

**EXHIBIT B - Ordinance A-200-J
CITY OF COBURG CITY COUNCIL
PO BOX 8316 Coburg, OR 97408**

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

Findings Adopted Date: _____

Planning Commission
Public Hearing Date: November 17, 2021

City Council
Public Hearing
or Meeting Dates: December 14, 2021, January 11, 2022, February 22, 2022,
March 8, 2022, and April 12, 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 & February 9, 2022
Notice posted: November 30, 2021 & February 9, 2022, at
City Hall, Coburg Post Office, Norma Pfeiffer Park shelter
and Pavilion Park.
Notice posted at subject property: December 1, 2021 &
February 9, 2022.

Notice published in *Register Guard*: November 27, 28,
December 4, and December 11, 2021 & February 9, 2022.

Findings Prepared by: Henry Hearley, Lane Council of Governments, Contract
Coburg Planner & Gary Darnielle, City Attorney, Lane
Council of Governments

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 **Exhibit C** of the adopting ordinance. See Figure 1 below for a vicinity map of the subject property.

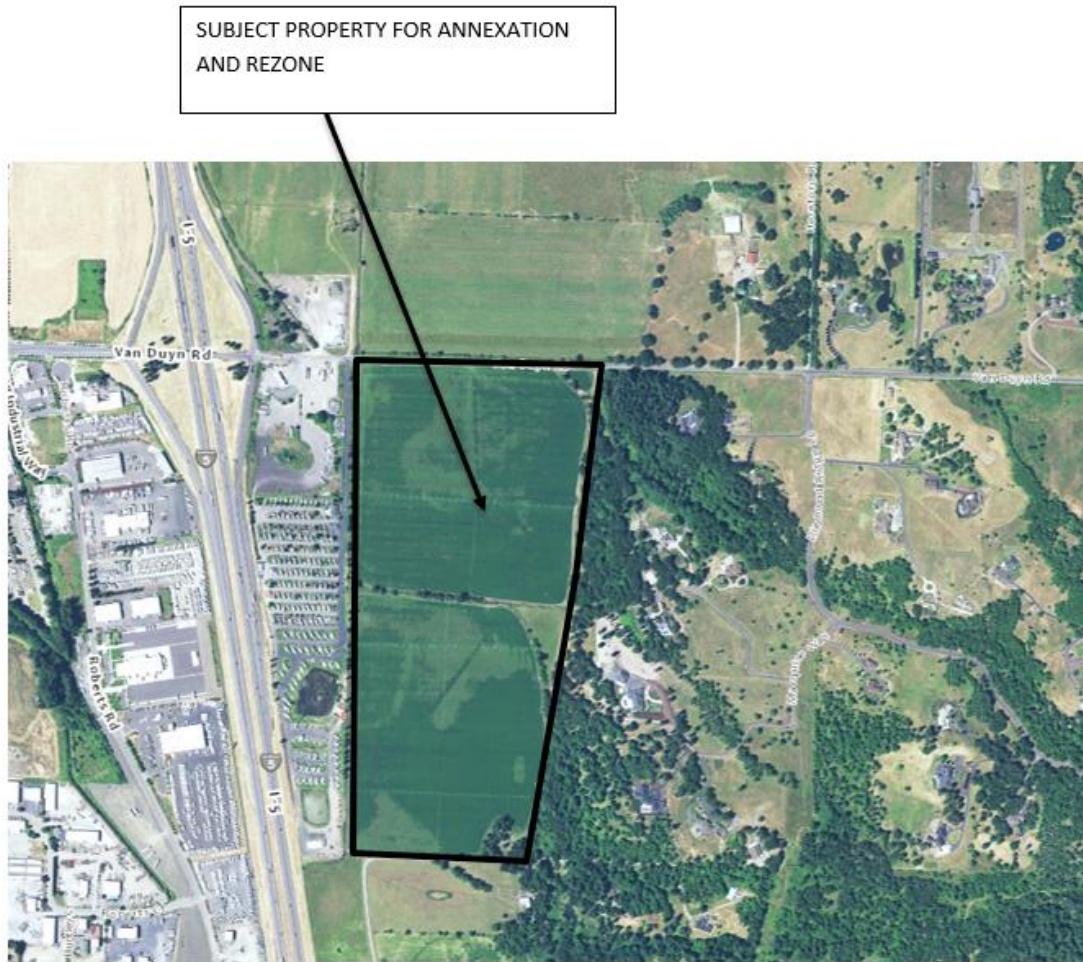


Figure 1: Subject Property

III. Summary of Previous Public/Meetings Hearings

From Planning Commission Hearing on November 17, 2021:

The Planning Commission held a public hearing on the subject applications on November 17, 2021. After receiving the staff report, public testimony and applicant presentation, Planning Commission closed the hearing and the record. Planning Commission entered deliberations and passed a motion to recommend approval of the annexation and rezone onto City Council for final action. Planning Commission also recommended the zoning to be applied be Light Industrial.

