Public facilities and services can be provided in an orderly and economic manner.
4. The annexation is in conformance with Oregon state law and this plan.

Section 2. The City of Junction City Zoning Ordinance No. 950, Section 111(4)(g) is hereby amended as follows:

" (g) Examples of Type IV applications include, but are not limited to the following;

1. amendments to the Comprehensive Plan;
2. amendments to the Junction City Development Ordinances;
3. changes to the zoning map;
4. withdrawal of property from special districts after annexations;
5. annexation of property to the city; and
6. extraterritorial extensions of water, stormwater, or sewer.”

Section 3. The City of Junction City Zoning Ordinance No. 950, Table 111(A)(5) is hereby amended to include the following additions:

Annexation	Type IV	Title 10-11/Ord. 950 App. D and Ord. 1181	PC/CC
Extraterritorial Extension of Water, Stormwater, or Sewer	Type II/IV	Title 10-11/Ord. 950 App. D	staff, PC/CC
Withdrawal of property from special districts after annexation	Type IV	Title 10-11/Ord. 950 Sec. 111	City Council only

Section 4. The City of Junction City Zoning Ordinance No. 950, Appendix D, Section 2 is hereby amended as follows:

“Section 2. Costs Associated with Annexations, Withdrawals from Special Districts after Annexation, and Extraterritorial Extensions:

a) Applicants for annexations, withdrawals from special districts, after annexations and extraterritorial extensions shall pay the costs of processing the annexation, including any costs associated with recording, as established by the city council.”

Section 5. The City of Junction City Zoning Ordinance No. 950, Appendix D, Section 3 is hereby amended as follows:

“Following the appeals procedures outlined in Ord. 950 Sections 111-114, City Council determinations on annexations may be appealed to the Land Use Board of Appeals.”

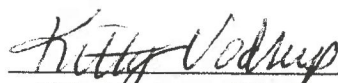
Section 6. Emergency Clause. Since this ordinance amends the Comprehensive Plan and Zoning Ordinance which affects the direction of development in Junction City, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by the Council and approval by the Mayor.

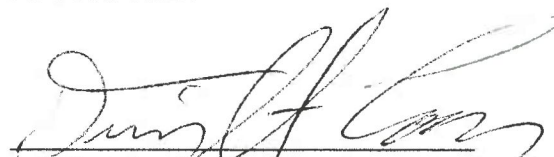
Passed by the Council this 8th day of January 2008.

Approved by the Mayor this 8th day of January 2008

ATTEST:

APPROVED:


Kitty Vodrup, City Recorder


Dwight Coon, Mayor

ORDINANCE NO. 1182

AN ORDINANCE ESTABLISHING DEFINITIONS, PROCEDURES, AND CRITERIA RELATED TO THE PROCESSING OF ANNEXATIONS, WITHDRAWALS, AND EXTRATERRITORIAL EXTENSIONS AND DECLARING AN EMERGENCY.

THE CITY OF JUNCTION CITY ORDAINS AS FOLLOWS:

Section 1. Definitions.

(1) Boundary Change. Specific examples of terms related to boundary changes are listed as follows:

(a) Affected City. A city, city-county or cities, named in a petition, for which a boundary change is proposed or a city, city-county or cities, named in an ordinance or order, for which a boundary change is ordered.

(b) Affected County. Each county that contains any territory for which a boundary change is proposed or ordered.

(c) Affected District. Each special district named in a petition that contains or would contain territory for which a boundary change is proposed or ordered. Affected district also means a district or districts, named in a petition, for which a boundary change is proposed or ordered.

(d) Affected Territory. Territory described in a petition. Affected territory also means an area within the urban growth boundary of a city that is otherwise eligible for annexation to a city where there exists an actual or alleged danger to public health as defined in ORS 222.

(e) Annexation. The attachment or addition of territory to, or inclusion of territory in, an existing city or district.

(f) Annexation Agreement. A written agreement between the City and owners of land requesting annexation that states the terms, conditions and obligations of the parties to mitigate fiscal and service impacts to the City associated with the annexation and future development of the property. The agreement may be used to ensure annexation consistent with the Comprehensive Plan.

(g) Annexation Contract. A contract between a city and a landowner relating to extraterritorial provision of service and consent to eventual annexation of property of the landowner. The contract shall be recorded and shall be binding on all successors with an interest in that property.

(h) Boundary Change. An action by the City Council duly authorized by ORS 222 that results in the adjustment of the City limits or the boundary of a special district.

(i) Cadastral Map. A map prepared by the Lane County Assessor's office showing bearings and distances and the boundaries of parcels, lots, and tracts of land.

