



CITY OF PHILOMATH

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Philomath, OR 97370
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www.ci.philomath.or.us

Mission: To promote ethical and responsive municipal government which provides its citizenry with high quality municipal services in an efficient and cost-effective manner.

PLANNING COMMISSION

November 4, 2024

6:00 PM

M E E T I N G A G E N D A

1. CALL TO ORDER

2. APPROVAL OF MINUTES

2.1. October 21, 2024

3. NEW BUSINESS

3.1. PC24-05 Kribs Annexation

Tax Map/Lot: 12-6-12CD #1500 (602 S 15th St)

3.1.1. Public Hearing

3.1.2. Discussion and Recommendation

3.2. PC24-06 Kribs Comprehensive Plan / Zoning Map Amendment

Tax Map/Lot: 12-6-12CD #1500 (602 S 15th St)

3.2.1. Public Hearing

3.2.2. Discussion and Recommendation

3.3. PC24-04 Climate Friendly and Equitable Area Overlay

3.3.1. Public Hearing

3.3.2. Discussion and Recommendation

4. ANNOUNCEMENTS & STAFF UPDATES

4.1. Regular Meeting: November 18, 2024, at 6:00 PM

4.2. Regular Meeting: December 16, 2024, at 6:00 PM

5. ADJOURNMENT

This meeting is being held in-person at the City Hall Council Chambers, and the public is invited to attend. Public comments and testimonies will still be available via electronic participation. City meetings are live streamed at: <https://www.youtube.com/@cityofphilomath204>. This is a public page; no account or user fee is required.

Given two business days' notice, an interpreter can be provided for the hearing impaired or those with limited proficiency in English. Contact the City Manager's Office to make interpreter arrangements or to participate electronically.

Opportunities to Comment

Methods:

1. Appear in person and submit speaker form
2. Sign up to speak via Zoom by contacting the City Manager's Office
3. Email written comments to the City Manager's Office
4. Deliver written comments to the City Manager's Office
5. Mail written comments to the City Manager's Office

Must be received by:

- Meeting call to order
- 4:00 p.m. the day of the meeting
- 12:00 p.m. the day of the meeting
- 12:00 p.m. the day of the meeting
- 12:00 p.m. the day of the meeting

City Manager's office; 541-929-6148; cityhall@philomathoregon.gov; PO Box 400, Philomath, OR 97370

PHILOMATH PLANNING COMMISSION
REGULAR MEETING MINUTES
Philomath City Hall Council Chambers
October 21, 2024

1
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5
6 **1. CALL TO ORDER - ROLL CALL**

7 Meeting called to order at 6:00 p.m. by Chair Gary Conner.

8
9 **Present:**

10 Gary Conner
11 John Barlow
12 Van Hunsaker
13 Josiah Jessen
14 Timothy Melott
15 Darlene Rose

Absent:

Ruth Causey, City Council liaison
Hayley Green

16
17 **Staff Present:**

18 Chris Workman, City Manager

Michael Bidwell, Associate City Planner

19
20 **2. APPROVAL OF MINUTES**

21 **2.1 September 30, 2024**

22 Action Approve minutes as presented.

23 Motion/Second: Commissioner Hunsaker/Commissioner Melott

24 Vote: APPROVED 5-0 (Yes: Barlow, Hunsaker, Jessen, Melott, and Rose; No:
25 None).

26 **3. UNFINISHED BUSINESS**

27 **3.1 Climate Friendly Area Update**

28 Start Time: 6:02 p.m.

29 Discussion:

- 30 • The council received funding aimed at assisting cities with climate initiatives,
31 specifically focused on evaluating parking in climate-friendly areas.
- 32 • An assessment of both on-site and off-site public/private parking areas was
33 conducted, which was expanded to include the entire downtown area. The downtown
34 area is divided into four quadrants (A, B, C, D) to better analyze parking availability.
- 35 • The Downtown Streetscape project in the downtown area is completed, providing a
36 basis for assessing existing parking infrastructure.
- 37 • The city is no longer mandating parking spaces for new developments within half a
38 mile of bus routes, which may lead to increased reliance on public parking.
- 39 • Although no specific parking target number is set, the intent is to maximize available
40 parking in the downtown area. The goal is to develop a plan that identifies potential
41 parking areas to accommodate future growth and development.
- 42 • Future development plans may require adjustments to curbs and sidewalks to create
43 additional public parking spaces, with potential financial collaboration from the city.
- 44 • The existing condition of some streets (e.g., lack of curbs, gravel lots) complicates
45 parking solutions and necessitates further study.
- 46 • A comprehensive parking study may be conducted later to analyze current utilization,
47 enforce regulations, and explore additional solutions like metering and striping.
- 48 • There are ongoing concerns about the placement and accessibility of handicapped
49 parking spaces, with compliance with ADA standards highlighted.
- 50 • Plans suggest maintaining a consistent pattern for parking design throughout the
51 downtown area, balancing parallel and angled parking strategies.
- 52 • The streetscape project incorporated bump outs at intersections for traffic control, but
53 the yellow striping for no-parking zones starts 6-10 feet back, potentially reducing

1 parking availability. Bump outs may hinder visibility for drivers if cars are allowed to
2 park too close to curb ramps.

- 3 • There are concerns regarding the feasibility of parking lots next to the fire hall (Lot B)
4 and their practical use.
- 5 • Discussion about whether off-street parking at the Methodist Church should be
6 included in the parking study, as it is private property.
- 7 • Need for consistency in counting private and public parking spaces; suggesting that
8 all private lots with available parking should be included for a comprehensive study.
- 9 • A potential error in the parking map indicates that parking should be shown on the
10 north side of Main Street instead of the south.
- 11 • The city is bound by state regulations that limit the requirement for off-street parking
12 in new developments, which some view as excessive.
- 13 • Developers are still including parking in new projects despite relaxed regulations, as
14 they understand the necessity for tenant and customer parking.
- 15 • Discussion on the balance between reducing parking requirements to allow for more
16 housing units and the reality that many people still rely on vehicles for transportation.
17 The community has good public transportation options, with frequent bus service, but
18 the need for personal vehicles remains due to distances and capacity for carrying
19 (e.g. groceries). Debate about urban design aims to reduce car dependency, yet
20 many residents still need vehicles for practical daily needs.

21 **4. ANNOUNCEMENTS & STAFF UPDATES**

22 Start Time: 6:44 p.m.

23 **4.1 Staff Update**

- 24 • Les Schwab storage containers on the south tax lot are currently non-compliant with
25 the city code since they lack a primary use. The city is considering a temporary
26 allowance for the continued use of these containers while the business works on
27 construction of a second building. They plan to install a fence to screen the storage
28 units, which should improve visibility and safety at the corner. They also need to
29 ensure the containers are secured to the ground to meet state building codes.
- 30 • The proposed annexation is for a site on South 15th Street, across from the Millpond
31 homes, which is currently just outside the city limits. The developers want to create a
32 higher-density housing project similar to those across the street, potentially as a
33 cottage cluster, although current zoning doesn't allow that. This will require a
34 conditional annexation tied to the site plan approval. The public hearing is set for
35 November, with notices already out. This is meant to provide certainty about what
36 will be approved since the developers will submit a concrete site plan rather than a
37 conceptual design.
- 38 • There's progress on the Millpond Crossing development, including paving work on
39 16th Street, expected to be completed soon.
- 40 • Recent events at the farmer's market and the fire station open house resulted in
41 significant community feedback, indicating a high level of public interest.

42 **4.2 Regular Meeting and Public Hearing (PC24-04 and PC24-05): November 4, 2024, at**
43 **6:00 PM**

44 **4.3 Regular Meeting: November 18, 2024, at 6:00 PM**

45 **5. ADJOURNMENT**

46 Meeting adjourned at 7:04 p.m.

47
48
49 SIGNED:

ATTEST:

50
51
52 Gary Connor, Chair

Ruth Post, MMC, City Recorder



STAFF REPORT
October 31, 2024

APPLICANT:	Martin Kribs
NATURE OF APPLICATION:	Annexation of 1.59 acres
PROPERTY LOCATION:	602 S 15 th Street; Map Tax Lot 12612CD01500
APPLICABLE CRITERIA:	Philomath Municipal Code Chapter 18.135
ZONE DESIGNATION:	Urban Growth Boundary Low Density Residential becomes R-1 inside city limits
STAFF CONTACT:	Michael Bidwell, Associate Planner
DATE RECIEVED:	October 2, 2024
FILE NUMBER:	PC24-05

NATURE OF THE PROCEEDINGS

The City received an application for annexation of a 1.59 acre parcel as shown on the included map. Upon annexation, the default zoning for the property would be Philomath Low Density Residential (R-1).

This annexation application will be reviewed independent of any other applications, with its own findings, hearing, and approval process. Following this review, a separate hearing will be held for two consolidated applications for a zone change and site design review, with their own findings, hearing, and approval process.

FINDINGS OF FACT

- 1) Benton County deemed the septic system as failed, and due to the proximity of the well and having access to city services, the county will not allow them to repair or replace the septic tank, necessitating annexation.
- 2) The subject property is approximately 1.59 acres that has a single-unit detached house and two outbuildings located within the City's UGB and abutting the City along its western and eastern boundaries.
- 3) The Comprehensive Plan designation of the property is Urban Growth Boundary Low Density Residential (LDR); upon annexation, the land will be zoned Philomath Low Density Residential (R-1).
- 4) The property could be built out to seven or eight tax lots, each with its own ADU, totaling 14-16 dwelling units total.
- 5) The City is able to provide water, wastewater, storm drain, park and street services upon annexation of the property.

ANNEXATION APPLICATION CRITERIA AND FINDINGS

Philomath Municipal Code Chapter 18.135 details the criteria for evaluating annexations.

1 **A) Statement of Process. The process of annexation of land to the City allows for orderly**
2 **expansion of the City and for the adequate provision of public facilities and services.**
3 **The City Charter requires that annexation, and/or extension of city services beyond city**
4 **boundaries may only be approved by a majority vote of the electorate.**

5
6 The developer is requesting the City of Philomath approve annexing a 1.59-acre parcel as shown
7 on the included map. Upon annexation, the default zoning for the property would be Philomath
8 Low Density Residential (R-1).

9
10 The property owner is seeking to annex this lot into the City because of a failing septic system.
11 Benton County inspected the septic system and confirmed that it has failed. Since the septic
12 system is too close to the well and the property has access to water and sewer from the city, the
13 county will not allow the rebuilding or replacement of the existing private septic system.

14
15 Review of Health Hazard Annexation is established by state law and involved separate hearing
16 proceedings with the Oregon Health Authority. The applicant has chosen not to pursue that
17 process, but go through our regular annexation process instead.

18
19 **B) Annexation Filing Deadlines.**

20 **1) Unless mandated by State law, all annexation requests approved by the City Council**
21 **shall be referred to the voters in accordance with the requirements of this title and**
22 **ORS Division 222.**

23 **2) Annexation elections are scheduled for May and November. Applications for**
24 **annexation shall be filed with the planning department before 5:00 p.m. on the second**
25 **Thursday of November for a ballot election in May and before 5:00 p.m. on the second**
26 **Thursday of May for a ballot election in November.**

27
28 Current State law prohibits the City from sending this annexation to the electorate for approval.
29 This requirement is no longer applicable.

30
31 **C) Requirements for Applications. Applications to the city for initiation of annexation**
32 **proceedings made by individuals shall be on forms provided by the planning official and**
33 **shall include the following material:**

34 **1) Written consent to the annexation signed by the requisite number of affected property**
35 **owners, electors, or both, to dispense with an election within the territory to be**
36 **annexed, as provided by state law.**

37
38 The application by the owner serves as consent to the annexation.

39
40 **2) A legal description of the property to be annexed.**

41
42 A legal description of the subject property is provided in the "Annexation Boundary Description" on
43 the Kribs Annexation Exhibit submitted with the application and findings.

44
45 **3) A map of the area to be annexed, including adjacent city territory.**

46
47 The developer has supplied a map depicting the subject property, surrounding area, city limits and
48 UGB, which is incorporated into the record as part of the application and findings.

49
50 **4) Sufficient information for city staff to allow for the completion of an impact analysis**
51 **on existing water supply and facilities, and existing sewer, drainage, transportation,**

1 **park and school facilities. In addition, city staff shall project what additional facilities**
2 **will be required to serve the development described in the conceptual plan and, if**
3 **necessary, how such facilities will need to be phased in over time. The application**
4 **shall provide evidence of the need of the proposal by citing data and statistics that**
5 **support the annexation.**
6

7 The City's ability to provide municipal services to a "highest, greatest-impact conceptual
8 development" was done assuming the current assumption of five dwelling units per acre, or seven
9 dwelling units. Public Works reported that for this small of a development, the impact on sewer,
10 water, storm drain, park and transportation systems would be minimal, and well within the city's
11 ability to provide for this level of development.

12
13 **5) Sufficient information for city staff to allow for the completion of an impact analysis**
14 **on community partner services including: school facilities; library services; fire**
15 **services; and emergency medical services.**
16

17 The Philomath School District will provide school facilities. With an expected student population of
18 0.5 students per household, the District will have to accommodate an additional 3-4 students.
19 Impact to the library and fire services are similarly expected to be minimal and well within the
20 current abilities of these outside agencies.

21
22 **6) In addition, city staff shall project what additional facilities will be required to serve**
23 **the development described in the conceptual plan and, if necessary, how such**
24 **facilities will need to be phased in over time. The application shall provide evidence of**
25 **the need of the proposal by citing data and statistics that support the annexation.**
26

27 Staff does not foresee the need for any additional facilities to service this relatively small property.

28
29 **7) A statement outlining the method and source of financing required to provide**
30 **additional facilities.**
31

32 No additional facilities are anticipated as a result of this annexation of future development.

33
34 **8) A conceptual development plan shall be provided by the developer and shall include**
35 **the following:**

- 36 **i. A scale drawing of the site**
37 **ii. The conceptual development plan**
38

39 The developer has submitted a site map showing 16 housing units. This is assuming a future zone
40 change allowing multiple units per tax lot, and is greater than the seven houses with accessory
41 dwelling units currently allowed by the code. Although the conceptual plan is not an accurate
42 reflection of the allowed layout, it shows the resulting impact of up to 16 total dwelling units,
43 including ADUs, thus meeting this criteria.

44
45 **9) A statement indicating the type and nature of any comprehensive plan text or map**
46 **amendments or zoning ordinance or zoning map amendments that may be required to**
47 **complete the planned development.**
48

49 The property is planned for low-density residential use, which would allow for seven housing units,
50 each with an allowed ADU. No other text or map amendment is being considered in correlation
51 with this application for annexation.

1
2 **10) The application fee established by the city. In addition to the application fee, the**
3 **planning official shall require a deposit that is adequate to cover any and all election**
4 **costs.**
5

6 The developer, Mr. Marty Kribs, owns the property, granting him authority to apply for this
7 annexation. The land owner paid the applicable annexation fee in full at the time the application
8 was submitted. No election deposit is required.
9

10 **D. Review of Application. City staff shall review the application and recommend approval if**
11 **it contains the material required under this section.**
12

13 Staff deemed the application complete on April 19, 2024 and proceeded with review.
14

15 **E. Staff Evaluation. City staff shall prepare a report that considers information submitted by**
16 **the applicant as well as other sources of relevant information including but not limited to**
17 **master utility plans, regional and local transportation system plans, and population studies.**
18 **The report shall include an updated land use inventory with the development status of all**
19 **other similarly zoned properties. From this information, a finding shall be made that the city**
20 **has the capacity to provide required utility services in light of commitments already made to**
21 **other approved developments. The staff evaluation of the application will endeavor to**
22 **present a report for the public and review bodies that factually evaluate the proposal and**
23 **may or may not agree with response information provided by the applicant. An annexation**
24 **request including a future residential development shall be evaluated by city staff at its**
25 **maximum possible density.**
26

27 The following report includes an updated land use inventory with the development status of all
28 other similarly zoned properties. From this information, findings are made that the city has the
29 capacity to provide required utility services in light of commitments already made to other approved
30 developments.
31

32 **Water:** It appears that waterline improvements (onsite or offsite) can be constructed which will
33 provide domestic water service and required fire flows to the site. At the time of construction, the
34 developer will be responsible to provide water system improvements conforming to applicable City
35 standards.
36

37 Development Background Information

- 38 • Number of Units:.....assumed 16 units (*per City*)
 - 39 • Estimated unit occupancy:.....2.64 people per unit *
 - 40 • Estimated population increase:.....42
- 41

42 Water System Capacity Analysis

- 43 • City's current water production capacity (*Water Treatment Plant, 11th Street Well, Corvallis*
44 *Intertie*)..... 2.18 MGD
- 45 • City's current peak day demand..... 1.47 MGD
 - 46 o Current peak w/out new apartments or Mill Pond Crossing..... 1.15 MGD
 - 47 o Projected peak day demand, Oak Springs Apts..... 0.053 MGD
 - 48 o Projected peak day demand, Boulevard Apts..... 0.162 MGD
 - 49 o Projected peak day demand, Mill Pond Crossing (168 lot)..... 0.105 MGD
 - 50 o Projected peak day demand, Beelart Development..... 0.136 MGD

- 1 • Reserve peak day water production capacity:..... 0.574 MGD
- 2 • Per capita peak day demand (from historic records):.....250 gallons per person
- 3 • Additional peak day demand from Phelps annexation property:..... 0.010 MGD

4
5 Based on the above numbers, the water system has a current reserve peak day capacity of 0.574
6 MGD. Of this amount, the fully developed property will required 0.010 MGD at maximum assumed
7 density. Therefore, the Water system has adequate capacity to serve the development if it were to
8 be developed at maximum assumed density with R-1 zoning at this time. This evaluation does not
9 take into account the current construction of the new water treatment plant which will more than
10 double the City’s production capacity by the end of the calendar year. This will pre-date the actual
11 development on this property.