From City Council Public Hearing on December 14, 2021:

The City Council received the staff report, public testimony and applicant presentation. City Council closed the hearing and public record and performed the first reading of the ordinance. City Council adjourned until January 11, 2022, to perform the second reading of the ordinance, deliberate and make a decision on the subject applications.

From City Council on January 11, 2022:

City Council reconvened on January 11, 2022. Staff presented the suggested motions for approval. City Council had several questions of staff and a discussion ensued. City Council adjourned the meeting without performing a second reading of the ordinance or making a decision on the subject applications. City Council directed staff to perform additional research on several topics. Staff agreed to hold a work session with City Council and Planning Commission on the master planned development process on February 22, 2022, and report back on as much of the additional information as possible that Council had requested.

From Planning Commission and City Council Work Session on February 22, 2022:

Staff presented a hypothetical master planned scenario in an attempt to walk city decision makers through a hypothetical master planned development. Following staff's presentation, staff answered questions of the Commission and Council. Following the work session, the Mayor convened a special meeting of the Council.

From City Council Special Meeting on February 22, 2022:

The Mayor conducted the first reading of the ordinance to approve the annexation and apply a zoning of Light Industrial to the property. The applicant presented an applicant presentation that discussed the background of the proposal, the history of how the property was brought into the Urban Growth Boundary (UGB) and why Light Industrial zoning is preferred to Campus Industrial. The applicant introduced two experts in the field of industrial real estate development. The two experts highlighted local examples to Campus Industrial real estate development failures and why Light Industrial is vastly preferred to developers and in much greater demand than Campus Industrial. Following the applicant's presentation, City Council accepted oral testimony from those in favor and in opposition to the proposal. Following testimony, City Council discussed the proposal. Issues of traffic, light, air and noise pollution were brought up. There seemed to be consensus amongst Council that the issues and concerns of the Council could be addressed through the master planning process and the City decision makers have a great deal of subjectivity and latitude on various design elements relating to development on the subject property. The Mayor adjourned the meeting to March 8, 2022, at which time a second and final reading of the ordinance was to be expected.

From City Council Meeting on March 8, 2022:

City Council was expected to conduct a second reading of the ordinance and render a final decision on the subject applications, but that did not happen. Instead, a request to reopen the record was made by Mr. Zach P. Mittage, an attorney representing the Diamond Ridge Water Association. As such, City Council passed a motion to reopen the record to allow for sufficient rebuttal of the materials presented at the February 22 meeting. Further, at the counsel of the City Attorney, the City Council reopened the record to allow for open-record periods for the submission of new evidence, rebuttal of evidence and for a final applicant written rebuttal. City Council also expressly stated that all materials presented at the February 22 meeting and the letter from the representative of the Diamond Ridge Water Association, received on March 2, will hereby be entered into the record. City Council established open record periods as follows:

- First open record period – March 8-18 at 4 P.M. New evidence is permitted.
- Second open record period – March 18-March 25 at 4 P.M. Limited to rebuttal based on information received during the first open record period.
- Applicant’s final written rebuttal – March 28-April 1. No new evidence is permitted.

IV. Staff Review of Open Record Materials

Section IV will provide a staff response to materials submitted during the open record periods by opponents as well as other relevant testimony submitted by interested parties and the applicant.

