



**CITY OF PHILOMATH**  
 980 Applegate Street  
 PO Box 400  
 Philomath, OR 97370  
 541-929-6148; 541-929-3044 FAX  
 www.ci.philomath.or.us

**Fee: \$740**

## APPLICATION FOR A PARTITION

### APPLICANT(S)

Name: Peter Seaders Contact Phone: 541-753-1320

Mailing Address: 215 NW 4th St, Corvallis, OR 97330

E-mail: peter@mssengineering.com

Name: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Interest in Property (Owner, Purchaser, Agent, etc.): Engineer / Surveyor

Other individuals you would like to be notified concerning this application:

| <u>Name</u>   | <u>Address</u>                     | <u>E-mail</u>              |
|---------------|------------------------------------|----------------------------|
| Noah Thompson | 215 NW 4th St, Corvallis, OR 97330 | noaht@mssengineering.com   |
| Taylor Kiefel | 215 NW 4th St, Corvallis, OR 97330 | taylork@mssengineering.com |

### GENERAL PROPERTY INFORMATION:

Street Address: 800 S 19th St, Philomath, OR 97370

Assessor's Map: 12S06W12DD Tax Lot: 4900 Lot Size: 1.09 acres

Zoning: R-2

Existing structures: House, detached garage (both to be removed)

Current use(s) of the property: Residential

|                    | <u>Size</u> | <u>Existing Structures</u> | <u>Setbacks to Property Lines</u> |
|--------------------|-------------|----------------------------|-----------------------------------|
| Proposed Parcel 1: | 12657 SF    | house & garage (portion)   | as per Philomath LDC 18.35.030    |
| Proposed Parcel 2: | 11600 SF    | house & garage (portion)   | as per Philomath LDC 18.35.030    |
| Proposed Parcel 3: | 23273 SF    | none                       | as per Philomath LDC 18.35.030    |

## **REQUIRED APPLICATION INFORMATION**

**An application for a partition must comply with the review criteria in Chapter 18.115.040B of the Philomath Municipal Code. Copies of the applicable sections of the Code are available at the City Manager's Office and on the City's website. The information listed below must be submitted with the application and will be used to determine if the application complies with the requirements for a partition.**

1. A tentative plat which illustrates the proposed partition. A survey is not required in order to apply. The tentative plat shall be prepared on a sheet which is between 8 1/2 x 11 inches and 11 x 17 inches in size. The scale shall be one inch equals some multiple of 10 feet. The tentative plat shall show:
  - The name(s), address(es), and phone number(s) of the applicant(s), owner(s), and all representatives responsible for the plan;
  - Date, north arrow, and scale;
  - The entire boundary of the parent parcel and the boundaries of each proposed parcel;
  - The location, approximate dimensions, and square footage of proposed parcels and the proposed parcel numbers;
  - The location and size of natural features that might influence development of the property, such as rock outcroppings, wetlands, wooded areas, etc.;
  - The location of all areas subject to the base flood as shown on the Flood Boundary and Floodway Map on file in Philomath City Hall, 980 Applegate Street, Philomath;
  - Sites, if any, allocated for purposes other than single-family dwellings;
  - The location and size of buildings and driveways and the setbacks of existing buildings to proposed parcel lines;
  - The amount of frontage of each proposed parcel on an adjacent public street;
  - The location, width and purpose of easements;
  - The location and size of all existing utilities including water, sewer, power, telephone, natural gas and cable television;
2. A map of the vicinity showing the relationship of the proposed partition to the surrounding area including streets within 500 feet of the exterior boundaries of the proposed partition.
3. A narrative describing the proposed partition and how it complies with the applicable review criteria.

**The Planning Official, or his designee, may require additional information to be submitted with the application as provided by Chapters 18.105.040B and 18.115.040B of the Philomath Municipal Code. The specific information to be submitted will be identified at the pre-application conference.**

## **REQUIRED MINIMUM CONDITIONS OF APPROVAL**

The conditions of development listed below will apply to all partition approvals. Additional conditions may be imposed.

