

**CITY OF COBURG PLANNING
PO BOX 8316 Coburg, OR 97408**

**STAFF REPORT – FINDINGS OF FACT
MA 01-22 Map Amendments**

I. BASIC DATA

APPLICATION NUMBER: MA 01-22
APPLICANT: City of Coburg
PROPERTY OWNER: N/A
REQUEST: **Amendment – Coburg Zoning Map & Comprehensive Plan Map**
PROPERTY LOCATION: Assessor’s Map and Tax Lots 16033321102300, 1603321101800, 1603321101700; Coburg, OR 97408
ZONING: Central Business District, Parks, Recreation and Open Space
PLAN DESIGNATION: Central Business District, Parks, Recreation and Open Space
APPLICABLE CRITERIA: Coburg Zoning Ordinance A-200-L, Article X.E, Types of Review Procedures, Type IV; ARTICLE XVI Land Use District Map and Text Amendments.

II. REQUEST

The request before the Planning Department is for amendments to the Coburg Zoning Map and the Comprehensive Plan Map.

III. STAFF RECOMMENDATION

Staff recommends Planning Commission votes to **recommend APPROVAL** to the Coburg City Council, in accordance with the following finding to ensure that it complies with the Criteria for Land Use District Map and Text Amendments set forth in Article XVI of the Coburg Zoning Ordinance No. A-200-L.

IV. BACKGROUND

The proposal is to amend the Comprehensive Plan Map and Zoning Map to reflect two changes. The first proposed change is to amend the official zoning map and the comprehensive plan map to remove a strip of Parks, Recreation and Open Space (PRO) zoning designation that was mistakenly left on three lots in the Central Business District. The second is to add the Downtown Coburg overlay district that was adopted by Council on September 27th, 2022 to the boundaries of the Central Business District. Findings for the overlay district were adopted on September 27, 2022 with Ordinance A-200-L and more information can be found in the related planning file of PA 01-22. The subsequent findings will address the first proposed change,

removing the mistakenly left strip of Parks, Recreation and Open Space designation from three lots near City Hall (Assessor's Map and Tax Lots 16033321102300, 1603321101800, 1603321101700)

In the 1980 Comprehensive Plan – Map 8 (Attachment A), the whole area west and including a portion of this lot was deemed Park & Open space. Going further back, the land was zoned for agriculture. Staff believe this was carried over from when the City of Coburg first adopted Lane County Maps.

In May of 1994, Ordinance No. A-131-G (Attachment C) was passed which rezoned lot #16-03-32-11-2400 from park and open space to residential. This lot was part of the new plat of Coburg Estates a became Coburg Estates Phase I and 2.

When comparing the latest zoning map (Attachment B) with the map 8, one can align the property lines with the street to the north, the current lot behind City Hall had a strip that was probably left out of the change in zoning. One possibility is the lot was under different ownership and therefore the zoning was not changed as it was not part of the future subdivision plat. It was not donated parkland attached to the subdivision because the subdivision plan maps show that the parkland being dedicated for all phases was the area to the west along the Canterbury slough now part of the trail system in Coburg. Ordinance A-131-G established that the City did not have the money or the will to develop parkland in this area and therefore were converting the area to residential use, which was a great need at the time. Further, this property is zoned at the County as Central Business District, and is not listed in the Park Master Plan Maps (Attachment E) as current or future parkland. It was never part of the master plan for the future.

NO CONDITIONS OF APPROVAL

V. APPROVAL CRITERIA:

ARTICLE X.E TYPES OF REVIEW PROCEDURES, TYPE IV PROCEDURE

E. Type IV Procedure (Legislative).

1. Pre-Application Conference. *A pre-application conference is required for all Type IV applications initiated by a party other than the City of Coburg. The requirements and procedures for a pre-application conference are described in Section F.*

FINDING: The City of Coburg initiated this procedure. This criterion is not applicable.

2. Timing of Requests. *The City accepts legislative requests twice yearly, meeting January and July application timeline requirements. The City Council may initiate its own legislative proposals at any time.*

FINDING: The City of Coburg initiated this procedure. This criterion is met.

3. Application Requirements.

a. Application forms. *Type IV applications shall be made on forms provided by the City Planning Official or designee.*

b. Submittal Information. *The application shall contain:*

- (1) The information requested on the application form;*
- (2) A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);*
- (3) The required fee; and*
- (4) One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.*

FINDING: The City of Coburg initiated this procedure. These criteria are not applicable.

