



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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### NOTICE OF ADOPTED AMENDMENT

May 19, 2008

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Coburg Plan Amendment  
DLCD File Number 001-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 4, 2008**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist  
Ed Moore, DLCD Regional Representative  
Petra Schletz, City of Coburg

<paa> ya/

DLCD NOTICE OF ADOPTION DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

MAY 15 2008

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF COBURG Local File No.: PA-01-08 (If no number, use none)

Date of Adoption: MAY 13, 2008 (Must be filled in) Date Mailed: MAY 14, 2008 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD:

[X] Comprehensive Plan Text Amendment [ ] Comprehensive Plan Map Amendment

[X] Land Use Regulation Amendment [ ] Zoning Map Amendment

[ ] New Land Use Regulation [ ] Other:

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

TO AMEND BOTH ORD A200B ZONING CODE + ORD. A-199A TO MEET ORS 222 FOR URBANIZATION-RELATED POLICIES + ZONING CODE TO PROCESS BOUNDARY CHANGE AMENDMENTS LOCALLY (RESULT OF SENATE BILL 417)

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

SAME. FORMATTING CHANGES + MINOR CLARIFICATIONS - NO SUBSTANTIVE/POLICY CHANGE.

Plan Map Changed from: N/A to

Zone Map Changed from: N/A to

Location: N/A Acres Involved:

Specify Density: Previous: New:

Applicable Statewide Planning Goals: GOAL 14

Was an Exception Adopted? Yes: No: [X]

DLCD File No.: 001-08 (16689)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: LANE COUNTY LAND

MANAGEMENT DIVISION, DEPT. OF AG., DEQ, COBURG PUBLIC LIBR., COBURG PARAFIRE DISTRICT

Local Contact: PETRA SCHUETZ Area Code + Phone Number: 541-682-7858

Address: PO Box 8316

City: COBURG, OR Zip Code+4: 97408

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

## ORDINANCE A-199B

### AN ORDINANCE AMENDING THE COBURG COMPREHENSIVE PLAN TEXT AND URBANIZATION-RELATED POLICIES; AND DECLARING AN EMERGENCY

**WHEREAS**, by enactment of Senate Bill 417 by the 2007 Oregon legislature, boundary changes to the City of Coburg and extraterritorial extensions became the jurisdiction of the City of Coburg beginning January 2, 2008; and

**WHEREAS**, Senate Bill 417 authorized the City of Coburg to process boundary changes and extraterritorial extensions consistent with ORS 222 (Boundary Changes; Mergers and Consolidations); and

**WHEREAS**, Pursuant to Senate Bill 417, the Lane County Local Government Boundary Commission was required to complete all applications submitted prior to December 31, 2007, before it sunsets on July 31, 2008; and

**WHEREAS**, on March 25, 2008, the Coburg City Council held a work session to provide direction on questions related to the processing of boundary changes and extraterritorial extensions subject to ORS 222; and

**WHEREAS**, on April 16, 2008 the Coburg Planning Commission conducted a public hearing on the proposed amendments to the City of Coburg Comprehensive Plan;

**WHEREAS**, on May 13, 2008 the Coburg City Council conducted a public hearing and first reading and waived the second reading on the proposed amendments to the City of Coburg Comprehensive Plan;

#### THE CITY OF COBURG ORDAINS AS FOLLOWS:

**Section 1.** The City of Coburg Comprehensive Plan is hereby amended as set forth in Exhibit B of this Ordinance and as follows:

**Section 2.** The recitals above and additional findings of compliance with applicable statewide planning goals, as set forth in Exhibit C, are hereby adopted and incorporated herein by this reference as the basis for the City of Coburg Comprehensive Plan amendments of the Ordinance.

**Section 3.** Any existing ordinances, or parts, thereof, that are in direct conflict with the provisions of this ordinance are hereby repealed, but only to the extent of such conflicts.

**Section 4.** The prior version of the Coburg Comprehensive Plan, adopted by Ordinance A-199A is repealed. The Plan map adopted by Ordinance A-199 remains unchanged and in effect.

#### **Section 5. EMERGENCY DECLARED**

Whereas it is necessary for the general welfare of the citizens of the City of Coburg that the policies of the City of Coburg Comprehensive Plan be clarified and implemented as soon as

practical, an emergency is hereby declared to exist, and this ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

This ordinance, after public notices, hearings, and council deliberations, was, upon motion and second, put to a final vote. The vote of the Council was:

Yes: 4

No: 0

Abstentions: 0

Passed: Yes

Rejected:                     

SIGNED AND APPROVED this 13th day of May, 2008



Judith A. Volta, Mayor

ATTEST:



Sammy L. Egbert, City Recorder

## EXHIBIT A

### City of Coburg Relevant Policies Related to Boundary Changes

Source: Comp Plan version A-200B

**THERE WERE NO CHANGES TO GOAL 1**  
**THERE WERE NO CHANGES TO GOAL 2**

#### Goal 3: Agricultural Lands

**LCDC Goal:** "To preserve and maintain agriculture lands. Agriculture lands shall be preserved and maintained for farm use consistent with existing and future needs for agriculture products, forest and open space...."

**Coburg Objective:** To retain the agricultural use of land in those areas where SCS's Soil Suitability Classification indicates that it is the highest and best use.

**Policy 1:** Pre-existing agricultural activities may continue in accordance with the regulations for conditional uses in the Coburg Zoning Ordinance. New agricultural activities as defined by State law will be considered as conditional uses in any land use zone within City limits.

**Policy 2:** To the extent to which it has jurisdiction, the City shall promote the retention of lands outside its Urban Growth Boundary for agriculture use by encouraging Lane County to maintain current agricultural zoning within the City's area of influence as shown on Map 6.

**Policy 3:** The City shall encourage Lane County to maintain agriculture use of lands located within the City's Urban Growth Boundary but outside the City limits through application of interim agriculture (/IA) zoning or other urban holding zone designation that ensures future use of this land for urban uses, densities, and transportation systems.

**Policy 4:** Urban services will not be extended beyond the Urban Growth Boundary to encourage continued agriculture use of lands within the City's Area of Influence as shown on Map 6.

**Policy 5:** The City supports, and may require, measures to promote compatibility and transition between urban development at the edge of the Urban Growth Boundary and adjacent agricultural areas.

- Policy 6: The City supports, and may adopt, measures that control and manage the use of land that is intended for future urban development but is yet to be annexed. Such measures may include, but are not limited to, intergovernmental agreements, notice and opportunity to comment on County land use actions, and coordinated planning with Lane County.
- Policy 7: The City supports, and shall pursue, establishment of a southern greenbelt that ensures a permanent open character for the area between Coburg and the McKenzie River.
- Policy 8: The City shall protect high quality farmland surrounding the community from premature development.

