



## **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**

**July 15, 2019**  
**6:00 p.m.**

## **MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
  - 3.1 Minutes of May 20, 2019
- 4. PUBLIC HEARING**
  - 4.1 File Number: PC19-02, PC19-03, PC19-04, PC19-05, PC19-06, PC19-07  
Applicant: Scott Lepman Company  
Application Type:
    - Master Plan (PC19-02)
    - Industrial Flex Space (PC19-03)
    - Indoor Storage/Outdoor Storage – Boat & RV (PC19-04)
    - RV Park (PC19-05)
    - Conditional Use Permit (PC19-06)
    - Lot Coverage Variance (PC19-07)Location: 617 N 19<sup>th</sup> St., Assessor's Map 12612, Tax Lot 100, 200 & 201
  - 4.2 PC19-02 et al. Discussion and possible decision
- 5. ADJOURNMENT**

### **NEXT MEETINGS:**

**July 22, 2019 (DLCD Work Session) @ 6:00 p.m.**  
**August 19, 2019 @ 6:00 p.m.**

**PHILOMATH PLANNING COMMISSION  
MINUTES**

May 20, 2019

1. **CALL TO ORDER:** Chair Stein called the meeting to order at 6:00 pm
2. **ROLL CALL:**
  - Present:** Commissioners Garry Conner, Joseph Sullivan, Lori Gibbs, Steve Boggs, Jeannine Gay, Peggy Yoder, and Chair David Stein.
  - Staff:** Chris Workman, City Manager; Patrick Depa, Planner; and Ashley Howell, Building Permit Clerk.
3. **APPROVAL OF MINUTES:**
  - 3.1 **April 1, 2019, Minutes –**

**MOTION:** Commissioner Boggs moved/Commissioner Gay second, the April 1, 2019, minutes be approved. Motion APPROVED 6-0. (Yes: Conner, Gibbs, Boggs, Gay, Yoder, Stein. Abstained: Sullivan)
4. **OLD BUSINESS**
  - 4.1 **Annexation Criteria and Open House Discussion–** Commissioner Yoder asked for clarification on 18.135.030 and C4, Sufficient information for city staff to allow for the completion of an impact analysis. She explained that there was a comment made by the public expressing concern for the City's water supply. She asked if the concern was addressed by criterion T, The City is under no obligation to condemn, exercise eminent domain, or pay for the extension of services to an annexed property. Mr. Workman explained criterion T, that the city would make services available to the annexed property, but that it would be up to the property owner to provide access to such services.

The public commenter, at the open house meeting on April 15, 2019, suggested that, "and future," be added to criterion 18.135.030 C4, Sufficient information for city staff to allow for the completion of an impact analysis on existing *and future* City services including, etc.

Mr. Workman discussed current and future supply and treatment of the City's water. He explained that this information comes from continual studies done by the City Engineer who then creates a report that is sent to Public Works. These reports consist of information that shows current water supply and treatment and an impact analysis of future developments.

**MOTION:** Commissioner Conner moved/Commissioner Yoder second, to accept the annexation criteria as written and amended previously in this meeting. APPROVED 6-1. (Yes: Conner, Sullivan, Gibbs, Boggs, Yoder, Stein. No: Gay)
  - 4.2 **Public Hearing for Annexation Criteria Schedule Discussion-** Mr. Workman discussed the process for the Public Hearing for Annexation Criteria. He explained that the Department of Land Conservation and Development requires the city to give a 35-day notice before any changes are made to the City's development code (Chapter 18-

Zoning & Land Use). He explained that a date would need to be set for a formal Public Hearing discussing all the changes, take public comment, close the hearing and then the committee would vote on final criteria to send to City Council for approval. The City Council would also hold a Public Hearing, which would be advertised at the same time as the Planning Commission Public Hearing. City Council would then vote on final code revisions. He explained that the public would have vast opportunities to provide public comment.

Mr. Workman asked the committee if they would like to hold one Public Hearing for Annexation Criteria and Zoning, or hold a Public Hearing per topic. The decision was made to review the recommended code changes and then decide on the previous question.