12
13 **Sewer:** It appears that sewer improvements (onsite or offsite) can be constructed which will
14 provide gravity sewer service to the site. At the time of construction, the developer will be
15 responsible to provide sewer system improvements conforming to applicable City standards.

16
17 Wastewater System Capacity Analysis

- 18 • City’s current dry weather treatment Capacity..... 0.830 MGD
- 19 • City’s current average dry weather wastewater flow..... 0.635 MGD
 - 20 o Current ADW flow w/out new apartments or Mill Pond Crossing.....0.520 MGD
 - 21 o Projected ADW flow, Oak Springs Apts.....0.008 MGD
 - 22 o Projected ADW flow, Boulevard Apts..... 0.065 MGD
 - 23 o Projected ADW flow, Mill Pond Crossing (168 lot).....0.042 MGD
 - 24 o Projected ADW flow, Beelart Development.....0.008 MGD
- 25 • Reserve dry weather treatment capacity..... 0.187 MGD
- 26 • Per capita increase in ADW flow.....100 gallons per person per day
- 27 • Additional ADW flow from Phelps annexation property..... 0.004 MGD

28
29 The wastewater system has a reserve capacity of 0.187 MGD during dry weather conditions. Of
30 this amount, the proposed development will consume 0.004 MGD. Therefore, the Wastewater
31 system has adequate capacity to serve the development if it were to be developed at maximum
32 assumed density for R-1 zoning at this time. This evaluation may need to be updated if the time
33 between annexation and development is excessive.

34
35 **Storm Drainage:** It appears that storm drainage improvements (onsite or offsite) can be
36 constructed to provide service to the site. At the time of development construction, the developer
37 will be responsible to provide storm drainage system improvements conforming to applicable City
38 and County standards.

39
40 **Streets:** There do not appear to be any projects in the 2018 Philomath TSP (Transportation
41 System Plan) affecting the property.

42
43 Street Capacity Analysis

44 The property fronts on S 15th Street, a fully improved local street with curbs and sidewalks on the
45 opposite side of the street. Assuming 10 trips per day for residential units, maximum R-1
46 development would result in an average of 160 trips per day. With the R-1 zoning, S 15th Street has
47 ample capacity for future development of this property. The City’s transportation system has the
48 capacity to serve development on this property.

49
50 **Stormwater:** Storm drainage improvements will be required in conjunction with any onsite or

1 offsite street improvements required when the annexation property is developed, as well as offsite
2 storm improvements to the extent necessary to provide adequate capacity for drainage from the
3 new development. At the time of development, the developer will be responsible to provide storm
4 drainage improvements which conform to both City and County standards as applicable.

5
6 **Parks:** The nearest park is Skirvin Park and Marys River Park and Natural Area. The City's Parks
7 and Trails Master Plan has ample capacity to service the future development of this property at the
8 R-1 zoning.

9
10 In summary, staff finds that the City has the capacity to provide required utility services in light of
11 commitments already made to other approved developments. This criterion is met.

12
13 **F. Review Criteria. Annexations shall be reviewed by city staff to assure consistency with**
14 **the purposes of this chapter, policies of the comprehensive plan, all requirements of all city**
15 **ordinances, and other applicable policies and standards adopted by the city council and**
16 **state of Oregon. In addition, a finding shall be made that the city is capable of providing**
17 **services to the subject property(ies) commensurate with the needs of existing approved**
18 **and proposed developments.**

19
20 The annexation application has been reviewed and analyzed against the city's development code
21 and applicable policies in the city's comprehensive plan. The following review provides staff's
22 analysis.

23
24 **1. Property to be annexed must be located entirely within the urban growth boundary (UGB)**
25 **of the city.**

26
27 The property to be annexed is located entirely within the urban growth boundary of the city. This
28 criterion is met.

29
30 **2. Property to be annexed is, or upon annexation will be, subject to the city's**
31 **comprehensive plan.**

32
33 The application includes a review of the City's comprehensive plan policies and goals. Staff has
34 reviewed the application's analysis in relation to following comprehensive plan policies and goals:

35
36 Citizen Involvement

37 Policy 2.1 Citizen Awareness. Post notices of meetings of the City Council, Planning Commission,
38 and Committees at City Hall, community gathering places (i.e. Philomath Community Library and
39 Post Office), local businesses, and on the City website.

40
41 Policy 2.2 Social Media. Utilize social media platforms to enhance citizen involvement methods
42 and techniques.

43
44 Policy 2.5 Best Practices Engagement Methods. Utilize community engagement methods, tools,
45 and technologies that are recognized as best practices. Examples would include posting prominent
46 physical signs at future development locations, providing information in locations at events where
47 groups of people are, surveys, information on newsletters, press releases, and other practices to
48 increase engagement.

49
50 Policy 3.4 Develop Consistent Procedures. Develop and utilize a consistent set of procedures for
51 notifying and soliciting input from the public as appropriate to the scale and type of the proposed

1 action.

2
3 Housing

4 Policy 1.1 Ensure that there is sufficient land in each residential plan designation to meet the City's
5 residential land needs.

6
7 Policy 1.2 Coordinate land use planning with the Capital Improvement Plan to ensure that
8 infrastructure is available to support residential development

9
10 Policy 1.3 Encourage development of small vacant and partially vacant parcels, with policies that
11 support development of infill housing types, especially in areas with existing urban services.

12
13 Policy 1.6 Monitor residential land development to ensure that there is enough residential land to
14 accommodate the long-term forecast for population growth.

15
16 Urbanization

17 Policy 2.1 The approval of urban development proposals within the urban fringe shall be based
18 upon the availability or approved extension of City services, contiguity to the City, and approval of
19 delayed annexation.

20
21 Policy 2.2 When considering annexation requests, the City shall evaluate its ability to provide
22 services to areas proposed for annexation.

23
24 Public Facilities and Service

25 1. Public facilities should be designed with sufficient capacity to meet the City's future needs.

26
27 5. Prior to or concurrent with the development of subdivisions or planned unit developments within
28 the Urban Growth Boundary, provision for urban services shall be provided to the development
29 site.

30
31 6. Public facilities that are to be installed shall meet the minimum standard established by the City
32 or designated on the City's master facilities plan unless otherwise exempted by the City, to provide
33 for the cost effective installation of public facilities to benefit the City.

34
35 14. Developers shall be required to participate in providing the facilities to serve their projects as a
36 condition of approval.

37
38 20. The City shall be the principal provider of sewer, water and public facilities and services within
39 the Urban Growth Boundary.

40
41 The application meets the Comprehensive Plan's primary Residential Land Use Goal to "Maintain
42 and improve existing residential areas; develop a variety of housing types in order to meet the
43 City's housing needs." Staff concludes the application for annexation conforms to the applicable
44 comprehensive plan policies. This criterion is met.

45
46 **3. At least one lot or parcel of the property to be annexed must be contiguous to the city**
47 **limits or separated from the city limits only by a public right-of-way or a body of water.**

48
49 As shown on the map provided in the application, the subject property is contiguous to the city
50 limits, specifically, it is adjacent to city limits along the southern, eastern, and northern borders.
51 This criterion is met.

1
2 **4. Annexation of the property must be of benefit to the city and community of Philomath.**
3 The application references the Housing Needs Analysis recently completed by the City and the
4 current deficit in housing. Annexation of the property would allow for additional housing, which is
5 seen as a benefit this annexation would provide to the City and the community. This criteria is met.
6

7 **5. If the property to be annexed is or has been zoned or used for industrial or agricultural**
8 **purposes, an inventory of known contaminants and how they will be abated by the applicant**
9 **must be provided with the application for annexation at the time the application is filed.**

10
11 The property to be annexed is not, nor has it been, zoned or used for industrial or agricultural
12 purposes. This requirement is not applicable.
13

14 **6. If the property to be annexed is or has been zoned or used for industrial or agricultural**
15 **purposes, a Phase I environmental assessment by a certified company shall be performed**
16 **prior to annexation.**

17
18 As demonstrated above, this requirement is not applicable.
19

20 **7. When property to be annexed exceeds 30 acres of developable land, development of the**
21 **land must occur in phases, as specified in an annexation agreement between the applicant**
22 **and the city.**

23
24 This property is less than two acres. This requirement is not applicable.
25

26 **8. Properties that include existing development must have a safe pedestrian route to school**
27 **within 18 months of annexation.**

28
29 The subject property has a vacant house on it. As a condition of approval, a safe pedestrian route
30 to school must be constructed within 18 months of annexation, or the house must be demolished.
31 This criteria can be met with this condition of approval.
32

33 Subsection F of the City Code satisfies all elements of ORS 222.127(2) "Annexation without
34 election notwithstanding contrary city law upon petition of all owners of land."
35

36 **CONCLUSION**

37
38 Staff concludes that the Application for Annexation meets the applicable criteria as set forth by
39 Philomath Municipal Code.
40

41 **CONDITIONS OF APPROVAL**

- 42 1. A safe pedestrian route to school must be constructed within 18 months of annexation, or
43 the house must be demolished.
44

45 **RECOMMENDED MOTIONS**

46
47 *I move to adopt the Findings of Fact as presented in the Staff Report dated October 31, 2024 for*
48 *planning file PC24-05 and recommend the City Council consider the application for approval, with*
49 *the included condition of approval.*
50

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OR

I move to amend the Findings of Fact for the Annexation in planning file PC24-05 as follows:

_____.

I move to adopt the Finding of Fact for the Annexation in planning file PC24-05 as amended and deny the application.

Seymour B House
5925 SW Plymouth Dr.
Corvallis, OR 97333
seymour955@gmail.com
tel: 971-343-2727
21 October, 2024

FILED
OCT 24
AUG 5 2024
BY: WJD TIME: _____
CITY OF PHILOMATH

Philomath City Council
City of Philomath
980 Applegate Street
Philomath, OR 97370

Dear Members of the Philomath City Council,

I am writing to express my enthusiastic support for the proposed 16-unit cottage cluster housing development in Philomath. As a member of this community who values thoughtful growth, I see that this project matches the city's goals for housing while preserving the character and density of the surrounding neighborhood.

Philomath's Housing Needs Analysis and our own experience shows that we need more housing. And we need more affordable housing, within the city and its schools and shopping. This project brilliantly caters to those needs and offers flexible solutions to diverse family needs.

It integrates well, and creatively, into the existing neighborhood fabric. And it offers a sense of neighborhood with the clustering design without adding to the on-street parking congestion. City services-- already in place-- were planned for housing expansion like the one being proposed, and the infrastructure to support it is capable of handling the additional demand without significant disruption or cost to the community.

In addition to the aesthetic appeal, the project is practical-- that means affordable. Currently, 37% of our households are cost-burdened, particularly renters. These homes offer well-designed, affordable housing for young families, professionals, and retirees alike. That will ensure that Philomath remains a vibrant and inclusive community for years to come.

I urge the City Council to approve this well-conceived response to our growing housing needs that respects the integrity of our community while providing much-needed diversity in housing options.

Thank you for your time and consideration.

Sincerely,
Seymour B. House

Seymour B House

602 S. 15th Street Annexation Application

Submitted to

**The City of Philomath
980 Applegate Street
Philomath, Oregon 97370**

Submitted by

**Martin Kribs
1020 Pioneer Street
Philomath, Oregon 97370**

In collaboration with



245 NE Conifer Boulevard, P.O. Box 1211
Corvallis, Oregon 97339-1211

And

**Cultivate Inc.
Eugene, Oregon**

Annexation Application Narrative and Graphics

PART I – Philomath Municipal Code
18.135 INTRODUCTION

Kribs Annexation

In line with Philomath Municipal Code 18.135, this application supports the property owner's goals for their site at 602 S 15th Street, Philomath, Oregon (Tax Map T12S, R6W, Section 12CD, TL 1500), a 1.59-acre plot in Benton County, adjacent to Philomath city limits. The property fits the city's "annexation island" category, meaning it will be served by public utility and transportation services once annexed, aligning with the city's long-term annexation plan. It also qualifies for a Health Hazard Annexation. The proposed annexation area is within the urban growth boundary and has been used for single-family homes, a garage, and a utility building over the past decades. The proposed development Conceptual Site Plan consists of eight (8) Single Family residences of approximately 1012 SF and eight (8) single family residences of approximately 500 SF. The Applicant will agree to a "Development Agreement" to limit future development to the density and building height shown on the proposed Conceptual Site Plan.

As part of this Application, please see the City of Philomath Annexation Application Form included in this Narrative, as per PMC 18.135.030.C.

Per PMC 135.030.C.1, Written consent to annexation signed by the property owner can be found as indicated on the Annexation Application form.

Per 18.135.030.C.2 and 18.135.030.C.3, included in the Appendix, please find the Boundary Survey and Legal Description for the proposed area of annexation. This survey and legal description have been prepared by a professional surveyor licensed in the State of Oregon

Part II of this Application includes the required information per PMC 18.135. Part III contains the accompanying graphics which support this Annexation request. The Appendix follows Part III and includes the Application Form, the Consent to Annexation letter, the Boundary Survey and Legal Description.

Part III of this Application contains graphics which support this application.

PART II – Philomath Municipal Code 18.135 ANNEXATIONS AND AMENDMENTS – NARRATIVE

Kribs Annexation

Exhibit 'A' in Part III, Exhibits, shows the existing Benton County Assessor's Maps in which the proposed Annexation site lies. The proposed Annexation project site is located on the west side of S. 15th Street, fronting S. 15th Street. The annexation boundary abuts R-1 zoning to the north and south. It also abuts R-3 Zoning to the east (Millpond) and is within the Urban Growth Boundary. This Exhibit demonstrates the location of the proposed Annexation property and its proximity to the existing City of Philomath city limits and helps with the visualization of the size of the project area in relationship to the surrounding area. Exhibit 'B' in Part III, Exhibits, shows the current City of Philomath Zoning and Comprehensive Map Plan designations for the property and for the area within the annexation boundary and is lying within the urban growth boundary for the City of Philomath and which has a City of Philomath Comprehensive Plan designation of Low Density Residential. This application is requesting the annexation of the Kribs' property into the City of Philomath city limits, and to be designated as R-3 Residential zone. Annexation of a Low Density Residential comprehensive plan area would generally be considered as City of Philomath R-1 zone (low-density residential). The request for the R-3 zone would allow the owner to construct a site plan which can support the City of Philomath's long-range zoning goal updates plan to increase the availability of R-3 zoning with multi-family residential potential in the city's zoning and housing inventories. The Conceptual Site Plan proposed for this site is unique to the City of Philomath, and as such, the Owner has been advised by the City of Philomath Planning staff that an R3 zoning designation would support this proposal. It is the intent of the Applicant to develop the Site to R-1 criteria under the R-3 "multi-family" zone. It is also the intent of the Applicant to agree to a Development Agreement which would limit development of the Site to the R-1 criteria as shown on the Conceptual Site Plan. The City of Philomath Planning staff supports this zone amendment and development agreement concept. The property location lends itself to the R-3 zone as the master planned utilities and transportation system plans show the anticipated improvements which would sufficiently serve this 1.59 Ac. site under the R-3 criteria. The R-3 zone allows for the development of single family, duplexes, townhomes and multi-family residential dwellings. The owner will agree to a development agreement that would limit development to the number of units, building heights and density that would currently be allowed in the R-1 zone. The accompanying Conceptual Site Plan, Exhibit 'E', Part III, shows the intended Conceptual Site Plan. Annexation of this property with an R-3 zone would create the potential for more creatively designed and attainable housing options in Philomath consistent with long term planning goals.

Exhibit 'D', Existing Annexation Boundary Site Conditions, in Part III, shows the site in its existing state within the annexation boundary, and for the property site, and shows information pertaining to the existing site topographics, existing utilities, existing adjacent property uses, and existing recorded easements on the site, if any. The Conceptual Site Plan, Exhibit 'E', Part III, shows how the site is intended to be developed at a similar density to the surrounding properties. Access to

this site would be via S. 15th Street which is a local street in the City of Philomath Transportation System Plan (TSP). There are no plans to upgrade 15th street to a higher design standard, as the current design is adequate to provide the feasibility of sufficient capacity to serve the small amount of additional traffic which could be created by a development of this proposed size if this site were to be annexed.

The Conceptual Site Plan depicts sixteen (16) separate buildings; eight (8) 2 bedroom, 2 bath units and eight (8) 1 bedroom, 1 bath units, along with the accompanying proposed vehicle access points, vehicle parking and circulation areas, and proposed open space. Proposed development would comply with all City of Philomath, relevant PMC Code, and Public Works Standards and design criteria per current standards at the time of the application submittal and the development agreement. Exhibit 'E', Conceptual Site Plan, shows the intended site plan.