**THERE WERE NO CHANGES TO GOAL 4**  
**THERE WERE NO CHANGES TO GOAL 5**  
**THERE WERE NO CHANGES TO GOAL 6**  
**THERE WERE NO CHANGES TO GOAL 7**  
**THERE WERE NO CHANGES TO GOAL 8**  
**THERE WERE NO CHANGES TO GOAL 9**  
**THERE WERE NO CHANGES TO GOAL 10**

## **Goal 11: Public Facilities and Services**

**LCDC Goal:** "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."

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

### General

- 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.
- 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.
- Policy 3:** Water and wastewater service shall not be provided outside the Urban Growth Boundary except to areas to be specified in the *Coburg Comprehensive Plan* that provides benefits to the city, such as: water service to Pioneer Valley Estates.
- Policy 4:** In accordance with Statewide Planning Goals and administrative rules, urban water, wastewater and stormwater facilities may be located on agricultural land and urban water and wastewater facilities may be located on forest land outside the urban growth boundary when the facilities exclusively serve land within the urban growth boundary, pursuant to Oregon Administrative Rules (OAR) Chapter 660 Divisions 006 and 033. The construction of these facilities will require close coordination with and permitting by Lane County and possible amendments to the *Lane County Rural Comprehensive Plan*.
- Policy 5:** In accordance with Statewide Planning Goals and administrative rules, water and wastewater facilities are allowed in the public right-of-way of public roads and highways.
- Policy 6:** The City shall require new development to cover their share of the cost of expansion of public facilities resulting from their development.



### Water Facilities

- Policy 7: The City of Coburg shall be the only water service provider within the City limits of Coburg.
- Policy 8: Provide a municipal wastewater treatment and collection system to serve existing residents and businesses and to meet the needs for growth consistent with the community's vision.
- Policy 9: The City shall construct water system improvements, in conformance with the Water Master Plan, Resolution 99-13.
- Policy 10: The City shall implement the recommendations contained in Coburg's Drinking Water Protection Plan, Resolution 97-7.

### Sanitary Facilities

- Policy 11: The City shall designate minimum and maximum development densities that are adequate to support the installation and maintenance of a community wastewater system and that will ensure efficient use of land and public facilities.
- Policy 12: The City shall construct a wastewater facility, in conformance with the Wastewater Facility Plan, 2003-2.
- Policy 13: The City shall plan to provide sanitary sewer service to properties within the city and within the city's urban growth boundary.
- Policy 14: The City shall plan to provide sanitary sewer service to all developments within the urban growth boundary.
- Policy 15: The City expanded the Urban Growth Boundary and City limits to properties immediately east of Interstate 5 and will provide urban services, such as water service and sewer service, when available.
- Policy 16: The City shall work with the County, State and property owners to properly abandon septic systems as they are connected to sanitary sewer service.
- Policy 17: The City shall consider the downtown area as the preferred location for all civic buildings. (e.g. City Hall, Library)

### Solid Waste

Policy 18: The City shall coordinate with Lane County on solid waste disposal and potential recycling plan options with regards to the Lane County Solid Waste Plan as revised, updated and adopted.

### Schools

Policy 19: The City of Coburg shall encourage the retention and continued funding of the Coburg Elementary School program facility and joint funding of the associated Coburg Community School by School District 4J. The Goal 11 City of Coburg shall be committed to join Lane County School District 4J in its efforts to maintain the Coburg Elementary School enrollment.

Policy 20: The City supports the preservation of an elementary school in the City of Coburg.

Policy 21: The City shall support, not necessarily financially, activities conducted by the Coburg Community School that provide community-wide services to residents of Coburg. These activities may include, but are not limited to, publication and distribution of a city newspaper, day care, and preschool, clothing exchange, services to senior citizens and community education and other programs for adults.

### Community Protection

Policy 22: The Coburg Rural Fire Protection District will continue to provide fire protection to Coburg residents.

Policy 23: The City will continue to provide police protection to Coburg residents. The City shall continue to operate and maintain its own police department within the City of Coburg.

### Other Services

Policy 24: The City will continue to be served by Pacific Power and Light and Northwest Natural Gas but shall accept the services of other available energy utilities should they be deemed appropriate by the City Council.

Policy 25: The City shall encourage the continuation and improvement of service by the U.S. Postal Service both by means of a local post office and rural route service to area residents.

Policy 26: The City shall continue to utilize and encourage the health services provided by the Lane Council of Governments' (LCOG) Area Council on Aging, McKenzie-Willamette, and Sacred Heart Hospitals, the Coburg Rural Fire Protection District's emergency

services, and the Coburg Senior Citizens' Group, and Coburg Activities Group.

Policy 27: The City shall encourage day care facilities to operate in town.

Policy 28: The City shall provide and improve facilities for community services.

Policy 29: The City shall encourage improved access to health services.

Policy 30: The City shall improve drainage systems in general, preferably through natural systems where feasible and appropriate.

Policy 31: The City shall provide a municipal wastewater treatment and collection system to serve existing residents and businesses and to meet the needs for growth consistent with the community's vision.

## **Goal 12: Transportation**

Policy 41: Properties inside the City limits immediately east of the Interstate 5 interchange shall have an established trip generation baseline. 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 as shown in Exhibit 2 and is incorporated as policy by reference.

**THERE WERE NO CHANGES TO GOAL 13**

## Goals 14: Urbanization

**LCDC Goal:** "Establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

"Provide for an orderly and efficient transition from rural to urban land use."

**Coburg Objective:** To establish an Urban Growth Boundary with sufficient amounts of urbanizable land to accommodate projected city expansion needs while assuring the preservation of the City's historic character.

**Coburg Objective:** Promote land use and development patterns that sustain and improve quality of life, are compatible with mass transit, maintain the community's identity, protect significant natural and historic resources, and meet the needs of existing and future residents for housing, employment, and parks and open spaces.

### General

**Policy 1:** The City shall preserve urbanizable land and provide for orderly, efficient development by controlling densities through provision of the Zoning and Subdivision Ordinances, thereby preventing the need for overly extensive public services and restricting urbanization to that commensurate with the carrying capacity of the land.

**Policy 2:** The City shall coordinate land use decisions with Lane County, through provisions of the Joint Agreement for Planning Coordination, and with other State and Federal agencies as appropriate.

**Policy 3:** All City land use decisions shall be in compliance with LCDC Goals and Guidelines.

**Policy 4:** City service shall not be extended outside of the City limits. Those people who are living outside the City limits and are connected to the City's water system as of November 15, 1989 shall be "grandfathered" into the program.

**Policy 5:** The Urban Growth Boundary shall not be expanded unless findings of fact establish that the proposed expansion is in compliance with all 7 factors of LCDC Goal 14. The City shall, if

appropriate, establish additional standards for changing the Urban Growth Boundary.

