

Packet Material from
January 11, 2022 Meeting
for reference.

COBURG CITY COUNCIL
MONTHLY REPORTS



TOPIC: Annexation Ordinance

Meeting Date: January 11, 2022

Staff Contact: Henry Oliver Hearley, Associate Planner, Lane Council of Governments

Contact: 541-682-3089, hhearley@lcog.org

REQUESTED COUNCIL ACTION:

Staff is requesting three actions related to the annexation and rezone. The findings of fact for the annexation and zone change and Ordinance A-200-J are to be adopted separately as follows:

- (1) Approve Land Use File ANX-01-20 and adopt the Findings of Fact in support of approval;
- (2) Approve Land Use File ZC-01-20 and adopt the Findings of Fact in support of approval;
- and
- (2) Adopt Ordinance A-200-J.

Suggested Motions (three in all):

"I move to approve ANX-01-20 and adopt the Findings of Fact in support of approval."

"I move to approve ZC 01-20 and adopt the Findings of Fact in support of approval."

"I move to adopt Ordinance A-200-J, AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF COBURG IDENTIFIED AS TAX LOT 00202 OF ASSESSORS MAP 16-03-34-00 AND CONSISTING OF 107.43 ACRES, AND AMENDING ORDINANCE A-200G TO CHANGE THE COBURG ZONING MAP TO REZONE SAID TERRITORY FROM LANE COUNTY ZONING DISTRICT EXCLUSIVE FARM USE (E-40) TO COBURG ZONING DISTRICT LIGHT INDUSTRIAL."

CITY COUNCIL GOAL

1. Livability, Health and Vitality
 5. Strategic Planning
 6. Economic Development
-

BACKGROUND

The subject application is for annexation and rezone of a ~105.73-acre parcel of land located east of Interstate 5. The property was included in the City's recent UGB expansion to provide the City of Coburg with employment lands to meet a local and regional need. Planning Commission held a public hearing on the matter on November 17, 2021 and recommended

approval of the applications and that the property be zoned Light Industrial. City Council held a second public hearing on the matter on December 14, 2021.

PURPOSE

This application is important to the Planning Department because the application is pending a final decision by the City Council. This application is important to the City of Coburg because it adds ~105.73 acres of land zoned light industrial to meet a local and regional demand for large-scale industrial zoned parcels.

BUDGET

There is no specific budget item for this application. The applicant has paid a total of \$13,500 in land use fees for the processing of this application.

RECOMMENDATION

Staff recommends that the Council

- (1) Approve Land Use File ANX-01-20 and adopt the Findings of Fact in support of approval;
 - (2) Approve Land Use File ZC-01-20 and adopt the Findings of Fact in support of approval;
- and
- (2) Adopt Ordinance A-200-J.
-

NEXT STEPS

Following the second reading and of Ordinance A-200-J and the adoption of the Findings of Fact in support of approval for both applications, staff will update the status of the application with DLCDD by submitting Form 2 Notice of Adoption to the online database. As City Council has rendered a final decision on the applications, the decision is only appealable to the Land Use Board of Appeals. Staff will mail notice of decision to parties of record within five days of the Council decision. Staff respectfully requests that the City Recorder obtain the Mayor's signature on the Findings of Fact document and the Annexation Agreement. The applicant will need to be involved in the signing and executing of the Annexation Agreement.

ATTACHMENTS

- A. Ordinance A-200-J
- B. Findings of Fact for ANX-01-20 & ZC 01-20
- C. Annexation Agreement

REVIEWED THROUGH:

Gary Darnielle, Legal

Sammy Egbert, City Recorder

Anne Heath, City Administrator

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

**FINAL ORDER & FINDINGS OF FACT
Annexation & Rezone
ANX 01-20 & ZC 01-20**

Findings Adopted Date:

City Council Public Hearing Date: December 14, 2021

First Reading of Ordinance A-200-J: December 14, 2021

Second Reading of Ordinance A-200-J: January 11, 2022

I. BASIC DATA

Property Owners: Ravin Ventures & Hardly Hackit, LLC
3555 Gateway Street, Suite 200
Springfield, OR 97477

Applicant Consultant
/Engineer: Mr. Anthony Favreau
The Favreau Group
Eugene, OR 97405

Assessors' Map Lot#: 16-03-34-00-00202

Comprehensive Plan
Designation: Light Industrial

Current Zoning: Exclusive Farm Use (EFU-40 Acre Minimum)

Noticing: Mailed notice: November 23, 2021
Notice posted: November 30, 2021, at City Hall, Coburg Post
Office, Norma Pfeiffer Park shelter and Pavilion Park.
Notice posted at subject property: December 1, 2021
Notice published in *Register Guard*: November 27, 28,
December 4, and December 11, 2021.

Staff Report Prepared by: Henry Hearley, Lane Council of Governments, Contract
Coburg Planner

II. REQUEST

The applicant has requested annexation and rezone of a 107.43-acre unit of land located on Map and Tax Lot 16-03-34-00-00202. The requested annexation and rezone are being processed concurrently, at the request of the applicant. The applicant and the City have mutually agreed to enter into an annexation agreement. The annexation agreement is included in the report as **Attachment A**. See Figure 1 below for a vicinity map of the subject property.



Figure 1: Subject Property

III. Summary of Planning Commission Public Hearing, November 14, 2021

This section is intended to give City Council an overview of the issues and comments that were discussed and raised in front of the Planning Commission on November 14, during the public hearing.

Summary of Commission Deliberations.

Commission deliberations and questions were largely centered around traffic impacts the annexation and rezone will have on East Van Duyn Road. Staff largely referred those questions to the applicant's qualified traffic engineer that was in attendance. The applicant's traffic engineer gave a brief overview of the findings from the Traffic Impact Analysis (TIA) and of how trip caps generally work.

There was a discussion around past historical City Council actions with respect to the subject property when it was included within the UGB and the fact that City Council applied a Comprehensive Plan Map designation of Light Industrial to the property and not Campus Industrial. There seemed to be consensus amongst the Commissioners that the Development Code itself provided city decision makers with the tools and information necessary to aid in determining the zoning to be applied to annexed properties, specifically subsection I of Article IV. However, a Commissioner did ask staff if the City was legally obligated to capture up 30 percent of the estimated regional demand for large light industrial sites; staff responded that they are not aware of any such state law to that effect.

One comment was asked about staff's response to Industrial Policy 7 of Goal 9 of Comprehensive Plan. Industrial Policy 7 reads "*a buffer, subject to conditions of the Zoning Code, shall be required along the boundary of all industrial areas that abut a residential district or shall be used to act as a buffer between the two districts or conflicting uses. Setback requirements of the Zoning Code shall also reflect buffering needs.*" The Commissioner's comment suggested that a buffer should also be considered for the western property line of the subject property to separate the uses of the Premier RV property from the future industrial uses to locate on the subject property. It was mentioned during the public testimony portion of the hearing, that some patrons of the Primer RV property consider that their primary residence and should be afforded similar buffering considerations as those being proposed for the eastern property line. Industrial Policy 7 does state a buffer can be used between two districts or conflicting uses. The Commissioner suggested that the uses occurring on the Premier RV property, and the future uses to locate on the subject property should be considered to be conflicting and thus a buffer to separate those conflicting uses should be implemented. Prior to the Planning Commission hearing staff had not fully evaluated Industrial Policy 7 and do find credence in the Commissioner's question and offer this opportunity to further address Industrial Policy 7. The proposed finding for Industrial Policy 7 has been revised accordingly and staff offer City Council to consider a similar buffer be placed between the Premier RV property and the subject property. Staff believe the buffer between the Premier RV property and the subject property can be dealt with during the master plan process that the applicant will undergo following annexation. As such, staff will include a discussion of this buffer requirement into the annexation agreement to ensure that it is addressed.

Planning Commission's Recommendation.

Planning Commission closed the record and the hearing. Planning Commission entered into deliberations and a motion was made and seconded to recommend approval of the rezone and annexation onto City Council. Additionally, Planning Commission made a motion to recommend to City Council that the zoning designation of Light Industrial be applied to the subject property.

IV. BACKGROUND

The subject property is currently within the Coburg Urban Growth Boundary (UGB) and is zoned EFU (a Lane County designation). The subject property is currently vacant and consists of grasses and farmlands and wetland features. The subject property abuts Van Duyn road along the northerly boundary. This portion of Van Duyn is outside of the UGB. The subject property was first identified as possible inclusion into the City's UGB as a result of an Urbanization Study that was first conducted in 2010 and later updated in 2014 (the 2014 updated version, written by Eric Hovee, is included as **Attachment E**). In the Urbanization Study, the City found that the City's entire need for employment land cannot be satisfied through "efficiency measures," and that the UGB must therefore be expanded to include additional land for employment needs to the east of the Interstate 5 corridor. At the same time as the UGB was expanded to include the subject property, the City's Comprehensive Plan was also amended to add Policy 28 to Goal 9: Economy of the City, which reads "*In order to meet a regional industrial need, properties with Light Industrial designation located on the east side of Interstate 5 shall not be partitioned into parcels smaller than 20 acres.*"

Ordinance A-199-G (**Attachment F**), approved by City Council, expanded the UGB to include the subject property and designated the subject property as Light Industrial on the Comprehensive Plan Map. Figure 2 below shows the subject property designated Light Industrial on the Comprehensive Plan Map and shows the property within the UGB.

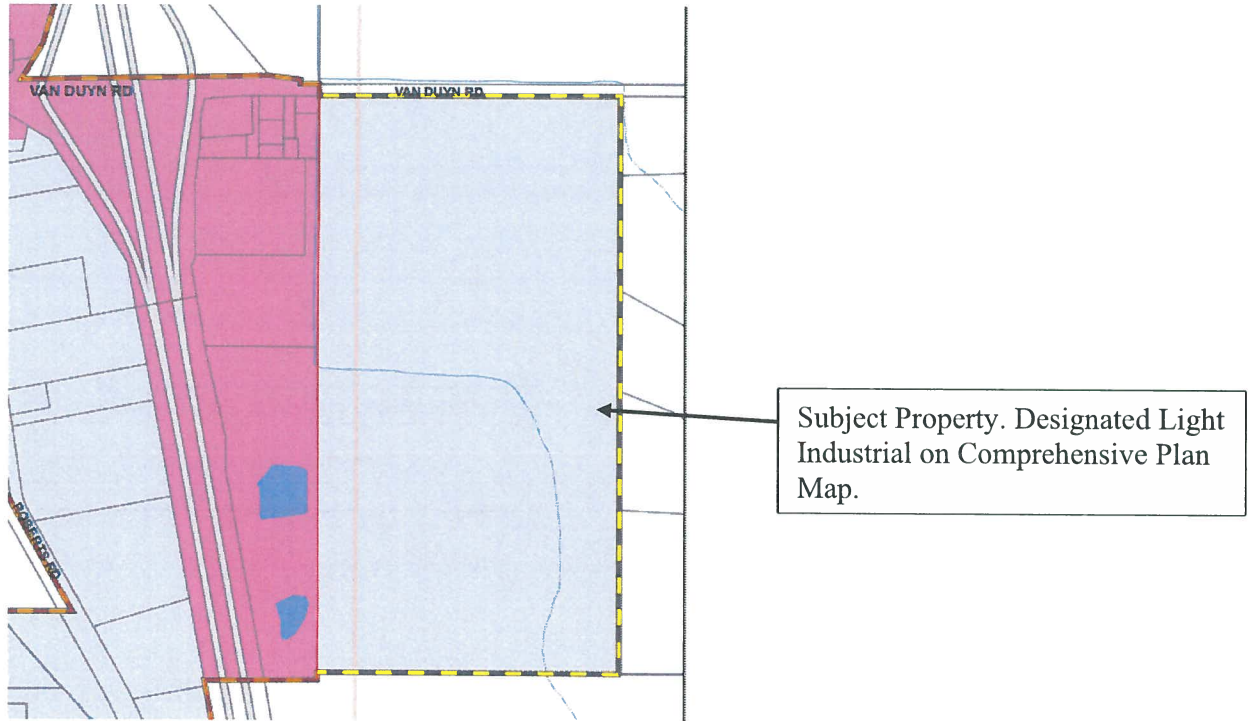


Figure 1: Coburg Comprehensive Plan Map of Subject Property

The subject property (identified as Study Area 8) was chosen to be included into the UGB to provide regional employment lands because of the proximity to Interstate 5, most of the property being viewed as potentially developable; its ability to capture a high percentage of the regional demand – not just a City demand; the subject property’s ability to accommodate large industrial users; and due to its majority of soils being Classes IV and VI, which are among the least capable agricultural soils.

