



# CITY OF PHILOMATH

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**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

**May 20, 2024**

**6:00 PM**

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

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1. **CALL TO ORDER**
2. **APPROVAL OF MINUTES**
  - 2.1. May 6, 2024
3. **UNFINISHED BUSINESS**
  - 3.1. Development Code Residential Section Review
4. **ANNOUNCEMENTS & STAFF UPDATES**
  - 4.1. Staff Update
  - 4.2. Regular Meeting: June 17, 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

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

**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

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PHILOMATH PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Philomath City Hall Council Chambers  
May 6, 2024

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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 (Arrived 6:06 p.m.)  
12 Van Hunsaker  
13 Josiah Jessen  
14 Timothy Melott  
15 Darlene Rose

**Absent:**

Hayley Green  
Ruth Causey, City Council liaison

16  
17 **Staff Present:**

18 Chris Workman, City Manager  
19 Ruth Post, City Recorder

20 **2. APPROVAL OF MINUTES**

21 **2.1 April 1, 2024**

22 **2.2 April 15, 2024**

23  
24 Action Approve minutes as presented.  
25 Motion/Second: Commissioner Hunsaker/Commissioner Melott  
26 Vote: APPROVED 5-0 (Yes: Conner, Hunsaker, Jessen, Melott and Rose; No:  
27 None).

28  
29 (John Barlow arrived at 6:06 p.m.)

30 **3. UNFINISHED BUSINESS**

31 **3.1 Climate Friendly & Equitable Area (CFEA) Audit**

32 Start Time: 6:06 p.m.

- 33 • City Manager Workman introduced guests Justin Peterson and Nick Metzler from the
- 34 Oregon Cascades West Council of Government (OCWCOG).
- 35 • Peterson updated on the status of the Climate Friendly and Equitable Area (CFEA)
- 36 requirements to meet new State statutes.
- 37 • Proposed new definitions reviewed in-depth.
- 38 • Insertion of a map to define the CFEA boundaries.
- 39 • Additional proposed code amendments reviewed.
- 40 • Potential negative long-term impact of the required CFEA being located downtown
- 41 and increased residential use displacing commercial use discussed.
- 42 • Peterson summarized next steps to review the feedback received and return with a
- 43 final version.
- 44 • Definition of super-block discussed.

45  
46 **3.2 Development Code Residential section**

47 Start Time: 6:59 p.m.

- 48 • Workman introduced the updated version of the proposed code section.
- 49 • Discussion about R-2 restriction on accessory dwelling units on a lot with a duplex.
- 50 • Detailed discussion about Residential District Standards Table.
- 51 • Rear setback requirement for accessory sheds discussed.
- 52 • Substantial discussion about setback minimums for various types of structures.

- Discussion about tiny homes.
  - Maximum building heights discussed.
- Break 7:43 p.m. to 7:49 p.m.
- Rear yard setbacks discussed.
  - Mid-block lanes and elimination of flag lots discussed.
  - Challenging building orientations discussed.
  - Next steps reviewed.

### 3.3 Zoning District Map review

Start Time: 8:08 p.m.

- CM Workman presented the zoning map with proposed changes.
- Discussion about public outreach plans.
- Discussion about C-1 zone area on Applegate.
- Zoning of apartments south of 14<sup>th</sup> and Applegate discussed.
- Zoning of Clemens Primary School to public discussed.

## 4. ANNOUNCEMENTS & STAFF UPDATES

Start Time: 8:29 p.m.

### 4.1 Regular Meeting: May 20, 2024, at 6:00 p.m.

- Goal to complete residential section review.

### 4.2 Regular Meeting: June 17, 2024, at 6:00 PM

- Public hearing for annexation application announced.

## 5. ADJOURNMENT

Meeting adjourned at 8:35 p.m.

SIGNED:

ATTEST:

\_\_\_\_\_  
Gary Conner, Chair

\_\_\_\_\_  
Ruth Post, MMC, City Recorder



## Philomath Planning Commission Agenda Item Summary

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### **Title/Topic: Development Code Update Project revised schedule**

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Meeting Date: May 20, 2024  
Staff Contact: Chris Workman

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#### **Issue Statement:**

This memo is an update on city staff's progress in updating portions of the residential development code.

#### **Background**

In April of this year, the Planning Commission began the task of updating the city's development code. This work will continue through 2024. Earlier this month, the Commission reviewed the development review table for residential zones and some amendments to the narrative in the residential development code.

In preparation for the meeting, please take some time to review several excerpts from the DLCD model code. The City's current code covers some of this, but not all. It would be helpful to know what standards the Commission is comfortable with and which seem too controlling or not specific enough. After this discussion, staff will review the Philomath code and make the appropriate changes using the model code language from DLCD as appropriate.

