

**Addition to ATT E  
Public Testimony from 6.17.20  
PC Meeting from Alan & Peggy Wells.**

**From:** [Teresa Bishow](#)  
**To:** [KERNEN\\_Jeff](#)  
**Cc:** [Alan Wells](#); [Teresa Bishow](#)  
**Subject:** Wells Testimony - Weichert Subdivision SUB-01-20  
**Date:** Wednesday, June 17, 2020 7:23:26 AM  
**Attachments:** [Ltr Wells Testimony SUB-01-20\\_061720.pdf](#)  
[image003.png](#)

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Hi Jeff,

Please accept the attached public testimony regarding the Weichert Subdivision SUB-01-20.

The testimony is submitted on behalf of Alan and Peggy Wells. We would also like to be added to the Interested Parties list to obtain notice of the decision.

Please let me know if you need printed copies.

Thank you.

**Teresa Bishow, AICP**  
Bishow Consulting  
Office: 375 West 4<sup>th</sup> Avenue, Eugene  
Mail: PO Box 50721, Eugene OR 97405  
541-514-1029  
[teresa@bishowconsulting.com](mailto:teresa@bishowconsulting.com)





PLANNING & DEVELOPMENT SERVICES  
375 West 4<sup>th</sup> Ave., Suite 204  
P.O. Box 50721  
Eugene, OR 97405  
541-514-1029  
teresa@bishowconsulting.com

June 17, 2020

City of Coburg Planning Commission  
P.O. Box 8316  
Coburg, OR 97408

Sent Via E-mail: [jeff.kernen@ci.coburg.or.us](mailto:jeff.kernen@ci.coburg.or.us)

RE: SUB-01-20 WEICHERT SUBDIVISION

This letter is written on behalf of Alan and Peggy Wells, homeowners living at 32668 East Locust Street in the City of Coburg. Please accept this public testimony in opposition to the Weichert Subdivision.

The City of Coburg Zoning Ordinance provides the Planning Commission discretion to approve, approve with conditions, or deny a proposed subdivision. The proposed subdivision should be denied based on the following:

1. **The land in the subdivision boundary is not a legal lot.**
2. **The subdivision is not consistent with the Coburg Comprehensive Plan.**
3. **City staff recommended Condition #4 is not clear and objective.**
4. **The proposed street layout does not comply with street connectivity standards.**

Each issue is listed below following by a brief explanation.

<b>1. The land in the subdivision boundary is not a legal lot.</b>
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Land proposed to be partitioned or subdivided must first be determined to be a legal lot. The legal lot that contains the land included in the Weichert Subdivision also includes land outside the City zoned by Lane County Exclusive Farm Use 40 acre minimum (EFU 40). The applicant applied to Lane County to partition the existing legal lot at the City limits<sup>1</sup>. There is no evidence that Lane County has approved the partition thus the pending subdivision application was submitted pre-maturely and should be denied.

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<sup>1</sup> County File No.: 509-PA19-05949

Alternatively, the applicant can elect to withdraw the application and re-apply upon approval of the pending partition or could waive the statutory requirements for a land use decision to be made on the pending subdivision until the County partition is finalized. (Refer to Exhibit A – Survey Map from Pending Partition Application.)

**2. The subdivision is not consistent with the Coburg Comprehensive Plan.**

Per *Article X.II.C.2.c.(1)* a proposed tentative subdivision plan shall comply with the applicable zoning code provisions and all other applicable ordinances and regulations. The Coburg Comprehensive Plan, hereafter referred to as Plan, was adopted by ordinance and is intended to guide land use decisions.<sup>2</sup>

The Plan provides a framework for how to apply the Plan to decisions<sup>3</sup>:

***The City recognizes there are apparent conflicts and inconsistencies among some goals, objectives, and policies. When making decisions based on the Plan, not all of the goals, objectives, and policies can be met to the same degree in every instance. Use of the Plan requires a “balancing” of its various components on a case-by-case basis, as well as a selection of those goal, objectives, and policies most pertinent to the issue at hand.***

The Plan designates the subject property as Traditional Residential which is described as follows<sup>4</sup>:

***Traditional Residential – The Traditional Residential is intended to guide development within historic and traditional neighborhoods of the community. The Traditional Residential designation will provide a livable neighborhood environment, preserve the small town and historic character of Coburg, ensure architectural compatibility, and provide for a variety of residential housing choices (including medium density housing in designated areas).***

According to the city staff report, *“The area of the existing parcel after partition at the City limits is 10.83 acres, of which 0.59 acres is zoned Traditional Medium Residential (TMR). The remaining 10.24 acres is zoned Traditional Residential.”*

TR Traditional Residential District (TR) is consistent with the Plan designation. The draft Final Order does not contain any findings regarding why a portion of the subject property is zoned Traditional Medium Density Residential (TMR) nor why this plan/zone conflict should be allowed to continue. The city staff report dated June 10, 2020