1. An Oregon licensed land surveyor shall survey and monument the parcels;
2. A partition plat shall be prepared by an Oregon licensed land surveyor in accordance with ORS Chapter 92 and County Surveyor Plat Standards. The surveyor shall submit the original plat and a true reproducible of the plat, and the filing fee;
3. The applicant shall comply with the standards and requirements of Chapter 18.80 (Public Facility Standards) of the Philomath Municipal Code;
4. All public improvements shall be installed and dedicated prior to final plat approval or the applicant shall otherwise comply with the provisions of Chapter 18.115.090 of the Philomath Municipal Code.

### **ADDITIONAL RESPONSIBILITIES OF THE APPLICANT**

It is the responsibility of the applicant to determine if wetlands are present on the property and to contact the appropriate state and federal permitting agencies prior to applying for a development permit from the City. If hydric soils are present on the property or if the property contains a wetland designated on the National Wetlands Inventory Map, the applicant must submit documentation to the City that: (1) A permit has been applied for from the Oregon Division of State Lands; or (2) The Division of State Lands has determined that no permit is necessary for the project.

City staff will assist the applicant in determining if the property contains hydric soils or is identified on the National Wetlands Inventory Map, but the City has no responsibility for determining if wetlands are present or if a state or federal permit is required.

### **SIGNATURES(S)**

I hereby certify that the information contained in this application is accurate to the best of my knowledge; and that the proposed use would not violate any deed restrictions attached to the property. This application must be signed by all owners of the property.



Applicants' signature

Aug 27, 2020

Date



Paul Spies (Aug 27, 2020 12:39 PDT)

Owner's signature

Aug 27, 2020

Date

**PROCESSING INFORMATION**

This application will be reviewed and a decision issued by the Planning Official in approximately four weeks. The City will send notices of pending action and final decision to the applicant, other local government agencies involved in the processing of the application, owners of land within 250 feet of the boundaries of the property, and other groups or individuals identified in Chapter 18.105.040C of the Philomath Municipal Code. If the application is approved, special conditions identified in the notice of approval must be satisfied within one year in order to complete the partition.

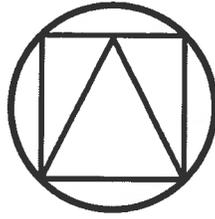
Anyone may appeal a decision of the Planning Official to the Planning Commission within 14 days of the decision by filing an appeal application with the City.

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*For Office Use Only*

*Date Application Received* \_\_\_\_\_ *Receipt Number* \_\_\_\_\_ *By* \_\_\_\_\_

*File Number Assigned* \_\_\_\_\_ *Date Application Deemed Complete* \_\_\_\_\_



# MSS INC

ENGINEERING CONSULTANTS  
SURVEYORS  
PLANNERS

August 25, 2020

City of Philomath  
Planning Department  
P.O. Box 400  
Philomath, OR 97370

This statement is made in regard to a proposed partition of the property located at 800 S 19<sup>th</sup> St, or map 12612DD, taxlot 4900. The property is zoned R-2, and currently features a house and detached garage, both of which are to be demolished. The property is to be divided into three parcels, each of which is to be developed with three attached units in townhome-configuration (i.e. triplex).

Please see the attached tentative plat for more specific information about the proposed partition. This narrative is intended to demonstrate compliance with the applicable review criteria in the Philomath Municipal Code (PMC). Code sections are copied below, followed by a response, indicating applicability and compliance.

#### **18.115.050 Approval Criteria – Preliminary Plat.**

A. *General Approval Criteria. The city may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:*

1. *The proposed preliminary plat complies with all of the applicable development code sections and other applicable ordinances and regulations. At a minimum, the provisions of this chapter, and the applicable sections of Chapter 18.30 PMC, Land Use District Administration, and Chapter 18.60 PMC, Design Standards Administration, shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Division 5;*

**RESPONSE:** As is demonstrated in the responses to the code sections below, the preliminary plat complies with all applicable development code sections.

2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

**RESPONSE:** This section does not apply to partitions; only subdivisions have names.

3. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; and*

**RESPONSE:** There are no proposed streets involved with this partition. There are no platted lots or parcels adjacent to the subject property. No elements of the design except possibly for the shared driveway (see the response to section 18.115.050(C)(3) below) will affect the development pattern of the adjoining properties.

