AGENDA
PHILOMATH CITY COUNCIL
January 13, 2020
Council Chambers; Philomath City Hall

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

WORK SESSION
5:30 P.M.

A. ROLL CALL

B. WORK SESSION
   1. Complete review of 2019 Strategic Plan

C. ADJOURNMENT

REGULAR MEETING
7:00 P.M.

A. ROLL CALL

B. OATH OF OFFICE
   1. City Councilor-Elect Matt Lehman

C. CONSENT AGENDA
   The following items are considered to be routine and will be enacted in one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered under Agenda Item D. If any item involves a potential conflict of interest, Council members should so note before adoption of the Consent Agenda.
   1. City Council minutes of December 9, 2019

D. ITEMS REMOVED FROM CONSENT AGENDA

E. VISITORS COMMENTS
   Any citizen attending Council meetings may speak on any item on the agenda, unless it is the subject of a public hearing which has already been closed. If you wish to speak, please complete a Speaker Request Form and turn in to the City Recorder prior to roll call. Testimony time is limited to 5-minutes or as announced at the meeting per speaker.

F. NEW BUSINESS
   1. Committee Appointments
      A) Planning Commission
      B) Budget Committee
   2. Appointments by Mayor: Park Advisory Board
   3. Farmers Market Seed Money
   4. 2020 Strategic Plan update and approval
   5. System Development Charge construction cost adjustments
   6. Samaritan Award Nominations
   7. DLCD Technical Assistance Grant acceptance
G. ORDINANCES & RESOLUTIONS
1. Ordinance 841 – Amending PMC Chapter 18 Zoning, various sections – First reading
2. Ordinance 842 – Amending PMC Chapter 18.135 Annexations – First reading
3. Resolution 20-01 Supporting a Veterans & War Memorial Park grant application

H. COUNCIL REPORTS

I. STAFF REPORTS
1. City Manager
2. City Attorney
3. Finance Director
4. Police Chief
5. City Recorder
6. Public Works Director

J. INFORMATION & CORRESPONDENCE
1. Philomath Connection ridership for December
2. City website statistics for December
3. Park Advisory Board minutes of November 14, 2019
4. Planning Commission minutes of December 16, 2019
5. Public Works Committee minutes of December 18, 2019
6. Letter from Van Hunsaker regarding Charter amendments
7. Email from Jeff Lamb representing Grow Philomath Sensibly
8. Updated City Council appointments and contact information
9. FY 2019-2020 Second quarter budget update

K. EXECUTIVE SESSION
1. Per ORS 192.660(2)(I): Performance Evaluations of Public Officers and Employees

   The Philomath City Council will meet in executive session for the purpose of discussing performance
   evaluations of public officers and employees. The executive session is held pursuant to ORS 192.660(2)(i) which
   allows the City Council to meet in executive session to conduct this discussion.

   Representatives of the news media and designated staff and other designated persons are allowed to attend
   the executive session. All other members of the audience are asked to leave the room. Representatives of the
   news media are specifically directed not to report on any of the deliberations during the executive session,
   except to state the general subject of the session as previously announced. No final decision may be made in
   executive session. At the end of the executive session, the Council will return to open session and welcome any
   waiting audience back into the room.

   Council members and staff are reminded that the confidences in this executive session belong to the City
   Council as a body, and not to the individual members. These confidences should only be disclosed if the Council
   as a body approves such a disclosure. If a member or staff person does not believe that he or she can maintain
   these confidences, then they are would invited not to participate in the executive session.

L. RECONVENE IN GENERAL SESSION
1. Public invited to return

M. ADJOURNMENT
CITY MEETING/EVENTS SCHEDULE
(As of 1/8/2020)

JANUARY 2020
January 9 – 5:00 PM – Parks Advisory Board
January 13 – 5:30 PM – City Council work session
January 20 – All Day – City offices closed
January 21 – 6:00 PM – Planning Commission
January 27 – 7:00 PM – City Council meeting (if needed)
January 28 – 4:00 PM – Police Committee meeting
January 29 – 7:00 PM – Town Hall with Representative Dan Rayfield at Benton County Museum Auditorium, 1101 Main Street.

FEBRUARY 2020
February 6 – 3:00 PM – Public Works Committee meeting
February 10 – 7:00 PM – City Council meeting
February 13 – 5:00 PM – Park Advisory Board meeting
February 17 – All Day -- City offices closed
February 18 – 6:00 PM – Planning Commission meeting (if needed)
February 24 – 7:00 PM – City Council meeting (if needed)

All meetings are held at City Hall Council Chambers, 980 Applegate Street, Philomath, unless otherwise indicated. Tentative meetings may be cancelled if there is no business to be conducted. Refer to the City Meetings & Events calendar on the City’s website for confirmation of meetings.
A. **SPECIAL MUSIC**  
   1. Philomath Elementary School Falcon Flyers – The PES choir provided a short program from 7:00 p.m. to 7:15 p.m.

B. **CALL TO ORDER/ROLL CALL**  
   The City Council of the City of Philomath was called to order by Mayor Niemann on Monday, December 9, 2019, at 7:21 p.m. in the Philomath City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

Present: Absent:  
Mayor Eric Niemann  
Councilor Ruth Causey  
Councilor Doug Edmonds  
Councilor Chas Jones  
Councilor David Low  
Councilor Matthew Thomas  

Staff Present: Absent:  
City Manager Chris Workman  
Public Works Director Kevin Fear  
City Attorney Jim Brewer  
Finance Director Joan Swanson  
Police Chief Ken Ruben  
City Recorder Ruth Post  

C. **CONSENT AGENDA**  
   1. City Council Minutes – November 12, 2019 –  
   2. City Council Minutes – November 25, 2019 –  
   Ms. Post noted two Scribner’s corrections to the November 25 minutes:  
      • Page 104, Line 37, reword to read: Mr. Workman explained the rationale for proposing changes to PMC 18.40.090 …  
      • Page 106, Line 15, delete the word “across”.  

   Councilor Causey requested addition of the following sentence in the November 25 minutes:  
      • Page 108, following Line 21: Councilor Causey suggested that future committees of this nature include 25% citizen representation.  

   Ms. Post suggested the following changes on the November 12 minutes to address concerns raised by Mr. Jeff Lamb:  
      • Page 93, Line 13, after Lepman project: Add “(Supplemental Agenda Item #F.01)”  
      • Page 93, Lines 14-15: Delete the sentence “Mr. Lamb turned the signature sheets in to the City Recorder (Supplemental Agenda Item #F.01).”
Mayor Niemann requested the following change to the November 12 minutes:

- Page 97, Line 6: The motion results show that he abstained from voting.

MOTION: Councilor Edmonds moved, Councilor Causey second, to approve the consent agenda for December 9, 2019 as amended. Motion APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Low, Thomas and Niemann; No: None).

D. VISITORS COMMENTS

1. Sandy Heath, Philomath, OR – Ms. Heath read a statement on behalf of Peggy Yoder regarding the City Council appointment to be considered under Agenda Item #F.1, encouraging the Council to appoint Catherine Biscoe to the vacant position.

2. Jeff Lamb, Philomath, OR – Mr. Lamb wanted to know when and why the Council changed the directions for Visitors Petitions limiting addressing items that are the subject of closed public hearings. Mr. Brewer explained that if the Council had not yet made a decision, testimony received during visitors comments would require reopening the public hearing to give an opportunity for rebuttal any statement that has been made after the public hearing is closed. Mr. Lamb stated that the petition signatures he submitted on November 12 were a political statement and believed the signers are offended because they couldn’t be considered. He also stated displeasure with the wording in the minutes of November 12 regarding the timing of events during his comments. There was additional discussion between Mr. Lamb and Mr. Brewer. Mr. Lamb stated that he should have been able to submit the signatures without being ruled out of order.

E. OLD BUSINESS

1. IGA forming Mid-Valley Prosperity Partnership Economic Strategy and Action Plan 2019 – Mr. Workman summarized facets of the proposed agreement. He stated the other seven cities have all approved the agreement. He further explained how this formalized partnership fits into Oregon RAIN. He stated that the agreement does do away with some of the competition between the cities for development projects but a development anywhere in the region can have benefits to the other cities. He stated his focus is on helping our own businesses grow within our town. There was discussion on ramifications for choosing to opt out of the agreement in the future and that any expenditure of funds would come back to the Council for approval.

MOTION: Councilor Edmonds moved, Councilor Low second, to approve the intergovernmental agreement forming the Mid-Valley Partnership group and approve the 2019 Action Plan and direct the city manager and mayor to sign the agreement on behalf of the City. Motion APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Low, Thomas and Niemann; No: None).

F. NEW BUSINESS

1. City Council vacant position – Mayor Niemann summarized the vacancy and the three applications that have been received. Each applicant was invited to address the Council.

Catherine Biscoe, Philomath, OR – Ms. Biscoe described her appreciation of the Council process and interest in serving. She described her activity with Philomath Gleaners and her current work with the Census 2020. She stated that she already attends meetings and studies the Council packets thoroughly. She described her prior business activities and how this led to her interest in the Budget Committee. She described information she learned about the city during the Citizens Academy and the impact on her perspectives.
about the Council. She described handling criticism and her ability to be collaborative. She stated the importance of respecting opinions and coming to a consensus. She described her prior work with a community college. She stated that great strides have been made by this Council in improving transparency. She stated she would like to see more inclusivity along the lines of what she has seen in Corvallis. She described her philosophy on making decisions based on criteria. She described her involvement with Grow Philomath Sensibly and how she would be stepping back from that if appointed to the Council. She addressed her participation in the Beelart appeal and stated the issue is about process not anti-growth.

Doug Nelson, Philomath, OR – Mr. Nelson described his interest in serving on the Council. He stated he is primarily interested in bringing industry and business to Philomath. He described his career, including working to bring film industry to the state. He further described intentions to bring industry to Philomath or to Corvallis, including discussions with Corvallis teachers and the need for qualified workers. He stated as a Councilor he would go into the community to find out what the Council can do for the community. He stated he can take criticism. He stated he would like to see more action by the Council and less talk. He stated Philomath is going to grow and that will involve a lot of land use issues, of which he has a lot of expertise.

Matthew Lehman, Philomath, OR – Mr. Lehman described his history in Philomath and his work on the Budget Committee. He stated his family is civic-natured. He described some of the demographic changes that will occur in the community with the development that is happening. He described his philosophy on handling growth and the decision-making process. He described his work as a regional sales manager and the work skills he would bring to the Council. He described his participation in other communities he has lived in and his service on the Philomath Youth Activities Board.

Council voted by signed paper ballot.

Mayor Niemann called a recess at 8:42 p.m. and reconvened at 8:44 p.m.

Ms. Post announced that Mr. Lehman had four votes (Causey, Edmonds, Low and Niemann) and Ms. Biscoe had two votes (Jones and Thomas). Mayor Niemann declared Mr. Lehman as the successful appointee to the Council and that he would take the oath of office at the January 13, 2020 meeting.

G. COUNCIL REPORTS

1. Councilor Edmonds – Councilor Edmonds described his attendance at a recent cyber-security seminar. He reported the Philomath Community Foundation is converting to cloud based document storage, his attendance at the Philomath Middle School Veterans’ Day program, his attendance at the November 18 Planning Commission meeting, and his attendance at the Rural Development Initiatives meeting on November 23. He described several takeaways from the RDI conference. He noted the improvement in the bus statistics. (Supplemental Agenda Item #G.01)

2. Councilor Causey – Councilor Causey reported on her attendance at the Willamette Criminal Justice Council meeting where she heard a presentation on the City of Albany Solutions Team attempting to address homelessness issues. She recommended having someone from the Albany CHANCE program come to address the Council in the future. She reported on her joint presentation with Mayor Niemann speaking to new residents at The Blvd. Apartments. Councilor Causey requested the
Council’s support in recommending code changes for the Planning Commission to consider on recreational vehicles (Supplemental Agenda Item #G.02).

MOTION: Councilor Causey moved to send the proposed changes (contained in Supplemental Agenda Item #G.02) to the Planning Commission.

There was discussion about application of the definition of recreational vehicle park.

Motion seconded by Councilor Edmonds. There was additional discussion about the definition and establishing a maximum number of recreational vehicle spaces within the Urban Growth Boundary. Motion APPROVED 5-1 (Yes: Causey, Edmonds, Jones, Low and Niemann; No: Thomas).

3. Councilor Jones – Councilor Jones reported on the column for the Philomath Express that he wrote on the potential for establishment of a grocery cooperative in Philomath and the Town Hall scheduled with Representative Dan Rayfield on January 29 at the Benton County Historical Museum.

4. Councilor Low – Councilor Low reported on his attendance at a walk-through of the Middle School with the interim Superintendent and stated it was very informative. He described the importance of the new Philomath Community Housing Fund in providing valuable assistance to families that have a need. He reported on meeting with his School District liaison counterpart Greg Gerding to catch up on the school superintendent recruitment process and his participation on the Community Pool Committee.

5. Mayor Niemann – Mayor Niemann congratulated Tricia Salcido at Soft Start Shoes for applying for a $24,000 Pacific Power grant to install an electric charging station in front of their business. He extended thanks to Beverly Durham for her donation of the property on College Street for a veterans memorial park in honor of her son Paul Cochran. He described the State Parks grant that is now open for military parks as an opportunity to develop that park. He thanked Public Works for work to collect leaves and keep catch basins clean. He stated appreciation to the Police Department working while others are enjoying the holidays. He thanked the veterans of the Battle of the Bulge in World War II 75 years ago. There was a brief discussion about the veteran banners that were displayed in November.

There was a brief discussion about federal grant programs for infrastructure and that Philomath is considered part of the Corvallis metro area.

H. STAFF REPORTS
1. City Manager – Mr. Workman reported on the regional City Manager’s consortium that meets regularly and their work at the legislature regarding the State wetlands program. He also reported on the consultant working on the brownfield grant and working on an analysis of the property owned by Ron and Barbara Hartz on Landmark Drive. He stated the intent is to attract a desirable business to that location. He reported on attending the PYAC fundraising dinner last Friday night. He reported the tennis courts agreement is close to being finished.

2. City Attorney – Mr. Brewer reported on receipt of an appeal on the Lepman approval.

3. Finance Director – Ms. Swanson reported on the PERS side account application that has been successfully approved and that the State will provide a $250,000 match to the City’s $1 million. She explained it will take effect in February.
which will result in a savings of approximately $2.2 million to the City over a 20 year
period. Councilor Jones reported the COG applied and is on the waiting list for the grant
funds. There was discussion about how quickly the program maxed out and the value to
the City by having gotten into it.

4. **Police Chief** – Chief Rueben reported the Police Department passed
Accreditation Review and reported on hiring status for two new officers. He reminded the
Police Committee members that they are meeting tomorrow at 4:00 p.m. He report on
the results of the request for the County to move the outbound 45 mph sign on North
19th Street farther north to match the inbound 25 mph sign.

5. **City Recorder** – Ms. Post reported she would be working on the Lepman appeal
record for the next couple of weeks.

6. **Public Works Director** – Excused.

I. **INFORMATION & CORRESPONDENCE**

1. Philomath Connection ridership for November – No comment.
2. City website statistics for November – No comment.
3. Planning Commission minutes of November 12, 2019 – No comment.
4. Planning Commission minutes of November 18, 2019 – No comment.

J. **EXECUTIVE SESSION**

1. Per ORS 192.660(2)(f): Performance evaluations of public officers and
   employees

**ROLL CALL:**

Council: Mayor Eric Niemann, City Councilors Ruth Causey, Doug Edmonds, Chas
Jones, and David Low.

Staff: City Manager Chris Workman and City Recorder Ruth Post.

Media: None.

Guest: Councilor-Elect Matthew Lehman.

Mayor Niemann read the rules for the Executive Session into the record and excused
the public at 9:40 p.m. He declared a brief recess. At 9:43 p.m., he reconvened the
Council in Executive Session.

K. **RECONVENE IN GENERAL SESSION**

1. Public invited to return – Mayor Niemann requested that the parking lot be
   checked and invited the public to return to the chambers at 10:44 p.m.

L. **ADJOURNMENT**

1. Adjournment – Seeing no further business, Mayor Niemann adjourned the
   meeting at 10:45 p.m.

SIGNED: ATTEST:

_____________________________  ______________________________
Eric Niemann, Mayor    Ruth Post, MMC, City Recorder
PHILOMATH
CITY COUNCIL
SPEAKER
REQUEST FORM

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IF YOU WISH TO ADDRESS THE CITY COUNCIL:
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3. State your name and city for the official record.

Name JEFF LAMB Date 1-13-20

Mailing Address P.O. BOX 248

City PHILOMATH State OR Zip Code 97370

PUBLIC HEARINGS:
(Testimony time may be limited depending on number of speakers.)

☐ I wish to speak on PUBLIC HEARING ITEM/FILE #

IN FAVOR ☐ ☐ Opposed ☐ ☐ Neutral

VISITORS/PETITIONS:
(Up to 5-minute limit per speaker)

☒ I wish to speak during VISITORS/PETITIONS on a subject that is not on the current council agenda. The subject is: C, P, S.

☐ I wish to speak during VISITORS/PETITIONS on AGENDA ITEM #

THIS DOCUMENT IS A PUBLIC RECORD

MAILING ADDRESS WILL BE USED TO DELIVER A NOTICE OF DECISION IF APPLICABLE.
PHILOMATH
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Name Joe Sullivan Date 1/13/20

Mailing Address 24465 Cellatly Way

City Philomath State OR Zip Code 97370

PUBLIC HEARINGS:
(Testimony time may be limited depending on number of speakers.)

I wish to speak on PUBLIC HEARING ITEM/FILE # ☒

☐ IN FAVOR ☒ OPPOSED ☐ NEUTRAL

VISITORS/PETITIONS:
(Up to 5-minute limit per speaker)

☐ I wish to speak during VISITORS/PETITIONS on a subject that is not on the current council agenda. The subject is:

☐ I wish to speak during VISITORS/PETITIONS on AGENDA ITEM # ☒

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MAILING ADDRESS WILL BE USED TO DELIVER A NOTICE OF DECISION IF APPLICABLE.
From: Kevin Sullivan <kpadraic@gmail.com>
Sent: Thursday, January 9, 2020 1:27 PM
To: Chas Jones
Subject: City code changes regarding parking for new residential development

Dear Chas,

Thanks for taking the time to read this letter! I know from experience how much work it is volunteering your time to help the community on a board level, and appreciate that you see my feedback as valuable.

I recently applied for a variance for replacing a single family house on 7th street in Philomath and during that process was made aware of a proposed code change that would affect new construction. Specifically, the new code would require four available parking locations for a new three bedroom house. It also seems to specifically exclude credit for on-street parking.

I personally have two lots that I’m hoping to build on in Philomath in the next year or so, and good friend that is planning to build a third. I think these are all good for Philomath -- they would all be three bedroom and two bath houses with a small garage. They’re the sort of starter home that many of my friends are looking for in the area. Somewhere to begin to put down roots and raise a family. However, none of these three new houses could comply with the four parking rule. As I began to think about the code change, many or perhaps most of the lower value houses in Philomath would have a hard time providing four parking spots without really engineering the whole property around parking, which would severely impact the livability of the home.

As an example, I just moved out of the house I built for my family at 232 N. 18th St. It was a three bedroom two bath house with a one car garage. It had three on-street parking locations. I don’t recall parking ever being an issue, even the time that two of my closest neighbors and I all independently hosted our own super bowl parties. However, if I would have been required to find four parking locations -- assuming a great engineer could have figured out how to do that on .12 acres -- the whole thing would have been parking with nowhere for my kids to play.

Additionally, as an occasional investor in real estate, I noticed that there does not appear to be a similar requirement for multifamily houses. It appears that a three bedroom MDU would still have a requirement of two parking spaces. That would appear to push new building more toward the MDU side. I don’t think pushing new investment in Philomath to build more MDUs will be better for Philomath in the long run.

In summary, I don’t see the problem that this code change is trying to solve. I do think that the code change will impact investment in single family houses and I think it will make houses less livable for new families and seniors who don’t need the parking but could use the living space.

Again, thanks for taking the time to read this, and thanks for the time that you are devoting to our community!

Sincerely,

Kevin Sullivan
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Name: Kay Siung
Date: 1-13-20

Mailing Address: 46 N. 14th St. #7

City: Philomath
State: OR
Zip Code: 97370

PUBLIC HEARINGS:
(Testimony time may be limited depending on number of speakers.)

☐ I wish to speak on PUBLIC HEARING ITEM/FILE # _________

☐ IN FAVOR
☐ OPPOSED
☐ NEUTRAL

VISITORS/PETITIONS:
(Up to 5-minute limit per speaker)

☑ I wish to speak during VISITORS/PETITIONS on a subject that is not on the current council agenda. The subject is: Drinking water contamination

☐ I wish to speak during VISITORS/PETITIONS on AGENDA ITEM # _________

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SPEAKER
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2. Address the Council from the microphone.
3. State your name and city for the official record.

Name ___________________________ Date 1/13/20

Mailing Address ___________ State ___________ Zip Code 97370

City ___________________________

PUBLIC HEARINGS:
(Testimony time may be limited depending on number of speakers.)
☐ I wish to speak on PUBLIC HEARING ITEM/FILE # __________

__________ IN FAVOR ___________ OPPOSED ___________ NEUTRAL

VISITORS/PETITIONS:
(Up to 5-minute limit per speaker)
☐ I wish to speak during VISITORS/PETITIONS on a subject that is not on the current council agenda. The subject is:

☐ I wish to speak during VISITORS/PETITIONS on AGENDA ITEM # 5

THIS DOCUMENT IS A PUBLIC RECORD

MAILING ADDRESS WILL BE USED TO DELIVER A NOTICE OF DECISION IF APPLICABLE.
Title/Topic: Planning Commission Appointments

Meeting Date: January 13, 2020
Department: Administration
Staff Contact: Ruth Post
Email: ruth.post@philomathoregon.gov

ISSUE STATEMENT
At a January Council meeting, appointments are made to those committees that are composed of local citizen volunteers. Shall the Philomath City Council appoint one individual to serve on the Philomath Planning Commission?

BACKGROUND
The Planning Commission had one position open at the end of 2019. Lori Gibbs completed a four-year term, including serving as Committee Vice-Chair and has chosen not to request consideration for re-appointment.

The City posted the opening on the City’s website, announced it in a press release and has received two applications. All candidates were invited to attend the City Council meeting to answer any questions the Council might have for them.

The following applicants meet the qualifications to serve on the Planning Commission as set by Chapter 2.30 of the Philomath Municipal Code:
  Giana Bernardini
  Carla Merrell

City Ordinance #557 requires a two week waiting period between initial applicant presentation to the Council and subsequent Council appointment. This two week waiting period can be waived by the Council.

The City Council may also choose to appoint one of its members to serve as an ex-officio nonvoting representative to the Planning Commission.

COUNCIL OPTIONS
Appoint or do not appoint one of the applicants to the Philomath Planning Commission to serve a four year term.

CITY MANAGER RECOMMENDATION
N/A

RECOMMENDED MOTION
“I move the City Council waive the two week waiting period and appoint __________________________ to the Philomath Planning Commission.”

ATTACHMENTS
  a. Planning Commission Applications
PLANNING COMMISSION APPLICATION

Responsible for deciding or making recommendations on land use applications, and development of the Comprehensive Plan and Zoning Ordinance to insure that future development of the City is consistent with applicable laws and desires of citizens.

Following is general information about the Commission.

Length of Appointment: 4 years
Term Limitation: 2 terms
Expected Time Commitment: 2-3 hours/meeting/month
Meeting Day and Time: 3rd Monday of each month; 6:00 PM
Eligibility Requirements: Must be a qualified elector and reside in the city of Philomath. Two members may live within the Urban Growth Boundary.

Member Responsibilities:
Ability to hear and render impartial decisions on land use requests by applying facts to the adopted criteria. Willingness to learn how the legislative and quasi-judicial land use process works. Work to insure that planning efforts reflect the values of the entire community.

Background / Experience Which Will be Useful:
Ability to make a decision and to accept the final decision of the commission. Good communication skills and a good sense of humor. A conviction that planning is important. Prior committee membership in a private or public organization. Ability to accept public criticism.

Prior to making a decision to submit this application, you are encouraged to contact the committee chair, a city councilor, the City Recorder or City Manager to ask any questions you may have.

Name: **Giana Bernardini**
Home Phone: **415.217.9446**
Residential Address: (Street) **232 N. 7th St, Philomath 97370**
(Mailing) **Same**
Occupation, business, trade or profession: **house cleaner, caregiver**
May we contact you at work? ☑ Yes ☐ No Phone #: **415.217.9446**
May we contact you by e-mail? ☑ Yes ☐ No Address: 
Benton County registered voter? ☑ Yes ☐ No
Have you attended the Philomath Citizens' Academy? ☑ Yes ☐ No

Please continue on the reverse side
Please list your previous volunteer experience with the City or other government or non-profit organization.

SMART (Philomath, Portland): reading program for at-risk 3rd graders
Corvallis Multicultural Literacy Center (Corvallis): conversation partner
Sisters of the Road Cafe (Portland): server at cafe serving homeless communi-
p:EAR (Portland): developed baking program at center serving homeless youth
Associated Blind (NYC): reading, assisting with basic life skills for blind
Shanti Project (San Francisco): emotional support volunteer for people with AIDS
SPCA (San Francisco): animal assisted therapy with seniors and develop-
Please list business or professional organizations to which you belong.

none

Please explain why you are interested in serving on the Planning Commission.