<sup>2</sup> Coburg Ordinance No. A-199-H

<sup>3</sup> Plan Introduction

<sup>4</sup> Plan Land Use Designations, Policy 9

determines the minimum required residential density assuming the TMR zoning will remain instead of it being changed to TR in compliance with the Comprehensive Plan. If the Zoning Map is not amended prior to or concurrent with the subdivision approval, it will cause new Lots 1, 26, 27, 28 and 29 to have split zoning. It appears the front portion of these lots will be subject to the TR zoning standards while the rear portions will be subject to the TMR zoning standards. How will density, setbacks, lot coverage and other standards be applied during the building permit process? The remedy is to postpone approval of the subdivision until the city or the applicant initiate a change to the Zoning Map to eliminate the plan/zone conflict and avoid any split zoned lots.

If the TMR zoned land was rezoned in compliance with the Plan, this would decrease the minimum required density by 3 dwelling units.

Key Plan policies applicable to the proposed subdivision are listed below in ***bold italics*** followed by brief findings demonstrating non-compliance.

***Developers of new subdivision shall be required to provide for the recreational needs of their residents as defined in the Subdivision Ordinance.*** (Goal 8: Recreational Needs, Policy 7)

According to the adopted City of Coburg Parks and Open Space Master Plan<sup>5</sup>:

***With a projected population of 3,327 by the year 2025, the analysis determined that the City would need an additional six acres of neighborhood park land, one acre of mini park land, and 26.6 acres of community park land. That translates into approximately two additional neighborhood parks, two to three additional mini parks, and a single community park.***

The area north of the proposed subdivision includes areas identified as desirable for a proposed new community park and a northside neighborhood park. Refer to Exhibit B – Coburg Proposed Parks and Open Spaces). The proposed subdivision itself could be a potential location for a mini park similar to the Jacob Spores Park. The proposed subdivision contains 4 Tracts set aside as non-buildable areas. Unfortunately, the two largest tracts (Tract C and Tract B) are needed for stormwater drainage and the two smaller tracts (Tract A and Tract D) may be needed for future street connections (Macy Street and Muddy Creek). The Final Order does not identify any of the Tracts as permanent open space nor sufficient findings demonstrating that the new subdivision will provide for the recreational needs of new residents.

***The City shall ensure that new housing is compatible with the small town, historic character of the community.*** (Goal 10: Housing, Policy 18)

***The City shall promote livability and community in existing and future neighborhoods.*** (Goal 10: Housing, Policy 19)

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<sup>5</sup> Adopted by Ordinance A-194.

***The City shall encourage the preservation of existing housing, particularly housing with historic value and features. (Goal 10: Housing, Policy 23)***

The three Plan policies above all address the desire to preserve the viability of existing neighborhoods, especially those with historic values. Significant portions of the proposed subdivision are immediately adjacent to areas with significant historic resources. Refer to Exhibit C – Coburg Zoning Overlay Districts. Proposed new development needs to be sensitive to the surrounding neighborhoods with efforts made to retain their livability or at least mitigate any potential adverse impacts.

Of utmost concern is the potential traffic impacts and uncertainty regarding future street paving improvements to N Skinner Street and N Coleman Street. It is imperative that the Planning Commission either pause to consider how to safeguard the quality of existing housing and preserve historic resources or at a minimum clarify the intent and impacts of the city staff recommended Condition #4.

***Develop a street network system that evenly distributes traffic throughout the community, lessening traffic impacts on residential streets, and identifying a system of arterials for moving people, goods, and services safely and efficiently... (Goal 12: Transportation, Policy 1)***

***Take a long-range view in approving street patterns for new development...Protect the function of existing and planned transportation systems...When making a land use decision, the City shall consider the impact on the existing and planned transportation facilities. (Goal 12: Transportation, Policy 2)***

***Establish a safe bicycle and pedestrian system that provides for connections and minimizes conflict to and from the local school and other significant activity areas...Align and interconnect new streets to reduce travel distance, promote the use of alternative modes, efficiently provide utilities and emergency services, and evenly disperse traffic. (Goal 12: Transportation, Policy 5)***

***Provide a transportation system that is safe, convenient, accessible, environmentally responsible, efficient, responsive to community needs, and considerate of neighborhood impacts, particularly in the National Historic District. (Goal 12: Transportation, Policy 46)***

The four Plan policies above all address the need for a transportation system that recognizes all modes of travel and considers the impacts on existing and future neighborhoods.

According to the Coburg Transportation System Plan (TSP), local streets in Coburg are generally 16 to 20 feet wide with gravel or grass shoulders and no sidewalks. The

adopted TSP establishes local street standards. Refer to Exhibit D – TSP Local Street Standards.