Water service will be provided off the existing 10" main in Chapel Drive. Power service can be taken from the existing power lines on the north side of Chapel Drive. The stormwater from the development will be collected in the north part of the parcels in an access and utility easement, then piped along the west line of Parcel 3 through a drainage easement to the Chapel Drive ditch.

The conceptual sewer design is to collect the wastewater in the access and utility easement in the north part of the parcels and pass it through a grinder pump which discharges to the existing manhole to the northeast. The manhole is too shallow to allow for gravity flow from the site. A second option is to extend the existing gravity main that terminates near the Chapel Drive lift station west to serve the parcels. It is expected that this option will prove not to be cost-effective. Public improvements may be required as indicated in the response to section 18.115.050(C)(3) below. The specific details of the design are not yet known, and therefore not shown on the tentative plat.

4. *All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.*

**RESPONSE:** There are no proposed private common areas. A maintenance agreement will be incorporated into the access & utility easement on the north part of the site. This agreement will establish maintenance responsibilities for the shared driveway, parking areas and utility lines.

- B. *Housing Density. The subdivision meets the city's housing standards of Division 2.*

**RESPONSE:** Density is controlled in the R-2 zone by the lot size/dimension requirements and by the lot coverage and building height limits. As demonstrated in the response to section 18.115.050(C)(1) below, all applicable lot size/dimension requirements are met. When the proposed parcels are developed, the building area shall not exceed 40% of the parcel area, and the building height shall not exceed 30 feet.

- C. *Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:*

1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Division 2), and the standards of PMC 18.65.020(J), Street connectivity and formation of blocks required.*

**RESPONSE:** The proposed parcel areas are 12657 SF, 11600 SF, and 23273 SF. The minimum lot area for 3 triplexes is 11600 SF. Parcel 3 exceeds the maximum area of 150% of the minimum, which is why it is shown on the preliminary plat to be further divided into two parcels at a later date. The building setbacks as required per section 18.35.030 are shown on the tentative plat, and the conceptual building footprint locations shown fit within those setbacks. All three parcels exceed the minimum lot width of 16 feet, and the depth of each parcel is less than the maximum of three times its width. The standards of PMC 18.65.020(J) do not apply because no new streets are proposed.

2. *Setbacks shall be as required by the applicable land use district, Division 2.*

**RESPONSE:** All required setbacks are shown on the tentative plat, and the conceptual building footprint locations shown fit within these setbacks.

3. *Each lot shall conform to the standards of Chapter 18.65 PMC, Access and Circulation.*

**RESPONSE:** The parent parcel of the land division is a corner lot with approximately 250 feet of frontage on Chapel Drive and 175 feet of frontage on S 19<sup>th</sup> Street. Both streets are collectors. The parent parcel currently takes access from a driveway on S 19<sup>th</sup> Street. The proposal is for the existing approach to be improved, and a shared driveway to be

constructed running west along the north end of the site in an access easement, which will serve all three parcels. If required by the city, the shared driveway can be stubbed out to the adjacent property to the west as outlined in PMC 18.65.020(I)(1). This can be made a condition of approval of this application if needed, however, we do not believe it would be appropriate for this this situation. The only logical point of access for the adjacent property to the west is from Chapel Drive. It would not make sense for the property to take access off of 19<sup>th</sup> Street through a shared driveway at the proposed location.

The Chapel Drive frontage is to be improved with 11-foot travel lanes, 6-foot bike lanes, curbs, and a multi-use pathway. Depending on feasibility and final design coordination with the City of Philomath and Benton County, the pathway may separated from the curb by a 6-foot landscape strip, however, this will be determined during the design process. The pathway will be 10 feet wide, constructed of concrete, ADA-compliant, and located in a public access easement. The width of the easement shall be as needed to construct the necessary frontage improvements. No right of way dedication is proposed.

4. *Landscape or other screening may be required to maintain privacy for abutting uses. See also, Division 2, Land Use Districts, and Chapter 18.70 PMC, Landscaping, Street Trees, Fences and Walls.*

**RESPONSE:** Street trees will be installed along the rights-of-way of both streets fronting the property. Fences or visually screening landscape will be installed on the north and west property lines if required by the city. This can be made a condition of approval of this application if needed, or reviewed as part of the site development permit process.