As seen in Table A.17 of the *Coburg Urbanization Study Addendum, June 2014*, Scenario B of the Regional Economic Analysis (REA) includes three sub-scenarios as to what extent of the regional large industrial site Coburg has the ability to capture. The REA assumed, at most and fairly aggressively, that Coburg could capture up to 30 percent of the regional large site industrial need.

Table A.17 Coburg Industrial Scenarios with Regional Large Site Industrial Capture

Comparative Scenario / Option	Coburg Large Site Industrial Capture %			
	A	B1	B2	B3
Added Regional Market Capture Rate	0%	10%	20%	30%
Regional Large Site Acreage Demand	463	463	463	463
Net Coburg Regional Acreage Demand	-	46.3	92.5	138.8
Coburg Share Adjusted for 10% Vacancy	-	51.4	102.8	154.2
Plus Local Industrial Need (Forecast A)	68.7	68.7	68.7	68.7
Total Coburg Industrial Demand	68.7	120.1	171.5	222.9
Less Estimated Coburg Industrial Lands	(28.4)	(28.4)	(28.4)	(28.4)
Equals Net Added Acreage Need	40.3	91.7	143.1	194.5

Source: E. D. Hovee & Company, LLC using methodology of 2010 Urbanization Study together with 2012 OED Region 5 (Lane County) employment forecast. See Appendix B for added detail.

Figure 2. Table A.17 of the Coburg Urbanization Study Addendum, June 2014.

City staff have held three work sessions with City Council and Planning Commission on the topic of annexations and on this application. On October 27, 2020, City staff briefed City Council and Planning Commission at joint work session on the annexation process. On February 23, 2021, staff held another work session on the subject application, and on October 12, 2021, staff held the third and final work session on the annexation agreement that is accompanying this request.

Lastly, City staff and the applicant have held several meetings with affected property owners located to the east of the subject property. Staff has sent them an introductory letter that gave them preemptive notice of the application and in-general have made themselves available to answer neighbor's questions and/or concerns that have arisen with respect to the application. The preemptive meetings organized by the City with affected nearby property owners was above and beyond of what was required by the Coburg Development Code. The applicant has also attended a meeting with the Park and Tree Committee to discuss the open space plan. The proposal under consideration is the culmination of several years of work on behalf of citizen's involvement committees, stakeholder groups, City staff, and previous Planning Commissioners and City Councilors.

V. Article IV. Rules for Interpretation of District Boundaries.

I. If land is annexed into the City and the intent of the City and applicant is to zone the annexed land the same as the existing Comprehensive Plan zoning designation, it automatically is zoned as such.

FINDING: The Coburg Development Code contains a provision in Article IV that may aid City decision makers in determining the appropriate zoning designation to be applied to the subject property. As seen in subsection I, the provision states that if land is annexed into the City and the intent of the City and applicant is to zone the annexed land the same as the existing Comprehensive Plan zoning designation, it automatically

is zoned as such. The applicant has requested the zoning to be applied to the subject property be Light Industrial, as such, the applicant has indicated their intent for a zoning of Light Industrial. Next, the intent of the City has to be discussed. Staff points out that the intent of the City can be found in Ordinance A-199-G when City Council specifically amended the Comprehensive Plan Map to designate the subject property as Light Industrial and not Campus Industrial in Section 2(b) of the ordinance.

Section 2. Coburg Comprehensive Plan. The Coburg Comprehensive Plan is amended as follows:

(a) The Coburg Comprehensive Plan text is hereby amended to add Policy 28 to Goal 9: Economy of the City, which reads:

"Policy 28: In order to meet a regional industrial need, properties with a Light Industrial designation located on the east side of Interstate 5 shall not be partitioned into parcels smaller than 20 acres."

(b) The Coburg Comprehensive Plan Diagram is hereby amended to add approximately 106 acres of property (Tax Lot 202, Assessor's Map 16-03-34-00) designated as Light Industrial. The revised Comprehensive Plan Diagram is attached hereto by reference as Exhibit D, and is hereby adopted.

Figure 3: Section 2 of Ordinance A-199-G that applied a Plan designation of Light Industrial to the subject property.

After public notice and reading pursuant to the Coburg City Charter and after Council deliberations followed by councilor motion and second, this ordinance was put to a vote, the results of which were:

ADOPTED by the City Council of the City of Coburg this 9th day of January, 2018, by a vote of 5 for and 0 against.

APPROVED by the Mayor of the City of Coburg this 9th day of January, 2018.


Ray Smith, Mayor

ATTEST:


Mandy Balcom, Assistant City Recorder

Figure 4: City Council's action adopting Ordinance A-199-6 with a vote of 5 for and zero against which applied a Plan designation of Light Industrial to the subject property.

The designation of Campus Industrial was an available Plan designation, but City Council did not choose to designate the subject property as Campus Industrial, instead, City Council chose Light Industrial. Because of this, staff finds that it's reasonable to conclude that the City made its intent as to which future zoning designation they wanted to see on the subject property; and it was Light Industrial not Campus Industrial.

Subsection I of Article IV is perhaps the strongest argument that the subject property should be zoned as Light Industrial when it is brought into city limits. Planning Commission and City Council pointed to the adoption of A-199-6 and subsection I of Article IV as one of the findings to support their decision to approve the proposal and apply a zoning designation of Light Industrial to the property.

VI. Light Industrial and Campus Industrial Zoning Designations.

FINDING: This section briefly outlines some similarities and differences between the Light Industrial and Campus Industrial zones.

In both the Light Industrial and Campus Industrial zones the minimum parcel size for properties located east of Interstate 5 is 20-acres. The maximum lot coverage of the Light Industrial zone is 80 percent, whereas the maximum lot coverage in the Campus Industrial zone is 60 percent. The minimum landscaping requirement for parcels zoned Light Industrial is 15 percent, whereas in the Campus Industrial the landscaping percentage is 40 percent. Perhaps one of the biggest differences between the two zones are the side yard setbacks and the requirement for a landscape buffer for when an industrial use abuts a residential district. In the Light Industrial zone, where an industrial use abuts a residential district, a 25-foot setback is the minimum area that shall be between any development and adjacent residential district. The 25-foot setback is in the form of a landscaped horizontal buffer. This same requirement for a 25-foot landscaped buffer is not a requirement of the Campus Industrial zone, however a buffer, similar to the buffer required in the LI zone, could likely be achieved by citing Industrial Policy 7, which requires for a buffer between conflicting uses, the conflicting uses in the case would be the industrial uses conflicting with the adjacent residential uses. Included in the annexation agreement, as part of the required open space, is a landscape buffer running the entire length of the western property boundary, providing the separation of uses that is required in the Light Industrial zone.

Staff do not attempt to describe at length the permitted uses, conditional uses and prohibited uses of each zone, as that information is readily available in the Coburg Development Code. What staff will note of the two zones is that in the Light Industrial zone, wholesaling, warehousing, and storage on properties located east of Interstate 5 are prohibited. In the Campus Industrial zone, distribution centers, warehouses, and automobile dependent uses are prohibited. Further, both zones allow manufacturing and assembly uses, but the Campus Industrial zone has a qualifier for those uses; the manufacturing and assembly use is permitted so long as the use does not require a permit from an air quality public agency. This qualifier is not included in the list of permitted uses in the Light Industrial zone.

Any development that is to occur on the subject property, outside of the frontage improvements listed in the annexation agreement, will first have to go through the master planned process and will be subject to review and approval of the appropriate

City approval body, consistent with the standards set forth in the Coburg Development Code.

IV. ARTICLE XX. BOUNDARY CHANGES (ANNEXATION) (code sections appear in bolded *italics* throughout this staff report)

A. Annexation and Withdrawal Procedures and Criteria

1. Annexation Initiation and Review. An annexation application may be initiated by City Council resolution, or by written consents from electors and/or property owners as provided for in ARTICLE X.X.C.18. Annexation applications are reviewed under Type II procedures per ARTICLE X.C. The City Council shall approve proposed annexations by Ordinance. Other annexation proposals permitted by ORS 222 shall be processed as provided in ORS 222.

FINDING: The proposed annexation and concurrent rezone have been initiated by written consent of the property owners of the property located on Map and Tax Lot 16-03-34-00-00202. The applicant has submitted Form 1 Petition Signature Sheet for Annexation and a Verification of Property Owners form; both forms have been signed by Lane County Department of Assessment and Taxation. Pursuant to ORS 222.125, no election is required because the annexation was initiated with consent of all of the owners of land and a majority of electors. See **Attachment B** for the applicant's application materials. Criterion met.

2. Application Requirements. In addition to the provisions specified in other articles 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 may be required.

FINDING: The applicant submitted the necessary application materials for staff to review and analysis of the requested land use actions. Criterion met.

b. Written consents on City-approved petition forms that are:

(1) Completed and signed, in accordance with ORS 222.125, by:

(i) All of the owners within the affected territory; and

(ii) 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:

(i) 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

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

FINDING: The applicant has submitted completed and signed consent forms. The consent form is signed by all of the property owners of record for the subject property. The subject property contains no eligible electors. Criterion met.

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

FINDING: The applicant has submitted a waiver signed by each owner within the affected territory as allowed by ORS 222.173. See **Attachment B** for the applicant's application materials. Criterion met.

(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.

FINDING: The applicant submitted a legal description of the property to be annexed. Adjacent rights-of-way are not included in the requested annexation. Criterion met.

(n) A signed Annexation Agreement to resolve fiscal impacts upon the City caused by the proposed annexation. 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.

FINDING: The applicant and the City have mutually drafted an annexation agreement that addresses connection to and extension of public facilities and services. Further, the Agreement also outlines the applicant's obligation to construct frontage improvements along Van Duyn for the portion that abuts the subject property. The frontage improvements to be constructed by the applicant on Van Duyn include:

- Dedication of approximately 20-feet of right-of-way;
- Construction of a 56-foot wide roadway;
- Construction of sidewalk, curb, gutter, public utilities;
- Construction of two east-bound vehicle travel lanes from the property's west boundary to the access road;
- Construction of an internal access road providing access in accordance with the adopted Interchange Access Management Plan (IAMP).

All construction plans are subject to review and approval by the City Engineer. The annexation agreement will be signed and executed between the applicant and the City following annexation. Criterion met.