- 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.
- Policy 7: The City shall, if appropriate, establish standards in addition to those enumerated in Policy 5 above for changing the Urban Growth Boundary.
- Policy 8: The Citizens Advisory Committee (CAC) and the City Council shall be responsible for reviewing, updating and amending the *Comprehensive Plan*. The *Comprehensive Plan* shall be reviewed every two (2) years and updated every four (4) years. Core team believes CAC is indeed the Planning Commission, as defined in the City's acknowledged Citizen Involvement Plan.
- Policy 9: Amendments to the *Comprehensive Plan* proposed by City residents shall be reviewed by the Citizens Advisory Committee who shall recommend appropriate action to the City Council.
- Policy 10: The City shall encourage Lane County to retain the current agricultural zoning of lands outside the City's Urban Growth Boundary but within its Area of Influence to prevent continuous urbanization of lands between Coburg and Eugene-Springfield.
- Policy 11: The City shall define its Area of Influence as that area delineated in Map 6.
- Policy 12: New development will be required to meet City and County road standards and have approval of subsurface water and septic drainage systems or other disposal means in keeping with the adopted Coburg Sewerage Facilities Plan.
- Policy 13: Redevelopment programs will be encouraged to eliminate substandard areas in both residential and commercial districts and to prevent premature obsolescence through rehabilitation and Uniform Building Code enforcement.
- Policy 14: All *Comprehensive Plan* documents, maps, and related ordinances shall be kept in City Hall and shall be available for inspection by the public upon request during normal business hours.
- Policy 15: The City shall encourage the integration of adjacent land uses and zoning districts through density transitioning, mid-block

zoning lines, area-specific building height limits, and blending of compatible uses as appropriate.

- Policy 16: The City shall maintain the City's unique character by designing new and infill development that is compatible with Coburg's existing neighborhoods and sewage disposal requirements.
- Policy 17: The City shall promote the efficient use of land within the Urban Growth Boundary and sequential development that expands in an orderly way outward from the existing City center.
- Policy 18: The City shall provide a sufficient supply of developable land within the urban growth boundary to meet the needs of the existing and projected population for residential, commercial, industrial, and recreational uses Goal 14 over the next 20 - 50 years, while preserving the small town character of the community.
- Policy 19: The City shall accommodate projected growth, expand the Urban Growth Boundary in a manner that balances the need to protect high quality farm and forest resource lands with the residential needs of the existing and future population, and with efficient public facility and service delivery.
- Policy 20: Future residential and commercial development shall be constructed in a manner that preserves the small town, historic character of the community.
- Policy 21: The City shall work with Lane County to obtain agreement on measures, such as co-adoption of a Coburg/Lane County Plan Boundary, that apply *Coburg Comprehensive Plan* policies in the area south of the City to the McKenzie River, in the Coburg Hills outside the City's Urban Growth Boundary, and north of the City to Pioneer Valley Estates subdivision, and west in the Coburg Bottom Loop Road area.
- Policy 22: The City shall work with Linn County and other jurisdictions to obtain agreement for the City of Coburg to influence land use development patterns to the north and southeast of the City.
- Policy 23: The City shall work with the City of Eugene to enter into an intergovernmental agreement that specifies that the City of Eugene will not extend its Urban Growth Boundary past the McKenzie River and request that this be included as the policy in the *Eugene-Springfield Metropolitan Area General Plan*.

Policy 24: The City shall encourage redevelopment in residential and commercial areas to encourage investment in the community and compatibility with existing historic character.

#### Residential Land Use

Policy 30 shall be added to the residential section, as well as, the commercial and industrial section of Goal 14.

Policy 25: The City shall encourage the utilization of existing vacant lots to promote a more compact urban growth form.

Policy 26: Where possible, the nature of existing neighborhoods shall be preserved through rehabilitation or other appropriate methods.

Policy 27: The City shall promote the achievement of desired minimum densities and efficient land use through infill development that includes options such as duplexes and triplexes on corner lots, mid-block developments (lots fronting a public or private lane), and flag lots. The City shall allow variations in building setbacks and lot dimensions as needed to encourage development of lots that would otherwise be undevelopable, without requiring a variance process.

Policy 28: The City shall encourage the compatible integration of different land uses such as single- and multi-family dwellings, parks, and mixed use residential/commercial buildings through the development and use of design standards.

#### Commercial and Industrial Land Use

Policy 29: To preserve the rural residential atmosphere of the City, commercial and industrial development shall be controlled through adopted site review criteria.

Policy 30: The City shall develop design policies to create design themes for the *Comprehensive Plan* and create a Design Review Group.

Policy 31: Commercial enterprises which allow permanent residences shall not be allowed to have a residential density greater than that allowed in the residential district.

Policy 32: Commercial activities in residential districts shall be limited to those home activities allowed in the Zoning Ordinance.

Policy 33: Commercial and industrial developments shall comply with all applicable federal, state and local standards governing preservation of air, water, and land resource quality.



- Policy 34: Commercial and industrial properties shall have adequate sewage disposal systems as determined by DEQ and other applicable Federal, State, and local agencies.
- Policy 35: Commercial and industrial developments shall provide adequate buffering from abutting residential uses in compliance with provisions of the Zoning Ordinance.
- Policy 36: All commercial and industrial facilities shall provide off-street parking on their sites or within 400 feet of their location pursuant to provisions of the Zoning Ordinance.
- Policy 37: To preserve the rural character of the City, only light and campus industrial uses as defined in the Zoning Ordinance shall be allowed.
- Policy 38: The City shall encourage the incorporation of limited mixed-use commercial/residential development in commercial zoning districts by providing incentives such as density bonuses. Limit commercial development in industrial zones to those small-scale retail and service uses that serve the industrial area employees and customers but not the community-wide or region-wide market.
- Policy 39: The City shall allow limited retail development next to residential areas and within industrial districts. Ensure the compatibility of this commercial development with the surrounding uses by applying standards for design, compatible hours of operation, noise, lighting, emissions, maximum building size, and types of goods and services sold.

#### Land Use and Development Patterns

- Policy 40: The City shall promote land use and development patterns that sustain and improve quality of life, are compatible with mass transit, maintain the community's identity, protect significant natural and historic resources, and meet the needs of existing and future residents for housing, employment, and parks and open spaces.
- Policy 41: The City shall maintain a viable downtown through plan designations and zoning in a manner that provides opportunities for development of the town center with a compatible mix of housing and businesses.