The first submittal staff want to address is that of Messrs. Kevin Dwyer and Andrew Hays on behalf of Diamond Ridge Water Association, received by the City on March 1, 2022. The commenters set forth an argument that Study Area 7 should be considered for annexation and inclusion into the UGB in order to meet the City’s employment land needs. The argument is moot because the UGB has already been expanded to include Study Area 8. This action was undertaken by City Council and DLCD in January of 2018. The appeal timeframe for this action has long since passed. The proposed annexation and rezone are not considering lands outside of the UGB - Study Area 7 is outside of the UGB. Further, the site also has 23 acres of land that is within the 100-year floodplain (Zone A) or in an identified wetland. These 23 acres were identified as constraints. Conversely, Study Area 8 was identified as having zero constrained acres. A complete rationale for the selection of Study Area 8 into the City’s UGB is provided for in the 2010 and 2014 Coburg Urbanization Studies.

The second submittal staff want to address is that of Mr. Zach P. Mittage, attorney for the Diamond Ridge Water Association. The City received Mr. Mittage’s correspondence on March 2, 2022. The submittal was the impetuous for City Council reopening the record. In the March 2 correspondence, Mr. Mittage formally requests that the City Council provide copies of materials introduced into evidence by the applicant at the February 22 meeting, reopen the record to allow for an opportunity to respond to the

materials presented on February 22, and lastly, postpone the second reading of Ordinance A-200-J to allow Council to consider the interested parties' responses. Staff note that at no time during the February 22 special meeting neither Messrs. Dwyer nor Mr. Hays requested that the record be left open. Both Messrs. Dwyer and Hays were both present virtually at the February 22 meeting and provided oral testimony. Nonetheless, the amount of information presented by the applicant at the February 22 special meeting was extensive and a reasonable argument can be made that interested parties were not afforded a legitimate opportunity to respond to those materials. Therefore, staff recommended to City Council to honor Mr. Mittage's request. As such, the record was reopened by City Council on March 8 to establish open record periods; no second reading of the ordinance was conducted.

The first submittal during the first open record period was submitted on March 17, 2022, by Messrs. Dwyer and Hays on behalf of the Diamond Water Association. The submittal is a response to the applicant's materials and evidence presented on February 22. The commenters questioned the applicant's assertion that zoning the subject property Campus Industrial would essentially leave the property to languish undeveloped into the foreseeable future. To make their point, the commenters include an analysis of other cities adjacent to Interstate 5 to show the percentage of lands zoned Light Industrial that are built out; their point is that none of the properties are completely built out at 100 percent. Further, the commenters refute the applicant's assertion that Campus Industrial zoned land has not been in demand "over the last 20 years." The commenters point out that the applicant neglected to point out that the county experienced a national recession in 2008 that greatly impacted local and national development. In their written testimony, the commenters point out that it took the well-known Fifth Street Development in Downtown Eugene was impacted by the 2008 recession and it took until 2019 for the market to recover enough to start construction.

Lastly, with respect to the March 17 submittal, staff want to address the comment made about air quality permits in the Campus Industrial zone. The Coburg Development code provides in Article VII(F)(2)(a) that manufacturing, and assembly uses are permitted in the Campus Industrial zone where the use does not require a permit from an air quality public agency. The commenter calls this code requirement nonsensical – and staff agrees. Manufacturing and assembly uses are prohibited in the Campus Industrial zone if the use requires an air quality permit. This issue has been raised in the past and it has been recommended by governmental agencies that the City look at removing this language from the permitted uses section of the Campus Industrial zone.

The applicant submitted rebuttal statements to Messrs. Dwyer's and Hays's submittals during the second open record period. The first rebuttal was received by the City on March 24, 2022. The submittal rebuts Messrs. Dwyer and Hays March 1 submittal. In rebuttal the applicant states the issue of which Study Area was ultimately chosen for selection into the City's UGB back in 2018 was a State, County and City decision and is not part of the current annexation and rezone application. Staff note, the applicant is correct in this statement. As alluded to earlier, the UGB was expanded to bring in

employment lands into the UGB. Study Area 8 was the property that was selected for inclusion into the UGB. That process has completed and the timeframe to appeal such a decision to the Land Use Board of Appeals has passed. The applicant also addresses the issue of the buffer to be placed in between future development on the property and the adjacent residential uses occurring in and near the Diamond Ridge Subdivision. The Coburg Development Code does allow Light Industrial zones to locate adjacent to residential uses so long as a buffer is implemented. As the applicant points out, the minimum code requirement for this buffer is 25-feet. The applicant has addressed this requirement and concern by proposing a landscape buffer the entire length of the eastern property line that abuts the adjacent residential use. This buffer, in some cases, is 500-feet wide and at no point is less than required. The terms of the buffer along the eastern property line are included in the annexation agreement. Lastly, the applicant points out that Messrs. Dwyer and Hays are not residents of the City of Coburg and that they've been receptive to the concerns of the residents of the Diamond Ridge Subdivision.