#### **Attachment:**

- A. DLCD Residential development code excerpts

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## 2.3 – Special Use Standards

This is how DLCD model code recommends calculating minimum and maximum density standards. Does this make sense for Philomath? If so, I will go back to the table we discussed at the last meeting and recalculate minimum and maximum densities for each residential zoning district using this method.

### 2.2.060 Residential Density Standards

To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new *[developments / subdivisions]* in the Residential Districts shall conform to the minimum and maximum densities prescribed in Table 2.2.040, except as provided below in subsections I-3:

**User's Guide:** The following section is used in conjunction with Table 2.2.040. Your city should include minimum and maximum density standards in the table based on your comprehensive plan. Minimum density standards should apply to RM zones, at a minimum, and preferably in all residential and residential-commercial zones. Each city will need to determine how it calculates density. The following example is based on "gross density."

If the gross (total) site area is five acres, and the minimum allowable density is six dwelling units per acre, then the maximum is 30 units. The equivalent average lot size for single-family dwellings is determined by subtracting street right-of-way, water quality facilities and other non-buildable areas from the five-acre site, then dividing the remaining (net) area by the number of units. Assuming 25 percent of the total site area for streets, open space, and other non-buildable areas, "average lot size" is calculated as follows:  $(217,800 \text{ square feet} \times 0.75) / 30 \text{ units} = 5,445 \text{ square feet}$ . If the minimum density were four dwelling units per acre, the same five-acre site would yield a minimum of 20 units with an average lot size of 8,168 square feet.

This is only an example. The minimum density standard also applies to attached housing, including multiple family developments. Actual lot sizes will vary based on the proposed building type and the lot area standards in Section 2.2.030. The number of planned dwellings also varies depending on whether the comprehensive plan is based on net or gross density. Where a plan specifies four units per gross acre, the equivalent net density might be greater than five units per net acre.

- A.** Residential care homes and facilities, senior housing, including assisted living, accessory dwellings, and subdivisions where the average slope exceeds *[15 percent]* are exempt from the minimum density standard.
- B.** The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
- C.** Partitions and construction of single-family homes on lots exceeding *[20,000-40,000 square feet]* shall be located and constructed so that future division of such lots can occur and planned public facilities can be extended based on the minimum lot size and other applicable City standards.
- D.** Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard.

## 2.3 – Special Use Standards

**Similarly, this is how DLCD model code recommends calculating maximum lot coverage. If this makes sense for Philomath, I will go back and check calculations for Philomath’s zoning districts.**

### 2.2.070 Lot Coverage

**A. Lot Coverage Calculation.** The maximum allowable lot coverage, as provided in Table 2.2.040.D, is calculated as the percentage of a lot or parcel covered by buildings and structures (as defined by the foundation plan area) at 36 inches or greater above the finished grade. It does not include paved surface-level developments such as driveways, parking pads, and patios that do not meet the minimum elevation of 36 inches above grade.

**[B. Lot Coverage Bonus.** *The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve increases to the lot coverage standards in Table 2.2.040.D, as follows:*

1. *Lot coverage may increase by up to one-half square foot for every one square foot of proposed automobile parking area to be contained in a parking structure, either above or below leasable ground floor space (e.g., residential, commercial, or civic use), not to exceed a 20 percent increase in allowable coverage.*
2. *Lot coverage may increase by up to one-half a square foot for every one square foot of proposed parking area paving that uses a City-approved porous or permeable paving material (i.e., allowing stormwater infiltration).*
3. *Lot coverage may increase by up to one-half a square foot for every one square foot of City-approved water quality treatment area (e.g., vegetative swale or bio-filtration) to be provided on the subject site.*
4. *In approving increases in lot coverage under subsections 1-3 of this section, the City may require additional landscape buffering or screening, above that which is required by other provisions of this code, and may impose reasonable conditions of approval to ensure the ongoing maintenance of parking areas and surface water management facilities.*
5. *Notwithstanding the lot coverage increases authorized by this section, all other development standards of this chapter, and other applicable provisions of this Code, must be met.]*



## 2.3 – Special Use Standards

**Are any of the Special uses listed in the DLCDC model code list below not need in out code? Are any missing? Please red through each of the special uses and identify changes you would recommend changing.**

### Chapter 2.3 – Special Use Standards

**User's Guide:** The following provisions correspond to the special uses identified in Chapter 2.2, as noted in Table 2.2.030.