- Policy 42: Future residential and commercial development shall be constructed in a manner that preserves the small town, historic character of the community.
- Policy 43: The City shall maintain and improve a buffer, which may include use transitions between the highway industrial and commercial uses and the remainder of the town. The buffer shall provide both visual and air quality benefits.
- Policy 44: The City shall preserve a permanent buffer, allowing resource use, in the area two miles north of the McKenzie River to the southern edge of Coburg's Urban Growth Boundary in order to provide open space between the McKenzie River and the southern edge of the Urban Growth Boundary and to maintain a separation between the Cities of Coburg and Eugene.
- Policy 46: The City shall work with Lane County and other jurisdictions to obtain agreement for the City of Coburg to influence land use development patterns to the north and southeast of the City.
- Policy 47: The City shall work with the City of Eugene to enter into an intergovernmental agreement that specifies that the City of Eugene will not extend its Urban Growth Boundary past the McKenzie River and request that this be included as a policy in the *Eugene-Springfield Metropolitan Area General Plan*.
- Policy 48: The City shall encourage redevelopment in residential and commercial areas to encourage investment in the community and compatibility with existing historic character.
- Policy 49: The City should develop a system of Urban Reserve Areas. To allow planning for areas outside the Urban Growth Boundary for eventual inclusion in an Urban Growth Boundary and to protect such lands from patterns of development that would impede urbanization.
- Policy 50: The City shall develop strategies for infill development in residential areas. Infill techniques include design standards, duplexes, triplexes, and fourplexes in selected areas, variations in building setbacks, mid-block developments (lots fronting a private or public mid-block lane), etc.
- Policy 51: The City shall encourage the incorporation of limited commercial development through the use of density bonuses for mixed-use commercial/residential buildings in certain areas

- Policy 52: The City shall discourage neighborhood commercial development (within residential zone).
- Policy 53: Coburg's Downtown Plan is intended to reinforce the downtown area and adjacent neighborhoods as the historic core of the community. New development outside of the core will include the creation of new neighborhoods that mirror the qualities that make the historic core so special: small scale, connected streets and pedestrian routes, trees, and access to open spaces.
- Policy 54: All annexations shall conform to the requirements of the *Comprehensive Plan*, Coburg Zoning Code, , Lane County and the City of Coburg Joint Agreement for Planning Coordination (UGMA), and shall be consistent with applicable State laws.
- Policy 55: All annexations shall be consistent with the goals and policies of the *Coburg Comprehensive Plan* and public facility plans.
- Policy 56: All contiguous lands included within the Urban Growth Boundary are eligible for annexation and urban development. Areas within the Urban Growth Boundary with designated environmental constraints or assets may be annexed and utilized as functional wetlands, parks, open space, and related uses.
- Policy 57: Development proposals are not required for annexation proposals.
- Policy 58: The City shall encourage development and redevelopment within the City limits before conversion of urbanizable areas through implementation of land use regulations and land use policies; however, this shall not preclude annexations allowed by these policies and applicable regulations.
- Policy 59: The City shall consider the anticipated demand on and capacity of key City services, including but not limited to; water, storm drainage, sanitary sewerage, parks, and streets as part of the annexation process.
- Policy 60: An Annexation Agreement shall be required for annexation requests per the Coburg Zoning Code.
- Policy 61: The City shall encourage annexation of land for key City services, including but not limited to; water, storm drainage, sanitary sewerage, parks, and streets.

- Policy 62: The Consent to Annex is required when urban services are provided to property that cannot annex. The Consent to Annex commits the property to future annexation.
- Policy 63: Upon annexation, the underlying *Comprehensive Plan* designation and zoning district shall be automatically applied. Rezoning of land to a different zoning district shall be processed under the regulations, notice requirements, and hearing procedures in the Coburg Zoning Code.
- Policy 64: Lane County shall be responsible for land use actions and decisions on Coburg's urbanizable land. Such responsibility shall transfer to the City of Coburg upon annexation unless otherwise specified within the Annexation Agreement or Lane County and the City of Coburg UGMA.
- Policy 65: Extraterritorial extensions of water or sewer service or facilities may be allowed outside the City limits or Urban Growth Boundary subject to applicable State laws and the requirements in the Coburg Zoning Code.
- Policy 66: Public road right-of-way dedication may be added to an annexation request by the City of Coburg.
- Policy 67: Upon annexation, the City shall require a specific area plan subject to the requirements of the Coburg Zoning Code for sites 1 acre or larger that are designated residential or commercial.
- Policy 68: The City and Lane County shall coordinate on the appropriate County zoning district for urbanizable land within the Coburg Urban Growth Boundary.
- Policy 69: The City shall accommodate projected growth and expand the Urban Growth Boundary in a manner that balances the need to protect high quality farm and forest resource lands with the residential needs of the existing and future population and with efficient public facility and service delivery.
- Policy 70: Development, including but not limited to residential, commercial, industrial and civic uses, shall be constructed in a manner that preserves the character of the community.
- Policy 71: The County coordinated population projection shall be used as one of the factors for estimating land requirements to accommodate expected City population and employment growth over a 20-year planning period.

## EXHIBIT B

### **Findings of Compliance with Applicable Statewide Planning Goals – City of Coburg Comprehensive Plan Urbanization-Related Policies and Coburg Zoning Code Boundary Change Amendments**

1. On January 1, 2008, the City of Coburg became responsible for processing boundary changes within the Coburg Urban Growth Boundary (e.g., annexations, withdrawals, and extraterritorial extensions) subject to the provisions of ORS, Chapter 222. Previously, boundary changes were under the jurisdiction of the Lane County Local Government Boundary Commission and processed under ORS, Chapter 199.
2. The City's Comprehensive Land Use Plan (Plan) and Zoning Code are acknowledged by the State of Oregon to be in compliance with all applicable statewide planning goals and administrative rules. The proposed amendments to the Zoning Code and Plan policies related to urbanization are intended to implement the provisions of Senate Bill 417 and comply with the statewide planning goals. A detailed analysis of how these amendments and policies comply is provided below.

#### **Goal 1. Citizen Involvement**

***“To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”***

The following is a summary of public involvement opportunities:

1. Public hearing notice of the proposed amendments and policies were advertised in the Register Guard on March 15, 2008 and posted at the City of Coburg on March 12, 2008.
2. The City Council held a publicized work session on March 25, 2008.
3. The Planning Commission discussed the proposed boundary change process and the pending April 16, 2008 public hearing at its March 19, 2008, meeting.
4. The Planning Commission conducted a public hearing on April 16, 2008. The Planning Commission unanimously recommended to City Council to adopt Ordinance A-199B.
5. The City Council reviewed and adopted the amendments on May 13, 2008.
6. Notice of the proposed amendments and policies was sent to the Department of Land Conservation and Development on May 19, 2008.

#### **Goal 2. Land Use Planning**

***“To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”***

The Zoning Code amendments proposed in Ordinance A-200C establish a process and methods for boundary changes Article X or extraterritorial extensions Article X to the City of Coburg, including:

1. Requiring an application for a boundary change or extraterritorial extension.
2. Notice of the proposed boundary change or extraterritorial extension and public hearing.
3. Criteria of approval for a boundary change or extraterritorial extension.
4. Notice of the approved boundary change or extraterritorial extension.