I attend planning commission meetings and I am inspired by the way this group of citizens volunteer their time to solve thorny prob-
lems and make hard decisions. I admire the dynamic I see at work: a group of smart, thoughtful people of diverse backgrounds +
opinions hashing things out, not always agreeing but always remaining respectful + amiable with each other. I care about this town and enjoy thinking about the kinds of issues that come before the planning commission. Being part of local government in this way feels important and worthwhile. To me, it is the essence of democracy in action, and I'd love to contribute.

Signature: Giana Bernardini
Date: 12.23.19

For Office Use Only

Submittal Date:
Appointment Date:
Re-Appointment Date(s):
Formsp/PlanningCommissionApp: 12/2019
Responsible for deciding or making recommendations on land use applications, and development of the Comprehensive Plan and Zoning Ordinance to insure that future development of the City is consistent with applicable laws and desires of citizens.

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Meeting Day and Time: 3rd Monday of each month; 6:00 PM
Eligibility Requirements: Must be a qualified elector of and reside in the city of Philomath. Two members may live within the Urban Growth Boundary.

Member Responsibilities:
Ability to hear and render impartial decisions on land use requests by applying facts to the adopted criteria. Willingness to learn how the legislative and quasi-judicial land use process works. Work to insure that planning efforts reflect the values of the entire community.

Background / Experience Which Will be Useful:
Ability to make a decision and to accept the final decision of the commission. Good communication skills and a good sense of humor. A conviction that planning is important. Prior committee membership in a private or public organization. Ability to accept public criticism.

Prior to making a decision to submit this application, you are encouraged to contact the committee chair, a city councilor, the City Recorder or City Manager to ask any questions you may have.

Name: Carla Merrell
Home Phone: 541 410-8125
Residential Address: (Street) 3081 Main St. Apt. 217
(Mailing) Same
Occupation, business, trade or profession: Real Estate
May we contact you at work? ☑ Yes ☐ No Phone #: 541 410-8125
May we contact you by e-mail? ☑ Yes ☐ No Address: carla.merrell@kw.com
Benton County registered voter? ☑ Yes ☐ No
Have you attended the Philomath Citizens’ Academy? ☑ Yes ☐ No

Please continue on the reverse side
PLANNING COMMISSION APPLICATION

Please list your previous volunteer experience with the City or other government or non-profit organization.

I moved to Philomath from Sisters, OR in Sept. 2019.
I resided in Sisters 25 years.
I served on the Parks Board for 2 yrs.
I served on the ASARE team at Sisters High School
I served on the volunteer team that added on to Sisters Elementary School.

Please list business or professional organizations to which you belong.

National Association of Realtors
Oregon Association of Realtors
Willamette Association of Realtors
Contractors Construction Board

Please explain why you are interested in serving on the Planning Commission.

I love small towns!
I deem it a privilege to serve my community.
Land use has a big impact on a city's looks, navigation & structure. Land use can enhance a city, & therefore a county, state & nation.

Carla Merrell

Signature
Date 1/3/19

For Office Use Only

Submittal Date:
Appointment Date: 1/3/19
Re-Appointment Date(s): 

Forms/PlanningCommissionApp: 12/2019
Title/Topic: Budget Committee Appointments

Meeting Date: January 13, 2020
Staff Contact: Ruth Post
Department: Administration
Email: ruth.post@philomathoregon.gov

ISSUE STATEMENT
At a January Council meeting, appointments are made to those committees that are composed of local citizen volunteers. Which applicants shall the Philomath City Council appoint to fill the three openings on the Budget Committee?

BACKGROUND
The Budget Committee had three positions open up at the end of 2019. Noelle Cummings was appointed in January 2019 to complete the remaining one year of a vacated position. Matt Lehman completed a three-year term and has now been appointed to the City Council. Both of those position are now open for full three-year terms. Ruth Causey was appointed to the City Council and the position she held has two years remaining on the term.

The City posted notice of the openings on the City’s website and announced in a press release and received three applications. All candidates were invited to attend the City Council meeting to answer any questions the Council might have for them.

The following applicants meet the minimum qualifications to serve on the Budget Committee:
- Julie Conner
- Noelle Cummings
- Christine Kastella

PMC 2.10.060(B) requires a two week waiting period between initial applicant presentation to the Council and subsequent Council appointment. This two week waiting period can be waived by the Council.

Members of the City Council are by statute members of the Budget Committee and do not require appointment as citizen members do.

COUNCIL OPTIONS
Appoint or do not appoint these applicants to the Budget Committee.

CITY MANAGER RECOMMENDATION
The City Manager recommends appointment of all three applicants to the Budget Committee. The Council will need to determine the two applicants to be appointed to three-year terms and the one applicant to be appointed to the two-year term.
RECOMMENDED MOTION
“I move the City Council waive the two week waiting period and appoint the following individuals, ______________, ______________, and ______________, to the Budget Committee, the latter to fulfill the shorter term.”

ATTACHMENTS
  a. Budget Committee Applications
BUDGET COMMITTEE

Responsible for reviewing and proposing the annual City operating budget. Assist in developing budget goals for future years and acting on supplemental budget proposal when necessary.

Following is general information about the Committee.

Length of Appointment: 3 years
Term Limitation: Not more than 2 consecutive terms
Expected Time Commitment: 3 hours/meeting
Meeting Day and Time: 5 to 7 times as needed from April to June
Eligibility Requirement: Must be an elector in the city of Philomath (ORS 294.414)

Member Responsibilities:
Ability to analyze funding requests to support requested or required levels of City services. Ability to develop an understanding of the legal and practical difficulties of funding municipal services with limited available resources. Willingness to be objective to insure that services are provided to meet the needs of the majority of the Philomath citizens. A commitment to fiscal responsibility for the present as well as the future.

Background / Experience Which Will be Useful:
General knowledge of the City and the services it provides. Basic understanding or interest in budgeting and figures. Good communication skills and a good sense of humor. Prior committee membership in a private or public organization.

Prior to making a decision to submit this application, you are encouraged to contact the committee chair, a city councilor, the City Recorder or City Manager to ask any questions you may have.

Name: ___________________________ Home Phone: ____________________
Residential Address: (Street) _____________________________________________ (Mailing)__________________________________________
Occupation, business, trade or profession: ________________________________
May we contact you at work? Yes ☐ No ☐ Phone #: ____________________
May we contact you by e-mail? Yes ☑ No ☐ Address: ____________________
Benton County registered voter? Yes ☑ No ☐
Have you attended the Philomath Citizens’ Academy? Yes ☑ No ☐

Please continue on the reverse side
Please list your previous volunteer experience with the City or other government or non-profit organization.

I have no prior experience volunteering with the city or other government organizations. I have worked for non-profit daycare centers in the past and have volunteered at June's Kid's Kloset. I have also volunteered in many different roles in many different churches through the years.

Please list business or professional organizations to which you belong.

I do not belong to any business or professional organizations.

Please explain why you are interested in serving on the Budget Committee.

I have been asked to serve in the past and have declined due to fear and perceived lack of knowledge. I have become more comfortable with the idea of serving my community after spending many hours attending school board meetings, planning commission meetings, city council work sessions and meetings, observing how things are done. I would like to step up, serve and give my time to help Philomath be the best it can be, in our changing, growing times.

----------------------------------  For Office Use Only  ----------------------------------

Julie M. Conner  12 26 19
Signature  Date

Submittal Date:  
Appointment Date:  
Re-Appointment Date(s):  

Forms/BudgetCommApp: 12/2019  Page 2 of 2
BUDGET COMMITTEE

Responsible for reviewing and proposing the annual City operating budget. Assist in developing budget goals for future years and acting on supplemental budget proposal when necessary.

Following is general information about the Committee.

Length of Appointment: 3 years
Term Limitation: None
Expected Time Commitment: 3 hours/meeting
Meeting Day and Time: 5 to 7 times as needed from April to June
Member Responsibilities:

Ability to analyze funding requests to support requested or required levels of City services. Ability to develop an understanding of the legal and practical difficulties of funding municipal services with limited available resources. Willingness to be objective to insure that services are provided to meet the needs of the majority of the Philomath citizens. A commitment to fiscal responsibility for the present as well as the future.

Background / Experience Which Will be Useful:

General knowledge of the City and the services it provides. Basic understanding or interest in budgeting and figures. Sense of humor and good communication skills. Prior committee membership in a private or public organization. Sense of humor.

Prior to making a decision to submit this application, you are encouraged to contact the committee chair, a city councilor, or the City Manager to ask any questions you may have.

Name: Noelle Cummings
Home Phone: 541-609-8158
Residential Address: (Street) 412 S 31st street (Mailing) same
Occupation, business, trade or profession: Human Resources/Administration
May we contact you at work? 
☐ Yes ☐ No
Work Phone #: 541-737-6053
May we contact you by e-mail? 
☐ Yes ☐ No
Address: noellecummings@gmail.com

(Please continue on the reverse)
Benton County registered voter? ☑ Yes  □ No

Briefly list your community and/or civic activities and any special qualifications, which you believe, are relevant to this position:
- Previous volunteer exp. with community orgs (CARDN, Red Cross)

List business or professional organizations to which you belong:
- SHRM (Society for Human Resources Management)
- CUAPA-HR (Oregon)

Why are you interested in serving on the Budget Committee?
I'm interested in learning more about city governance and serving my community.

Do you have any relevant philosophical attitudes with regard to the board or commission for which you are applying.
NA

Noelle Cummings
Signature / J / Date 11/14/18

For Office Use Only

Submittal Date: 11-14-18
Appointment Date: 1-14-19
Re-Appointment Date(s): 12/31/19 - Reappointed consideration for Reappointment
APPLICATION DEADLINE: DECEMBER 27, 2019, AT 5:00 P.M.
CITY COUNCIL APPOINTMENTS: JANUARY 16, 2020, AT 7:00 P.M.

BUDGET COMMITTEE

Responsible for reviewing and proposing the annual City operating budget. Assist in developing budget goals for future years and acting on supplemental budget proposal when necessary.

Following is general information about the Committee.

Length of Appointment: 3 years
Term Limitation: Not more than 2 consecutive terms
Expected Time Commitment: 3 hours/meeting
Meeting Day and Time: 5 to 7 times as needed from April to June
Eligibility Requirement: Must be an elector in the city of Philomath (ORS 294.414)

Member Responsibilities:
Ability to analyze funding requests to support requested or required levels of City services. Ability to develop an understanding of the legal and practical difficulties of funding municipal services with limited available resources. Willingness to be objective to insure that services are provided to meet the needs of the majority of the Philomath citizens. A commitment to fiscal responsibility for the present as well as the future.

Background / Experience Which Will be Useful:
General knowledge of the City and the services it provides. Basic understanding or interest in budgeting and figures. Good communication skills and a good sense of humor. Prior committee membership in a private or public organization.

Prior to making a decision to submit this application, you are encouraged to contact the committee chair, a city councilor, the City Recorder or City Manager to ask any questions you may have.

Name: Christine L. Kastella (Chris) Home Phone: 208.691.4610
Residential Address: (Street) 506 Fawn Lane, Philomath, OR 97370
(Mailing) 506 Fawn Lane, Philomath, OR 97370
Occupation, business, trade or profession: Engineering Coordinator Consumers Power
May we contact you at work? ☑ Yes ☐ No Phone #: 541.929.8649
May we contact you by e-mail? ☑ Yes ☐ No Address: kastella@msn.com
Benton County registered voter? ☑ Yes ☐ No
Have you attended the Philomath Citizens' Academy? ☑ Yes ☐ No

Please continue on the reverse side
Please list your previous volunteer experience with the City or other government or non-profit organization.

As a new resident of Philomath I unfortunately have no volunteer experience with the City or non-profit organizations. However, in the last city I lived in (Dalton Gardens, ID), I regularly attended City Council meetings and volunteered for the yearly Dalton Gardens Community Picnic for the last 7 years.

Please list business or professional organizations to which you belong.

I have twice attended the Philomath Professional Women's Quarterly lunch and have recently begun attending the Philomath Chamber of Commerce lunch.

Please explain why you are interested in serving on the Budget Committee.

I have participated in my local government for the past 9 years wherever I have lived (Homer, AK and Dalton Gardens, ID). My experience in electric utilities (35+ years) has provided me an education in budgeting, rate design, the importance of long range planning and need to minimize costs wherever feasible. I would like to expand my knowledge of the budgeting process in Philomath plus offer any lessons I have learned in my work life as appropriate.

Christine L. Kastella
Signature

12.18.19
Date

For Office Use Only

Submittal Date: 12.20.19
Appointment Date: 
Re-Appointment Date(s): 

Forms/BudgetCommApp: 12/2019
Title/Topic:  Park Advisory Board Appointments

Meeting Date: January 13, 2020
Department: Administration
Contact: Mayor Eric Niemann
Email: eric.niemann@philomathoregon.gov

ISSUE STATEMENT
Shall the Philomath City Council confirm the Mayor’s appointments to the Park Advisory Board?

BACKGROUND
The Park Advisory Board had two positions vacant at the end of 2019. Carol Leach completed her first full three-year term and Malcolm Miner completed his second three-year term.

The City posted notice of the openings and received five applications. Staff has determined that all five applicants meet the minimum qualifications. Per PMC 2.55.020, “All vacancies shall be filled by appointment by the mayor, with confirmation by the council.”

Mayor Niemann will provide his recommendations to fill the two positions at the meeting.

COUNCIL OPTIONS
1. Confirm the mayor’s appointments to the Park Advisory Board.
2. Do not confirm the mayor’s appointments to the Park Advisory Board.

CITY MANAGER RECOMMENDATION
Confirm the mayor’s appointments to the Park Advisory Board

RECOMMENDED MOTION
“I move to confirm the mayor’s appointments to the Park Advisory Board as presented.”

ATTACHMENTS
A. Park Advisory Board Applications
PARK ADVISORY BOARD

Responsible for assisting the Public Works Committee on matters pertaining to the City Parks.

Following is general information about the Board.

Length of Appointment: 3 years
Term Limitation: Not more than 3 consecutive terms
Expected Time Commitment: Will meet as needed
Meeting Day and Time: 5:00 p.m., second Thursday each month
Eligibility Requirements: Any citizen residing within the city or Urban Growth Boundary. Two positions may be filled from outside the UGB but within Benton County.

Member Responsibilities:
Advising the Public Works Committee on matters relating to Parks including but not limited to amendments to the City Ordinances referencing general park activities; general policies concerning the selection, care and removal of park assets; and funding for the purchase and development of City Parks.

Background / Experience Which Will be Useful:
Interest in parks, open space preservation and recreation. Good communication skills. Sense of humor.

Prior to making a decision to submit this application, you are encouraged to contact the Public Works Committee chair, Public Works Director, or the City Manager to ask any questions you may have.

Name: Sandy Heath  Home Phone: 541-979-0764
Residential Address: (Street) 340 N 13th St, Philomath  (Mailing) Same
Occupation, business, trade or profession: Retired
May we contact you at work?  □ Yes □ No  Work Phone #: NA
May we contact you by e-mail?  □ Yes □ No  Address: Sandylynnheath@gmail.com
Benton County registered voter?  □ Yes □ No
Briefly list your community and/or civic activities and any special qualifications, which you believe, are relevant to this position:

List business or professional organizations to which you belong:

Why are you interested in serving on the Park Advisory Board?

Do you have any relevant philosophical attitudes with regard to the position for which you are applying?

Sandy Heath

Signature: ________________________
Date: 1/13/19

For Office Use Only

Submittal Date: ____________________
Appointment Date: ____________________
Re-Appointment Date(s): ____________________
1. Briefly list your community and/or civic activities and any special qualifications, which you believe are relevant to this position:

I volunteer several hours a month with the Philomath Gleaners program. Have volunteered at Lupe’s Community Garden. I am a graduate of the Philomath Citizens Academy. Participated in the Philomath Rodeo and Frolic Parade. Attend most City Council and Planning Commission meetings each month.

2. List business or professional organizations to which you belong:

I am an alumni of Linn Benton Community College and Program Coordinator and Test Proctor. A member of the American Assoc of Women in Community Colleges for more than 15 yrs. Member of Phi Theta Kappa.

3. Why are you interested in serving on the Park Advisory Board?

Philomath Parks Master Plan is a very important tool in maintaining the importance of open and green spaces in our town. I spend time in Philomath parks most days and am impressed with the variety of design and uses available in town. I’m especially fond of the natural out of the way areas such as Mary’s River Park. Nature is not just nice to have......it’s a must.

4. Do you have relevant philosophical attitudes with regard to the position for which you are applying?

I am willing to work collaboratively with a diverse group to reach a common ground. It is my opinion that positive change happens at the grass roots level within a community. Serving on the Parks Advisory Board would give me the opportunity to participate in policy making of my community.
PARK ADVISORY BOARD

Responsible for assisting the Public Works Committee on matters pertaining to the City Parks.

Following is general information about the Board.

Length of Appointment: 3 years
Term Limitation: Not more than 3 consecutive terms
Expected Time Commitment: Will meet as needed
Meeting Day and Time: 5:00 p.m., second Thursday each month
Eligibility Requirements: Any citizen residing within the city or Urban Growth Boundary. Two positions may be filled from outside the UGB but within Benton County.

Member Responsibilities:
Advising the Public Works Committee on matters relating to Parks including but not limited to amendments to the City Ordinances referencing general park activities; general policies concerning the selection, care and removal of park assets; and funding for the purchase and development of City Parks.

Background / Experience Which Will be Useful:
Interest in parks, open space preservation and recreation. Good communication skills. Sense of humor.

Prior to making a decision to submit this application, you are encouraged to contact the Public Works Committee chair, Public Works Director, or the City Manager to ask any questions you may have.

Name: Christine L. Kastella (Chris)  Home Phone: 208.691.4610
Residential Address: (Street) 506 Fawn Lane, Philomath, OR 97370
(Mailing) 506 Fawn Lane, Philomath, OR 97370
Occupation, business, trade or profession: Engineering Coordinator CPI
May we contact you at work? ☑ Yes ☐ No  Work Phone #: 541.929.8649
May we contact you by e-mail? ☑ Yes ☐ No  Address: kastella@msn.com
Benton County registered voter? ☑ Yes ☐ No
Briefly list your community and/or civic activities and any special qualifications, which you believe, are relevant to this position:

As a new resident of Philomath I unfortunately have no volunteer experience with the City or non-profit organizations. However, when I lived in Vancouver, WA I was a Board Member for the Parks Foundation (non-profit supporting Clark County Parks). Additionally I contracted with the City of Vancouver to develop a preliminary ADA Plan for Clark County Parks. In every location I have ever lived (UT, WA, AK, ID and OR) Parks and Recreation has been a passion.

List business or professional organizations to which you belong:

I have twice attended the Philomath Professional Women’s Quarterly lunch and have recently begun attending the Philomath Chamber of Commerce lunch.

Why are you interested in serving on the Park Advisory Board?

As noted above, I have a passion for Parks and Recreation and I am looking forward to once again adding my passion and voice to this area. I use Parks! I’ve walked my grand dog in Philomath City Park, I’ve attended a neighborhood picnic at Westbrook Park and last fall I toured Marys River Park, Triangle Park and Newton Creek Park! I like Parks!!

Do you have any relevant philosophical attitudes with regard to the position for which you are applying?

First off, as a new resident I do not have a depth or breadth of knowledge and history about Philomath Parks. This means I will have my ears perked up to always listen and to serve my fellow Philomath citizens.

Christine L. Kastella

Signature: ____________________________ Date: 12/18/19

For Office Use Only

Submittal Date: 12/20/19
Appointment Date: ________________
Re-Appointment Date(s): ________________
Responsible for assisting the Public Works Committee on matters pertaining to the City Parks.

Following is general information about the Board.

Length of Appointment: 3 years
Term Limitation: None
Expected Time Commitment: Will meet as needed
Meeting Day and Time: To be determined by the Board

Member Responsibilities:
Advising the Public Works Committee on matters relating to Parks including but not limited to amendments to the City Ordinances referencing general park activities; general policies concerning the selection, care and removal of park assets; and funding for the purchase and development of City Parks.

Background / Experience Which Will be Useful:
Interest in parks, open space preservation and recreation. Good communication skills. Sense of humor.

Prior to making a decision to submit this application, you are encouraged to contact the Public Works Committee chair, Public Works Director, or the City Manager to ask any questions you may have.

Name: Carol Leach
Home Phone: 541-231-2032
Residential Address: 1284 N 19th #91 97370
Mailing Same
Occupation, business, trade or profession: Retired - public employee
May we contact you at work? □ Yes □ No Work Phone #: 
May we contact you by e-mail? □ Yes □ No Address: carolynn.leach@gmail.com
Benton County registered voter? □ Yes □ No
Briefly list your community and/or civic activities and any special qualifications, which you believe, are relevant to this position:

Born & Raised Philomath – returned after life events in 1995 to Direct H.S. pool for five years. Then worked 14 more years for Corvallis Park & Recreation. Budget experience - city & public process experience. Familiar with board process and work. Have worked w/ city ordinances and change processes.

List business or professional organizations to which you belong:

- American Red Cross - Volunteer
- Health Care for all Oregon - Volunteer
- AFSCME Retiree member & Volunteer

Why are you interested in serving on the Park Advisory Board?

I love this community and I want to give back in a way that can contribute to the things I love the most about it. I feel I have much to offer and good resources with in the community.

Do you have any relevant philosophical attitudes with regard to the position for which you are applying?

Not philosophical just looking for a way to contribute to this place that raised me so well!

Carol Leach
Signature 1-6-16

For Office Use Only

Submittal Date: 1-6-16
Appointment Date: 1-11-19
Re-Appointment Date(s): 1-9-17

FILED
JAN 6 2016
BY: CW TIME: 1:10
CITY OF PHILOMATH
PARK ADVISORY BOARD

Responsible for assisting the Public Works Committee on matters pertaining to the City Parks.

Following is general information about the Board.

Length of Appointment: 3 years
Term Limitation: None
Expected Time Commitment: Will meet as needed
Meeting Day and Time: To be determined by the Board

Member Responsibilities:
Advising the Public Works Committee on matters relating to Parks including but not limited to amendments to the City Ordinances referencing general park activities; general policies concerning the selection, care and removal of park assets; and funding for the purchase and development of City Parks.

Background / Experience Which Will be Useful:
Interest in parks, open space preservation and recreation. Good communication skills. Sense of humor.

Prior to making a decision to submit this application, you are encouraged to contact the Public Works Committee chair, Public Works Director, or the City Manager to ask any questions you may have.

Name: Malcolm Miner  Home Phone: 841-529-5050
Residential Address: (Street) 23200 Decker Rd. (Mailing)
Occupation, business, trade or profession: Real Estate Consultant / Appraiser
May we contact you at work?  Yes  Work Phone #: 841-529-5050
May we contact you by e-mail?  Yes  Address: malm@peak.org
Benton County registered voter?  Yes  No

Briefly list your community and/or civic activities and any special qualifications, which you believe, are relevant to this position:
List business or professional organizations to which you belong:

ROTARY CLUB OF PHILOMATU

Why are you interested in serving on the Park Advisory Board?

I AM INTERESTED IN COMMUNITY SERVICE

Do you have any relevant philosophical attitudes with regard to the position for which you are applying?

I LIKE PLANNING PROJECTS & CARRYING THEM OUT.

Malcom Miner

Signature 9-15-14

Date

For Office Use Only

Submittal Date: 12/27/19 - Requested Consideration for Re-Appointment
Appointment Date: 10-13-14
Re-Appointment Date(s): 1-9-17

Page 2 of 2
PARK ADVISORY BOARD

Responsible for assisting the Public Works Committee on matters pertaining to the City Parks.

Following is general information about the Board.

Length of Appointment: 3 years
Term Limitation: Not more than 3 consecutive terms
Expected Time Commitment: Will meet as needed
Meeting Day and Time: 5:00 p.m., second Thursday each month
Eligibility Requirements: Any citizen residing within the city or Urban Growth Boundary. Two positions may be filled from outside the UGB but within Benton County.

Member Responsibilities:
Advising the Public Works Committee on matters relating to Parks including but not limited to amendments to the City Ordinances referencing general park activities; general policies concerning the selection, care and removal of park assets; and funding for the purchase and development of City Parks.

Background / Experience Which Will be Useful:
Interest in parks, open space preservation and recreation. Good communication skills. Sense of humor.

Prior to making a decision to submit this application, you are encouraged to contact the Public Works Committee chair, Public Works Director, or the City Manager to ask any questions you may have.

Name: Eric Wiggins
Home Phone: 841-405-5337

Residential Address: (Street) 202 James
(Mailing) 208 W 933
Dulcova, Ar

Occupation, business, trade or profession: Certified Arborist

May we contact you at work? □ Yes □ No
Work Phone #: 841-481-1617

May we contact you by e-mail? □ Yes □ No
Address: wiggins.eve@comcast.net

Benton County registered voter? □ Yes □ No

Eric Wiggins
Certified Arborist

ATS
Consulting
Stump Grinding
Pruning
Removals
Hazard Assessments
Planting
Transplanting
Preservation

CCB #76097

Forms/Committees/Park Advisory Bd App: 12/2019
Briefly list your community and/or civic activities and any special qualifications, which you believe, are relevant to this position:

Previously on Lebanon Park's Tree Board years ago. Participated in drafting a Lebanon Street Tree Policy.

List business or professional organizations to which you belong:

- ISA Certified Arborist 1981, Member ISA PNW chapter
- Business owner since 1981
- ATS Arborist Service
- IKBQ qualified

Why are you interested in serving on the Park Advisory Board?

Think it's important to be involved locally.

Do you have any relevant philosophical attitudes with regard to the position for which you are applying?

I believe in the beauty and everyday value of our common spaces.

Eric Wiggins
Signature
12/14/19
Date
Title/Topic: Farmers Market Seed Money

Meeting Date: January 13, 2020
Staff Contact: Joan Swanson

ISSUE STATEMENT
Shall the City provide seed money to assist in efforts to form a farmers market in Philomath?

