



## **MINUTES**

### **Coburg City Council Work Session**

October 12, 2021 6:00 P.M.

Coburg City Hall

Virtual - 91136 N Willamette Street

**MEMBERS PRESENT:** Planning Commissioner Clark, Planning Commissioner Marshall, Planning Chair Paul Thompson, Mayor Ray Smith, Councilor Bell, Councilor Alexander, Councilor Fox, Councilor McConnell, Councilor Lehmann.

**MEMBERS ABSENT:** Don Derby, Commissioner Wood, Commissioner Doyle, Councilor Blain.

**STAFF PRESENT:** Sammy Egbert, City Recorder; Anne Heath, City Administrator; Brian Harmon, Public Works; Megan Winner, Planning and Economic Development; Gary Darnielle, City Attorney; Damien Gilbert, City Engineer.

**RECORDED BY:** Jayson Hayden, Lane Council of Governments (LCOG).

### **CALL TO ORDER**

Mayor Smith called the meeting to order at 6:03 P.M.

### **ROLL CALL**

Ms. Egbert took roll and a quorum was present.

### **COMMITTEE BUSINESS**

Henry Hearley explained that the purpose of this work session was to make the council familiar with the annexation agreement before it came to them as part of public hearing. In addition to the city staff that have worked on this agreement, he explained that the applicant and their team have all provided input and feedback along the way.

Mr. Hearley explained that an annexation agreement at its most basic element is an agreement between the city and the developer which sets forth basic facts about a property and a proposal, and outlines terms and obligations that each party would adhere to or complete and often includes provisions for such services as water and sewer. He noted that they should avoid talking about zoning to be applied to the property. He shared that the applicant and their civil

engineer were here to answer questions, and the city engineer and city attorney were here to provide input into the agreement. Mr. Hearley explained they were looking for feedback on the agreement to take back to the applicant to discuss further.

Mr. Hearley explained that water and sewer would both be available to the property and that there was currently a 6" water line which crosses under I-5. He said sewer lines would be installed to serve each property as it develops and the water line project was currently being completed, providing a 12" water main to connect to within 300' of the southwest corner of the property. With further development, the water line would need to be connected and extended along the southerly and westerly sides of the property.

Mr. Hearley explained that the applicant would be responsible for complying with street improvements imposed by the city and county through the land development review process, however some improvements may commence following annexation, outlined in exhibit B including an additional 20' of right of way added to the southern portion of Van Duyn, construction of a 50' roadway, sidewalk curb and gutter and public utility improvements, two east-bound travel lanes from the property's west boundary to the access road, and the internal roadway providing access.

A traffic study had been completed by the applicant and was in the final stages of review, and additional traffic studies would be required upon site development as a requirement of the IN.

Mr. Hearley explained that the requirement for open space was driven by the master plan requirements. He said the applicant was proposing an initial allotment of a 10 acre piece of land for open space which would be an excellent opportunity for continuous open space that fit well within the community and acted as a natural landscape buffer between the adjacent residential area to the east. He said the initial open space would be improved with pedestrian walking paths and benches and the purpose of the open space was employee recreation and relaxation.

Mr. Hearley shared that in order to equitably distribute the initial allotment of open space the applicant has proposed the following distributions to be credited to each future lot; subsequent lots would be able to use a credit from the initial open space allotment which would be deducted from the 20% open space requirement for that parcel. In the end, after full development of all parcels, the total amount of open space could not be less than 20% of the entire property. Each lot will be required to have a minimum of 20% open space and 15% landscaping, and the required landscaping percentages may be counted towards the open space requirements.

Mr. Hearley explained that the annexation application would go to planning commission on November 17<sup>th</sup> which would issue a recommendation for approval or denial for both applications on to City council for final action.

Councilor McConnell asked about the open space allotment, if the space labeled exhibit B was the only portion designated for open space? Mr. Hearley answered that this was only the initial allotment of around 10 acres and there was much more open space forthcoming.

Commissioner Thompson wished to clarify that the 15% landscape requirement could be used to satisfy the 20% open space requirement and asked what qualified as landscaping. Mr. Hearley answered yes, and noted that trees planted in parking lot islands would count.

Councilor Fox asked if there would be a retaining wall and Mr. Hearley was not sure and suggested to ask the applicant's civil engineer about that but said it would largely remain an open space natural buffer.

Mayor Smith introduced the applicant Raymond Fisher from Raven Ventures.

Mr. Fisher explained that there was concern from the community about what would be placed in the area and said that much of the area was sloped and full of trees and was not conducive to building.