The applicant's second open record period submittal was received by the City on March 24, 2022. The applicant's submittal is in response to Messrs. Dwyer's and Hays's March 17 submittal. In the submittal, the applicant points out that the likelihood for development for Campus Industrial properties versus Light Industrial properties is not an approval criterion as are the uses that can be located in each respective zone. However, staff do note that the record contains evidence outlining that the economic success of the property is vital to the city's planned and on-going capital improvement projects (specifically water). The vitality, in terms of economic success, of the property can be interpreted to fall into the category of an applicable approval criterion for zone changes as seen in Article XXI (2) b), in that the amendment, in this case a zone change, fulfills a public need of supplying water service for projected growth east of Interstate 5 and light industrially zoned properties of at least 20-acres in size. Pursuant to the City's water master plan, the City has anticipated growth on properties located east of Interstate 5. The water master plan and the commencement of certain water related capital improvement projects assumed expansion of water services to users east of Interstate 5. The future users on the other side of the Interstate are part of the equation that is paying for construction costs associated with the capital improvement projects. So, failure to develop on the subject property or to apply a zoning designation conduce to long-term successfully development puts in jeopardy they City's ability to maintain an affordable water rate of no more than \$53.54 per 7,500 gallons base rate to the City's end users. The City and City Council has taken into consideration the likelihood for development on the subject property with respect to Campus Industrial versus Light Industrial and find that a zoning of Light Industrial fulfills a demonstration public need.

In rebuttal of Messrs. Dwyer and Hays comparative analysis of Light Industrial and Campus Industrial zoned properties in the greater Eugene/Springfield area, the applicant asserts that, by their own definition, the rate of development on certain properties is based on their own calculations by visually inspecting maps and making

educated guesses as to what is developed versus undeveloped. Further, the percentages referenced by Messrs. Dwyer and Hays lack context without performing a buildable lands analysis, the goals of each respective community, the uses allowed in each zone, and other constraints to development that may be present on each respective property.

Also received during the second open record period on March 21, 2022, was a submittal from Ms. Lisa Hadley of Premier RV Resorts. It is unclear if the submittal is in direct response to any of the materials submitted during the first open record or the applicant's February 22 presentation. The submittal is more centered around understanding the proposal rather than taking a position on the merits of the application. The commenter understands "outside parties" are wanting the subject property to be zoned Campus Industrial over Light Industrial. While the commenter admittedly does not own a residence adjacent to the property, just an RV park, the commenter's previous experiences with Light Industrial uses in the Sherwood (Oregon) area have not been an issue.

The applicant's final written rebuttal was received on April 1, 2022. By staff's assessment the applicant's final written rebuttal does not contain any new evidence. The final written rebuttal includes a reference to Ms. Hadley's March 21 submittal. The applicant states they've heard no complaints about the proposal from any neighbors within the city limits of Coburg. The applicant states they've provided evidence sufficient throughout the process that demonstrates Light Industrial is the only zoning designation that would be economically feasible to proceed with.

V. Background

The subject property is currently within the Coburg 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. 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, 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 above shows the subject property designated Light Industrial on the Comprehensive Plan Map and shows the property within the UGB.