BACKGROUND
A steering committee was formed to look into the feasibility of starting a farmers market in Philomath. Ruth Post is the representative on the committee for the City.

Bountiful Backyard, a local 501(c)(3) non-profit organization, has stepped up to run the market. Mark McGuire is the president of that organization. Currently they are considering holding the market one day per week in the library parking lot.

One of the big expenses that they will incur is liability insurance. They have been quoted around $700 to purchase insurance for the year. Because the City will not be running the market, we can not cover them under the city's insurance policy.

Mark has asked if the City could provide some financial assistance to cover the insurance. Having a market or store in town has been a long standing goal of the City Council. There is money available in the City Council Department to cover a $1,000 donation for the purpose of supporting the formation of a farmers market in Philomath.

Pros
- $1,000 will cover insurance cost
- The city isn’t covering the event with our policy
- Citizens will benefit from having local, fresh produce available in town

Cons
- It will be difficult to track exactly where the money is spent
- Additional requests for financial support may follow

COUNCIL OPTIONS
1. Provide $1,000 seed money to Bountiful Backyard
2. Do not provide any money.

RECOMMENDED MOTION
I move the City Council approve a $1,000 donation to Bountiful Backyard to cover insurance and incidental expenses in the formation of a farmers market in Philomath.
**Title/Topic:** System Development Charge Annual Construction Cost Adjustments

Meeting Date: January 13, 2020  
Department: Planning  
Staff Contact: Chris Workman

**ISSUE STATEMENT**  
Shall the Philomath City Council approve the System Development Charge (SDC) annual construction cost adjustments as proposed?

**BACKGROUND**  
SDCs are fees collected by the City to offset costs of public improvements associated with new development. The basic premise behind these fees is that growth should pay its own way in developing new infrastructure improvements and reimbursing for improvements that have already been made.

City Resolution 94-18 requires that SDCs be adjusted annually using the Engineering News Review (ENR) Construction Cost Index to keep pace with increases in construction related labor and materials costs. The ENR 20 Cities Average Construction Cost Index increased from 11206 to 11496, or 2.59%. Between 2018 and 2019 the increase was 10.2%.

This increase has been applied to all of the City’s SDCs and the attached schedule reflects the proposed SDC schedule for 2020. For a typical residential property, the total SDCs will increase $675 to $26,847.

The Water, Sewer and Transportation SDC methodologies are currently getting updated and will be followed by Storm methodology update once that master plan is completed.

**PROS AND CONS**

- Adjusting the SDCs to reflect increased construction costs allows the city to collect the funds needed for the projects identified in the master plans.
- Additional SDC revenue goes directly toward past or future infrastructure projects like the upcoming water treatment plant and reservoir.

- SDCs are directly coordinated to the cost of building homes or new businesses within the City. Higher SDCs can stunt growth, but SDCs that are too low don’t fulfill their role of having development help pay for itself.
- With SDCs anticipated to change later this year when the methodologies are updated for water, sewer, parks and transportation, too many changes can create uncertainty for property owners and developers.

**COUNCIL OPTIONS**

1. Approve SDC construction cost adjustments as proposed.
2. Do not approve SDC construction cost adjustments and direct staff on how to proceed.
CITY MANAGER RECOMMENDATION
Staff recommends approval of the schedule as presented. The new figures will go into effect upon Council approval.

RECOMMENDED MOTION
“I move the City Council approve the System Development Charge construction cost adjustments as proposed on the 2020 SDC Schedule.”

ATTACHMENTS
A. 2020 SDC Schedule
# 2020 SDC Schedule

**Proposed January 13, 2020**

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<th>Water SDC</th>
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## Street SDC per EDU

<table>
<thead>
<tr>
<th>Improve</th>
<th>Reimburse</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>$3,728</td>
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<table>
<thead>
<tr>
<th>Storm SDC per EDU</th>
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<tbody>
<tr>
<td>$1,728</td>
<td>$1,094</td>
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Total for ¾” Meter Residential = $26,847
# 2019 SDC Schedule

Proposed January 14, 2019

<table>
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<th>Water Meter Size</th>
<th>Sewer SDC</th>
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<td></td>
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<td>8&quot;</td>
<td>$231,596</td>
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Street SDC per EDU

<table>
<thead>
<tr>
<th></th>
<th>Improve</th>
<th>Reimburse</th>
<th>Total</th>
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<tbody>
<tr>
<td>$3,634</td>
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<td>$1,684</td>
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Total for ¾" Meter Residential = $26,172
Title/Topic: Samaritan Award Nominations

Meeting Date: January 13, 2020
Department: Administration
Staff Contact: Chris Workman

ISSUE STATEMENT

Shall the Council nominate individuals for this year’s Samaritan Awards?

BACKGROUND

The attached letter from the Chamber of Commerce provides background and additional information about the annual Samaritan Awards. The City has traditionally selected a volunteer from the Council, Planning Commission, Park Advisory Board, Budget Committee, Tree Board, or other committee to honor for their contributions over their term or in that specific year. The City has additionally nominated individuals for the at-large categories of First Citizen. The Business or organization of the year was just added last year, and the City did not submit a nomination last year.

Council members should come to the meeting prepared with names of individuals or businesses to nominate to discuss with one another. Following discussion and selection, staff will complete the forms and submit the nominations, which are due by January 20th.

The awards dinner is Wednesday, February 19, 2020 at 6:30 pm at the Philomath High School Auditorium. There will be appetizers, desserts, and beverages to enjoy as we honor our community volunteers and thank them for their continued support. This is a free event, paid for by local businesses and organizations. Chief Ken Rueben will be hosting the awards again this year.

COUNCIL OPTIONS

1. Select a City of Philomath volunteer of the year to be recognized
2. Nominate individuals for Senior First Citizen, First Citizen, Junior First Citizen, and Future First Citizen Awards.
3. Nominate a business or nonprofit for the Business/Nonprofit of the Year award.

RECOMMENDED MOTION

“I move to select ____________________ for the Samaritan Award from the City of Philomath and nominate the following for consideration:
_______________________ as Senior First Citizen
_______________________ as First Citizen
---------------------------------------as Junior First Citizen
_______________________ as Future First Citizen
_______________________ as Business/Nonprofit of the Year.”

ATTACHMENTS

A. Letter from Chamber of Commerce and Entry Forms
December 10, 2019

Dear Philomath Organization:

The Philomath Samaritan Awards is rapidly approaching, and we would like to invite your organization to participate in this special event. The Samaritan Awards is a community-wide event sponsored by the Philomath Area Chamber of Commerce to recognize individuals who enhance and enrich the livability of our community through volunteer work. We are providing this forum for you to publicly recognize a volunteer who has been an outstanding contributor to your organization over the last year.

The Samaritan Awards are comprised of two separate classifications – one for Volunteer Recognition and one for First Citizen Awards. For Volunteer Recognition, we ask that each organization or business submit one volunteer that they would like to recognize for their service. We will individually recognize each volunteer for whom we receive a formal submission.

The First Citizen Awards are more distinctive in that a committee reviews all the nominations and then selects a recipient for each category based on individual criteria. These awards are made up of four separate categories based on age – Senior First Citizen, First Citizen, Junior First Citizen, and Future First Citizen Awards.

We have enclosed information and forms for both award classifications. Please note that you can submit the same individual to receive a Volunteer Recognition as well as nominate them for a First Citizen Award, but we ask that you please follow all the criteria for submitting names for the First Citizen Award categories (see nomination form).

We will also be including an award for the Business/Nonprofit of the Year. We’re asking for nominations for a local business or non-profit that has made an outstanding contribution to our community during the past year. Please see the form for additional details regarding this recognition.

The event will be held on Wednesday, February 19, 2020 at 6:30 pm at the Philomath High School Auditorium. There will be appetizers, desserts, and beverages to enjoy as we honor our community volunteers and thank them for their continued support. To be included in the program, please submit your entry form by the January 20th deadline.

If you have any questions, please contact the Philomath Area Chamber of Commerce office at (541) 929-2454 or director@philomathchamber.org.

Sincerely,

The Samaritan Awards Committee
Philomath Samaritan Awards Celebration 2020
Wednesday, February 19th – 6:30 pm
Philomath High School Auditorium

Volunteer Recognition Form
(Please submit one Volunteer per Organization for this Award)

Organization: ________________________________________________________________________

Contact Person & Phone Number: ________________________________________________________

# of Complimentary Tickets your organization needs for the event: ____________________________

Address to send tickets to:  _____________________________________________________________

Purpose of your organization: ___________________________________________________________

____________________________________________________________________________________

Volunteer to be recognized (Please print legibly):

____________________________________________________________________________________

Volunteer’s Contact Information (email, address, and phone number):

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

Please provide a short biography (300 words or less) for the volunteer to be recognized including length of service, activities involved in, hobbies, community involvement, etc. (Attach additional sheet, if needed).

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

Please return by January 17, 2020 to:
Philomath Area Chamber of Commerce
PO Box 606
Philomath, OR 97370
First Citizen Award nominees will be judged on the following criteria:

- Leadership: promoting causes and organizations that enhance and stimulate growth and development of the community (40 points)
- Diversity: participation in numerous volunteer activities in the community that helps to stimulate and inspire others (15 points)
- Longevity: has made a significant commitment to the community over time (15 points)
- Community Impact: contributions and efforts have made a significant difference to our community (20 points)
- Overcoming Adversity: either personally or professionally has shown the fortitude and persistence to overcome obstacles to achieve success (10 points)

Previous First Citizen Award Recipients:

**2019**
Lindy Young - Senior  
Rocky Sloan - First  
Lily Schell – Future  
Timber Supply – Bus of the Yr.  
Lions Club – Nonprofit of the Yr.

**2018**
Marilyn Schmidt - Senior  
Carey Oien - First  
Royce Markley – Junior  
Aundie McClelland - Future

**2017**
Steven Kearsley - Senior  
Ines Erikson - First  
Joe Noble – Junior  
Christopher McMorran - Future

**2016**
Rod Harvey - Senior  
Anna Bowman - First  
Anissa Teslow Cheek – Junior

**2015**
Dot Richardson  
Van Hunsaker  
Nolan Bartlow

**2014**
Tom Wright  
Jeff Light  
Evan Kugler

**2013**
Colene Lamberty  
Angie Back

**2012**
Jack Duren  
Karen Kennedy  
Emilea Witt

**2011**
Dale Collins  
Erin Haynes  
Alyssa Williamson (Lewis)

**2010**
Carol Stueve  
Marcia Gilson  
Josh Kvidt
Philomath First Citizen Nomination Form

The Philomath First Citizen Award is for a member of our community that strives to enhance the lives of those around them. There are four categories for this award and the Philomath Chamber Board would like to invite you to nominate someone for each category.

Nomination for Philomath Senior First Citizen: (65+ years of age)
Name: ________________________________________________________________
Address & Phone Number: _____________________________________________

Why does this person deserve to be chosen as First Senior Citizen? (500 word limit – please attach additional sheet)
____________________________________________________________________________________

Nomination for Philomath First Citizen: (40-64 years of age)
Name: ________________________________________________________________
Address & Phone Number: _____________________________________________

Why does this person deserve to be chosen as First Citizen? (500 word limit – please attach additional sheet)
____________________________________________________________________________________

Nomination for Philomath Junior First Citizen: (19-39 years of age)
Name: ________________________________________________________________
Address & Phone Number: _____________________________________________

Why does this person deserve to be chosen as First Junior Citizen? (500 word limit – please attach additional sheet)
____________________________________________________________________________________

Nomination for Philomath Future First Citizen: (18 and under years of age)
Name: ________________________________________________________________
Address & Phone Number: _____________________________________________

Why does this person deserve to be chosen as Future First Citizen? (500 word limit – please attach additional sheet)
____________________________________________________________________________________

Your name, phone number, and email address (in case we need to contact you with questions):
____________________________________________________________________________________

Please return by January 17, 2020 to:
Philomath Area Chamber of Commerce
PO Box 606
Philomath, OR 97370

Question? Please contact us at director@philomathchamber.org or call (541) 929-2454.
Philomath Samaritan Awards Celebration 2020
Wednesday, February 19th – 6:30 pm
Philomath High School Auditorium

**Business/Nonprofit of the Year Form**
(Please submit one organization for this award)

This award recognizes a local business or nonprofit organization that has made significant contributions to the overall economic health and livability of the Philomath community during the past year.

Organization: ______________________________________________________________________

Address & Phone Number:  _____________________________________________________________
____________________________________________________________________________________

Please explain your reasons for recognizing this organization (100 words or less):
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Please return by January 17, 2020 to:
Philomath Area Chamber of Commerce
PO Box 606
Philomath, OR 97370
Title/Topic: DLCD Technical Assistance Grant Acceptance

Meeting Date: January 13, 2020
Department: Planning
Staff Contact: Chris Workman

ISSUE STATEMENT

Shall the Council accept a grant award of $50,000 from the Department of Land Conservation and Development (DLCD) and hire a consultant to begin the process of updating the City’s Comprehensive Plan?

BACKGROUND

The City applied for and has been awarded a $50,000 grant from DLCD for the Economic Opportunity Analysis (EOA), Buildable Lands Inventory (BLI), Housing Needs Analysis (HNA) & Downtown Main Street Plan project.

If accepted, the City will enter into an agreement with a specialized consultant to help walk the community through the process of completing these analysis and updating the comprehensive plan. Staff has vetted several consultants and believes the best consultant for this project is ECONorthwest out of Eugene. ECONorthwest has assisted many communities with this type of planning and is able to take the City on as a client immediately and complete the work within the allowed budget.

The contract with DLCD is attached for your review and includes detail about the project scope, timeline, and budget. It is anticipated that addition funds will be needed to complete the Downtown Main Street Plan. The City budgeted $20,000 from the General Fund this year toward the comprehensive plan update which can be used to supplement the grant money awarded. The contract between the City and ECONorthwest will have to mirror the scope, timeline and budget of the contract with DLCD and will be prepared and signed following the Council’s direction to proceed.

It is anticipated that the consultant can begin work before the end of this month and the first meeting of the Technical Advisory Committee will take place in February. Dates for future meetings will be penciled in for the rest of the year, and staff is developing a webpage dedicated to all things related to the Comprehensive Plan update.
PROS AND CONS

• The grant will fund the key analysis needed in order to critically review current policies within the Comprehensive Plan and form new policies supported by data.
• The current Comprehensive Plan is in need of an update, with new population forecasts, changes to the highway alignment from the planned alignment identified in the current plan, and new priorities expressed by the community.
• The City has limited funds to put towards this planning effort, so grant money is helpful.

• Accepting the grant will place the City on a tight timeline for completing each task within the scope, taking staff and the Council’s focus off of other city priorities this year.
• This is a reimbursement grant, so the City will have to make payments to the consultant first and then submit for reimbursement.

COUNCIL OPTIONS

1. Accept the grant award and direct the city manager to execute the agreement with DLCD and enter into an agreement with ECONorthwest for consulting services.
2. Do not accept the grant award and direct staff on how to proceed or not proceed with efforts to update the Comprehensive Plan.

RECOMMENDED MOTION

“I move to accept the grant award of $50,000 from the Department of Land Conservation and Development and direct the city manager to execute the agreement with DLCD and enter into an agreement with ECONorthwest for consulting services.”

ATTACHMENTS

A. Grant Award Cover Letter
B. 2019-2021 Technical Assistance Grant Contract
January 8, 2020

Chris Workman, City Manager
City of Philomath
980 Applegate Street
Philomath, Oregon 97370

Re: City of Philomath Grant No. TA-21-172 Agreement for Economic Opportunity Analysis (EOA), Buildable Lands Inventory (BLI), Housing Needs Analysis (HNA) & Downtown Main Street Plan

Dear Chris:

The Department of Land Conservation and Development (DLCD) is pleased to offer the City of Philomath a grant in the amount of $50,000 for the Economic Opportunity Analysis (EOA), Buildable Lands Inventory (BLI), Housing Needs Analysis (HNA) & Downtown Main Street Plan project. You will find the grant agreement in an attached PDF file. Please read it carefully.

Please e-sign the contract at page 7, or print, sign and scan the signed page. The agreement must be signed by the City of Philomath and pages 1-7 of the agreement returned to DLCD. Whether returning the signed agreement via mail or e-mail, it must be received by DLCD’s Salem office within 30 days of the date of this letter. If the signed agreement is not received by February 6, 2020, this offer may be withdrawn.

The attached grant agreement is not in effect until signed by the City of Philomath and DLCD. An electronic file of the agreement with both signatures will be returned to you for your records. Funds will be sent to you in accordance with the payment schedule in the grant agreement. Please note that we can reimburse only eligible costs incurred after all parties have signed and before the termination date of this agreement.

If you have questions about the agreement, please contact me at 503-934-0054 or DLCD.GFGrant@state.or.us. If you have other questions about the project, please contact your grant manager, Patrick Wingard, at 541-393-7675 or patrick.wingard@state.or.us.

Yours truly,

Angela Williamson
Grants Administrative Specialist

cc: Patrick Wingard, DLCD Regional Representative
### AGREEMENT COVER SHEET

This cover sheet is informational and not a part of the agreement

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<th>Offer Date: January 8, 2020</th>
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<tr>
<td><strong>Grantee:</strong></td>
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<tr>
<td>City of Philomath</td>
</tr>
<tr>
<td>980 Applegate Street; Philomath, Oregon 97370</td>
</tr>
<tr>
<td><strong>Project Title:</strong> Economic Opportunities Analysis (EOA), Buildable Lands Inventory (BLI), Housing Needs Analysis (HNA), and Downtown Main Street Plan</td>
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<tr>
<td><strong>Grantee Representative</strong></td>
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<tr>
<td>Chris Workman, City Manager</td>
</tr>
<tr>
<td>541.929.6148</td>
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<td><a href="mailto:Chris.Workman@philomathoregon.gov">Chris.Workman@philomathoregon.gov</a></td>
</tr>
<tr>
<td><strong>DLCD Grant Manager</strong></td>
</tr>
<tr>
<td>Patrick Wingard</td>
</tr>
<tr>
<td>541.393.7675</td>
</tr>
<tr>
<td><a href="mailto:patrick.wingard@state.or.us">patrick.wingard@state.or.us</a></td>
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<tr>
<td><strong>GRANT AMOUNT:</strong> $50,000</td>
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<td><strong>CLOSING DATE:</strong> May 31, 2021</td>
</tr>
<tr>
<td><strong>Last day to amend agreement:</strong> March 1, 2021</td>
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**Signature**

Grantee shall return a signed agreement to DLCD by e-mail within thirty (30) days of the Offer Date. If not signed and returned without modification by Grantee within thirty (30) days of the Offer Date, the DLCD Grant Program Manager may terminate this offer of the grant award. Upon receipt of the Agreement signed by Grantee, the DLCD Grant Program Manager shall sign and return a digital copy of the signed document via e-mail.

**List of Products**

**Preliminary report:** Project staff with contact information, advisory committee membership, and refinement of scope by January 31, 2020 (Project Requirement 8)

**Signed agreement:** between the Grantee and consultant, no later than three business days after both parties have signed the agreement. (Project Requirement 7)

- Task 1 – Project Team Kick-Off
- Task 2 – Economic Trends Analysis and Employment Growth Forecasts
- Task 3 – Industrial and Employment Lands Site Suitability Analysis
- Task 4 – Community Economic Development Vision and Objectives
- Task 5 – Inventory of Suitable Industrial and Other Employment Lands Sites
- Task 6 – Residential Buildable Lands Inventory
- Task 7 – Main Street Plan for Philomath Downtown
- Task 8 – Assessment of Economic Development Potential
- Task 9 – Economic Development Implementation Policies
- Task 10 – Final Draft Economic Opportunities Analysis
- Task 11 – Housing Needs Analysis
- Task 12 – Housing Implementation Policies
- Task 13 – Public Hearings and Adoption

Grantee and the consultant will provide all draft and final Products, including memos, reports, and maps produced by this grant agreement in a digital media format. The term “digital media” means a compact disc, digital video disc, USB flash drive, e-mail, or FTP submittal authorized by DLCD.
This agreement (‘Agreement’) is made and entered into by and between the State of Oregon, acting by and through its Department of Land Conservation and Development, hereinafter referred to as “DLCD,” and City of Philomath, hereinafter referred to as “Grantee,” and collectively referred to as the “Parties.”

1. Effective Date and Availability of Grant Funds. This Agreement is effective on the date on which every party has signed this Agreement and all required State approvals have been obtained (“Effective Date”). Grant Funds under this Agreement are available for eligible costs as defined in Sections 4 and 6 incurred beginning on the Effective Date and ending on the earlier of the termination of this Agreement or the Project End Date provided in Attachment A. DLCD’s obligation to disburse Grant Funds under this Agreement ends 60 days after the earlier of termination of this Agreement or the Project End Date.

2. Agreement Documents. The Agreement consists of this agreement (without any attachments) and the following Attachments, all of which are attached hereto and incorporated by reference:

Attachment A: Project Description and Budget
Attachment B: DLCD Contact Names and Addresses
Attachment C: Request for Product Reimbursement Form and Instructions
Attachment D: Form 1, Notice of Proposed Change (35-day Notice)
Attachment E: Form 2, Notice of Adopted Change
Attachment F: Standards and Requirements for EOA Product(s)

In the event of a conflict between two or more of the documents comprising this Agreement, the language in the document with the highest precedence shall control. The precedence of each of the documents comprising this Agreement is as follows: this Agreement without Attachments; Attachments as listed, in descending order of precedence.

3. Grant Funds. The maximum, not-to-exceed, grant amount that the DLCD will pay to Grantee is $50,000 (the “Grant Funds”). Disbursements will be made only in accordance with the schedule and requirements contained in this Agreement, including Attachment A.

4. Project. The Project is described in Attachment A. Grant Funds may be used solely for the Project described in Attachment A and may not be used for any other purpose. No Grant Funds will be disbursed for any changes to the Project unless such changes are approved by DLCD by amendment pursuant to Section 9 hereof. Grantee agrees to implement the Project in accordance with the terms and conditions of this Agreement and complete the Project no later than the Project End Date.

5. Reports. Grantee shall submit the reports required by this section to the DLCD Grant Manager and Grants Administrative Specialist in writing by personal delivery, e-mailing, or mailing at the
address or number set forth in Attachment B or to such other addresses or numbers as DLCD may specify by notice to Grantee in accordance with Section 8 hereof.

a. **Progress Reports.** Grantee will submit a written status report at the request of the DLCD Grant Manager or as required in the Project Requirements in Attachment A.

b. **Financial Reimbursement Reports.** In order to receive reimbursement, Grantee must submit to DLCD requests for reimbursement of eligible costs incurred in producing Product(s), as provided in Attachment A, on the form provided in Attachment C. Grantee shall submit a closeout report to DLCD within 30 days after the termination of the Agreement or the Project End Date, whichever is earlier. Reimbursements for products will be reduced or withheld if Progress or Closeout Reports have not been timely submitted or are incomplete.

6. **Disbursement and Recovery of Grant Funds.**

a. **Disbursement Generally.** DLCD will disburse the Grant Funds as reimbursement for eligible costs incurred to produce Products in carrying out the Project, up to the amount provided in Section 3, and subject to the timelines and limits for each Task, as specified in Exhibit A. Grantee may request a reimbursement after completion of a Product. Reimbursements will be made by DLCD within 30 days of DLCD’s approval of a request for reimbursement. Eligible costs are the reasonable and necessary costs incurred by Grantee, during the period specified in Section 1, in performance of the Project and that are not excluded from reimbursement by DLCD, either by this Agreement or by exclusion as a result of financial review or audit.

b. **Conditions Precedent to Disbursement.** DLCD’s obligation to disburse Grant Funds to Grantee is subject to satisfaction, with respect to each disbursement, of each of the following conditions precedent:

   i. DLCD has received funding, appropriations, limitations, allotments or other expenditure authority sufficient to allow DLCD, in the exercise of its reasonable administrative discretion, to make the disbursement.

   ii. Grantee is in compliance with the terms of this Agreement.

   iii. Grantee’s representations and warranties set forth in Section 7 hereof are true and correct on the date of disbursement with the same effect as though made on the date of disbursement.

   iv. Grantee has provided to DLCD a request for reimbursement in accordance with Section 5.b hereof. Grantee must submit its final request for reimbursement no later than 30 days after the earlier of termination of this Agreement or the Project End Date. Grantee will not disburse Grant Funds in response to reimbursement requests submitted after that date.

7. **Representations and Warranties of Grantee.** Grantee represents and warrants to DLCD as follows:

   a. **Organization and Authority.** Grantee is duly organized and validly existing under the laws of the State of Oregon and is eligible to receive the Grant Funds. Grantee has full power, authority, and legal right to make this Agreement and to incur and perform its obligations hereunder, and the making and performance by Grantee of this Agreement (1) have been duly
authorized by all necessary action of Grantee and (2) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of Grantee’s organizational documents, (3) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Grantee is a party or by which Grantee or any of its properties may be bound or affected. No authorization, consent, license, approval of, filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Grantee of this Agreement.

b. **Binding Obligation.** This Agreement has been duly executed and delivered by Grantee and constitutes a legal, valid and binding obligation of Grantee, enforceable in accordance with its terms subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors’ rights generally.

The warranties set in this section are in addition to, and not in lieu of, any other warranties set forth in this Agreement or implied by law.

