



CITY OF PHILOMATH

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

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS

980 Applegate Street

May 20, 2019
6:00 p.m.

MEETING AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - 3.1 Minutes of April 1, 2019
- 4. OLD BUSINESS**
 - 4.1 Review of Annexation Criteria and Open House Discussions
 - 4.2 Public Hearing for Annexation Criteria Schedule Discussion
 - 4.3 Review of Development Code Updates Under Consideration
- 5. ADJOURNMENT**

NEXT MEETING:
June 17, 2019
6:00 p.m.

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**PHILOMATH PLANNING COMMISSION
MINUTES**

April 1, 2019

1. **CALL TO ORDER:** Chair Stein called the meeting to order at 6:00 pm

2. **ROLL CALL:**

Present: Commissioners Garry Conner, Lori Gibbs, Steve Boggs, Jeannine Gay, Peggy Yoder, and Chair David Stein.

Staff: Chris Workman, City Manager; Amy Cook, Deputy City Attorney; Patrick Depa, Planner; and Ashley Howell, Building Permit Clerk.

3. **APPROVAL OF MINUTES:**

3.1 March 18, 2019, Minutes –

MOTION: Commissioner Gay moved, Commissioner Stein second, the March 18, 2019, minutes be approved. Motion APPROVED 6-0. (Yes: Conner, Gibbs, Boggs, Gay, Yoder, Stein; No: None.)

4. **OLD BUSINESS**

4.1 Annexation Criteria – Chapter 18.135

There was discussion regarding section .030 C, Requirements for Applications, numbers 4 and 5, regarding sufficient information for the city staff to allow for completion of an impact analysis. Discussion focused on the proposed language for 5iii. Mr. Workman clarified that both the agency and applicant would need to address the city regarding the terms of agreement made for capacity. All commissioners accepted the new language.

There was discussion regarding section .030 F, number 4, Review Criteria, annexation of the property must be of benefit to the City and community of Philomath. All Commissioners accepted the new language.

There was discussion regarding section .030 G, if any studies are required at the time an annexation application is filed, the City shall contract for the study and the cost of the study shall be added to the application fee paid by the applicant at the time of submittal. Mr. Workman explained that this criterion requires potential applicants to have a pre-application meeting to discuss possible studies that may be required. He discussed the possibility of this criterion exposing the city to financial burdens should the application be withdrawn. Mr. Workman explained that there is a 30-day limit that the State imposes in which the City must deem an application complete. Ms. Cook explained that the committee could coordinate with the City to make a list of pre-approved developers that the applicant could decide to hire. She explained that this would shift the financial burden to the applicant rather than on the City. Mr. Workman explained that there is a chance that the study required of the applicant may run past the 30-day application completion period, in which case the application would have to be deemed incomplete.

51 Ms. Cook asked for clarification as to requested language for criteria G. The committee
52 agreed on the following language for section .030 G: If any studies are required the city
53 shall contract for the study and the cost of the study or studies should be added as a
54 deposit to the application fee paid by the applicant before the application is deemed
55 complete.

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57 Mr. Workman expressed concerns regarding requesting additional studies from
58 applicants after an application is deemed complete. The committee accepted the new
59 language requested.

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61 There was discussion regarding section .030 F, number 8, Properties that include
62 existing development must have a safe pedestrian route to school within 18 months of
63 annexation. Commissioner Gay expressed dissatisfaction with the length of time for
64 completion. She asked for clarification as to why the time limit is so long. Mr. Workman
65 explained the normal time limit in which designing, bidding, and execution takes.

66
67 There was discussion regarding section .030 C, number 8, A conceptual development
68 plan shall be provided by the applicant and shall include the following. Commissioner
69 Gibbs discussed the possibility of requesting three-dimensional studies for larger scale
70 projects.

71
72 There was discussion regarding section .030 F, number 4, Review Criteria, annexation
73 of the property must be of benefit to the City and the community of Philomath.

74
75 The committee discussed section .030 T, The City is under no obligation to condemn,
76 exercise eminent domain, or pay for the extension of services to an annexed property.
77 All Commissioners accepted the revised language.

78
79 Chair Stein addressed the annexation criteria from Ashland, Eugene, and Hood River.
80 He asked if anyone on the commission had any ideas from any of the three cities that
81 they would like to incorporate into Philomath's annexation criteria. No additions were
82 made.

