

EXHIBIT B

Findings in Support of Ordinance A-200-L

Ordinance A-200-L provides a form-based code for the Central Business District, regulations for formula-based businesses within the Central Business District, and adopts other housekeeping items to protect Coburg's distinctive character.

The historic downtown commercial district is a special and unique asset within the City of Coburg that could be negatively impacted by the presence of formula establishments that are out of harmony with the historic downtown commercial district, and which may not contribute to the small business and entrepreneurial atmosphere.

APPROVAL CRITERIA

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

E. Type IV Procedure (Legislative).

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

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

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

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

3. Application Requirements.

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

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

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

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

4. Notice of Hearing.

- a. Required hearings.** *A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.*
- b. Notification requirements.** *Notice of public hearings for the request shall be given by the City Planning Official or designee in the following manner:*

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

(i) Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);

(ii) Any affected governmental agency;

(iii) Any person who requests notice in writing;

(iv) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;

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

(3) The City Planning Official or designee shall:

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

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

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

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

FINDING: The proposed amendment does not rezone any property in the City. However, Measure 56 notice and Type IV mailing notice was sent to every property owner in Coburg City limits using the Lane County Assessors roll through RLID. Agency referral was sent to affected agencies on May 24, 2022. The notice of public hearings at Planning Commission and City Council was published in the Register Guard. Staff notified DLCD through their online Post Amendment Plan Acknowledgement (PAPA) process in March 2022. These criteria are met.

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

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

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

APPLICABLE STATEWIDE PLANNING GOALS:

GOAL 1: Citizen Involvement

FINDING: The Ad-Hoc Code Review Committee held several public meetings and work sessions while reviewing and suggesting new language for the proposed amendments. As part of the adoption process, two public hearings are scheduled, July 20, 2022 with the Planning Commission and July 26, 2022 with the City Council, followed by a second reading of the ordinance at the August 9th City Council meeting.

GOAL 2: Land Use Planning

FINDING: The proposed amendments enhance the Coburg Zoning Code, and are based on the Comprehensive Plan relevant policies as required by Goal 2.

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

FINDING: The proposed amendments preserve the historic architectural character of the Central Business District, which is within Coburg's National Historic District. The intention of the amendments within the Central Business District is to protect the historic assets and special environment, both natural and manmade, of the community so that the uniqueness of Coburg may flourish without inappropriate changes.

GOAL 9: Economic Development

FINDING: The proposed amendments to the Coburg Zoning Code enhance the code for further economic opportunity in the Central Business district as required by Goal 9. Reducing formula based businesses fosters a more hospitable business environment for small businesses and entrepreneurs.

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

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

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

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

APPLICABLE COMPREHENSIVE PLAN POLICIES AND GOALS

GOAL 1: Citizen Involvement

FINDING: The Ad-Hoc Code Review Committee held several public meetings and work sessions while reviewing and suggesting new language for the proposed amendments. As part of the adoption process, two public hearings are scheduled, July 20, 2022 with the Planning Commission and July 26, 2022 with the City Council, followed by a second reading of the ordinance at the August 9th City Council meeting. Notice was sent to every property owner in the City. Information and invitations to comment were put in the newsletter and on the City's website.

GOAL 2: Land Use

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

Finding: The proposed amendments largely affect the Central Business District development regulations in the zoning code. This district contains vacant properties where development will significantly contribute to the character of the historic downtown corridor. The intention of the proposed amendments within the Central Business District, both the form-based code overlay and formula business restrictions, is to protect the historic assets and special environment, both natural and manmade, of the community so that the uniqueness of Coburg may flourish without inappropriate changes. The unregulated proliferation of formula businesses would frustrate this goal and lessen the Central Business District's appeal.

The Council has thus opted for regulation of formula-based businesses in the CBD that balances the competing interests. Larger formula-based businesses (larger than 10,000 square feet) are prohibited outright in the CBD because it is determined that large-scale formula-based businesses conflict with the historic, small-town character of the downtown area. However, smaller formula-based businesses will not necessarily conflict with Policy 11. Accordingly, the proposed code allows these smaller businesses as conditional uses, with the ability of the Planning Commission to approve or deny, based on relevant considerations and a

determination whether the use as proposed would adversely impact the character of downtown.

The Council concludes that this flexible approach satisfies Goal 2, Policy 11.