The draft Final Order states there is sufficient public right-of-way (ROW) on N Skinner Street with Condition #4 requiring the applicant to improve the pavement width and establish pavement parking restrictions. However, the TSP classifies N Skinner as a Local Street which requires a minimum 45-foot public ROW. The portion of N Skinner abutting the proposed subdivision only has a 30-foot public ROW. Refer to Exhibit A – Survey Map of Proposed Partition Application.

The TSP classifies N Coleman as Local Street and a “bike boulevard”. Although it contains a 50-foot ROW, Condition #4 is unclear the pavement width being required and whether bikes will be sharing the road with motor vehicles and pedestrians or whether there will be a different pavement width required by the applicant due to the “bike boulevard” classification.

In north Coburg, the TSP contemplated a traditional street system with public streets being extended in both east-west and north-south directions concurrent with community growth. The proposed subdivision hinders east-west street connections and is not consistent with the TSP. Refer to Exhibit E – TSP Street Classifications and Future Street Plan.

***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. (Goal 14: Urbanization, Land use and Development Patterns, Policy 39)***

The Plan designates the subject property for residential development. The Planning Commission has discretion on whether the specific development proposal balances competing city policies and addresses standards for new subdivisions. If the Planning Commission believes conditions can be imposed that will allow the subdivision to comply with the approval criteria, the conditions must be clear and objective.

**3. City staff recommended Condition #4 is not clear and objective.**

The City staff recommend approval of the subdivision with the following condition:

***CONDITION 4: As part of the public improvement process, the applicant shall improve the offsite roadway access points to a minimum of two vehicle access lanes, or at least to fire access lane standards and requirements. Improvements shall include but not be limited to pavement widening pavement on-street parking restrictions.***

Condition #4 is not clear and objective. The ambiguity will result in the condition being interpreted long after the close of the public hearing and Planning Commission action. The vague nature of the condition prevents meaningful citizen participation during the Tentative Subdivision phase.

Two local streets in substandard condition are proposed to be extended to serve the subdivision, N Skinner and N Coleman. The existing pavement width of N Skinner Street and N Coleman Street where they abut the proposed subdivision is 12 feet  $\pm$ .<sup>6</sup> In Coburg, the local streets are generally paved between 16 to 20 feet wide allowing for two-way traffic. It is unclear the width of additional pavement required and what locations will require on-street parking restrictions. The draft Final Order does not provide sufficient findings to support the condition or to substantiate the applicant's willingness to construct the off-site improvements.

Condition #4 is unclear regarding the linear distance along N Skinner Street and N Coleman Street the applicant will be required to improve. There is no evidence in the record regarding the potential impacts on stormwater drainage with the increased pavement nor any responsibility of the applicant to address any needed improvements to the roadside ditches. In addition, there is no evidence in the record regarding the potential impacts on historic resources, including heritage trees, adjacent to the street being proposed for improvements. This information is vital for property owners and residents to understand prior to the close of the public hearing process.

**4. The proposed street layout does not comply with street connectivity standards.**

The proposed street layout is predicated on the assumption that the only existing public streets to be extended to serve the new development will be N Skinner Street and N Coleman Street. These two streets are substandard and do not have the minimum pavement width to safely accommodate additional traffic. The streets are narrow in places with widths as low as 12 feet and are being shared by motor vehicles, bicyclists and pedestrians. In addition, the streets are used for on-street parking further decreasing the width of the travel lanes.

The proposed TRACT A at the northeast corner of the subdivision is labeled "Proposed Connection to Muddy Creek" but TRACT A is not aligned with the new proposed east-west street. To allow a future street connection, TRACT A should be widened to include Lot 23.

The subdivision street layout should have been designed to show future public street extensions to E Van Duyn Street and Macy Street. Proposed TRACT D appears intended for long-term open space thus preventing Macy Street from ever being

<sup>6</sup> Source: Survey map submitted to Lane County for pending Partition application. Refer to map attached.

extended. TRACT D should be increased to include Lot 1 thus offering the ability to both extend Macy Street and have sufficient width to accommodate a bike/pedestrian connection towards the school.

The subdivision street layout should recognize the existing public ROW as N Skinner Street curves west towards W Van Duyn Street. This existing 30-foot public ROW could have been widened to allow the eventual connection with W Van Duyn Street.

Finally, the subdivision does not adhere to city standards requiring the terminus of public streets to be designed as a hammer head. The area north of the proposed subdivision is outside the City limits and outside the Coburg Urban Growth Boundary. If the Planning Commission believes the subdivision can not be approved due to the proposed street layout and the need for better street connections, the appropriate course of action is to deny the application.

In closing, during the City of Coburg's update to the Comprehensive Plan there will be opportunities for citizens to participate in vital discussions concerning future growth and development. Any decision to expand the UGB should be undertaken in the context of the Plan update rather than in response to a specific development proposal.