8. **Notices.** Except as otherwise expressly provided in this Agreement, any notices to be given hereunder shall be given in writing by personal delivery, e-mailing, or mailing the same by registered or certified mail, postage prepaid, to the Grantee’s Grant Representative or DLCD’s Grant Manager, as the case may be, at the address or number set forth in Attachment B, or to such other addresses or numbers as either party may indicate pursuant to this section. Any notice delivered by e-mail shall be effective on the day the party receives the transmission if the transmission was during normal business hours of the receiving party, or on the next business day if transmission was outside normal business hours of the receiving party. Any notice given by personal delivery shall be effective when actually delivered. Any notice given by mail shall be effective three days after deposit in the mail.

9. **Amendments.** The terms of this Agreement will not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by the Parties (or in the case of a waiver, by the party against whom the waiver is sought to be enforced). If the Grantee wishes to amend the Agreement, the Grantee must submit a written request, including a justification for any amendment, to the DLCD Grant Manager at least 90 calendar days before the Project End Date.

10. **Default.** Reimbursements to Grantee may be withheld or reduced if DLCD determines that Project performance under this Agreement is unsatisfactory, or if one or more terms or conditions of this Agreement have not been met. The amount of Grant Funds withheld will be based on the best professional judgment of the DLCD Grant Manager and Grant Program Manager.

11. **Ownership of Product(s).**

    a. **Definitions.** As used in this Section 11 and elsewhere in this Agreement, the following terms have the meanings set forth below:

    i. **“Grantee Intellectual Property”** means any intellectual property owned by Grantee and developed independently from the Project.

    ii. **“Third Party Intellectual Property”** means any intellectual property owned by parties other than DLCD or Grantee.
iii. “Product(s)” means every invention, discovery, work of authorship, trade secret or other tangible or intangible item and all intellectual property rights therein that Grantee is required to deliver to DLCD or create pursuant to the Project, including but not limited to any Product(s) described in Attachment A.

b. **Non-Exclusive License.** Grantee hereby grants to DLCD, under Grantee Intellectual Property and under intellectual property created by Grantee pursuant to the Project, an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the Product(s) for governmental purposes, and to authorize others to do the same on DLCD’s behalf. If a Product(s) created by Grantee pursuant to the Project is a derivative work based on Third Party Intellectual Property, or is a compilation that includes Third Party Intellectual Property, Grantee shall secure on DLCD’s behalf and in the name of DLCD an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display, for governmental purposes, the pre-existing elements of the Third Party Intellectual Property employed in the Product(s), and to authorize others to do the same on DLCD’s behalf. If a Product(s) is Third Party Intellectual Property, Grantee shall secure on DLCD’s behalf and in the name of DLCD, an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display, for governmental purposes, the Third Party Intellectual Property, and to authorize others to do the same on DLCD’s behalf.

12. **Indemnity.**

a. **GENERAL INDEMNITY.** SUBJECT TO THE LIMITS OF THE OREGON CONSTITUTION AND STATE OF OREGON TORT CLAIMS ACT, IF APPLICABLE TO GRANTEE, GRANTEE SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS DLCD, THE STATE OF OREGON AND THEIR AGENCIES, SUBDIVISIONS, OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS FROM AND AGAINST ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY FEES, ARISING OUT OF, OR RELATING TO THE ACTS OR OMISSIONS OF GRANTEE OR ITS OFFICERS, EMPLOYEES, SUBCONTRACTORS, OR AGENTS UNDER THIS AGREEMENT.

b. **CONTROL OF DEFENSE AND SETTLEMENT.** GRANTEE SHALL HAVE CONTROL OF THE DEFENSE AND SETTLEMENT OF ANY CLAIM THAT IS SUBJECT TO SECTIONS 12.a; HOWEVER, NEITHER GRANTEE NOR ANY ATTORNEY ENGAGED BY GRANTEE SHALL DEFEND THE CLAIM IN THE NAME OF THE STATE OF OREGON OR ANY AGENCY OF THE STATE OF OREGON, NOR PURPORT TO ACT AS LEGAL REPRESENTATIVE OF THE STATE OF OREGON OR ANY OF ITS AGENCIES, WITHOUT FIRST RECEIVING FROM THE OREGON ATTORNEY GENERAL, IN A FORM AND MANNER DETERMINED APPROPRIATE BY THE ATTORNEY GENERAL, AUTHORITY TO ACT AS LEGAL COUNSEL FOR THE STATE OF OREGON. NOR SHALL GRANTEE SETTLE ANY CLAIM ON BEHALF OF THE STATE OF OREGON WITHOUT THE APPROVAL OF THE ATTORNEY GENERAL. THE STATE OF OREGON MAY, AT ITS ELECTION AND EXPENSE, ASSUME ITS OWN DEFENSE AND SETTLEMENT IN THE EVENT THAT THE STATE OF OREGON DETERMINES THAT GRANTEE IS PROHIBITED FROM DEFENDING THE STATE OF OREGON, OR IS NOT ADEQUATELY DEFENDING THE STATE OF OREGON’S INTERESTS, OR THAT AN IMPORTANT GOVERNMENTAL PRINCIPLE IS AT ISSUE AND THE STATE OF OREGON DESIRES TO ASSUME ITS OWN DEFENSE.
13. **Recovery of Grant Moneys.** Any Grant Funds disbursed to Grantee under this Agreement that are expended in violation or contravention of one or more of the provisions of this Agreement (“Misexpended Funds”) or that remain unexpended on the earlier of termination of this Agreement or the Project End Date must be returned to DLCD. Grantee shall return all Misexpended Funds to DLCD promptly after DLCD’s written demand and no later than fifteen (15) days after DLCD’s written demand. Grantee shall return all Unexpended Funds to DLCD within fifteen (15) days after the earlier of termination of this Agreement or the Project End Date.

14. **Termination:**
   a. **DLCD’s Right to Terminate at its Discretion.** At its sole discretion, DLCD may terminate this Agreement:
      
      i. **For its convenience** upon thirty (30) days’ prior written notice by DLCD to Grantee;

      ii. **Immediately upon written notice** if DLCD fails to receive funding, appropriations, limitations, allotments or other expenditure authority at levels sufficient to allow DLCD, in the exercise of its reasonable administrative discretion, to continue to make disbursement under this Agreement; or

      iii. **Immediately upon written notice** if federal or state laws, regulations, or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement.

   b. **DLCD’s Right to Terminate for Cause.** In addition to any other rights and remedies DLCD may have under this Agreement, DLCD may terminate this Agreement immediately upon written notice by DLCD to Grantee, or at such later date as DLCD may establish in such notice, after the occurrence of any of the following events:

      i. **Grantee is in default** because Grantee institutes or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or ceases doing business on a regular basis;

      ii. **Grantee is in default** because Grantee commits any material breach or default of any covenant, warranty, obligation or agreement under this Agreement, fails to perform any of its obligations under this Agreement within the time specified herein or any extension thereof, or so fails to pursue its work hereunder as to endanger Grantee's performance under this Agreement in accordance with its terms, and such breach, default or failure is not cured within fourteen (14) calendar days after DLCD’s notice, or such longer period as DLCD may specify in such notice.

   c. **Grantee’s Right to Terminate for Cause.** Grantee may terminate this Agreement by written notice to DLCD if DLCD is in default because DLCD fails to pay Grantee any amount due pursuant to the terms of this Agreement, and DLCD fails to cure such failure within thirty (30) calendar days after Grantee’s notice or such longer period as Grantee may specify in such notice; or

   d. **Termination** under Section 14 shall be without prejudice to any claims, obligations, or liabilities either party may have incurred prior to such termination.
15. **Accounting and Fiscal Records**: Grantee shall maintain its fiscal records related to this Agreement in accordance with generally accepted accounting principles. The Grantee shall maintain records of the receipt and expenditure of all funds subject to this Agreement for a period of six (6) years after the Project End Date, or for such longer period as may be required by applicable law or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later. Accounting records related to this Agreement will be separately maintained from other accounting records.

16. **Governing Law, Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, “Claim”) between DLCD (or any other agency or department of the State of Oregon) and Grantee that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County in the State of Oregon. In no event shall this section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

17. **Audit.** The Oregon Secretary of State, Attorney General of the State of Oregon and the Director of DLCD or any other duly authorized representative of DLCD shall have access to and the right to examine any records of transactions related to this Agreement for six (6) years after the final disbursement of Grant Funds under this Agreement is authorized by DLCD.

18. **Counterparts.** This Grant Agreement may be executed in any number of counterparts, and any single counterpart or set of counterparts signed, in either case, by all the parties hereto shall constitute a full and original instrument, but all of which shall together constitute one and the same instrument.

19. **Survival.** All agreements, representations, and warranties of Grantee shall survive the execution and delivery of this Agreement, any investigation at any time made by DLCD or on its behalf and the making of the Grant.

20. **Successors and Assigns.** Recipient may not assign this Agreement or any right hereunder or interest herein, in whole or in part, without the prior written consent of DLCD. This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective permitted successors and assigns.

21. **Validity and Severability.** If any provision of this Agreement is held to be invalid, such event shall not affect, in any respect whatsoever, the validity of the remainder of this Agreement and the remainder shall be construed without the invalid provision so as to carry out the intent of the parties to the extent possible without the invalid provision.

22. **Relationship of the Parties.** Nothing contained in this Agreement or any acts of the parties hereto shall be deemed or construed to create the relationship of principal and agent, or of partnership, or of joint venture or of any other association other than that of independent contracting parties.

23. **No Third Party Beneficiary Rights.** No person not a party to this Agreement is an intended beneficiary of this Agreement, and no person not a party to this Agreement shall have any right to enforce any term of this Agreement.
24. By signing this Agreement the Parties each represents and warrants that it has the power and authority to enter into this Agreement and that the Agreement is executed by its duly authorized representative. By signing the document, Grantee agrees to comply with the terms of this Agreement.

**Grantee:** City of Philomath

<table>
<thead>
<tr>
<th>Print Name of Authorized Official For the Grantee</th>
<th>Title</th>
<th>Date</th>
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Signature of Authorized Official For the Grantee

**Grantor:** State of Oregon, acting by and through its Department of Land Conservation and Development

<table>
<thead>
<tr>
<th>Print Name of DLCD Grant Program Manager</th>
<th>Title</th>
<th>Date</th>
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<tr>
<td>Gordon Howard</td>
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| Signature of DLCD Grant Program Manager |       |      |

**Grant No.** TA-21-172
PROJECT PURPOSE STATEMENT

Goal:
The goal for this project is to complete an economic opportunities analysis, a main street plan, a housing needs analysis, and an inventory and assessment of available buildable land that will inform the preparation of the city’s new comprehensive plan and land use map, and guide the city over the next 20 years in its approach to business retention and development, affordable housing, and provision of public spaces. This is a one-year standalone project that precedes a $9.7 million urban renewal downtown safety and streetscapes project in Philomath.

Objectives:
1) Promote economic development with completion of an updated economic opportunities analysis.
2) Prepare a main street plan that guides future development and investment into Philomath’s downtown area.
3) Develop realistic expectations and a cohesive strategy and vision for economic development for the downtown area and the city’s industrial zones.
4) Provide an economic component for the city’s new comprehensive plan update that meets Statewide Planning Goal 9.
5) Promote affordable and workforce housing with completion of a housing needs analysis.
6) Assess adequacy of available residential lands and land use regulations to meet the city’s housing needs with a focus on new or innovative housing options (e.g. cottages, tiny homes) as identified in the Regional Solutions’ South Willamette Valley Vision, Mission, & Initiatives document.
7) Provide a housing component for the city’s new comprehensive plan update that meets Statewide Goal 10.
8) Develop an updated buildable lands inventory (BLI) that meets State requirements, recognizing sustainability and resiliency, and other development and conservation needs and opportunities for the community.
9) Define specific policies and implementation measures that will achieve the community’s development aspirations.
10) Adopt new housing, economic development, urbanization (BLI), and downtown plan-related comprehensive plan policies and plan map(s) as post-acknowledgement amendments to the Philomath Comprehensive Plan.

PROJECT OVERVIEW AND MANAGEMENT

Overall management of the Project will be the responsibility of the Grantee as assisted by the DLCD Grant Manager. Specific Project management duties of Grantee will include:
   a. Organizing and managing the advisory committee;
   b. Selecting a consultant and contracting for consultant services;
   c. Overseeing consultant work described in this Project Description;
   d. Scheduling and managing meetings, including activities such as, preparing and distributing meeting notices, agendas, and summaries; and assisting the consultant with meeting facilitation.

Advisory Committees
The Project will employ an ad-hoc project advisory committee (PAC) composed of interested citizens and persons with housing and/or economic/business expertise, and local government and state agency staff. The role of the PAC is to review Project materials and advise on technical and policy issues.
throughout the Project. PAC members shall generally consist of representatives from the City of Philomath, DLCD, ODOT, and the Project consultant. Additional representatives from other affected agencies and organizations may serve as recommended by PAC members.

The PAC will meet on a regular basis to review technical and policy analyses and memoranda and consider recommendations prepared by Philomath staff and the consultant. PAC members will be expected to engage in timely communications with city officials and the consultant to assure that technical and policy issues are coordinated and resolved at the appropriate time in the Project time line and in the most effective way.

**Agency Role**
DLCD will provide financial, administrative, and technical assistance to the Project.

**Consultant Role**
The Project will use consultant services to perform technical analyses relating to an economic opportunities analysis, a housing needs assessment, a buildable lands inventory, and a downtown plan. The consultant is expected to develop and recommend a set of plan policies to update (or create, as the case may be) the economic development, housing, urbanization, and downtown plan elements of the Philomath Comprehensive Plan. The consultant is expected to attend regular meetings of the PAC and to assist local planning staff in presentations to the Philomath Planning Commission and City Council as described in the “Schedule, Projects, and Budget” section of this agreement.

**Project Meeting Materials**
Written Project documents or memorandum prepared by the consultant shall be provided to Grantee in digital format at least one week prior to any scheduled PAC meeting.

Grantee shall prepare meeting agendas and summaries for each PAC meeting. Grantee shall distribute meeting materials to project committee members at least five (5) working days prior to any scheduled meeting.

**Project Schedule**
The schedule identified in “Schedule, Projects, and Budget” section of this Project Description will be observed. DLCD may require an amendment to this Agreement if the timeframes in the schedule are not satisfied. The Project End Date is May 31, 2021.

**Expectations for All Written and Graphic Products**
All reports and Products will be delivered to the DLCD Grant Manager according to the schedule provided in this Project Description.

All reports, studies, and other documents produced under the Project must bear the statement in Project Requirement 3, below.

Grantee and the consultant will provide all draft and final Products, including memos, reports, and maps produced by this Agreement in a digital media format. The term “digital media” means a compact disc, digital video disc, USB flash drive, e-mail, or FTP submittal authorized by DLCD.

**PROJECT REQUIREMENTS**

Grantee agrees to carry out the Project and submit Products in accordance with the requirements in this section.
1. Grantee will produce and submit to DLCD those Products as specified in this Agreement and this Project Description and Budget.

2. Grantee will provide copies of all final Product(s) produced under this Agreement to DLCD in the manner described in this Project Description.

3. All reports, studies, and other documents produced under the Project must indicate on the cover or the title page an acknowledgement of the financial assistance provided by DLCD by bearing the following statement: “This project is funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon.”

4. Grantee will identify the location of the originals of any Product(s) if a copy is submitted to DLCD or if the product is one-of-a-kind document.

5. Grantee will provide all letters, memos, reports, charts, products and maps produced under this Agreement in a digital media format.

6. Grantee will obtain DLCD approval of any chosen facilitator, contractor, or consultant before signing an agreement or contract to perform all or a portion of the Project.

7. Grantee will provide a legible copy of the signed agreement between the jurisdiction and the contractor no later than three business days after both parties have signed the agreement.

8. Grantee will complete the following by January 31, 2020:
   
   a. Identify the name, address, telephone number, and e-mail address of those persons who will be completing the project and which of tasks listed under the Project Description for this Agreement they will work on.
   
   b. Identify the name, address, telephone number, and e-mail address of those persons who are members of the PAC or other committee formed to carry out work on this Agreement.

9. Grantee will, in performing the Project under this Agreement, ensure consistent, coordinated use of population, employment, housing, and land needs projections associated with the following activities: (1) the periodic review work programs and related tasks; (2) the transportation system plans being prepared pursuant to OAR 660-012-0000; (3) any post-acknowledgment plan and land use regulation amendments proposed by the Grantee.

10. Any final product must be proposed under Attachment D, Form 1, “Notice of Proposed Change,” at least 35 days before the first evidentiary hearing as set forth in ORS 197.610 and OAR 660-018-0020, -0021, and -0022. The products must be adopted by the governing body and submitted under Attachment E, Form 2, “Notice of Adoption” as set forth in ORS 197.615 and OAR 660-018-0040.

11. Grantee will consult closely with the DLCD Grant Manager to ensure that adoption of Product(s) under the post-acknowledgment plan amendment process is completed on or before the Project End Date.
12. A draft Product may be accepted for approval instead of an adopted Product when requested in writing and received in the DLCD Salem office at least 60 days prior to Project End Date. The request will be reviewed and approved in writing by DLCD if substantial progress has been made toward adoption and adoption is scheduled to occur on or before the date that is 120 days after the Project End Date.

13. Any final draft product (e.g., ordinances, maps, websites, databases, supporting documents, and photographs) shall be a hearings-ready draft approved by a resolution of the governing body and shall be accompanied by a report in detailing why the product was not adopted and a timeframe for the future adoption of the product.

14. Any notice issued by Grantee that is eligible for reimbursement under ORS 227.186 – Notice to city property owners for costs incurred for Measure 56 – is not reimbursable under this Agreement.

15. Grantee will coordinate and provide notice to DLCD of public meetings, workshops, work sessions, and hearings to develop, review or approve products prepared under this Agreement.

16. Grantee will consult with the DLCD Grant Manager in the development of Products and provide an opportunity for timely review of all draft Products.

17. Grantee will submit a written status report quarterly and at the request of the DLCD Grant Manager at any time outside of the reimbursement schedule in addition to the reports required in section 5 of this Agreement or submitted with Attachment C. Quarterly reports shall be submitted in June 2020, September 2020, December 2020 (or with interim reimbursement), and March 2021.

18. DLCD will provide no more than one interim payment before the Project End Date and a final payment. Payments will be made only upon submittal of qualifying Product(s) and progress report(s) in accordance with the terms of this Agreement and Attachment C. The report(s) must describe the progress to date on each Task(s) or Product(s) undertaken during the billing period. Other written or verbal progress reports will be provided upon reasonable request by the DLCD Grant Manager.

19. Payments under this Agreement may be reduced if Product(s) scheduled to be completed are not completed by the timeline provided in the Project Description. DLCD’s payment obligations under this Agreement are conditioned upon DLCD receiving funding, appropriations, limitations, allotments or other expenditures authority sufficient to allow DLCD in the exercise of its reasonable administrative discretion, to meet its payment obligations under this Agreement.

EOA Economic Opportunities Analysis
20. Grantee will submit Economic Opportunities Analysis (EOA) materials according to the EOA specifications in Attachment F.

21. Grantee will comply with EOA standards and contents requirements per Attachment F. Any EOA Product(s) will be prepared in compliance with requirements of OAR 660-09-0015 as defined in Attachment F.

GIS Requirements
22. If a new comprehensive map or zoning map is created or an existing map is revised or updated, the Product(s) must be submitted in an electronic form compatible with Environmental Systems Research Institute’s (ESRI) file formats (coverage, shapefile or geodatabase).
23. Geospatial data should be free of topological errors and metadata must comply with the current State of Oregon Metadata Standards accessible at http://www.oregon.gov/geo/Pages/standards.aspx, “Oregon GIS Data Standards and Best Practices.” The projection of the data may be determined by the jurisdiction. All data should have the projection defined with the dataset and must be documented in the metadata.

24. DLCD may display appropriate Product(s) on its web interface including corporate GIS data generated under this Agreement and any additional data provided that is not specifically restricted into state agency databases, acknowledging that Grantee and agents of Grantee are not responsible for the accuracy of such data. DLCD may also share the data specifically generated under this Agreement with other agencies and organizations, as this is data that DLCD owns as Product(s) under Grant Agreement Section 11.

25. If GIS capability is not available to the Grantee, map Product(s) on digital media will be accepted with the written approval of the DLCD Grant Manager.

**SCHEDULE, PRODUCTS, AND BUDGET**

**Pre-Task Submittals**

The contract in Project Requirement 7 and the report in Project Requirement 8 in this Project Description and Budget will be submitted.

**Timeline:** By the dates specified in those requirements.

**Pre-task report budget:** $0

**Task 1: Project Team Kick-off**

City staff will provide the consultant with relevant background information and lead a Project orientation meeting and tour of the community. At PAC Meeting #1, City staff and consultant will provide reports on:

- PAC membership and public involvement
- Project purpose and study area
- City policies and background information that will be used to inform the economic development, housing, urbanization, and downtown planning analyses
- Project scope and schedule
- Community economic development and housing goals and objectives

Following the PAC Meeting #1, the consultant will prepare a memorandum documenting outcomes from meeting.

**Task 1 Products:** (A) PAC Meeting #1; (B) Project Kick-Off Memo

**Task 1 Timeline:** March 1, 2020 to April 30, 2020

**Task 1 Budget:** $1000
Task 2: Economic Trends Analysis and Employment Growth Forecasts

The consultant, with assistance from the City, will complete an economic trends analysis in accordance with OAR 660-09-0015(1) to identify major categories of industrial and employment uses reasonably expected to expand or locate in the Philomath planning area within the 20-year planning period. The consultant will derive a 20-year employment growth forecast for the planning area based on review and analysis of current information on national, state, regional, county and local economic trends.

**Task 2 Products:** (A) Economic Trends Analysis Technical Memo; (B) Employment Growth Forecasts; (C) PAC Meeting #2.

**Task 2 Timeline:** May 1, 2020 to June 30, 2020

**Task 2 Budget:** $3000

Task 3: Industrial and Other Employment Lands Site Suitability Analysis

The consultant, with assistance from the City, will identify the industrial and other employment land uses appropriate for the planning area, based on results of the economic trends analysis. The site suitability analysis will identify the types of sites needed to successfully implement the Community Economic Development Vision and Objectives. Information on specific site sizes, special site requirements or other characteristics affecting the needed land supply such as a mixture of site sizes or sites with proximity to facilities will be provided. Land needs that may arise from the expansion of existing businesses and the recruitment or location of new businesses into the planning area will also be addressed. The consultant will use information obtained from Business Oregon, the Oregon Employment Department and other appropriate sources to document specific market-based development practices and site requirements in the planning area.

**Task 3 Products:** Technical Memo that catalogs the range of site types suitable for the industrial and employment uses likely to expand or locate in the Philomath planning area.

**Task 3 Timeline:** May 1, 2020 to June 30, 2020

**Task 3 Budget:** $3000

Task 4: Community Economic Development Vision and Objectives

The City and consultant will engage the PAC, South Valley/Mid-Coast Regional Solutions Team, community stakeholders and members of the public to develop a community economic development vision and objectives in accordance with OAR 660-09-0015(5) and 660-09-0020(1)(a). The vision and objectives will be presented to the City Council of Philomath, and adjusted as appropriate, to gain the Council’s buy-in on the proposed vision and objectives early in the planning process.

**Task 4 Products:** (A) PAC Meeting #3; (B) Evidence of Outreach and Coordination with Stakeholders and the Public; (C) Locally-Approved Community Economic Development Vision and Objectives.

**Task 4 Timeline:** May 1, 2020 to July 31, 2020

**Task 4 Budget:** $3000
Task 5: Inventory of Suitable Industrial and Other Employment Lands Sites

The consultant, with assistance from the City, will inventory the existing supply of industrial and other employment lands within the planning area for development constraints. These constraints may include wetlands, natural hazard areas, sensitive habitat, topography, infrastructure deficiencies, parcel fragmentation, ownership patterns and other suitability and availability criteria. The inventory and associated analysis will determine the readiness of the current land supply for industrial and other employment development. Opportunities for redevelopment of existing sites within the planning area will also be investigated.

Task 5 Products: (A) Inventory of available sites suitable for industrial and other employment uses likely to expand or locate in the planning area within the planning period; (B) PAC Meeting #4.

Task 5 Timeline: June 1, 2020 to July 31, 2020

Task 5 Budget: $3500

Task 6: Residential Buildable Lands Inventory

The consultant, with assistance from the City and input from the PAC, will prepare a residential buildable lands inventory in accordance with Statewide Planning Goal 10, ORS 197.303 and associated statutes, and OAR Chapter 660, Division 8. Steps to be included in preparation of the BLI generally include: Compilation of a master list and map of vacant, developed and redevelopable residentially-zoned parcels within the Philomath UGB; for vacant and redevelopable lands, calculation of residential capacity for the planning period based on current zoning; redevelopment potential assumptions and rationale; development constraints assumptions ad rationale; and, significant GIS analyses and mapping.

Task 6 Products: (A) Hearings-Ready Residential Buildable Lands Inventory; (B) PAC Meeting #5.

Task 6 Timeline: May 1, 2020 to July 31, 2020

Task 6 Budget: $9000

Task 7: Main Street Plan

The consultant, with assistance from the city and input from the PAC and downtown business owners, will develop a Main Street Plan for the Philomath Downtown Area. The Plan will include at least one map that define the boundaries of the downtown area and any gateway areas, if applicable. The Plan will include recommendations for zoning and appropriate land uses in the city’s Central Business District/Downtown Area. The Plan will recommend plan policy and development code amendments and design standards to produce the results envisioned in the Main Street Plan. The design standard recommendations will include illustrations.

