



City Council & Planning Work Session

February 23, 2021

Coburg City Hall

91136 North Willamette St., Coburg, Oregon

Virtual via Zoom

COUNCILORS PRESENT: Ray Smith, Mayor; Nancy Bell, Mark Alexander, John Lehmann, Patricia McConnell, John Fox

COUNCILORS ABSENT: Kyle Blain

COMMISSIONERS PRESENT: Paul Thompson, Chair; Marissa Doyle, John Marshall

COMMISSIONERS ABSENT: Judith Behney, Seth Clark, Jon Derby, William Wood,

STAFF PRESENT: Anne Heath, City Administrator; Sammy Egbert, City Recorder; Henry Hearley, LCOG Associate ; Brian Harmon, Public Works Director; Gary Darnielle Attorney.

1. Call Work Session to Order

Mayor Smith convened the joint work session of the Planning Commission and City Council at 6:05 p.m.

2. Roll Call

Ms. Egbert called roll for the Planning Commission and City Council.

3. Annexation

Mr. Darnielle laid out what should not be discussed. He explained that the annexation was a legislative matter, and the zone change was a judicial matter. Both areas had their own rules so it could be a hard conversation to maneuver around. Mr. Darnielle reminded everyone that if they had questions on the zone change, they had to be general.

Mr. Hearley shared that the annexation application was submitted to the City on September 6, 2020 and the zone change application was submitted November 5, 2020. The hearing of the ordinances would happen in April and May and potentially June. The application was a request to annexation the subject property into Coburg City limits. He stated that the annexation and zone change would happen at the same time. Since both were being done together the zone change did not have to go the Planning Commission unless they wanted to know more.

Mr. Hearley said that the Master Plan overlay would be given to the property. This meant that any further development would have to go through an application process. A traffic study would also be required.

Mr. Darnielle noted that an annexation agreement was required by the City code. At the meeting they would address zoning and utility needs. Mr. Darnielle mentioned that the annexation determined the impact and land dedication fees. He shared that this agreement was different than a normal one because the applicant was not who would be developing the property. At this time there was no development being planned. As a result, the City could not bind the application to specifics around development. Mr. Darnielle said that if the property failed to be developed then the City could withdraw the property.

Mr. Darnielle shared that they still had to talk to the applicant's real estate attorney about the provisions. One concern was around a provision that talked about marketing the property for sale and commencing development in a five-year period. The City wanted to make sure that more was done to sell the property than just putting up a sign saying it was for sale. There would be more specifics on what triggered extending the five-year period. The Planning Commission and City Council had to come to a consensus on the City's expectations for development time frame.

4. Public Comment

Kevin Dwyer, resident of Diamond Ridge, was curious on how this timeline would handle the renovation of the I-5 interchange. He wanted to know why they would develop this property when there was still space on the East side of I-5 and property to the North away from residential space.

Mayor Smith replied that the issue with the I-5 interchange was based on funding. They were looking at two years for development and it would not get funded in that time. The annexation would be developed before that. Commissioner Thompson said that regional and State funds were dedicated through 2024 and there were projects being put forward through 2027.

Mayor Smith said that the property east of I-5 was a Lane County regional demand. It was 107 acres with 20 acre minimum lot sizes of light industrial which was hard to get in the area.

Mayor Smith said that the North property was originally an annexation candidate, but it was eliminated. Mr. Darnielle remembered there was a severe wetland issue. Mayor Smith added that the West region had floodplain issues.

Mayor Smith mentioned that the State law required the City to plan for growth.

5. Discussion

Councilor Lehmann stated that the annexation agreement included language regarding the start of development. He wanted to know if it said anything about a completion date. Mr. Darnielle responded that without knowing the type of development it was hard to set an end date. It could be a staged development which takes longer. Councilor Lehmann stated they should have some type of language around it, so a developer does not do something small to

start the project and then do nothing else. Mayor Smith asked what incentive there was to for the developer to start. Mr. Darnielle was unsure how much control the developer would have once construction began. He emphasized that these parameters were best defined when they were looking at a developer.

Commissioner Thompson wanted to know if besides from withdrawing land for no development what else could crop up before development where the City might want to reopen the annexation. Mr. Darnielle responded that that would probably only happen if the applicant decided to develop the land. In that case both parties would have to agree on reopening the annexation.