Policy 17: Public Facility – *This designation is intended to provide lands for public facilities and uses such as water reservoirs, sewage treatment plants, pump stations, major electric utilities and similar uses.*

Finding: The addition of a Public Facilities section to the Zoning Code will promote and ensure the purpose of this designation.

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

Coburg Objective: To protect, restore and enhance open space, scenic and historic areas, and, to promote a healthy and visually attractive environment in harmony with the natural landscape.

Finding: Restrictions on formula-based businesses will protect and enhance the charm of the historic downtown, maintain the unique character of the community and the appeal of the Central Business District, which is within Coburg's National Historic District. Inappropriate formula businesses would detract from the community's uniqueness. The formula business restrictions and form-based code overlay will retain the health and vitality of the existing downtown. The findings supporting Goal 2, Policy 11 (above) are incorporated herein by reference.

GOAL 9: Economy

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

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

Policy 15: *The City shall support existing businesses*

Policy 20: *The downtown area of Coburg should reflect the rural and historic character of the area. Businesses are encouraged to provide attractive building exteriors, signs, landscaping and parking lots that are in keeping with character of the downtown area. The downtown area is the heart of Coburg and essential businesses and city functions should be located in this area. The downtown area should invite citizens and other customers to use alternative modes of transportation, including walking and bicycling to patronize these businesses.*

Policy 21: *The Coburg Development Code shall include standards that ensure development in the downtown reflects the rural and historic character of the area, and provides an attractive, pedestrian-oriented character for the downtown.*

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

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

Policy 24: *The City shall encourage small-scale downtown commercial uses that are pedestrian-friendly and compatible with the community's small town, historic character.*

Policy 26: *The City shall utilize design standards for commercial and industrial development uses.*

Finding: The proposed amendments to the Coburg Zoning Code enhance economic opportunity and vitality in the Central Business District. The form-based code overlay will ensure development in the downtown reflects the rural and historic character of the area and provide an attractive, pedestrian-oriented built environment within the downtown. The formula-based business restrictions prohibit large commercial structures but allow for smaller formula-based commercial establishments as conditional uses, based on consideration of relevant issues such as the existence of other similar business in the vicinity and the mutual benefits the proposed use would have on the downtown and other existing businesses. The regulations addressing formula-based businesses will foster a hospitable business environment for small businesses and entrepreneurs, protecting the community's economic vitality by ensuring a diversity of businesses with sufficient opportunities for independent entrepreneurs, as well as supporting existing businesses. In this way, the regulations satisfy the policies of Goal 9.

GOAL 11: Public Facilities and Services

Coburg Objective: **To provide the residents of Coburg the public facilities and services which make possible a safe, healthy and satisfying living environment.**

Finding: The addition of a Public Facilities section to the Zoning Code will promote and ensure the purpose of the designation.

GOAL 12: Transportation

Policy 3: *Improve the aesthetics of streets and streetscapes, especially at City entrance ways such as Interstate 5 interchange area. Aesthetic improvements may address: street design, trees, lighting, utility lines, sidewalks, park strips, noise abatement, etc.*

Finding: Alternative street design standards for existing streets are meant to provide flexibility, improve aesthetics and preserve the historic character of the community. Some existing local streets are unable to follow the standards for new roadways due to narrow right-of-way. Council directed staff to create alternative street design standards to provide flexibility, improve aesthetics and preserve the historic character of the community.

GOALS 3,4, 6,7,8, 10, 13, 14 are not applicable to this amendment

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

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

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

8. Approval Process and Authority.

a. The Planning Commission shall:

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

b. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the City Planning Official or designee before the Council public hearing on the proposal. The City Planning Official or designee shall send a copy to each Council member and place a copy in the record;

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

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

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

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

d. The City Council shall:

(1) Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or

remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;

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

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

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

9. *Vote Required for a Legislative Change.*

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

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

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

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

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

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

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

12. *Record of the Public Hearing.*

a. A record of the proceeding shall be made by a minutes recorder, stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;

- b. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;*
- c. The official record shall include:*
 - (1) All materials considered by the hearings body;*
 - (2) All materials submitted by the City Planning Official or designee to the hearings body regarding the application;*
 - (3) The record made by the minutes recorder, stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;*
 - (4) The final ordinance;*
 - (5) All correspondence; and*
 - (6) A copy of the notices that were given as required by this Chapter.*

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