The Plan policies provide the overarching framework for implementation of the Zoning Code and the process noted above.

### ***Goal 3, Agricultural Lands***

Although the City of Coburg does not have any agricultural or forest zoning districts within its adopted acknowledged urban growth boundary, policies related to Agricultural Lands are amended to address extraterritorial extensions.

### ***Goal 4, Forest Lands***

This goal does not apply within the Coburg adopted acknowledged urban growth boundary. The City of Coburg does not have any forest zoning districts or forest lands Comprehensive Plan policies related to boundary changes.

### ***Goal 5. Open Spaces Scenic and Historic Areas and Natural Resources***

***“To protect natural resources and conserve scenic and historic areas and open spaces.”***

The Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199B (Comprehensive Plan) related to boundary changes and extraterritorial extensions do not repeal replace or void existing Plan policies or Zoning Code regulations with respect to any identified natural resources. To the contrary, natural areas are provided further protection with the addition of a policy that allows “areas with designated environmental constraints or assets to be annexed and utilized as functional wetlands, parks, open space and related uses.” No changes to supporting ordinances or policy documents adopted to comply with Goal 5 are affected by these amendments or policies.

### ***Goal 6. Air, Water and Land Resources Quality***

***“To maintain and improve the quality of the air, water and land resources of the state.”***

The Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) related to boundary changes or extraterritorial extensions will have no effect on the City’s ability to maintain conformance with state or federal air or water quality standards.

### ***Goal 7. Areas Subject to Natural Disasters and Hazards***

***“To protect people and property from natural hazards.”***

Sites within Coburg subject to natural hazards (floodplain, floodway, erosion, landslides, earthquakes, weak foundation soils, etc.) are inventoried through a variety of sources. The Zoning Code amendments proposed in Ordinance A-200C do not remove or exempt compliance with all other Coburg Zoning Code standards that may apply to the site upon a boundary change or extraterritorial extension.

### ***Goal 8. Recreational Needs***

***“To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”***

Recreational needs and facilities are based on existing and projected populations, which have been programmed and adopted as part of the *Coburg Parks and Open Space Master Plan*. The

Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) do not impact or affect population projections or the City's ability to acquire land for parks and recreation. These amendments and policies will allow the orderly provision of services to parks and recreation as needed.

**Goal 9. Economic Development**

***"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."***

The Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) will enable and provide a structure for service extensions to be provided to industrial and commercial sites consistent with economic development policies contained in the Plan. These will preserve and enhance economic development activities within the area.

**Goal 10. Housing**

***"To provide for the housing needs of citizens of the state."***

The Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) will facilitate the provision of housing by allowing land that is not serviced to annex to the City and receive necessary services to enable urban density development.

**Goal 11 Public Facilities and Services II**

***"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."***

Urban facilities and services include the appropriate types and levels of police protection; sanitary facilities; storm drainage facilities; planning, zoning, and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services. The Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) will enable timely, orderly, and efficient provision of these services to land ready for conversion from rural to urban use.

**Goal 12. Transportation**

***"To provide and encourage a safe, convenient and economic transportation system."***

The Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) have no direct relationship to this goal; however, urbanization requires the comprehensive assessment of all services in a coordinated fashion, therefore development cannot proceed in the absence of any service, including water, stormwater, sewer, and streets.

**Goal 13. Energy Conservation**

***"To conserve energy."***

The Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) will facilitate the logical and orderly provision of urban services, which is consistent with the intent of this goal.

**Goal 14. Urbanization**

***“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”***

The Zoning Code amendments proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) are consistent with the intent of this goal because a land use process for boundary changes and extraterritorial extensions is established and development standards provide for the orderly and efficient transition from rural to urban uses once lands have been annexed into the city limits. The Plan policies proposed in Ordinance A-199A authorize the City Council to approve boundary changes consistent with the Urbanization-related policies of the Plan.

***Goal 15, Willamette River Greenway; Goal 16, Estuarine Resources; Goal 17, Coastal Shorelands; Goal 18, Beaches and Dunes; and Goal 19, Ocean Resources***

These goals do not apply within the boundary of the adopted, acknowledged Coburg Comprehensive Land Use Plan.

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## ORDINANCE A-200C

### AN ORDINANCE AMENDING THE COBURG ZONING CODE RELATED TO BOUNDARY CHANGES AND DECLARING AN EMERGENCY

**WHEREAS**, by enactment of Senate Bill 417 by the 2007 Oregon legislature, boundary changes to the City of Coburg and extraterritorial extensions became the jurisdiction of the City of Coburg beginning January 2, 2008; and

**WHEREAS**, Senate Bill 417 authorized the City of Coburg to process boundary changes and extraterritorial extensions consistent with ORS 222 (Boundary Changes; Mergers and Consolidations); and

**WHEREAS**, Pursuant to Senate Bill 417, the Lane County Local Government Boundary Commission was required to complete all applications submitted prior to December 31, 2007, before it sunsets on July 31, 2008; and

**WHEREAS**, on March 25, 2008, the Coburg City Council held a work session to provide direction on questions related to the processing of boundary changes and extraterritorial extensions subject to ORS 222; and

**WHEREAS**, on April 16, 2008, the Coburg Planning Commission conducted a public hearing on the proposed amendments to the Coburg Zoning Code;

**WHEREAS**, on May 13, 2008, the Coburg City Council conducted a public hearing on the proposed amendments to the Coburg Zoning Code;

#### THE CITY OF COBURG ORDAINS AS FOLLOWS:

**Section 1.** Articles V, X, and XII of Ordinance A-200B are amended by striking the existing text and substituting the following sections as set forth in Exhibit A:

**Section 2.** The recitals above and additional findings of compliance with applicable statewide planning goals, as set forth in Exhibit B, are hereby adopted and incorporated herein by this reference as the basis for the City of Coburg Zoning Code amendments presented in the Ordinance.

**Section 3.** Any existing ordinances, or parts, thereof, that are in direct conflict with the provisions of this ordinance are hereby repealed, but only to the extent of such conflicts.

**Section 4.** The prior version of the Coburg Zoning Code, adopted by Ordinance A-200B is repealed. The Plan Map adopted by A-200 remains unchanged and in effect.