Per PMC 18.135.030.C.4, the following information supports preparation by city staff of an impact analysis on existing and future city services. This site has been evaluated by City of Philomath staff as to whether it can be served by existing and/or future City of Philomath public infrastructure. Exhibit 'F', Part III, Conceptual Utility Plan, shows the location of existing City of Philomath utilities and the conceptual connections from the site to these utilities. Analysis of the utility requirements of a conceptual multi-family plan such as presented on Exhibit 'F', Conceptual Utility Plan, indicates that the existing water main line in S. 15th Street is sufficient to serve the annexation site at the proposed density. The Conceptual Utility Plan also shows the extension of new public sanitary sewer, storm drainage and private water facilities to serve the proposed site.

Connections to the existing sanitary sewer would be to the main line in S. 15th Street right-of-way, with lateral services added to facilitate services to the annexation site. Storm drainage will be collected and detained on site, released from the detention area(s) to the existing drainage ditch on the west side of S. 15th Street. Two existing fire hydrants (see Exhibit 'D', Existing Conditions) are located to the northeast and southeast of the Annexation site. To meet the requirements of the City of Philomath Fire Department for a conceptual development of this size, a new hydrant will be installed on the west side of S. 15th Street to service the Annexation site. The Philomath Fire Department provided comments on the initial conceptual site plans, and the comments have been incorporated into the Conceptual Utility Plan, Exhibit 'F'. The proposed Conceptual Site Plan shows sufficient and clear access points and circulation options for the fire department and emergency medical services to serve the site.

Per PMC 18.135.030.C.5, Review of potential impacts to community partner services found that any children being housed in this annexation location could attend the Philomath School District 17J. and have use of the Philomath Public Library.

Per PMC 18.135.030.C.6, city staff evaluation of any additional facilities required to serve the annexation site will be included in the city staff review comments.

Per PMC 18.135.030.C.7, any financing method and source of financing to provide additional facilities, if needed, will be determined and outlined by the property owner/developer.

Per PMC 18.135.030.C.8, please reference the Exhibits contained in Part III of this narrative.

Per PMC 18.135.030.C.9, this Annexation Application is requesting a plan designation change from the current Benton County Comprehensive Plan designation of Low Density Residential to City of Philomath Comprehensive Plan designation of high density residential with an overlay of City of Philomath Zoning designation of R-3. This annexation area will be subject to the city's comprehensive plan for any future development proposals. This would indicate bringing the property into the City of Philomath as R-3 zone. Annexation of a Comprehensive Plan Low Density Residential area would generally be considered as having a City of Philomath R-1 zone (low-density residential) overlay. The request for the R-3 zone amendment would allow the proposed development of housing consistent with City of Philomath housing goals for both inventory and housing type. The R-3 zone allows for the development of single family, duplexes, townhomes and multi-family residential dwellings. The accompanying Conceptual Site Plan, Exhibit 'E', Part III, shows the proposed Conceptual Site Plan. A Site Design Review Application and Narrative will accompany this Annexation Application, to be reviewed concurrently.

Per PMC 18.135.030.C.10, the Annexation Application Fee has been included.

Per PMC 18.135.030.G, this Annexation Application is requesting concurrent zoning map amendments with this annexation of property request, as suggested and supported by City of Philomath staff. See Exhibits 'B' and 'C'. Due to the nature of a Health Hazard Annexation, a Zoning Amendment application is not required (per City of Philomath staff).

Per PMC 18.135.030.K, This Annexation Application has met the Benton County Health Department Standards for a Health Hazard Annexation. See the information contained in the correspondence between the property owner and Benton County, found in the Appendix.

Per PMC 18.135.030.L This Annexation Application is an Island Annexation, but, more importantly, is a Health Hazard Annexation requested by the property owner/applicant and supported by Benton County.

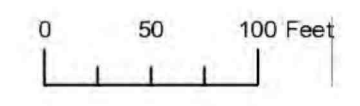
Per PMC 18.135.050, Transportation Planning Rule Compliance, this Annexation Application proposes a zoning designation change. It is understood by the Applicant that this Annexation Application will be reviewed by city of Philomath staff to determine if there is any significant effect on the adjacent transportation facilities pursuant to Oregon Administrative Rule 660-012-0060, Transportation Planning Rule, and that if a significant effect is determined the City shall coordinate a modification to this application or mitigation to any impacts with the applicable roadway authority and the applicant.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

S.E. 1/4 S.W. 1/4 SEC. 12 T.12S. R.6W. W.M.

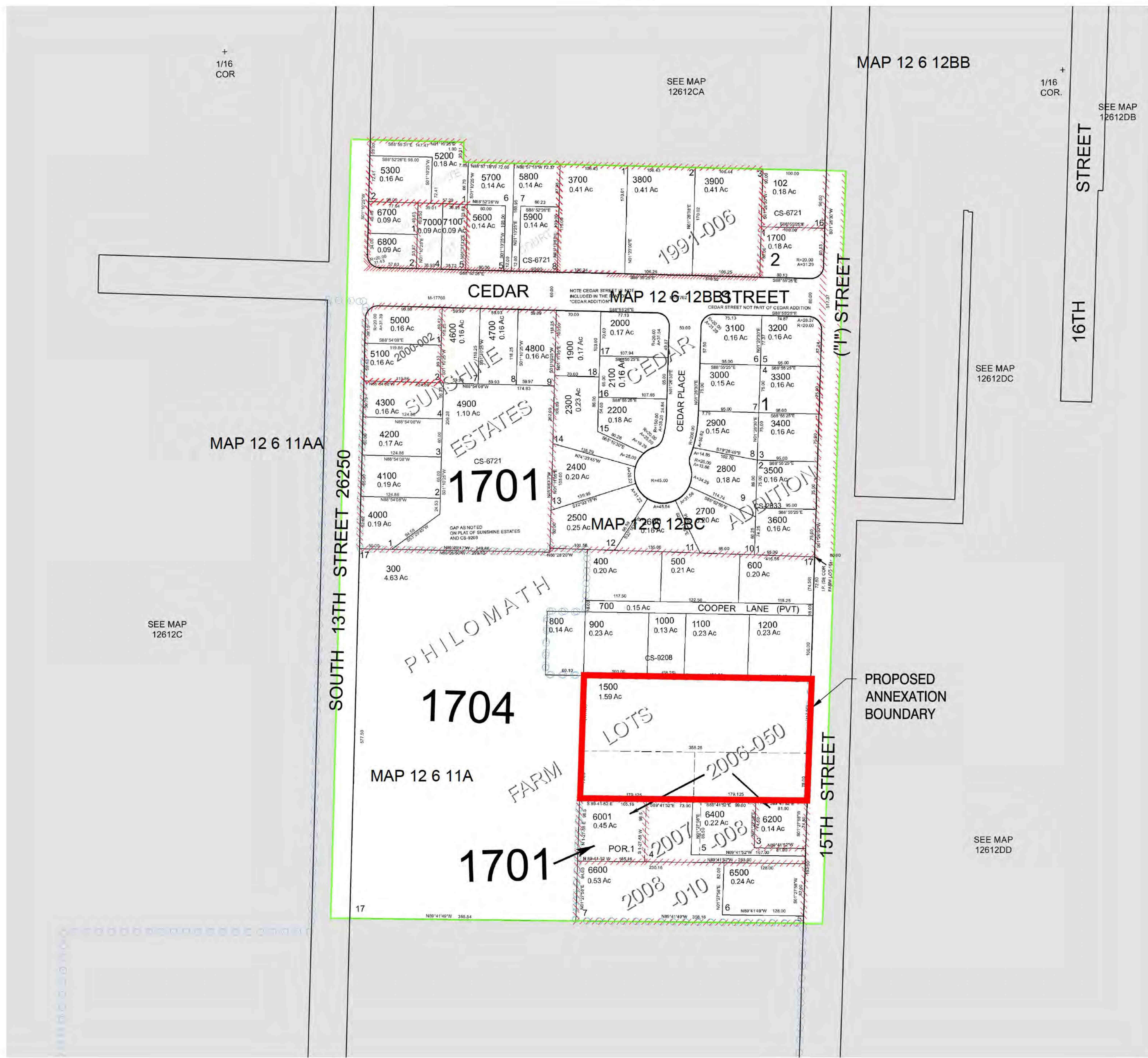
BENTON COUNTY

1" = 100'



12 6 12CD
10/28/2020

Cancelled Nos.
100 THRU 101
200
201
1300
1400
1600
1800
4400
4500
6100
6000
5400
5500
5201
5301
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6900
6300
6002



FOR LAND
USE
PURPOSES
ONLY

DRAWING STATUS:	DATE:	No.	REVISION:	DATE:
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<input type="checkbox"/> CONST. SET		△		

devco
Corvallis
Oregon
engineering inc. (541) 757-8800
245 NE CONIFER, P.O. BOX 121
CORVALLIS, OR 97339
WWW.DEVCOENGINEERING.COM

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PROJECT:
KRIBS ANNEXATION

PROJECT LOCATION:
602 S. 15TH STREET
PHILOMATH, OREGON

CLIENT:
MARTIN KRIBS

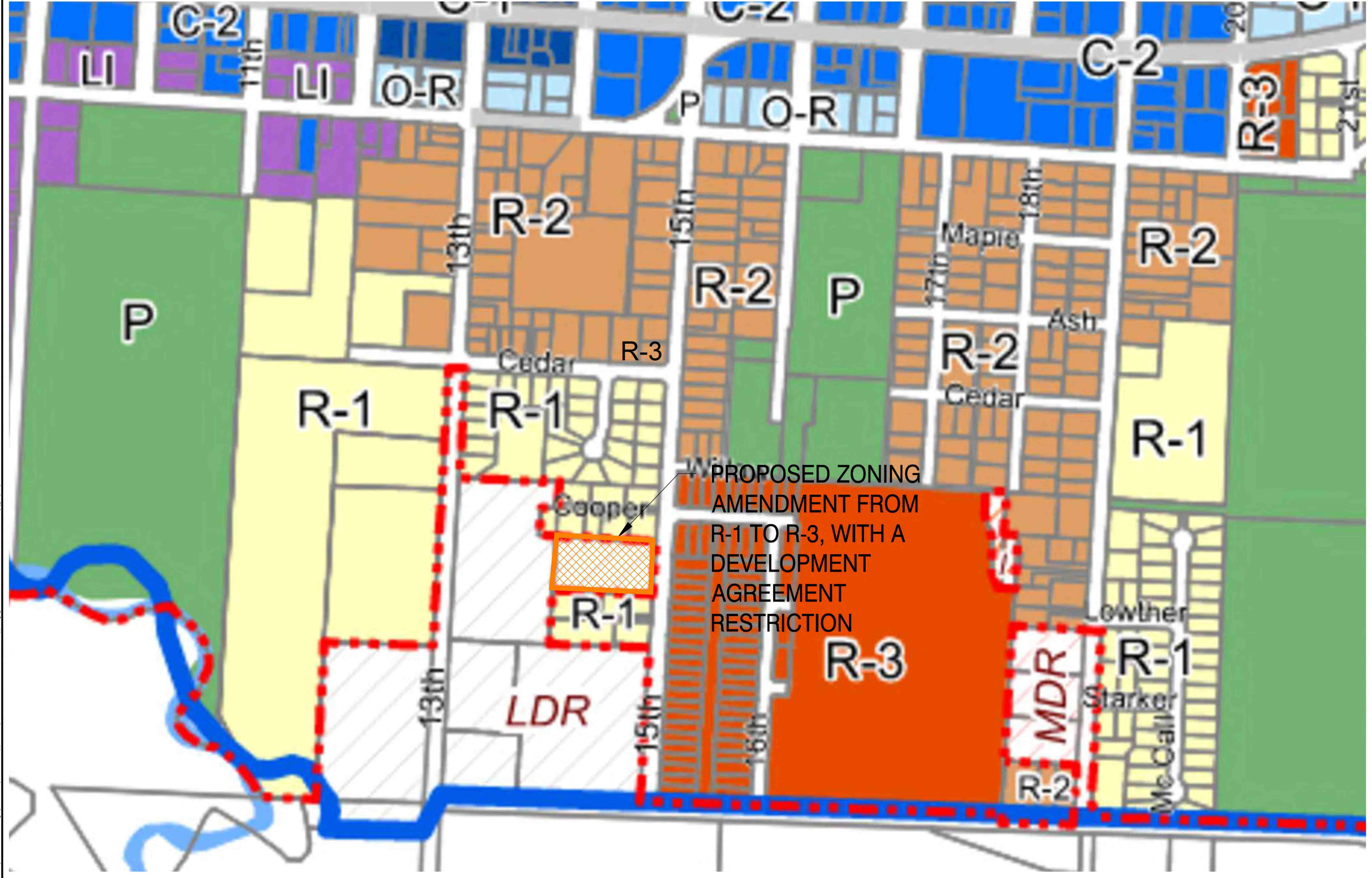
SHEET TITLE:
**BENTON COUNTY
ASSESSOR'S MAP**

JOB NO. 24428
DRAWN BY: DEVCO
DRAWING:

EXHIBIT 'A'

12 6 12CD

FILE: I:\CIVIL3D\Projects\24428\Production Drawings\Land-use\Annexation Application\24428_ZONE_MAP_ASSESS_Annex_App.dwg [2/2/24 2:24:24 PM] - Linda



FOR LAND
USE
PURPOSES
ONLY

DRAWING STATUS:	DATE:	No.	REVISION:	DATE:
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<input type="checkbox"/> PERMIT SET		△		
<input type="checkbox"/> CONST. SET		△		

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PROJECT:
KRIBS ANNEXATION

PROJECT LOCATION:
602 S. 15TH STREET
PHILOMATH, OREGON

CLIENT:
MARTIN KRIBS

SHEET TITLE:
PROPOSED
CITY OF PHILOMATH
ZONING AND
COMPREHENSIVE PLAN
MAP

JOB NO. 24428
DRAWN BY: DEVCO
DRAWING:
EXHIBIT 'C'

FOR LAND
USE
PURPOSES
ONLY

DRAWING STATUS:	DATE:	No.	REVISION:
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<input type="checkbox"/> BID SET			
<input type="checkbox"/> PERMIT SET			
<input type="checkbox"/> CONST. SET			

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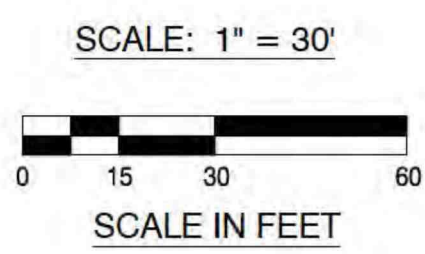
PROJECT:
KRIBS ANNEXATION

PROJECT LOCATION:
**602 S. 15TH STREET
PHILOMATH, OREGON**

CLIENT:
MARTIN KRIBS

SHEET TITLE:
**EXISTING
SITE CONDITIONS**

JOB NO. 24428
DRAWN BY: DEVCO
DRAWING:
EXHIBIT 'D'



- NOTES:
1. THIS SITE DOES NOT CONTAIN SLOPES GREATER THAN 20%.
 2. THIS SITE LIES WITHIN THE DESIGNATED FEMA 100-YEAR FLOOD PLAIN.
 3. THIS SITE CONTAINS CITY OF PHILOMATH MAPPED WETLANDS. A WETLAND DELINEATION HAS BEEN CONDUCTED. SEE WETLAND DELINEATION INFORMATION WHICH IS ATTACHED TO THIS APPLICATION.
 4. THE LOCATION AND SIZE OF EXISTING TREES HAVE BEEN IDENTIFIED THROUGH A CURRENT SURVEY CONDUCTED BY A PROFESSIONALLY LICENSED SURVEYOR IN THE STATE OF OREGON. DATE OF SURVEY: SEPTEMBER 2024. TREES SHOWN MEET OR EXCEED SIGNIFICANT VEGETATION SIZE CRITERIA.
 5. THERE ARE NO KNOWN HISTORIC OR CULTURAL RESOURCES ON OR NEAR THE PROJECT SITE.