83
84 Chair Stein discussed the city of Ashland's criteria for affordable housing. He discussed
85 that there is some confusion in defining affordable housing. Ms. Cook explained that the
86 City just recently adopted the State's definition of affordable housing into their code. Mr.
87 Workman discussed affordable housing relative to subsidized housing and market driven
88 housing.

89
90 Mr. Depa discussed concerns with the criteria pertaining to an annexation being
91 beneficial to the city. He explained that some criteria could seem too subjective and put
92 the City at potential risk.

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94 Mr. Workman explained the format for the public comment and open house meeting on
95 April 15, 2019.

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5. ADJOURNMENT:

There being no further business, Chair Stein adjourned the meeting at 7:37 p.m.

SIGNED:

ATTEST:

David Stein, Chair

Ashley Howell, Building Permit Clerk

DRAFT

PROPOSED CHANGES TO THE ANNEXATION CHAPTER

Chapter 18.135 ANNEXATION

Sections:

- 18.135.010 Purpose.
- 18.135.020 Legislative amendments.
- 18.135.030 Annexations.
- 18.135.040 Record of amendments.
- 18.135.050 Transportation planning rule compliance.

18.135.010 Purpose.

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this title and the land use district map. These will be referred to as “map and text amendments.” Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law. [Ord. 720 § 7[4.7.1], 2003.]

18.135.020 Legislative amendments.

Legislative amendments are policy decisions made by city council. They are reviewed using the Type IV procedure in PMC 18.105.060. [Ord. 720 § 7[4.7.2], 2003.]

18.135.030 Annexations.

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

B. Annexation Filing Deadlines.

1. Unless mandated by state law, all annexation requests approved by the city council shall be referred to the voters in accordance with the requirements of this title and ORS Division 222.
2. Annexation elections are scheduled for May and November. Applications for annexation shall be filed with the planning department before 5:00 p.m. on the second Thursday of November for a ballot election in May and before 5:00 p.m. on the second Thursday of May for a ballot election in November.

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 city services including: existing water supply and facilities; ~~and~~ existing sewer; drainage; transportation and transit; park ~~and school~~ 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.

~~7.5.~~ A statement outlining the method and source of financing required to provide additional facilities.

~~8.6.~~ 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.

~~9.7.~~ 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.

~~10.8.~~ 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.

D. Review of Application. City staff shall review the application and it shall be deemed complete if it contains the material required under this section.

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

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 (UBG) 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. The company selected by the applicant to perform this study must be approved by the city.
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.

G. If any studies are required at the time an annexation application is filed, the City shall contract for the study and the cost of the study shall be added to the application fee paid by the applicant at the time of submittal.

H.G. Concurrent Application for comprehensive plan map or zoning map amendments. Application(s) for comprehensive plan map and/or zoning map amendments may be made concurrent with an application for annexation of territory. City approval of map amendments may be made contingent upon approval of the annexation.

H.H. Annexation by Consent of All Owners of Land. When all the owners of land in the territory to be annexed consent in writing to the annexation of their land in the territory and file a statement of their consent with the city, the following procedures shall apply:

1. The planning commission shall hold at least one public hearing on the annexation request.
2. Application for said annexation must be filed, with payment of the appropriate fee, not less than 30 days prior to the date of the public hearing.
3. Notice of the public hearing shall be published in a newspaper of general circulation in the city not less than five days or more than 15 days prior to the date of the public hearing. Notice shall also be posted at six public places within the city not less than five days or more than 15 days prior to the date of the public hearing.
4. Written notice of a requested annexation shall be mailed to all owners of the property not less than 20 days prior to the date of the hearing. If the property to be annexed is less than five acres, notice shall be mailed to all owners within 200 feet of the exterior boundary of the subject property. If the property to be annexed is greater than five acres, notice shall be mailed to all owners within 400 feet of the exterior boundary of the subject property. In those instances where an approved annexation would create an island of unincorporated property, those affected property owners shall be notified of this potential.
5. The public hearing shall be conducted according to the requirements established for Type IV applications.
6. Should the public hearing be continued to a specific date by oral pronouncement prior to the closing of such hearing, and such pronouncement shall serve as sufficient notice of such continuance to all applicants, adverse parties, and interested persons.
7. Within 45 days following the public hearing, unless a continuance is announced, the commission shall make specific findings of fact. Based on the findings, the commission shall render a decision which shall recommend either that the application be approved and submitted to the voters at the next available election according to the requirements above, or be denied.

a. If the commission recommends that the application be granted and set for the election, the commission shall transmit to the council a copy of the application, a scale drawing of the site, the minutes of the public hearing, a tape recording of the meeting, the decision and findings of the commission, and any other materials deemed necessary for a decision by the council.

b. If the commission recommends that the application be denied, no further proceedings shall be held by either the commission or council, unless an appeal of the commission's decision is filed by the applicant or by an interested party within 15 calendar days of the commission's decision.