**4.3 Review of Development Code Updates under Consideration-** Mr. Depa discussed the revised development code language that was presented to the commission. He explained that these criterion are the most likely to be approved and have had the most discussion.

Plan Approvals - Mr. Depa discussed Plan Approvals and the expiration process. He explained that this process was brought to attention due to a project that was started 25 years prior and is now closing and current staff have no say in conditions of approval due to code.

Commissioner Stein asked to address the grammar on line 3 under Plan Approvals, Expiration of Site Plan Approval. The correction, "Is not complete," was agreed upon.

Manufactured Home Parks - Mr. Depa discussed Manufactured Home Parks. He explained that he wanted to increase parcels from one acre to five acres. He discussed the requirements that the development code lists as of now and is hoping to add additional requirements that would be more fitting to today's atmosphere. He discussed that it is mostly aesthetics, buffering, and separation from low-density residential. Commissioner Yoder asked for clarification as to why the 720 sq. ft. requirement is listed. There was discussion regarding minimum size of lots and how many homes could potentially be on the five acres. There was discussion regarding Tiny Homes versus Manufacture Homes. There was discussion regarding whether or not there would be a variance for homes on foundations that are smaller than 720 sq. ft. The committee decided to remove the minimum square footage.

Multi-Family Commercial Zones - There was discussion regarding Multi-Family Commercial Zones. Mr. Depa discussed that this topic is being addressed to eliminate developers from focusing on commercial property for multi-tenant and higher density residential. The intention is to streamline street frontage in the downtown area for commercial use only. Current residential street frontage would be grandfathered in. Mr. Workman explained that this code addition would allow the City to protect and preserve retail space and commercial use buildings.

Temporary Storage - There was discussion regarding Temporary Storage. Mr. Depa discussed the proposed addition of this criteria and how temporary storage affects property value and possibly that of surrounding properties. There was discussion of commercial properties in town that are using tractor trailers for additional storage. There was discussion regarding the temporary storage zoning code being too

stringent. There was discussion of established/on-going use being grandfathered in. There was discussion regarding the financial impact on the public and local businesses that currently use tractor trailers for storage if not allowed to continue to do so.

Mr. Workman discussed existing tractor/trailer temporary storage areas that have been established and on-going. He discussed the impact of existing tractor/trailer temporary storage and whether or not current practices will prove to be a repeated habit in new development. He explained that business owners using temporary storage would most likely have to build for extra storage if restrictions were put on tractor/trailer storage.

Robert Biscoe - Philomath, OR – Mr. Biscoe explained that he believes criteria Temporary Storage criteria H, which prohibits temporary storage of semi-trucks or tractor/trailers, is overreaching. He also believes that it is not necessary to have a permit to store tractor/trailers in an industrial zone area temporarily. He explained that he agrees that some areas may need to be screened from the public if it is an eye sore. He discussed that he agrees there needs to be some regulation in retail spaces.

Gary White - Philomath, OR – Mr. White explained that the screening would look better if at least covering the undercarriage part of the trailers. He discussed having more affordable options for lessees.

Catherine Biscoe - Philomath, OR – Ms. Biscoe discussed that from a visibility standpoint, it makes no difference if the tractor/trailer is full or empty. She asked the commission who would be regulating the temporary storage throughout the City. She asked what is acceptable and what is not and what storage is allowed in Commercial versus Industrial zoning.

There was discussion regarding regulating temporary storage in industrial and commercial zones and pre-approval by the City for storage. There was discussion regarding allowing temporary storage in industrial areas and storage in commercial zones being screened.

The committee decided on the following proposed language for Temporary Storage: Remove provisions of empty or full trailers, remove requirements of screen in industrial zones, add screening requirement in commercial zones.

Urban Tree Canopy - There was discussion regarding Urban Tree Canopy. Mr. Workman explained that City Council and previous Planning Commission committees have reviewed this criteria in efforts to preserve the existing urban tree canopy in the city. He explained that there were some provisions regarding private land owners that City Council did not like and ultimately voted it down. He clarified that this code pertains to new development only, although there is existing language regarding residential land owners.