Task 7 Products: (A) Main Street Plan for the Philomath Downtown; (B) PAC Meeting #6

Task 7 Timeline: May 1, 2020 to August 31, 2020

Task 7 Budget: $2000
**P1 - Interim Payment**
Reimbursement up to **$24,500** upon submittal of pre-task reports and the Product(s) listed in Tasks 1–7. Submit Products and a signed Attachment C, Request for Reimbursement Form on digital media to the Grant Manager and the Grant Administrative Specialist to the e-mail addresses listed in Attachment B, DLCD Contact Information.

**Task 8: Assessment of Economic Development Potential**

The consultant, with assistance from the City, will assess Philomath’s economic development potential by estimating the total number of sites needed in the planning area for the planning period by categories of sites, based on information collected in previous tasks. The assessment will include a minimum, maximum and most likely number of sites needed for each identified category within the planning period. A brief narrative that explains the factors that determine the planning area’s capture of industrial and other employment growth in the study area will be provided.

**Task 8 Products:** (A) Technical Memo or Report that estimates the need for industrial or other employment land within the planning area for the planning period by category of site type; (B) PAC Meeting #7.

**Task 8 Timeline:** August 1, 2020 to September 30, 2020

**Task 8 Budget:** $3500

**Task 9: Economic Development Implementation Policies**

The consultant, with assistance from the City, and input from the PAC will prepare a list of recommended economic development implementation policies to be included in the comprehensive plan update or plan amendment that were identified in the Economic Opportunities Analysis. The draft policy package will be presented to the City Council of Philomath, and adjusted as appropriate, to gain buy-in from the Council prior to initiating the legislative public hearing and adoption process.

**Task 9 Products:** (A) Technical Memo or Report that identifies the recommended economic development implementation policies to be included in the Philomath Comprehensive Plan update; (B) Findings to support the recommended policies; PAC Meeting # 8; (D) City Council presentation.

**Task 9 Timeline:** October 1, 2020 to November 30, 2020

**Task 9 Budget:** $3500

**Task 10: Final Draft Economic Opportunities Analysis**

The consultant, with assistance from the City, will solicit and incorporate comments from the South Valley-Mid Coast Regional Solutions Team, including the Business Development Officer for Business Oregon, into the hearings-ready final draft EOA.

**Task 10 Products:** Hearings-ready Philomath Economic Opportunities Analysis and Implementing Policies

**Task 10 Timeline:** August 1, 2020 to November 30, 2020

**Task 10 Budget:** $2500
Task 11: Housing Needs Analysis

The consultant, with assistance from the City and input from the PAC, will complete a housing needs analysis (HNA) intended to provide Philomath with current statistical information on the housing market within the planning area and expected demographic changes in the 20-year planning period. This information will help guide the City’s development of housing policies and programs to meet the requirements of OAR Chapter 660, Division 8 and Statewide Planning Goal 10, namely ensuring that the City provides an adequate number of needed housing units at price ranges and rent levels commensurate with the financial capabilities of area households.

The HNA will be tailored to the unique circumstances, needs, and issues in Philomath. HNA components will generally include: A 20-year projection on the number and type of housing units needed; recognition of national, regional and local demographic and economic trends that may affect the 20-year projection of housing type and ownership-rental mix; inventory of owner-occupied, market-rate rental, subsidized rental, short-term rental, second homes, etc. dwelling units; determination on the types of housing that are likely to be affordable for the projected households based on household income; an estimate on the number of additional housing units needed, by structure type, in the planning period; and, the needed density ranges for each plan designation and the average needed net density for all structure types.

Task 11 Products: (A) Hearings-Ready Housing Needs Analysis; (B) PAC Meeting #9

Task 11 Timeline: August 1, 2020 to October 31, 2020

Task 11 Budget: $10,000

Task 12: Housing Implementation Policies

The consultant, with assistance from the City, and input from the PAC will prepare a list of recommended housing implementation policies to be included in the comprehensive plan update or plan amendment that were identified in the Housing Needs Analysis. The draft policy package will be presented to the City Council of Philomath, and adjusted as appropriate, to gain buy-in from the Council prior to initiating the legislative public hearing and adoption process.

Task 12 Products: (A) Technical Memo or Report that identifies the recommended housing implementation policies to be included in the Philomath Comprehensive Plan update; (B) Findings to support the recommended policies; (C) PAC Meeting # 10; (D) City Council presentation (may be concurrent with City Council presentation under Task #9).

Task 12 Timeline: October 1, 2020 to November 30, 2020

Task 12 Budget: $5000

Task 13: Public Hearings and Adoption

The City, with support from the consultant, will present the hearings-ready EOA, BLI, HNA and associated economic development and housing plan policies at duly-advertised public hearings before the Philomath Planning Commission and City Council.

Submit 35-day notice. Prepare and submit hearings-ready Products from Tasks 1-12 online at https://db.lcd.state.or.us/PAPA_Online/Account/Login?ReturnUrl=%2fPAPA_Online, or via e-mail
with Attachment D, Form 1 DLCD Notice of Proposed Change to a Comprehensive Plan or Land Use Regulation, and at least 35 days before first evidentiary hearing. If the notice is submitted online, send an e-mail to the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information providing notification of the submittal. If submitting via e-mail, send Tasks 1-12 Product(s) in a digital media format to the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information, and to the Plan Amendment Specialist at the e-mail address specified in Attachment D, Form 1 DLCD Notice of Proposed Change to a Comprehensive Plan or Land Use Regulation.

Submit Notice of Adoption. Prepare and submit signed ordinance(s) adopting the Products from Tasks 1-12 online at https://db.lcd.state.or.us/PAPA_Online/Account/Login?ReturnUrl=%2fPAPA_Online, or via e-mail with Attachment E, Form 2 Notice of Adopted Change to a Comprehensive Plan or Land Use Regulation, according to the instructions on the form. If the notice is submitted online, send an e-mail to the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information providing notification of the submittal. If submitting via e-mail, send the notice on digital media to the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information, and to the Plan Amendment Specialist at the e-mail address specified in Attachment E, Form 2 Notice of Adopted Change to a Comprehensive Plan or Land Use Regulation.

Task 13 Products: (A) Attachment D, Form 1 DLCD Notice of Proposed Change to a Comprehensive Plan or Land Use Regulation, and Products from Tasks 1-10 at least 35 days prior to the initial evidentiary hearing; (B) Hearings-ready housing and economic development plan policies; (C) Notice of Adopted Change to a Comprehensive Plan or Land Use Regulation, and signed ordinances, any findings, and the participant list.

Task 13 Timeline: December 1, 2020 to May 31, 2021

Task 13 Budget: $1000

FP – Final Payment
Reimbursement of up to $25,500 and the balance of previously unused grant funds from P1 upon submittal of Product(s) listed in Tasks 8-13. Submit the Product(s) and a signed Attachment C, Final Closeout Form acceptable to DLCD on digital media to the Grant Manager and the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information no later than May 31, 2021.

Budget Summary
Task 1 – Project Team Kick-Off $1000
Task 2 – Economic Trends Analysis and Employment Growth Forecasts $3000
Task 3 – Industrial and Employment Lands Site Suitability Analysis $3000
Task 4 – Community Economic Development Vision and Objectives $3000
Task 5 – Inventory of Suitable Industrial and Other Employment Lands Sites $3500
Task 6 – Residential Buildable Lands Inventory $9000
Task 7 – Main Street Plan for Philomath Downtown $2000
Task 8 – Assessment of Economic Development Potential $3500
Task 9 – Economic Development Implementation Policies $3500
Task 10 – Final Draft Economic Opportunities Analysis $2500
Task 11 – Housing Needs Analysis $10,000
Task 12 – Housing Implementation Policies $5000
Task 13 – Public Hearings and Adoption $1000

TOTAL $50,000
Attachment B

DLCD TA Grant Agreement
Contact Information

For questions regarding your grant, please contact:

**Grant Manager:**
Patrick Wingard
South Valley Regional Solutions Center
1715 Franklin Blvd, Room 221
Eugene, OR  97403

Office/Mobile: 541-393-7675
E-mail: patrick.wingard@state.or.us

OR

**Grant Program Manager:**
Gordon Howard
DLCD Salem Office
635 Capitol Street N.E., Suite 150
Salem, Oregon  97301-2540

Office: 503-934-0034
E-mail: gordon.howard@state.or.us

Payment requests should be sent to:

**Grants Administrative Specialist**
Angela Williamson
DLCD Salem Office
635 Capitol Street N.E., Suite 150
Salem, Oregon  97301-2540

Office: 503-934-0054
E-mail: DLCD.GFGrant@state.or.us
## Attachment C

### Department of Land Conservation and Development (DLCD)

**2019-2021 Request for Interim Reimbursement / Final Closeout**

<table>
<thead>
<tr>
<th>Grantee Name</th>
<th>Grant No. assigned by DLCD</th>
<th>Final Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Philomath</td>
<td>TA-21-172</td>
<td>Yes</td>
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<table>
<thead>
<tr>
<th>Grant Agreement Start Date From: Execution</th>
<th>Grant Agreement Close Date To:</th>
<th>Period covered by this Payment From:</th>
<th>Period covered by this Payment To:</th>
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<tr>
<td></td>
<td>May 31, 2021</td>
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<table>
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<tr>
<th><strong>DLCD Grant Expenditures</strong></th>
<th><strong>DLCD Grant Expenditures</strong></th>
<th><strong>DLCD Grant Expenditures</strong></th>
<th><strong>DLCD Grant Expenditures</strong></th>
</tr>
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<tbody>
<tr>
<td><strong>transactions</strong></td>
<td><strong>Previously Reported</strong></td>
<td><strong>This Payment</strong></td>
<td><strong>Cumulative</strong></td>
</tr>
</tbody>
</table>

1. Salaries and Benefits
2. Supplies and services
3. Contracts (see instructions)
4. Other (provide list & explain)

5. **Total (add lines 1–4)**

6. **Local Contributions (if applicable)**
   6.1 Salaries and Benefits
   6.2 Supplies and services
   6.3 Contracts
   6.4 Other

7. **Total (add lines 6–9)**

8. **Payment requested (from line 5)**
   DO NOT WRITE IN THIS SPACE

9. **Certification:** I certify to the best of my knowledge and belief that this report is correct and complete and that all expenditures are for the purposes set forth in the award document. I further certify that all records are available upon request, and the financial records will be retained for six years after the final payment.

10. **Typed or Printed Name and Title**
11. **Address where payment is to be sent**
12. **Signature of Authorized Certifying Official**
13. **Date Payment Submitted**

---

### DLCD CERTIFICATION

**I certify** as a representative of the Department of Land Conservation and Development (DLCD), that the Grantee:

- Has met the terms and conditions of the grant and that payment in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_ should be issued
- Has not met the terms and conditions of the grant for the reasons stated on the attached sheet, and payment in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_ should be issued.

<table>
<thead>
<tr>
<th>Signature of DLCD Grant Manager</th>
<th>Date</th>
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<table>
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<tr>
<th>Signature of DLCD Program Manager</th>
<th>Date</th>
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<table>
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<tr>
<th>BATCH #</th>
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<tbody>
<tr>
<td>PCA#</td>
<td>OBJECT #</td>
<td>VENDOR #</td>
<td>AMOUNT</td>
</tr>
</tbody>
</table>
General and line-by-line instructions for completing the Request for Interim Reimbursement/Final Closeout form are provided herein.

**General Instructions and Reminders**

- This form may be completed by hand or typed on paper or completed in Microsoft Word. If you need a Word file, please contact the Grants Administrative Specialist at DLCD.GFGrant@state.or.us. In any case, submit the form with the grant Product(s) electronically, as called for in the Agreement.
- This form is used for all reimbursement requests – interim or final.
- It is important that you retain documentation of expenditures as provided in paragraph 16 of the Agreement, which provides that records be maintained for at least six years after the final payment has been received by the grantee.
- Interim and final reimbursement requests must not include work performed prior to the Effective Date of this Agreement (generally the date the Agreement is signed by DLCD) and not after the Closing Date of this Agreement.

**Completing the Form**

Please show total actual expenditures only of DLCD grant award and local contributions.

**First row**: DLCD will complete the Grantee Name and Grant Number. In the Final Payment box, highlight or circle “No” for interim payments and “Yes” for final closeouts.

**Second row**: DLCD will complete Agreement start and close dates. Complete the “Period covered by this payment” The form includes separate boxes for “from” and “to.” Please complete both. These dates must accurately depict the dates the work for the reimbursable expenditure was incurred. If there are any applicable limits on these dates, they will be provided in the payment descriptions in the “Schedule, Products, and Budget” section of the Agreement.

The next section of the form includes columns for itemizing each expense category:

- **“DLCD Grant Expenditures, Previous Reported”** column -- should be blank if the submission is Payment 1. If the request is for a second or later interim payment or final closeout, enter the sum of previous payments in this “Previously Reported” column.

- **“DLCD Grant Expenditures, This Payment”** column – captures and identifies expenditures for the products that are currently being submitted for review and payment.

- **“DLCD Grant Expenditures, Cumulative”** column – simply the total of the two previous columns.

- **“DLCD Grant Expenditures, Transactions”** – Complete items 1–4 as applicable and item 5, total in the “Previously Reported” column if applicable and in the “This Payment” column. Complete previous and current local contributions in items 6–9 and the total on line 10 if applicable. Local contribution does not include expenses reimbursed by the grant. It is included to provide DLCD with accurate information regarding the cost of projects and/or products completed in compliance with this grant. This category includes both in-kind and cash contributions.
  - 1. **Salary and Benefits** includes the grantee’s staff time, including Other Personnel Expenses. Receipts are not required with this report submission.
2. Supplies and Services include allowable grantee supplies used for completion of grant products. Receipts are not required with this report submission.

3. Contracts include consultants, attorneys, and any company or individual hired by the grantee to conduct grant work. This category does not include employees of the grantee, but rather an individual or entity that invoices the grantee for services rendered. Information required for the closeout report includes name, address, phone number, and e-mail address of the payee. If there are multiple entities, please provide the amount of grant funds allocated for the reimbursement of each.

4. Other - Provide a brief explanation and cost breakdown for amounts listed as “Other.” Receipts are not required. Note: Grantee travel expenses are not eligible for reimbursement.

5. Totals – Sum the categories of grant expenditures in the Previously Reported, This Payment, and Cumulative columns. The Total payments at closeout cannot exceed the maximum amount in paragraph 3 of the Agreement.

- Re-enter the payment request from line 5 “DLCD Grant Expenditures This Payment” on line 11.

Certification: Be sure to read and understand the information in item 12 prior to signing the form.

- A legible name and title is required in cell 13.
- A mailing address, including city and zip code, where payment should be sent must be provided in cell 14.
- The signature under “Signature of Authorized Certifying Official” must be of the person taking responsibility for the accuracy of the information contained in the form.

Before a payment can be issued, all grant products, required documentation, and the signed reimbursement request form must be received, accepted, and reviewed by the grant manager and grant program manager, subject to the requirements contained in the Agreement.

Please follow the payment schedule as identified in the Grant Agreement when submitting a request for payment or closeout.

A signed cover letter, completed and signed reimbursement request form, and completed Products can be submitted in one of the following ways: (1) the preferred method – an e-mail with PDF files sent to the Grants Administrative Specialist at DLCD.GFGrant@state.or.us, or (2) via the DLCD FTP site (contact the Grants Administrative Specialist for instructions at 503-934-0054) or (3) a CD or DVD mailed to the address for the Grants Administrative Specialist in Attachment B of the Agreement. If none of these options are possible, mail the relevant documents to:

Grants Administrative Specialist
Department of Land Conservation and Development
635 Capitol St. NE Suite 150
Salem, OR 97301
NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation at least 35 days before the first evidentiary hearing. (See OAR 660-018-0020 for a post-acknowledgment plan amendment and OAR 660-025-0080 for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction:  
Local file no.:

Please check the type of change that best describes the proposal:

- [ ] Urban growth boundary (UGB) amendment including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- [ ] Urban growth boundary (UGB) amendment including equal to or less than 50 acres
- [ ] UGB amendment over 100 acres by a metropolitan service district
- [ ] Urban reserve designation or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- [ ] Periodic review task – Task no.:
- [ ] Any other change to a comp plan or land use regulation (e.g., a post-acknowledgement plan amendment)

Local contact person (name and title):
Phone:  
E-mail:  
Street address:  
City:  
Zip:  

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

Date of first evidentiary hearing:
Date of final hearing:

- [ ] This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:
- [ ] Comprehensive Plan text amendment(s)
- [ ] Comprehensive Plan map amendment(s) – Change from to  
  Change from to
- [ ] New or amended land use regulation
- [ ] Zoning map amendment(s) – Change from to  
  Change from to
- [ ] An exception to a statewide planning goal is proposed – goal(s) subject to exception:
- [ ] Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec., TL):
List affected state or federal agencies, local governments and special districts:
NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances, proposed amendments must be submitted to DLCD’s Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

   Attention: Plan Amendment Specialist
   Dept. of Land Conservation and Development
   635 Capitol Street NE, Suite 150
   Salem, OR 97301-2540

   This form is available here: [http://www.oregon.gov/LCD/forms.shtml](http://www.oregon.gov/LCD/forms.shtml)

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line “Notice of Proposed Amendment.”

   Submittals may also be uploaded to DLCD’s FTP site at [http://www.oregon.gov/LCD/Pages/papa_submittal.aspx](http://www.oregon.gov/LCD/Pages/papa_submittal.aspx).

   E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0000 or plan.amendments@state.or.us.

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. “Text” means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½” x 11” paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

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1 660-018-0022 provides:

(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.
If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0000 or e-mail plan.amendments@state.or.us.

**Notice checklist. Include all that apply:**

- [ ] Completed Form 1
- [ ] The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- [ ] Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- [ ] A map of the affected area showing existing and proposed plan and zone designations
- [ ] A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- [ ] Any other information necessary to advise DLCD of the effect of the proposal
NOTICE OF ADOPTED CHANGE
TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation no more than 20 days after the adoption. (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review. Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction:
Local file no.:
Date of adoption: Date sent:

Was Notice of a Proposed Change (Form 1) submitted to DLCD?
☐ Yes: Date (use the date of last revision if a revised Form 1 was submitted):
☐ No

Is the adopted change different from what was described in the Notice of Proposed Change? ☐ Yes ☐ No
If yes, describe how the adoption differs from the proposal:

Local contact (name and title):
Phone: E-mail:
Street address: City: Zip:

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:
Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:
Identify the former and new map designations and the area affected:

Change from to . acres. ☐ A goal exception was required for this change.
Change from to . acres. ☐ A goal exception was required for this change.
Change from to . acres. ☐ A goal exception was required for this change.
Change from to . acres. ☐ A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):
☐ The subject property is entirely within an urban growth boundary
☐ The subject property is partially within an urban growth boundary
If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other – Acres:

For a change to the text of an ordinance or code:
Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:
Identify the former and new base zone designations and the area affected:
Change from  to  Acres:
Change from  to  Acres:
Change from  to  Acres:
Change from  to  Acres:

Identify additions to or removal from an overlay zone designation and the area affected:
Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.
NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in ORS 197.615 and OAR 660-018-0040.

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit one copy of the proposed change, including this form and other required materials to:
   
   Attention: Plan Amendment Specialist
   Dept. of Land Conservation and Development
   635 Capitol Street NE, Suite 150
   Salem, OR 97301-2540

   This form is available here:

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line “Notice of Adopted Amendment.”

   Submittals may also be uploaded to DLCD’s FTP site at [http://www.oregon.gov/LCD/Pages/papa_submittal.aspx](http://www.oregon.gov/LCD/Pages/papa_submittal.aspx).

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. The FTP site must be used for all .zip files regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or. mpk. For other file formats, please contact the plan amendment specialist at 503-934-0000 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change (OAR 660-018-0040(3)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

   Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. (ORS 197.615)

**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0000 or e-mail plan.amendments@state.or.us.

**Notice checklist. Include all that apply:**

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city and county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
  - A map showing the area changed and applicable designations, and
  - Electronic files containing geospatial data showing the area changed, as specified in OAR 660-018-0040(5), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change
Attachment F

Content Standards and Requirements
For Economic Opportunities Analysis Products
For the City of Philomath TA-21-172

Objective: To identify likely industrial and other economic development opportunities and corresponding employment land needs over the planning period of the next 20 years, plus up to an additional 30 years for communities planning for designated urban reserve land. This attachment provides the typical tasks and required deliverables of an Economic Opportunities Analysis (EOA) funded by the Department of Land Conservation and Development.

Preparation

Purpose: Reduce cost and delay, anticipate obstacles, prevent surprises, and keep planning activities aligned with local and state policy.

Products: (1) A locally approved Statement of Community Economic Development Objectives. (2) Description of the study area and planning area; (3) Evidence of support and coordination from key cooperating organizations and agencies as identified in the Project Description and Budget in Attachment A.

Typical activities include:

- Review of applicable administrative rule requirements with DLCD staff to understand key concepts. Pay special attention to:
  - OAR 660-009-0005(10), Short-term supply of land;
  - OAR 660-009-0015, Economic Opportunities Analysis;
  - OAR 660-009-0020(1)(a), Economic development objectives;
  And, if applicable:
  - OAR 660-024-0040(5), Employment land need;
  - OAR 660-024-0040(8), Safe harbors.

- Prepare an informal draft Statement of Community Economic Development Objectives that describes the community’s broad goals for economic development. Economic development planning typically looks back at the economic history of the area and the forces affecting development. It also looks forward at new opportunities to define actions a local government can take to attain an achievable and sustainable result.

- Define a study area to analyze for economic and land use trends. This is typically a region that shares interdependent economic activity. Describe why the area was chosen and include a brief narrative about current conditions and activity.

- Define a planning area, which is typically the existing urban growth boundary and may include potential expansion and urban reserve areas. In Metro, it may be the city limits or urban service delivery area. It is useful to describe why the area was chosen, and include a brief narrative about current conditions and activity.
• Gather and review any available regional economic development, employment data, real estate market data and area context information that has been published by entities such as: state and local governments; economic development agencies; ports and other development districts; and Business Oregon.

• Meet with federal, state, regional and local economic development agencies to discuss cooperation, participation and possible sources of funding for planning and implementation activities.

• Identify typical planning and implementation policies, activities and tools, and gather evidence of support from key cooperating organizations (especially municipal and county boards and commissions, and Oregon’s Regional Solutions Team).

**Trend Analysis**

**Purpose:** Identify economic development opportunities likely to expand or locate in the study area within the planning period. Determine the percentage of the study area’s employment growth that can reasonably be expected to occur within the planning area. Determine how economic trends affect the planning area.

**Products:**

1. An estimate of job growth associated with the economic development opportunities likely to expand or locate in the planning area within the planning period consistent with OAR 660-024-0040(5), Employment Land Need.

The estimate should be based on an employment forecast for the region the city is located in from the Oregon Department of Employment, a custom employment forecast prepared by a competent professional, or an estimate of job growth including reasonable justification for the job growth estimate. Clearly describe the employment forecast method being used, and include the data, the analysis, and the conclusions. Include a narrative that explains the factors that determine the planning area’s capture of employment growth in the study area.

2. An explanation of national, state, regional, county, and local economic trends and how these trends affect the planning area. Identify uses or category of uses that could reasonably be expected to expand or locate in the planning area and why the area possesses the appropriate locational factors for these use(s) or category of use(s).

3. Explanation of employment land uses appropriate for the study area based on results of the trend analysis.

Typical activities include:

• Review OAR 660-009-0005, Definitions, to understand of key concepts and terms, and OAR 660-009-0015(1), Review of Economic Trends

• Meet with Oregon Department of Employment staff to discuss employment trends in the study area.

• An EOA that relies on an employment forecast provided by the Department of Employment may reduce cost and potential delay, particularly if the city is anticipating a UGB amendment. Refer to OAR 660-024-0040(8), Safe Harbors. Cities
with circumstances that require a customized estimate of job growth that is not available from the Department of Employment should contract for specialized services from competent professionals.

- Review national, state, regional, county, and local economic trend data including, but not limited to, population and job forecasts by sector over the planning period.

- Consult with local and state economic development professionals regarding local economic development potential for industrial and other employment opportunities in the study area and the planning area. Incorporate results of consultations into the EOA.

- Acquire and incorporate information published by Business Oregon documenting demand for sites in the study area that may not be reflected in the current employment data.

- Identify the employment land uses appropriate for the study area based on results of the trend analysis.

**Site Suitability Analysis**

**Purpose:** Understand the types of sites needed to successfully implement the Statement of Community Economic Development Objectives.

**Products:** Catalog of the range of site types suitable for the employment uses likely to expand or locate in the planning area.

Typical activities include:

- Review OAR 660-009-0015(2), Identification of Required Site Types.

- Identify “site characteristics” that are necessary for typical or targeted uses to operate. This can be specific site sizes, special site requirements, or other characteristics affecting the needed land supply such as a mixture of site sizes or sites with proximity to facilities. Identify land needs that may arise from the expansion of existing businesses and the recruitment or location of new businesses into the study area.

  A site characteristic must be closely related to a particular use or group of uses with similar site needs. A narrow definition of the use could lead to more specific site characteristics.

- Acquire and incorporate information published by Business Oregon that documents specific market-based development practices and site requirements that may affect the current inventory and need for additional suitable employment land.

**Inventory of suitable sites**

**Purpose:** Determine the current availability of sites that are suitable for employment uses to help the city decide whether additional land or sites are required in order to accommodate the forecasted need.
**Product:** Inventory of available sites suitable for employment uses likely to expand or locate in the planning area within the planning period.

Typical activities include:

- Review OAR 660-009-0015(3), Inventory of Industrial and Other Employment Lands.

- Identify and analyze the planning area’s existing supply of industrial and other employment lands for development constraints. The constraints may include wetlands, wildlife habitat, steep slopes, infrastructure deficiencies, parcel fragmentation, natural hazard areas, ownership patterns, and other suitability and availability criteria in order to determine the readiness of the current land supply for industrial and other employment development.