8. Upon receipt of the commission's recommendation of approval, the council shall call for a public hearing on the proposed subject to the notice requirements for a Type IV application.

9. In the event of an appeal of a planning commission decision, the council shall hold a public hearing following the procedures in a Type IV application.

J. Annexation by Non-Unanimous Triple Majority Consent Petition. When more than half, but not all, of the owners of land in the territory to be annexed who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory, the following procedures shall apply:

1. The planning commission shall hold at least one public hearing on the annexation request.

2. Application for the annexation must be filed, with payment of the appropriate fee, not less than 30 days prior to the date of the public hearing.

3. Notice of the public hearing shall be published in a newspaper of general circulation in the city not less than five days or more than 15 days prior to the date of the public hearing. Notice shall also be posted at six public places within the city not less than five days or more than 15 days prior to the date of the public hearing.

4. Written notice of a requested change shall be mailed to all owners of the property not less than 20 days prior to the date of the hearing. If the property to be annexed is less than five acres, notice shall be mailed to all owners within 200 feet of the exterior boundary of the subject property. If the property to be annexed is greater than five acres, notice shall be mailed to all owners within 400 feet of the exterior boundary of the subject property. In those instances where an approved annexation would create an island of unincorporated property, those affected property owners shall be notified of this potential.

5. The public hearing shall be conducted according to the requirements established for a Type IV application.

6. Should the public hearing be continued to a specific date by oral pronouncement prior to the close of such hearing, and such pronouncement shall serve as sufficient notice of such continuance to all applicants, adverse parties, and interested persons.

7. Within 45 days following the public hearing, unless a continuance is announced, the commission

shall make specific findings of fact. Based on the findings, the commission shall render a decision that shall recommend either that the application be approved and submitted to the voters at the next available election according to the requirements of subsection (H)(7)(b) of this section, or denied.

8. If the commission recommends that the application be granted and set for the election, the commission shall transmit to the council a copy of the application, a scale drawing of the site, the minutes of the public hearing, a tape recording of the meeting, the decision and findings of the commission, and any other materials deemed necessary for a decision by the council.

9. If the commission recommends that the application be denied, no further proceedings shall be held by either the commission or council, unless an appeal of the commission's decision is filed by the applicant or by an interested party within 15 calendar days of the commission's decision.

10. Upon receipt of the commission's recommendation of approval, the council shall call for a public hearing on the proposed subject to the notice requirements stated for a Type IV application.

11. In the event of an appeal of a planning commission decision, the council shall hold a public hearing following the procedures for a Type IV application.

KJ. Findings and Decision. In the event the city council holds a public hearing on an annexation request, the city council may adopt the planning commission findings for approval or denial of the annexation, supplement the record as appropriate in the circumstances, or reject the findings of the planning commission and adopt new findings.

LK. Health Hazard Annexation. The city shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the city to provide necessary services. Annexation of areas constituting a health hazard are not subject to voter approval.

ME. Island Annexation. The following policies are adopted for island annexations:

1. The city shall attempt not to create islands of unincorporated territory within the corporate limits of the city. If such an island is created, the city council may set a time for a public hearing for the purpose of determining if the annexation should be submitted to the voters.

2. Written notice to property owners by first class mail will be made prior to annexation to allow for property owner responses. Failure to receive notice shall not in any way invalidate the annexation procedure that may be subsequently undertaken by the city.

3. Annexation of an island shall be by ordinance, subject to approval by the voting majority of the electorate.

NM. Comprehensive Plan and Zoning Designations.

1. The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Philomath comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Philomath comprehensive plan.

2. Simultaneous application for annexation and a zone change is allowed; provided, that the zone change ordinance does not take effect until and unless the property is properly annexed to the city and incorporated within the city limits.