LEGEND	
(E)	EXISTING
(N)	NEW
EGAS	EXISTING GAS
EIRRG	EXISTING IRRIGATION
EPOWR	EXISTING POWER
ESSWR	EXISTING SANITARY SEWER
ESTEM	EXISTING STEAM AND RETURN
ESTRM	EXISTING STORM DRAIN
ECCMM	EXISTING TELECOMMUNICATIONS
ECABL	EXISTING TV CABLE
EWATR	EXISTING WATER
GAS	NEW GAS
IRRG	NEW IRRIGATION
POWR	NEW POWER
SSWR	NEW SANITARY SEWER
STRM	NEW STORM DRAIN
CCMM	NEW TELECOMMUNICATIONS
CABL	NEW TV CABLE
WATR	NEW WATER
	EXISTING IMPROVEMENTS
	NEW IMPROVEMENTS
	FUTURE IMPROVEMENTS
	EXISTING PROPERTY LINE
	EXISTING IRON PIPE OR ROD
	EXISTING EASEMENT
	EXISTING RIGHT-OF-WAY
	EXISTING BUILDINGS
	EXISTING BUILDING OVERHANG
	CENTERLINE
	SAWCUT LINE
	APPROXIMATE CLEARING LIMITS
	EXISTING DECIDUOUS TREE
	EXISTING EVERGREEN TREE
	EXISTING SHRUB
	FENCE
	DITCH FLOW LINE
	SANITARY SEWER MANHOLE
	STEAM AND RETURN MANHOLE
	STORM DRAIN MANHOLE
	TELECOMMUNICATIONS MANHOLE
	GAS VALVE
	WATER VALVE, AIR RELEASE VALVE
	WATER METER, GAS METER
	FIRE HYDRANT
	FIRE DEPARTMENT CONNECTION
	HOSE BIB
	IRRIGATION SPRINKLER HEAD
	CATCH BASIN
	CURB INLET
	CLEAN OUT
	RAIN DRAIN
	THRUST BLOCK
	STREET LIGHT, PARKING LOT LIGHT
	LANDSCAPE LIGHT
	UTILITY POLE
	UTILITY VAULT
	ELECTRICAL PEDESTAL
	TRANSFORMER
	CABLE PEDESTAL
	TELECOMMUNICATIONS PEDESTAL
	SIGN
	MAILBOX
	EXISTING CONTOUR
	NEW CONTOUR
	BENCH MARK
	EXISTING SPOT ELEVATION
	EXISTING TOP OF STRUCTURE OR CURB (TOG=TOP OF STRUCTURE)
	EXISTING FINISH ELEV.(IE=FLOW LINE)
	DESIGN TOP OF STRUCTURE OR CURB (TOG=TOP OF STRUCTURE)
	DESIGN FINISH (IE=FLOW LINE)

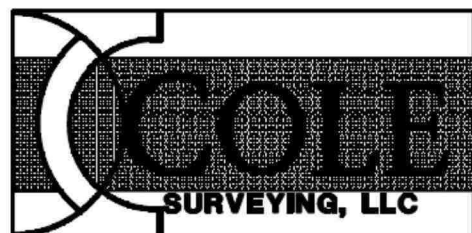
ANNEXATION BOUNDARY

LOCATED IN THE SW 1/4 OF SECTION 12 OF TOWNSHIP 12
SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN, CITY
OF PHILOMATH, BENTON COUNTY, OREGON

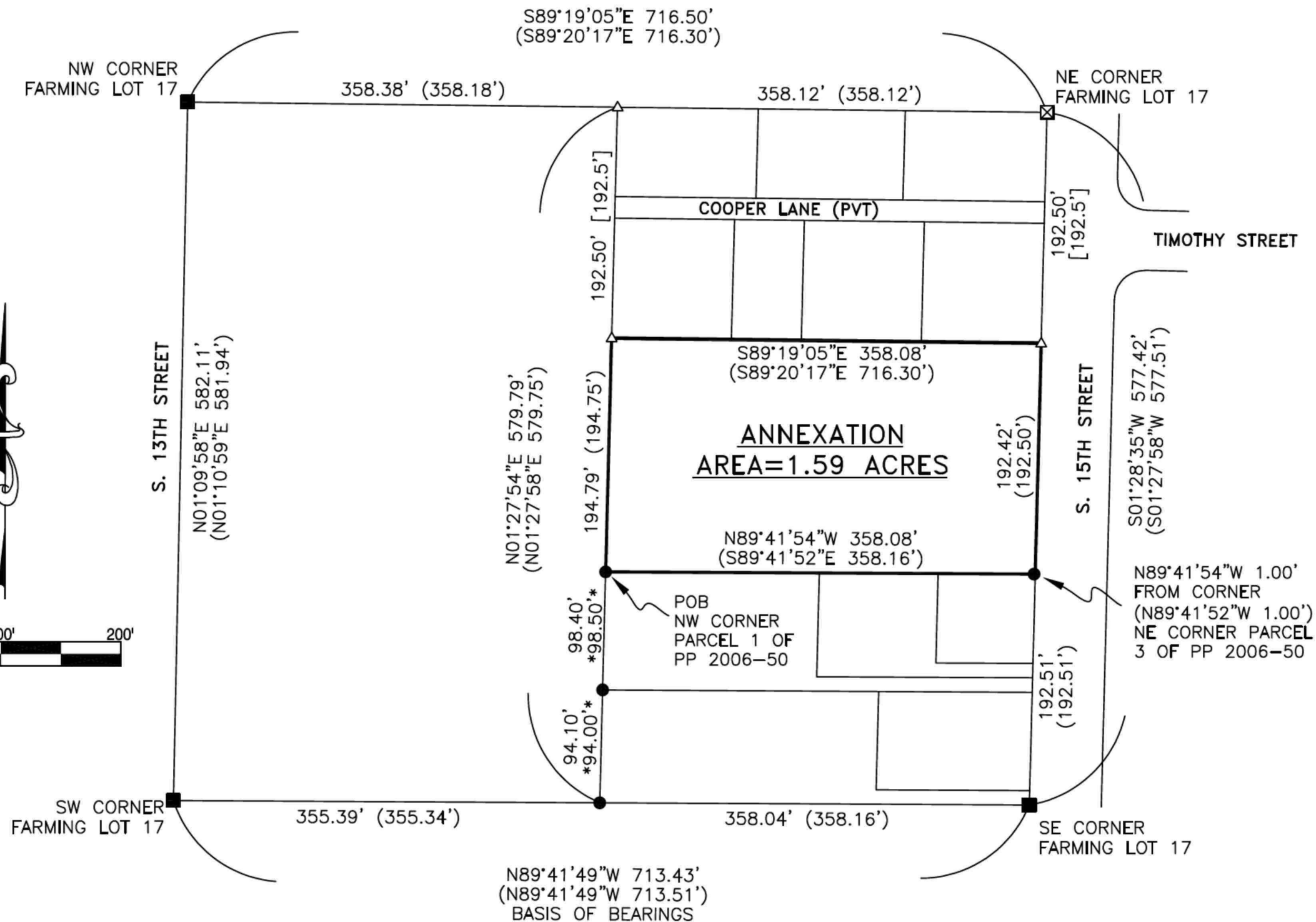
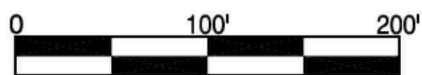
DATE: SEPTEMBER 25, 2024

LEGEND

- FD 5/8" IR W/ RPC MARKED "NORTHSTAR PLS 1823" PER PARTITION PLAT 2006-50
- ⊗ FD 5/8" IR W/ RPC MARKED "NORTHSTAR PLS 1823" PER C.S. 10253
- ☒ FD 2" IP PER PLAT OF "FARMING LOTS ADDITION TO THE CITY OF PHILOMATH"
- FD 1" IP PER PLAT OF "FARMING LOTS ADDITION TO THE CITY OF PHILOMATH"
- △ CALCULATION POSITION
- POB POINT OF BEGINNING
- FD FOUND
- IR IRON ROD
- IP IRON PIPE - INSIDE DIAMETER
- R/W RIGHT OF WAY
- RPC RED PLASTIC CAP
- PP PARTITION PLAT
- C.S. BENTON COUNTY SURVEY
- BCDR BENTON COUNTY DEED RECORD
- * * RECORD INFORMATION PER C.S. 10253
- [] RECORD INFORMATION PER BCDR 2024-642595
- () RECORD INFORMATION PER PP 2006-50



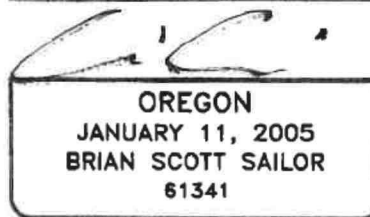
BRIAN SCOTT SAILOR, P.L.S.
COLE SURVEYING, LLC
P.O. BOX 1211
CORVALLIS, OREGON 97339
(541) 257-1019



**Annexation Boundary
Legal Description**

Beginning at a 5/8 inch iron rod at the northwest corner of Parcel 1 of Partition Plat 2006-50, a partition plat of record located in the southwest quarter of Section 12 of Township 12 South, Range 6 West of the Willamette Meridian, City of Philomath, Benton County, Oregon, said point also being the southwest corner of that property conveyed to Martin Kribs in Benton County Deed Record 2024-642595; thence along the west line of said Kribs property North 01°27'54" East 194.79 feet to the northwest corner of said Kribs property; thence along the north line of said Kribs property South 89°19'05" East 358.08 feet to the northeast corner of said Kribs property, said point also being on the west right of way line of S. 15th Street; thence along said west right of way line South 01°28'35" West 192.42 feet to the southeast corner of said Kribs property, said point also being the northeast corner of Parcel 3 of said Partition Plat 2006-50, said point being witnessed by a 5/8 inch iron rod which bears North 89°41'54" West 1.00 feet from the true corner; thence along the south line of said Kribs property North 89°41'54" West 358.08 feet to the point of beginning.

The above described tract of land consists of 1.59 acres of land, more or less. The basis of bearings for the above described tract of land is from said Partition Plat 2006-50.



EXPIRES JUNE 30, 2026

From: GJOVIK Lars [REDACTED]
Subject: RE: 24428 SITE PLAN_CONCEPT-4-EX COND
Date: August 29, 2024 at 2:18 PM
To: Marty Kribs [REDACTED]

GL

No problem. And sorry, I noticed I had a typo. I meant a well should be 100' from a drain eld, not another well. To my knowledge wells do not have setbacks to other wells, but I could be wrong there.

Lars

From: Marty Kribs [REDACTED]
Sent: Thursday, August 29, 2024 2:10 PM
To: GJOVIK Lars [REDACTED]
Subject: Re: 24428 SITE PLAN_CONCEPT-4-EX COND

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you

On Aug 29, 2024, at 2:02 PM, GJOVIK Lars
[REDACTED] wrote:

Hi Marty,

Thank you for sending the site plan over. Based on the measurements you provided, we would consider this a failed system. Current code requires a well to be at least 50' from a septic tank and 100' from a well. Even the least stringent of codes we have from the 60's required at least a 50' setback to a drain eld. Furthermore, due to your proximity to city sewer we would not allow for a septic repair and require connection to the sewer. Let me know if you have any additional questions.

Lars Gjovik, REHS, MPH
Environmental Health Specialist II

Benton County Environmental Health
Phone: 541.766.6170 | **Fax:** 541.766-6248
Website: co.benton.or.us/health
4500 SW Research Way, Corvallis. OR 97339
<image001.png>

Disclosure Statement: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

My email address has changed! As of March 1, 2023, my email address is now [REDACTED] Please update contact information you have saved for me.

From: Marty Kribs [REDACTED]
Sent: Thursday, August 29, 2024 1:55 PM
To: GJOVIK Lars [REDACTED]
Subject: 24428 SITE PLAN_CONCEPT-4-EX COND

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lars,

Thank you for taking my call. Attached is the existing conditions site map showing the location of the well and septic system.

Thanks,

Marty Kribs
[REDACTED]



STAFF REPORT
October 31, 2024

7	APPLICANT:	Martin Kribs
8	NATURE OF APPLICATION:	Comprehensive Plan and Zone Map Amendment from
9		Low Density Residential (R-1) to High Density
10		Residential (R-3), with a Development Agreement
11	PROPERTY LOCATION:	602 S 15 th Street; Map Tax Lot 12612CD01500
12	APPLICABLE CRITERIA:	Comprehensive Plan Sections IX-1;
13		Development Agreement ORS 94.504 – 94.528
14	ZONE DESIGNATION:	Low Density Residential (R-1)
15	STAFF CONTACT:	Michael Bidwell, Associate Planner
16	DATE RECIEVED:	October 2, 2024
17	FILE NUMBER:	PC24-06

BACKGROUND

The property owner is requesting a change of zoning from Low Density Residential (R-1) to High Density Residential (R-3), assuming a previous approval of their application for annexation. As a condition of approval of the high density zoning, the applicant has negotiated the terms of a development agreement that will limit the type of development allowed on this property to no more than 16 single-unit houses with a shared access road and centralized common area. The applicant has submitted a Type II Site Design Review of the proposed development that is in line with the restrictions of the development agreement, which will be reviewed by staff if this application for the zone change is approved. The site is located at 602 S 15th Street, across the street from Millpond Crossing Subdivision which, similarly, is zoned R-3 and has a development agreement in pace that limits the type of development allowed in that development.

APPROVAL PROCEDURE

This application is following a Type III Quasi-Judicial procedure, as required in in Philomath Development Code Chapter 18.105.060. Staff reviewed the application and found it to be complete on October 14, 2024. The Planning Commission may either adopt the Findings of Fact as presented and recommend approval of the zone change to the City Council, or modify the Findings of Fact following the public hearing and deny the application. If approval is recommended, the City Council will hold its own public hearing, deliberate the applicable criteria, and make a final decision to approve or deny the application. If the Planning Commission denies the application, the owner may appeal that decision to the City Council. If denied by the City Council, the property owner may file an appeal to the State Land Use Board of Appeals (LUBA).

The criteria found in the Philomath Development Code is used to determine whether each application is complete and if the answers and materials provided by the developer satisfy the applicable criteria. The purpose of this hearing is to determine if the applications conform to the applicable criteria as required in the Philomath Development Code and arrive at a recommendation to approve to the City Council, or deny the application for failing to meet the

1 applicable criteria.
2

3 **COMMENTS RECEIVED**

4 The City received one letter from Seymoure House (5925 SW Plymouth Drive), which has been
5 entered into the record. The city engineer also provided comments that are incorporated into
6 this Staff Report (See Exhibit A).
7

8 **FINDINGS OF FACT FOR COMPREHENSIVE PLAN / ZONING MAP AMENDMENT**

- 9 1) Section IX-1 of the Comprehensive Plan provides criteria for changing the Comprehensive
10 Plan map by a property owner.
11 2) Table 18.105.020 of the Development Code provides Comprehensive Plan Amendments
12 shall be reviewed as a Type IV legislative decision making procedure; however, the city
13 attorney has advised to process this application as a Type II quasi-judicial proceeding.
14 3) The owner is requesting the City change the Comprehensive Plan designation of the subject
15 property from Low-Density Residential (R-1) to High Density Residential (R-3), constrained
16 with a development agreement limiting development to sixteen one- and two-bedroom
17 houses sharing a common lot.
18 4) The subject property is comprised of approximately 1.59 acres.
19 5) The surrounding areas to the north, south, and east are inside city limits; adjacent/abutting
20 properties inside the city limits are developed as residential uses.
21 6) City facilities (streets, sewer, storm and water) are not located on the subject property, but
22 the property has access to hook into existing system along 15th Street.
23 7) The City has the ability to provide water, wastewater, storm drain, park and street facilities
24 and services.
25

26 **DECISION CRITERIA FOR COMPREHENSIVE PLAN/ZONING MAP AMENDMENT**

27 Section IX-1, Plan Amendment and Update, of the Comprehensive Plan provides for the three
28 ways to amend the Comprehensive Plan. Section 1 provides for owner-initiated amendments
29 and related review criteria. The criteria are:
30

- 31 **1. Comprehensive Plan map amendment initiated by a property owner or the City.**
32 **(a) Demonstration that the proposed plan designation is more appropriate than the**
33 **current plan designation, taking into consideration public needs, alternative**
34 **locations, or changes in land use since the current designation.**
35

36 The current plan and zone designation for the subject property is for low density-residential use.
37 The land use inventory developed as part of the City’s Comprehensive Plan Periodic Review in
38 2021 and shown below demonstrates that the City has an abundance of residential zoned lands.
39

40 Exhibit 64. Final Comparison of Capacity of Existing Residential Land with Demand for New Dwelling
41 Units and Land Surplus or Deficit, Philomath UGB, 2021 to 2041 Source: Calculations by ECONorthwest.

Plan Designations	Capacity (Dwelling Units)	Demand (Dwelling Units)	Demand (Group Quarters)	Capacity less Demand (Dwelling Units)	Land Sufficiency (Acres)
Low Density Residential	1,951	269	-	1,682	400
Medium Density Residential	826	257	4	565	111
High Density Residential	-	-	-	-	-
<i>Lands with Development Agreement</i>	97	97	-	0	0
<i>Lands without Development Agreement</i>	188	127	4	57	5
Commercial	30	30	-	0	0

42
43
44 The table reflects that the City has approximately 6.25 times the supply of low density

1 residential lands needed, and a deficit of high density lands needed for the next 20 years. This
2 indicates the City needs to actively pursue opportunities to get more high density lands in order
3 to meet housing demand over the next 20 years.

4
5 The concept behind the proposal is to create a cottage cluster, which is not currently listed in
6 zoning code, but would be allowed in the R-3 as multiple dwelling units on a single lot. In the
7 current zoning code, this would be looked at as a multiple-family property consisting of single-
8 unit detached houses or a condominium complex. The proposed pocket neighborhood or
9 cottage cluster of sixteen smaller, single-unit detached dwellings sharing a common lot, would
10 be able to reduce construction costs and improve affordability.