- Examine opportunities for redevelopment of existing sites, including sites in the core areas of cities. A local government may consider the cost of preparing land for the designated use as part of an EOA by including a residual value analysis prepared by a competent professional as part of the analysis of development constraints.

- Examine existing firms in the planning area to identify the types of sites that may be needed for expansion.

- Apply the site characteristics identified in the suitability analysis to the vacant and redevelopable sites to determine which are suitable for employment uses. The likelihood the site will be on the market for sale or lease is not a consideration for long-term supply of employment land.

- Provide tabular and mapped data showing the results of the analysis. Document assumptions and findings. The inventory must identify vacant and developed (i.e., redevelopable) sites in the planning area and describe development constraints and site characteristics for each site.

- As part of any adjustment to a UGB for employment land, review employment land need and associated policies in OAR 660, division 24. OAR 660-024-0040(5) requires a determination of the need for a short-term supply of land. OAR 660, division 9, encourages local governments to include policies relating to the short-term supply of land. Designation of short-term supply is described in OAR 660-009-0025(3).

**Assessment of potential**

**Purpose:** To judge the attributes of the city that create advantages and disadvantages for economic development, and make informed estimates of the types and amounts of employment uses likely to locate in the planning area during the planning period.

**Products:** An estimate of the need for employment land within the planning area for the planning period by category of site type. It is encouraged that the EOA include a brief narrative of identified process, cost, or risk factors and describe the community’s ability to manage those factors.
Typical activities include:

- Assess economic development potential by analyzing factors such as location, size and buying power of local and export markets for goods and services; workforce training opportunities; availability of transportation facilities for access and freight mobility; access to suppliers and utilities, including telecommunications; and other service infrastructure.

- Estimate the types and amounts of industrial and other employment uses likely to occur in the planning area. Refer to Assessment of Community Economic Development Potential in OAR 660-009-0015(4).

- It is advantageous but not required to identify pertinent planning and implementation, process, cost, and risk factors associated with the designation of additional employment land.

- Based on the information collected in this and previous steps, estimate the total number of sites likely to occur in the study area for the planning period by categories of sites.

**Develop detailed implementation policies based on completion of previous steps**

**Purpose:** Provide specific guidance to community leaders and staff.

**Products:** For grants that include an implementation or policy-development task, provide a list of recommended economic development implementation policies to be included in the comprehensive plan update or plan amendment that were identified by the EOA process. It is not necessary for an EOA to include a complete implementation plan, which may follow and could include additional items.

Typical activities include:

- Identify local government activities that will be needed to successfully implement the Statement of Community Economic Development Objectives. Include changes to the land supply, updates to comprehensive plans, additions to infrastructure facilities, new intergovernmental agreements, updated management practices, public-private partnerships, workforce training and adjustments to real estate economic factors. Include techniques to increase the community’s ability to respond to economic development opportunities with speed and flexibility.

- Identify appropriate local government actions and investments of leadership, capacity, staff time, public finance tools and statutory authority needed to successfully implement the Statement of Community Economic Development Objectives.

- Identify available methods to fund local government activities that will be needed to successfully implement the Statement of Community Economic Development Objectives.

- If using an estimate of job growth with reasonable justification to complete the trend analysis, the local government should identify investments in infrastructure, work
force, amenities, and other community improvements necessary in order to attract the job growth. Demonstrate that methods are available and there is local commitment to fund those improvements.

- If using a residual value analysis to justify an adjustment to the current supply of suitable sites, the local government must apply the same analysis to all sites proposed for changes of designation, including all proposed expansion sites outside the current UGB. The local government must identify policies to correct residual value development constraints within the planning period, or reasonably demonstrate that correction is not possible. Use of a residual value analysis is intended to remove from the short-term inventory those inventoried industrial sites with a persistent negative residual value. These sites have development constraints that cannot be resolved for the designated use by reasonable local government action within the planning period.

**Final Draft**

Present a draft EOA to the advisory committee and the regional Business Development Officer for Business Oregon for comment. Incorporate the comments into final product.
CITY OF PHILOMATH
ORDINANCE #841

AN ORDINANCE AMENDING PHILOMATH MUNICIPAL CODE CHAPTER 18
ZONING RELATED TO CERTAIN APPLICABLE CRITERIA AND PROCEDURES.

WHEREAS, Chapter 18 of the Philomath Municipal Code governs the comprehensive land use and development of the land within the incorporated limits of the city of Philomath and its urban growth boundary; and,

WHEREAS, the City periodically finds it necessary to amend sections of the zoning regulations to best meet the needs of the community; and

WHEREAS, the Planning Commission held a public hearing to receive public comment on September 16, 2019, and recommended approval of the findings of fact; and,

WHEREAS, the City Council held a public hearing to receive public comment on October 14, 2019, and approved the findings of fact as amended.

NOW, THEREFORE, THE CITY OF PHILOMATH ORDAINS AS FOLLOWS:

Section 1. Chapter 18.10 contents is amended to read as follows:

Chapter 18.10
GENERAL ADMINISTRATION

Sections:
18.10.010 Severability.
18.10.020 Compliance and scope.
18.10.030 Consistency with plan and laws.
18.10.040 Use of a development.
18.10.050 Validity of approved plans and pre-existing approvals.
18.10.060 Building permit and certificate of occupancy.
18.10.070 Official action.

Section 2. Section 18.10.050, Pre-existing approvals, is amended to read as follows:

18.10.050 Validity of approved plans and pre-existing approvals.
A. Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted, are subject to the following:
1. Start of Construction. Site plan approval is valid for a period of eighteen (18) months from the date of approval. Building permits must be issued and physical construction as set forth below must commence within the eighteen (18) month period.
2. Extensions. Upon written application prior to expiration, the planning commission, or city council, as applicable, may authorize an extension of the time limit of the site plan approval for an additional one (1) year. The extension shall be based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period. The planning commission, or city council, as applicable, may require compliance with any amendments to the zoning ordinance adopted since the date of the original approval.
3. Expiration of Site Plan Approval. In cases where the construction authorized by a site plan approval
is not complete within thirty-six (36) months of site plan approval or granting of an extension, unless otherwise specified in a development agreement, the site plan approval shall automatically become null and void and all rights thereunder shall terminate.

B. Amendment of development approvals shall comply with Chapter 18.130 PMC, Modifications to Approved Plans and Conditions of Approval.

C. All development proposals received by the city after the adoption of this title shall be subject to review for conformance with the standards under this title or as otherwise provided by state law. [Ord. 734 § 1, 2005; Ord. 720 § 7[1.2.5], 2003.]

Section 3. Section 18.35.100, Special standards for certain uses, Subsection D, Manufactured Home Park, is amended to read:

D. Manufactured Home Park. Manufactured home parks are allowed on parcels of five (5) acre or larger, subject to compliance with subsections (D)(1) through (D)(5) of this section:

1. Allowed Uses. Single-family residences, manufactured home park manager’s office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance).

2. Space. The minimum size pad or space for each home is 2,500 square feet; provided, that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS 446.100(1)(c).

3. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 10 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than five feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than six feet to any other structure or dwelling, except that a double carport or garage may be built which serves two dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least three feet.

4. Landscaping/buffering manufactured home parks shall be landscaped as follows:
   a. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the planting of a six-foot wide landscape buffer between the right-of-way and a manufactured home park is required for the privacy and security of residents or aesthetics of the streetscape.
   b. The park shall provide landscape screening along the park boundary abutting adjacent properties.
   c. The landscape screening shall consist of evergreen trees or shrubs of a minimum three (3) feet in height, which are spaced so they provide a semi-continuous screen at maturity. Alternative screening devices subject to prior approval may be utilized if they conceal the manufactured home park as effectively as the required landscaping described above and provided the screening is kept in good repair.
   d. Exposed ground surfaces in all parts of the manufactured home park shall be paved, covered with stone or other solid material, or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.
   e. Minimum 20% of the site shall be dedicated to open space, excluding roads, and shall be designated on the site plan. Should recreational areas also be proposed, these shall also be shown on the plans.

5. House Design. Manufactured homes in parks shall meet the following design standards, consistent with ORS 197.314(6):
   a. 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)
   b. Streets and Sidewalks. All streets within the park shall be constructed and paved in accordance with city standards for local roads as outlined in the City’s Transportation System Plan (TSP) unless other
standards are approved by the Planning Commission. The manufactured home park shall be provided with a walk system in conformance with city requirements. Two (2) access points shall be provided to a major street to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park streets shall be interpreted as satisfying this requirement.

7. On-Site Sales. The business of selling or storing new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a used manufactured home by an owner of the manufactured home, provided the development permits the sale.

8. Signage. There shall be a maximum of two (2) sixteen (16) square foot monument signs per street frontage with an entrance that shall bear the name and address of the manufactured home park. Such signs shall be located ten (10) feet from the lot line/right-of-way line and shall comply with Chapter 18.95 Regulating Placement of Signs.
Section 4. Table 18.40.020 and the associated footer are amended as follows:

Table 18.40.020
Land Uses and Building Types Allowed in the Commercial Districts

<table>
<thead>
<tr>
<th>C-1 Central Commercial</th>
<th>C-2 General Commercial</th>
<th>O-R Office/Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Allowed Uses</strong></td>
<td><strong>Allowed Uses</strong></td>
<td><strong>Allowed Uses</strong></td>
</tr>
<tr>
<td>(A) Bank or financial institution.</td>
<td>(A) All uses allowed in the C-1 zone.</td>
<td>(A) Church, nonprofit religious or philanthropic institution.</td>
</tr>
<tr>
<td>(B) Church.</td>
<td>(B) Assembly of products.</td>
<td>(B) Office.</td>
</tr>
<tr>
<td>(C) Day care centers, including family day care homes.</td>
<td>(C) Automobile or trailer sales and service.</td>
<td>(C) Home occupation; subject to PMC 18.145.020.</td>
</tr>
<tr>
<td>(D) Drive-in or drive-through facilities.*</td>
<td>(D) Car wash.</td>
<td>(D) Multifamily dwelling.**</td>
</tr>
<tr>
<td>(E) Funeral parlor.</td>
<td>(E) Motels.</td>
<td>(E) Family day care home or facility.</td>
</tr>
<tr>
<td>(F) Fraternal lodge.</td>
<td>(F) Service station and vehicle repair shop.</td>
<td>(F) Parking lot.</td>
</tr>
<tr>
<td>(G) Membership club.</td>
<td></td>
<td>(G) Residential or child care home or facility.</td>
</tr>
<tr>
<td>(H) Multifamily and row housing.*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(I) Retail sales and service establishments that do not require the outside storage of goods, supplies or equipment not otherwise identified in this section.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(J) Offices.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(K) Professional offices.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(L) Public buildings and uses including public park, post office, public office, fire station, public community center, public parking lot, and public library.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(M) Residences, provided they are in conjunction with another use that is allowed or allowed by an approved conditional use permit. Residences must be located above the allowed use.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(N) Recreation vehicles, including travel trailers, camping trailers, fifth-wheel trailers, motor homes, and/or other vehicles designed for temporary occupancy may not be stored or occupied in the zone.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(O) Residential care facility.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(P) Restaurants including takeout only establishments.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Q) Taverns.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(R) Sidewalk displays.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Conditional Uses**

- (A) Light manufacturing.

*Uses marked with an asterisk (*) are subject to the standards in PMC 18.40.090, Special standards for certain uses. Home occupations and temporary uses are subject to the standards in Chapter 18.145 PMC.

**Multifamily dwellings in a commercial zone are subject to the standards of the R-3 zone in Chapter 18.35 PMC. [Ord. 799 § 7, 2015; Ord. 737 § 1, 2006; Ord. 734 § 1, 2005; Ord. 720 § 7[2.2.110], 2003.]
Section 5. Section 18.40.090, Subsection A, Number 2 is amended to read:

2. Limitation on Street-Level Housing. No street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it limits residential uses to above the street level on upper stories or behind street-level storefronts. For parcels with street access at more than one level (e.g., sloping sites with two street frontages), the limitation on residential building space shall apply to all street frontages. Minimal street frontage may be given for stairways or access corridors to residential uses.

Section 6. Section 18.40.090, Special standards for certain uses, Subsection H is amended to read:

H. Parking of semi-truck and/or tractor/trailers shall not exceed five calendar days outside of industrial zones.
   1. Long-term storage of tractor/trailers is allowed in industrial zoned districts.
   2. All parking or storage of tractor/trailers for more than 5 calendar days shall be screened from public view and adjacent residentially zoned properties with a fence or landscaping no less than six (6) feet tall.
   3. Temporary parking of tractor/trailers not approved in this section may apply for a temporary permit through the Planning Commission.

Section 7. Chapter 18.70 summary is amended to read as follows:

Chapter 18.70
LANDSCAPING, STREET TREES, AND URBAN FOREST

Sections:
18.70.010 Purpose.
18.70.020 Landscape conservation.
18.70.030 New landscaping.
18.70.040 Street trees.
18.70.050 Repealed.
18.70.060 Public nuisance definition.
18.70.070 Notice required for nuisances.
18.70.080 Violation and penalty.

Section 8. Section 18.70.010 is amended to read as follows:

18.70.010 Purpose.
The purpose of this chapter is to promote community health, safety and welfare by protecting natural vegetation, setting development standards for new landscaping and street trees, maintaining the urban canopy through a tree removal system and laying out a process for handling nuisance trees and vegetation. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.
Section 9. Section 18.70.020, Landscape conservation, Subsection A is amended to read as follows:

A. Applicability. All new developments or existing sites two (2) acres or larger, containing significant vegetation, as defined in subsection (B) of this section, shall comply with the standards of this section. The purpose of this section is to incorporate significant native vegetation into the landscapes of development and protect significant vegetation that is subject to requirements for sensitive lands (Chapter 18.55 PMC). The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and replanting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.

Section 10. Section 18.70.020, Landscape conservation, Subsection F is amended to read as follows:

F. Exemptions. The protection standards in subsection (D) of this section shall not apply in the following situations:

1. Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection (F)(2) of this section.

2. Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, utility damage or other like disasters, in order to prevent imminent injury or damage to persons or property or restore order, and it is impractical due to circumstances to apply for a permit.

3. Agriculture, Commercial Tree Farm or Orchard. Tree removal or transplanting occurring during use of land for commercial agriculture, orchard(s), or tree farm(s) for nursery or Christmas tree production.

4. Tree removal by the city or a utility within easements, rights-of-way, or on public lands.

5. Abatement of a nuisance as defined in Chapter 9.15.070 PMC or trees owned by the City. [Ord. 799 § 12, 2015; Ord. 734 § 1, 2005; Ord. 720 § 7[3.2.2], 2003.]

Section 11. Section 18.70.040, Street trees, is amended to add Subsections F and G as follows:

F. Restrictions. No person, except a city employee, contractor hired by the city, or the electrical utility and their authorized agents, shall perform any of the following without first obtaining a permit from the city:

1. Plant, cut, tap, carve, top, remove or transplant any tree, shrub or other plant located in the public right-of-way or on city property. This does not prohibit routine care and pruning; [Ord. 618 § 5, 1993.]

2. Attach any rope, wire, nail, sign, poster or other object to any tree, shrub, or plant located in the public right-of-way or on city-owned property;

3. Dig a tunnel or trench on any public right of way or city-owned or controlled property.

G. Permit Process. Prior to issuing a permit, the city shall ensure that the action proposed conforms to the urban forestry plan and the arboricultural specifications manual. If the city finds that the work performed under the permit is not in conformance with the conditions of the permit, the city may:

1. Nullify the permit;

2. Issue a written work order that the applicant cease and desist all work for which the permit was issued;

3. Impose penalties as defined in this chapter; and

4. Charge to the applicant the cost of steps taken to correct damage done.
Section 12. Sections 18.70.060, 18.70.080, and 18.70.090 are added as follows:

18.70.060  Public nuisance definition.
As defined in PMC 9.15.070. [Ord. 781 § 1, 2012; Ord. 582A § 7, 1990.]

18.70.070  Notice required for nuisances.
Written notice shall be personally provided by door hanger, direct contact or sent by registered mail to the property owner.

A. The notice shall describe the kind of tree, shrub, or other plant, its location on the property, and the reason for declaring it a nuisance.
B. The notice shall include suggested actions that may be taken to abate the nuisance.
C. The notice shall require the elimination of the nuisance no less than 15 days after the notice is sent unless the nuisance is considered a hazard at which point a lesser time of elimination shall be imposed depending on the risk hazard.
D. The city may have the nuisance abated after 15 days and file the cost of abatement as a lien against the property.

18.70.080  Violation and penalty.
Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to the provisions of this chapter, upon being found guilty of violations in the municipal court, shall be subject to a fine for each separate offense not to exceed $500.00 or three times the appraised value of the tree(s) or vegetation, whichever is greater. Each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense.

If, as the result of the violation of any provision of this chapter, the injury, mutilation or death of a tree, shrub, or other plant located on city-owned or controlled property is caused, the cost of repair or replacement of such plant shall be borne by the party in violation.

The appraised value of trees shall be determined using methods described in the latest revision of “Valuation of Trees, Shrubs, and Other Plants,” as published by the International Society of Arboriculture.

Section 13. Section 18.75.030, Vehicle parking standards, is amended to read as follows:

18.75.030  Vehicle parking standards.
The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in subsection (A) of this section. The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area. Credit shall be allowed for “on-street parking,” as provided in subsection (B) of this section.

A. Vehicle Parking – Minimum Standards.
   1. Residential Uses.
      a. Accessory Dwelling. None required.
      b. Manufactured Home Parks. Same as for single-family detached housing.
      c. Multifamily and Single-Family Attached Housing.
         i. Studio units or one-bedroom units less than 500 square feet: one space/unit.
         ii. One-bedroom units 500 square feet or larger: one and one-half spaces/unit.
         iii. Two-bedroom units: one and three-quarters spaces/unit.
         iv. Three-bedroom or greater units: two spaces/unit.
      v. Retirement complexes: one space per unit.
      d. Senior Housing. Same as for retirement complexes.
e. Single-Family and Duplex Housing. A minimum of two parking spaces shall be provided for each detached single-family dwelling or manufactured home on an individual lot with two bedrooms or less.
   i. Three-bedroom dwellings: four spaces/unit.
   ii. Four-bedroom dwellings or larger: four spaces/unit.

B. Credit for On-Street Parking. The amount of off-street parking required for commercial and industrial uses shall be reduced by one off-street parking space for every on-street parking space adjacent to the development, which would not obstruct a required clear vision area, nor any other parking that violates any law or street standard. Credit for on-street parking standards shall not be granted for residential uses. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by city, ODOT and/or county standards. The following constitutes an on-street parking space:
   1. Parallel parking, each 24 feet of uninterrupted curb;
   2. Forty-five/sixty degree diagonal, each 16 feet of uninterrupted curb;
   3. Ninety degree (perpendicular) parking, each 10 feet of uninterrupted curb;
   4. Curb space must be connected to the lot which contains the use;
   5. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted unless otherwise approved by the city.

C. Parking Location and Shared Parking.
   1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this title. Specific locations for parking are indicated in Division 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). (See also Chapter 18.65 PMC, Access and Circulation.)
   2. Driveways in Front Yards. Front yards shall not be paved, with exception of a maximum sixteen (16) foot wide driveway leading to a garage or dedicated parking pad, except homes with a three (3) car garage may have up to a twenty four (24) foot wide driveway.
      a. Single-family residential parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.
      b. Single-family residential parking spaces shall be located on hard or pervious concrete, asphalt or permeable/grass pavers. Lawn and yard areas, other than designated parking areas, shall not be utilized for off-street parking. Driveways shall be required to be concrete if the adjoining street is concrete.
      c. A minimum three (3) foot wide lawn or landscape strip shall be required between the edge of parking area pavement and all lot lines to provide adequate room for drainage, snow storage and privacy screening.
      d. Circular drives shall be prohibited unless driveway access points are separated by an interior distance of seventy (70) feet. A minimum lot width of one hundred (100) feet shall be required.

Section 14. Section 18.105.070, General provisions, Subsection D, Applications, is amended to read as follows:

2. Consolidated Proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.
   a. When proceedings are consolidated:
      i. The notice shall identify each application to be decided;
      ii. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and
      iii. Separate findings and decisions shall be made on each application.
iv. Approval of each application shall be contingent upon the approval of all the components of the consolidated application.

PASSED by the Council this ____ day of ____________________.

APPROVED by the Mayor this ___ day of ____________________.

SIGNED: ________________________________  ATTEST: ________________________________

______________________________  ______________________________
Eric Niemann, Mayor Ruther Post, MMC, City Recorder
CITY OF PHILOMATH ORDNANCE #842

AN ORDINANCE AMENDING PHILOMATH MUNICIPAL CODE CHAPTER 18.135, ANNEXATION, RELATED TO CERTAIN APPLICABLE CRITERIA AND PROCEDURES.

WHEREAS, Chapter 18 of the Philomath Municipal Code governs the comprehensive land use and development of the land within the incorporated limits of the city of Philomath and its urban growth boundary; and,

WHEREAS, Chapter 18.135 specifically addresses standards and procedures for legislative and quasi-judicial amendments to annexations and the land use district map; and

WHEREAS, the City periodically finds it necessary to amend sections of the this chapter to reflect changing community conditions, needs and desires; and

WHEREAS, the Planning Commission held a public hearing to receive public comment on September 16, 2019, and recommended approval of the findings of fact; and,

WHEREAS, the City Council held a public hearing to receive public comment on October 14, 2019, and approved the findings of fact as amended.

NOW, THEREFORE, THE CITY OF PHILOMATH ORDAINS AS FOLLOWS:

Section 1. Section 18.135.030, Annexations, Subsection C, Requirements for Applications, is amended to read as follows:

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

1. Written consent to the annexation signed by the requisite number of affected property owners, electors, or both, to dispense with an election within the territory to be annexed, as provided by state law.
2. A legal description of the property to be annexed.
3. A map of the area to be annexed, including adjacent city territory.
4. Sufficient information for city staff to allow for the completion of an impact analysis on existing and future city services including: water, sewer; drainage; transportation and transit; park facilities; and city staffing, including but not limited to police, public works, and city administration.
5. Sufficient information for city staff to allow for the completion of an impact analysis on community partner services including: school facilities; library services; fire services; and emergency medical services.
   i. If the applicant asks for agency comment before the hearing and no comments are received, capacity will be presumed to exist for that agency.
   ii. If the applicant asks for comment before the hearing and the agency comments that there are no capacity concerns, capacity will be conclusive as to that agency.
   iii. If the applicant asks for comment before the hearing and the agency comments that capacity does not exist but can exist, the applicant may enter into an agreement with that agency to achieve capacity.
6. In addition, city staff shall project what additional facilities will be required to serve the development described in the conceptual plan and, if necessary, how such facilities will need to be phased
in over time. The application shall provide evidence of the need of the proposal by citing data and statistics that support the annexation.

7. A statement outlining the method and source of financing required to provide additional facilities.

8. A conceptual development plan shall be provided by the applicant and shall include the following:
   i. A scale drawing of the site showing: the types and intensities of proposed development; existing streets that will be used for access and those streets that may need to be developed for access; the location of watercourses and other significant natural features; location of existing and necessary extension of public water, sanitary sewer, and storm drain facilities; and, existing uses and zoning on adjacent properties.
   ii. The conceptual development plan shall contain sufficient detail on the actual or proposed site uses to allow city staff the opportunity to analyze the development’s demand for new public infrastructure systems, as well as assess the impact on existing systems. Staff may develop hypothetical site design scenarios or model development at densities other than those proposed by the applicant to assess impact on public infrastructure.

9. A statement indicating the type and nature of any comprehensive plan text or map amendments or zoning ordinance or zoning map amendments that may be required to complete the planned development.

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

Section 2. Section 18.135.030, Annexations, Subsection F, Review Criteria, is amended to read as follows:

F. Review Criteria. Annexations shall be reviewed by city staff to assure consistency with the purposes of this chapter, policies of the comprehensive plan, all requirements of all city ordinances, and other applicable policies and standards adopted by the city council and state of Oregon. In addition, a finding shall be made that the city is capable of providing services to the subject property(ies) commensurate with the needs of existing approved and proposed developments. Specifically, all applications for annexation must satisfy the following criteria:

1. Property to be annexed must be located entirely within the Urban Growth Boundary (UGB) of the City.

2. Property to be annexed is, or upon annexation will be, subject to the City’s comprehensive plan.

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

4. Annexation of the property must be of benefit to the City and community of Philomath.

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

6. If the property to be annexed is or has been zoned or used for industrial or agricultural purposes, a Phase I Environmental Assessment by a certified company shall be performed prior to annexation.

7. When property to be annexed exceeds 30 acres of developable land, development of the land must occur in phases, as specified in an annexation agreement between the applicant and the City.
8. Properties that include existing development must have a safe pedestrian route to school within 18 months of annexation. Any review criteria that cannot be satisfied at the time the application is filed with the City may be satisfied through an annexation agreement between the applicant and the City. Annexation agreements shall be filed with the Benton County Recorder and shall run with the land.

**Section 3.** Section 18.135.030, Annexations, Subsection T, is added to read as follows:

T. The City is under no obligation to condemn, exercise eminent domain, or pay for the extension of services to an annexed property.

PASSED by the Council this ____ day of ____________________.

APPROVED by the Mayor this ____ day of ____________________.

SIGNED: ______________________________  ATTEST: ______________________________

______________________________  ______________________________
Eric Niemann, Mayor                Ruth Post, MMC, City Recorder
Title/Topic: Resolution 20-01 Supporting a Veterans & War Memorial Grant Application

Meeting Date: January 13, 2020
Department: Administration
Lead: Mayor Eric Niemann
Staff Contact: Chris Workman

ISSUE STATEMENT

Shall the Council adopt Resolution 20-01 Supporting a Veterans & War Memorial Grant application to Oregon Heritage of the Oregon Parks and Recreation Department?