ON. Information on Proposed Annexation. The city newsletter shall be used to present an applicant's conceptual plan along with a summary of the city staff's analysis of the development's impact on public infrastructure. Other information to be presented shall include a vicinity map, size of the property, its current zoning and zoning upon annexation, a description of any comprehensive plan text or map amendment or zoning ordinance text or map amendment that is required and any other information that may assist in the explanation of the proposal. Annexation information in the city newsletter and on the election ballot shall include the following disclaimer statement:

The conceptual plan associated with this annexation request may change. Any development proposal on this property shall require review and approval by the planning commission at a public hearing. Any future owner of this property who may propose a different development plan must pass through the same plan review process and public hearing. The city is not speaking in favor or against this conceptual plan.

Annexation requests submitted by the city are not required to contain a disclaimer statement.

PE. Election Procedures.

1. Pursuant to ORS 222.130(1), the statement of chief purpose in the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features.

Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words.

2. Pursuant to ORS 222.130(2), the notice of an annexation election shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

3. Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

QP. Setting of Boundaries and Proclamation of Annexation. If the annexation is approved, the city council, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation (ORS 222.170(3)).

RQ. Submission of Annexation Reports. The city shall report all changes in the boundaries of the city to the county clerk, county assessor, and the state of Oregon as required by Oregon Revised Statutes.

SR. Exceptions. The city council may authorize an exception to any of the requirements of this section. An exception shall require a favorable vote of six or more council members and findings that indicate the basis for the exception. Any exception so approved shall not be in violation of state law or any applicable provisions of the City Charter.

S. Zoning of Annexed Areas. The city council shall designate all areas annexed to the city with a zone or zones. The city council shall provide notice in accordance with a Type IV application and conduct a public hearing prior to designating city zoning for annexed property. Designation of areas annexed by the city shall be subject to one of the following procedures:

1. If the proposed zoning designation corresponds to the comprehensive plan map designation for the property being annexed, the city council shall conduct a public hearing on the proposed zoning designation for the affected property. Notice for the hearing shall be provided for in accordance with a Type IV application, except all published and mailed notice shall be provided 20 days in advance of the hearing. Following the public hearing, the city council shall adopt an ordinance that assigns the zoning designation for the affected property.

2. If the proposed zoning designation does not correspond to the comprehensive plan map designation for the property being annexed, the proposal shall be reviewed by the planning commission as a comprehensive plan map amendment and zoning map designation pursuant to a Type IV application. Following planning commission review, the city council shall conduct a public hearing. Following the hearing, the city shall adopt an ordinance that designates the zoning of the affected properties, adopts approved amendments to the comprehensive plan map, if necessary.

3. The city may approve a comprehensive plan map amendment and/or zone designation for property prior to annexation and may specify that the plan map amendment and zone designation shall not become final unless the property is annexed to the city within a specified time.

T. The City is under no obligation to condemn, exercise eminent domain, or pay for the extension of services to an annexed property. [Ord. 720 § 7[4.7.3], 2003.]

18.135.040 Record of amendments.

The planning official shall maintain a record of amendments to the text of this title and the land use districts map in a format convenient for public use. [Ord. 720 § 7[4.7.4], 2003.]

18.135.050 Transportation planning rule compliance.

A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060. Significant means the proposal would:

1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the comprehensive plan/transportation system plan; or
2. Change the standards implementing a functional classification system; or
3. Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or

4. Reduce the level of service of the facility below the minimum acceptable level identified in the comprehensive plan/transportation system plan.

B. Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the transportation system plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility;
2. Amending the transportation system plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the transportation planning rule; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation. [Ord. 720 § 7[4.7.5], 2003.]

Thank you for attending the Planning Commission Open House

Please Sign In

1. Gary Conner
2. Lori Gibbs
3. Michael Sprouse
4. Julie Conner
5. DAVID STEIN
6. JEFFREY R. LAMB
7. ALLEN BUOLC
8. Billy Hill
9. LETH HILL
10. Rick Flacco
11. Ann Buell
12. STEVE & PEGGY CYR
13. Giana Bernardini
14. Izzie Elliott Thanks for having it!
15. May D. Darsch
16. PEGGY Toder
17. Charles Shaw
18. Jean Shaw
19. Sandy Heath

Please provide comments in the space provided

Name	Comment	Amendments	We are growing
Izzie Elliott	Thanks for the posters. They say a lot!		
Izzie	When is there a mention of infrastructures and the need for it		
May Dasch	18.135.030 C-4 "sufficient information ... an impact analysis on ... existing <u>LAND</u> <u>FUTURE</u> water supply ..."		