#### Sections:

- 2.3.010 Purpose
- 2.3.020 Applicability
- 2.3.030 Review Process
- 2.3.040 Artisanal and Light Manufacture Uses
- 2.3.050 Drive-Through Service
- 2.3.060 Duplex Dwellings
- 2.3.070 Townhomes, Attached Single-Family Dwellings
- 2.3.080 Multifamily Development
- 2.3.090 Dwellings in Commercial [*and Mixed Employment*] Zones
- 2.3.100 Family Daycare
- 2.3.110 Residential Care Homes and Residential Care Facilities
- 2.3.120 Home Occupations
- 2.3.130 Manufactured Homes
- 2.3.140 Mobile Home and Manufactured Home Parks
- 2.3.150 Mobile Homes and Recreational Vehicles Used as Dwellings
- 2.3.160 Temporary Uses
- [2.3.170 *Accessory Dwellings*]
- [2.3.180 *Bed and Breakfast Inn*]
- [2.3.190 *Cottage Housing Cluster*]
- [2.3.200 *Micro-Generation Facilities*]
- [2.3.210 *Parks and Open Spaces*]
- [2.3.220 *Vacation Rental Dwelling*]
- [2.3.230 *Wireless Communication Facilities*]

#### 2.3.010 Purpose

Special uses included in Chapter 2.3 are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district.

## 2.3 – Special Use Standards | Duplex Dwellings

### 2.3.020 Applicability

All uses designated as Special (“S”) Uses in Table 2.2.020, and uses the City determines to be similar to such uses, are subject to the standards of Chapter 2.3. The standards of this chapter supplement the other requirements of this Code. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

### 2.3.060 Duplex Dwellings

**User’s Guide:** Most small cities allow both single-family and duplex dwellings in low-density (single-family) zones, though duplex design can be concern when new duplexes are constructed next to single-family homes in established neighborhoods. This section responds to those concerns by providing clear and objective standards for duplexes.

- A. Purpose.** The following provisions are intended to promote compatibility between duplex dwellings and single-family dwellings in the RL zone.
- B. Applicability.** The following standards apply where a duplex is proposed adjacent to a single-family dwelling where the duplex lot and single-family lot share a common property line. The standards are applied through a Type I *[Zoning Checklist]* review procedure, prior to submittal of building plans to the Building Official.
- C. Standards.** Where a duplex is proposed on an interior (non-corner) lot sharing a property boundary with a single-family dwelling lot, the duplex shall meet all of the following standards:
1. The duplex shall not exceed the height of the subject single-family dwelling by more than *[20 percent]* for that portion of the duplex placed within 20 feet of the single-family dwelling.
  2. The duplex, if located on a corner lot and containing two garages, shall have each garage entrance orient to a different street or alley.
  3. The duplex shall have no blank wall oriented to a street. This standard is met if any elevation facing a street is composed of not less than *[30 percent]* windows and door surface area.
  4. The roof form on the duplex (e.g., gable, flat, or hipped) shall be similar to the roof form of adjacent single-family dwellings on the same block face.
  - [5. The duplex shall meet the height transition requirements of Section 2.2.080.C, as applicable.]*

## 2.3 – Special Use Standards | Duplex Dwellings

### 2.3.070 Townhomes, Attached Single-Family Dwellings

**User's Guide:** This section is intended to promote a compatible building scale while minimizing the impact of townhome garages along street fronts. For example, some communities allow attached single-family housing (e.g., townhomes) in low-density zones but limit the number of consecutive townhomes or the overall length of townhome buildings.

**A. Purpose.** The following provisions are intended to promote a compatible building scale where attached single-family dwellings are proposed, while minimizing the impact of garages along street fronts and creating a streetscape that is conducive to walking.

**B. Applicability.** The following standards apply to new attached single-family dwellings. The standards are applied through *[Site Design Review, pursuant to Section 4.2, / Zoning Checklist review, pursuant to Section 4.1.020,]* prior to issuance of building permits.

**C. Standards.** Where attached single-family dwellings are proposed, the structure(s) shall meet all of the following standards:

1. Each building shall contain not more than *[four - six]* consecutively attached dwelling units and not exceed an overall length or width of *[100-120]* feet.
2. The primary entrance of each dwelling unit shall orient to a street or an interior courtyard that is not less than *[24]* feet in width.
3. Where the subject site is served by an existing or planned alley, vehicle access shall be from the alley and all garage entrances shall orient to the alley.
4. The development standards Chapter 2.2 and the building and site design standards of Article 3 shall be met.

*[5. The building shall meet the height transition requirements of Section 2.2.080.C, as applicable.]*

## 2.3 – Special Use Standards | Multifamily Development

### 2.3.080 Multifamily Development

**User's Guide:** The following provides clear and objective standards for multifamily housing, per state law. Local governments may apply discretionary standards or guidelines to what is defined as “needed housing” under ORS 197.303 only where their code also offers a clear and objective decision making option pursuant to ORS 197.307.