BACKGROUND

The City recently received the donation from Beverly Cochran Durham of the property located at 1545 College Street with the condition that the property be used for park purposes and named in honor of her son, Paul J. Cochran, who died in the Vietnam War in 1968. Mayor Niemann has been working with the American Legion post and various other groups and individuals on ideas and concepts for a veteran’s memorial of some sort, the park layout, park amenities, and potential funding sources.

Oregon Heritage of the Oregon Parks and Recreation Department provides annual grants for veteran and war memorials that the City is eligible to apply for and staff believes this project meets the criteria and stated priorities of the grantor.

The specifics of the park and memorial are still undetermined and additional public outreach and discussions with the neighborhood about the park features will take place in the near future; however, the grant deadline is February 13th and a resolution of support for applying for a grant of up to $80,000 would strengthen the grant application. At a minimum, we know the City has roughly $16,000 that it received from Ms. Durham along with the land donation to use as match for the grant, as well as park SDCs that have come in from residential developments throughout the City.

If awarded, the City will have two years to complete the project and seek reimbursement.

COUNCIL OPTIONS

1. Approve Resolution 20-01 Supporting a Veterans & War Memorial Grant application
2. Do not approve Resolution 20-01 supporting the grant application
RECOMMENDED MOTION

“I move to approve Resolution 20-01 Supporting a Veterans & War Memorial Grant application.”

ATTACHMENTS

A. Resolution 20-01
CITY OF PHILOMATH
RESOLUTION 20-01

DECLARATION OF SUPPORT FOR VETERANS AND WAR MEMORIAL GRANT FROM OREGON HERITAGE OF OREGON PARKS AND RECREATION DEPARTMENT.

WHEREAS, the City of Philomath has received a land donation at 1545 College Street with a condition that the property be used for a park named in honor of Paul Jeffery Cochran, a Philomath High School class of 1966 graduate and member of the 101 Airborne Division that died in Vietnam on May 1, 1968; and

WHEREAS, the City has worked with the local American Legion post and other veterans organizations and determined the need for a veterans and war memorial to honor Philomath’s veterans and the many sacrifices they have made over the years, and continue to make, in our behalf; and

WHEREAS, the Philomath Park Master Plan identifies a future park in this location to serve the surrounding neighborhood as a priority project; and

WHEREAS, The Veterans and War Memorials Grant Program was created and established to provide funding assistance to local governments for the construction and restoration of veterans’ and war memorials; and

WHEREAS, the City is eligible to apply for the grant and believes this project meets or exceeds the criteria and priorities for this grant.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Philomath that the City supports construction of a memorial park, including features that serve to honor veterans and serve as war memorials, with assistance from the Oregon Heritage of Oregon Parks and Recreation Department’s grant for Veterans and War Memorials. The Council directs staff to proceed with applying for said funding and assistance.

PASSED by the Council this 13th day of January 2020.

APPROVED by the Mayor this 13th day of January 2020.

SIGNED: ATTEST:

______________________________ _____________________________
Eric Niemann, Mayor Ruth Post, MMC, City Recorder
### Phiomoth Connection Ridership Summary

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#### Month Details

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<th>Average Rides Per Day</th>
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<td>August</td>
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<td>26</td>
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#### Ridership by Week for the Month

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<td>386</td>
<td>306</td>
<td>314</td>
<td>191</td>
<td>118</td>
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</tbody>
</table>

**Monthly Total:** 1,315
### Philomath Connection Count

**TOTAL:** 1,315

| Weekday Time | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
|--------------|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| 7:00 AM      | 15| 12| 10| 13| 7 | 13| 8 | 9 | 8 | 6  | 8  | 8  | 8  | 8  | 6  | 5  | 3  | 5  | 9  | 5  | 9  | 8  | 9  | 177 |
| 8:00 AM      | 19| 9 | 7 | 10| 11 | 14| 8 | 7 | 5 | 6  | 7  | 4 | 7 | 7 | 4  | 5  | 2  | 7  | 3  | 8  | 6 | 166 |
| 10:00 AM     | 9 | 9 | 9 | 11| 8  | 10| 7 | 4 | 6 | 9  | 8  | 9 | 3 | 4 | 4  | 5  | 5  | 4  | 6  | 3  | 4 | 137 |
| 12:00 AM     | 14| 13| 11| 9 | 9  | 13| 6 | 5 | 8 | 6  | 4  | 7 | 7 | 14| 4  | 6  | 4  | 11 | 8  | 9  | 10| 178 |
| 1:00 AM      | 7 | 9 | 3 | 7 | 9  | 4 | 5 | 6 | 7 | 7  | 12 | 4 | 5 | 17| 5  | 4  | 4  | 9  | 7  | 3  | 9 | 143 |
| 3:00 PM      | 15| 15| 9 | 11| 6  | 17| 9 | 4 | 12| 13 | 12 | 14| 6 | 13| 11 | 10 | 3  | 8  | 10 | 15 | 18| 231 |
| 5:00 PM      | 8 | 12| 10| 11| 6  | 5 | 6 | 2 | 8 | 6  | 11 | 10| 6 | 4 | 11 | 4 | 6  | 7  | 6  | 8  | 8 | 155 |
| 6:00 PM      | 2 | 4 | 3 | 8 | 7  | 3 | 3 | 3 | 4 | 8  | 8  | 3 | 5 | 12| 3  | 3  | 4  | 3  | 2  | 3 | 39 |
| Total        | 0 | 89| 83| 62| 78 | 83| 79| 52| 40| 58 | 61 | 0  | 0  | 70 | 56 | 45 | 73 | 60 | 0  | 42 | 30 | 0  | 55 | 52 | 0  | 0  | 57 | 61 | 1268 |

**Weekly Totals:**

- **Monday:** 386
- **Tuesday:** 306
- **Wednesday:** 314
- **Thursday:** 191
- **Friday:** 118

### Saturday

| Time       | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
|------------|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| 8:00 AM    | 4 |   |   |   | 1 |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 9 |
| 12:00 AM   | 3 |   |   |   | 8 |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 22 |
| 5:00 PM    | 4 |   |   |   | 7 |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 18 |
| Total      | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11| 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 16 | 0  | 0  | 0  | 0  | 0  | 0  | 12 | 0  | 0  | 0  | 49 |
Philomath Park Advisory Board
MINUTES
November 14, 2019
City Hall 900 Applegate St.
Philomath, OR
5:00 pm

1. Roll Call:
   Dale Collins, Mal Miner, Lindy Young, Spencer Irwin, Caleb Unema, Izzie Elliott, City
   Manager Chris Workman
   Community Guests: Michael Sprouse, City Planner Patrick Depa

2. Approval of Minutes:
   Minutes of October 10, 2019, approved as presented.

3. New Business:
   3.1 Fitness - Discussion of whether or not a fitness equipment area would be feasible for our
   community. Topics included cost, location, upkeep, use, and would Nike match funding? Mal
   suggested we revise the master plan before we take on this concept.
   MOTION: Motion to table was approved.
   3.2 Park Master Plan Update - Last update was 2016. The Capital Project List needs to be looked at.
   We would probably hire (allocate money for next year) a consultant to update the Park Master Plan.
   MOTION: Moved by Izzie, second by Caleb, to direct staff to find out what the cost would be
   to hire a consultant. Motion APPROVED.
   3.3 Other Discussion - Flossie Overman Park will open in Spring 2020. Discussion regarding
   protecting the flowerbeds until then resulted in the idea of having a temporary fence to keep flower bed
   protected.

4. Old Business
   4.1 Skate Park Discussion - Izzie reported that the Manis family is interested in helping but does not
   want to be in charge of fund raising.
   4.2 Dog Park - This idea was also put aside. Izzie said she preferred to work on the Philomath Map
   Project and the Skate Park Project.

No meeting next month.

Minutes recorded by Izzie Elliott
PHILOMATH PLANNING COMMISSION
MINUTES
December 16, 2019

1. CALL TO ORDER: Chair Stein called the meeting to order at 6:00 pm. at the City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

2. ROLL CALL:
Present: Commissioners Steve Boggs, Gary Conner, Jeannine Gay, Lori Gibbs, David Stein, Joseph Sullivan and Peggy Yoder.

Staff: Deputy City Attorney David Coulombe, City Planner Pat Depa and City Recorder Ruth Post.

3. APPROVAL OF MINUTES
3.1 Minutes of November 12, 2019 – Commissioner Sullivan requested two corrections:
Page 3, first paragraph: strike “without Planning Commission involvement.”
Page 3, last paragraph: add reference to the distributed memorandum. Ms. Post suggested adding “(Supplemental Agenda Item)” and the memorandum would be filed with the agenda packet.

MOTION: Commissioner Gay moved, Commissioner Yoder second, to approve the November 12, 2019 minutes as amended. Motion APPROVED 7-0 (Yes: Boggs, Conner, Gay, Gibbs, Stein, Sullivan and Yoder; No: None).

3.2 Minutes of November 18, 2019 – Commissioner Gibbs requested the following correction:
Page 3, Line 111: Replace “Chair” with “Commissioner.”

Commissioner Sullivan requested the Page 1, Line 25, approval of the minutes, show that he abstained because he was not in attendance at the September 16 meeting.

MOTION: Commissioner Gay moved, Commissioner Yoder second, to approve the November 18, 2019 minutes as amended. Motion APPROVED 7-0 (Yes: Boggs, Conner, Gay, Gibbs, Stein, Sullivan and Yoder; No: None).

4. NEW BUSINESS
4.1 Public Hearing on PC19-10
382 N 7th Street / 12-6-11AD #1900
Applicant: Kevin Sullivan
Application Type: Class C Variance for rear yard setback

Chair Stein opened the public hearing at 6:08 p.m. The rules for testimony were read by Mr. Coulombe. Commissioner Joseph Sullivan declared an actual conflict of interest as the applicant is his brother.

Commissioner Joseph Sullivan recused himself at 6:09 p.m. and left the room.
Presentation of Staff Report: Mr. Depa summarized the staff report as included in the agenda packet and reviewed the findings of fact. He stated that staff determined that the application did not meet any of the six approval criteria and recommended denial of the application. He suggested a variance request from the front of the property would possibly result in better findings and be more in line with the other homes on the street. There was discussion about potential circulation issues with only a five foot setback on both the rear and south side yards, the footprint of the original house with the lot slope, and the definition of human scale development. Commissioner Yoder questioned if there were other homes with variances in the area and concern for the potential for drainage issues. Mr. Depa stated none of the other homes in the area had variances.

Presentation of Applicant: Kevin Sullivan, Philomath, OR – Mr. Sullivan described the footprint of the original home, retaining wall issues and the desire to avoid building a house that looked into the backyard of the home behind it. He suggested J.D. McGee engineering did not think ponding was an issue. Mr. Sullivan described the current water drainage from the lot and the driveway grade plans. Mr. Sullivan described occupancy plans for the new house. Mr. Depa explained that lot coverage limitations would only allow for the one car garage. Mr. Sullivan explained the reasoning for selecting the floor plan and footprint that was selected for the lot and the desire to keep the project inexpensive. He stated it is a fairly small house. There was discussion about the reduced rear setback and the location of the current house to the west and possible future development to the west. Mr. Sullivan stated that close doesn’t matter as much as visibility and their intent was to reduce that issue. He stated the neighbor doesn’t have an issue with the proposed setback.

Mr. Depa reviewed some options that staff had proposed to the applicant in lieu of the rear-yard setback variance. He explained that the North 7th Street right-of-way is 80 feet wide but would more likely only ever be developed to a 50-foot right-of-way. Mr. Sullivan stated that the neighbor is not interested in an access easement. He described the driveway situation. Commissioner Yoder noted there are no opponents to the request and it is plainly posted. Mr. Depa pointed out the Commission would have to develop new findings that supported approval of a variance to replace the findings in the staff report. Mr. Coulombe reminded the Commission that the decision should be fact driven based on the criteria, not based on opponents or proponents.

Mr. Sullivan described the information he has received that there is no pooling of water. Mr. Depa described the effect of downspouts draining water away from the house and the need for sufficient area for the drainage to permeate before shedding onto the neighbor’s property. Mr. Sullivan stated he could work with an engineer to resolve any issues and suggested a condition of approval to that effect.

Commissioner Conner suggested working through each of the findings. On Criteria (a), he requested clarification about the five foot setback creating a safety issue. He questioned what type of circumstance would allow a variance under Criteria (a). There was discussion about North 7th Street not being a through street and questioning the criteria to slow traffic down. Mr. Depa explained if the side yard was a larger setback it might not be an issue but it is also a five foot setback.

Commissioner Conner stated he believed the steep grade is a hardship. Commissioner Gay described steep slope runoff issues on Southwood that don’t create adverse impacts. Chair Stein stated his observation is that the runoff from adjacent properties will go right where the house is intended to sit. There was further discussion about slope and runoff. Mr. Sullivan described the driveway issues that result in even a smaller footprint having to be placed in the back of the lot. He stated the engineering opinion he had received didn’t think the runoff was an issue. He stated if the variance were approved, they would then review the engineering needs.
Commissioner Conner stated he felt findings could be developed, with the exception of Criteria (f), questioning if this was the minimum variance that would alleviate the hardship. He stated there may be other possible solutions.

Chair Stein suggested that an approval to this request could have consequences from a future application. Mr. Coulombe stated it is the applicant’s burden to provide the information needed for the Commission to reach an approval. He suggested completing the public hearing process.

Testimony by Proponents: None.

Testimony by Opponents: None.

Testimony by Neutral Parties, including Governmental Bodies: None.

Rebuttal by Applicant, limited to issues raised by Opponents: None.

Mr. Coulombe explained there has been no request for a continuance by either the applicant or any other party.

Commissioner Conner stated he did not believe the Commission was required to completely alleviate the issues. He stated he did not believe sufficient information had been provided to show the variance was the minimum required.

Chair Stein closed the public hearing at 7:04 p.m. Mr. Sullivan waived the right to submit final written arguments.

4.2 PC19-10 Discussion and Possible Decision – Commissioner Yoder questioned if the only issue is the setback. Mr. Depa explained the lot coverage is not an issue. He explained that cost is not a qualified hardship. Commissioner Conner stated it may not qualify but it is problematic. There was additional discussion. Mr. Depa stated it would probably be easier to make a justification for a front yard setback variance based on the location of the original house and the neighboring houses.

MOTION: Commissioner Boggs moved to table the discussion and consider a front yard setback variance. No second. Mr. Depa stated that would be a major material modification and would require re-notification.

At 7:15 p.m. Chair Stein reopened the hearing to hear from Mr. Sullivan again. There was no other testimony added. There was further discussion about possible alternatives and the need to revise the findings.

MOTION: Commissioner Gibbs moved, Commissioner Boggs second, to deny the application as proposed. Motion APPROVED 4-2 (Yes: Conner, Boggs, Gibbs, and Stein; No: Gay and Yoder.)

Commissioner Stein called a recess at 7:23 p.m. and reconvened at 7:30 p.m. Commissioner Joseph Sullivan rejoined the meeting.

4.3 Urban Fringe Agreement discussion – Mr. Depa distributed a memorandum and draft Urban Growth Management Agreement documents (Supplemental Agenda Item #4.3). He explained that Benton County was conducting a review of their code and there were zoning districts that had been specifically created to address delayed annexation agreements that exist within the Philomath Urban Growth Boundary. He described how those properties were
being treated as subject to the Philomath Zoning Code due to future expectation they would be
annexed. He stated the revisions were intended to address those delayed annexations and to
spell out the process between the two jurisdictions that is already being used. He stated the
Benton County Commissioners have reviewed and approved the revisions. He requested the
Planning Commission review the revisions and come back with any potential concerns before
sending it to the Council for final approval. There was discussion about this formalizing the
actual process that has been used.

Ms. Post provided a history of delayed annexation agreements in Philomath. Commissioner
Yoder stated she would like an opportunity to read the document before making a
recommendation. It was agreed by consensus to place the agreement on the January Planning
Commission agenda.

5. OLD BUSINESS

5.1 2040 Comprehensive Plan Advisory Group update – Mr. Depa summarized that the
City Council did accept the Planning Commission’s recommendation and added two members
of the Commission to the Advisory Group. Ms. Post explained that the City Council approved
the nine proposed members and added Commissioners Yoder and Stein.

5.2 Development Code & Annexation Amendments (PC19-08 & PC19-09)

A) City Council decision review – Chair Stein explained that Mr. Workman was
unavailable tonight. Mr. Coulombe reviewed the legislative process, including the public
hearing and decision process at the City Council level. Ms. Post reviewed the City Council
minutes of November 25 related to the removal of Section “G” from PMC 18.135.030 in the
annexation code. Chair Stein stated there is a communication issue because the Council didn’t
understand why the Commission put section “G” in, and he was disappointed in the action. Mr.
Coulombe suggested in the future adopting a statement to submit with text amendments
providing an explanatory statement. Commissioner Yoder questioned if the Planning
Commission could have requested the Council respond back if they made any changes. Mr.
Coulombe described the lengthening of the process that scenario could create. He stated the
goal of code drafting is for it to be clear and concise and doesn’t require further explanation.
Commissioner Sullivan described the possibility of having a City Councilor in attendance at
future Planning Commission meetings.

B) Major/Minor modifications: PMC 18.130 – Chair Stein stated the issue of a major
versus minor modification had been raised. Commissioner Yoder stated she and
Commissioner Boggs had submitted a letter of objection to the minor modification application
for Millpond Crossing. There was discussion about the Commission having an opportunity to
review the letter they submitted. There was discussion about the decision being within City
Manager Workman’s authority based on the code definition of a minor modification. Mr. Depa
stated the staff report on that application is posted on the City’s website and addressed the
three issues that were raised by Commissioners Boggs and Yoder. There was discussion
about the issues related to the change in phasing for the development and the timing of
construction of the extension of South 17th Street. Mr. Depa explained the review of the trips
generated showed they were still within the threshold with the change in the phasing.
Commissioner Yoder questioned if the language in 18.130.030 should be amended to add
changes in phasing. Commissioner Sullivan questioned what the Planning Commission’s
response would be if it was felt that the City Manager had overstepped in approving a
modification. Mr. Coulombe stated that the Commission’s review authority does not extend to
whether an administrative decision-maker exceeded authority. There was further discussion
about an appeal process for a modification decision. Mr. Coulombe explained ramifications
related to the discussion of a specific case such as the Millpond modification before the appeal
period has expired. It was agreed to put further discussion on the January agenda.
C) Recreational Vehicle Park code considerations: PMC 18.50.010, 9.15.025 & 18.45 –

Mr. Depa explained this was a request from a member of the City Council to consider adopting changes related to the specific code sections. He stated this was something that the Commission could consider in further code amendment discussions. There was discussion about the definition for a Recreational Vehicle Park for Section 18.15.010. Commissioner Sullivan stated this appears to be an example of the City Council sending information to the Planning Commission for consideration. There was discussion about this potential language not impacting the existing Lepman project because of the goalpost rules.

Robert Biscoe, Philomath, OR – Mr. Biscoe described the intentions of the Councilor who had submitted the proposed language. He stated it was a result of the concern from public testimony that was concerned about RV Parks.

6. OTHER BUSINESS

6.1 Communication expectations between Commission, Council & Staff –
Commissioner Stein stated this topic had been sufficiently addressed through earlier discussions in the meeting.

6.2 Setting meeting dates: January and February 2020 holiday conflicts – After discussion about availability, it was agreed to move the January meeting to Tuesday, January 21, 2020, and the February meeting to Tuesday, February 18, 2020.

7. ADJOURNMENT:
There being no further business, Chair Stein adjourned the meeting at 8:30 p.m.

SIGNED: ATTEST:

______________________________ ______________________________
David Stein, Chair Ruth Post, MMC, City Recorder
The meeting of the Public Works Committee was called to order at 8:30 a.m. in the City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon, by Councilor Doug Edmonds.

ROLL CALL:
Committee: City Councilors Doug Edmonds, Chas Jones and David Low.
Staff: City Manager Chris Workman, Public Works Director Kevin Fear, Finance Director Joan Swanson, Public Works Operations Supervisor Garry Black, and City Recorder Ruth Post.
Guests: Chris Brugato and Peter Blumanthal, City Engineers, Westech Engineering Inc.

APPROVAL OF MINUTES:
Councilor Jones moved, Councilor Edmonds second, to approve the minutes of July 18, 2019. Motion APPROVED 3-0 (Yes: Edmonds, Jones and Low; No: None).

BUSINESS:
Water Treatment Plant Discussion -- Mr. Workman provided a brief history of the prior discussions related to the water treatment plant construction. He explained that the city of Jefferson is building a similar water treatment plant and is about a year ahead of Philomath in the process. He noted that Jefferson's bids came in higher than estimated and this provides better figures for use on our treatment plant. He also explained the impact of the water intake that needs to be relocated. He summarized the water rights the City owns at both the current intake location and downstream on the Marys River near the Faxon property/City lagoons. He noted the City only owns property on the south side of the Marys River near Faxon/lagoons site and would need to acquire property or rights on the north side in order to use that location. He also reviewed the options the city of Corvallis is considering for their own future water treatment needs and the focus Corvallis is moving forward with to continue using Rock Creek and the Willamette River as primary sources.

Councilor Low questioned if the Corvallis plan to increase treatment capacity at Rock Creek would impact Philomath's use of the intertie. Mr. Workman explained the intent has been for the Rock Creek to be an emergency source now and in the future. He said currently the use of Rock Creek is because the City chooses to use it, not because it's needed; but it does provide redundancy in the system. Councilor Edmonds noted the use of Rock Creek water currently is primarily to exercise the intertie system and ensure it is in proper working order.

Mr. Workman described issues Corvallis currently has when the Rock Creek plant is down and they have to back-pump water to customers served off the line between Rock Creek and Corvallis. Mr. Black explained that the back-check valves currently in place prevent our ability to potentially back-pump water to those customers.

Mr. Workman summarized that the focus at this time needs to be on the service needs for just Philomath. He also described efforts for a regional water cooperation but that effort doesn't reduce the need for Philomath to have its own treatment plant. There was discussion about the six years remaining on the current 10-year water purchase agreement with Corvallis and the fee increase at the contract's five-year mark.
Mr. Brugato distributed a schematic showing the South 9th Street treatment plant facility area with proposed structures (Supplemental Agenda Item). There was discussion regarding abandonment of the current water intake and pump station and the construction of a new intake and pump station. Mr. Brugato showed the Committee the optional location for a new intake located just downstream. Mr. Brugato explained the senior and junior water rights at the current location and the senior water right at the farther downstream Faxon/lagoons location. He noted that the upstream water rights can be moved downstream but not vice versa. There was discussion about the specifics of water rights and the paperwork involved in adding a second point of diversion for the current rights if they are moved to the nearby downstream location.

Mr. Brugato reviewed work that has already been done at the current intake point to stabilize the location but noted that the river channel is continuing to move away from the intake.

Mr. Brugato explained the difference in options to consider with the intake at either the current location, in the vicinity near the park, or the intake moved downstream to the Faxon/lagoons location. He summarized the adjustments made from the Jefferson treatment plant project to tighten the price estimates for the Philomath project. He described the increase in construction costs across the board. He stated every step of the supply chain has increased their costs. Mr. Blumanthal explained three of the low bids for the Jefferson project were within 5% of each other. He stated that the contract for the Jefferson project has just been signed with construction slated to begin SOON. Mr. Blumanthal explained similarities and differences between the Jefferson plant and the Philomath facility. Mr. Blumanthal explained the use of modules in the membrane treatment system and the ability to expand racks and add modules that creates a higher degree of flexibility based on growth.

Mr. Brugato summarized options for reducing the costs of the project, including construction of a steel reservoir instead of concrete; but he explained the increased maintenance costs associated with steel. He also noted that the reservoir could be eliminated from the project. There was discussion about the purpose the reservoir serves in increasing chlorine contact time and the need for stored water. He noted the reservoir would eliminate the existing chlorine contact pipe network. There was discussion about the advantages of constructing the reservoir over expanding the chlorine contact pipe network. Mr. Blumanthal explained if the reservoir were deferred, the yard piping system to the future reservoir would still be installed to accommodate it when it is built.

There was discussion about construction cost trends and the advantages that existed in constructing public works projects in 2008 during the recession. Mr. Workman noted the reservoir’s addition of storage capacity is needed for fire protection services also. He described the challenge of waiting five years to construct it along and going back to ratepayers to pay for an additional project. Councilor Low questioned if the catastrophic situation has ever existed where the capacity was needed for fire suppression. Mr. Workman explained the likelihood was higher for a drought situation. There was discussion about the impact of recent house fires that were notable. There was discussion about the need to have sufficient flows to prevent such a fire from expanding to neighboring houses. Mr. Workman stated the reservoir is part of the project because it is needed, and not a luxury. He stated that a second reservoir has always been in the plans and the location at the treatment plant creates the added benefit of increased chlorine contact time.

There was discussion about the updated cost estimates that were distributed and the benefit of spending money on locating the intake slightly downstream from the current location to a more stable location (Option A) or locating it farther downstream near the Faxon/lagoons property.
Agenda Item #J.05
Meeting Date: 1/13/2020

(Option B) (Supplemental Agenda Item). There was discussion about the cost of improving the current intake location instead. Mr. Workman described the process with Department of State Lands and Army Corp of Engineers to stabilize the current intake location. Councilor Jones noted from an ecological standpoint the preference is to have a migrating channel. Mr. Brugato explained the area downstream of the current location and identifying a new location. There was discussion about the lack of city-owned property on the north side of the river at the Faxon/lagoons location and the need that location would require to work with area property owners for property.