5. *In conformance with the Uniform Fire Code, a fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also Chapter 18.65 PMC, Access and Circulation.*

**RESPONSE:** In accordance with fire access standards, a fire truck can be driven straight down the first 150 feet of the shared driveway without a turnaround. From this point, a 150-foot hose can be pulled to every point on the exterior of each building that may not be reached from the Chapel Drive curb. Additionally, based on pre-application comments provided by Rich Saalsaa, the fire access lane may be extended to the full length of the property, provided that a hydrant is located within 400 feet of hose pull or sprinklers are provided. As shown on the attached fire exhibit (sheet P210), it is approximately 340 feet from the nearest hydrant to the west property line measured along the shared access drive. Refer to the attached fire exhibit for further information and existing hydrant locations.

6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.*

**RESPONSE:** A reciprocal access and utility easement is proposed along the full width of the parent parcel. This easement will contain the shared driveway that will serve all three parcels. The easement will set forth access, utility and parking rights as well as maintenance responsibilities, and will be recorded with the final plat. A conceptual location of the easement is shown on the tentative plat, although the width and location of the easement is subject to change, pending final design of the onsite improvements.

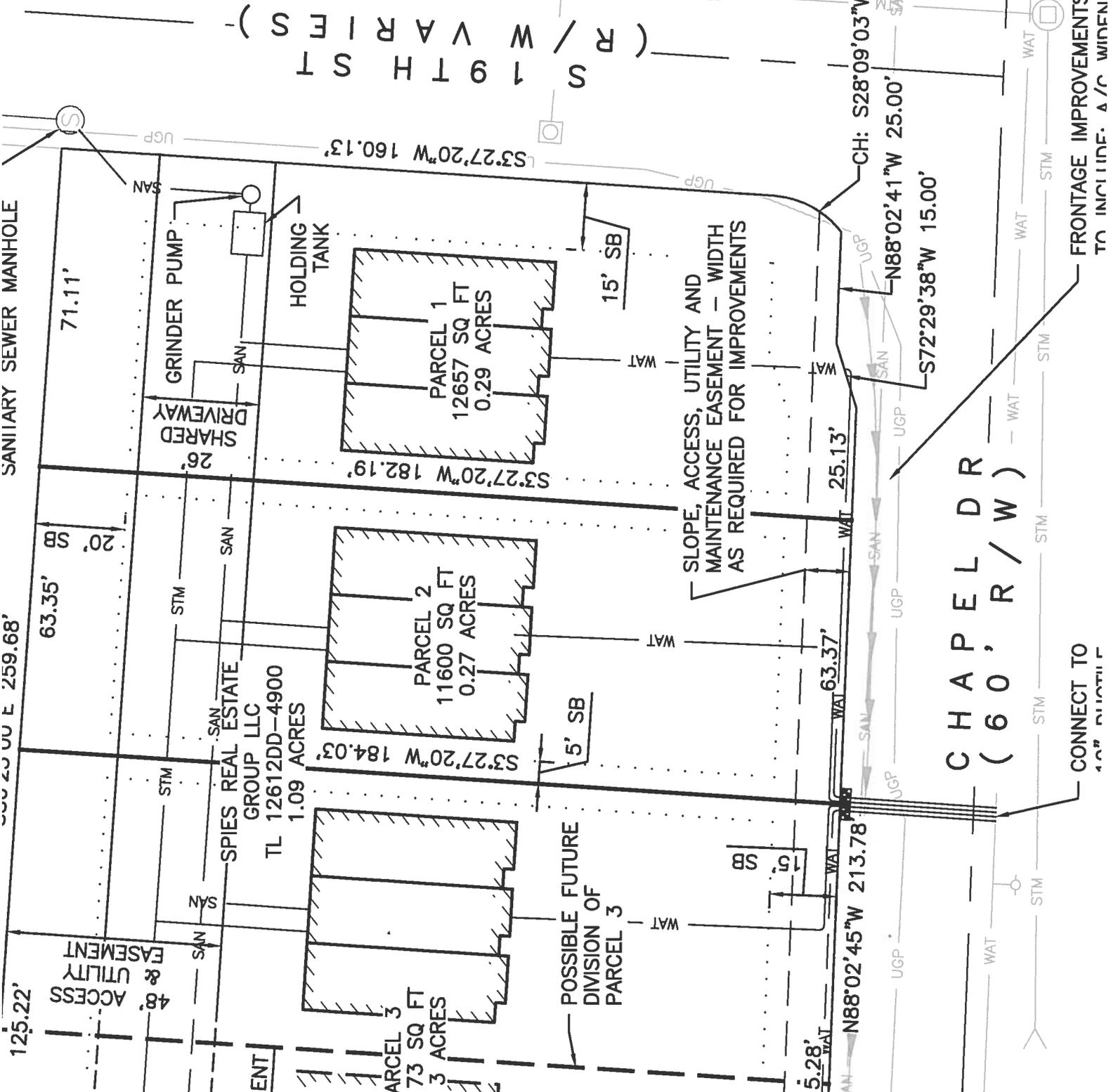
- D. *Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this title, and other applicable ordinances and regulations, and may require reserve*

*strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties. See also PMC 18.80.020(D), Conditions of development approval.*

**RESPONSE:** Any conditions of approval imposed by the city will be addressed prior to recording of the final partition plat.

Based on these approval criteria, we ask that the enclosed partition application be approved.

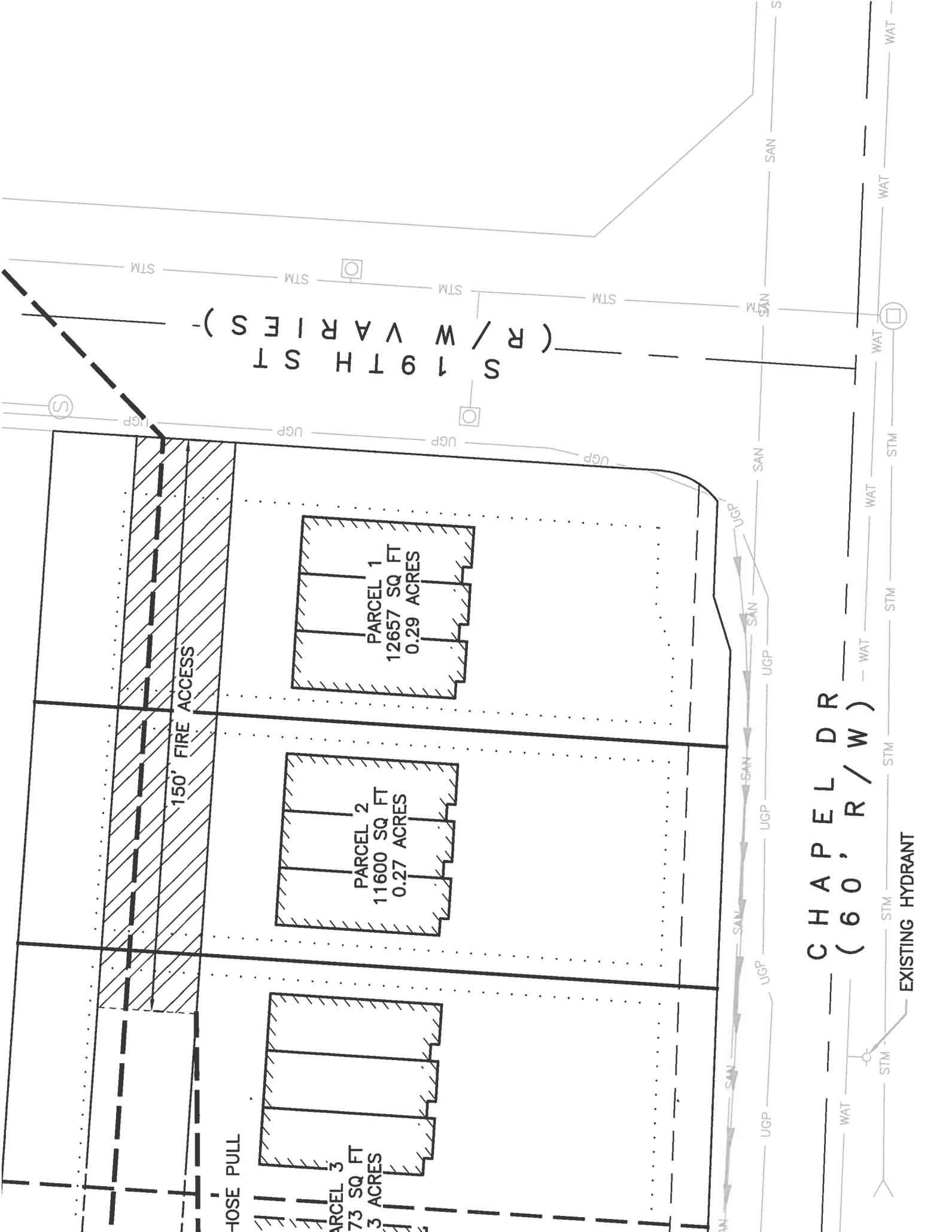
EXISTING ZONE: R-2  
 PARCELS 1, 2 AND 3 ARE PROPOSED TO BE DEVELOPED WITH TRIPLEXES IN A 3-UNIT CONFIGURATION, AN ALLOWED USE PER ZONING TABLE 18.35.020  
 THE LOCATIONS OF ALL IMPROVEMENTS AND SUBJUGATED RIGHTS (INCLUDING EASEMENTS AND OTHER IMPROVEMENTS (INCLUDING EASEMENTS)) MAY BE REQUIRED AND NOT SHOWN