Mayor Smith asked about providing ingress/egress to the property and asked how they would provide this for the large number of employees and large vehicles. Damien Gilbert explained that this was a pretty complicated puzzle but said there were many systems in place to ensure the desired end result. He said at this phase they were not sure what the buildings would look like or how they would operate and so the traffic study under review was to address the zone change and not the developments yet. He said that when the land was originally contemplated it was assumed to be agricultural with very little traffic, and so the applicant had hired a traffic engineer to prepare a study looking at the reasonable worst case development scenario under the proposed zoning and to compare it to the existing zoning. Mr. Gilbert shared that in general it would depend on whether the intersections failed with the anticipated traffic, and if there were certain things that didn't function there would be set horizons for when those improvements would be made. He noted that they were sure this would need right turn lanes into the development, and explained each lot would have a proposed development that would go through the design review or master plan process and would have to do a traffic impact analysis. Mr. Gilbert added that ODOT would be working towards designing and funding an interchange improvement, and all the pieces would supposedly work together at the end.

Mayor Smith asked if the illustration was part of the annex or if there was flexibility with ingress/egress. Mr. Gilbert answered that this was an exhibit in the annexation agreement, and they had put in words for minimum right of way improvements which were generally adequate. Mayor Smith said one of his concerns was that this had to provide access to all of the other properties within the city limits and asked if they had concerns about this. Mr. Gilbert thought they needed some clarity from ODOT, and was not sure if they would close the driveways before the interchange improvements happened. Ms. Heath added that she had spoken with ODOT who said they would like to see the driveways closed at the time that the access road was built but that they were unsure if they had the ability enforce that and were currently reviewing this. Mayor Smith asked if there was a conflict if they wanted to upgrade Van Duyn to

get to that point and Mr. Gilbert explained that this application would not be building frontage improvements in front of the gas station or shutting down driveways. He added that they would build backbone infrastructure of the access road along the frontage but had no obligation or ability to build the road on their neighbor's property.

Mayor Smith asked who was responsible for the road upgrade from the interstate bridge to the potential annex property. Mr. Gilbert explained that in front of and encroaching on someone else's property and that if they set this project aside ODOT would purchase and build the frontage improvements across the neighbor's properties.

Mr. Fisher noted that when ODOT staked the right of way in 2018 they were getting ready to either buy or lease the land and he thought that their plan was to replace the bridge as part of the entire package but he had not heard from them since.

Councilor Bell asked if there was not a bridge in place but the purchaser of lot 3 needed a heavier bridge they would have to build it? Mr. Gilbert answered that if they wanted to build something intensive enough that the current infrastructure could not accommodate it then they would have to either build it or back off their development. Mr. Fisher added that if they had to build a bridge then they would wait and Mr. Gilbert said that from the zone change perspective nothing suggested that a bridge was needed.

Councilor Alexander asked how they defined a worst case scenario and Mr. Gilbert said they first looked at the code book for permitted uses and picked a reasonable worst case.

Commissioner Marshall asked if ODOT's original plan did not include this property as light industrial but agricultural and Mr. Gilbert explained that the zoning was agricultural and that they were well aware of the zone change that was coming. He added that ODOT would not recommend approval of the project until they approved the traffic study for the zone change.

Councilor Alexander asked if all the same laws and bylaws applied if one person bought all four lots and Mr. Gilbert answered yes.

Councilor Fox said he appreciated the discussion as he remembered a time when they had to have a traffic officer for a couple years before a traffic light went in.

Mayor Smith asked Mr. Hearley what tools the city had to ask the developer to provide the infrastructure needed for this. Mr. Hearley explained that these would be driven by the findings of the TIA and said that offsite improvements had to be tied to some requirement of the property. Mayor Smith asked if they were able to enforce these requirements or if they were reliant on some outside entity for this? Gary Darnielle explained that the owner of the property had to come to the city for site review, design review, and work within the city's code so they had complete control of the associated impacts.

Councilor Alexander asked if the code could be changed after the design was submitted and Mr. Darnielle answered yes, unless the city had an arrangement to freeze the zoning in the agreements. He added that the zoning ordinance had a list of outright permitted uses and conditional uses, and they still had to go through site review. Mayor Smith asked if the engineering standard was the norm they would answer to or if Coburg needed its own standard and Mr. Gilbert explained that their code was fairly typical and they would need a traffic study on pretty much any commercial development.

Mr. Gilbert said one beneficial engineering standard would be a signal warrant analysis and noted that smaller towns had lower thresholds for needing a traffic signal. Mayor Smith stressed the increase in commuters and commercial traffic going through town and noted that they could not put all of this on to the developers coming into the town.

Commissioner Clark asked if any of the open space became city property and Ms. Heath answered no. Mr. Darnielle explained that a conservation easement would leave the land in its current state.

#### **ADJOURNMENT**

Hearing no further discussion, Mayor Smith adjourned the meeting at 7:02 P.M.

by the Coburg City Council on this xx day of xx 2021.

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Ray Smith, Mayor of Coburg

#### **ATTEST:**

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Sammy L. Egbert, City Recorder

**APPROVED** by the Planning Commission of the City of Coburg this 17th day of November, 2021.

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Paul Thompson, Planning Commission

Chair

ATTEST:

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Sammy L. Egbert, City Recorder