3. Notice. In addition to the requirements of ARTICLE X, the following notice requirements 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.

FINDING: For the Planning Commission hearing, mailed notice was sent to properties located within 300-feet of the subject property on October 8, 2021. Posted notice was placed by the applicant on November 2, 2021. City staff e-mailed agency referral notice to affected governmental agencies on October 7, 2021. Notice for the Planning Commission hearing was published in the *Register Guard* on November 2 and 3, 2021. Notice for the City Council hearing was published in the *Register Guard* on November 27, 28 and December 4 and 11, 2021. Notice of the City Council public hearing was mailed to property owners within 300-feet of the subject property on November 23,

EXHIBIT B to Ordinance A-200-J - ANX 01-20 & ZC 01-20 Ravin Ventures and Hardly Hackit

Final Order and Findings of Fact

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2021. Hearing notices were in conformance with ORS 222.120(3) in that notice of the hearings were published once each week for two successive weeks prior to the day of the hearing and notices were posted in four public places for a liker period. See **Attachment C** for notice materials.

4. 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

FINDING: As seen in Figure 6 below, the subject property is contiguous with the existing city limits along the entirety of the western property line. Criterion met.

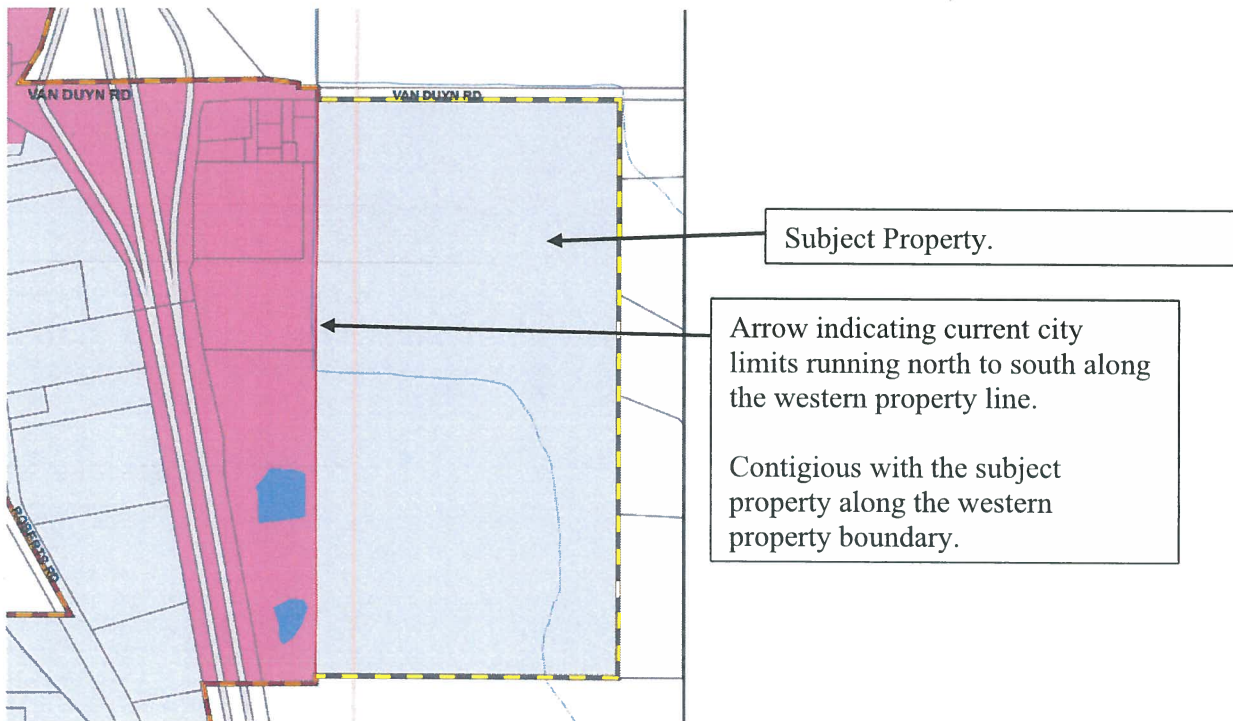


Figure 6: Contiguity of the subject property with existing city limits

b. The proposed annexation is consistent with applicable policies in the Coburg Comprehensive Plan and in any applicable refinement plans;

FINDING: Staff now turn to a discussion about the application’s consistency with the applicable policies of the Comprehensive Plan and any refinement plans. The first policy staff want to bring to City decision maker’s attention is Policy 28 of Goal 9. This policy was added to the Comprehensive Plan as a result of the UGB expansion that brought the subject property into the UGB. Policy 28 specifically identifies those properties with a Light Industrial plan and located on the east side of Interstate 5 shall not be partitioned into parcels smaller than 20-acres. This is because of the regional industrial need for parcels at least 20-acres in size. Criterion met.

Policy 28 of Goal 9: *“In order to meet a regional industrial need, properties with a Light Industrial designation located on the east side of Interstate 5 shall not be partitioned into parcels smaller than 20 acres.”*

Goal 1: Citizen Involvement, Coburg Objective: *“The Citizen Involvement Committee will help develop, maintain, and refine programs and procedures that promote and enhance citizen involvement in the land use planning to assure compliance with Goal 1.”*

FINDING: Goal 1 of the Comprehensive Plan is much aligned with Goal 1 of the Oregon Statewide Planning Goal, which is also citizen involvement. Commonly, in most cities, the citizen involvement committee is effectively the Planning Commission. Coburg maintains an effective, active and well-informed Planning Commission that reviews land use applications in a public forum which revolves heavily around citizen involvement. In the case of the proposed annexation and rezone, Planning Commission held a public hearing on November 17, 2021, and accepted testimony from those in favor of the proposal and those in opposition to the proposal. Both of the public hearings were duly noticed in accordance with the Coburg Development Code and ORS 222.120(3), which dictates that notice of the hearing shall be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of generally circulation. Notice for the City Council hearing was published on November 27, 28 and December 4 and 11, 2021. At the close of the public hearing in front of Planning Commission on November 17, 2021, Planning Commission passed a motion to recommend approval of the annexation and rezone onto City Council for final action. City Council will hold a second hearing on both requests. Additionally, Planning Commission passed a motion to recommend that the zoning to be applied to the property be Light Industrial. Criterion met.

Goal 2: Land Use. Refinement Plans, Policy 3: *“The City may use Refinement Plans to refine the Comprehensive Plan and/or the zoning ordinance in order to further implement the Comprehensive Plan policies. A Refinement Plan designates specific land use, transportation, and other elements through broad local participation. Refinement Plans may be developed in a single linear process, including neighborhood workshops, Planning Commission hearing(s), and the City Council adoption hearing(s).”*

FINDING: This policy authorizes the City to use Refinement Plans to refine the Comprehensive Plan and or Zoning Ordinance to further implement the Comprehensive

Plan Policies. The Coburg Urbanization Study that was first conducted in 2010 and updated in 2014 is a form of a Refinement Plan that was specifically undertaken to address a specific issue and develop policies and recommendations to address the issue of employment lands. The results of the Urbanization Study drove the need for the City to expand the UGB to address deficiencies in land availability for residential and industrial uses. Ultimately, the expansion of the UGB to include additional residential lands was abandoned, but the UGB was expanded to specifically include the subject property to address a specific deficiency in land availability for industrial uses and further address a regional need for large parcels of 20-acres or more. As a result, the Comprehensive Plan and Map were amended to add Policy 28 of Goal 9 and to include the subject property in the UGB with a Light Industrial Plan designation. Criterion met.

Goal 2: Land Use. Interpretation of Comprehensive Plan Map, Policy 7: “Plan designations for land use categories are intended to guide zoning.”

FINDING: This policy states the Plan designations for land use categories are intended to guide zoning. What this means, is that zoning of parcels should be consistent with the designation as seen on the Comprehensive Plan Map. Applying this Policy to the present proposal would mean it would be reasonable for City decision makers to apply a zoning designation of Light Industrial because that’s what the subject property is designated on the Comprehensive Plan Map. Conversely, staff also believe it reasonable to find that a Plan designation of Light Industrial can be implemented through the Campus Industrial zoning designation.

As seen in **Policy 13 of Comprehensive Plan Designations**, the intent of the Light Industrial Plan designation is *“intended to provide areas for manufacturing, assembly, packaging, wholesaling, related activities, and limited commercial uses that support local industry and are compatible with the surrounding commercial and residential districts. The LI designation is intended to promote a high quality of life through a diverse economy and strong tax base, transition between higher and lower intensity uses, and appropriately scaled nonpolluting industrial uses that fit the small town, historic character of the community.”*

Relatedly, the Campus Industrial, as seen in **Policy 14 of Comprehensive Plan Designations** is *“to provide areas for research and development, manufacturing, assembly, packaging, wholesaling, related activities, and limited industrial-supportive commercial uses in an attractive, campus setting. The CI designation is intended to promote a high quality of life through a diverse economy and strong tax base, and appropriately scaled, nonpolluting industrial uses that fit the small town, historic character of the community.”*

Both Plan designations provide for manufacturing and assembly, although in the Campus Industrial zone, manufacturing and assembly, including associated sales are permitted when the use does not require a permit from an air quality public agency. That

same qualifier does not appear in the Light Industrial zone. The Light Industrial zone does allow for a wider range of light industrial permitted uses, which staff feel would advance the City's effort in capturing up to 30% of the regional demand for light industrial uses. Staff do not feel a zoning designation of Campus Industrial could capture the regional need as much as the light industrial zone. Criterion met.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources. Natural Resources, Policy 19: *The Cities Wetland Map identifies areas of inventoried as wetlands. This map should be used to identify properties that may need a wetland permit from the Oregon Division of State Lands and the U.S. Army Corps of Engineers prior to development. The City shall consider additional code authority to enforce protection of wetlands.*

FINDING: This policy relates to the City's inventory of wetlands. The City's Local Wetland Inventory (LWI) Map shall be used to identify properties that may need a wetland permit from Oregon Department State of Lands (DSL) and the US Army Corps of Engineers (USACE), prior to development on the site. The subject property is known to contain wetlands. However, the City's present LWI Map does not extend east of Interstate 5, so the subject property is not depicted on the LWI Map. As such, staff turn the Lane County GIS layer for a discussion on the wetlands present on the subject property. Based on the National Wetlands Inventory map and Lane County GIS data, the subject property contains a 0.75-acre and 0.99-acre freshwater emergent wetland classified as PEM1Cx. The two Freshwater emergent wetlands generally run through the center of the subject property north to south. Also, running through the middle center and down the southern portion of the east property line is a 2.96-acre freshwater forested/shrub wetland (PFOC). See Figure 7 below. This discussion about wetlands is added to make City decision makers aware that subsequent development to occur on the subject property will be subject to the regulatory requirements of DSL and USACE, prior to development activities commencing. Criterion met.