Please provide comments in the space provided

Name	Comment
JEFF LAMB	USE THE "WORD" SHALL EVERYWHERE
Rick Flacco	E.g - What does "benefit" mean?
Giana Bernardini	yes to new criteria # 1-6! (But the "benefit" strikes me as a low bar to clear. Not hard to come up with something?)
Ann Buell	Glad it requires applicant to provide info on environmentally harmful chemicals,...
Sandy	Environment - Past mill/agriculture sites

Please provide comments in the space provided

Name	Comment
Sandy Heath	18,135 7.7 - The information is not true under SB 1573. We no longer vote.
Noelle	7. Development must occur in phases - How many? Will there be consistency in agreements in similar developments?
Gianna B.	6 = good! Improvement 7. = too vague. Have baseline #'s?
Ann Buell	I'm glad every every annexation gets a hearing with the Planning Commission now

Please provide comments in the space provided

Name	Comment
Sandy Heath 1	18.135 - 7. We do not vote in compliance with SB1573
Rick Focco	Whenever possible, as much advance notice should be given as is reasonable. 20 days is is too short amount of time to become informed on an issue, develop an opinion, and respond.
" "	Agree w/ Sandy since 1573.



Philomath Planning Commission Agenda Item Summary

Title/Topic: **PMC Chapter 18 Zoning Amendments**

Meeting Date: May 20, 2019
Department: Planning

Staff Contact: Pat Depa
Email: Patrick.Depa@Co.Benton.OR.US

ISSUE

Chapter 18 of the Philomath Municipal Code (PMC) covers zoning and land use issues. It is based on model code provided by the State that is then customized by the City to reflect its comprehensive plans and interests.

On January 28, 2019, the Planning Commission reviewed several areas of the zoning code that need revised and directed staff to bring back proposed changes for consideration. The proposed changes to the zoning code were tabled at the February 19th Planning Commission meeting and again at the March 4th meeting.

This is a “track changes” version; blue underlined font indicates it has been added and ~~red strikethrough font~~ indicates it is to be deleted.

Once reviewed, the Planning commission needs to direct staff to prepare code language for the annexation and other sections. Once all changes have been reviewed, staff will bring an amending ordinance to the Commission for consideration, set a hearing date, and notify the public and appropriate stakeholders.

PROPOSED CHANGES TO THE ZONING CODE

Plan Approvals

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: prior to the effective date of the ordinance codified in this title, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Chapter 18.130 PMC, Modifications to Approved Plans and Conditions of Approval.

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 at least 25% of the construction authorized by a site plan approval has not completed within eighteen (18) months of site plan approval or granting of an extension, 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.

BC. 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.]

Manufactured Home Parks

18.35.100 Special standards for certain uses.

D. Manufactured Home Park. Manufactured home parks are allowed on parcels of five (5) acres ~~one 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). There shall be not less than seven hundred twenty (720) square feet of floor area within each manufactured home. The floor area of any porch, sun deck, or other structure shall not be used to meet this requirement.
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. ~~Perimeter~~ 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 ~~city may require installation of fencing and~~ 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 landscaping 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 (~~Parks Smaller Than Three Acres~~). Manufactured homes in parks ~~smaller than 3 acres~~ 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). ~~;~~ ~~and~~
 - b. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered superior to metal siding and roofing).
6. 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 a resident of the manufactured home development 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.

Multi-family in Commercial Zones

18.40.090
Special standards for certain uses.

Residential in Commercial District
Table 18.40.020

-Asterisk added after to "Multifamily" in the C-1, directing multifamily in all commercial zones to the specials standards section of the code.