4. Notice of Hearing.

a. Required hearings. *A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.*

b. Notification requirements. *Notice of public hearings for the request shall be given by the City Planning Official or designee in the following manner:*

(1) At least 10 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

- (i) Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);*
- (ii) Any affected governmental agency;*
- (iii) Any person who requests notice in writing;*
- (iv) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;*

(2) At least 10 days before the scheduled Planning Commission public hearing date, and 10 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.

(3) The City Planning Official or designee shall:

(i) For each mailing of notice, file an affidavit of mailing in the record as provided by subsection 1; and

(ii) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection 2.

(4) The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD Certificate of Mailing.

(5) Notifications for annexation shall follow the provisions of this Chapter.

FINDING: Notice was mailed to each property owned whose property would be rezoned to implement the ordinance on November 1, 2022. Notice was given to DLCD on September 20, 2022. These criteria are met.

7. *Decision-Making Criteria.* *The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:*

a. Approval of the request is consistent with the Statewide Planning Goals;

FINDING: As explained below, the request is consistent with the Statewide Planning Goals. This criterion is met.

APPLICABLE STATEWIDE PLANNING GOALS:

GOAL 1: Citizen Involvement

FINDING: This amendment is to correct an error. Property owners support the amendment. The proposed amendment is being placed before the local approval bodies of Coburg to conduct a public hearing. Concerned citizens will have an opportunity to review and comment on the proposed amendments.

GOAL 2: Land Use Planning

FINDING: The proposed amendment allows the desired type of development to occur in the downtown corridor. Correcting this error will remove barriers to commercial development.

GOAL 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

FINDING: The proposed amendment preserves the historic architectural character of the Central Business District, which is within Coburg's National Historic District, by allowing for the uses intended for the district to take place under the regulations of the Zoning Code.

GOAL 9: Economic Development

FINDING: The proposed amendments to the Coburg Zoning Code enhance the code for further economic opportunity in the Central Business district as required by Goal 9. Correcting this error will promote the intended use of the Central Business District.

STATEWIDE PLANNING GOALS 3,4, 6,7,8, 10 -19 are not applicable to this amendment.

CONCLUSION: The proposed amendments to the Coburg Zoning Map and Comprehensive Plan Map meet the necessary requirements of the applicable Statewide Planning Goals. This amendment does not change the priority or inventory of those related requirements. These criteria are met.

b. Approval of the request is consistent with the Comprehensive Plan; and

FINDING: As explained below, the request is consistent with the Comprehensive Plan. This criterion is met.

APPLICABLE COMPREHENSIVE PLAN POLICIES AND GOALS

GOAL 1: Citizen Involvement

FINDING: This amendment is to correct an error. Property owners support the amendment. The proposed amendments will go through the Type IV land use process, which requires at least two hearings.

GOAL 2: Land Use

Policy 11: Central Business District – The Central Business District designation is intended to establish the downtown area as the historic heart of Coburg. The CBD is the location for smaller scale commercial and business facilities, civic buildings and city functions, and mixed use. The Central Business district will be historic and pedestrian-oriented in character.

Finding: The proposed amendments affect vacant properties where development will significantly contribute to the character of the historic downtown corridor. The proposed amendment allows the desired type of development of the Central Business District to occur in the downtown corridor. Correcting this error will remove barriers to potential commercial or

mixed-use development that will enhance the community and promote a pedestrian-oriented character.

GOAL 9: Economy

Coburg Objective: To guide community development in such a way that the local economy is improved while maintaining Coburg's small town atmosphere.

***Policy 11:** The City shall promote quality of life and compatibility of commercial and industrial uses with the small town, historic character of the community.*

***Policy 22:** The City shall encourage a vital downtown area as a key strategy to maintaining the City's quality of life.*

***Policy 23:** The City shall encourage mixed-use in the Central Business District, and where appropriate, in adjacent areas.*

Finding: The proposed map amendment will promote the type of environment described in policies 11, 22 and 23 of the Coburg Comprehensive Plan by encouraging appropriate, compatible commercial and mixed-use development.