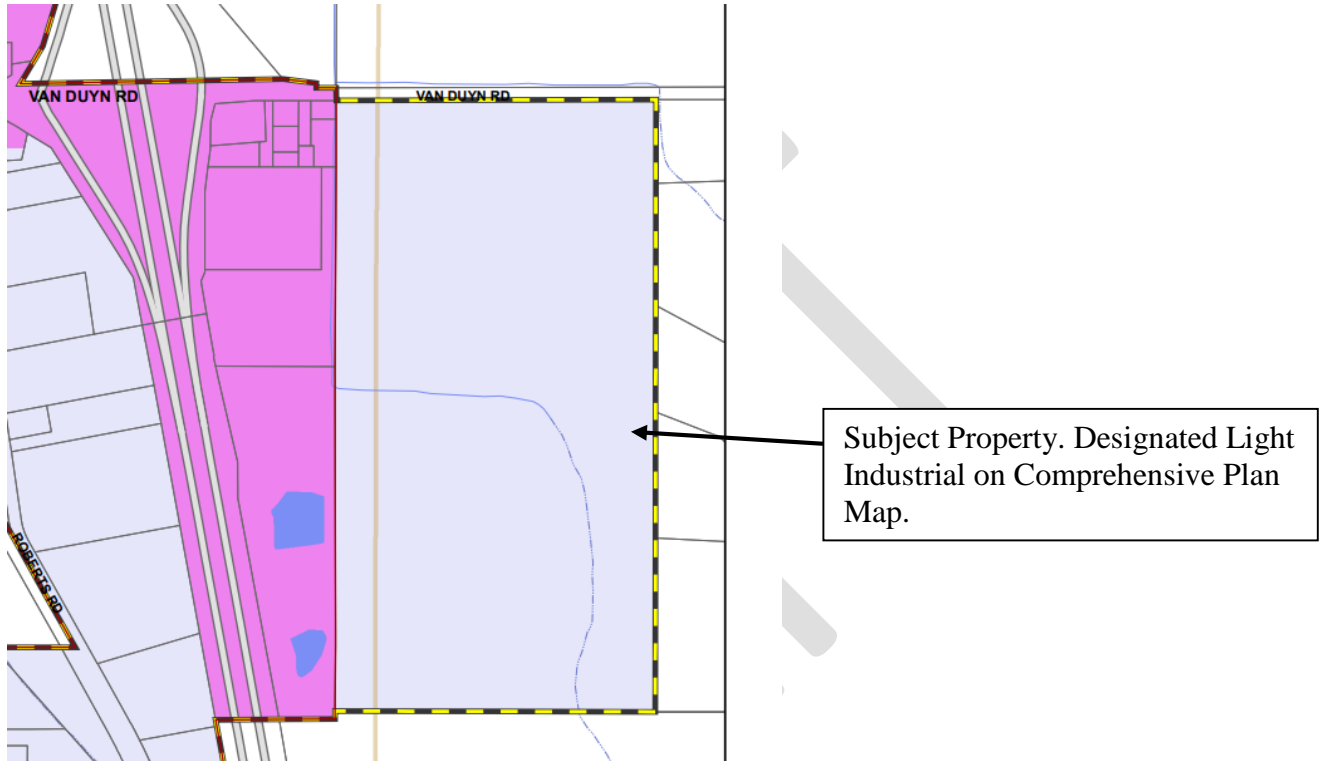


Figure 2: Coburg Comprehensive Plan Map of Subject Property

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.

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 have 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.

VI. 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: 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. Applying subsection I to the proposed rezone, it would mean the property be zoned Light Industrial as the current Plan designation of the subject property is also Light Industrial. The proposal is consistent with subsection I of Article IV.

VII. Article XX. Boundary Changes (ANNEXATION) (code sections appear in bolded italics)

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. 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. 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 road improvements are necessary to facilitate initial development stages on the subject property. The road improvements are not located off-site, they are along the frontage of the subject property. Van Duyn is currently classified as a local lane county road, but with eventual industrial development to locate on the subject property will function more similar to a major collector. Lane County Transportation is facilitating an official road reclassification of Van Duyn to Major Collector. The required improvements are consistent with a Major Collector and are necessary to facilitate early stages of development on the property and are limited to the property's frontage. The applicant is aware of their responsibility for completing the frontage improvements and agrees to complete them at their expense. 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 November 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 the subject property and by staff at four conspicuous locations in Coburg 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. For the December City Council hearing, notice was published in the *Register Guard* on November 27, 28 and December 4 and 11, 2021. Notice of the December City Council public hearing was mailed to property owners within 300-feet of the subject property on November 23, 2021, and posted on November 30, 2021. For the February public hearing, mailed notice was sent to properties located within 300-feet of the subject property and posted by staff at four conspicuous locations in Coburg on February 9, 2022. Notice for the February City Council hearing was published in the *Register Guard* on February 9, 2022.

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 3 below, the subject property is contiguous with the existing city limits along the entirety of the western property line. Criterion met.