#### **Section 5. EMERGENCY DECLARED**

Whereas it is necessary for the general welfare of the citizens of the City of Coburg that the administrative processes of the Zoning Ordinance be clarified and implemented as soon as practical, an emergency is hereby declared to exist, and this ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

This ordinance, after public notices, hearings, and council deliberations, was, upon motion and second, put to a final vote. The vote of the council was:

Yes: 4

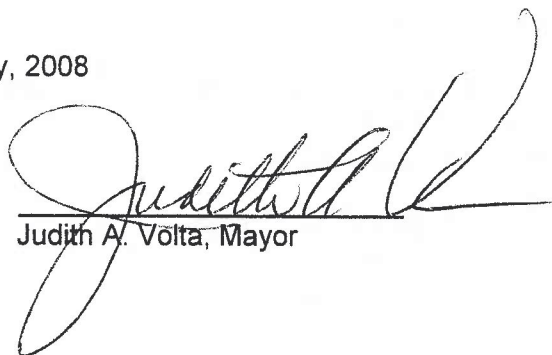
No: 0

Abstentions: None

Passed: Yes

Rejected: \_\_\_\_\_

SIGNED AND APPROVED this 13<sup>th</sup> day of May, 2008



Judith A. Volta, Mayor

ATTEST:



Sammy L. Egbert, City Recorder

**EXHIBIT A**

**COBURG ZONING CODE AMENDMENTS  
May 13, 2008**

**ARTICLE V. APPLICATION OF DISTRICT REGULATIONS**

~~E. All territory which may hereafter be annexed to the city shall be considered to remain in its Lane County zoning classification until otherwise classified by the City of Coburg.~~

**E. 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.E.2. Annexation applications are reviewed under Type II procedures per ARTICLE X.B.12. The City Council shall approve proposed annexations by Ordinance. Other annexation proposals permitted by ORS 222 shall be processed as provided in ORS 222.
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.
  - b. Written consents on City-approved petition forms that are:
    - (1) Completed and signed, in accordance with ORS 222.125, by:
      - (a) All of the owners within the affected territory; and
      - (b) 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:
      - (a) 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

- (b) 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.
  - (c) Publicly owned rights-of-way can be added to annexations initiated by these two methods without any consents.
- c. A City Council resolution to initiate a boundary change, including but not limited to rights-of way.
- d. In lieu of a petition form described in ARTICLE X.E.2.b(2) above, an owner's consent may be indicated on a previously executed Consent to Annex form that has not yet expired as specified in ORS 222.173.
- e. Verification of Property Owners form signed by the Lane County Department of Assessment and Taxation.
- f. A Certificate of Electors form signed by the Lane County Elections/Voter Registration Department including the name and address of each elector.
- g. An ORS 197.352 waiver form signed by each owner within the affected territory.
- h. A waiver form signed by each owner within the affected territory as allowed by ORS 222.173.
- 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.
- j. A Lane County Assessor's Cadastral Map to scale highlighting the affected territory and its relationship to the city limits.
- k. A vicinity map.
- l. A list of the special districts providing services to the affected territory.
- m. A public/private utility plan describing how the proposed affected territory can be served by key facilities and services.
- 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



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.
- 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 XII, and ARTICLE X.E.6 that follows.

6. Effective Date and Filing of Approved Annexation

- a. The effective date of an approved annexation shall be set in accordance with ORS 222.040, 222.180 or 222.465.
- b. Filing of Approved Annexation.
  - (1) Not later than 10 working days after the passage of an Ordinance approving an annexation, the City shall:
    - (a) Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives, and telecommunications carriers (as defined in ORS 133.721) operating within the City; and
    - (b) Mail a notice of the annexation to the Secretary of State, Department of Revenue, Lane County Clerk, Lane County Assessor, affected districts, and owners and electors in the affected territory. The notice shall include:
      - (1) A copy of the Ordinance approving the annexation;
      - (2) A legal description and map of the annexed territory;
      - (3) The findings; and
      - (4) Each site address to be annexed as recorded on Lane County assessment and taxation rolls or found in RLID.
  - (c) The notice to the Secretary of State will also include copies of the petitions signed by electors and/or owners of the affected territory as required in this Section.

(2) If the effective date of an annexation is more than one year after the City Council passes the Ordinance approving it, the City shall mail a notice of the annexation to the Lane County Clerk not sooner than 120 days and not later than 90 days prior to the effective date of the annexation.

7. Withdrawals Authorized by ORS 222.510 – 222.580

- a. Withdrawal from special districts may occur concurrently with the approved annexation Ordinance or after the effective date of the annexation of territory to the City. The City Council shall consider the withdrawal of the annexed territory from special districts as specified in ORS 222.
- b. Withdrawal from special districts processed separate from the process annexing the territory to the City requires a Public Hearing with notice as required in this Article and ARTICLE XI.
- c. Criteria. In determining whether to withdraw the territory, the City Council shall determine whether the withdrawal is in the best interest of the City.
- d. Effective Date. The effective date of the withdrawal shall be as specified in ORS 222.465 as applicable.
- e. Notice of Withdrawal. Notice will be provided in the same manner as specified in this Article and ARTICLE XI.

8. Appeals. Appeals of any City Council decision made under ARTICLE X shall be to the Land Use Board of Appeals, as specified in Article XI.



## **F. Extraterritorial Extension of Water, Stormwater and Sewer Service**

### **1. Purpose**

- (a) These regulations govern the approval of requests for the extension of water, stormwater, or sewer facilities outside of the city limits within the urban growth boundary or extensions that go beyond the city limits and urban growth boundary to serve property within the urban growth boundary. These regulations are intended to accomplish the orderly development of land within the community, ensure the adequate provision of public facilities and services, protect the public health and safety of the community, and enable development to occur consistent with applicable provisions of the Comprehensive Plan.
- (b) The City shall not extend water, stormwater, or sanitary sewer service outside the urban growth boundary, unless a health hazard, as defined in ORS 222.840 - 222.915 is determined to exist. Annexation of the territory so served is required if the territory is within the urban growth boundary and is contiguous to the city limits. An alternative to annexation, if agreed to by the City and the owners of the affected property, may occur in the place of annexation.
- (c) Extraterritorial Service/Facility Contracts between a property owner and the City shall be initiated at the sole discretion of the City Council. The provisions of this contract shall be as directed by the City Council in response to the circumstances and conditions within the affected territory that are causative of the request for extraterritorial service.

2. **Applicability.** Regulations within this Article apply to applications requesting the extension and/or connection of water service or sewer service outside of the city limits and within the urban growth boundary, and stormwater service outside of the city limits and within or outside the urban growth boundary.