- A. Purpose.** The following standards are intended to ensure that multifamily developments are planned with adequate open space and are designed to prevent conflicts between residential uses, on-site recreation, and vehicle circulation and parking areas. The standards supplement the design standards of Article 3.
- B. Applicability.** This applies to new multifamily developments.
- C. Standards.**
- 1. Common Open Space and Landscaping.** A minimum of [15-20] percent of the site area in the R districts and [10] percent of the site area in the CR district shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:
    - a. “Site area” for the purposes of this section is defined as the subject lot or lots after subtracting any required dedication of street right-of-way.
    - b. The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.
    - c. In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than 20 feet.
    - d. Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the [City decision-making body] may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping.
  - 2. Private Open Space.** Private open space areas shall be required for dwelling units based on the following criteria:
    - a. A minimum of [40] percent of all ground-floor dwelling units shall have front or rear patios or decks containing at least [48] square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping).
    - b. A minimum of [40] percent of all upper-floor housing units shall have balconies or porches containing at least [48] square feet of usable area. Upper-floor housing means housing units that are more than five feet above the finished grade.
  - 3. Access, Circulation, Landscaping, Parking, Public Facilities.** The standards of Chapters 3.2 through 3.6 shall be met.
  - 4. Trash Storage.** Trash receptacles, recycling, and storage facilities shall be oriented away from building

## 2.3 – Special Use Standards | Multifamily Development

entrances, setback at least 10 feet from any public right-of-way and adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be accessible to trash pick-up trucks.

### 2.3.090 Dwellings in Commercial *[and Mixed Employment]* Zones

**User's Guide:** This section provides standards for residential uses in commercial zones and addresses the need in some communities to grandfather single-family uses that would otherwise be non-conforming. An alternative to this approach, for example in an area with a large concentration of historic homes, is to establish a residential overlay zone allowing single-family dwellings in a defined area or sub-district of the downtown. The optional language under C, below, provides flexibility for allowing ground floor residential uses that do not front Main Street (or other defined street frontages), reserving storefronts on Main Street for commercial uses.

**A. Purpose.** This section provides standards for residential uses in the *[D / MS / ME]* zones[s].

**B. Applicability.** This section applies to dwellings in the *[D / MS / ME]* zone[s].

**C. Standards.** Residential uses in the *[D / MS / ME]* zone[s] shall conform to all of the following standards:

1. New residential uses shall not be located in a ground building floor space *[fronting (list "main" commercial streets)]*.
2. New residential uses *[fronting (list "main" commercial streets)]* shall be permitted only above or below a ground floor space containing a permitted non-residential use.

*[3. Single-family dwellings lawfully existing as of [effective date] may continue as permitted uses; and in the event of involuntary damage or destruction due to fire or other event beyond the owner's control, such single-family use may be rebuilt and reestablished pursuant to Section 2.2.030 and applicable building codes.]*

## 2.3 – Special Use Standards | Family Daycare; Residential Care

### 2.3.100 Family Daycare

Family daycare uses are limited to on-site care for not more than 16 children, and shall conform to the state licensing requirements and standards under ORS 657A.250 and ORS 657A.440(4). *[Family daycare uses must also have a current City of (name) business license.]*

### 2.3.110 Residential Care Homes and Residential Care Facilities

**User's Guide:** The following provisions are intended to implement state and federal laws pertaining to residential care uses, Pursuant to ORS 197.660 to 197.670, and the requirements of the federal Fair Housing Amendments Act (FHAA) of 1988 (42 U.S.C. § 3615).

In ORS 197.663, the Oregon Legislature declared that:

1. Persons with disabilities are entitled to live within communities and should not be excluded because their disability requires them to live in groups;
2. There is a growing need for residential homes and residential facilities to provide quality care and to prevent inappropriate placement of disabled and elderly persons in state institutions and nursing homes; and
3. It is often difficult to site and establish residential homes and residential facilities in communities.

State law allows “residential homes” and “residential facilities” to be placed in any zone that allows a single-family dwelling or multifamily dwelling, respectively. See ORS 197.665-197.667. Cities and counties cannot prohibit a residential home or residential facility to be sited in a zone that state law allows; and must amend their zoning ordinances to be consistent, if not already consistent, with these provisions. See ORS 197.670.

Residential Care Homes and Residential Care Facilities, where allowed, shall conform to all of the following standards and procedures. Residential Care Facilities are not the same as Acute Care Facilities, which are classified as Community Service uses, and they are not the same as Senior Housing Facilities that provide limited or no medical care, which are classified as Multifamily Housing.

- A. Licensing and State Requirements.** Residential Care Homes and Residential Care Facilities shall be licensed by the State of Oregon and comply with state requirements, pursuant to ORS 197.660 through 197.670.
- B. Residential Care Homes.** Residential Care Homes may provide residential care alone, or in conjunction with treatment or training, for five or fewer individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to single-family dwellings also apply to Residential Care Homes, except where state law supersedes City standards.
- C. Residential Care Facilities.** Residential Care Facilities may provide residential care alone, or in conjunction with treatment or training, for between 6 and 15 individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to multiple

## 2.3 – Special Use Standards | Residential Care Homes and Residential Care Facilities

family dwellings also apply to Residential Care Homes, except where state law supersedes City standards.