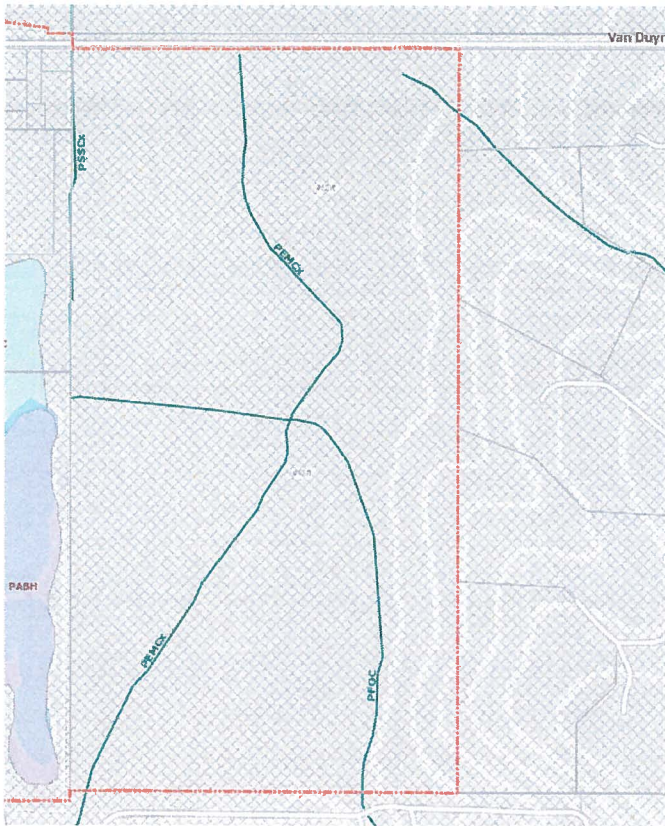


Figure 7: Known wetland features on the subject property.

Goal 6: Air, Water and Land Resource Quality:

Policy 1: *All future development shall be in accordance with the Department of Environmental Quality (DEQ) air quality maintenance plan and applicable primary and secondary standards of the Lane Regional Air Pollution Authority.*

Policy 2: *The City shall coordinate all major land use decisions with DEQ and LRAPA. The City shall consult with LRAPA prior to the approval of an industry that might affect the airshed of the Eugene-Springfield metropolitan Area.*

FINDING: Policy 1 and 2 of Goal 6 are discussed because of the proposed zoning designation to be applied to the subject property will likely contain industrial type uses. All future development to occur on the subject property shall be in accordance with DEQ air quality maintenance and applicable and secondary standards of the Lane Regional Air Pollution Authority (LRAPA). Even before agency referral notice is sent to DEQ and

LARAPA, the City should strongly consider including a local DEQ and LARAPA representative in any pre-application conference that occurs prior to the submittal of a land use application for development on the subject property. This ensures the coordination mentioned in Policy 2 begins in earnest for any development on the subject property. Criterion met.

Goal 9: Economy of the City.

General Policy 2: *Lands for the expansion within the City, of business (commercial and industrial activities), will be provided to the extent necessary to meet local employment needs, to accommodate the identified regional needs, to provide an adequate tax base, and to support future population growth.*

FINDING: Policy 2 does not so much apply to the present proposal as it may have once applied to the past UGB expansion that included the subject property in the UGB. The City expanded the UGB to meet an identified employment lands need and to address a specific regional need – that need being industrial sites of 20-acres in size or more. Criterion met.

Industrial Policy 7: *A buffer, subject to conditions of the Zoning Code, shall be required along the boundary of all industrial areas that abut a residential district or shall be used to act as a buffer between the two districts or conflicting uses. Setback requirements of the Zoning Code shall also reflect buffering needs.*

FINDING: A landscape buffer is proposed as seen in the Open Space exhibit to separate the subject property from the adjacent residential district to the east. As was brought up during the Planning Commission hearing, Industrial Policy 7 is intended to provide for a buffer between conflicting uses. As was discussed by the Planning Commission during the first evidentiary hearing, the Premier RV property (zoned Highway Commercial) located immediately to the west and abutting the subject property contains different uses than will be sited on the subject property, as such, Planning Commission found these two districts to contain conflicting uses and thus a buffer should be placed in between the two districts. The Primer RV property is a RV campground that is used for short and long-term stays and acts as a form of residence for some patrons. As such, Planning Commission found the uses sited on the Primer RV property would conflict with the future industrial uses to locate on the subject property, thus as allowed for in Industrial Policy 7, a buffer should be implemented. Staff believe this buffer can be thoroughly implemented and addressed by the applicant during the master plan process. Accordingly, staff have included a discussion of Industrial Policy 7 and the need for a buffer in between Premier RV and the subject property, into the annexation agreement. Policy sufficiently addressed. Criterion met.

Industrial Policy 8: *Industrial uses shall be grouped together within well-designated industrial parks or subdivisions so as to promote:*

- ***A pollution free environment;***
- ***The highest aesthetic standards possible;***
- ***Minimum impact on adjacent lands;***
- ***Development within the constraints of the natural environment; and***
- ***Compliance with LCDC Goals and Guidelines.***

FINDING: Staff would argue this Policy is one of the reasons why lands east of Interstate 5 are required to be Master Planned. A Master Planned development looks precisely at how to implement the policies of the Comp Plan, make efficient use of land, encourage energy conservation and improved air and water quality, and encourage developments that recognize the relationships between buildings and their use, open space and other site amenities. As required by the Coburg Development Code, lands east of Interstate 5 will be required to go through the Master Planned Development process of Article XIV. Criterion met.

Industrial Policy 9: ***Public facilities, including water, streets and fire and police protection, already exist which are capable of meeting the needs of expanded commercial and industrial development within the Urban Growth Boundary.***

FINDING: As addressed in the annexation agreement, there is an existing 6-inch sanitary sewer line that crosses the freeway under the Van Duyn overpass. Currently, the pipe is serving approximately 45 Equivalent Dwelling Units (EDUs), leaving approximately 1,055 EDUs of capacity for future area properties. An EDU is used for purposes of capacity planning. Any additional capacity needed beyond the available capacity will be the responsibility of future developers.

The City's water system, east of Interstate 5, is under construction and includes an extension line that runs underneath Interstate 5. When completed, there will be a 12-inch watermain to connect to within approximately 300-feet of the southwest corner of the property. There is a 20-foot Public Utility Easement (PUE) located along the southerly and westerly edges of the property to accommodate public water. With subsequent development of the subject property, water will need to be extended and connected throughout the site.

With respect to streets, the property has approximately 1,540 feet of frontage on Van Duyn Road and is about 3,100 feet deep. The property owner will be responsible for complying with street improvements imposed by the City and County through all applicable land development review processes at the time development is proposed. Additionally, to address some more immediate street issues, the applicant will be providing frontage improvements along the frontage of Van Duyn following annexation. The specific improvements are included in the annexation agreement and include:

- Dedication of approximately 20-feet of right-of-way along the frontage of Van Duyn;
- Construction of a 56-foot wide roadway;

- Sidewalk, curb, gutter, public utilities, and two eastbound vehicle travel lanes from the property's west boundary to the access road; and
- Internal roadway providing access in accordance with the adopted IAMP.

Exact details of the frontage and roadway improvements are subject to final engineering design and review approval process.

Fire and police services are available to the subject property once annexed into city limits.

Criterion met.

Jobs and the Economy Policy 17: The City shall diversify employment base by the following:

a. Provide developable land necessary to accommodate economic growth

b. Research and develop policies that discourage big-box retail and strip commercial uses

FINDING: As already addressed in this report, the impetuosity of the UGB expansion that brought the subject property into the UGB was an identified regional need for employment lands of 20-acres or greater that Coburg could supply. The zoning to be applied to the subject property would effectively be the limiting factor on what types of uses could locate on the subject property. Anecdotally when the property was brought into the UGB there was a desire on behalf of the City to not allow the "big-box retail" types of uses to occur on the subject property. In the Light Industrial zone, retail and service commercial uses are limited up to 5,000 feet in gross floor area. In the Light Industrial zone, wholesaling, warehousing, and storage are prohibited uses on properties located on the east side of Interstate 5. Staff want to make clear, that the act of annexation and rezone will not permit any development to commence on the property (except for the Van Duyn frontage improvements), without first going through the land review process, i.e., the master planned development, land division process and site review. Criterion met.

Other Policy 25: The City shall utilize design standards for commercial and industrial development uses.

FINDING: Policy 25 is directly implemented in the Coburg Development Code by the requirement that properties located east of Interstate 5 be master planned, pursuant to Article XIV(B)(2). Criterion met.

Goal 11: Public Facilities and Services.

Policy 1: *The initial stages of all new development will include the installation at the developer's expense, of water lines and sanitary facilities in compliance with the adopted Coburg Sewerage Facilities Plan, full streets, street trees, sidewalks and bicycle lanes or paths where required, street lights, and underground power and telephone lines.*

FINDING: Policy 1 above is addressed in sections G, H, I, J, M, and 1.7 of the annexation agreement. Criterion met.

Policy 2: *All city facilities including, but not limited to, extension and connection of water lines, and extension and dedication of streets must be completed and approved by the City prior to occupancy of the new development.*

FINDING: The applicant is well aware of their responsibility to extend and connect water lines, sewer lines and street improvements that are required once site development starts. These items will be a part of the master planned development process once development on the subject property is proposed. These elements are also included and discussed in the annexation agreement. Criterion met.

Goal 12: Transportation

Policy 2: *Take a long-range view in approving street patterns for new development.*

2.1 All development proposals, plan amendments, or zone changes shall conform to the adopted Transportation System Plan.

2.2 Protect the function of existing and planned transportation systems as identified in the Transportation System Plan through application of appropriate land use regulations. When making a land use decision, the City shall consider the impact on the existing and planned transportation facilities.

2.3 Consider the potential to establish or maintain accessways, paths, or trails prior to the vacation of any public easement or right-of-way.

2.4 At the time of land development or land division, require the dedication of additional street right-of-way in order to obtain adequate street widths in accordance with all street plans adopted by the City.

FINDING: Policy 2 calls for the City to take a long-range view in approving street patterns for new development. The long-range view of street patterns that would serve the development is established by the IAMP which was adopted by the City, County, and ODOT. The IAMP calls for access control and improvement of East Van Duyn Road which would require a new frontage road through the development to serve as access and upgrading East Van Duyn Road to include bike lanes, sidewalks, and any needed

turning lanes to serve the operational needs of the development while ensuring safe and efficient travel of the public.

With regard to conformance with the adopted TSP, the City and County co-adopted an update to Coburg's TSP in 2015 which included a reclassification of Van Duyn Road from a local to a collector. Since the City TSP is in the process of resolving an appeal remand, Lane County will be amending the Lane County TSP in early 2022 to include classification corrections consistent with the roadway functions; this will include correcting the classification Van Duyn Road to a collector, consistent with its operational function and consistency with the IAMP.

The applicant will be constructing the road improvements as specifically identified in the annexation agreement and as consistent with the IAMP and TIA. These improvements are intended to see through the future bridge/overpass replacement headed up by ODOT. Although Lane County is the road authority for the abutting portion of East Van Duyn, access and design standards of Lane Code are superseded by the IAMP which was adopted by Lane County. Lane County Transportation has reviewed the proposed frontage improvements for East Van Duyn and agrees with the proposed improvements. The improvements have been designed in a manner that takes into account the future bridge/overpass replacement and the reclassification of Van Duyn from a local road to a major collector. The road improvements and the status of Van Duyn will be further discussed in this report under a discussion of compliance with the Oregon Statewide Planning Goals. See Figure 8 below. Criterion met.