Ms. Swanson emphasized the timing issue for moving forward with the project. Mr. Brugato stated the earliest to go out for bids would be spring 2021. Ms. Swanson reviewed the funding from Oregon’s Infrastructure Financing Authority (IFA) and the potential change in interest rates. There was discussion about working with IFA for the financing package. Ms. Swanson stated the State funding is the best option and lowest interest rate package available. Mr. Brugato explained the steps for completing the design and approval from the State prior to going out to bid. He stated that the design of the treatment building can begin now. There was discussion about staying with the current mixed media filter treatment process to save cost but that the concern is that river turbidity issues would increase treatment costs to maintain current and future cleanliness standards.

There was discussion about the use of the Faxon senior water right downstream that is currently used for agricultural purposes. Mr. Workman reviewed the options to either combine the projects into a package to be constructed now or to delay certain projects to the future. He reviewed the senior and junior water rights at the current intake location. Mr. Brugato added that aquifer storage recovery (ASR) could ultimately add to the storage before ever tapping into the senior Faxon right downstream. There was discussion about locations of existing ASR’s in use by other municipalities.

Councilor Edmonds summarized the total project using a new intake located just downstream from the current one as defined in Option A. He noted the benefits of the membrane process moving forward to meet State requirements. Mr. Blumanthal described different levels of membrane process methods and that membrane is the most robust process that can be installed to meet changing water requirements. Councilor Edmonds emphasized the need to install a system that can upgrade to meet any new standards that are established. Mr. Brugato stated that increased standards might require changed chemical in-feed processes, rather than replacing membrane modules.

Councilor Jones stated construction of the reservoir is a no brainer and would opt for Option A. Councilor Low stated he would like to have a meeting of the Finance & Administration Committee to discuss the financing issues. There was discussion about the options still being in the $800,000 range used as the original estimate per year in revenue to meet the debt service payments. He reviewed the expectations for ratepayer impacts. He stated the estimate is still within the original estimated $20 increase per household.

Councilor Edmonds reviewed the Option A solution. Mr. Workman reminded the Committee that the estimates are still considered conservative numbers.

Councilor Jones departed at 9:53 a.m.

There was discussion about the process of beginning design on the treatment plant and the full project being designed before going out to bid.
Councilor Edmonds considered a motion to build the treatment facility as proposed with the reservoir using Option A construction of a new intake in the treatment plant vicinity along with the relocation of the water right point of diversion.

Councilor Low questioned if the project could be bid without having the financing in place. Mr. Brugato explained that the bids can be received and the award withheld until the City is ready, but bids are good for a specific period. There was discussion about the timeline for financing through IFA and how long it would take to finalize. Mr. Brugato suggested another option would be to hire a construction estimator to create an actual bid for the project. He noted the potential conflict if that estimator then wants to actually bid the project.

Mr. Brugato described the plan design elements that require a year to engineer, including receiving State approval.

**MOTION:** Councilor Edmonds moved, Councilor Low second, to recommend moving forward with building the treatment facility as proposed with the concrete reservoir using Option A construction of a new intake, relocation of the point of diversion, and adding the new point of diversion to the existing point of diversion water rights. Motion APPROVED 2-0 (Yes: Edmonds and Low; No: None; Absent: Jones).

Mr. Workman stated appreciation for the difficulty of the decisions to be made and the process to go through. Councilor Edmonds questioned the confidence in the 35% soft costs. Mr. Brugato stated he was confident in the 10% contingency and inclusion of 20% for engineering. He stated the engineering number includes costs already expended for engineering work to date. Mr. Workman stated the numbers will continue to be refined and the impact on ratepayers analyzed.

Meeting adjourned at 10:04 a.m.

Record by Ruth Post, City Recorder
December 18, 2019

To: Philomath City Council
    PO Box 400
    Philomath OR 97370

From: Van Hunsaker
      324 Vincent St
      Philomath OR 97370

RE: City Council Terms

I read in the Philomath Express today that you were discussing possibly asking voters to change the Charter to have 2 staggered three year terms for City Council members. I would like to share some history on the issue.

Back in 1986, I was appointed to the Philomath Charter Review Committee as the token citizen frankly. As I recall there was myself and two former City Councilors. At the time, the City Councilors had 4 years terms with 3 voted on each two years. At the time Philomath was having a hard time getting individuals to run for the Council. The former Councilors were interested in making the change because of this and I went along with the recommendation.

In 1987 the Charter was amended to have all 6 members voted on at the same time. That election was the last time City Councilors were elected for 4 year terms and there was no one running for the three positions. Don Gist and friends decided to write him in and he received 9 votes, Mike McVey a then current Councilor received 6 votes and 5 of us received two write in votes. As I recall two of the individuals weren’t qualified as they lived outside the City, one person declined the election and Teresa Boss and I stepped up to accept the election. To break the tie Mayor Kempee drew Teresa’s name out of the hat for the win. He then reported that Mike declined his election leaving a position open and he asked if I would be interested in being appointed to the 3rd position. I agreed and was appointed. Teresa and I served the last 4 year terms since then. The joke was that my wife and I voted for myself. That wasn’t the case. However, only one of the two people who voted for me ever admitted it.

I tell you all this as there was reasoning back then to make the change. However, I believe that times have changed. Citizens are more engaged. Even with voting on 6 people at once, there has always been enough to run, maybe with a little arm twisting once in a while. I believe that making the change for reasons for these reasons and those cited in the newspaper is the best for Philomath moving forward. Let’s make the change to have 3 Councilors elected every two years.

The other item mentioned was to not have the ten consecutive year term limits. I feel that should stay.

Thank you,

Van O Hunsaker
Former Philomath Mayor and City Councilor
Ruth,

As per our phone conversation yesterday, would you please put my correspondence into the Council packet for next Monday’s council meeting.

Thank you,

Jeff

1-7-20
City of Philomath
P.O. Box 400
Philomath, OR. 97370

Reference 1-13-20 city Council meeting

Mayor Niemann, Council and staff,

We see with interest the city has scheduled 2 proposed ordinance amendments concerning Philomath’s overwhelming growth and development in the past two years.

The Philomath City Council will consider adoption of the following ordinances at its January 13, 2020, Council meeting. The ordinances are available for review below or at City Hall, 980 Applegate Street, Philomath, OR.

- Proposed Ordinance #841, amending PMC Chapter 18, Zoning, related to certain applicable criteria and procedures. First Reading.
- Proposed Ordinance #842 amending PMC Chapter 18.135, Annexation, related to certain applicable criteria and procedures. First Reading.

If you have questions, please call the City Manager or City Recorder at 541-929-6148.

- Proposed Ordinance #841 Amending PMC Chapter 18, Zoning, related to certain applicable criteria and procedures. First reading.
- Proposed Ordinance #842 Amending PMC Chapter 18.135, Annexation, related to certain applicable criteria and procedures. First reading.

Many of our members and other citizens have participated & worked with the planning commission, staff and the Council to address development criteria, annexation issues and to improve communications between our citizens and your administration.

Although some public testimony and recommendations were not included in PMC Chapter 18, Zoning or PMC Chapter 18.135, Annexation Amendment language is a good start. Especially since the recent Council’s appointment of the 2040 COMP PLAN TAC Advisory Committee that will be involved in the city’s comprehensive plan up-date, as mentioned in12-4-19 news article “City to begin process of comp plan update”. They will be in a position to continue the work already started.
As you know the voters spoke loud and clear in Philomath’s last election concerning growth and development. In part this was the genesis of public hearings hosted by the city to gather information that been incorporated in the proposed ordinance amendments before you tonight. It was also the genesis for a city wide town hall forum on current and future water capacity availability and use.

December 25, 2019’ Philomath Express “River flow impacts project” talks about the rising construction costs and financing issues of a new water treatment plant. Of additional interest are the original cost estimates in the tens of millions of dollars, (copy below enclosed) appear to be no longer valid.

The January Philomath newsletter states; “The City Council continues to move forward with preparations to finance and construct a water treatment facility, including an updated treatment plant. The newsletter goes on to talk about the costs associated and how this could possibly be financed.

Current and future Water needs could be the single biggest infrastructure challenge we and other communities face. We look forward to continue working with the city on this issue and other growth related challenges.

Sincerely,

Jeffrey R. Lamb
GPS

“ Need for new intake location, rising construction costs impact water plant project”

Brad Fuqua Dec 25, 2019 Philomath Express

Maintenance at the Philomath water treatment plant’s intake facility on the Marys River
tales place in the spring of 2016 in this file photo.
Rising construction costs and the natural course of future river flow have both impacted the city of Philomath’s water treatment plant budget.

During a meeting Wednesday morning of the Philomath Public Works Committee, engineers went over details of concerns involving the existing intake facility while answering questions about various aspects of the project with an emphasis on cost.

The committee decided to go with an option that locates a new intake a short distance downstream but still within a practical distance from the water treatment plant. The other option under consideration involved a new intake about a mile downstream where the city has existing senior water rights.

“A lot of it’s just that rivers move. They move over time and sometimes they move quickly from one year to the next,” City Manager Chris Workman said. “But sometimes they erode banks out and the report that we’ve gotten as we’ve looked into where to put this intake is the likelihood that the river is going to move and it’s going to move away from the existing intake.”

As a result, Workman added that “it’s not worth putting more money into the existing intake location if the river’s moving away from it.”

Westech Engineering’s Chris Brugato and Peter Blumenthal were at the table along with councilors Doug Edmonds, David Low and Chas Jones, and city staff that included Workman, Finance Director Joan Swanson, Public Works Director Kevin Fear and Public Works Operations Supervisor Garry Black.

Most often referred to as the “Faxon Rights,” the second intake option a mile downstream would have added nearly $2 million to the cost of the project, which would require a new structure and pipeline to get the water to the plant.

Although on the surface it may seem like a no-brainer because of the cost, there were other considerations at hand. The city acquired the rights as part of a purchase years ago of the Faxon property. In order to use those rights downstream for drinking water, the city will either need to construct a new intake facility and pump the water upstream to be treated or build a new plant near the approved point of diversion.

“The difficulty in the decision is eventually, we want to be able to capture those Faxon water rights,” Workman said. “We want to be able to pull that water but do you do it now at a cost of $2 million or do you do it maybe 10 or 20 years from now for more money?“

“But I think the committee is really sensitive to the community and the water rate increases that have already been proposed and those that will still need to come this next year in order to pay for the water treatment plant and reservoir,” Workman added. “And to add an extra $2 million onto that for an intake was just a little bit more than they were comfortable with.”

The committee also did not want to use less-expensive options when it comes to the treatment plant complex. For example, the committee wanted to stay with the decision to build a concrete water reservoir instead of using steel, which does cost less upfront but requires more maintenance over its life cycle, Brugato said.

A major factor involves rising construction costs, something that Westech Engineering is seeing with the new water treatment plant coming to Jefferson. Westech came up with
cost estimates for the Philomath project based on what it sees in Jefferson.

“What has gone up? Everything has gone up. Concrete’s gone up, labor’s gone up, electrical’s gone up, everything’s gone up,” Brugato said. “There’s a lot of construction work flooding the market right now ... it’s suppliers, manufacturers, contractors — everybody at every step of the supply chain is just jacking up their rates. I mean, it’s across the board.”

Brugato used chain-link fencing unit pricing on the Jefferson project as an example.

“That always used to be $20 a foot,” he said. “The low bid was $60 a foot for chain-link fencing.”

Westech said the water treatment plant construction will likely not break ground until 2021.

As for the impact on city water customers, no further increases beyond what has already been proposed will not be necessary. However, the city had hoped to actually come in under budget with an exceptional low-interest financing package that could’ve limited those base water rate increases.

Instead, the original plan for four $5 per month base rate increases over two years remains intact.

“The financial analysis that staff prepared over a year ago was an estimate that each household would see about a $20 increase to pay for the new treatment plant, the reservoir and everything that came with that,” Workman said. “That was a very high level, conservative estimate.”

A program through the state provided lower-than-expected financing as opposed to doing a bond and those associated costs, Workman said.

“But the construction costs have come up, we have this new additional cost with the intake and so those have offset the savings that were there,” he added. “At the end of the day, where we thought we were going to have savings with the better financing options are kinda getting wiped away with these added increases.”

Estimates shared at the meeting included $14.6 million for the water treatment plant and storage tank and a little over $2 million for the chosen intake option. The annual debt payment, to be doled out over 30 years, remains under the targeted amount of $800,000.

“In the end, we’re going to be closer to that original estimate that staff put out than really seeing any savings that we were hoping to get,” Workman reiterated. “And we may still see savings; we don’t know what it’s going to look like. We may still be able to cut some more costs and keep that number well below what we’ve estimated.”

Workman said the city wanted to do the $5 base rate increases every six months instead of springing a $20 increase all at once so that residents could make choices they may want to consider — for example, installing better faucets or landscaping yards in a different manner.

“Twenty dollars is a lot for a lot of households and it takes a little bit of time to adjust to that,” Workman said.
“In the end, we’re going to be closer to that original estimate that staff put out than really seeing any savings that we were hoping to get.”

— City Manager Chris Workman
Hi Ruth,

It’s fine as long as the newspaper is credited and it appears it would be. Thanks for checking.

Brad

From: Ruth Post [mailto:ruth.Post@philomathoregon.gov]
Sent: Wednesday, January 8, 2020 8:47 AM
To: Brad Fuqua <Brad.Fuqua@gtconnect.com>
Subject: FW: 1-13-20 city Council meeting

Good Morning Brad,
The email below was sent by Jeff Lamb to be included in the January 13 Council agenda packet under Information & Correspondence. I am requesting authorization to include and use the photograph shown below originally published in the Philomath Express. Thank you.
Ruth

Ruth Post, MMC
City Recorder
City of Philomath
CITY OF PHILOMATH  
COUNCIL MEMBERS  
January 2019 – December 2020

Eric Niemann, Mayor  
2500 Applegate Street  
Philomath, OR 97370  
541-307-0123  
eric.niemann@philomathoregon.gov

Matt Lehman  
1213 Grant Street  
Philomath OR 97370  
541-602-4505  
matt.lehman@philomathoregon.gov

Doug Edmonds  
3425 Southwood Drive  
Philomath OR 97370  
541-760-3307  
doug.edmonds@philomathoregon.gov

Chas Jones  
844 Marilyn Drive  
Philomath, OR 97370  
815-456-4173  
chas.jones@philomathoregon.gov

David Low  
3340 Pinnacle Place  
Philomath, OR 97370  
541-609-0354  
david.low@philomathoregon.gov

Matthew Thomas  
2508 Green Street  
Philomath, OR 97370  
503-560-0995  
matthew.thomas@philomathoregon.gov

Ruth Causey  
515 Fawn Ln  
Philomath, OR 97370  
415-238-3137  
ruth.causey@philomathoregon.gov

Standing Committees:

<table>
<thead>
<tr>
<th>Police</th>
<th>Public Works</th>
<th>Finance/Admin</th>
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<tr>
<td>Doug Edmonds</td>
<td>Doug Edmonds</td>
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<tr>
<td>Ruth Causey</td>
<td>Eric Niemann</td>
<td>David Low</td>
</tr>
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Representative Assignments:

Oregon Cascades West Council of Governments: Chas Jones  
OCW Area Commission on Transportation (CWACT): Matt Lehman  
Alternate: Vacant  
Chamber of Commerce: Ruth Causey  
Corvallis Area MPO (CAMPO): Eric Niemann  
Alternate: Vacant  
Frolic & Rodeo: Matthew Thomas  
Philomath Community Foundation: Doug Edmonds  
Philomath Community Services: David Low  
Philomath School District: David Low  
Philomath Youth Activities Club (PYAC): Eric Niemann  
Willamette Criminal Justice Council: Eric Niemann/Matthew Thomas

Staff:  
City Manager: Chris Workman 929-6148  
City Recorder: Ruth Post 929-6148  
Finance Director: Joan Swanson 929-3001  
City Attorney: Jim Brewer 752-5154  
Police Chief: Ken Rueben 929-6911  
Public Works Director: Kevin Fear 929-3579  
Public Works Office: Daytime 929-3579  
                          After Hours 766-6911

Effective: 1/13/2020
## City of Philomath
### December 31, 2019 Comparison to Last Year and Budget
#### 50% of the Fiscal Year has Elapsed

### General Fund

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<tr>
<th>Revenue</th>
<th>Actual 12-31-18</th>
<th>Actual 12-31-19</th>
<th>Budget</th>
<th>Percent of Budget</th>
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<tr>
<td>Cash Carryforward</td>
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<td>Court Revenue</td>
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<td>Overhead</td>
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<td>Grants</td>
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<td>Miscellaneous Revenue</td>
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<td>85,740</td>
<td>54%</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td><strong>3,278,420</strong></td>
<td><strong>3,534,158</strong></td>
<td><strong>4,840,300</strong></td>
<td><strong>73%</strong></td>
</tr>
</tbody>
</table>

### Expenditures

| Administration                  | (136,299)       | (217,279)       | (395,100) | 55%               |
| Building Permits                | (182,638)       | (72,867)        | (341,600) | 21%               |
| Finance                         | (165,318)       | (306,897)       | (506,300) | 61%               |
| Municipal Court                 | (90,275)        | (144,906)       | (252,200) | 57%               |
| Police                          | (674,344)       | (1,155,167)     | (2,064,400) | 56%              |
| Buildings and Grounds           | (57,182)        | (60,478)        | (147,100) | 41%               |
| Parks                           | (44,084)        | (56,214)        | (109,000) | 52%               |
| City Council                    | (105,973)       | (104,927)       | (407,600) | 26%               |
| Transfers                       | (82,500)        | (23,500)        | (47,000)  | 50%               |
| Contingency                     | 0               | 0               | (100,000) | 0%                |
| **Total Expenditures**          | **1,538,613**   | **2,142,235**   | **4,370,300** | **49%**     |

**Net Revenue**

$1,739,807 \quad $1,391,923 \quad $470,000

The County has sent us the property tax levy for the 2019-2020 fiscal year. It is up 6% from last year. Any increase over 3% indicates a bit of growth. For budget purposes we had estimated 4%, thus our tax revenue will be a little higher than we had expected.

Building permit revenue is going to fall short of our budgeted amount. There are several subdivisions that have been approved, but they are still installing infrastructure and are not yet ready to start taking out building permits.

Applications for PERS side-account grants opened up on December 2nd. The City applied and received an award for $250,000. On December 5th, the City transferred $1 million to PERS which was added to the grant amount and established our PERS side account. The $1 million contribution was recorded as personnel costs in each of the departments. $698,000 was attributable to the General Fund, $61,000 to the Street Fund, $132,000 to the Water Fund and $109,000 to the Sewer Fund. This one time large expenditure will make it difficult to compare this years department costs to last year.
## City of Philomath

December 31, 2019 Comparison to Last Year and Budget
50% of the Fiscal Year has Elapsed

<table>
<thead>
<tr>
<th>Street</th>
<th>Actual 12-31-18</th>
<th>Actual 12-31-19</th>
<th>Budget</th>
<th>Percent of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash Carryforward</td>
<td>$232,098</td>
<td>$265,822</td>
<td>$242,000</td>
<td>110%</td>
</tr>
<tr>
<td>State Hwy tax</td>
<td>149,140</td>
<td>142,615</td>
<td>335,400</td>
<td>43%</td>
</tr>
<tr>
<td>Street Utility Fee</td>
<td>54,050</td>
<td>57,357</td>
<td>112,000</td>
<td>51%</td>
</tr>
<tr>
<td>Franchise Fees</td>
<td>27,042</td>
<td>29,506</td>
<td>60,200</td>
<td>49%</td>
</tr>
<tr>
<td>Miscellaneous Revenue</td>
<td>13,480</td>
<td>25,885</td>
<td>34,400</td>
<td>75%</td>
</tr>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel</td>
<td>(98,341)</td>
<td>(167,957)</td>
<td>(289,141)</td>
<td>58%</td>
</tr>
<tr>
<td>Materials and Services</td>
<td>(113,427)</td>
<td>(94,126)</td>
<td>(259,159)</td>
<td>36%</td>
</tr>
<tr>
<td>Transfers</td>
<td>(52,850)</td>
<td>(35,348)</td>
<td>(70,700)</td>
<td>50%</td>
</tr>
<tr>
<td>Contingency</td>
<td>0</td>
<td>0</td>
<td>(70,000)</td>
<td>0%</td>
</tr>
<tr>
<td>Net Revenue</td>
<td>$211,192</td>
<td>$223,724</td>
<td>$95,000</td>
<td></td>
</tr>
</tbody>
</table>

| Water                         |                 |                 |        |                  |
| Revenue                       |                 |                 |        |                  |
| Cash Carryforward             | $258,928        | $427,421        | $370,000 | 116%             |
| Water Revenue                 | 605,749         | 763,514         | 1,434,000 | 53%          |
| Miscellaneous Revenue         | 20,115          | 22,535          | 57,690  | 39%              |
| Expenditures                  |                 |                 |        |                  |
| Personnel                     | (190,303)       | (337,684)       | (569,039) | 59%             |
| Materials and Services        | (216,952)       | (216,118)       | (509,351) | 42%             |
| Transfers                     | (110,849)       | (296,650)       | (593,300) | 50%             |
| Contingency                   | 0               | 0               | (100,000) | 0%              |
| Net Revenue                   | $366,688        | $363,018        | $90,000 |                  |

| Sewer                         |                 |                 |        |                  |
| Revenue                       |                 |                 |        |                  |
| Cash Carryforward             | $202,283        | $319,170        | $330,000 | 97%             |
| Sewer Revenue                 | 560,988         | 583,800         | 1,150,000 | 51%           |
| Transfer In                   | 75,000          | 100,000         | 200,000 | 50%              |
| Miscellaneous Revenue         | 25,223          | 25,049          | 38,200  | 66%              |
| Expenditures                  |                 |                 |        |                  |
| Personnel                     | (158,024)       | (279,368)       | (472,980) | 59%             |
| Materials and Services        | (145,884)       | (159,795)       | (400,020) | 40%             |
| Debt Service                  | (94,676)        | (92,073)        | (364,200) | 25%             |
| Transfers                     | (91,300)        | (145,500)       | (291,000) | 50%             |
| Contingency                   | 0               | 0               | (90,000) | 0%               |
| Net Revenue                   | $373,610        | $351,283        | $100,000 |                  |

Revenue and expenses for these three funds are pretty much on target. The expenditures for materials and services are a little low, but not out of the ordinary.
City of Philomath
December 31, 2019 Comparison to Last Year and Budget
50% of the Fiscal Year has Elapsed

<table>
<thead>
<tr>
<th>Storm Drain</th>
<th>Actual 12-31-18</th>
<th>Actual 12-31-19</th>
<th>Budget</th>
<th>Percent of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash Carryforward</td>
<td>$ 27,875</td>
<td>$ 33,265</td>
<td>$ 33,000</td>
<td>101%</td>
</tr>
<tr>
<td>Storm Drain Revenue</td>
<td>29,639</td>
<td>30,648</td>
<td>59,950</td>
<td>51%</td>
</tr>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Materials and Services</td>
<td>(15,167)</td>
<td>(8,427)</td>
<td>(49,050)</td>
<td>17%</td>
</tr>
<tr>
<td>Transfers</td>
<td>(20,750)</td>
<td>(14,450)</td>
<td>(28,900)</td>
<td>50%</td>
</tr>
<tr>
<td>Net Revenue</td>
<td>$ 21,597</td>
<td>$ 41,036</td>
<td>$ 15,000</td>
<td></td>
</tr>
</tbody>
</table>

| Land, Building, & Equipment                       |                 |                 |        |                   |
| Revenue                                          |                 |                 |        |                   |
| Cash Carryforward                                 | $ 2,509,665     | $ 3,187,193     | $ 3,225,100 | 99%            |
| Transfers In                                      | 347,500         | 501,000         | 1,002,000 | 50%             |
| Grants                                           | 0               | 425,000         | 0%     |                   |
| Miscellaneous Revenue                             | 40,261          | 49,590          | 72,300 | 69%              |
| Expenditures                                      | (83,516)        | (144,574)       | (2,944,400) | 5%          |
| Net Revenue                                       | $ 2,813,910     | $ 3,593,209     | $ 1,780,000 |                  |

| SDC's                                            |                 |                 |        |                   |
| Revenue                                          |                 |                 |        |                   |
| Cash Carryforward                                 | $ 1,542,201     | $ 3,345,220     | $ 3,240,000 | 103%          |
| SDC Revenue                                       | 1,934,208       | 90,268          | 654,225 | 14%            |
| Miscellaneous Revenue                             | 29,486          | 38,990          | 90,000  | 43%             |
| Grants                                           | 22,601          | 0               | 172,275 | 0%              |
| Expenditures                                      |                 |                 |        |                   |
| Capital Outlay                                    | (11,966)        | (440,832)       | (1,545,000) | 29%       |
| Debt Service                                      | (127,697)       | 0               | 0      |                  |
| Transfers                                         | (75,000)        | (100,000)       | (200,000) | 50%          |
| Net Revenue                                       | $ 3,313,833     | $ 2,933,646     | $ 2,411,500 |              |

The largest expenditure budgeted in the Land, Building & Equipment Fund and the SDC Fund is for the engineering and design of the Water Treatment Plant. That project was delayed while the engineers were waiting for additional information including the location of the intake to be able to complete their design work.

Revenue in the SDC Fund is significantly lower than was budgeted. This is in line with the low building permit revenue. There has only been 3 new homes built in the last 6 months. As the subdivision get their infrastructure completed and building begins, the SDC revenue will also start to increase.