- D. Access.** The access and circulation standards of Chapter 3.3 shall be met.
- E. Parking.** The parking standards of Chapter 3.5 shall be met.
- F. Landscaping.** Residential Care Facilities are required to comply with the landscaping and screening standards of Chapter 3.4. The City may require the installation of a landscape hedge or fence on the property line separating a Residential Care Facility from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. The landscaping standards do not apply to building permits for individual Residential Care Homes.
- G. Building Design Standards.** Residential Care Facilities are required to comply with the building orientation and design standards for multifamily housing, pursuant to Chapter 3.1; except where a state requirement conflicts with a City standard, the state requirement, not the City standard, shall apply. The building design standards do not apply to Residential Care Homes.
- H. Review Procedure.** Residential Care Homes are subject to review and approval through a Type I [*Zoning Checklist*] review procedure under Section 4.1.020 prior to issuance of building permits. Residential Care Facilities are subject to a Type III (public hearing) review and approval under Section 4.1.040.

## 2.3 – Special Use Standards | Home Occupations

### 2.3.120 Home Occupations

**User's Guide:** The model code has been updated and simplified to provide one set of Home Occupation standards. Home businesses that meet standards do not require land use approval. This approach relies on self-enforcement. Cities might allow home occupation uses that exceed the following standards, subject to approval of a conditional use permit.

- A. Purpose.** The purpose of this section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture are appropriate in scale and impact to be operated within a residence.
- B. Applicability.** This section applies to Home Occupation uses in Residential zones. A home-based business in a commercial or residential-commercial zone is considered a commercial use and is not subject to the standards of this section.
- C. Home Occupation in Residential Zones.** Home Occupations of less than [500-1000] square feet of lot area are permitted, provided the owner completes a [*Home Occupation Registration Form / Zoning Checklist*] [*and obtains a City of (name) Business License*]. Home Occupations greater than [500-1000] square feet of lot area are allowed, subject to approval of a Conditional Use Permit. For the purpose of this section, “lot area” includes building floor area, areas within accessory structures, and all other portions of a lot.
- D. Home Occupation Standards.** Home Occupations shall conform to all of the standards below, except the City may approve adjustments to the standards through the Conditional Use Permit approval, provided all uses and structures on the subject property conform to applicable City regulations, including, but not limited to, building codes and nuisance regulations.
- I. Appearance of Residence.**
- a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
  - b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
  - c. The home occupation shall not violate any conditions of development approval (i.e., prior land use development permit or approval).
  - d. No products or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
- 2. Storage.**
- a. Outside storage visible from the public right-of-way or adjacent properties that exceeds what is customary for a single-family residence in the vicinity is prohibited.



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## 2.3 – Special Use Standards | Home Occupations

- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable material) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be enclosed in a structure or otherwise screened from view from adjacent properties and public right-of-way.

### 3. Employees.

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than *[one - three]* employee[s] at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work, pick up, or deliver at the home occupation site.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

### 4. Advertising and Signs.

Signs shall not exceed a total of four square feet of surface area on each side of one or two faces. *[See also Municipal Code Section \_\_ Signs.]*

### 5. Vehicles, Parking, and Traffic.

- a. Not more than *[one / two]* commercially licensed vehicle[s] associated with the home occupation *[is/are]* allowed at the home occupation site in the same 24-hour period. Vehicles shall be of a size that would not overhang into the public right-of-way when parked.
- b. There shall be no commercial vehicle deliveries between *[9:00 p.m. to 7:00 a.m.]*

### 6. Business Hours.

There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation only from *[7:00 a.m. to 9:00 p.m.]*, *[Monday through Friday]*.

### 7. Prohibited Home Occupation Uses.

- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property line, is prohibited.
- b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers,

## 2.3 – Special Use Standards | Home Occupations

art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by the home business is allowed.

- c. The following uses, and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke, or vibration, are prohibited:

(1) Ambulance service

(2) Animal hospital, veterinary services, kennels, or animal boarding

(3) Auto and other vehicle repair, including auto painting

(4) Repair, reconditioning, or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site

- 8. Enforcement.** With cause, the City's [*designated Code Enforcement Officer / other law enforcement official*] may visit a home occupation site to inspect the site and enforce the provisions of this Code.