While we concur that the area included in the Weichert Subdivision application is designated Traditional Residential that does not mean the City is required to approve the proposed subdivision. We urge the Planning Commission to consider community concerns raised about the proposed subdivision including the negative impacts on existing housing, adverse impacts to historic properties, and the unsafe extension of N Skinner and N Coleman Streets. We recognize the role of the Planning Commission in balancing competing city policies. If the Planning Commission recommends approval, we strongly urge the Commission to do so with conditions that are clear and objective.

Alan and Peggy Wells are long-standing residents of the City of Coburg and own multiple properties in the City limits including a home on E Locust Street and a new mixed use project on Willamette Street.

Please add me to the Weichert Subdivision interested parties list to receive public notice of the decision along with my clients:

Alan and Peggy Wells  
32668 East Locust Street  
Coburg, OR 97408.

Thank you.

Sincerely,  
*Teresa Bishow*  
Teresa Bishow, AICP

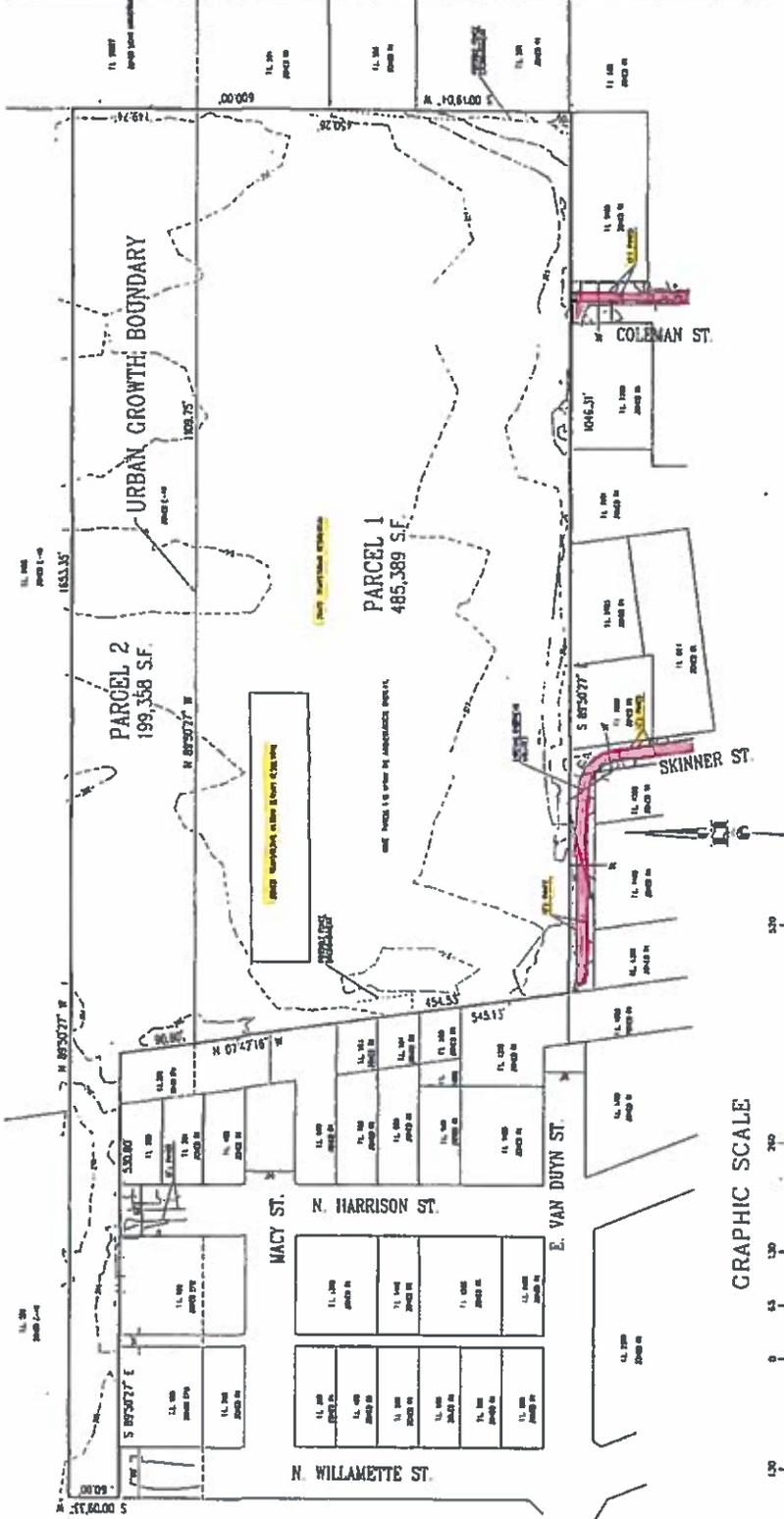
cc: Alan and Peggy Wells

**Exhibits:**

- A. Survey Map from Pending Partition Application
- B. Coburg Proposed Parks and Open Spaces
- C. Coburg Zoning Overlay Districts
- D. TSP Local Street Standards
- E. TSP Street Classifications and Future Street Plan