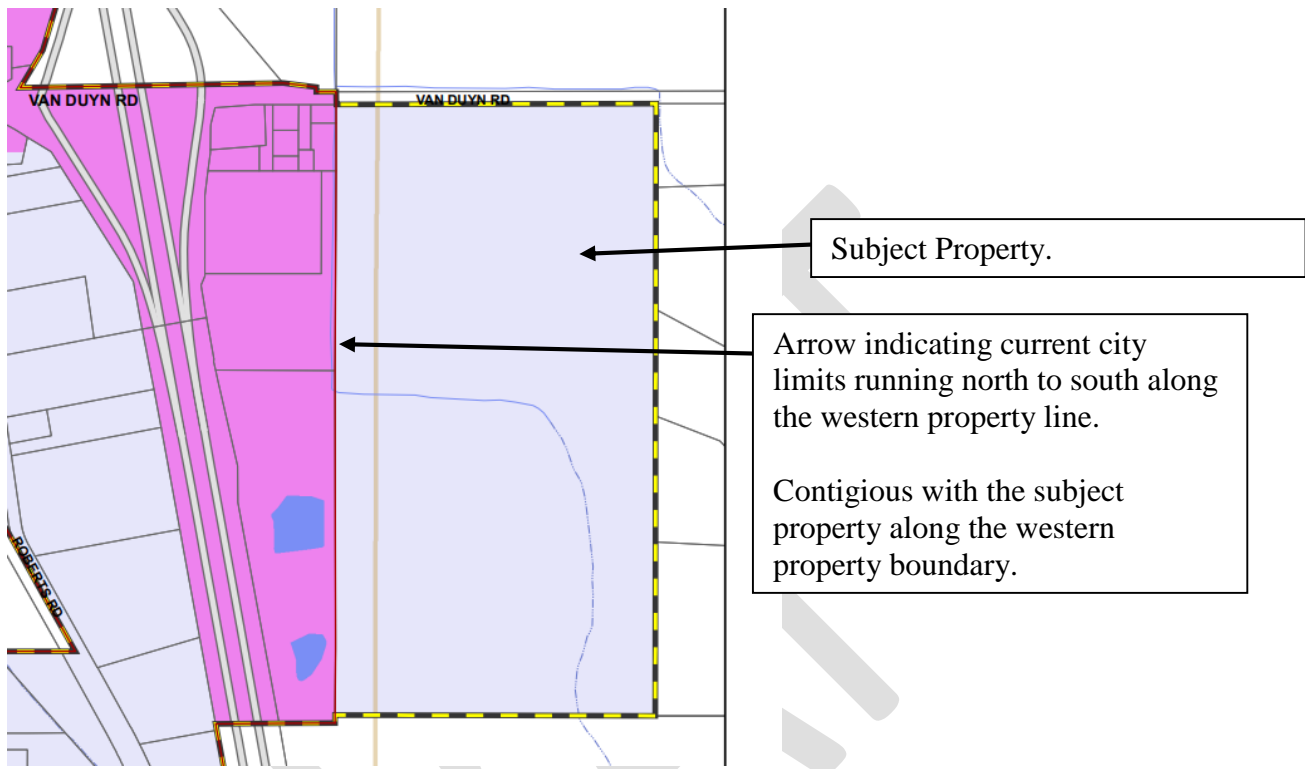


Figure 3: Contiguity of the subject property with existing city limits

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. 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. At the conclusion of the Planning Commission hearing, Planning Commission passed a motion to recommend approval of the annexation and application of a zoning designation of Light Industrial onto City Council for final action. The first evidentiary hearing in front of the Planning Commission in November and hearing in front of City Council were both 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 and mailed notice be sent to all property owners within 300-feet of the property. The initial first reading of the ordinance occurred December 14, 2021, but Council later redid the first reading on February 22, 2022. In addition, the City sent notice to interested parties that requested to receive notice of any hearing related to the applications. The City also held one or more informal meetings with property owners located east of the subject property to listen to their concerns and inform them of the land use process. The February 22, 2022, City Council first reading was published in the Register Guard on February 9, 2022, as well as mailed and posted.

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. Applying a zoning designation of Light Industrial to the property would be consistent with Policy 7 of Goal 2. 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 4 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.