## 2.3 – Special Use Standards | Manufactured Home on a Single Family Lot

### 2.3.130 Manufactured Home on a Single-Family Lot

**User's Guide:** The following provisions have been updated to implement state law related to manufactured homes, recreational vehicles used as dwellings, and FEMA regulations related to manufactured homes in floodplains. Oregon Revised Statutes require that local regulations permit manufactured dwellings in zones where single-family dwellings are permitted, and limit placement standards for manufactured homes to those contained in ORS 197.307(8), the intent of which is to apply standards similar to those that are customary for stick-built, single-family dwellings.

Manufactured homes are permitted on individual lots, subject to all of the following design standards. Manufactured dwellings relocated into the City of [name] shall conform to City standards. The following standards do not apply to dwellings lawfully established and existing within the City prior to [effective date of Code]. See also, Sections 2.3.130 [and 2.3.140, respectively,] regarding Mobile Home and Manufactured Home Parks[, and Mobile Homes and Recreational Vehicles Used as Dwellings].

- A. Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet.
- B. Roof.** The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).
- C. Residential Building Materials.** The manufactured home shall have exterior siding and roofing which in color, material, and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.
- D. Garages and Carports.** If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the home.
- E. Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the state Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards, or an equivalent standard, is deemed to satisfy the exterior thermal envelope certification requirement.
- F. Placement.** The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home.
- G. Floodplain.** Manufactured homes shall comply with [Chapter 2.\_\_\_\_ Flood Hazard Overlay] and the following standards.
  - I. The stand shall be a minimum of 12 inches above Base Flood Elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped. [Manufactured Dwelling Specialty Code, 4-3.1(5)]

## 2.3 – Special Use Standards | Manufactured Home on a Single Family Lot

2. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE. *[See definition of Lowest Floor in Manufactured Dwelling Specialty Code.]*
3. The manufactured dwelling shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for anchoring techniques). *[44 Code of Federal Regulations 60.3(c)(6)]*
4. Electrical crossover connections shall be a minimum of 12 inches above BFE. *[Manufactured Dwelling Specialty Code 6-4.2(1)]*

**H. Foundation Skirt.** The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood or vinyl siding, or other materials, pursuant to applicable building codes.

**I. Prohibited.** The manufactured home shall not be located in a designated historic district, except where the historic district regulations specifically provide for manufactured homes.

## 2.3 – Special Use Standards | Manufactured Home on a Single Family Lot

### 2.3.140 Mobile Home and Manufactured Dwelling Parks

**User's Guide:** The following implements ORS 197.314 Required siting of manufactured homes, including the optional design standards for homes in manufactured home parks that are smaller than three acres.

Mobile home and manufactured dwelling parks (not including recreational vehicles) are permitted on parcels of one acre or larger, subject to compliance with subsections A-[C/D], below:

- A. Permitted Uses.** Single-family residences, manufactured home park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance).
- B. Development Standards.** Development of manufactured and mobile home parks, including placement of manufactured and mobile homes with a park, shall comply with applicable building codes and state requirements for Mobile Home and Manufactured Dwelling Parks in ORS 446.
- C. Perimeter Landscaping.** When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a landscape buffer of 5 to 10 feet in width between the right-of-way and a manufactured home park for the privacy and security of park residents or for privacy of adjacent residences.
- D. Manufactured Dwelling Design In Small Developments.** In manufactured dwelling parks that are smaller than three acres, manufactured homes shall meet both of the following standards:
  - 1. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).
  - 2. The manufactured home shall have exterior siding and roofing which in color, material, and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.
- [E. Floodplain.** *Compliance with the City of [name] Floodplain Overlay is required.*]

## 2.3 – Special Use Standards | Temporary Uses

### *[2.3.150 Mobile Homes and Recreational Vehicles Used as Dwellings]*

**User's Guide:** The following is a placeholder for jurisdictions that have mobile homes pre-dating current HUD standards. It is also intended to clarify where residential use of recreational vehicles is grandfathered.

### 2.3.160 Temporary Uses

**User's Guide:** It is recommended that cities define temporary uses and regulate them appropriately. For example, one mobile food cart placed temporarily (e.g., summer months) on private property may not have much of an impact on public services or parking. However, an entire “food court” (i.e., with multiple carts) that lasts the whole year through should be subject to public improvement standards, just like any other development.

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and similar uses. This Code contains permit procedures for three types of temporary uses, Seasonal and Special Events, Temporary Sales Offices and Model Homes, and Temporary Buildings, Trailers, Kiosks, and Other Structures, as follows:

- A. Seasonal and Special Events.** Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Seasonal or Special Event, based on the following criteria:
1. The use is permitted in the underlying zone, and does not violate any conditions of approval for the property (e.g., prior development permit approval).
  2. The use occurs only once in a calendar year and for not longer than [30-60] consecutive days.
  3. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval).
  4. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
  5. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 3.3 Access and Circulation.
  6. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Fences and Walls.
  7. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 3.5 Parking and Loading.
  8. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public Facilities.