GOAL 12: Transportation

***Policy 22:** The City shall use transportation demand management, system improvements, and land use strategies to encourage people to walk, bicycle and bus to reduce increased traffic congestion within the community and to and from the community.*

***Policy 25:** The City shall require land use development and transportation improvements that encourage transit, bicycles, and pedestrian amenities in new commercial, public, mixed use, and multi-family residential development.*

Finding: The proposed map amendments will promote land use strategies that encourage density and uses that promote multi-modal transportation options within the Central Business District.

GOAL 14: Urbanization

Coburg Objective: Promote land use and development patterns that sustain and improve quality of life, are compatible with mass transit, maintain the community's identity, protect significant natural and historic resources, and meet the needs of existing and future residents for housing, employment, and parks and open spaces.

***Policy 1:** The City shall preserve urbanizable land and provide for orderly, efficient development by controlling densities through provision of the Zoning and Subdivision Ordinances, thereby*

preventing the need for overly extensive public services and restricting urbanization to that commensurate with the carrying capacity of the land.

Policy 17: *The City shall promote the efficient use of land within the urban growth boundary and sequential development that expands in an orderly way outward from the existing city center.*

Policy 40: *The City shall promote land use and development patterns that sustain and improve quality of life, are compatible with mass transit, maintain the community's identity, protect significant natural and historic resources, and meet the needs of existing and future residents for housing, employment, and parks and open spaces.*

Policy 41: *The City shall maintain a viable downtown through plan designations and zoning in a manner that provides opportunities for development of the town center with a compatible mix of housing and businesses.*

Finding: The proposed map amendments remove barriers to development at the town center and promote an efficient use of land, infrastructure and services.

GOALS 3,4, 5, 6,7,8, 10, 11 and 13 are not applicable to this amendment

CONCLUSION: The proposed map amendments support and promote goals, objectives and policies of the Comprehensive Plan. These criteria are met.

c. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

FINDING: The proposed amendments do not change any physical aspect of any property. This criterion is not applicable.

8. Approval Process and Authority.

a. The Planning Commission shall:

(1) After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and

b. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the City Planning Official or designee before the Council public

hearing on the proposal. The City Planning Official or designee shall send a copy to each Council member and place a copy in the record;

c. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within 60 days of its first public hearing on the proposed change, the City Planning Official or designee shall:

(1) Report the failure together with the proposed change to the City Council; and

(2) Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing make a decision. No further action shall be taken by the Commission.

FINDING: The hearing and approval process and procedure shall be as normal. These findings will be updated following the Planning Commission hearing to reflect the recommendation made. These criteria will be met.

d. The City Council shall:

(1) Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;

(2) Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and

(3) Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.

FINDING: The hearing and approval process and procedure shall be as normal. These criteria will be met.

9. *Vote Required for a Legislative Change.*

a. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.

b. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

FINDING: The hearing and approval process and procedure shall be as normal. These criteria will be met.

10. Notice of Decision. *Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the City Council decision is filed with the City Planning Official or designee. The City shall also provide notice to all persons as required by other applicable laws.*

FINDING: Staff shall follow up with correct noticing procedures should the City Council vote to approve the amendments. This criterion will be met.

11. Final Decision and Effective Date. *A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.*

FINDING: Should Planning Commission and City Council vote to approve the amendment, the ordinance shall specify an effective date. This criterion will be met.

12. Record of the Public Hearing.

- a. A record of the proceeding shall be made by a minutes recorder, stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;*
- b. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;*
- c. The official record shall include:*
 - (1) All materials considered by the hearings body;*
 - (2) All materials submitted by the City Planning Official or designee to the hearings body regarding the application;*
 - (3) The v record made by the minutes recorder, stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;*
 - (4) The final ordinance;*
 - (5) All correspondence; and*
 - (6) A copy of the notices that were given as required by this Chapter.*

FINDING: The City shall follow record procedures as described. These criteria will be met.

VI. ATTACHMENTS

- **Attachment A:** 1980 Comprehensive Plan Diagram Map 8
- **Attachment B:** Current Zoning Map
- **Attachment C:** Ordinance A-131-G
- **Attachment D:** Coburg Estates First Edition Plat Map
- **Attachment E:** Coburg Parks Master Plan Map
- **Attachment F:** Draft Zoning Map with proposed amendments
- **Attachment G:** Draft Comprehensive Plan Map with proposed amendments
- **Attachment H:** Notice materials

DECISION: A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

Signed this _____ day of November 2022

Mr. William Wood, Vice Chair, Coburg Planning Commission