# EXHIBIT A

THE FAVREAU GROUP CIVIL ENGINEERING ENGINEERING DIVISION		DATE: _____	PROJECT: _____
TENTATIVE PARTITION PLAN FOR JONES COBURG PROPERTY		TAX MAP: 16-03-20-00	TAX LOT: 201
LAME COUNTY PUBLIC WORKS DEPARTMENT		DATE: _____	PROJECT: _____



**REGISTERED PROFESSIONAL LAND SURVEYOR**  
**OREGON**  
**JULY 15, 2003**  
**KENT BAKER**  
**#59865**  
 RENEWS: 12-31-20 21

**NOTES:**

1. Parcel, lot, and street data is shown by the survey.
2. All bearings and distances are in feet and decimal fractions thereof.
3. The survey was made by the use of a total station.
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**LEGAL LOT VARIANCE:**

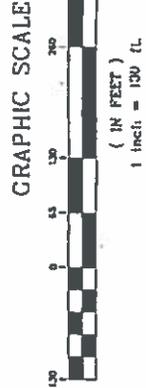
THE LOT VARIANCE IS THE RESULT OF THE SURVEYOR'S BEST EFFORTS TO COMPLY WITH THE REQUIREMENTS OF THE ZONING ORDINANCE. THE SURVEYOR HAS MADE A REASONABLE ATTEMPT TO CORRECT THE VARIANCE AND TO COMPLY WITH THE REQUIREMENTS OF THE ZONING ORDINANCE. THE SURVEYOR HAS MADE A REASONABLE ATTEMPT TO CORRECT THE VARIANCE AND TO COMPLY WITH THE REQUIREMENTS OF THE ZONING ORDINANCE.

**SOILS:**

See separate report for soil data.