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## 2.3 – Special Use Standards | Temporary Uses

9. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
10. The use is adequately served by sewer or septic system and water, as applicable.
11. The applicant shall be responsible for maintaining all required licenses and permits.

**B. Temporary Sales Office or Model Home.** Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Temporary Sales Office or Model Home, based on the following criteria:

- 1. Temporary sales office.** The use of any real property within the City as a temporary sales office, office for the purpose of facilitating the sale of real property, shall meet all of the following criteria:
  - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.
  - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.
  - c. Public health, safety, and welfare shall be protected through conditions imposed by the City, regarding temporary utility connections.
- 2. Model house.** The use of any real property within the City for a model home, including a model home in any subdivision or on any tract of land within the City, shall meet all of the following criteria:
  - a. Where the model house is located in a Residential zone, it shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated.
  - b. A model house located in a Residential zone shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.
  - c. A model house located in a non-Residential zone, as with a manufactured home sales display lot, shall be removed when the use of the subject site for home sales ends.

**C. Temporary Buildings, Trailers, Kiosks, and Other Structures.** Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny an application for a placement and use of a temporary building, trailer, kiosk, or other structure, based on following criteria:

1. The use is permitted in the underlying zone and does not violate any conditions of approval for the property (e.g., prior development permit approval).
2. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.

## 2.3 – Special Use Standards | Temporary Uses

3. The lot development standards of Section 2.2.040 are met.
4. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 3.3 Access and Circulation.
5. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Fences and Walls.
6. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 3.5 Parking and Loading.
7. The temporary use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public Facilities.
8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
9. The use is adequately served by sewer or septic system and water, as applicable.
10. The structure complies with applicable building codes.
11. Except where specifically authorized by the *[City decision-making body]*, the length of time that the temporary structure may remain on a site shall not exceed *[#]* consecutive months or a total of *[#]* months in any one calendar year.
12. The applicant has obtained and will maintain all required licenses and permits.
13. Public health, safety, and welfare are protected through the installation of a water meter, if necessary, and other improvements, pursuant to Chapter 3.6 Public Facilities, as necessary.



## 2.3 – Special Use Standards | [Accessory Dwellings]

### [2.3.170 Accessory Dwellings]

**User's Guide:** Accessory dwellings are not included in the state definition of needed housing, but they are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. Accessory dwelling regulations can be difficult to enforce, particularly where local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should also be considered. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

*[Accessory dwellings, where allowed, are subject to review and approval through a Type II procedure, pursuant to Section 4.1.030, and shall conform to all of the following standards:*

- A. One Unit.** *A maximum of one Accessory Dwelling unit is allowed per legal lot.*
- B. Floor Area.** *An Accessory Dwelling unit shall not exceed [600-800] square feet of floor area, or [40] percent of the primary dwelling unit's floor area, whichever is smaller. The unit may be a detached cottage, a unit attached to a dwelling, or in a portion of an existing dwelling. [The floor area of any garage associated with the primary dwelling is not included in the calculation of maximum floor area.]*
- C. Lot Size.** *The minimum lot size for a lot with an Accessory Dwelling is [6,000] square feet.*
- D. Building Design.** *The Accessory Dwelling shall be constructed of materials that are the same or similar to the materials used on the primary dwelling. The Accessory Dwelling shall comply with applicable Oregon Structural Specialty Code requirements.*
- E. Building Height.** *The height of an accessory dwelling shall not exceed the height of the primary dwelling.*
- F. Parking.** *A minimum of [two] off-street parking spaces are required, total, for a site containing an Accessory Dwelling unit.*
- G. Screening and Buffering.** *The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.4.]*

## 2.3 – Special Use Standards | [Bed and Breakfast Inns]

### [2.3.180 Bed and Breakfast Inns]

**User's Guide:** Bed and breakfast inns are popular in many communities where historic single-family homes, or homes near attractive downtown areas, make for successful inns. Allowing bed and breakfast uses can help preserve a community's historic landmarks by providing a secondary income stream to the homeowners. Concerns about neighborhood compatibility, parking, and other factors should be considered when drafting codes for bed and breakfast inns. The following standards should be tailored to fit the needs of your community.

[Bed and Breakfast Inns, where allowed, are subject to review and approval through a Type II procedure, pursuant to Section 4.1.030, and shall conform to all of the following standards:

- A. Accessory Use.** The use must be accessory to a permitted residential use.
- B. Maximum Size.** A maximum of [six] bedrooms for guests, and a maximum of [12] guests are permitted per night.
- C. Length of Stay.** The maximum length of stay is [28] days per guest; any stay longer is classified as a hotel or commercial lodging use.
- D. Employees.** The inn shall have not more than [two] non-resident employees on-site at any one time. There is no limit on residential employees.
- E. Food Service.** Food service shall be provided only to overnight guests of the business, except where a restaurant use is also an allowed use (as in the CR zone).
- F. Signs.** Signs shall not exceed a total of four square feet of surface area on each side of one or two faces. See also, sign regulations in Municipal Code.
- G. Screening and Buffering.** The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.4.]