Councilor Lehmann asked what types of utility services and facilities the City was working on anticipation for the development. Mayor Smith replied that they did not know what the development would be. They had the I-5 bore in the works and they were looking at an additional bore for the water system. Councilor Lehmann asked about the water tank. Mayor Smith replied that that would be included in the water master plan during the engineering phase.

Commissioner Marshall asked if they could include the interchange into the annexation development. Mayor Smith responded that the prioritization of interstate projects was hard. It was common for a high priority project, like the I-5 interchange, to have a four-to-six-year timeline. Councilor Fox knew that the interchange had been talked about for a long time but was always put off. If they developed the east side, then the interchange would become more important. Mayor Smith said that the I-5 ramp design was almost done. All they needed was infrastructure funding. He agreed with Councilor Fox that adding more development just increased their priority. Commissioner Thompson brought up that there were five regional priorities near Coburg that together cost close to one billion dollars. What they needed to do was lobby to the legislature, not ODOT. There was some confusion because the legislature passed a bill which told ODOT where to spend money on highway infrastructure. ODOT themselves did not have the money to make those decisions. He said that a similar bill might happen again in a few years.

Ms. Heath said that a Master Planned Development and transportation analysis was required for development. Mayor Smith stated that the Master Plan allowed them to get into more details and be flexible.

Mayor Smith noted that the City has tried to expand their noticing to the citizens and developers to try and get information out before their public hearing. He emphasized that the public hearings would lead to a lot of work from staff. This annexation had been in the works for fifteen years and was very detailed.

Councilor Lehmann asked in what circumstance the annexation would go to the Planning Commission. Mr. Hearley replied that the Commission could look at it if they wanted. That would include another public hearing and review. He said they would only look at the zone change, not the annexation. Commissioner Thompson asked what the Planning Commission's role would be. Mr. Hearley mentioned that the code was unclear, but they would normally make a recommendation to City Council. However, the code made it sound like the Commission made the decision. Mr. Darnielle added that City Council had the authority to appeal the Planning Commission's decision. He agreed that the code was confusing.

Councilor Lehmann wanted the Planning Commission to look at the zoning change. Mayor Smith agreed. Commissioner Thompson wanted the City Council to have the final say. Commissioner Marshall did not see a reason for the Commission to see the zoning change if it was light industrial and would not change to campus industrial. Commissioner Thompson understood what he was saying and did not disagree. However, he saw the value of the Commission looking at it. He thought that they should allow for every opportunity for public comment. The more times and place for the community to speak the better.

Councilor Alexander, Councilor Bell, Councilor McConnell, and Councilor Fox wanted the zoning change to go to the Planning Commission. Councilor Lehmann agreed and said they would need to vote at a regular City Council meeting for it to go to the Commission.

Councilor Lehmann noted that under the section D of the provisions it said that applicants planned to subdivide the property for light industrial. He asked what qualification or criteria the City had over that provision. Mr. Darnielle replied that if the developer did a partition of the property it would go before the City.

Ramon Fisher, the applicant, said that they had a lot of people calling them about the property. He thanked the City and acknowledged how long the process had been.

Patrick Wingard was looking at the Consolidated Land Use Application Proceedings and thought it seemed clear that City Council made the final decision. He thought that the Planning Commission made a recommendation. Mr. Wingard wanted them to be careful with who made the decision. He would send what he found to Ms. Heath and Mr. Hearley. Mr. Darnielle mentioned that they legally had some concerns with the code. He said they would have the Planning Commission decide and then have the City Council verify the Commission decision officially.

Commissioner Thompson asked if they could do a joint Planning Commission and City Council meeting. Mr. Darnielle thought that would create a lot of problems.

Mayor Smith thought staff had enough to work with. Ms. Heath said they would report to City Council to give direction to the Planning Commission.

6. Adjournment

Mayor Smith adjourned the meeting at 7:32 p.m.

(Minutes recorded by Lydia Dysart)

APPROVED by the Mayor and Council of the City of Coburg this 13th day of April, 2021.

Ray Smith, Mayor

ATTEST:

Sammy L. Egbert, City Recorder

APPROVED by the Planning Commission of the City of Coburg this 31st day of April, 2021.

Paul Thompson, Planning Commission Chair

ATTEST:

Sammy L. Egbert, City Recorder