(j) Consent to Annex. Forms provided by the affected City that must be signed by the owner when urban services are provided to property that cannot annex. The Consent to Annex commits the property to future annexation, is recorded, and is binding on any successive owner or owners. The signature of the owner of part or all of the affected territory and electors, if any, is required, as applicable.

(k) Contiguous. Territory that abuts the City limits at any point along the property's exterior boundary or separated from the City limits by a public right-of-way or a stream, bay, lake, or other body of water.

(l) Effective Date of Annexation. The effective date of the boundary change as prescribed in ORS 222.040, 222.180, or 222.465.

(m) Elector. A registered voter at an address located within the affected territory who may be active or inactive. Only an active registered voter is qualified to sign a petition.

(n) Extraterritorial Connection of Service. The connection of water, sanitary sewer, or stormwater service to developed property located outside the City limits and within the urban growth boundary.

(o) Extraterritorial Extension of a Facility. The extension of a water, sanitary sewer, or stormwater facility outside the City limits or urban growth boundary to serve territory inside the urban growth boundary.

(p) Extraterritorial Service/Facility Contract. A contract between the owner of property proposed to be served and the City specifying and identifying service provisions, obligations of the City and cost obligations of the owner of the affected territory. The decision to enter into such contract shall be initiated at the sole discretion of the City Council.

(q) Filing. The submittal of materials to initiate a boundary change process.

(r) Initiation Methods. Any of the following descriptions of participants and documentation necessary for commencement of City annexation process:

- (1) All of the owners of land in the territory proposed to be annexed, and not less than 50 percent of the electors, if any, residing in the territory proposed to be annexed, have consented in writing to the annexation and file a statement of their consent to annexation with the City;
- (2) More than half of the owners of land in the territory proposed for annexation who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation and file a statement of their consent to annexation with the City;
- (3) A majority of the electors registered in the territory proposed to be annexed and owners of more than half of the land in that territory consent in writing to the annexation and file a statement of their consent to annexation with the City;
- (4) The City Council may, without any vote or any consent by the owners, annex territory within the urban growth boundary if it is found that a danger to public health exists within that territory and that such condition can be removed or alleviated by sanitary, water or other facilities ordinarily provided by incorporated cities; or
- (5) The City Council may by resolution initiate annexation of territory contiguous to the city limits.

(s) Legal Description. As defined in ORS 308.225(2), which states: the legal description of the boundary change shall consist of a series of courses in which the first course shall start at a point of beginning and the final course shall end at that

point of beginning. Each course shall be identified by bearings and distances and, when available, refer to deed lines, deed corners, and other monuments, or, in lieu of bearings and distances, be identified by reference to:

- (1) Township, range, section, or section subdivision lines of the U.S. Rectangular survey system.
- (2) Survey centerline or right-of-way lines of public roads, streets or highways.
- (3) Ordinary high water or ordinary low water of tidal lands.
- (4) Right-of-way lines of railroads.
- (5) Any line identified on the plat of any recorded subdivision defined in ORS 92.010.
- (6) Donation land claims.
- (7) Line of ordinary high water and line of ordinary low water of rivers and streams, as defined in ORS 274.005, or the thread of rivers and streams.

In lieu of the requirements of the above, boundary change areas conforming to areas of the U.S. Rectangular survey may be described by township, section, quarter-section or quarter-quarter section, or if the areas conform to subdivision lots and blocks, may be described by lot and block description.

(t) Notice. An ordinance, resolution, order, or other similar matter providing notice authorized or required to be published, posted, or mailed.

(u) Owner. The legal owner of record according to the latest available Lane County tax assessment roll or, where there is an existing recorded land contract that is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land, each consenting owner is counted as a fraction to the same extent as the interest of the other owners and the same fraction is applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in the affected territory, the corporation must be considered the individual owner of that land.

(v) Petition. Any document such as signature sheets, resolutions, orders, or articles of incorporation, required for initiating an annexation, withdrawal, or provision of extraterritorial services. In the case of a petition initiated by property owners, the person signing on behalf of a corporation or business must provide evidence showing that person is authorized to sign legal documents for the firm.

(w) Proceeding. A proceeding to consider a boundary change.

(x) Proposal. The set of documents required to initiate proceedings for a boundary change.

(y) Special District. Any of the districts identified in ORS 198.

(z) Urbanizable Land. Those lands between the city limits and Urban Growth Boundary.

(aa) Urban Growth Boundary. A site-specific line, delineated on a map or by written description that separates urban and urbanizable land from rural lands, that is part of a Comprehensive Plan.

(bb) Withdrawal. The detachment, disconnection or exclusion of territory from an existing city or district.

Section 2. Annexations

(1) The purpose of this Chapter 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.

(2) 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.