## 2.3 – Special Use Standards | *[Other Misc. Special Uses]*

### *[2.3.190 Cottage Housing]*

**User's Guide:** Cottage housing offers an alternative housing choice that is responsive to changing household demographics, lifestyles, and housing needs. Although average household size is still decreasing, single-family housing remains a preferred housing type in most Oregon communities.

Cottage housing developments or “cottage clusters” consist of small houses, each usually with less than 1,000 square feet of floor area, oriented around a common open space area and with shared parking. Some developments might have other common amenities, such as a recreation area, laundry facility, common building, etc.

Depending on the development, cottages might be owned fee simple (each on its own lot) or they part of a condominium plat where the land is owned in common but the buildings are individually owned. Typically the open space and parking areas are owned and maintained in common.

In this way, cottage developments can offer elements of affordable single-family housing without the feeling of living in an apartment. Cottage housing is not included in the state definition of needed housing, but it is an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing.

Metro ([www.oregonmetro.gov](http://www.oregonmetro.gov)) has developed its “Regional Model for Cottage Housing Standards,” which provides a good starting point for cities large and small. Local housing providers should also be consulted when drafting standards for accessory dwellings.

### *[2.3.200 Micro-Generation Facilities]*

**User's Guide:** Micro-generation refers to power generation by individual households or businesses for use on the premises. It may include solar, wind, hydro, geothermal, biomass, and other sources. Because the field is evolving rapidly, the model code does not provide standards. Cities should review their existing land use codes and identify any conflicts with micro-generation, such as building height and setback standards for accessory structures, lot coverage limitations, and others, and consider whether code changes are warranted. For example, Oregon House Bill 3516 (2011) requires that cities allow rooftop solar equipment. Cities may also want to refer to the US Green Building Council and Natural Step Network for additional information and sample rating systems and ordinances.

### *[2.3.210 Parks and Open Spaces]*

**User's Guide:** This section is a placeholder for cities that want to adopt special use standards as an alternative to requiring a conditional use permit for certain types of park facilities.

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## 2.3 – Special Use Standards | [*Other Misc. Special Uses*]

### [2.3.220 *Vacation Rental Dwelling*]

**User's Guide:** Many of Oregon's small cities are attractive to retirees and second homeowners. As a result, much of the housing stock in those communities is actually a hybrid form of housing and commercial lodging. Land use concerns often arise around vacation rental dwellings (VRDs), including the number of occupants in a rental, the duration of each stay, parking, noise, trash storage, and landscaping and property maintenance, among others. This section is reserved for vacation rental dwelling standards, which should be tailored to meet the needs of each community. For an example of a local VRD code, cities might want to refer to Lincoln City's Vacation Rental Dwelling codes, which require both licensing of rentals and compliance with land use standards.

### [2.3.230 *Wireless Communication Facilities*]

**User's Guide:** This section is reserved for codes regulating wireless communication facilities. Many cities adopted codes regulating the location and design of cell towers and antennae during the late 1990s, when cellular phone service was expanding rapidly. Local concerns arose regarding the visual impact of new towers, some over 150 feet tall and located in residential areas, and health concerns. In response, the federal Telecommunications Act was adopted to, among other things, respond to those concerns and facilitate the siting of cell towers.



# CITY OF PHILOMATH

## Activity Report/Ongoing Projects

May 20, 2024

1. Received an application for a drive-thru coffee shop at 1731 Main Street. Public Comment period ends 17 May 2024.
2. Issued decision on application for an ADU at 603 Coastal View Dr.
3. Issued decision on application for a reader board sign for Philomath Fire and Rescue at 1035 Main St.
4. Received applications for annexation and Zoning Map/Comprehensive Plan Amendment at 769 N 9<sup>th</sup> St. Planning Commission public hearing scheduled for 17 June 2024, which will be followed by a public hearing before the City Council in July.
5. Building permits issued for March 2024 were as follows:

Single Family Residential.....	0
Residential Structural (other) .....	2
Residential Electrical.....	7
Residential Mechanical .....	12
Residential Plumbing .....	5
Residential Manufactured Dwelling .....	0
Residential Demo.....	0
Commercial Structural .....	0
Commercial Electrical .....	3
Commercial Mechanical.....	0
Commercial Plumbing.....	2
Commercial Alarm/Suppression.....	2
Commercial Demo .....	0

Commercial permits are for Philomath Church of Nazarene, Philomath Self Storage LLC, and a couple minor regular maintenance projects.