



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

4/26/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Coburg Plan Amendment
DLCD File Number 003-09

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: Friday, May 07, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Petra Schuetz, City of Coburg
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Angela Lazarean, DLCD Urban Planner

<paa> YA

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

- CITY OF COBURG
- DEPT. OF REVENUE
- DEPT. OF SECRETARY OF STATE
- LANE CNTY CLERK
- LANE ASSESSMENT/TAX
- LANE CNTY PW/LAND MANAG.
- LANE CNTY TRANSPORTATION
- COBURG RURAL FIRE DISTRICT
- MUDDY CREEK IRR. DIST.
- EUG. PUBLIC UTILITY DIST.
- OR DEPT. OF TRANS.

Local Contact: **PETRA SCHUETZ**

Phone: (541) 682-7858 Extension: N/A

Address: P.O. Box 8316

Fax Number: 541-485-0655

City: COBURG, OR

Zip: 97408

E-mail Address: planning@ci.coburg.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. A-200G

AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF COBURG CONSISTING OF PART OF TAX LOT 00306 OF ASSESSORS MAP 16-03-33-00 CONSISTING OF 1.05 ACRES; AMENDING ORDINANCE A-200F TO CHANGE THE COBURG ZONING MAP TO REZONE SAID TERRITORY FROM LANE COUNTY ZONING DISTRICT NEIGHBORHOOD COMMERCIAL TO COBURG ZONING DISTRICT HIGHWAY COMMERCIAL.

THE CITY COUNCIL OF THE CITY OF COBURG FINDS THAT:

WHEREAS, a request to annex certain territory was submitted on October 13, 2009, said territory being described as follows:

Part of tax lot 306, 16-03-33, as generally depicted and more particularly described in and on file as C CB 2009 – AN-02-09; and

WHEREAS, the City Council is authorized by Coburg Zoning Code Ordinance No. A-200E Article X.XI and ORS Chapter 222 to accept, process, and act on annexations to the City; and

WHEREAS, consistent with Coburg Zoning Code Ordinance No. A-200E Article X.XI.A.1 and ORS 222.111(2), the annexation was initiated by the legislative body of the City. City Council Resolution No. 2009-12 approved October 13, 2009 and incorporated herein by reference, initiated the annexation; and

WHEREAS, the territory proposed to be annexed is within the City of Coburg Comprehensive Plan urban growth boundary and is contiguous to the City limits [Article X.XI Section A.4.a]; and,

WHEREAS, the annexation is consistent with the applicable policies in the Coburg Comprehensive Plan supporting annexation to the City [Article X.XI Section A.4.b] and determined by the Final Order including the Finding of Fact herein **Exhibit B**; and

WHEREAS, the annexation will result in a boundary in which key services can be provided [Article X.XI Section A.4.c]; and

WHEREAS, a Staff Report and Final Order was presented to the City Council with the recommendation to approve the annexation request as submitted; and,

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

WHEREAS, on January 12, 2010 a First Reading was conducted by City Council and on February 17, 2010, a public hearing was held by the Coburg Planning Commission and on March 9, 2010, City Council conducted a public hearing and is now ready to take action on this application based on the recommendation and findings in support of approving the annexation request as set forth in the aforementioned Staff Report and Final Order to the Council, incorporated herein by reference, and the evidence and testimony presented at this public hearing held in the matter of adopting this Ordinance.

NOW THEREFORE, THE CITY OF COBURG ORDAINS AS FOLLOWS:

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

Part of tax lot 306, 16-03-33, as generally depicted and more particularly described in and on file as C CB 2009 – AN-02-09; and as generally depicted and more particularly described in **Exhibit A** of this Ordinance.

SECTION 2: This Ordinance shall become effective as required by Coburg Zoning Code A-200E Article X.XI Section A.5, and ORS Chapter 222.

SECTION 3: The City Administrator shall send copies of this Ordinance as required by Coburg Zoning Code A-200E Article X.XI Section A.6.