-Change "the O-R zone" to "a commercial zone"

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

C-1 Central Commercial	C-2 General Commercial	O-R Office/Residential
<u>Allowed Uses</u>	<u>Allowed Uses</u>	<u>Allowed Uses</u>
(A) Bank or financial institution.	(A) All uses allowed in the C-1 zone.	(A) Church, nonprofit religious or philanthropic institution.
(B) Church.	(B) Assembly of products.	(B) Office.
(C) Day care centers, including family day care homes.	(C) Automobile or trailer sales and service.	(C) Home occupation; subject to PMC 18.145.020.
(D) Drive-in or drive-through facilities.*	(D) Car wash.	(D) Multifamily dwelling.**
(E) Funeral parlor.	(E) Motels.	(E) Family day care home or facility.
(F) Fraternal lodge.	(F) Service station and vehicle repair shop.	(F) Parking lot.
(G) Membership club.		(G) Residential or child care home or facility.
(H) Multifamily and row housing.*		
(I) Retail sales and service establishments that do not require the outside storage of goods, supplies or equipment not otherwise identified in this section.	<u>Conditional Uses</u>	<u>Conditional Uses</u>
(J) Offices.	(A) Light manufacturing.	The planning commission may grant a conditional use permit for the following uses:
(K) Professional offices.		(A) Research laboratories.
(L) Public buildings and uses including public park, post office, public office, fire station, public community center, public parking lot, and public library.		(B) Tower, water tank, or similar structure in conjunction with a building or buildings on the same lot.
(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.		(C) Funeral parlor.
(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.		(D) Pharmacy.
(O) Residential care facility.		(E) Community center.
(P) Restaurants including takeout only establishments.		(F) Governmental structure or use of land, including park, playground, fire or police station, library, or City Hall.
(Q) Taverns.		(G) Nursing home, rest home, retirement home, residential care facility, convalescent hospital or similar facility.
(R) Sidewalk displays.		(H) Membership club.
		(I) Public and private schools.

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 the ~~O-R~~ 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.]

a commercial

A. Residential Uses. Higher density residential uses, such as multifamily buildings and attached townhomes, are allowed to encourage housing near employment, shopping and services. All residential developments shall comply with the standards in subsections (A)(1) through (A)(6) of this section, which are intended to require mixed-use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses that existed prior to the effective date of the ordinance codified in this title are exempt from this section.

1. Mixed-Use Development Required. Residential uses shall be allowed only when part of a mixed-use development (residential with commercial or public/institutional use). Both vertical mixed-use (housing above the ground floor), and horizontal mixed-use (housing on the ground floor) developments are allowed, subject to the standards in subsections (A)(2) through (A)(6) of this section.
2. Limitation on Street-Level Housing. No ~~more than 50 percent of a single~~ street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it ~~does not limit~~ 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.

Temporary Storage

18.40.090 Special standards for certain uses.

H. Long term or temporary storage of materials or goods in semi-truck and/or tractor/trailers is prohibited. Accessory parking of semi-truck and/or tractor/trailers shall not exceed 24 hours.

1. Long-term storage of tractor/trailers may be approved in Industrial zoned districts when the storage of tractor/trailers is part of the operation's shipping and receiving, but all operations have to be pre-approved by the Planning Commission.
2. All parking or storage of tractor/trailers in industrial zones shall be entirely screened from a public right-of-way and adjacent residentially zoned property.
3. Other temporary parking of tractor/trailers not pre-approved may apply for a temporary permit through the Planning Commission.

Urban Tree Canopy

Chapter 18.70 LANDSCAPING, ~~AND~~ 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 Urban Canopy: Application for tree removal permit.

18.70.070 Mitigation.

18.70.080 Public nuisance definition.

18.70.090 Notice required for nuisances.

18.40.100 Violation and penalty.

18.70.010 Purpose.

The purpose of this chapter is to promote community health, safety and welfare by protecting natural vegetation, ~~and~~ 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.

~~This chapter is organized into the following sections:~~

~~PMC 18.70.020, Landscape conservation, prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands and other protected natural resource areas. This section cross references Chapter 18.55 PMC, which regulates development of sensitive lands.~~

~~PMC 18.70.030, New landscaping, sets standards for and requires landscaping of all development sites that require site design review. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other landscaping standards are provided in Division 2, Land Use Districts, for specific types of development.~~

~~PMC 18.70.040, Street trees, sets standards for and requires planting of trees along all streets for shading, comfort and aesthetic purposes. [Ord. 779 § 2, 2012; Ord. 734 § 1, 2005; Ord. 720 § 7[3.2.1], 2003.]~~

18.70.020 Landscape conservation.

A. Applicability. All ~~development~~ sites 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.

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.