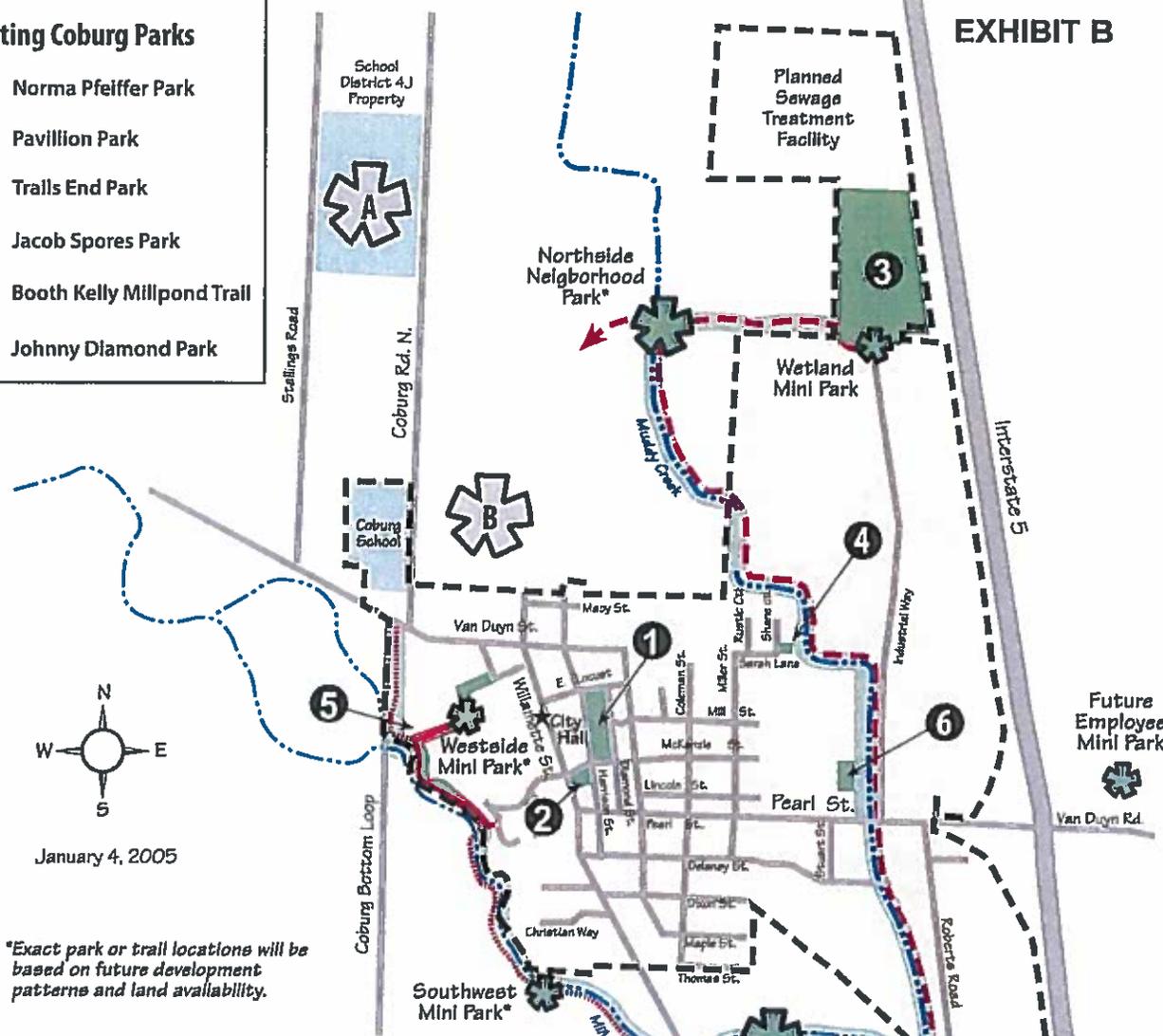
**LEGEND**

- Urban Growth Boundary
- Lot Boundary
- Street Right-of-Way
- Easement
- Utility
- Other



**Existing Coburg Parks**

- 1 Norma Pfeiffer Park
- 2 Pavillion Park
- 3 Trails End Park
- 4 Jacob Spores Park
- 5 Booth Kelly Millpond Trail
- 6 Johnny Diamond Park



January 4, 2005

*\*Exact park or trail locations will be based on future development patterns and land availability.*

**Coburg Park and Open Space Master Plan  
Proposed Parks and Open Spaces**

**Legend**

- Existing City Owned Park or Open Space Area
- School District 4J Property
- Urban Growth Boundary
- Existing Trail (soft surface)
- Proposed Mini Park\*
- Proposed Neighborhood Park\*
- Potential Community Park Locations (one needed)\*
- Proposed Linear Park Corridor\*
- Proposed Hard Surface Trail\*
- Proposed Soft Surface Trail\*