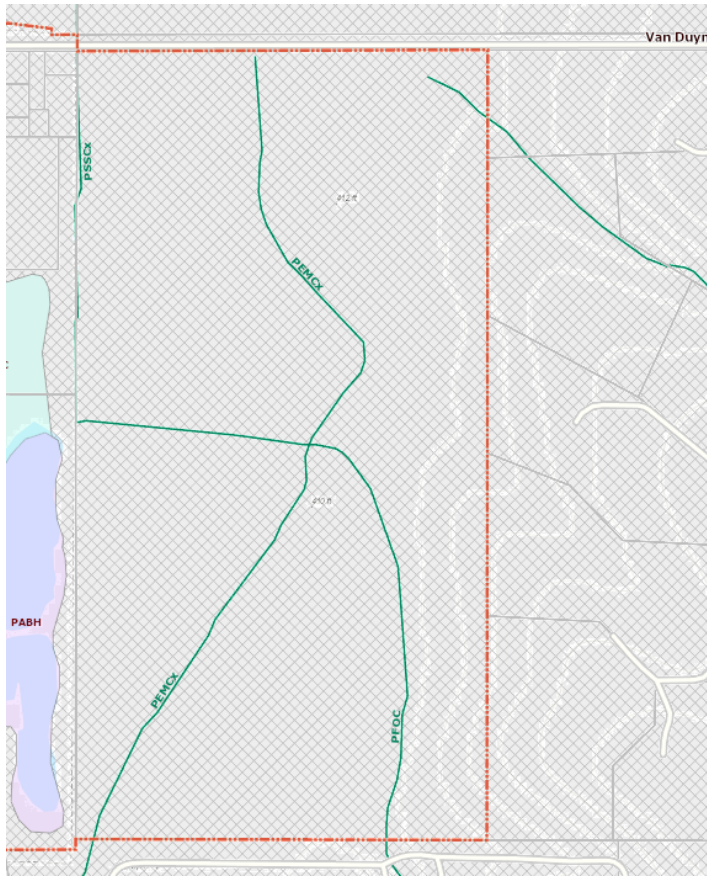


Figure 4: Known wetland features on the subject property.

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 applicable because of the proposed zoning designation to be applied to the subject property will likely contain light 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 will invite 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 Premier 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 Premier 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 will 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. Along similar lines of the buffer discussion between the Premier RV property and the subject property, a commenter owning property that abuts the southern property line of the subject property gave oral testimony in front of Council that they should be afforded a similar buffer as the properties located to the east and west of the subject property. The issue of adding another buffer along the southern property line between the subject property and TL 00303 can be addressed during the master plan process for when development is proposed in the southern portion of the subject property. The same commenter that provided oral testimony in front of City Council also submitted written testimony, which was received by the City on November 30, 2021. In the written comments, the

commenter questions why this property is being considered for Light Industrial zoning when there are still multiple lots on Roberts Road that have never developed and raises issues of noise and disturbance and impacts to wildfire and the Muddy Creek. The commenter also requests a buffer be placed between properties, of which will be provided for by the developer upon development of the southern portion of the subject property. The noise and disturbance concerns can be mitigated by the implementation of a buffer and further refined during the site-specific master plan process. Any development proposed on the site will have to obtain the appropriate DEQ, DSL, USACE permits that address any perceived impacts to Muddy Creek and wetlands that are present; such permitting processes shall be a part of the development process that is expected to commence following annexation and rezone. 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: 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.

Furthermore, and importantly, the City's water master plan was adopted in 2016. The purpose of the water master plan was to anticipate growth of the City and the City's ability to serve current and future water users. Based on the assumed growth projections of the City, the City Council committed to certain capital projects related to water. These projects included (not an exhaustive list): development of a third well water site, bore of a water line underneath Interstate 5, and construction of a new water reservoir. The projected cost of the projects is \$6.5M of which the City has been approved funding for \$5.5M. The water master plan and commencement of certain water related capital projects assumed expansion of water services to the east side of Interstate 5 to serve current and future users. The future users are part of the equation that is paying for the construction of the capital projects. Failure to develop on the subject property or to zone it a zoning designation not conducive to long-term successful development, such as Campus Industrial, puts in jeopardy the City's ability to maintain an affordable water rate of no more than \$53.54 per 7,500 gallons base rate to the City's end users.