(3) Annexation applications are reviewed under Type IV procedures per Zoning Ordinance No. 950 Section 111. The Planning Commission shall forward a written recommendation on the application to the City Council based on the approval criteria specified in Section 2. The City Council shall approve proposed annexations and withdrawals by Ordinance.

(4) 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.

(5) 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.

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

1. Completed and signed, in accordance with ORS 222.125, by;
 - a. All of the owners within the affected territory; and
 - b. Not less than 50 percent of the eligible electors, if any, registered within the affected territory; or
2. Completed and signed, in accordance with ORS 222.170, by;
 - a. More than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory; or
 - b. A majority of the electors registered in the territory proposed to be annexed and a majority of the owners of more than half the land.
 - c. Publicly owned rights-of-way can be added to annexations initiated by these two methods without any consents.

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

(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 197.352 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.

(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.

(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.

(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 Section 2.

(6) Notice. In addition to the requirements of Ordinance No. 950 Section 112, 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.

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

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

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

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

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

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

(8) Application of Zoning Districts. An application to apply a zoning district consistent with the Comprehensive Plan designation may be applied for concurrently with the annexation application. Ordinance No. 950 Sections 106 – 109, Amendments to Zoning Ordinance, also apply.

(9) Effective Date, Filing of Approved Annexation, and Notice

(a) The effective date of an approved annexation shall be set in accordance with ORS 222.040, 222.180 or 222.465. The City Council's decision is the City's final decision either on the date the decision is made, or 30 days after the decision is made if there is no emergency clause in the adopting Ordinance, or as specified herein. Notwithstanding the effective date of an ordinance as specified above, the effective date of annexations shall be as prescribed in ORS 222.040, 222.180, or 222.465, or as otherwise established by statute.

(b) Filing of Approved Annexation.

1. Not later than 10 working days after the passage of an Ordinance approving an annexation, the City Administrator shall:

a. Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives, and telecommunications carriers (as defined in ORS 133.721) operating within the City; and

b. Mail a notice of the annexation to the Secretary of State, Department of Revenue, Lane County Clerk, Lane County Assessor, affected districts, and owners and electors in the affected territory. The notice shall include:

(1) A copy of the Ordinance approving the annexation;

(2) A legal description and map of the annexed territory;

(3) The findings; and

(4) Each site address to be annexed as recorded on Lane County assessment and taxation rolls or found in RLID.

c. The notice to the Secretary of State will also include copies of the petitions signed by electors and/or owners of the affected territory.

d. Notice of decision is mailed to the applicant, property owner, those persons who submitted written or oral testimony, those who requested notice, and as required by ORS 222 and Zoning Ordinance No. 950 Section 112.

2. If the effective date of an annexation is more than one year after the City Council passes the Ordinance approving it, the City Administrator shall mail a notice of the annexation to the Lane County Clerk not sooner than 120 days and not later than 90 days prior to the effective date of the annexation.

(10) Withdrawals Authorized by ORS 222.510 – 222.580

(a) Withdrawal from special districts may occur concurrently with the approved annexation Ordinance or after the effective date of the annexation of territory to the City. The City Administrator shall recommend to the City Council for consideration of the withdrawal of the annexed territory from special districts as specified in ORS 222.

(b) Withdrawal from special districts processed separate from the process annexing the territory to the City requires a Public Hearing with notice as required in this Section and Zoning Ordinance No. 950 Section 111, Type IV Procedure (Legislative).

(c) Criteria. In determining whether to withdraw the territory, the City Council shall determine whether the withdrawal is in the best interest of the City.

(d) Effective Date. The effective date of the withdrawal shall be as specified in ORS 222.465 as applicable.

(e) Notice of Withdrawal. Notice will be provided in the same manner as specified in this Section and Zoning Ordinance No. 950 Section 111.A(4), Type IV Procedure, Legislative.

(11) Appeals. When appealed, City Council decisions are subject to review by the State Land Use Board of Appeals (LUBA).

(a) Who may appeal. The following people have legal standing to appeal the decision:

1. The applicant or owner of the subject property;
2. Any person who was entitled to written notice of the decision;
3. Any other person who participated in the proceeding by submitting written comments.

(b) Appeal filing procedure.

1. Notice of appeal. Any person with standing to appeal, as provided above, may appeal the decision by filing a Notice of Appeal according to the following procedures;

2. Time for filing. A Notice of Appeal shall be filed with the City Administrator on a form provided by the City within 14 days of the date the Notice of Decision was mailed;

3. Content of notice of appeal. The Notice of Appeal shall contain:

a. An identification of the decision being appealed, including the date of the decision;

b. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

c. A statement explaining the specific issues being raised on appeal;

d. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;

e. Filing fee (non-refundable).