# EXHIBIT D

Figure 3  
Local Street Standards

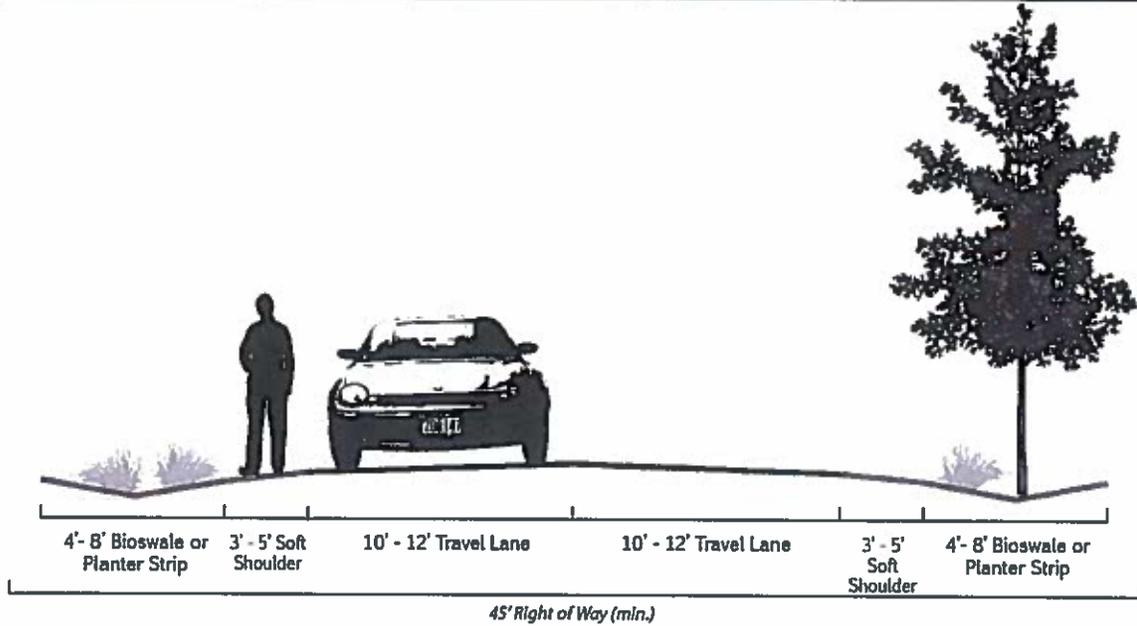
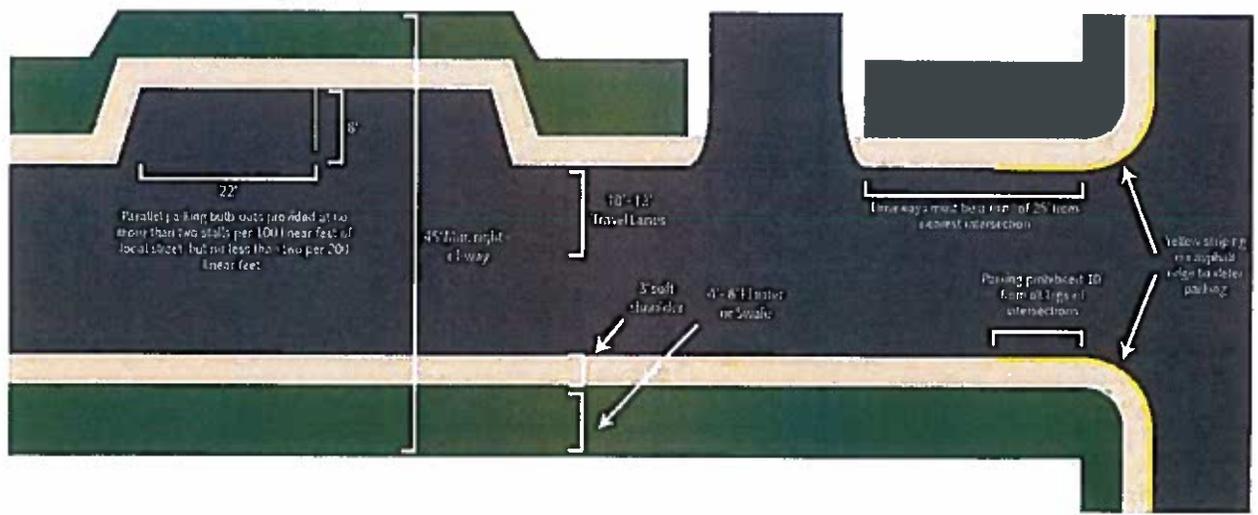
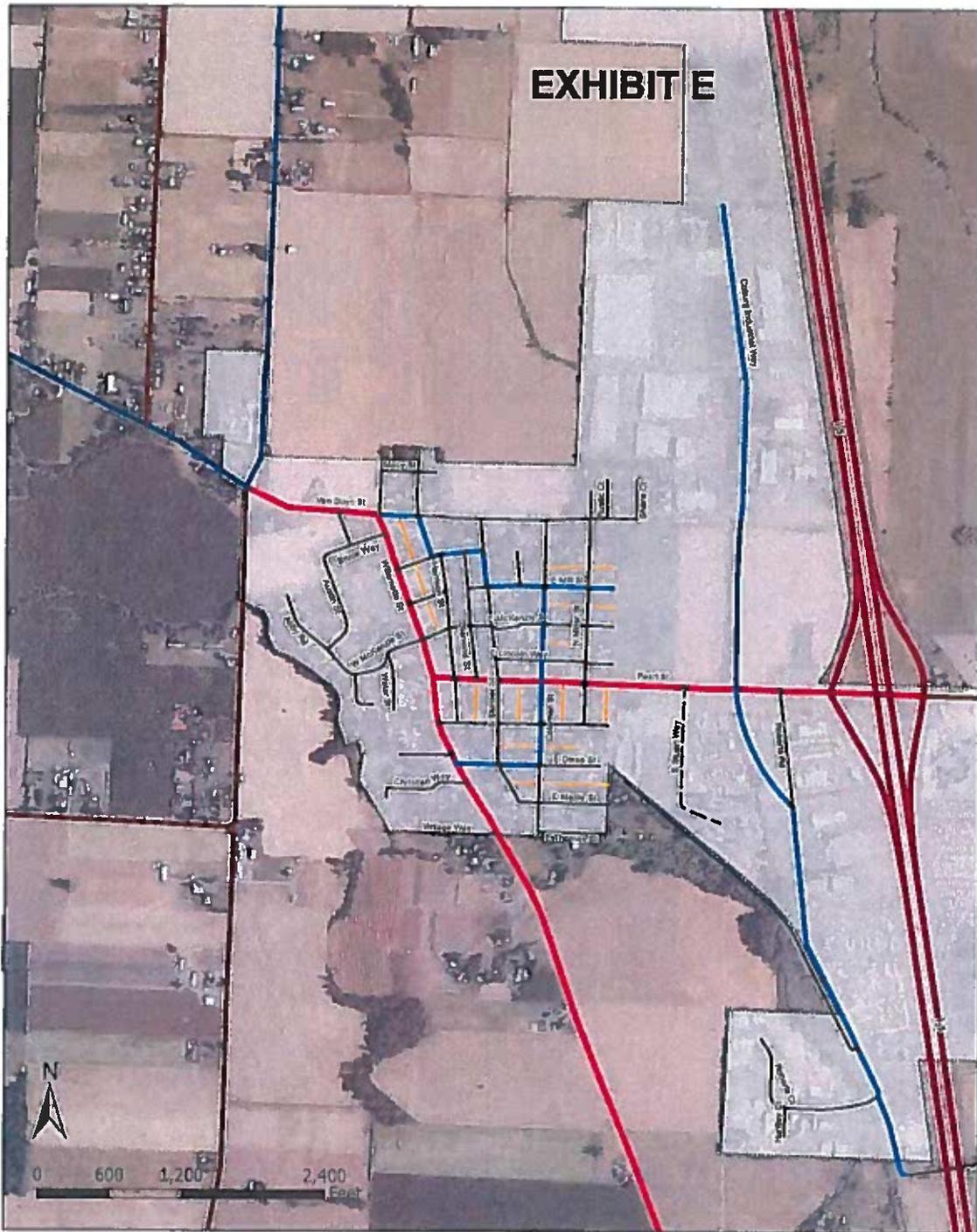
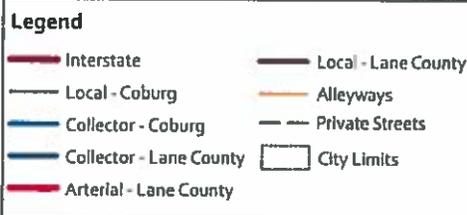