Additionally, like the water master plan, the wastewater capital improvement plan is also important. A recent analysis completed by Public Works showed the City's current wastewater system could bill up to 1500 EDUs. The sewer plan projects the future users with the current infrastructure as well as informs City decision makers at what point the City needs to upgrade sewer facilities to address growth. Currently, the City bills approximately 808 EDUs on a monthly basis. A similar sized light industrial zone could be projected to use approximately 52 EDUs. When adding in other anticipated residential and commercial development, the City does have plenty of capacity before it needs to consider expanding the current system. The responsibility of paying capital debt for critical wastewater facilities is placed on the current users, *as well as the projected future users.*

Put simply – City Council recognizes that the financial commitment to the water master plan and wastewater capital improvement plan anticipates, plans and projects the growth of the City. Development east of Interstate 5 and on the subject property was very much part of that projection.

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 these findings, the impetus 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. The master planned process is a mechanism in which will allow City decision makers quite wide discretion as to what types of uses locate and how development occurs 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 and wholesaling, warehousing, and storage are prohibited uses on properties located on the east side of Interstate 5. 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: The requirements of public facility improvements and extensions of services are outlined in the Annexation Agreement. The extension of existing public facilities and construction of new public facilities shall be the responsibility of the developer. 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 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 of Goal 12 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.

Regarding 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 5 below. Criterion met.



Figure 5: 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 trips 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.

Additionally, on the issue of traffic with respect to differing zoning designations. The applicant presented materials on February 22 to City Council highlighting that office space generally associated with Campus Industrial produces 10X more vehicle trips per square foot than Light Industrial, with office space generating 3.9 trips per 1,000 square feet compared to 0.4 trips per 1,000 square feet under Light Industrial. The applicant's presentation did not cite a reference to the figures. 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 these findings, 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 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 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.

Under 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. The aforementioned sections of the Development Code and Comprehensive Plan goals and policies are cited by City decision makers in support of the decision 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.

VIII. 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 previous staff reports and discussed in the public hearings, 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. In the Campus Industrial zone industrial uses are permitted so long as the use does not require an air quality permit, which may effectively limit any industrial uses from locating on the subject property. The prospect of the subject property remaining vacant and undeveloped as a result of a zoning of Campus Industrial would be in detriment the funding of certain water and wastewater capital projects in which development on the east side of Interstate 5 was incorporated into to pay towards the costs of those capital improvement projects. City decision makers wholeheartedly took under advisement the concerns of the residents of Coburg, neighbors near the subject property, and residents of the Diamond Ridge Subdivision. In response to the concerns raised (commonly centered around traffic, air, light and noise pollution) Council found the appropriate way to address the concerns is through the master planned process.

Additionally, and it cannot be understated, with the requirement for all subsequent developments to undergo the master planned process this will allow for residents and City decision makers to have a certain level of discretion and control over development to protect the perseveration of Coburg to remain a small, rural historical town that values its livability for all residents. As such, City Council accepted Planning Commission's recommendation for a zoning designation of 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 and to support the projected growth east of Interstate 5 with city services. 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 application submittal in September 2020. 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.

IX. 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. Following the Planning Commission hearing, the Planning Commission passed a motion to recommend approval of the annexation and application of a zoning designation of Light Industrial onto City Council. All 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.

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 and performed the first reading of the adopting ordinance.

City Council reconvened on January 11, 2022, to perform a second and final reading of the ordinance. However, no second reading of the ordinance was performed, and no decision was rendered. Instead, Council directed staff to provide more information on the master planned process and other related research items. However, the first reading would later be redone by City Council on February 22, 2022.

Staff returned to City Council on February 22, 2022, to conduct a work session on the master planned process in front of the City Council and Planning Commission. Following the work session, Council held a special meeting and held another public hearing on the matter. Council accepted public testimony from those in favor and opposition. A first reading of the adopting ordinance was conducted at the special meeting.

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.

Council 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 LARAPA 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 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. As discussed earlier in these findings, if the subject property were not annexed into city limits or a zoning designation were applied that is not conducive to development and the long-term success of the property, it would be bring into detriment the City's future ability to off-set some of the capital improvement costs that are expected to be recouped by development occurring east of Interstate 5. The City planned for, consistent with the water and sewer master plans, and anticipated for growth and development east of Interstate 5. 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. As discussed earlier in these findings, the City appropriately planned for growth and development on properties east of Interstate 5 consistent with the policies, goals and capital improvement projects as listed in the water and wastewater master plans. 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, Council 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 12 satisfactorily addressed.

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

X. 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.

XI. 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. As outlined in these findings, the proposed annexation and rezone meet the applicable approval criteria.