

W.7.15-
SUPPLEMENTAL MATERIAL

SUPPLEMENTAL MEMO

DATE OF MEMO: July 18, 2006

TO: Board of County Commissioners

FROM: Jerry Kendall^{JK}/Land Management Division

RE: Ordinance PA 1190/In the Matter of Adopting Amendments to the Junction City Comprehensive Plan to Expand the Urban Growth Boundary to Include the Subject Property (a Portion of Tax Lot 1300 and a Portion of the Juniper Connector) and Redesignate the Portion of the Tax Lot From "Agricultural" Land To "Commercial", and Adopting Savings and Severability Clauses (File PA 02-5778; Safeway) (NBA & PM 8/27/03, 9/10/03, 1/14/04, 7/14/04, 1/12/05, 7/13/05, 9/13/05 & 1/18/06).

Ninth Reading and deliberation is scheduled for July 19.

Two items still need to be completed before this proposal can be completed. One is for recordation of the farm management easement, reported to be "ready to go" by the Applicant.

The second item is resolution of final legal lot status of the subject property, 1/3 acre in size. The Applicant has declared (by phone conversation on 7-18-06) that this item will be resolved by late October.

Staff recommends a rollover to a tenth reading and deliberation to occur on November 8, 2006.

Please contact me at x4057 if you have any questions or comments.

Attachment:

1. Email of 7-14-06 from Applicant's agent, Mr. Diener—2pp.

KENDALL Jerry

From: Ken Diener [kend@kjdarch.com]
Sent: Friday, July 14, 2006 11:21 AM
To: KENDALL Jerry
Cc: Whitlow, Mark-POR; Diane Phillips
Subject: RE: Lane County PA 02-5778/ Ordinance No PA 1190 Safeway - Junction City

To: Jerry Kendall - Lane County

cc. Diane Phillips - Safeway

Mark Whitlow - Perkins Coie

RE: PA 02-5778/ Ordinance No PA 1190 Safeway - Junction City

Jerry,

I am responding to your May 23, 2006 letter asking us to respond by July 5th, 2006. Obviously a week and a half late and with the typical news per Safeway's dilemma concerning the final compliance with the imposed conditions on our approval dating from SEPTEMBER 2002.

As you know we have completed the street vacation and have come to the agreement with you on the farm agreement BUT the hold up is the condition requiring a consolidation for a single lot. The unfortunate aspect of this is that this was a condition initialized by ODOT because they feared we would request access to HWY 99. We obviously would NOT do this we have access from the Safeway lot and 18th And if they wanted to protect this frontage from access request they could have asked us to dedicate a no access strip along the Hwy 99 frontages!!!!

OUR PROBLEM IS THAT WE CANNOT CONSOLIDATE THESE LOTS BECAUSE ODOT CREATED A ILLEGAL LOT WHEN THEY SUBDIVIDED TAX LOT 1300 AND LEFT OUR SUBJECT .3 ACRE PORTION.

We have had our attorneys thoroughly try to break this chicken and egg issue AND THEY CAN NOT SEE a way around this condition.

My suggestion is that the board drop the Consolidation condition and it would allow us to complete the County portion of this process and we could address this issue later with the annexation board and Junction City's final zone change process Where the lot size and status WOULD NO LONGER BE AN ISSUE. Otherwise we cannot see away to comply with this condition.

Sorry for the last minute communications.

Ken D.

KJD Architecture PC

536 SE !7th Ave

Portland, OR 97214

p 503-231-2884

f. 503-231-9521

kend@kjdarch.com

www.kjdarch.com