11
12 Approving R-3 zoning outright could lead to unfavorable outcomes for this property and
13 neighborhood, specifically, a large-scale apartment complex. To avoid an apartment complex and
14 direct development to the proposed cottage cluster concept, the property owner and staff have
15 negotiated a development agreement. As a condition of approval of the zone change, the property
16 owner will be required to sign the development agreement and have it recorded against the
17 property, so any future development will be required to meet the restrictions in the agreement. The
18 development agreement limits development of the site to no more than 16 detached, single-unit
19 dwellings.

20
21 As an R-1 zoning district, the maximum density is roughly six units/acre. The proposal provides just
22 over ten units/acre. The issue with creating a traditional subdivision is the required 56 feet of right
23 of way for a street serving more than four lots. The second issue is wetlands mitigation. There
24 appears to be wetlands covering a portion of the middle part of the property. The cost of mitigation
25 would make developing this property to a maximum of eight lots cost prohibitive. Approving the
26 zone change will allow the cottage cluster to preserve the wetlands in the center of the property
27 and build the houses along the parameter; this would not be feasible with a R-1 subdivision. With
28 these constraints, the City concludes that the R-3 zoning district tempered with a development
29 agreement limiting development to no more than 16 one- and two-bedroom houses is more
30 appropriate than the R-1 zoning designation.

31
32 **(b) Adverse impacts on adjacent land will be minimal.**

33
34 The proposed zoning will allow the proposed development, which will be a cottage cluster. This
35 approach can only be done in the R-3 district currently. Knowing that full buildout of R-3 would fall
36 out of line with the character of this area, the owner and City are proposing a development
37 agreement that limits the development of this land, in perpetuity, to no more than 16 single unit
38 detached dwellings consisting of one- and two-bedroom homes. Additionally, the proposal is not
39 utilizing fill and will be using flood flow through to prevent increased flooding downstream. The
40 height of the proposed units will be in line with the existing R-2 regulations on building heights. With
41 the agreement and housing design, adverse impacts on adjacent land will be minimal.

42
43 **(c) The City can provide service that will be required as a result of the amendment.**

44
45 The Public Works Director and engineer provided feedback, and the following were the
46 comments regarding access and ability to provide city services to the lot.

47
48 Development Background Information

- 49 • Number of Units:.....16 units (*per City*)
- 50 • Estimated unit occupancy:.....2.64 people per unit
- 51 • Estimated population increase:.....42

1 Wastewater System Capacity Analysis

- 2 • City’s current dry weather treatment Capacity..... 0.830 MGD
- 3 • City’s current average dry weather wastewater flow..... 0.635 MGD
 - 4 ○ Current ADW flow w/out new apartments or Mill Pond Crossing...0.520 MGD
 - 5 ○ Projected ADW flow, Oak Springs Apts..... 0.008 MGD
 - 6 ○ Projected ADW flow, Boulevard Apts..... 0.065 MGD
 - 7 ○ Projected ADW flow, Mill Pond Crossing (168 lot).....0.042 MGD
 - 8 ○ Projected ADW flow, Beelart Development.....0.008 MGD
- 9 • Reserve dry weather treatment capacity..... 0.187 MGD
- 10 • Per capita increase in ADW flow..... 100 gallons per person per day
- 11 • Additional ADW flow from Kribs annexation property.....0.004 MGD

12
13 The wastewater system has a reserve capacity of 0.187 MGD during dry weather conditions. Of
14 this amount, the proposed development will consume 0.004 MGD. Therefore, the Wastewater
15 system has adequate capacity to serve the development as proposed with the development
16 agreement. This evaluation may need to be updated if the time between annexation and
17 development is excessive.

18
19 Water System Capacity Analysis

- 20 • City’s current water production capacity (*Water Treatment Plant, 11th Street Well,*
21 *Corvallis Intertie*)..... 2.18
22 MGD
- 23 • City’s current peak day demand..... 1.47 MGD
 - 24 ○ Current peak w/out new apartments or Mill Pond Crossing..... 1.15 MGD
 - 25 ○ Projected peak day demand, Oak Springs Apts..... 0.053 MGD
 - 26 ○ Projected peak day demand, Boulevard Apts..... 0.162 MGD
 - 27 ○ Projected peak day demand, Mill Pond Crossing (168 lot)..... 0.105 MGD
 - 28 ○ Projected peak day demand, Beelart Development.....0.136 MGD
- 29 • Reserve peak day water production capacity:.....0.574 MGD
- 30 • Per capita peak day demand (from historic records):.....250 gallons per person
- 31 • Additional peak day demand from Kribs annexation property:..... 0.011 MGD

32
33 Based on the above numbers, the water system has a current reserve peak day capacity of
34 0.574 MGD. Of this amount, the proposed development will require 0.011 MGD at maximum
35 proposed density based on signed development agreement. Therefore, the Water system has
36 adequate capacity to serve the development if it were to be developed at the development
37 agreement constrained maximum density of 16 single unit detached dwellings consisting of one-
38 and two-bedroom houses at this time. This evaluation does not take into account the current
39 construction of the new water treatment plant which will more than double the City’s production
40 capacity by the end of the calendar year. This will pre-date the actual development on this
41 property.

42
43 It appears that waterline improvements (onsite or offsite) can be constructed which will provide
44 domestic water service and required fire flows to the site. At the time of construction, the
45 developer will be responsible to provide water system improvements conforming to applicable
46 City standards. It appears that the new fire hydrant and water meters can be installed and
47 connected to the existing waterlines along S 15th Street, and the existing waterlines appear
48 adequate to provide SF residential fire flows at the site. Below are additional comments from the
49 City Engineer.

50
51 Storm – It appears that storm drainage improvements to serve this property can be installed and

1 connected to existing drainage system along S 15th Street.

2
3 Street – The zone change from R-1 to R-3, with the development agreement capping new
4 housing units to 16, would increase daily traffic counts on 15th Street from 90 (9 housing units)
5 to 160 (16 housing units). When considering daily load or peak hour traffic, the impact on the
6 street system will be minimal.

7
8 Park –The property is located within walking distance of the elementary school as well as the
9 planned neighborhood park in Millpond Crossing Subdivision. The increased housing units from
10 9 to 16 will have minimal impact on the City’s park system.

11
12 **(d) Conformance with Plan policies.**

13
14 Citizen Involvement

15 Policy 2.1 Citizen Awareness. Post notices of meetings of the City Council, Planning Commission,
16 and Committees at City Hall, community gathering places (i.e. Philomath Community Library and
17 Post Office), local businesses, and on the City website.

18
19 Policy 2.2 Social Media. Utilize social media platforms to enhance citizen involvement methods and
20 techniques.

21
22 Policy 2.5 Best Practices Engagement Methods. Utilize community engagement methods, tools,
23 and technologies that are recognized as best practices. Examples would include posting prominent
24 physical signs at future development locations, providing information in locations at events where
25 groups of people are, surveys, information on newsletters, press releases, and other practices to
26 increase engagement.

27
28 Policy 3.4 Develop Consistent Procedures. Develop and utilize a consistent set of procedures for
29 notifying and soliciting input from the public as appropriate to the scale and type of the proposed
30 action.

31
32 Housing

33 Policy 1.1 Ensure that there is sufficient land in each residential plan designation to meet the City’s
34 residential land needs.

35
36 Policy 1.2 Coordinate land use planning with the Capital Improvement Plan to ensure that
37 infrastructure is available to support residential development.

38
39 Policy 1.3 Encourage development of small vacant and partially vacant parcels, with policies that
40 support development of infill housing types, especially in areas with existing urban services.

41
42 Policy 1.6 Monitor residential land development to ensure that there is enough residential land to
43 accommodate the long-term forecast for population growth.

44
45 Urbanization

46 Policy 2.1 The approval of urban development proposals within the urban fringe shall be based
47 upon the availability or approved extension of City services, contiguity to the City, and approval of
48 delayed annexation.

49
50 Policy 2.2 When considering annexation requests, the City shall evaluate its ability to provide
51 services to areas proposed for annexation.

1 Public Facilities and Service

2 1. Public facilities should be designed with sufficient capacity to meet the City’s future needs.

3
4 5. Prior to or concurrent with the development of subdivisions or planned unit developments within
5 the Urban Growth Boundary, provision for urban services shall be provided to the development
6 site.

7
8 6. Public facilities that are to be installed shall meet the minimum standard established by the City
9 or designated on the City’s master facilities plan unless otherwise exempted by the City, to provide
10 for the cost effective installation of public facilities to benefit the City.

11
12 14. Developers shall be required to participate in providing the facilities to serve their projects as a
13 condition of approval.

14
15 20. The City shall be the principal provider of sewer, water and public facilities and services within
16 the Urban Growth Boundary.

17
18 The application meets the Comprehensive Plan’s primary Residential Land Use Goal to “Maintain
19 and improve existing residential areas; develop a variety of housing types in order to meet the
20 City’s housing needs.” Staff concludes the application for zone change conforms to the applicable
21 comprehensive plan policies. This criterion is met.

22
23 **(e) Conformance with the applicable statewide goals.**

24
25 There are now 19 Statewide Goals under Oregon’s land use laws that the City’s Comprehensive
26 Plan was based on. Goals specific to this request are Goal 1: Citizen Involvement, Goal 2:
27 Land Use Planning, Goal 9: Economic Development, Goal 10: Housing, Goal 11: Public
28 Facilities, and Goal 12: Transportation.

29
30 Oregon’s statewide goals are achieved through local comprehensive planning. State law
31 requires each city and county to adopt a comprehensive plan and the zoning and land-division
32 ordinances needed to put the plan into effect. The local comprehensive plans must be
33 consistent with the Statewide Planning Goals. Plans are reviewed for such consistency by the
34 State’s Land Conservation and Development Commission (LCDC). When LCDC officially
35 approves a local government’s plan, the plan is said to be acknowledged. It then becomes the
36 controlling document for land use in the area covered by that plan. The findings in compliance
37 with the applicable City policies above demonstrate compliance with the applicable statewide
38 goals.

39
40 Staff concludes this zoning map amendment from Low-Density Residential (R-1) to High
41 Density Residential (R-3) complies with all applicable criteria.

42
43 **CONDITION OF APPROVAL**

44
45 1. Property owner shall sign and record the Development Agreement, attached to this Staff
46 Report as Attachment A, prior to receiving development approvals.

47
48 **RECOMMENDED MOTION**

49
50 *I move to adopt the Findings of Fact for the Comprehensive Plan / Zoning Map Amendment as*
51 *presented in the Staff Report dated October 31, 2024 for planning file PC24-06 and recommend*

1 *the City Council consider the application for approval.*

2

3

OR

4

5 *I move to amend the Findings of Fact for the Comprehensive Plan / Zoning Map Amendment for*
6 *planning file PC24-06 as follows: _____.*

7

8 *I move to adopt the Finding of Fact for the Comprehensive Plan /Zoning Map Amendment for*
9 *planning file PC24-06 as amended and deny the application.*

Seymour B House
5925 SW Plymouth Dr.
Corvallis, OR 97333
seymour955@gmail.com
tel: 971-343-2727
21 October, 2024

FILED
OCT 24
AUG 5 2024
BY: WJD TIME: _____
CITY OF PHILOMATH

Philomath City Council
City of Philomath
980 Applegate Street
Philomath, OR 97370

Dear Members of the Philomath City Council,

I am writing to express my enthusiastic support for the proposed 16-unit cottage cluster housing development in Philomath. As a member of this community who values thoughtful growth, I see that this project matches the city's goals for housing while preserving the character and density of the surrounding neighborhood.

Philomath's Housing Needs Analysis and our own experience shows that we need more housing. And we need more affordable housing, within the city and its schools and shopping. This project brilliantly caters to those needs and offers flexible solutions to diverse family needs.

It integrates well, and creatively, into the existing neighborhood fabric. And it offers a sense of neighborhood with the clustering design without adding to the on-street parking congestion. City services-- already in place-- were planned for housing expansion like the one being proposed, and the infrastructure to support it is capable of handling the additional demand without significant disruption or cost to the community.

In addition to the aesthetic appeal, the project is practical-- that means affordable. Currently, 37% of our households are cost-burdened, particularly renters. These homes offer well-designed, affordable housing for young families, professionals, and retirees alike. That will ensure that Philomath remains a vibrant and inclusive community for years to come.

I urge the City Council to approve this well-conceived response to our growing housing needs that respects the integrity of our community while providing much-needed diversity in housing options.

Thank you for your time and consideration.

Sincerely,
Seymour B. House

Seymour B House

1 After Recording Return to:

2 City of Philomath
3 PO Box 400
4 Philomath OR 97370

5
6 Tax Statements To:
7 No Change.

8

9 **CITY OF PHILOMATH**
10 **DEVELOPMENT AGREEMENT**

11
12 This DEVELOPMENT AGREEMENT ("Agreement") is entered into under the authority
13 of ORS 94.504, this ___ day of October, 2024, by and between THE CITY OF PHILOMATH, an
14 Oregon municipal corporation ("City") and Martin Kribs ("Owner") for the development project
15 called Kribs Development.

16

17

18 **RECITALS**

19

20 Owner is the sole owner of that certain real property more particularly described in Exhibit
21 A of this agreement (the "Property").

22

23 1. Owner desires to develop the Property for residential uses, consistent with the Owner's
24 application to change the zoning from Low Density Residential (R-1) to High Density
25 Residential (R-3). The approximately 1.59 acres shall be developed as up to 16 single-
26 family detached dwelling units on a single lot, consistent with this Development
27 Agreement.

28

29 2. The purpose of this Agreement is to memorialize Owner's and City's commitment and
30 agreement to the allocation of financial responsibilities for public & private facilities and
31 services for the Property and other users of the facilities, sufficient to meet the City's
32 requirements for the provision of key urban services, including public & private sanitary
33 sewer improvements, stormwater management system improvements, public and private
34 water system improvements, street/driveway/sidewalk improvements, and Fire and Life
35 Safety services necessary for an affirmative City recommendation for the proposed
36 development.

37

38 3. To facilitate orderly development of the Property and ensure the full provision of key
39 urban services that are satisfactory to the City, and to meet the City's conditions for an
40 affirmative recommendation for approval of development to the Council, and in exchange
41 for the obligations of the City set forth below, Owner shall comply with all requirements
42 imposed on Owner in this Agreement.

43

44 4. It is the intention of the parties that the covenants herein are necessary for the development
45 of the Property, and as such shall run with the Property and shall be binding upon the heirs,
46 executors, assigns, administrators, and successors of the parties hereto, and shall be
47 construed to be a benefit to and a burden upon the Property.

- 1 5. This Agreement shall be recorded at Owner's expense upon its execution, in the Benton
2 County, Oregon, Deeds and Records. This Agreement may be assigned by Owner and shall
3 benefit any assigns or successors in interest to Owner. Execution of this Agreement is a
4 precondition to the support of the City for development of the Property described in
5 Exhibit A, following annexation to the City. Accordingly, the City retains all rights for
6 enforcement of this Agreement.
7
- 8 6. In compliance with the requirement in ORS 94.504 (3) to set forth all future discretionary
9 approvals required for the development specified in this Development Agreement,
10 approval of the zone change application results in the need for a Type II Site Design
11 Review to be completed by the developer and reviewed by the City. No further
12 discretionary approval will be required to develop the property subject to this Development
13 Agreement.
14
- 15 7. In compliance with the requirement in ORS 94.504(6) to state the assumptions underlying
16 the agreement that relate to the ability to serve the development, the Agreement is based on
17 the assumption that all other components of the zone change application have been
18 simultaneously approved by the City Council and that approval of all components of the
19 application would require a demonstration that the developed property would be
20 adequately served by public infrastructure. The installation of the infrastructure per City
21 standards and adequate to service the development is a requirement for development of the
22 property, and this agreement provides a contractual security for this infrastructure so that
23 development may occur. The developer agrees to be responsible for the costs of all
24 required public or private infrastructure improvements associated with the development
25 (both onsite and offsite), unless otherwise approved in writing by the City.
26
- 27 8. The City Council held a public hearing to review all components of the zone change
28 application, including this Development Agreement, which was included as a condition of
29 approval.
30
- 31 9. The City and the Owner agree that this Development Agreement shall serve as an
32 irrevocable petition and non-remonstrance for formation of a local improvement district
33 benefiting the entire property and running with the land, should the public and private
34 infrastructure required by this agreement not be completed according to the phasing plan
35 set out in this Development Agreement.
36

37 NOW, THEREFORE, in consideration of the foregoing and other good and valuable
38 consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the
39 parties agree as follows:

- 40 1. Term: This agreement shall have a duration of 15 years.
- 41 2. Permitted uses. The property may be used for a maximum of 16 single-unit, detached
42 homes located on a common legal lot, sharing an access and common open space. This
43 agreement precludes construction of duplexes, triplexes, zero lot line homes, townhomes,
44 and apartment complexes, accessory dwelling units and limits development to “detached
45 single family units” within the project boundaries, as proposed in the application.