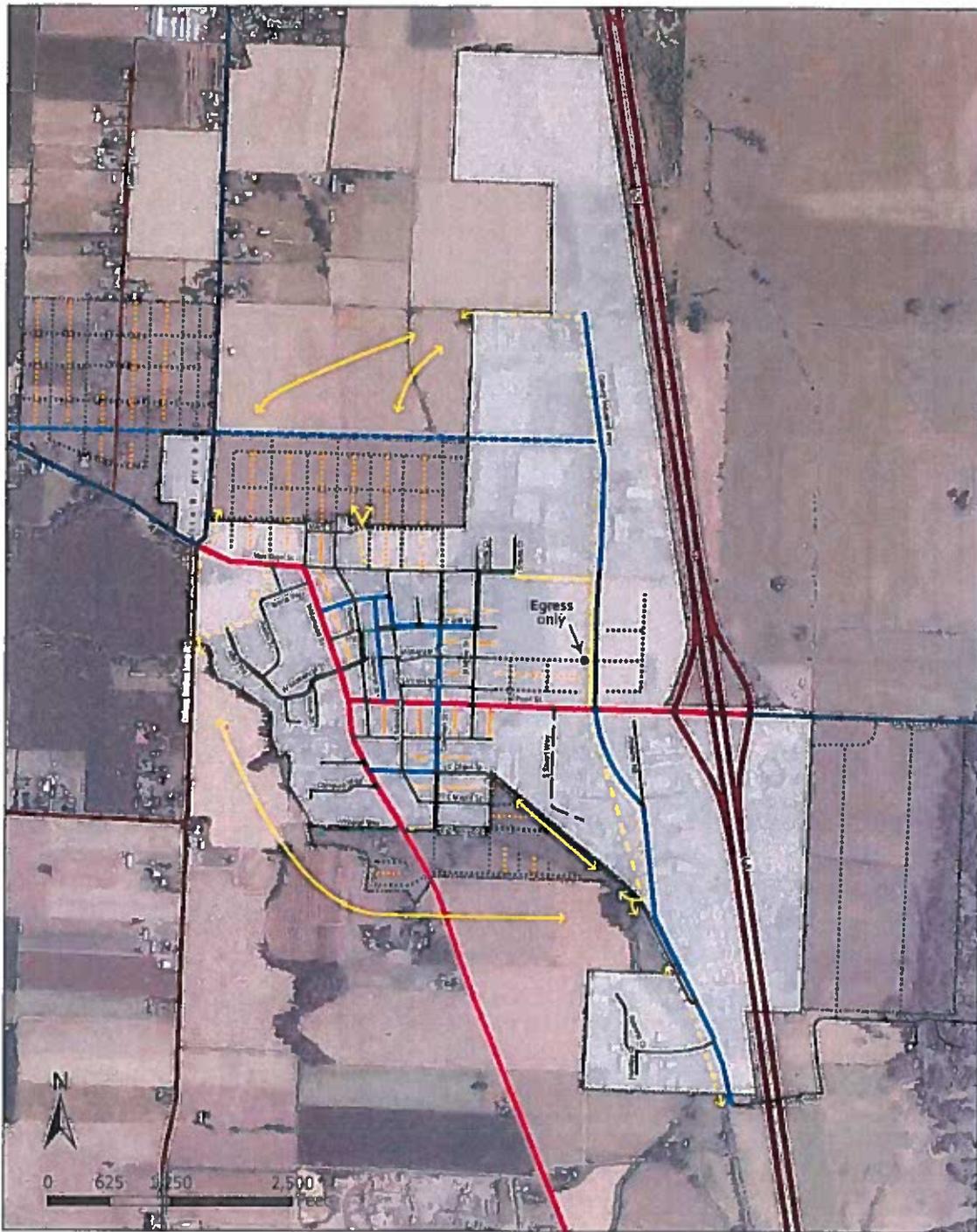
Figure 4  
Local Street Detailed Standards





**Figure 10**  
**2013 Functional Classification Map**





**Figure 11**  
**2030 Functional Classification Map & Future Street Plan**