Figure 8: East Van Duyn Road

Policy 40: *The exception area immediately east of Interstate 5, when included within the urban growth boundary and city limits, shall have a process for transportation review criteria placed on the property to assure that any new*

development or redevelopment on the property that increases trip generation from the site is required to go through a plan amendment application with the city and will be required to address the requirements of Section 0060 of the TPR regarding impacts to state, county, and city transportation facilities. The property owner or applicant may be required to complete a traffic impact analysis, road dedications, and road improvements for affected County Roads, consistent with the Lane County Transportation System Plan goals and policies and with County requirements for roads in Lane Code 15.

Policy 41: *The exception area immediately east of the Interstate 5 interchange shall have an established trip generation baseline upon annexation of the property. The trip generation baseline shall be for average daily trips (ADT), weekday AM peak and weekday PM peak trips, based on ITE Trip Generation Manual and inventory of uses is as shown in Exhibit 2 and is incorporated as policy by reference.*

Policy 42: *All new development proposals and/or redevelopment proposals in the exception area immediately east of Interstate 5 that exceed the baseline trip generation established upon annexation shall be required to apply for a city plan amendment application and meet Statewide Goal 12, Transportation Planning Rule, in particular Section 0060, and develop a transportation analysis to determine the impact on the interchange and on County Roads. The County may require a traffic impact analysis and road improvements consistent with the Lane County Transportation System Plan goals and policies and with County requirements for roads in Lane Code 15. The new site development or redevelopment shall be required to measure the following trip impacts for all three of the following:*

- *Weekday PM peak hour trips between 4:00 pm and 6:00 pm*
- *Weekday AM peak hour trips between 6:00 am and 9:00 am*
- *Average Daily Grips for the entire area in question.*

FINDING: The subject property is NOT an exception zone; it is zoned EFU. Nonetheless, the intent of Policy 40 and 41 are relevant to the proposed annexation and rezone due to the Transportation Planning Rule (TPR) of Oregon Statewide Planning Goal 12 (ORS 660-012-0060). For this reason, staff include a discussion of Policy 40 and 41. The TPR requires local governments to demonstrate that amendments (of which an annexation and rezone are) to adopted plans and regulations will not significantly affect existing or planned transportation facilities. The generally accepted method for establishing whether there is a significant effect, the extent of the impact, and the appropriate mitigation measures, is to prepare a Traffic Impact Analysis (TIA). In some cases, a full TIA may not be required, if an applicant can demonstrate the impact will not be significant. In cases such as this, a Significant Effects Analysis (SEA) will be prepared. This was not the case with the present proposal, so a full TIA was prepared by the applicant's traffic engineer. The TIA prepared by the applicant's traffic

engineer was scoped in coordination with ODOT, Lane County Transportation and the City Engineer. The completed TIA underwent three rounds of review and comment before being accepted by all parties. The TIA found there would be impacts to roadway facilities and mitigation measures would need to be incorporated. Specifically, the TIA found that:

- The Pearl Street at Interstate 5 Southbound Ramp will have a substantial number of trips added to the westbound left-turn movement. The subject property can be developed up to 613 PM Peak Hour trips before the intersection does not meet the mobility standard. As a result, a trip cap of 613 PM Peak Hour trips is imposed on the subject property which was proposed by the applicant and accepted by the relevant road authorities as being sufficient for the zone change to meet the TRP requirements of OAR 660-012-0060; however, future development will trigger a development-specific TIA that would involve a more detailed review of operational needs, such as intersection performance and turning lanes.
- The Pearl Street/Interstate 5 northbound ramp intersection will not need to be signalized. The IAMP improvements identified in the IAMP include the addition of the lanes to/through this intersection. The intersection with the IAMP improvements can handle all 720PM Peak Hour trips from the zone change. Therefore, there is no mitigation required for this development.

The trip cap will apply in perpetuity or until another Transportation Planning Rule Analysis (TPRA) is submitted on changes facilities, uses, etc. The trip cap will be written into the subsequent deeds of the parcels of land that are created through the land division process. The trip cap has been added to the annexation agreement. The discussion around transportation and Goal 12 will again be addressed under Goal 12 of the Oregon Statewide Planning Goals. Criterion met.

Goals 14: Urbanization

Policy 6: The City shall not annex lands outside its adopted Urban Growth Boundary without first expanding its Urban Growth Boundary to include the proposed annexation.

FINDING: The subject property is presently within the City's adopted UGB and has been designated as Light Industrial on the Comprehensive Plan Map. The City is not annexing land outside of its adopted UGB.

As discussed in the aforementioned applicable goals and policies of the Coburg Comprehensive Plan, the proposed annexation and rezone are consistent with the Coburg Comprehensive Plan. Criterion met.

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

FINDING: As included in the annexation agreement and discussed in this report, the proposed annexation will result in a boundary in which key services can be provided. Criterion met.

d. Where applicable, fiscal impacts to the City have been mitigated through an Annexation Agreement or other mechanism approved by the City Council.

FINDING: The City and the applicant will enter into and execute an annexation agreement following approval of the annexation. The annexation agreement outlines the obligations of the applicant with respect to the costs associated with the extension of city services and frontage improvements on East Van Duyn. The annexation agreement is included in this report at **Attachment A**. Criterion met.

5. Application of Zoning Districts

a. Upon approval of the annexation by the City Council, the underlying Comprehensive Plan designation and current zoning consistent with the Comprehensive Plan designation shall apply.

FINDING: When the subject property was brought into the UGB, City Council applied the plan designation of Light Industrial to the property. Presently, the Comprehensive Plan map designates the property as Light Industrial which generally means a City fully intends and plans for those uses to eventually located on the property. An application of a Light Industrial zoning designation to the subject property would be a straight-forward one-to-one implementation of the Light Industrial Plan designation because the zoning and Plan designation are exactly the same. Planning Commission recommended to City Council the zoning to be applied to the subject property be Light Industrial. Planning Commission cited subsection I of Article IV and Article XX (A)(5)(a) of the Coburg Development Code, and Policy 5 of Goal 2 of the Comprehensive Plan, as the basis for their decision. The aforementioned sections of the Development Code and Comprehensive Plan, offer city decision makers guidance and direction when deciding the zoning to be applied when lands are annexed. Specifically, subsection I of Article IV states “*if land is annexed into the City and the intent of the City and the applicant is to zone the annexed land the same as the existing Comprehensive Plan zoning designation, it automatically is zoned as such.*” In the staff report and public hearings, staff set forth a discussion that the intent of the City was made when it specifically designated the subject property as Light Industrial when the UGB was expanded, thus making their intent known. Under the guise of subsection, I of Article IV, Planning Commission and City Council found that the zoning to be applied shall be Light Industrial. Further, Policy 7 of Goal 2 under Interpretation of Comprehensive Plan Map, the policy reads “*Plan designations for land use categories are intended to guide zoning.*” Utilizing Policy 7, Planning Commission and City Council, found the Comprehensive Plan designation applied to the subject property was intended to guide the future zoning of the property when it comes into city limits. As such, Planning

Commission and City Council relied on this Policy when it decided to apply a zoning designation of Light Industrial to the subject property. Criterion met.

b. An applicant may submit for a zoning map and Comprehensive Plan map amendment. The Commission will not deem an application complete for a zoning map amendment until the annexation has been approved by the City Council and becomes effective, as that term is described in ARTICLE X.X.A.5, and ARTICLE X.X.A.6 that follows.

FINDING: The applicant has submitted an application for annexation and concurrent rezone, consistent with the application requirements of the Coburg Development Code. The annexation and rezone will not become effective until final action is taken by City Council, as outlined in the ordinance adopting the annexation and zone change, and as set forth in ORS Chapter 222. Criterion met.

V. ARTICLE XXI. ZONE CHANGES.

2. District Amendment Criteria Any zoning or special purpose district amendment proposal considered under a Type II procedure must be demonstrated to be in conformance with each of the following criteria:

a. The proposed amendment conforms to the Comprehensive Plan or substantial changes have occurred which render the Comprehensive Plan inapplicable to the requested change and the Plan should be amended as proposed by the proponent of the change (in which case the Plan must be amended prior to final action on the District Amendment).

FINDING: As discussed in this report, there are two possible zoning designations that could be applied to the subject property: Campus Industrial or Light Industrial. Both of these zoning designations would implement the Plan designation of Light Industrial. Both plan designations provide for manufacturing, assembly, packaging, wholesaling and related activities, although the Campus Industrial zone does not allow uses that require an air quality permit. Both designations are intended to promote a high quality of life through a diverse economy and strong tax base, and appropriately scaled, nonpolluting industrial uses that fit the small-town character of Coburg. Both zones prohibit some uses: the Campus Industrial zone prohibits distribution centers, warehouses, automobile dependent uses and the Light Industrial zone prohibits wholesaling, warehousing, and storage on properties located east of Interstate 5. One notable difference between the permitted uses is that the Light Industrial zone permits distribution centers, whereas the Campus Industrial prohibits them. As seen in the Urbanization Study, under Scenario B, in which Coburg has the ability to capture the greatest percentage of regional industrial needs, distribution related firms are identified as a use for which Coburg could remain competitive. With a zoning of Campus Industrial, distribution centers would be prohibited and the full realization of Coburg being able to capture up to 30 percent of the regional industrial demand may be diminished. As mentioned earlier, the Campus Industrial zone does not require a 25-foot

landscaped buffer between industrial uses and residential districts, but a buffer could be applied by invoking Industrial Policy 7 of the Comprehensive Plan. As seen in the annexation agreement, the applicant is proposing to provide a landscape buffer along the entire westerly property boundary, creating the separation of uses that is required in the Light Industrial zone. As discussed in the public hearings, and found by Planning Commission and City Council, for the reasons found in these findings, the zoning designation to be applied to the subject property shall be Light Industrial. Criterion met.

b. The proposed amendment fulfills a demonstrated public need for a particular activity or use of land within the area in question.

FINDING: The driving force behind the City's past UGB expansion that brought the subject property into the UGB was a demonstrated public need for employment lands in the region and Coburg was found to be able to meet that need most readily compared to other cities in Lane County. As discussed earlier in this report, the resultant recommendation of the Urbanization Study was to expand the City's UGB to capture Study Area 8, which is the subject property. Once Study Area 8 was incorporated into the City's UGB the next logical step towards addressing the regional need for employment lands is to annex the property into city limits so development can be realized towards meeting the identified regional need. The proposed amendment to the City's zoning map to bring the subject property into the city limits fulfills a demonstrated public need. Criterion met.

c. If residential zoning is involved, the proposed residential zone or zones best satisfies the objectives of the Comprehensive Plan and does not exclude opportunities for adequate provision of low and moderate housing within the subject neighborhood area.

FINDING: Residential zoning is not proposed as part of the proposal. Criterion not applicable.

d. When an application is received to change the zone of property which includes all or part of a mobile home park, written notice by first class mail shall be sent to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application.

FINDING: The proposal does not involve the rezone of a property which includes all or part of a mobile home park. Criterion not applicable.

3. Land Use Applications that fall within the IAMP.

a. The City and County shall coordinate with ODOT in the review of land use applications for areas within the IAMP boundary. Land use actions within the IAMP that may affect the performance of an interchange, such as zone changes will be consistent with the adopted IAMP. The City Planner shall include ODOT as an agency referral partner. Actions not consistent with the IAMP may only be approved by also

amending the IAMP and related transportation system plans consistent with OAR 660-012-0050 and 0055. Lands bounded by IAMP can be found in ARTICLE X.