- 1 3. The density or intensity of use. A single lot with a maximum of 16 single-family detached
2 condominium units.
- 3 4. The maximum height and size of proposed structures. No house shall exceed 30 feet in
4 height measured from finish grade.
- 5 5. Fees and charges. Development within the project boundaries shall pay the fees and
6 charges required by City ordinance or resolution at the time development or building
7 occurs.
- 8 6. Schedule and procedure for compliance review. Work shall be commenced and completed
9 no later than the schedule within the phasing plan. The City shall review the development
10 for compliance upon the completion of each phase.
- 11 7. Responsibility for providing infrastructure and services. Owner is to provide (at their sole
12 cost & expense) all infrastructure required by the land use approval or by City standards in
13 effect at the time of construction, and once connected to City services, the City shall
14 provide City services, and the Owner can arrange with franchise utilities and private
15 service providers to provide those services.
- 16 8. Changes in regional policy or federal or state law or administrative rules. If changes in
17 regional policy, federal or state law or administrative rules render compliance with any
18 provision of this agreement impossible, unlawful or inconsistent with such laws, rules or
19 policy, such a change shall not affect the remaining provisions of this agreement, which
20 shall be valid and enforceable.
- 21 9. Remedies and defaults: A failure to comply with the terms of this Agreement shall
22 constitute a default hereunder. The party in default shall have thirty (30) days, after
23 receiving written notice from the other party of the event of default, to cure that default. If
24 the default is not cured within that time period, the non-defaulting party may sue the
25 defaulting party for specific performance under this Agreement or for damages or both, or
26 may pursue such other remedies as may be available.
 - 27 a. In addition to all other remedies available to City in equity or law, City, in its sole
28 discretion, may complete any or all required infrastructure improvements for any
29 incomplete phases, and may place a lien for an amount equaling the city engineer's
30 estimate to complete the remaining public infrastructure and a 25% administrative
31 fee, in the property records of Benton County against the property in the
32 development, and may complete improvements for all infrastructure improvements
33 required for any and all uncompleted phases; however, the City is not obligated to
34 do so. City may, at its option, foreclose the liens in the manner required for any
35 other municipal lien placed as security for a debt owed to the City.
- 36 10. Assignability. This agreement is assignable and runs with the land.
- 37 11. Design and construction requirements. This agreement:
 - 38 a. Precludes construction of duplexes, triplexes, zero lot line homes, townhomes,
39 accessory dwelling units and apartment complexes and limits development to

- 1 “detached single units” within the project boundaries as shown in Exhibit B of this
2 agreement;
- 3 b. Requires a fire lane meeting City standards and Oregon Fire Code requirements.
- 4 c. Requires a planting strip containing street trees be included behind the sidewalks
5 within the public right-of-way along 15th Street.
- 6 d. Requires that all public and private infrastructure shall be designed, constructed
7 and installed to City standards for streets, common driveways/fire lanes, parking
8 areas, sidewalks, water, sanitary sewer and storm sewer, with final engineering
9 design to be approved by the City Engineer and Public Works Director.
- 10 i. The floodplain regulations the project is subject to will be based on when
11 building permit applications are submitted. It is anticipated that
12 development of private infrastructure and the homes/structures will need to
13 be built without fill since FEMA is not processing Letter of Map Revision
14 (LOMR) or Conditional Letter of Map Revision (CLOMR) for fill until the
15 implementation of no net loss standards are complete.
- 16 12. The following provisions establish a phasing plan and boundary map, setting the minimum
17 improvements associated with each phase and defining the timeframe within which each
18 phase must be completed in relation to the previous phase, to ensure that the requirements
19 of PMC 18.110.080(D)(2) (regarding phased development) are satisfied. Since there is no
20 plat associated with this project, it falls under a different PMC section for phased
21 development of SDR projects, which limits the timeframe for all phases to a maximum of
22 5 years.
- 23 a. All Phase 1 improvements shall be designed and approved, and all building permits
24 issued within 1 year of the date that the land use approval is final (PMC
25 18.110.080(B)(1). All improvements for each subsequent phase shall be completed
26 within 3 years and 5 years of the date that the land use approval is final, or the land
27 use approval will expire (PMC 18.110.080(D)(2). Extensions of not more than 12
28 months for each phase may be granted by the City Manager upon demonstration
29 that there were issues outside of the Owner’s control which delayed the completion
30 of the required improvements for the phase in question, and that all other
31 provisions of PMC 18.110.080(c) are satisfied.
- 32 b. The Owner shall have the option of constructing the development in a maximum of
33 3 phases with each phase needing to be self-sufficient with utilities/infrastructure.
34 The phase boundaries shall generally conform with the phase map provided as
35 Exhibit C, subject to modifications as approved by the Public Works Director
36 required to most efficiently serve the property with infrastructure, provided such
37 changes do not contradict any of the requirements noted below.
- 38 c. If the development is constructed in phases, the installation of the common
39 driveway/firelane and parking, as well as public and private utilities in each phase,
40 shall be completed in a manner that is sufficient to meet all City standards and that
41 ensures service to and connection into the subsequent phase, and to ensure that

1 emergency turnaround and emergency access is provided (with the Public Works
2 Director approving the final engineering design that provides the appropriate level
3 of improvements required to comply with this condition). For any phase, the
4 Owner shall install the improvements required to provide:

- 5 i. Access and utility service to all structures within the applicable phase.
- 6 ii. Water, sewer or other utility improvements as required to provide service to
7 future phases,
- 8 iii. All-weather access drives as required for access to utilities and
9 detention/water quality facilities constructed outside of each phase
10 boundary,
- 11 iv. A five-foot wide sidewalk must be installed along the 15th Street frontage
12 with connections to pathways into the property in Phase I, including offsite
13 extension as required to connect to existing sidewalk and walkway systems
14 per City standards.
- 15 v. The Owner can combine sequential phases at any time with each phase
16 being self-sufficient.

17 13. In addition to the general requirements above, the Owner shall provide the following
18 specific improvements by phase:

19 14. Phase 1

- 20 a. Infrastructure and improvement drawings for the entire development meeting City
21 standards, sufficient to illustrate any and all improvements which must be
22 constructed in conjunction with or through Phase 1 in order to provide access to or
23 service for future phases.
- 24 b. Water, sewer, storm drainage (including detention and water quality improvements
25 as applicable), driveway and parking improvements as required to provide service
26 to all structures within the phase, with all improvements designed per applicable
27 City, County and state standards, including construction of improvements and
28 utilities through Phase 1 as required to provide service to future phases.
- 29 c. Five-foot wide sidewalk along 15th Street with internal walkway connecting to 15th
30 Street, including offsite extension as required to connect to existing sidewalk and
31 walkway systems per City standards.

32
33
34 15. Phase 2

- 35 a. Water, sewer, storm drainage (including detention and water quality improvements
36 as applicable), fire lane, driveway, turnaround and parking improvements as

1 required to provide service to all structures within the phase, with all improvements
2 designed per applicable City, County and state standards, including construction of
3 improvements and utilities through Phase 2 as required to provide service to Phase
4 3, or improvements in the Phase 3 area as required to provide service to Phase 2.

5 16. Phase 3

6 a. All required improvements not completed in conjunction with previous phases.

7 17. Beneficiaries: This Agreement shall inure to the benefit of and shall be binding upon the
8 Owner and City, and their respective successors and assigns (and any liability shall be joint
9 and several. This Agreement is intended to and shall run with the Property. Owner will
10 provide proof of recording this agreement against the Property within 10 days of the
11 approval of this Agreement.

12 18. Recitals: The Recitals are hereby incorporated into this Agreement as if set forth fully
13 herein. In particular, as stated in the 9th Recital and repeated here to ensure there is no
14 ambiguity, this Development Agreement shall serve as an irrevocable petition and non-
15 remonstrance for formation of a local improvement district benefiting the entire property
16 and running with the land, should the public or private infrastructure required by this
17 agreement not be completed according to the phasing plan set out in this Development
18 Agreement. Following notice to the Owner of default, and a reasonable opportunity to
19 cure, formation of such an improvement district shall be at the sole option of the City
20 Council.

21 19. Certification: This agreement is executed on behalf of the City of Philomath after approval
22 by the City Council pursuant to resolution at a duly noticed and constituted meeting on
23 _____, 2024.

24 20. The individuals executing this Agreement warrant that they have full authority to execute
25 this Agreement on behalf of the entity for which they are acting herein.

26

1 IN WITNESS OF THIS AGREEMENT, the Owner and the City have caused this
2 Agreement to be signed in their respective names by their authorized agents or officers as of the
3 date first above written.

4
5 CITY OF PHILOMATH

6
7
8 _____
Chris Workman
City Manager

Martin Kribs
Owner

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

STATE OF OREGON
County of Benton

This instrument was acknowledged before me on _____, 2024, by _____ as an authorized representative of the owner of the development property described in Exhibit A.

NOTARY PUBLIC OF OREGON
My Commission Expires: _____

STATE OF OREGON
County of Benton

This instrument was acknowledged before me on _____, 2024, by Chris Workman as City Manager of the City of Philomath.

NOTARY PUBLIC OF OREGON
My Commission Expires: _____

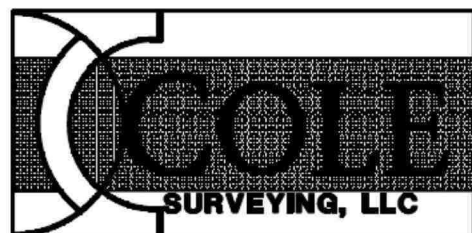
ANNEXATION BOUNDARY

LOCATED IN THE SW 1/4 OF SECTION 12 OF TOWNSHIP 12
SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN, CITY
OF PHILOMATH, BENTON COUNTY, OREGON

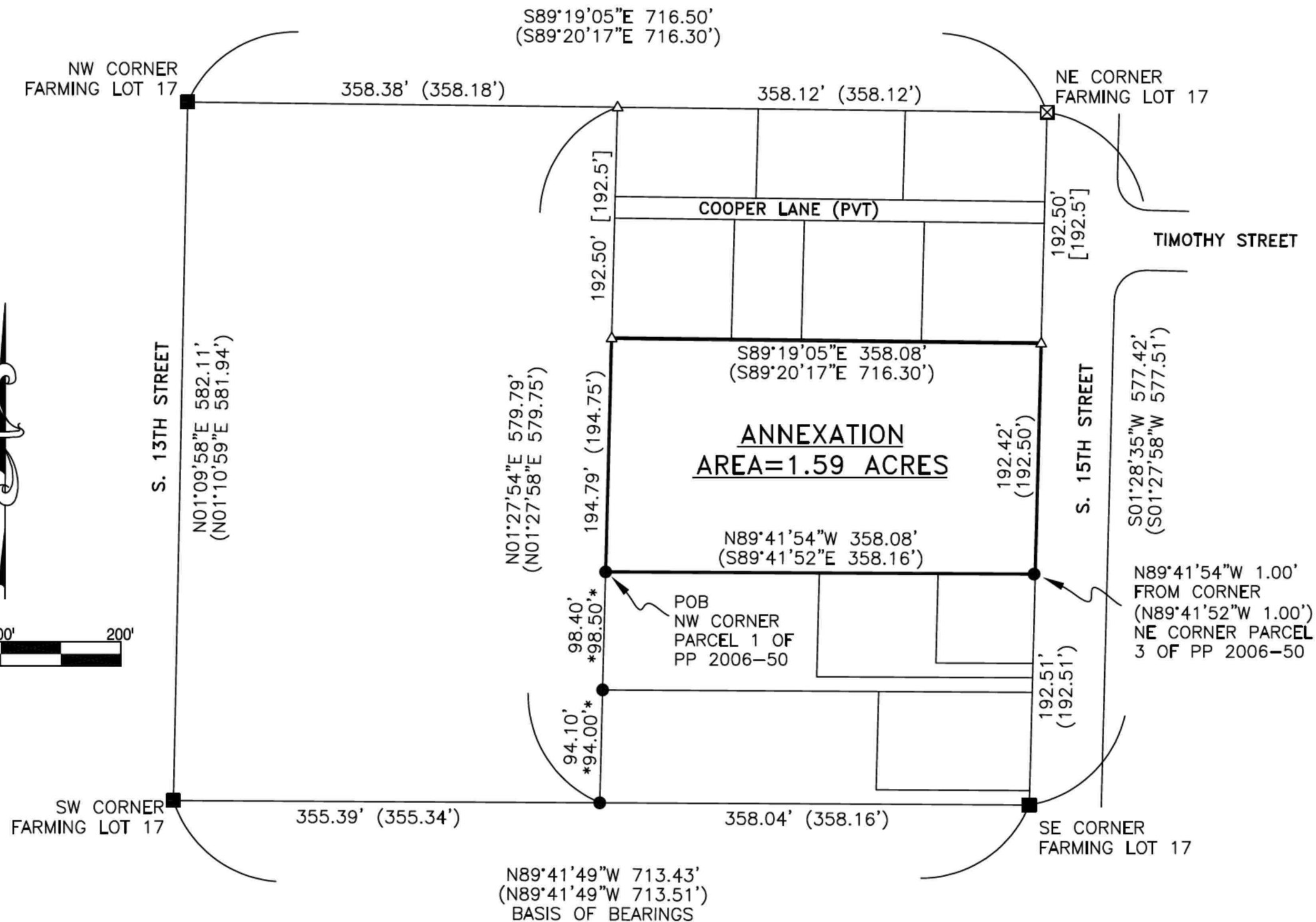
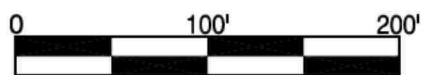
DATE: SEPTEMBER 25, 2024

LEGEND

- FD 5/8" IR W/ RPC MARKED "NORTHSTAR PLS 1823" PER PARTITION PLAT 2006-50
- ⊗ FD 5/8" IR W/ RPC MARKED "NORTHSTAR PLS 1823" PER C.S. 10253
- ☒ FD 2" IP PER PLAT OF "FARMING LOTS ADDITION TO THE CITY OF PHILOMATH"
- FD 1" IP PER PLAT OF "FARMING LOTS ADDITION TO THE CITY OF PHILOMATH"
- △ CALCULATION POSITION
- POB POINT OF BEGINNING
- FD FOUND
- IR IRON ROD
- IP IRON PIPE - INSIDE DIAMETER
- R/W RIGHT OF WAY
- RPC RED PLASTIC CAP
- PP PARTITION PLAT
- C.S. BENTON COUNTY SURVEY
- BCDR BENTON COUNTY DEED RECORD
- * * RECORD INFORMATION PER C.S. 10253
- [] RECORD INFORMATION PER BCDR 2024-642595
- () RECORD INFORMATION PER PP 2006-50



BRIAN SCOTT SAILOR, P.L.S.
COLE SURVEYING, LLC
P.O. BOX 1211
CORVALLIS, OREGON 97339
(541) 257-1019



**Annexation Boundary
Legal Description**

Beginning at a 5/8 inch iron rod at the northwest corner of Parcel 1 of Partition Plat 2006-50, a partition plat of record located in the southwest quarter of Section 12 of Township 12 South, Range 6 West of the Willamette Meridian, City of Philomath, Benton County, Oregon, said point also being the southwest corner of that property conveyed to Martin Kribs in Benton County Deed Record 2024-642595; thence along the west line of said Kribs property North 01°27'54" East 194.79 feet to the northwest corner of said Kribs property; thence along the north line of said Kribs property South 89°19'05" East 358.08 feet to the northeast corner of said Kribs property, said point also being on the west right of way line of S. 15th Street; thence along said west right of way line South 01°28'35" West 192.42 feet to the southeast corner of said Kribs property, said point also being the northeast corner of Parcel 3 of said Partition Plat 2006-50, said point being witnessed by a 5/8 inch iron rod which bears North 89°41'54" West 1.00 feet from the true corner; thence along the south line of said Kribs property North 89°41'54" West 358.08 feet to the point of beginning.

The above described tract of land consists of 1.59 acres of land, more or less. The basis of bearings for the above described tract of land is from said Partition Plat 2006-50.