CHAPEL DR  
 (60' R/W)

FRONTAGE IMPROVEMENTS NOT SHOWN ON CHAPEL DR TO INCLUDE: A/C WIDENING FOR 11' TRAVEL LANE &

CONNECT TO 40" DUCTILE



CHAPEL DR  
(60' R/W)

EXISTING HYDRANT

S 19TH ST  
(R/W VARIES)

SING LLC  
-7500  
RES

A L I C E S T  
( V A C A T E D )

SPINNEY DICK, TR  
TL 12612DD-5000  
0.97 ACRES

SUBJECT PROPERTY  
SPIES REAL ESTATE  
GROUP LLC  
TL 12612DD-4900  
1.09 ACRES

C H A P E L D R  
( 6 0 ' R / W )

FAUST SHAWN V  
TL 12613-400  
1.10 ACRES

SHROYER GEORGE E JR  
TL 12613-403  
54.93 ACRES

SHROYER MARY ANN  
TL 12613-300  
1.60 ACRES

S 1 9 T H S T  
( R / W V A R I E S )

SCHATZ  
MICHELLE L  
TL 12612DD-  
3700  
0.17 ACRES  
JACKSON VIKI  
DIMICK  
TL 12612DD-  
3500  
0.16 ACRES

WILSON JASON L  
TL 12612DD-3600  
0.19 ACRES

STEWART DOUGLAS L  
TL 12612DD-4800  
0.56 ACRES

TOOMBS ASHLEY N  
TL 12612DD-3400  
0.19 ACRES

HENDRIX LOU ANNE  
TL 12612DD-3300  
0.19 ACRES

WREN TERESA A  
TL 12612DD-3200  
0.21 ACRES

HOUK JOHN T  
TL 12612DD-3100  
0.22 ACRES

SAVAGE CHRISTINA L  
TL 12612DD-3000  
0.17 ACRES

MELTON JESSICA  
TL 12612DD-2900  
0.25 ACRES

( 5 0 ' R / W )

M O C A I L W A >

SEE MAP 12412DC

SEE MAP 12812D



1704

1701

1704

1701

SUBJECT PROPERTY

TRACT A

WILLPOND CROSSING PHASE 1

SOUTH 19TH (\"M\") ST. CO. ROAD 26462

LOWTHER PLACE

STARKER PLACE

MCCALL

CHAPEL DRIVE CO. ROAD 26463

SE COR HENRY BENLAND P. C. INC. 45