FINDING: City, Lane County and ODOT staff have been working cooperatively with the applicant since the applicant submitted the application. ODOT and Lane County were both sent a request for agency referral comment. Because the subject property falls within the IAMP area, a TIA was required of the applicant and because the zone change triggered the TPR. Both ODOT and Lane County have provided extensive comment on the applicant's TIA and after several rounds of review and comment, the TIA was accepted by all parties. The TIA was found to be consistent with the IAMP. Criterion met.

VI. CONSISTENCY WITH OREGON STATEWIDE PLANNING GOALS.

Goal 1: Citizen Involvement.

FINDING: Goal 1 of the Comprehensive Plan is much aligned with Goal 1 of the Oregon Statewide Planning Goal, which is also citizen involvement. Commonly, in most cities, the citizen involvement committee is effectively the Planning Commission. Coburg maintains an effective, active and well-informed Planning Commission that reviews land use applications in a public forum which revolves heavily around citizen involvement. In the case of the proposed annexation and rezone, Planning Commission held a public hearing on November 17, 2021, and accepted testimony from those in favor of the proposal and those in opposition to the proposal. Both of the public hearings were duly noticed in accordance with the Coburg Development Code and ORS 222.120(3), which dictates that notice of the hearing shall be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation. Notice for the City Council hearing was published on November 27, 27 and December 4 and 11. At the close of the public hearing in front of Planning Commission on November 17, 2021, Planning Commission passed a motion to recommend approval of the annexation and rezone onto City Council for final action. On December 14, 2021, City Council held a second hearing on both requests and again accepted oral and written testimony of those in favor and opposed to the proposal. Following the public hearing, City Council accepted Planning Commission's recommendation for approval of both requests and applied a zoning of Light Industrial to the property. Criterion met.

Goal 2: Land Use Planning.

FINDING: Goal 2 outlines the basic procedures for Oregon's statewide planning program, stating that land use decisions must be made in accordance with comprehensive plans and the effective implementation ordinances must be adopted. The City's past UGB expansion, which brought the subject property into the City's UGB, was implemented by Ordinance A-199-G, which specifically amended the Comprehensive Plan and map to state that the subject property shall not be partitioned into parcels of less than 20-acres and the plan designation of the subject property shall

be Light Industrial. As discussed during the public hearings and found in these findings, Planning Commission recommended onto City Council the annexation and rezone be approved and the Light Industrial zoning designation be applied to the property. The proposed annexation and rezone are consistent with the City's adopted Comprehensive Plan and Map. Criterion met.

Goal 3: Agriculture Lands.

Goal 4: Forest Lands.

FINDING: The subject property is presently zoned Exclusive Farm Use (EFU) by Lane County. Previously, the subject property was designed as agriculture by the Rural Comprehensive Plan. When the UGB was expanded to bring in the subject property, City Council designated the property as Light Industrial on the Comprehensive Plan Map. This action was driven by the Urbanization Study that identified a deficiency in employment lands regionally and the Coburg is in an excellent position to meet that regional need. The action of bringing the subject property into the UGB and designating it Light Industrial meant the City fully expects this land be become developed in the future, consistent with the Comprehensive Plan. Because Van Duyn is not within the UGB and is proposed to be improved, a discussion about road improvements with respect to OAR 660-012-0065 which permits transportation facilities on rural lands consistent with Goals 3,4,11 and 14 without a goal exception will be discussed under Goal 14 Urbanization. Goals 3 and 4 satisfactorily addressed.

Staff would also like to address the soils found on the subject property, as it was a criterion for selection for inclusion into the UGB. Study Area 8, as identified in the Urbanization Study, is the subject property. Study Area 8 is comprised of two percent Class III soils, 51 percent Class IV soils and 48 percent of Class VI soils. Class I soils have the highest agricultural capability and Class VI the lowest. Criterion met.

Goal 5: Natural Resources, Scenic and Historic Areas and Open Spaces.

FINDING: Goal 5 requires local governments to adopt programs that will protect natural resources; Goal 5 includes wetlands as natural resources. As discussed earlier in this report, the subject property contains two freshwater emergent wetlands (PEM1Cx) and one freshwater/shrub wetland (PFOC). When development is proposed on the subject property, the City will send referral notice to DSL and USACE for review and comment with respect to development within known wetland features. As noted earlier, the applicant will be responsible for adhering to all regulatory requirements of DSL and USACE, prior to development activities. Goal 5 satisfactorily addressed.

Goal 6: Air, Water and Land Resources Quality.

FINDING: Goal 6 states that all waste and processes discharges from future development, when combined with such discharges from existing developments shall

not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. Similar to the finding for Goal 5, above, upon site specific development, the developer will be required to comply with state and federal water air quality standards through the Department of Environmental Quality (DEQ) and LRAPA. DEQ and LRAPA will be included on the agency referral comment list when site specific development is proposed. The local representative for DEQ has reviewed the annexation and rezone request with respect to air and water quality permitting. Goal 6 satisfactorily addressed.

Goal 7: Natural Hazards.

FINDING: Goal 7 requires local governments to inventory natural hazards. There are no known inventoried natural hazards on the subject property. Not applicable.

Goal 8: Recreational Needs.

FINDING: Goal 8 requires local governments for meeting recreational needs for now and in the future. The open space provided for by the subject property will be for private use by the employees of the businesses to locate on the property. (The requirement for open space is a function of the zoning designation and requirement of the Coburg Development Code). The open space as described in the annexation agreement, running north-to-south along the eastern boundary of the property will be placed in a conservation easement. To the extent that Goal 8 is applicable, it is sufficiently addressed.

Goal 9: Economic Development.

FINDING: Goal 9 is perhaps the most relevant Oregon Statewide Planning Goal to the proposal. Goal 9 requires local governments to contribute to a stable and healthy economy in all regions of the State. The impetus of the UGB expansion that brought the subject property into the UGB was driven a by a regional demonstrated need for employment lands in the form of large-scale, light industrial lands. The proposed annexation and rezone are the next steps towards the City and region realizing those past UGB expansion efforts. The annexation will formally bring the subject property within Coburg's city limits and give it its initial city zoning designation, thus effectively making the property ready for development and able to contribute to the local and regional economy of the State. Goal 9 satisfactorily addressed.

Goal 10: Housing.

FINDING: The proposed annexation and rezone does not pertain to residential lands; it is for employment/industrial lands. The City Council designated the subject property as Light Industrial when it was brought into the UGB. Not applicable.

Goal 11: Public Facilities.

FINDING: Goal 11 requires local governments to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Goal 11 states the local governments shall not allow the establishment or extension of sewer systems outside urban growth boundaries or unincorporated community boundaries. The proposed water line to serve the subject property will be located near the southwest corner of the property, which is within the UGB. The proposed sewer line to serve the subject property is near the northwest corner, which is also within the UGB; Neither utility line (water or sewer) will serve any properties outside of the UGB. Goal 11 satisfactorily addressed.

Goal 12: Transportation.

FINDING: As discussed at length earlier in these findings, the proposal is consistent with Goal 12 and the requirements of TPR as seen in OAR 660-012-0660. The TPR requires local governments to demonstrate that amendments (of which an annexation and rezone are) to adopted plans and regulations will not significantly affect existing or planned transportation facilities. Based on traffic generation assumptions of the uses that would be allowed by the new zoning, there was the potential for the proposal to have a significant effect. The applicant's traffic engineer prepared a TIA to evaluate TPR compliance.

The TPR TIA underwent three rounds of review and comment before being accepted by all parties and entered into the official record for this application. The TIA found there would be impacts to roadway facilities and mitigation measures would need to be incorporated. Although the applicant's TIA included some operational assumptions and recommendations (i.e., queue lengths and turning movements), the road authorities stated that the future development-specific TIA would more appropriately evaluate and mitigate the development impacts on the transportation system (e.g. a signal warrant analysis and turn lanes). To limit traffic generation below the threshold of trips that would necessitate physical mitigation measures, the applicant proposed, and the road authorities accepted the trip cap as detailed above.

The trip cap will be set at 613 PM Peak Hour trips. The trip cap will apply in perpetuity or until another Transportation Planning Rule Analysis (TPRA) is submitted on changes facilities, uses, etc. The trip cap will be written into the subsequent deeds of the parcels of land that are created through the land division process. The trip cap has been added to the annexation agreement.

Because Van Duyn is located outside of the UGB, staff would like to address OAR 660-012-0065. This rule identifies transportation facilities, services and improvements which may be permitted on rural lands consistent with Goals 3,4, 11 and 14 without pursuing a goal exception process.

One of the listed exceptions to improvement on rural roads is found under subsection (3)(o) of OAR 660-012-0065, "*transportation facilities, services and improvements other than those listed in this rule that serve local travel needs. The travel capacity and performance standards of facilities and improvements serving local travel needs shall be limited to that necessary to support local land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access.*" The proposed frontage improvements along Van Duyn are required to support local travel needs and are identified in the IAMP (a refinement plan of the Comprehensive Plan). Further as outlined in subsection (3)(c) and (d) channelization and realignment of roads is an allowed transportation improvement on rural roads that is consistent with Goal 3, 4, 11 and 14. Both channelization and realignment of Van Duyn will occur as a result of the frontage improvements.

Goal 13: Energy Conservation.

FINDING: Goal 13 directs local governments to manage lands so as to maximize the conservation of all forms of energy, based on upon sound economic principles.

The proposal is consistent with Goal 13 because it maintains the City's compact urban growth form by locating industrial uses adjacent to existing industrial uses and by locating those uses along the Interstate 5 corridor, which is a principle of planning guideline 4 of Goal 13. Goal 13 satisfactorily addressed.

Goal 14: Urbanization.

FINDING: Goal 14 directs local governments to provide for an orderly and efficient transition from rural to urban land uses, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The proposal is consistent with Goal 14 because the proposed annexation and rezone brings land within the city limits that are ready for urbanization and development in order to meet an identified regional employment need that Coburg can satisfy. The discussion of Van Duyn being improved with specific frontage improvements outside of the UGB has been found to be consistent with Goal 14 as discussed under Goal 12 and pursuant to OAR 660-012-0065. Goal 14 satisfactorily addressed.

VII. Informational items.

- Engineering plans for the Van Duyn frontage improvements are subject to review and approval by the City Engineer before construction of the improvements commence. This requirement is also outlined in the annexation agreement.
- A trip cap of 613 PM Peak Hour trips shall be set on the subject property. The trip cap shall be placed as deed restrictions on the subsequent parcels that are created as a result of the land division process. This requirement is also outlined in the annexation agreement. The trip cap should also be addressed and added as a condition of approval during the land division process that will occur following annexation.

VIII. Conclusion.

City Council accepted Planning Commission's recommendation that the annexation and rezone request be approved and for the subject property to contain a zoning designation of Light Industrial, once annexed into city limits. As outlined in these findings, the proposed annexation and rezone meet the applicable approval criteria. In making its decision, City Council, in part, relied on subsection I of Article IV, Article XX(A)(5)(a) and Policy 7 of Goal 2 of the Comprehensive Plan to make its decision. The intent for the zoning to be applied to the property, was made when City Council designated the property as Light Industrial when it was brought into the UGB; this action guided City Council's decision to zone the property Light Industrial.

Additionally, the Light Industrial zone allows for a greater range of Light Industrial uses than does the Campus Industrial, including distribution centers. City Council finds a zoning of Light Industrial addresses the regional demand for large-site industrial uses more so than does the Campus Industrial zone. With a zoning of Light Industrial, Coburg has the ability to capture a larger portion of the regional need for industrially zoned property.