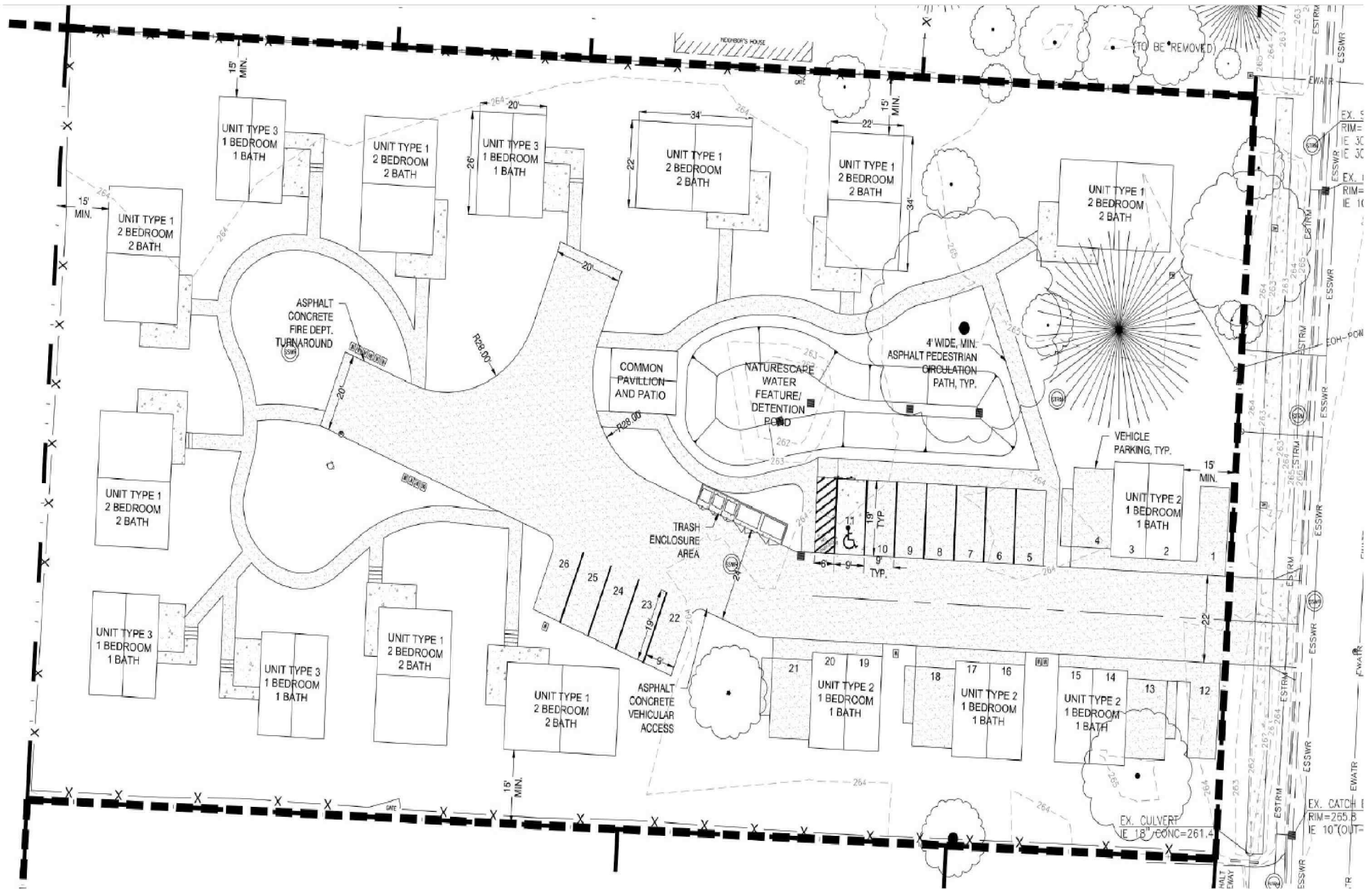
REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JANUARY 11, 2005
BRIAN SCOTT SAILOR
61341

EXPIRES JUNE 30, 2026

Exhibit A-Kribs Pocket Neighborhood



602 S. 15th Street Annexation Application

Submitted to

**The City of Philomath
980 Applegate Street
Philomath, Oregon 97370**

Submitted by

**Martin Kribs
1020 Pioneer Street
Philomath, Oregon 97370**

In collaboration with



245 NE Conifer Boulevard, P.O. Box 1211
Corvallis, Oregon 97339-1211

And

**Cultivate Inc.
Eugene, Oregon**

Annexation Application Narrative and Graphics

PART I – Philomath Municipal Code
18.135 INTRODUCTION

Kribs Annexation

In line with Philomath Municipal Code 18.135, this application supports the property owner's goals for their site at 602 S 15th Street, Philomath, Oregon (Tax Map T12S, R6W, Section 12CD, TL 1500), a 1.59-acre plot in Benton County, adjacent to Philomath city limits. The property fits the city's "annexation island" category, meaning it will be served by public utility and transportation services once annexed, aligning with the city's long-term annexation plan. It also qualifies for a Health Hazard Annexation. The proposed annexation area is within the urban growth boundary and has been used for single-family homes, a garage, and a utility building over the past decades. The proposed development Conceptual Site Plan consists of eight (8) Single Family residences of approximately 1012 SF and eight (8) single family residences of approximately 500 SF. The Applicant will agree to a "Development Agreement" to limit future development to the density and building height shown on the proposed Conceptual Site Plan.

As part of this Application, please see the City of Philomath Annexation Application Form included in this Narrative, as per PMC 18.135.030.C.

Per PMC 135.030.C.1, Written consent to annexation signed by the property owner can be found as indicated on the Annexation Application form.

Per 18.135.030.C.2 and 18.135.030.C.3, included in the Appendix, please find the Boundary Survey and Legal Description for the proposed area of annexation. This survey and legal description have been prepared by a professional surveyor licensed in the State of Oregon

Part II of this Application includes the required information per PMC 18.135. Part III contains the accompanying graphics which support this Annexation request. The Appendix follows Part III and includes the Application Form, the Consent to Annexation letter, the Boundary Survey and Legal Description.

Part III of this Application contains graphics which support this application.

PART II – Philomath Municipal Code 18.135 ANNEXATIONS AND AMENDMENTS – NARRATIVE

Kribs Annexation

Exhibit 'A' in Part III, Exhibits, shows the existing Benton County Assessor's Maps in which the proposed Annexation site lies. The proposed Annexation project site is located on the west side of S. 15th Street, fronting S. 15th Street. The annexation boundary abuts R-1 zoning to the north and south. It also abuts R-3 Zoning to the east (Millpond) and is within the Urban Growth Boundary. This Exhibit demonstrates the location of the proposed Annexation property and its proximity to the existing City of Philomath city limits and helps with the visualization of the size of the project area in relationship to the surrounding area. Exhibit 'B' in Part III, Exhibits, shows the current City of Philomath Zoning and Comprehensive Map Plan designations for the property and for the area within the annexation boundary and is lying within the urban growth boundary for the City of Philomath and which has a City of Philomath Comprehensive Plan designation of Low Density Residential. This application is requesting the annexation of the Kribs' property into the City of Philomath city limits, and to be designated as R-3 Residential zone. Annexation of a Low Density Residential comprehensive plan area would generally be considered as City of Philomath R-1 zone (low-density residential). The request for the R-3 zone would allow the owner to construct a site plan which can support the City of Philomath's long-range zoning goal updates plan to increase the availability of R-3 zoning with multi-family residential potential in the city's zoning and housing inventories. The Conceptual Site Plan proposed for this site is unique to the City of Philomath, and as such, the Owner has been advised by the City of Philomath Planning staff that an R3 zoning designation would support this proposal. It is the intent of the Applicant to develop the Site to R-1 criteria under the R-3 "multi-family" zone. It is also the intent of the Applicant to agree to a Development Agreement which would limit development of the Site to the R-1 criteria as shown on the Conceptual Site Plan. The City of Philomath Planning staff supports this zone amendment and development agreement concept. The property location lends itself to the R-3 zone as the master planned utilities and transportation system plans show the anticipated improvements which would sufficiently serve this 1.59 Ac. site under the R-3 criteria. The R-3 zone allows for the development of single family, duplexes, townhomes and multi-family residential dwellings. The owner will agree to a development agreement that would limit development to the number of units, building heights and density that would currently be allowed in the R-1 zone. The accompanying Conceptual Site Plan, Exhibit 'E', Part III, shows the intended Conceptual Site Plan. Annexation of this property with an R-3 zone would create the potential for more creatively designed and attainable housing options in Philomath consistent with long term planning goals.

Exhibit 'D', Existing Annexation Boundary Site Conditions, in Part III, shows the site in its existing state within the annexation boundary, and for the property site, and shows information pertaining to the existing site topographics, existing utilities, existing adjacent property uses, and existing recorded easements on the site, if any. The Conceptual Site Plan, Exhibit 'E', Part III, shows how the site is intended to be developed at a similar density to the surrounding properties. Access to

this site would be via S. 15th Street which is a local street in the City of Philomath Transportation System Plan (TSP). There are no plans to upgrade 15th street to a higher design standard, as the current design is adequate to provide the feasibility of sufficient capacity to serve the small amount of additional traffic which could be created by a development of this proposed size if this site were to be annexed.

The Conceptual Site Plan depicts sixteen (16) separate buildings; eight (8) 2 bedroom, 2 bath units and eight (8) 1 bedroom, 1 bath units, along with the accompanying proposed vehicle access points, vehicle parking and circulation areas, and proposed open space. Proposed development would comply with all City of Philomath, relevant PMC Code, and Public Works Standards and design criteria per current standards at the time of the application submittal and the development agreement. Exhibit 'E', Conceptual Site Plan, shows the intended site plan.

Per PMC 18.135.030.C.4, the following information supports preparation by city staff of an impact analysis on existing and future city services. This site has been evaluated by City of Philomath staff as to whether it can be served by existing and/or future City of Philomath public infrastructure. Exhibit 'F', Part III, Conceptual Utility Plan, shows the location of existing City of Philomath utilities and the conceptual connections from the site to these utilities. Analysis of the utility requirements of a conceptual multi-family plan such as presented on Exhibit 'F', Conceptual Utility Plan, indicates that the existing water main line in S. 15th Street is sufficient to serve the annexation site at the proposed density. The Conceptual Utility Plan also shows the extension of new public sanitary sewer, storm drainage and private water facilities to serve the proposed site.

Connections to the existing sanitary sewer would be to the main line in S. 15th Street right-of-way, with lateral services added to facilitate services to the annexation site. Storm drainage will be collected and detained on site, released from the detention area(s) to the existing drainage ditch on the west side of S. 15th Street. Two existing fire hydrants (see Exhibit 'D', Existing Conditions) are located to the northeast and southeast of the Annexation site. To meet the requirements of the City of Philomath Fire Department for a conceptual development of this size, a new hydrant will be installed on the west side of S. 15th Street to service the Annexation site. The Philomath Fire Department provided comments on the initial conceptual site plans, and the comments have been incorporated into the Conceptual Utility Plan, Exhibit 'F'. The proposed Conceptual Site Plan shows sufficient and clear access points and circulation options for the fire department and emergency medical services to serve the site.

Per PMC 18.135.030.C.5, Review of potential impacts to community partner services found that any children being housed in this annexation location could attend the Philomath School District 17J. and have use of the Philomath Public Library.

Per PMC 18.135.030.C.6, city staff evaluation of any additional facilities required to serve the annexation site will be included in the city staff review comments.

Per PMC 18.135.030.C.7, any financing method and source of financing to provide additional facilities, if needed, will be determined and outlined by the property owner/developer.

Per PMC 18.135.030.C.8, please reference the Exhibits contained in Part III of this narrative.

Per PMC 18.135.030.C.9, this Annexation Application is requesting a plan designation change from the current Benton County Comprehensive Plan designation of Low Density Residential to City of Philomath Comprehensive Plan designation of high density residential with an overlay of City of Philomath Zoning designation of R-3. This annexation area will be subject to the city's comprehensive plan for any future development proposals. This would indicate bringing the property into the City of Philomath as R-3 zone. Annexation of a Comprehensive Plan Low Density Residential area would generally be considered as having a City of Philomath R-1 zone (low-density residential) overlay. The request for the R-3 zone amendment would allow the proposed development of housing consistent with City of Philomath housing goals for both inventory and housing type. The R-3 zone allows for the development of single family, duplexes, townhomes and multi-family residential dwellings. The accompanying Conceptual Site Plan, Exhibit 'E', Part III, shows the proposed Conceptual Site Plan. A Site Design Review Application and Narrative will accompany this Annexation Application, to be reviewed concurrently.

Per PMC 18.135.030.C.10, the Annexation Application Fee has been included.

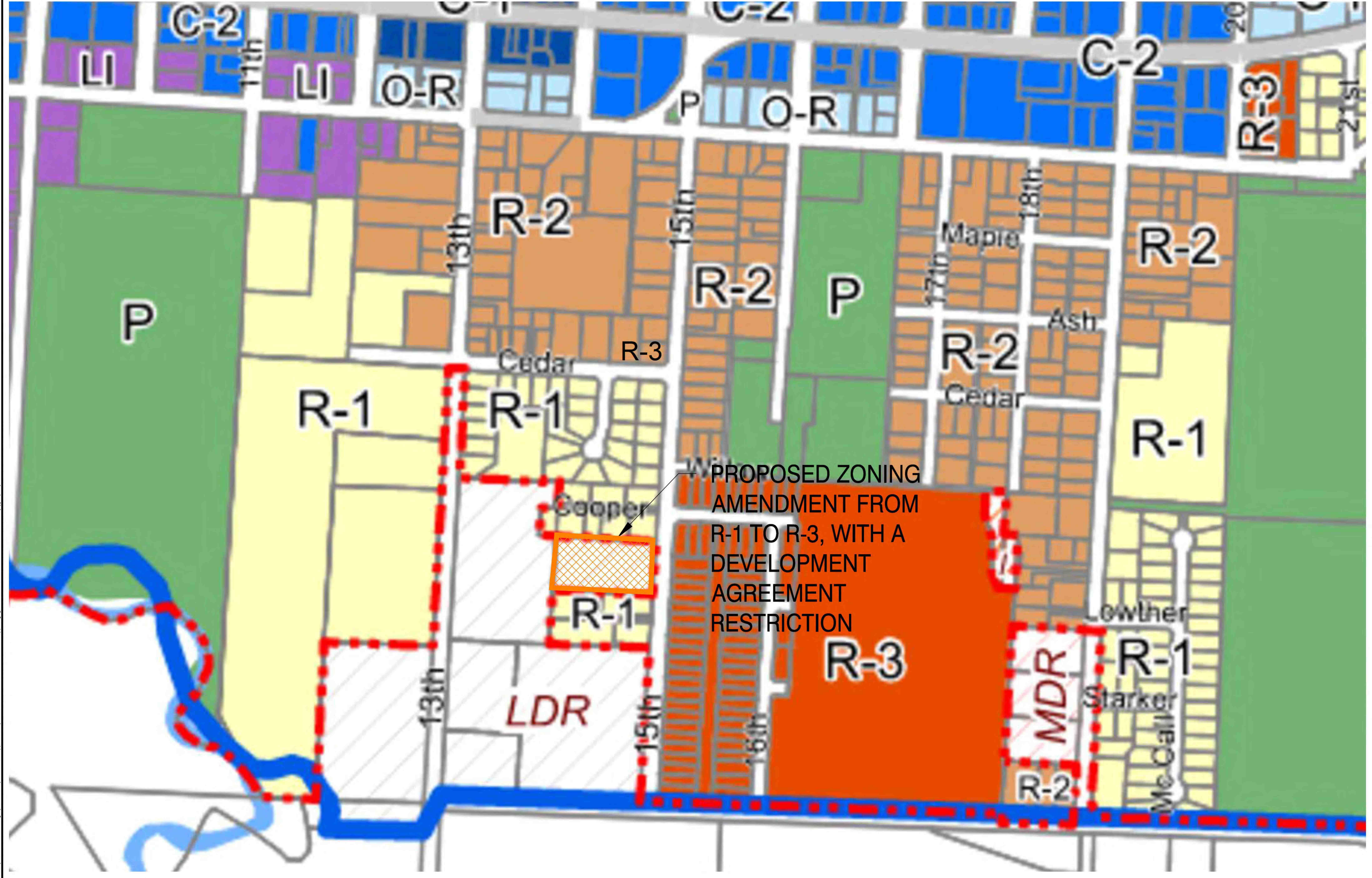
Per PMC 18.135.030.G, this Annexation Application is requesting concurrent zoning map amendments with this annexation of property request, as suggested and supported by City of Philomath staff. See Exhibits 'B' and 'C'. Due to the nature of a Health Hazard Annexation, a Zoning Amendment application is not required (per City of Philomath staff).

Per PMC 18.135.030.K, This Annexation Application has met the Benton County Health Department Standards for a Health Hazard Annexation. See the information contained in the correspondence between the property owner and Benton County, found in the Appendix.

Per PMC 18.135.030.L This Annexation Application is an Island Annexation, but, more importantly, is a Health Hazard Annexation requested by the property owner/applicant and supported by Benton County.

Per PMC 18.135.050, Transportation Planning Rule Compliance, this Annexation Application proposes a zoning designation change. It is understood by the Applicant that this Annexation Application will be reviewed by city of Philomath staff to determine if there is any significant effect on the adjacent transportation facilities pursuant to Oregon Administrative Rule 660-012-0060, Transportation Planning Rule, and that if a significant effect is determined the City shall coordinate a modification to this application or mitigation to any impacts with the applicable roadway authority and the applicant.

