

**ORDINANCE NO. 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, AND ADOPTING A SEVERABILITY CLAUSE**

**THE CITY COUNCIL OF THE CITY OF COBURG FINDS THAT:**

**WHEREAS**, a request to annex certain territory was submitted on September 20, 2020, said territory being described as Assessor's Map 16-03-34, Tax Lot 202, which is generally depicted and more particularly described in **Exhibit A**, attached hereto.

**WHEREAS**, the City Council is authorized by Articles XX and XXI of the Coburg Development Code, as amended by Ordinance A-220-I; and ORS Chapter 222, to accept, process, and act on annexations to the City; and

**WHEREAS**, consistent with Section A.1 and A.2.a. of Article XX and Section A of Article XXI of the Coburg Development Code, and ORS 222.111(2), the annexation was initiated by Ravin Ventures, LLC and Hardly Hackit, LLC; and

**WHEREAS**, the applicants for the annexation of the property to be rezoned have requested that a Light Industrial zoning district be applied to the property and the property has been designated by the Coburg Comprehensive Plan as Light Industrial; and

**WHEREAS**, 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; and

**WHEREAS**, consistent with Section A.4 of Article XX of the Coburg Development Code, the territory proposed to be annexed is within the City of Coburg Comprehensive Plan urban growth boundary, is contiguous to the City limits, and is designated by the Comprehensive Plan as Light Industrial; and

**WHEREAS**, the annexation is consistent with the applicable policies in the Coburg Comprehensive Plan supporting annexation to the City and determined by the Final Order including the Findings of Fact attached hereto as **Exhibit B**; and

**WHEREAS**, consistent with Section A.4.c of Article XX of the Coburg Development Code, the annexation will result in a boundary in which key services can be provided; and

**WHEREAS**, consistent with Section A.4.d of Article XX of the Coburg Development Code, fiscal impacts to the City have been mitigated through an Annexation Agreement, attached to this Ordinance as **Exhibit C**, between the City and the property owners; and

**WHEREAS**, the annexation area is currently within the Coburg Rural Fire Protection District and will remain in the district after annexation to the City, as the City is a part of and receives services from the District; and

**WHEREAS**, on November 17, 2021, the Coburg Planning Commission held a public hearing on the annexation and voted to recommend to the Coburg City Council that the annexation be approved and that the annexed property be rezoned to Light Industrial; and

**WHEREAS**, a Staff Report and Final Order was presented to the City Council on December 14, 2021 with the recommendation to approve the annexation request as submitted and to rezone the annexed property to Light Industrial; and

**WHEREAS**, on December 14, 2021, a First Reading and a public hearing on this Ordinance was conducted by the City Council; and

**WHEREAS**, on January 11, 2022, the City Council was expected to hold a Second Reading of the Ordinance and issue a final decision but did not. City Council directed staff to conduct a joint work session on the master planned process and to return on February 22, 2022, to present those materials; and

**WHEREAS**, on February 9, 2022, notice of the February 22, 2022, public hearing was published in the Register Guard, posted in four public places for two weeks prior to the hearing and mailed to adjacent property owners within 300-feet of the subject property and interested parties; and

**WHEREAS**, on February 22, 2022, a First Reading and a public hearing on this Ordinance was conducted by the City Council; and

**WHEREAS**, on March 8, 2022, City Council reopened the record to allow for interested parties sufficient time for rebuttal of the applicant's presentation materials presented on February 22, 2022. City Council gave oral notice to all in attendance, in-person and remotely, that City Council would reconvene on April 12, 2022, to conduct a Second Reading of this Ordinance and render a final decision.

**WHEREAS**, on April \_\_\_, 2022 the City Council conducted a Second Reading of this Ordinance and is now ready to take action on this application based on the recommendation and findings in support of approving the annexation request as set forth in the aforementioned Staff Report and Final Order to the Council, incorporated herein by reference, and the evidence and testimony presented at this public hearing held in the matter of adopting this Ordinance.

**NOW THEREFORE, THE CITY OF COBURG ORDAINS AS FOLLOWS:**

**SECTION 1:** The City Council of the City of Coburg does hereby approve the annexation request, said territory being described as follows:

Tax lot 202, 16-03-34, as generally depicted and more particularly described in and on file as ANX-01-20; and as more particularly described in **Exhibit A** of this Ordinance.

**SECTION 2:** Consistent with Section A.5.a of Article XX of the Coburg Development Code, the City Council of the City of Coburg does hereby rezone the property described in **Exhibit A** of this Ordinance from Exclusive Farm Use to Light Industrial. See **Exhibit D** attached hereto for amended Zoning Map.

**SECTION 3:** Findings of fact in support of the annexation and rezoning request are found in **Exhibit B** to this Ordinance, which are adopted by reference in support of this Ordinance.

**SECTION 4:** The City Administrator shall file this Ordinance in accordance with the requirements of Section A.6.b of Article XX of the Coburg Development Code.

**SECTION 5:** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

**ADOPTED** by the **City Council** of the **City of Coburg** this \_\_\_\_\_ day of April 2022, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

**APPROVED** by the Mayor of the City of Coburg this \_\_\_\_ day of April, 2022.

\_\_\_\_\_  
Ray Smith, Mayor

ATTEST:

\_\_\_\_\_  
Sammy L. Egbert, City Recorder

**EXHIBIT A**  
**ORDINANCE NO. A-200-J**

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.

DRAFT