3. **Application Requirements.** In addition to the provisions specified in this Code, an extraterritorial extension of service application shall include the following:

- a. A list of all tax lots proposed to be served, including street addresses and property owner names;
- b. A legal description of the property to be served with water or sewer service;
- c. A signed Consent to Annex form for the property proposed to be served;
- d. A map drawn to scale showing the proposed extension of water, stormwater, or sanitary sewer lines to include the proposed number of service connections and their sizes and locations; and

- e. A written narrative addressing the proposal's consistency with the approval criteria in ARTICLE X.F.4.
4. Criteria. The City Council shall review the application for extraterritorial extension of water, stormwater, or sewer service based on the approval criteria specified in (a) – (g) that follows:
- a. The property proposed for water or sewer service is located within the city's urban growth boundary, or the property proposed for stormwater service is located within or outside the city's urban growth boundary;
  - b. Annexation of the property proposed to be served is currently not possible due to the inability to meet the criteria for annexation in ARTICLE X.E;
  - c. The property proposed for service is not vacant;
  - d. The provision of service will not prolong uses that are nonconforming uses as specified in ARTICLE VI;
  - e. In the case of an application for extension of water service, the property to be served is connected with an approved means of sewage disposal;
  - f. The proposed extension is consistent with adopted resolutions, policies, plans, and ordinances concerning extraterritorial extensions; and
  - g. Even if a proposed extension is inconsistent with the criteria above, the City may approve an extraterritorial extension of water, stormwater, or sewer service:
    - (1) Where a communicable disease hazard exists and the extension is the only practical remedy as specified in ORS 222.840 - 222.915; or
    - (2) To property within a dissolved water district within which the City is providing service to some properties.
  - h. Even if a proposed extension is inconsistent with the criteria above, where the City currently provides water outside the urban growth boundary, the City shall consider new service connection requests only when an applicant can demonstrate that a health condition exists that will negatively impact the City of Coburg.

## ARTICLE XII. DEFINITIONS

### B. Definitions

Boundary Change-Related - Specific examples of terms related to boundary changes are as follows:

- (a) Affected City. A city, city-county or cities, named in a petition, for which a boundary change is proposed or a city, city-county or cities, named in an ordinance or order, for which a boundary change is ordered.
- (b) Affected County. Each county that contains any territory for which a boundary change is proposed or ordered.
- (c) Affected District. Each special district named in a petition that contains or would contain territory for which a boundary change is proposed or ordered. Affected district also means a district or districts, named in a petition, for which a boundary change is proposed or ordered.
- (d) Affected Territory. Territory described in a petition. Affected territory also means an area within the urban growth boundary of a city that is otherwise eligible for annexation to a city where there exists an actual or alleged danger to public health as defined in ORS 222.
- (e) Annexation. The attachment or addition of territory to, or inclusion of territory in, an existing city or district.
- (f) Annexation Agreement. A written agreement between the City and owners of land requesting annexation that states the terms, conditions and obligations of the parties to mitigate fiscal and service impacts to the City associated with the annexation and future development of the property. The agreement may be used to ensure annexation consistent with the Comprehensive Plan.
- (g) Annexation Contract. A contract between a city and a landowner relating to extraterritorial provision of service and consent to eventual annexation of property of the landowner. The contract shall be recorded and shall be binding on all successors with an interest in that property.
- (h) Boundary Change. An action by the City Council duly authorized by ORS 222 that results in the adjustment of the City limits or the boundary of a special district.
- (i) Cadastral Map. A map prepared by the Lane County Assessor's office showing bearings and distances and the boundaries of parcels, lots, and tracts of land.

- (j) Consent to Annex. Forms provided by the affected City that must be signed by the owner when urban services are provided to property that cannot annex. The Consent to Annex commits the property to future annexation, is recorded, and is binding on any successive owner or owners. The signature of the owner of part or all of the affected territory and electors, if any, is required, as applicable.
- (k) Contiguous. Territory that abuts the City limits at any point along the property's exterior boundary or separated from the City limits by a public right-of-way or a stream, bay, lake, or other body of water.
- (l) Effective Date of Annexation. The effective date of the boundary change as prescribed in ORS 222.040, 222.180, or 222.465.
- (m) Elector. An active registered voter at an address within the affected territory.
- (n) Extraterritorial Connection of Service. The connection of water or sanitary sewer service to developed property located outside the City limits and within the urban growth boundary.
- (o) Extraterritorial Extension of a Facility. The extension of a water or sanitary sewer line outside the City limits and within the urban growth boundary.
- (p) Extraterritorial Service/Facility Contract. A contract between the owner of property proposed to be served and the City specifying and identifying service provisions, obligations of the City and cost obligations of the owner of the affected territory. The decision to enter into such contract shall be initiated at the sole discretion of the City Council.
- (q) Filing. The submittal of materials to initiate a boundary change process.
- (r) Initiation Methods. Any of the following descriptions of participants and documentation necessary for commencement of City annexation process:
  - (i) All of the owners of land in the territory proposed to be annexed, and not less than 50 percent of the electors, if any, residing in the territory proposed to be annexed, have consented in writing to the annexation and file a statement of their consent to annexation with the City;
  - (ii) More than half of the owners of land in the territory proposed for annexation who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation and file a statement of their consent to annexation with the City;

- (iii) A majority of the electors registered in the territory proposed to be annexed and owners of more than half of the land in that territory consent in writing to the annexation and file a statement of their consent to annexation with the City;
  - (iv) The City Council may, without any vote or any consent by the owners, annex territory within the urban growth boundary if it is found that a danger to public health exists within that territory and that such condition can be removed or alleviated by sanitary, water or other facilities ordinarily provided by incorporated cities; or
  - (v) The City Council may by resolution initiate annexation of right-of-way or other public land contiguous to the city limits.
- (s) Legal Description. As defined in ORS 308.225(2), which states: the legal description of the boundary change shall consist of a series of courses in which the first course shall start at a point of beginning and the final course shall end at that point of beginning. Each course shall be identified by bearings and distances and, when available, refer to deed lines, deed corners, and other monuments, or, in lieu of bearings and distances, be identified by reference to:
- (i) Township, range, section, or section subdivision lines of the U.S. Rectangular survey system.
  - (ii) Survey centerline or right-of-way lines of public roads, streets or highways.
  - (iii) Ordinary high water or ordinary low water of tidal lands.
  - (iv) Right-of-way lines of railroads.
  - (v) Any line identified on the plat of any recorded subdivision defined in ORS 92.010.
  - (vi) Donation land claims.
  - (vii) Line of ordinary high water and line of ordinary low water of rivers and streams, as defined in ORS 274.005, or the thread of rivers and streams.
- In lieu of the requirements of the above, boundary change areas conforming to areas of the U.S. Rectangular survey may be described by township, section, quarter-section or quarter-quarter section, or if the areas conform to subdivision lots and blocks, may be described by lot and block description.
- (t) Notice. An ordinance, resolution, order, or other similar matter providing notice authorized or required to be published, posted, or mailed.
  - (u) Owner. The legal owner of record according to the latest available Lane County tax assessment roll or, where there is an existing recorded land contract that is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land, each consenting owner is counted as a fraction to the same extent as the interest of the other owners and the same fraction is applied to the parcel's land mass and assessed value for

purposes of the consent petition. If a corporation owns land in the affected territory, the corporation must be considered the individual owner of that land.