APPROVAL

YES: 5

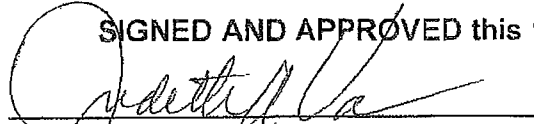
NO: 0

ABSTAIN: _____

PASSED: Yes

REJECTED: _____

SIGNED AND APPROVED this 13 day of April, 2010



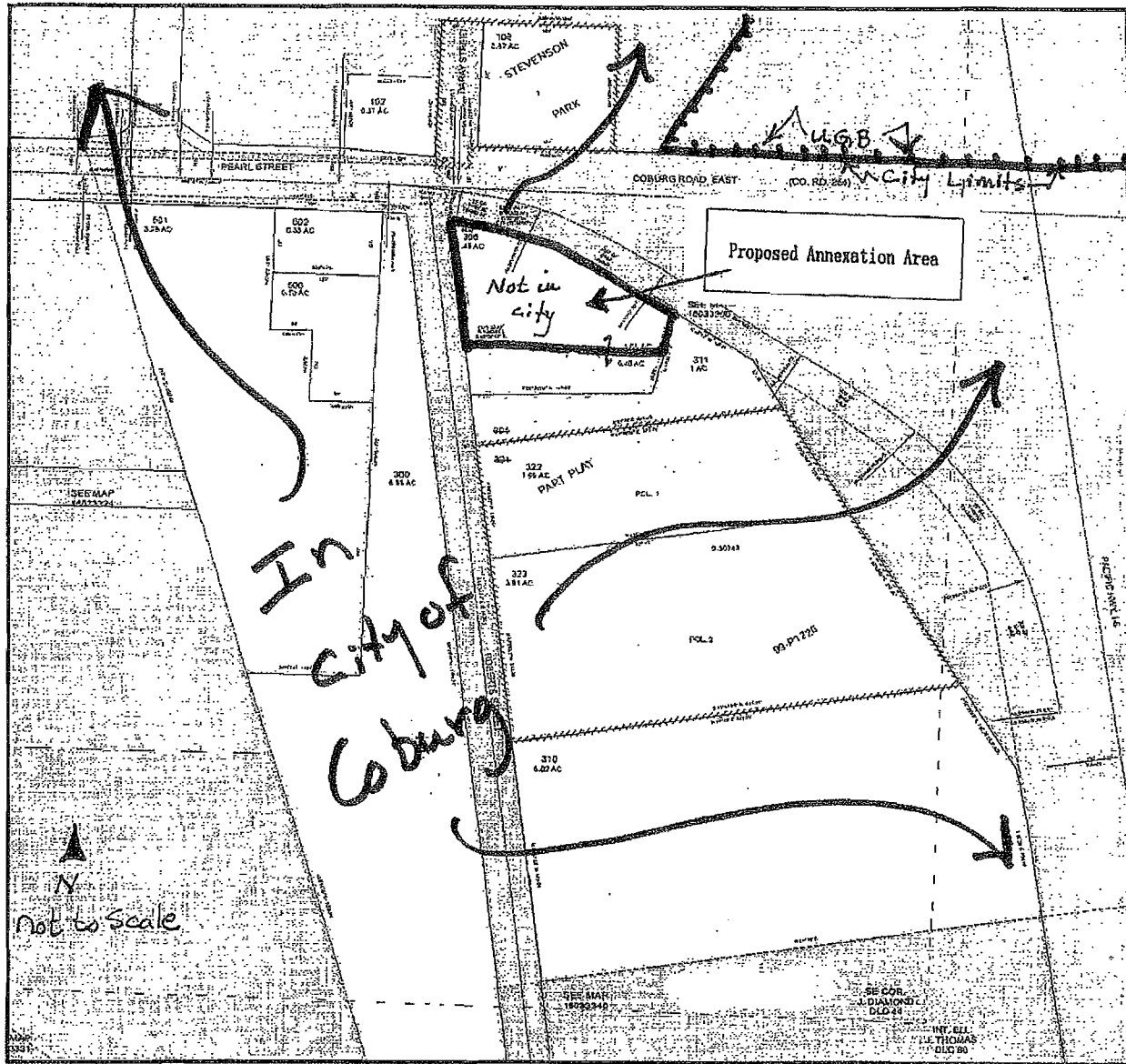
Judith A. Volta, Mayor

ATTEST:



Sammy L. Egbert, City Recorder

EXHIBIT A



LEGAL DESCRIPTION

Beg at a stone monument marking the NE cor of the J. C. Spores DLC No. 45 T16S R03W WM;

Th N88°02'09"W 646.56 ft to a pt on the Wly r/w li of Interstate Highway No. I-5;

Th N08°42'W 1,813.16 ft alg sd r/w li to a pt marked by an iron pin opposite c/li station 225+00;

Th N30°25'W 759.89 ft contg alg sd r/w li to a pt marked by an iron pin;

Th N56°42'W 139.00 ft to a 2-in iron pipe set in concrete marking the TPOB, sd pt also being on the city limits of the City of Coburg;

Th contg alg sd city limits S15°00'W 70.44 ft to an iron pipe set in concrete;

Th contg alg sd city limits S89°39'02"W 246.25 ft to a pt marked by an iron pin;

Th contg alg sd city limits N06°32'58"W 209.00 ft m/l to an iron pin set on the Sly r/w li of Interstate Highway No. 5 and Van Duyne Rd connector rd;

Th contg alg sd city limits and r/w li, sd li being concentric wi and 50.00 ft Sly fr when measured radially to a c/li spiral curve to the ri on the "Na" li, in wh "L" = 200.00 ft, "S" = 10°00' and "a" = 5.0 to an iron pipe set in concrete, wh bears S8030'20"E 46.32 ft fr the last described pt;

Th contg alg sd city limits and r/w li and the arc of a curve to the ri having a radius of 522.96 ft to an iron pipe set in concrete wh bears S72°27'E 104.79 ft fr the last described pt;

Th contg alg sd city limits and r/w li, sd li being concentric wi and 50.00 ft Sly fr when measured radially to a c/li spiral curve to the ri on the "Na" li, in wh "L" = 200.00 ft, "S" = 10°00' and "a" = 5.0 to an iron pipe set in concrete, wh bears S59°57'22"E 191.02 ft to the TPOB, all in Lane County, Oregon.

EXHIBIT B

**FINAL ORDER
of the
COBURG CITY COUNCIL**

AN-02-09 Annexation

A. The Coburg City Council finds the following:

1. The Coburg City Council has reviewed all material relevant to the Annexation proposal for ORDINANCE A-200G; AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF COBURG CONSISTING OF PART OF TAX LOT 00306 OF ASSESSORS MAP 16-03-33-00 CONSISTING OF 1.05 ACRES; AMENDING ORDINANCE A-200F TO CHANGE THE COBURG ZONING MAP TO REZONE SAID TERRITORY FROM LANE COUNTY ZONING DISTRICT NEIGHBORHOOD COMMERCIAL TO COBURG ZONING DISTRICT HIGHWAY COMMERCIAL.;
2. On December 1, 2009, the City submitted Notice to the Department of Land Conservation and Development;
3. On February 17 and March 17, 2010 the Coburg Planning Commission reviewed Annexation AN-01-09 after giving the required notice as per O.R.S. 197.195(3) and Coburg Zoning Ordinance No. A-200D, Article X.B. and on March 17, 2010 Planning Commission held a public hearing and provided a unanimous recommendation (4-0) to City Council to approve the proposal
4. On March 16, 2010 the Coburg City Council reviewed Annexation AN-02-09 after giving the required notice as per O.R.S. 197.195(3) and Coburg Zoning Ordinance No. A-200D, Article X.B. and on March 16, 2010 City Council held a public hearing and held the public hearing open until April 13, 2010.
5. On April 13, 2010, the Coburg City Council reviewed Annexation AN-02-09 after giving the required notice as per O.R.S. 197.195(3) and Coburg Zoning Ordinance No. A-200D, Article X.B. and on April 13, 2010 City Council closed the public hearing and considered adoption of the proposal.