18.70.040 Street trees.

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. [Ord. 791 § 3, 2015; Ord. 618 § 4, 1993.]

18.70.050 Fences and walls.

Repealed by Ord. 779. [Ord. 720 § 7[3.2.5], 2003.]

18.70.060 Urban Canopy: Application for tree removal permit.

A. Applicability. This section shall apply to all property, public and private, within city limits.

B. A person seeking to remove one or more significant trees shall apply for a tree removal permit.

1. By submission of an application, the applicant shall be deemed to have authorized city employees, representatives, or consultants to have access to applicant's property as may be necessary to verify the information provided, to observe site conditions, and, if a permit is granted, to verify that terms and conditions of the permit are followed.

C. Time of Application. Application for a tree removal permit shall be made before removing or transplanting significant trees except in emergency situations as provided in PMC 18.70.020 F. 2. Where the site is proposed for development necessitating site plan or tentative plat review, application for a tree removal permit shall be made concurrent with subdivision, partition, site plan review or other development application as specified in this chapter.

D. Fees. There shall be no cost for a tree removal permit.

18.70.070 Mitigation.

A. Requirement Established. Tree removal permit grantees shall plant one replacement tree for each significant tree removed.

B. Replacement Trees. Trees planted as mitigation shall meet all of the following standards:

1. To encourage a diversity of species when four or more trees are required as mitigation, no more than 25 percent of trees planted as mitigation shall be of any one species. Use of native trees where appropriate is encouraged;
2. All replacement trees shall be appropriately chosen for the site conditions (especially soil and hydrology) from an approved tree species list supplied by the city, and shall be rated by the State Department of Agriculture and American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade;
3. All replacement trees shall be one and one-half inch or larger caliper. The Tree Advisory Board or the City Arborist may allow the use of replacement Oregon White Oaks and other native trees with the largest available nursery stock if one and one-half caliper trees are not available;
4. Replacement trees shall be planted prior to final plat for land divisions and prior to issuance of final certificate of occupancy for other applications. Mitigation requirements shall run with the land until all required mitigation has been completed;
5. Replacement trees shall be staked, fertilized, mulched, and irrigated as necessary to ensure survival; and
6. Trees planted as mitigation shall be guaranteed by the permit grantee or the grantee's successors-in-interest for three years after the planting date.

C. Alternatives to On-Site Mitigation.

1. Relocation or Replacement off Site. The following alternatives may be used to fulfill mitigation requirements off site:
 - (i) Replanting may occur on other property in the applicant's ownership or control within the city, or in a city-owned or dedicated open space or park. If planting on city-owned or dedicated property, the city may specify the species, size, and location of the trees. Nothing in this section shall be construed as an obligation of the city to allow trees to be planted on city-owned or dedicated property.
 - (ii) Payment in Lieu of Planting. The applicant may choose to pay an amount equal to the number of replacement trees required times a per-tree rate as established by resolution of the City Council. Funds collected will be used by the city to support the city's Tree City USA efforts.

18.70.080 Public nuisance definition.

As defined in PMC 9.15.070. [Ord. 618 § 6, 1993.]

18.70.090 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. [Ord. 791 § 4, 2015; Ord. 618 § 7, 1993.]

18.40.100 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. [Ord. 618 § 8, 1993.]

Parking

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. For calculating parking spaces, a two-car garage shall be calculated as one parking space towards the parking requirement and a three-car garage shall be calculated as two parking spaces towards the parking requirement. 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.~~ One space per unit.
- 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: three 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.

Consolidated Proceedings

18.105.070 General provisions.

D. Applications.

1. Initiation of applications:

- a. Applications for approval under this chapter may be initiated by:

- i. Order of city council;
- ii. Resolution of the planning commission;
- iii. The planning official;
- iv. A record owner of property (person(s) whose name is on the most recently recorded deed) or contract purchaser with written permission from the record owner.

- b. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.

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. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the council, the commission, or the planning official.~~

~~ba.~~ 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.

CITY MANAGER RECOMMENDATION

I feel it is important to have code language that supports the type of development we would like to see continue in Philomath. Good code leads to good development. The proposed changes are a good start to updating and improving the City's development code.

RECOMMENDED MOTION

"I move approve the proposed changes as presented and discussed and direct staff to prepare for a public hearing before the Planning Commission."