- (v) Petition. Any document such as signature sheets, resolutions, orders, or articles of incorporation, required for initiating an annexation, withdrawal, or provision of extraterritorial services. In the case of a petition initiated by property owners, the person signing on behalf of a corporation or business must provide evidence showing that person is authorized to sign legal documents for the firm.
- (w) Proceeding. A proceeding to consider a boundary change.
- (x) Proposal. The set of documents required to initiate proceedings for a boundary change.
- (y) Special District. Any of the districts identified in ORS 198.
- (z) Urbanizable Land. Those lands between the city limits and Urban Growth Boundary.
- (aa) Urban Growth Boundary. A site-specific line, delineated on a map or by written description that separates urban and urbanizable land from rural lands, that is part of a Comprehensive Plan.
- (bb) Withdrawal. The detachment, disconnection or exclusion of territory from an existing city or district.

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Last Saved: May 7, 2008*

## EXHIBIT B

### **Findings of Compliance with Applicable Statewide Planning Goals – City of Coburg Comprehensive Plan Urbanization-Related Policies and Coburg Zoning Code Boundary Change Amendments**

1. On January 1, 2008, the City of Coburg became responsible for processing boundary changes within the Coburg Urban Growth Boundary (e.g., annexations, withdrawals, and extraterritorial extensions) subject to the provisions of ORS, Chapter 222. Previously, boundary changes were under the jurisdiction of the Lane County Local Government Boundary Commission and processed under ORS, Chapter 199.
2. The City's Comprehensive Land Use Plan (Plan) and Zoning Code are acknowledged by the State of Oregon to be in compliance with all applicable statewide planning goals and administrative rules. The proposed amendments to the Zoning Code and Plan policies related to urbanization are intended to implement the provisions of Senate Bill 417 and comply with the statewide planning goals. A detailed analysis of how these amendments and policies comply is provided below.

#### **Goal 1. Citizen Involvement**

***“To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”***

The following is a summary of public involvement opportunities:

1. Public hearing notice of the proposed amendments and policies were advertised in the Register Guard on March 14, 2008 and posted to the City of Coburg website on March 28, 2008.
2. The City Council held a publicized work session on March 25, 2008.
3. The Planning Commission discussed the proposed boundary change process and the pending April 16, 2008 public hearing at its March 19, 2008, meeting.
4. The Planning Commission conducted a public hearing on April 16, 2008.
5. The City Council reviewed and adopted the amendments on May 13, 2008.
6. Notice of the proposed amendments and policies was sent to the Department of Land Conservation and Development on May 19, 2008.

#### **Goal 2. Land Use Planning**

***“To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”***

The Zoning Code amendments proposed in Ordinance A-200C establish a process and methods for boundary changes Article X or extraterritorial extensions Article X to the City of Coburg, including:

1. Requiring an application for a boundary change or extraterritorial extension.
2. Notice of the proposed boundary change or extraterritorial extension and public hearing.
3. Criteria of approval for a boundary change or extraterritorial extension.
4. Notice of the approved boundary change or extraterritorial extension.

The Plan policies provide the overarching framework for implementation of the Zoning Code and the process noted above.

### ***Goal 3, Agricultural Lands***

Although the City of Coburg does not have any agricultural or forest zoning districts within its adopted acknowledged urban growth boundary, policies related to Agricultural Lands are amended to address extraterritorial extensions.

### ***Goal 4, Forest Lands***

This goal does not apply within the Coburg adopted acknowledged urban growth boundary. The City of Coburg does not have any forest zoning districts or forest lands Comprehensive Plan policies related to boundary changes.

### ***Goal 5. Open Spaces Scenic and Historic Areas and Natural Resources***

***“To protect natural resources and conserve scenic and historic areas and open spaces.”***

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### ***Goal 6. Air, Water and Land Resources Quality***

***“To maintain and improve the quality of the air, water and land resources of the state.”***

The Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) related to boundary changes or extraterritorial extensions will have no affect on the City’s ability to maintain conformance with state or federal air or water quality standards.

### ***Goal 7. Areas Subject to Natural Disasters and Hazards***

***“To protect people and property from natural hazards.”***

Sites within Coburg subject to natural hazards (floodplain, floodway, erosion, landslides, earthquakes, weak foundation soils, etc.) are inventoried through a variety of sources. The Zoning Code amendments proposed in Ordinance A-200C do not remove or exempt compliance with all other Coburg Zoning Code standards that may apply to the site upon a boundary change or extraterritorial extension.

### ***Goal 8. Recreational Needs***

***“To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”***

Recreational needs and facilities are based on existing and projected populations, which have been programmed and adopted as part of the *Coburg Parks and Open Space Master Plan*. The



Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) do not impact or affect population projections or the City's ability to acquire land for parks and recreation. These amendments and policies will allow the orderly provision of services to parks and recreation as needed.

**Goal 9. Economic Development**

***"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."***

The Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) will enable and provide a structure for service extensions to be provided to industrial and commercial sites consistent with economic development policies contained in the Plan. These will preserve and enhance economic development activities within the area.

**Goal 10. Housing**

***"To provide for the housing needs of citizens of the state."***

The Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) will facilitate the provision of housing by allowing land that is not serviced to annex to the City and receive necessary services to enable urban density development.

**Goal 11 Public Facilities and Services II**

***"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."***

Urban facilities and services include the appropriate types and levels of police protection; sanitary facilities; storm drainage facilities; planning, zoning, and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services. The Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) will enable timely, orderly, and efficient provision of these services to land ready for conversion from rural to urban use.

**Goal 12. Transportation**

***"To provide and encourage a safe, convenient and economic transportation system."***

The Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) have no direct relationship to this goal; however, urbanization requires the comprehensive assessment of all services in a coordinated fashion, therefore development cannot proceed in the absence of any service, including water, stormwater, sewer, and streets.

**Goal 13. Energy Conservation**

***"To conserve energy."***

The Zoning Code amendments and Plan policies proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) will facilitate the logical and orderly provision of urban services, which is consistent with the intent of this goal.

**Goal 14. Urbanization**

***“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”***

The Zoning Code amendments proposed in Ordinances A-200C (Zoning Code) and A-199A (Comprehensive Plan) are consistent with the intent of this goal because a land use process for boundary changes and extraterritorial extensions is established and development standards provide for the orderly and efficient transition from rural to urban uses once lands have been annexed into the city limits. The Plan policies proposed in Ordinance A-199A authorize the City Council to approve boundary changes consistent with the Urbanization-related policies of the Plan.

***Goal 15, Willamette River Greenway; Goal 16, Estuarine Resources; Goal 17, Coastal Shorelands; Goal 18, Beaches and Dunes; and Goal 19, Ocean Resources***

These goals do not apply within the boundary of the adopted, acknowledged Coburg Comprehensive Land Use Plan.

CITY OF COBURG  
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