B. The request for approval of the AN-01-09, is approved subject to the following conditions:

No conditions of approval

C. IT IS HEREBY ORDERED THAT the Coburg Planning Commission approves Partition, with the conditions stated above, and based on the following criteria and findings of fact:

ARTICLE X. ADMINISTRATION AND ENFORCEMENT

Approval of the request is consistent with the Statewide Planning Goals

FINDING: The annexation area is located entirely within the Coburg Comprehensive Plan UGB. The acknowledged plan addresses each of the Statewide Planning goals. The City will hold hearings before the Planning Commission and City Council and services are immediately available or can be provided in a timely manner. Annexation to the City is consistent with the applicable Statewide Planning goals.

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

FINDING: The annexation area is located entirely within the UGB of the Coburg Comprehensive Plan. It is designated as Hwy Commercial and is zoned C-2, Neighborhood Commercial. After annexation it be zoned C-2, Highway Commercial, in the City.

FINDING: Water Facilities: Existing water facilities can serve the annexing property when development occurs in the future. Annexation to the City will reduce any jurisdictional confusion when future development occurs.

FINDING: Sanitary Facilities: Any future development will be required to meet all City requirements for wastewater service to new development. Annexation to the City will reduce any jurisdictional confusion when future development occurs.

FINDING: Solid Waste: Existing providers can continue to serve the annexing property. Annexation to the City will reduce any jurisdictional confusion when future development occurs.

FINDING: Community Protection: The annexation area is within the Coburg Rural Fire Protection District and will remain in the district after annexation to the City, as the City receives fire services from the District.

FINDING: Transportation: Pearl Street and Roberts Road abut the annexation area to the north and west. Transportation needs for new development can be provided by these existing roadways. Annexation to the City will reduce any jurisdictional confusion when future development occurs.

FINDING: Land Use: After annexation to the City, land use services will be provided by the City of Coburg. Annexation to the City will reduce any jurisdictional confusion when future development occurs.

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

FINDING: The annexation area is currently served or can be provided with adequate public facilities and services. Annexation to the City will reduce any jurisdictional confusion when future development occurs.

FINDING: Annexation of this property will implement and is consistent with the Comprehensive Plan and is consistent with these criteria.

ARTICLE X.XI BOUNDARY CHANGES (ANNEXATION) [AMENDED ORD. A-200C, 05/13/08]

FINDING: The affected territory proposed to be annexed is within the City's urban growth boundary; and is;

- (1) Contiguous to the City limits; or
- (2) Separated from the City only by a public right-of-way or a stream, lake or other body of water.

FINDING: The annexation area is wholly within the UGB and is contiguous to the Coburg city limits along a portion of its southerly and westerly boundary.

The proposed annexation is consistent with the applicable policies in the Coburg Comprehensive Plan and in any applicable refinement plans;

FINDING: Annexation to the City of Coburg is consistent with the policies in the Coburg Comprehensive Plan supporting annexation to receive urban services (Policies 4, 17, and 40, Goal 14: Urbanization). Annexation to the City implements the policies in the Plan.

The proposed annexation will result in a boundary in which key services can be provided.

FINDING: An unincorporated islanded area will be eliminated, reducing any jurisdictional confusion for providing services.

Where applicable, fiscal impacts to the City have been mitigated through an Annexation Agreement or other mechanism approved by the City Council.

FINDING: An Annexation Agreement is not requested or required for this proposed annexation.

FINDING: Annexation of this property will implement and is consistent with the Comprehensive Plan and is consistent with these criteria.

ATTY OF COBURG
PO Box 8316
Coburg, OR 97408

ATTN: PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITAL ST NE, STE 150
SALEM, OR 97301-2540



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