IX. Attachments.

- Attachment A - Draft Annexation Agreement
- Attachment B – Applicant’s Application Materials
- Attachment C – Notice Materials
- Attachment D – Applicant’s Final Accepted TIA (for brevity only the final accepted version of the TIA is included)
- Attachment D.1 – Applicant’s Final TIA Comments to City
- Attachment D.2 – Applicant’s Final TIA Comments to ODOT
- Attachment E – Urbanization Study update by Eric Hovee, 2014
- Attachment F – City Council Findings in Support of Ordinance A-199-G
- Attachment G - Planning Commission Public Comments
- Attachment H - Agency Comments
- Attachment I - City Council Public Comments
- Attachment J – Proposed (Draft) Findings of Fact for Council Consideration
- Attachment K – New Draft Zoning Map
- Attachment L – Ordinance A-200-J

These Findings of Fact accepted by City Council as a basis for approval of ANX 01-20 & ZC 01-20 on this date: _____

Mr. Ray Smith, Mayor of Coburg

After Recording, Return to:

**City of Coburg
PO BOX 8316
Coburg, OR 97408**

Send all Notices to:

**Ramon Fisher & Ravin Ventures, LLC.
37801 Upper Camp Creek Rd
Springfield, OR 97478**

ANNEXATION AGREEMENT

This Annexation Agreement (“Agreement”) is made between the City of Coburg, an Oregon municipal corporation (“CITY”) and Ravin Ventures, LLC and Hardly Hackit, LLC, Tenants in Common (“RAVIN/HARDLY”).

RECITALS

- A. RAVIN/HARDLY owns the parcel of land legally described in Exhibit A and shown on the map attached as Exhibit B. The property is contiguous to the jurisdictional limits of CITY on its eastern boundary.
- B. RAVIN/HARDLY has submitted to CITY an Annexation Application (ANX 01–20), to annex approximately 107.43 acres of tax lot 202. Assessor’s Map 16–03–34-00 (“PROPERTY”).
- C. RAVIN/HARDLY wishes to annex the PROPERTY to the CITY and seeks approval from the CITY for the annexation and for a concurrent zone change (ZC 01–20). It is understood that RAVIN/HARDLY intends to develop the PROPERTY, or sell one or more portions of the PROPERTY to purchaser(s) who will develop the PROPERTY, for light industrial or campus industrial purposes.
- D. The PROPERTY is currently designated in the Coburg Comprehensive Land Use Plan as Light Industrial and is zoned by Lane County as E–40 (Exclusive Farm Use–40 Acre Minimum). Per Section B.2.b. of Article XIV of the Coburg Development Code, development on Light Industrial–zoned property east of Interstate 5 and/or property within the Coburg/Interstate 5 Interchange Area Management Plan (IAMP) must have a Master Planned Development overlay designation prior to development. In addition, Section I.1.a. of Article X of the Coburg Development Code requires that a Traffic Impact Study be conducted when a land use application involves a change in zoning.
- E. Annexation of the Property requires a showing under Article XX, Section A.4. of the Coburg Development Code that:
 - a. The affected territory proposed to be annexed is within the CITY’s urban growth boundary, and is;

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- (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 Coburg Comprehensive Plan and in any applicable refinement plans;
 - c. The proposed annexation will result in a boundary within which key services can be provided.
 - d. Where applicable, fiscal impacts to the CITY have been mitigated through an Annexation Agreement or other mechanism approved by the City Council.
- F. The purpose of this Agreement is to memorialize RAVIN/HARDLY'S and CITY's commitment and agreement to the allocation of financial responsibility for public facilities and services for the PROPERTY and other users of the facilities, sufficient to meet the CITY's requirements for the provision of key urban services necessary for an affirmative CITY recommendation for the annexation request.
- G. **SANITARY SEWER:** There is a 6" sanitary sewer line that crosses the freeway under the Van Duyn overpass. Currently, the pipe is serving approximately 45 EDUs, leaving approximately 1,055 EDUs of capacity for future area properties. Any additional capacity needed beyond the available capacity will be the responsibility of the developer.

Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the CITY's Sanitary Sewer Master Plan as adopted or hereafter amended and updated, and the applicable construction specifications. Development permits for sewer shall not be issued until the City Engineer has approved all sanitary sewer plans in conformance with CITY standards, and approval has been granted by applicable state agencies. A 20-foot –Public Utility Easement is located along the southerly and westerly edges of the property to accommodate public sewer.

- H. **WATER:** The City's water system is under construction and includes an extension under Interstate 5. The connection to the City's system is anticipated to be completed in summer of 2021. When completed, there will be a 12-inch watermain to connect to within approximately 300–feet of the southwest corner of the property. A 20–foot Public Utility Easement is located along the southerly and westerly edges of the property to accommodate public water. With development of the site, water will need to be connected and extended to and through the site along the west property line north to Van Duyn.

Water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the Water System Master Plan as adopted or hereafter amended and updated, and the applicable construction specifications. Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all water plans in conformance with CITY standards, and approval has been granted by applicable state agencies.

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- I. **STORMWATER:** A detailed drainage plan will be submitted as part of application for any development of the property. The plan will demonstrate compliance with the requirements of the Coburg Development Code and the applicable Master Planned Development plan.
- J. **STREETS:** The property has approximately 1540 feet of frontage on Van Duyn Road and is about 3,100 feet deep. The property owner will be responsible for complying with street improvement requirements imposed by the CITY and County through all applicable land development review processes at the time development is proposed. Newly created public streets will be constructed to the required standards. All street improvements will comply with Section E of Article VIII of the Coburg Development Code.
- K. **PARKS:** The CITY has adopted a system development charge (SDC) for parks. When a building permit is requested for construction, the owner of the property being improved shall pay a park SDC fee commensurate with the type of building proposed based upon the City's Parks SDC Methodology Study.
- L. CITY staff has determined that the minimum level of key urban services is currently available to the subject property with regard to water, sewer, electricity, schools and fire and emergency services (with the exception that additional signage, street width, lift station and hydrants may be required as part of development improvements).
- M. In order to facilitate orderly development of the PROPERTY and ensure the full provision of key urban services that are satisfactory to the CITY and meet the CITY's conditions for an affirmative recommendation for annexation, and in exchange for the obligations of CITY set forth below, RAVIN/HARDLY shall comply with all requirements imposed on the CITY in this Agreement.
- N. The subject property will be required to be Master Planned, consistent with Article XIV of the Coburg Development Code. Per Section F.4, of Article XIV, master plans shall contain a minimum of 20 percent open space. The subject property is 107.43 acres (4,679,771 square feet); 20 percent of the total area of the subject property is 935,954 square feet (21.48 acres). As seen on **Exhibit C**, RAVIN/HARDLY will provide an initial open space allotment of 458,338 square feet (10.52 acres). The 10.52-acre open space also acts as a natural landscape buffer between the future uses on the property and the residential areas located immediately to the east. The City finds the initial allotment of 10.52 acres as an open space and landscape buffer acceptable and will count towards the total required 20 percent of open space. Each subsequent parcel partitioned from the parent parcel (tax lot 202) will be required to contain 20% open space. The initial allotment of 10.52 acres of open space shall be improved by RAVIN/HARDLY with recreational walking paths and benches for employee working at the respective businesses to be located on the subject property. The recreational walking path and related open space improvements for the initial allotment of open space shall be put in place at the same time as the rights-of-way are constructed. The purpose of the open space requirement is to provide employee respite and recreation. The remainder of the 20

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percent require open space shall be fulfilled by subsequent developments that occur on the subject property.

- O. In order to equitably distribute the 10.52 acres among the entire development, the following portions of the open space area shall be allocated and credited as open space to each lot as follows:

Lot 1 = 119,578 square feet (2.745 acres)

Lot 2 = 250,760 square feet (5.757 acres)

Lot 3 = 78,000 square feet (1.790 acres)

Lot 4 = 10,000 square feet (0.230 acres)

The above area designated for each lot will be subtracted from the required 20 percent open space requirement for that lot. The 20 percent requirement is calculated by taking the gross area of the lot and multiplying it by 0.20.

- P. The subject property is located adjacent to a residential district. As such, the CITY and RAVIN/HARDLY agree the setback along the eastern property boundary that abuts the residential district shall be no less than 25-feet wide and run the entire length of the property boundary.
- Q. Per Article VII.E.4.b(3) of the Coburg Development Code, a minimum of 15 percent of the total area of the site shall be landscaped in accordance with ARTICLE VIII, Supplementary District Regulations. Water quality treatment areas may be incorporated into required landscape area. Additionally, the required landscaping percentage may be counted towards the required open space percentage requirements.
- R. The open space as seen in **Exhibit D**, shall be placed in a conservation easement. RAVIN/HARDLY will be responsible for the conservation easement until the property sells or conservation easement is transferred to another party. RAVIN/HARDLY shall prepare the legal description and record the conservation easement described in **Exhibit C**, in accordance with ORS 92.
- S. As seen on pages 1, 22-23 and 26 of the Traffic Impact Study, dated October 12, 2021, and completed by Sandow Engineering on behalf of RAVIN/HARDLY, the PROPERTY can be developed to add up to 613 PM Peak Hour trips before the Pearl Street at Interstate 5 Southbound ramps intersections do not meet mobility standards. At 614-720 PM Peak Hour trips, the intersection will require mitigation. As such, the CITY imposes a trip cap of 613 for the entire PROPERTY. The trip cap shall remain in perpetuity, or until another Transportation Planning Rule Analysis (TPRA) is submitted based on changes of facilities, uses, etc. The trip cap shall be recorded on all subsequent deeds for properties that are created from the PROPERTY, in the form a deed restriction. RAVIN/HARDLY shall notify all and ensure potential purchasers of the PROEPRTY that a trip cap of 613 PM Peak Hour trips exists on the PROPERTY and the trip cap will be placed on the deed as a deed restriction. The aforementioned pages of the Traffic Impact Study are incorporated into this agreement as **Exhibit F**. The trip cap requirement will also be listed as an obligation of RAVIN/HARDY.

- T. Through the public hearings process for the requested annexation and rezone, Planning Commission and City Council found that Industrial Policy 7 of the Coburg Comprehensive Plan directly applies to the annexation request. Specifically, the annexation and subsequent industrial development will create conflicting uses with the adjacent properties located at Map and Tax Lot 16-03-33-40-00100 and 16-03-33-40-00200. The aforementioned property is Premier RV, which contains short-term and long-term RV lodging, which Planning Commission and City Council interpreted to be a residential-type use in nature. Industrial Policy 7 reads “*a buffer, subject to conditions of the Zoning Code, shall be required along the boundary of all industrial areas that abut a residential district or shall be used to act as a buffer between the two districts or conflicting uses. Setback requirements of the Zoning Code shall also reflect buffering needs.*” Planning Commission and City Council found the annexation and subsequent industrial development to occur on the property would create conflicting uses with the adjacent property immediately to the west. As such, a landscape buffer of 25-feet in minimum width and 6-feet in height shall be placed between the subject property to annexed and the two Premier RV properties. The buffer may be placed within the required setbacks. The buffer shall be implemented and shown on the tentative Master Plan for the property following annexation. The 6-foot-high requirement may be met by planting and maintaining a row of hedges, trees, or other landscape vegetative features that achieve a 6-foot minimum height and adequate screening.