FILE: I:\CIVIL3D\Projects\24428\Production Drawings\Land-use\Annexation Application\24428_ZONE_MAP_ASSESS_Annex_App.dwg [2/2/24, EXH C NEW_ZONE_COMP_PLAN (2) 9/27/2024, 10:12 AM - Linda



FOR LAND USE PURPOSES ONLY

DRAWING STATUS:	DATE:	No.	REVISION:
<input type="checkbox"/> PRELIMINARY		△	
<input checked="" type="checkbox"/> SUBMITTED	09/30/24	△	
<input type="checkbox"/> BID SET		△	
<input type="checkbox"/> PERMIT SET		△	
<input type="checkbox"/> CONST. SET		△	

DEVCO
engineering inc.
245 NE CONIFER, P.O. BOX 1211
CORVALLIS, OR 97339
WWW.DEVCOENGINEERING.COM

Corvallis Oregon
(541) 757-8801

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PROJECT:
KRIBS ANNEXATION

PROJECT LOCATION:
602 S. 15TH STREET
PHILOMATH, OREGON

CLIENT:
MARTIN KRIBS

SHEET TITLE:
PROPOSED
CITY OF PHILOMATH
ZONING AND
COMPREHENSIVE PLAN
MAP

JOB NO. 24428
DRAWN BY: DEVCO
DRAWING:
EXHIBIT 'C'



STAFF REPORT
October 31, 2024

APPLICANT: City of Philomath
 NATURE OF APPLICATION: Amendment to Philomath Development Code, PMC 18.57
 Climate Friendly Area Overlay District
 APPLICABLE CRITERIA: Philomath Municipal Code Chapter 18.105.060
 STAFF CONTACT: Michael Bidwell, Associate Planner
 DATE RECIEVED: October 2, 2024
 FILE NUMBER: PC24-04

NATURE OF THE PROCEEDINGS

The City has been working with Cascades West Council of Governments in collaboration with the Oregon Department of State Lands to implement the new rules around Climate Friendly and Equitable Areas (CFA). This new overlay district, required by new state rules, is intended to provide high-density mixed used within the city. The proposed text is attached to this Staff Report as Attachment A.

FINDINGS OF FACT

1. The standards in this new CFA chapter apply to all new developments. New development shall include construction of new structures on a currently vacant lot, reconstruction of structures that have been razed, and reconstruction of nonconforming structures that have been damaged pursuant to Chapter 18.160.
2. As stated in the chapter text, the purpose of the CFA Overlay District is to meet the requirements in OAR 660-012-0320 and to create an urban mixed-use area containing, or planned to contain, a mixture of higher-density housing, jobs, businesses, and services.

APPLICATION CRITERIA AND FINDINGS

The purpose of the hearing is to determine if the code amendments are sufficient to address their intended purpose and use and to arrive at a recommendation to the City Council.

Section 18.105.060 provides the criteria for Type IV legislative amendments. The decision-making criteria are enumerated under subsection G as follows:

Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

- 1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197 (for comprehensive plan amendments only);**

This is not a comprehensive plan amendment. The Statewide Planning Goals and Guidelines are not applicable to amending this language.

- 2. Comments from any applicable federal or state agencies regarding applicable statutes or regulations;**

1 Notice was provided to the Department of Land Conservation and Development. No comments were
2 received from any state or federal agency.

3
4 **3. Any applicable intergovernmental agreements; and**

5
6 Intergovernmental agreements address coordination of development aspects and are not applicable
7 to the amendments.

8
9 **4. Any applicable comprehensive plan policies and provisions of this Code that implement
10 the comprehensive plan. Compliance with Chapter 18.135 PMC shall be required for
11 Comprehensive Plan Amendments, and Land Use District Map and Text Amendments.**

12
13 Citizen Involvement

14 Policy 1.2 Accommodate for Diverse Participation. Utilize community involvement best practices that
15 accommodate for the diverse needs of citizens such as physical ability limitations, language barriers,
16 and time constraints when appropriate and financially reasonable.

17
18 Policy 2.1 Citizen Awareness. Post notices of meetings of the City Council, Planning Commission,
19 and Committees at City Hall, community gathering places (i.e. Philomath Community Library and Post
20 Office), local businesses, and on the City website.

21
22 Policy 2.2 Social Media. Utilize social media platforms to enhance citizen involvement methods and
23 techniques.

24
25 Policy 2.5 Best Practices Engagement Methods. Utilize community engagement methods, tools, and
26 technologies that are recognized as best practices. Examples would include posting prominent
27 physical signs at future development locations, providing information in locations at events where
28 groups of people are, surveys, information on newsletters, press releases, and other practices to
29 increase engagement.

30
31 Policy 3.4 Develop Consistent Procedures. Develop and utilize a consistent set of procedures for
32 notifying and soliciting input from the public as appropriate to the scale and type of the proposed
33 action.

34
35 Economic Development

36 Policy 1.3: Identify and procure funding opportunities with state agencies to reduce infrastructure
37 costs without negative impacts on the health, safety, or service obligations of the City.

38
39 Policy 1.4: Manage parking in the downtown area to balance needs of businesses, customers, and
40 residents with tools such as parking districts, shared parking, minimum/ maximum parking space
41 requirements, exemptions for desired uses, designated RV and truck-trailer parking, and other
42 appropriate measures.

43
44 Policy 2.5: Develop policies and programs to encourage commercial and mixed-use redevelopment in
45 key commercial areas, specifically those prioritized in the Area Wide Plan (2022).

46
47 Housing

48 Policy 1.3: Encourage development of small vacant and partially vacant parcels, with policies that
49 support development of infill housing types, especially in areas with existing urban services.

50 Policy 1.5: Identify opportunities to reduce development costs through changes to infrastructure
51 development standards, when appropriate

52
53 Policy 2.5: Actively participate with partners at the regional and state levels to address housing
54 policies aimed at increasing supply and reducing the cost of housing.

1
2 Policy 3.5: Support a diverse mix of housing to meet the needs of current and future Philomath
3 residents including first-time homebuyers, new families, older adults, and persons with disabilities.
4

5 Transportation

6 6. The City will work to maintain sufficient parking in the downtown to support businesses and
7 patrons. When warranted, the City will undertake a parking study to evaluate parking supply and
8 demand and explore near- and longer-term improvements.
9

10 1. The City shall work with the Cascades West Area Commission on Transportation and the South
11 Valley Regional Solutions Center to promote projects that improve regional linkages.
12

13 2. The City shall coordinate transportation projects, policy issues, and development actions with all
14 affected government agencies in the area, including Benton County, the City of Corvallis, the
15 Corvallis Area Metropolitan Planning Organization, and ODOT.
16

17 Staff concludes that the review procedures have been followed and the provided coe changes comply
18 with the required criteria.
19

20 **RECOMMENDED MOTION**

21
22 **I MOVE THAT:**

23 *The Planning Commission adopt the findings presented in the staff report dated 10/31/2024 PC24-04 to*
24 *amend the development code and recommend the City Council consider the application for approval.*

25 **Or**

26
27 *The Findings of Fact as presented in the staff report dated 10/31/2024 be amended as follows:*
28 _____
29

30 *The Planning Commission adopts the findings in the staff report dated 10/31/2024 as amended and*
31 *denies the application to amend the development code.*
32

Chapter 18.15

DEFINITIONS

Sections:

18.15.010 Definitions.

~~“Access Way.” A walkway or multi-use path connecting two rights-of-way to one another where no vehicle connection is made.~~ (Update)

“Accessway” means a walkway that provides pedestrian and/or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. (New Definition)

~~Pathway/Walkway/Access Way.~~ A pathway or multi-use pathway may be used to satisfy the requirements for access ways in the Transportation Planning Rule (OAR 660-012-045). See PMC 18.65.030(A). (Existing Definition)

“Automobile-oriented use” means a use or activity where automobiles and/or other motor vehicles are an integral part of the use, including repair shops and drive-through services. Auto-oriented uses include uses related to the operation, sale, maintenance, or fueling of motor vehicles, and uses where the use of a motor vehicle is accessory to the primary use, including drive-through uses. (Existing Definition, added detail)

“Site Area, net” means the total area of a development site exclusive of proposed or existing public rights of way, public parks, public open space, protected natural features, and any other areas permanently precluded from development due to development constraints, easements, or similar legal instruments. (New Definition)

“Climate-friendly area” means an urban mixed-use area containing, or planned to contain, a mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to provide frequent and convenient connections to key destinations within the city and region. (New Definition)

“Floor area ratio (FAR)” — A floor area ratio is the ratio of the gross floor area of all buildings on a development site, excluding areas within buildings that are dedicated to vehicular parking and circulation, in proportion to the net area of the development site on which the buildings are located. For example, a floor area ratio of 2.0 would indicate that the gross floor area of the building was twice the net area of the site. (New Definition)

“Parking maximums” means limits on the number of off-street parking spaces that can be included in a development. (New Definition)

Chapter 18.XX

CLIMATE FRIENDLY AREA OVERLAY DISTRICT

Sections:

Article I. General Provisions

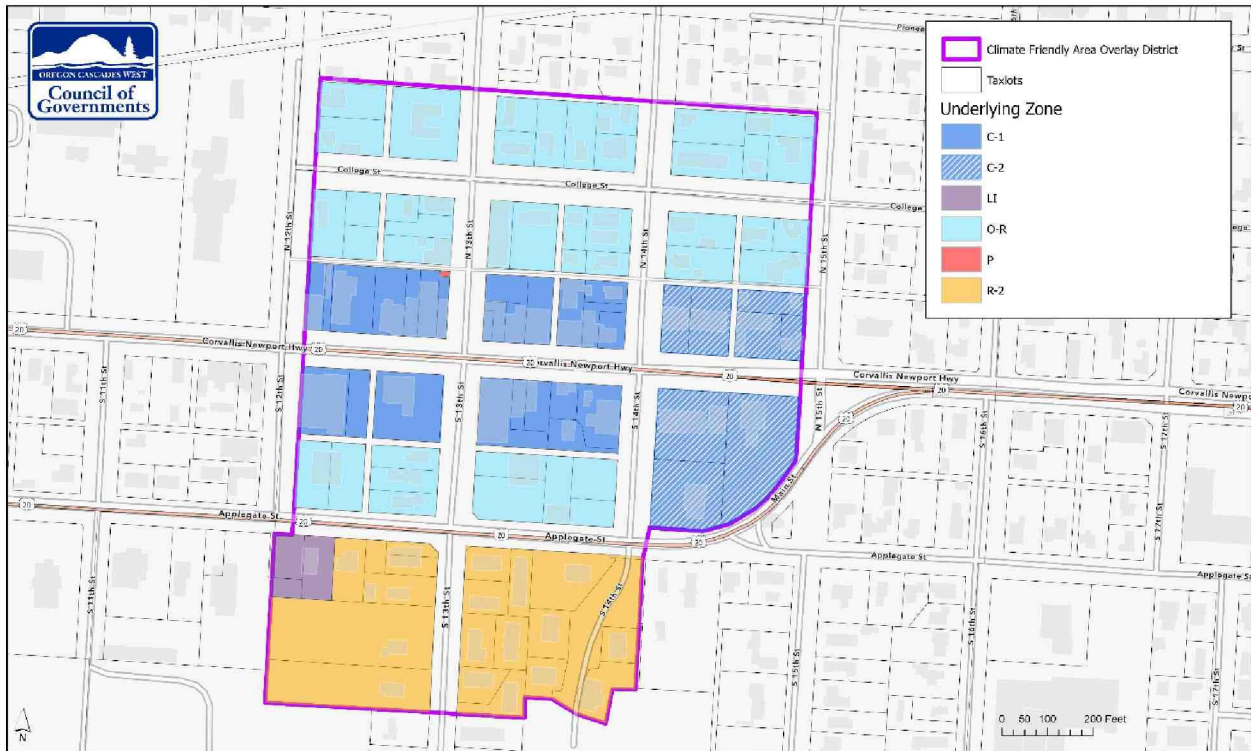
- 18.XX.010 Purpose.
- 18.XX.020 Climate Friendly Overlay Zone
- 18.XX.030 Allowed Use Requirements.
- 18.XX.040 Building Height.
- 18.XX.050 Density.
- 18.XX.060 Streetscape Requirements.
- 18.XX.070 Block Layout
- 18.XX.080 Design Standards

18.XX.010 Purpose.

The purpose of the Climate Friendly Area (CFA) Overlay District is to meet the requirements in OAR 660-012-0320 and to create an urban mixed-use area containing, or planned to contain, a mixture of higher-density housing, jobs, businesses, and services.

18.XX.020 Boundary

The CFA boundary is defined on the map below. The CFA is required to be a minimum of 25 acres in size and have a minimum width of 750 feet.



Philomath Climate Friendly Area Overlay District

18.XX.030 **Allowed Use Requirements**

- A. The CFA allows additional uses that may not be allowed within the underlying (base) zone and the following uses shall be allowed within the CFA. The permitted uses in the base zone are not otherwise impacted by the overlay.
- multi-family housing,
 - single-family attached housing,
 - office type uses,
 - retail,
 - services and other commercial,
 - child care,
 - schools
 - public and institutional.,
- B. Automobile-oriented uses shall conform to the design standards in 18.XX.080.
- C. Multi-family housing located in the underlying C-1 zone shall include commercial use(s) on ground floor, with pedestrian entrance facing the street. Multi-family residential uses in the C-1 zone shall be allowed only when part of a mixed-use development (residential with commercial or public/institutional use). Both vertical mixed-use (housing above the ground floor), and horizontal mixed-use (housing on the ground floor) developments are allowed, ~~subject to the standards in subsections 18.40.090(A)(2) through (A)(6) of the Philomath Municipal Code.~~
- a. As an exception to the above requirement, a multi-family building with residential use only on the ground floor is permitted provided that the residential units are subject to a recorded agreement that runs with the land and requires affordability for an established income level for a defined period of time.
- D. Pre-existing non-conforming uses are subject to the standards in PMC 18.55.
- a. As an exception to the above requirement, Accessory Dwelling Units (ADUs) are allowed in conjunction with a pre-existing non-conforming single-family detached house regardless of minimum density requirements.

18.XX.040 **Building Height**

- A. All buildings in the CFA shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings with a storefront character.
- B. Minimum Height. The minimum height of a new building shall be 20 feet. Single-story buildings with flat roofs shall be designed to provide the scale of a two-story building with a minimum height of 20 feet and a parapet wall around the roof with a decorative cornice.
- C. Maximum Height. Buildings in the CFA shall be allowed up to 50 feet in height (4 stories).

18.XX.050 **Density**

- A. There is no maximum residential density standard. Density shall be controlled by the applicable lot coverage and building height standards.
- B. New development shall have a minimum 1.0 Floor Area Ratio (FAR).

- C. Redevelopment that renovates and adds residential units within existing buildings, but that does not add residential units outside the existing exterior of the building is not subject to the FAR requirements.

18.XX.060 Streetscape Requirements

- A. CFA's are subject to the streetscape requirements in PMC 18.125.

18.XX.070 Block Layout

This section is intended to promote the walkable, storefront character of the CFA by forming short blocks and orienting buildings close to streets. Placing buildings close to the street also slows traffic down and provides more "eyes on the street," increasing the safety of public places.

- A. Applicability. This section applies to new land divisions and all of the following types of development (i.e., subject to site design review):
 - 1. Three or more single-family attached houses on their own lots (i.e., townhomes subject to site design review);
 - 2. Multi-family housing;
 - 3. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
 - 4. Commercial and mixed-use buildings subject to site design review.

Compliance with all of the provisions of subsections (B) through (C) of this section shall be required.

- B. Block Layout Standard. New land divisions and developments that are subject to site design review shall be configured to provide an alley or interior parking court. Pedestrian pathways (dedicated or easement) shall be provided from the street right-of-way to interior parking courts between buildings, as necessary, to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking.
 - 1. For development sites less than 5.5 acres in size, the maximum block length permitted shall be 500 feet or less. Where block length exceeds 350 feet, a public pedestrian through-block easement shall be provided to facilitate safe and convenient pedestrian connectivity in the CFA. Substantial redevelopment of sites of 2 acres or more within an existing block that does not meet the standard shall provide a public pedestrian accessway allowing direct passage through the development site such that no pedestrian route will exceed 350 feet along any block face.
 - 2. For development sites of 5.5 acres or more, a maximum block length of 350 feet or less.

18.XX.080 Design Standards

- A. Development in the CFA shall provide for a compact development pattern, easy ability to walk or use mobility devices, and allow direct access on the pedestrian, bicycle, and public transportation networks. Commercial or mixed-use site design land use regulations must meet the following requirements:
 - 1. Primary pedestrian entrances to buildings must be oriented to a public pedestrian facility and be accessible to people with mobility disabilities. An uninterrupted accessway, courtyard, plaza, or other pedestrian-oriented space must be provided between primary pedestrian entrances and the public pedestrian facility, except where the entrance opens directly to the pedestrian facility. All pedestrian entrances must be designed to be barrier-free.

2. Motor vehicle parking, circulation, access, and loading may be located on site beside or behind buildings. Motor vehicle parking, circulation, access, and loading must not be located on site between buildings and public pedestrian facilities on or along the primary facing street. Bicycle parking may be permitted on the primary facing street.
3. On-site accessways must be provided to directly connect key pedestrian entrances to public pedestrian facilities, to any on-site parking, and to adjacent properties, as applicable.
4. Any pedestrian entrances facing an on-site parking lot must be secondary to primary pedestrian entrances as required in this section. Primary pedestrian entrances for uses open to the public must be open during business hours.
5. A site of 0.50 acre or larger must be designed with a connected network of public pedestrian facilities to meet the requirements of this section.
6. Development on sites adjacent to a transit stop or station on a priority transit corridor must be oriented to the transit stop or station. The site design must provide for pedestrian connectivity and amenities adjacent to the stop or station. If there is inadequate space in the existing right of way for transit infrastructure, then the infrastructure must be accommodated on site.
7. Development standards must meet the bicycle parking requirements in PMC 18.75.040.

PMC18.XX.090 Transportation Review Standards

A. CFAs are subject to the transportation standards in OAR 660-012-0325.