4. Jurisdictional requirements. Failure to comply with any of the appeal filing procedure requirements as set forth in this Section precludes the appeal from moving forward or any further review by a City decision-maker.

(c) Scope of appeal. The appeal of the decision shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review. The City Council may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

(d) Appeal procedures. Type IV notice, hearing procedures, and decision process shall be used.

Section 3. Extraterritorial Extension of Water, Stormwater, and Sewer Service

(1) Purpose

(a) These regulations govern the approval of requests for the extension of water, stormwater, or sewer facilities outside of the city limits within the urban growth boundary or extensions that go beyond the city limits and urban growth boundary to serve property within the urban growth boundary. These regulations are intended to accomplish the orderly development of land within the community, ensure the adequate provision of public facilities and services, protect the public health and safety of the community, and enable development to occur consistent with applicable provisions of the Comprehensive Plan.

(b) The City shall not extend water, stormwater, or sanitary sewer service outside the urban growth boundary, unless a health hazard, as defined in ORS 222.840 - 222.915 is determined to exist. Annexation of the territory so served is required if the territory is within the urban growth boundary and is contiguous to the city limits. An alternative to annexation, if agreed to by the City and the owners of the affected property, may occur in the place of annexation.

(c) Extraterritorial Service/Facility Contracts between a property owner and the City shall be initiated at the sole discretion of the City Council. The provisions of this contract shall be as directed by the City Council in response to the circumstances and conditions within the affected territory that are causative of the request for extraterritorial service. Extraterritorial extension of water, stormwater, or sewer service applications are reviewed under Zoning Ordinance No. 950 Section 111.A(4), Type IV Procedure, Legislative.

(2) Applicability. Regulations within Section 3 apply to applications requesting the extension (Type IV application) and/or connection (Type II application) of water service or sewer service outside of the city limits and within the urban growth boundary, and stormwater service outside of the city limits and within or outside the urban growth boundary. See Zoning Ordinance No. 950 Section 111 for Type IV and Type II procedure requirements.

(3) Application Requirements. In addition to the provisions specified in this Code, an extraterritorial extension of service application shall include the following:

(a) A list of all tax lots proposed to be served, including street addresses and property owner names;

(b) A legal description of the property to be served with water or sewer service;

(c) A signed Consent to Annex form for the property proposed to be served;

(d) A map drawn to scale showing the proposed extension of water, stormwater, or sanitary sewer lines to include the proposed number of service connections and their sizes and locations; and

(e) A written narrative addressing the proposal's consistency with the approval criteria in Section 3.

(4) Criteria. The City Administrator shall forward a written recommendation on the proposed application for extraterritorial extension of water, stormwater, or sewer service to the City Council based on the approval criteria specified in (a) – (g) of this Section:

(a) The property proposed for water or sewer service is located within the city's urban growth boundary, or the property proposed for stormwater service is located within or outside the city's urban growth boundary;

(b) Annexation of the property proposed to be served is currently not possible due to the inability to meet the criteria for annexation specified in Section 2;

(c) The property proposed for service is not vacant;

(d) The provision of service will not prolong uses that are nonconforming uses as specified in Zoning Ordinance No. 950 Sections 90 – 96, Nonconforming Uses and Structures;

(e) In the case of an application for extension of water service, the property to be served is connected with an approved means of sewage disposal;

(f) The proposed extension is consistent with adopted resolutions, policies, plans, and ordinances concerning extraterritorial extensions; and

(g) Even if a proposed extension is inconsistent with the criteria above, the City may approve an extraterritorial extension of water, stormwater, or sewer service:

1. Where a communicable disease hazard exists and the extension is the only practical remedy as specified in ORS 222.840 - 222.915; or

2. To property within a dissolved water district within which the City is providing service to some properties.

(h) Even if a proposed extension is inconsistent with the criteria above, where the City currently provides water outside the urban growth boundary, the City shall consider new service connection requests only when an applicant can demonstrate that a health condition exists that will negatively impact the City of Junction City.

Section 4. Emergency Clause. Since this ordinance affects the direction of development in Junction City, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by the Council and approval by the Mayor.

Passed by the Council this 8th day of January 2008.

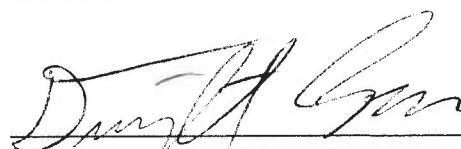
Approved by the Mayor this 8th day of January 2008

ATTEST:

APPROVED:



Kitty Vodrup, City Recorder



Dwight Coon, Mayor

City of Junction City
680 Greenwood St
PO Box 250
Junction City OR 97448



Plan Amendment Specialist
Department of Land Conservation and
Development
635 Capitol Street NE, Suite 150
Salem, OR 97301