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

AGREEMENT

1. Obligations of RAVIN/HARDLY. Consistent with the above recitals and subject to the issuance of development and public improvement plan approvals, RAVIN/HARDLY agrees to perform the obligations set forth in this section.
 - 1.1 RAVIN/HARDLY will commence “development activities” (as that term is defined below in this paragraph) within five (5) years of the execution of this Agreement. CITY will extend this five (5) year deadline for such reasonable period of time as may be requested in writing by RAVIN/HARDLY if the written extension request identifies one or more factors that adversely impacted the ability of RAVIN/HARDLY to commence development activities prior to the ability of RAVIN/HARDLY to meet that deadline (including but not limited to changes in the economy or in the commercial/industrial real estate market) and demonstrates the ongoing commitment of RAVIN/HARDLY to develop the property within a commercially reasonable period of time. For purposes of this Agreement, “development activities” means one or more activities consistent with the development of property in the Light Industrial Zone described in Sections E.1 and 2 of Article VII of the Coburg Development Code and may include activities such as sitework or infrastructure development activities, or marketing

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of the PROPERTY for sale or lease for Light Industrial or Campus Industrial purposes.

- 1.2 RAVIN/HARDLY shall notify potential purchasers of the PROPERTY that on-site public sanitary sewer and water conveyance systems shall be the responsibility of the developer of the Property and that those systems shall be designed to adequately serve any future development and to comply with the public sewer connection requirements of Section F.5. of Article VIII of the Coburg Development Code.
- 1.3 In conjunction with any future development, any existing wells shall be abandoned per applicable standards of the State of Oregon Administrative Rules, Chapter 690, Division 220, Rules 5 through 140 (OAR 690-220-0005 through 690-220-0140). Develop on-site and off-site water system as may be necessary to adequately serve any future development and that complies with applicable City and County requirements, including but not limited to the City's Master Water Plan and Section F.6. of Article VIII of the Coburg Development Code. All water service will be provided to the annexed area consistent with and in accordance with applicable City and County requirements, including but not limited to Section F.6. of Article VIII of the Coburg Development Code.
- 1.4 RAVIN/HARDLY shall notify potential purchasers of the PROPERTY that the developer of the PROPERTY shall develop on-site and off-site stormwater management facilities and dedicate drainage easements as may be necessary to adequately manage and treat stormwater runoff from the development site and develop the site in accordance with stormwater quality measures that comply with applicable City and County storm drainage requirements, including but not limited to those set forth in the Coburg Development Code, including those above.
- 1.4 RAVIN/HARDLY shall notify potential purchasers of the PROPERTY that dedication of right-of-ways as may be determined necessary during development review and approval processes and improvements to full CITY standards must be made to all new or impacted street right-of-ways at a level as needed to support the approved development.
- 1.5 RAVIN/HARDLY shall notify potential purchasers of the PROPERTY that the developer of the PROPERTY shall be required to pay a park SDC fee commensurate with the type of building proposed based on the City's Parks SDC Methodology Study.
- 1.6 RAVIN/HARDLY shall notify potential purchasers of the PROPERTY that prior to development of the PROPERTY, the developer shall present the CITY with an application for a Master Planned Development plan for the PROPERTY. Within one year of the approval of the application, the developer shall present the CITY with a Master Planned Development plan for the PROPERTY.

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- 1.7 RAVIN/HARDLY shall, at the time of development of the first parcel, dedicate approximately 20-feet of right-of-way along the frontage of Van Duyn of Map and Tax Lot 16-03-34-00-00202 and construct a total of a 56-foot (including the existing roadway width) wide roadway, as generally illustrated in the attached conceptual drawing (**Exhibit E**). At a minimum, frontage improvements shall include: sidewalk, curb and gutter, public utilities, two eastbound vehicle travel lanes from the property's west boundary to the access road, and an internal roadway providing access in accordance with the adopted IMAP. Exact details of the roadway and improvements are subject to final engineering design and review approval process.
 - 1.8 As seen on pages 1, 22-23 and 26 of the Traffic Impact Study, dated October 12, 2021, and completed by Sandow Engineering on behalf of RAVIN/HARDLY, the PROPERTY can be developed to add up to 613 PM Peak Hour trips before the Pearl Street at Interstate 5 Southbound ramps intersections do not meet mobility standards. At 614-720 PM Peak Hour trips, the intersection will require mitigation. As such, the CITY imposes a trip cap of 613 for the entire PROPERTY. The trip cap shall remain in perpetuity, or until another Transportation Planning Rule Analysis (TPRA) is submitted based on changes of facilities, uses, etc. The trip cap shall be recorded on all subsequent deeds for properties that are created from the PROPERTY, in the form a deed restriction. RAVIN/HARDLY shall notify and ensure all potential purchasers of the PROEPRTY that a trip cap of 613 PM Peak Hour trips exists on the PROPERTY and the trip cap will be placed on the deed as a deed restriction. The aforementioned pages of the Traffic Impact Study are incorporated into this agreement as **Exhibit F**.
2. Obligations of City. Consistent with the above Recitals, City agrees to:
- 2.1 Recommend and support annexation of the PROPERTY to the City of Coburg. If development activities (as defined above in Section 1.1) have not been commenced at the PROPERTY by the deadline described above in Section 1.1 (as such deadline may be extended pursuant to Section 1.1 above) the City may consider withdrawal of the PROPERTY under the procedures of ORS 222.460.
 - 2.2 Use good faith in the timely review and decision making of the applications to the amendments to the Comprehensive Plan Diagram and Zoning Map, and to the timely review and decision making of the Master Planned Developments Plan for the PROPERTY. CITY will support any appeal of a decision by the CITY on these applications, but will not assume financial responsibility to provide legal counsel on appeal.
 - 2.3 The CITY will provide sewer and water service to the subject property. Sewer and water lines may extend outside the Coburg Urban Growth Boundary within the subsurface right-of-way of Van Duyn Road but, consistent with OAR 660-011-060(3) and -065(2), these lines shall not be used to serve any property outside of the corporate limits of Coburg.

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3. Covenants Running With the Land. It is the intention of the parties that the covenants herein are necessary for the development of light industrial use on Property and as such shall run with the Property and shall be binding upon the heirs, executors, assigns, administrators, and successors of the parties hereto, and shall be construed to be a benefit and burden upon the Property. This Agreement shall be recorded upon its execution in the Land County Deeds and Records. In connection with the sale of all or a portion of the PROPERTY, this Agreement may be assigned by RAVIN/HARDLY to the purchaser and shall benefit any assigns or successors in interest to RAVIN/HARDLY. Without limiting the generality of the foregoing, if either or both of Ravin Ventures, LLC and/or Hardly Hackit, LLC (or any of their respective successors in interest) transfers an ownership interest in the PROPERTY (whether voluntarily or by operation of law), the transferee will automatically be bound by the obligations of RAVIN/HARDLY under this Agreement and the transferor will have no further obligation under this Agreement. Execution of this Agreement is a precondition to the support of the City of Coburg for annexation of the property described in Exhibit A for the City of Coburg. Accordingly, the CITY retains all rights for enforcement of this Agreement.
4. Mutual Cooperation. City and RAVIN/HARDLY shall endeavor to mutually cooperate with each other in implementing the various matters contained herein. For so long as Ravin Ventures, LLC and Hardly Hackit, LLC both own interests in the PROPERTY, they shall each be jointly and severally bound by the obligations of RAVIN/HARDLY under this Agreement; as provided above in Section 3, if either or both of Ravin Ventures, LLC and/or Hardly Hackit, LLC (or any of their respective successors in interest) transfers an ownership interest in the PROPERTY (whether voluntarily or by operation of law), the transferee will automatically be bound by the obligations of RAVIN/HARDLY under this Agreement (jointly and severally with all other owners of the PROPERTY, if there is more than one owner) and the transferor will have no further obligation under this Agreement.
5. Waiver of Right of Remonstrance. RAVIN/HARDLY agrees to sign any and all waivers, petitions, consents and all other documents necessary to obtain the public facilities and services described herein as benefiting the Property, under any Local Improvement Act or proceeding of the State of Oregon, Lane County or the City of Coburg and to waive all rights to remonstrate against these improvements. RAVIN/HARDLY does not waive the right to protest the amount or manner of spreading the assessment thereof, if the assessment appears to RAVIN/HARDLY to be inequitable or operate unfairly upon the Property, or its right to comment upon any proposed local improvement district, or any related matters orally or in writing.
7. Modification of Agreement. This Agreement may only be modified by writing signed by both parties (or, if RAVIN/HARDLY has transferred an ownership interest in the PROPERTY, by the then-current owners of the PROPERTY).
8. Land Use. Nothing in this Agreement shall be construed as waiving any requirements of the Coburg Development Code or Coburg Municipal Code which may be applicable to the use and development of this Property. Nothing herein shall be construed as CITY providing or agreeing to provide approval of any building, land use, or other development application submitted by RAVIN/HARDLY.

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

DATED this ____ day of _____, 2021.

IN WITNESS WHEREOF, Raven Ventures, LLC, Hardly Hacket, LLC RAVIN/HARDLY and City have executed this Agreement as of the date first herein above written.

City of Coburg

By: _____
Ray Smith, Mayor

Ravin Ventures, LLC

By: _____ Title: _____

Hardly Hacket, LLC

By: _____ Title: _____

Annexation Agreement Exhibit C to Ordinance A-200-J

STATE OF OREGON
County of Lane

This record was acknowledged before me on _____, 2021, by

Ray Smith as Mayor of City of Coburg.

Notary Public for Oregon
Commission Expires _____

STATE OF OREGON
County of Lane

This record was acknowledged before me on _____, 2021, by

_____ as _____ of Ravin Ventures LLC.

Notary Public for Oregon
Commission Expires _____

STATE OF OREGON
County of Lane

This record was acknowledged before me on _____, 2021, by

_____ as _____ of Hardly Hackit, LLC.

Notary Public for Oregon
Commission Expires _____

**EXHIBIT A
LEGAL DESCRIPTION**

BEGINNING AT A POINT ON THE NORTH LINE OF THE I. S. SWEARINGER DONATION LAND CLAIM NO. (D.L.C.) NO. 37, IN SECTION 34, TOWNSHIP 16 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, SAID POINT BEING WEST 1051.00 FEET AND 30.00 FEET SOUTH FROM THE NORTHEAST CORNER OF SAID DONATION LAND CLAIM NO. 37;

THENCE RUNNING PARALLEL WITH THE EAST LINE OF SAID DONATION LAND CLAIM NO. 37, SOUTH 3106.29 FEET(Course 1), MORE OR LESS, TO A POINT ON THE SOUTH LINE OF TRACT 4 AS DESCRIBED IN A DEED RECORDED AUGUST 2, 1939 IN BOOK 198, PAGE 572 OF THE LANE COUNTY OREGON DEED RECORDS;

THENCE ALONG SAID SOUTH LINE, WEST 1540.16 FEET (Course 2), MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID DONATION LAND CLAIM NO. 37;

THENCE LEAVING SAID SOUTH LINE AND RUNNING ALONG SAID WEST LINE, NORTH 3106.29 FEET (Course 3), MORE OR LESS, TO THE NORTHWEST CORNER OF SAID DONATION LAND CLAIM NO. 37;

THENCE ALONG THE NORTH LINE OF SAID DONATION LAND CLAIM NO. 37, EAST 1540.16 FEET (Course 4), MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN LANE COUNTY, OREGON.

EXHIBIT B
Tax Lot 202, Assessor's Map 16-03-34-00