There was discussion regarding the existing large commercial and industrial properties within city limits that have vast amounts of trees on them currently, and that this criteria would be to protect against or regulate the removal of those. He explained that as of now developers can remove them at any time. Mr. Workman

asked the committee if there was an interest to protect stands of trees in undeveloped commercial, industrial or residential zone property prior to an application being submitted. If so, then language can be re-written to be geared specifically toward that requirement. Mr. Workman explained that in the current development code it does state that there is requirement that a tree preservation plan be presented and agreed upon by the city.

Catherine Biscoe - Philomath, OR – Ms. Biscoe explained that she has a number of dying trees on her property. She explained that she does not want to have to go before Planning Commission to get approval to cut down a tree on her own property that could be hazardous to her home. She discussed newer developments throughout the city that did not get prior approval from the City to remove a number of trees and have already done so.

The committee agreed on the street tree language. The committee agreed that existing single-family, private residential properties do not need a permit to cut down a tree.

There was discussion regarding a size requirement, or amount of land that is exempt from City approval should they wish to remove a tree or trees. The Committee asked that proposed language include an acreage requirement that would be exempt from City approval for any tree removal.

Parking - There was discussion regarding Parking. Mr. Depa explained that the parking recommendations are designed to keep streets less congested and parking be limited to land owners. Commissioners asked for clarification regarding the amount of bedrooms and how that pertains to the amount of parking spaces allowed. The Committee agreed to the following proposal; reduce ii from 4 to 3 spaces. The committee agreed on the rest of the language.

**MOTION:** Commissioner Sullivan moved/Commissioner Conner second to approve the proposed changes as presented and discussed and direct staff to prepare for a public hearing before the Planning Commission. APPROVED 7-0 (Yes: Conner, Sullivan, Gibbs, Boggs, Gay, Yoder, Stein. No: None)

Jeff Lamb - Philomath, OR – Mr. Lamb explained that he attended the open house on, April 15, 2019, and suggested to add the words, “and the appropriate licensing officials.” He also explained that instead of having the words should or could, to use the word, “shall.”

Sandy Heath – Philomath, OR – Ms. Heath asked if the City is currently operating with the old criteria. Mr. Workman explained that the City is still operating under current criteria until the new criteria is voted and approved by City Council.

**5. ADJOURNMENT:**

There being no further business, Chair Stein adjourned the meeting at 8:17 p.m.

SIGNED:

ATTEST:

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David Stein, Chair

\_\_\_\_\_  
Ashley Howell, Building Permit Clerk



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# **M E M O R A N D U M**

**DATE:** July 2, 2019  
**TO:** Planning Commissioners  
**FROM:** Pat Depa, Planner  
**RE:** **July 15 Planning Commission Packet**

The Planning Commission has a public hearing scheduled for Monday, July 15, at 6:00 p.m. in the Council Chambers. Due to the extent of the applications, staff is providing your meeting agenda packets early to allow extra time for Commission review.

Included in your packet is the staff report and the application narrative submitted by the applicant. Supporting documents referred to in the narrative are available for review both on the City's website and in a printed volume at the City Manager's office.

Any public comments received between now and July 10 will be delivered as a supplement to you on July 1 to provide you with time to review them prior to the public hearing. Comments received after the 10<sup>th</sup> will be emailed to you with paper copies provided at the hearing.

In the event that the public hearing is continued to another date, members of the Commission who cannot attend on the 15<sup>th</sup> will be called upon to review the application, meeting audio, and any subsequent submittals so they may participate in a continued public hearing.

If you have any questions prior to the public hearing, please feel free to contact either me. Contact with staff is not considered ex parte contact and assures that Commissioners have all of the answers necessary to make the decision.



## STAFF REPORT

The Philomath Planning Commission will hold a public hearing on July 15, 2019, at 6:00 p.m. in Philomath City Hall, 980 Applegate, Philomath, Oregon, to consider the following application:

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Date:	June 26, 2019
Nature of Applicant:	Master Plan Development: Mixed-Use Industrial Development
Applicant / Owner:	Scott Lepman Company
Property Location:	617 N. 19 <sup>th</sup> Street. Benton Co. Assessor's Map 12612, Tax Lot 100, 200 & 201
Applicable Criteria:	Chapter 18.125 Master Planned Developments of the Philomath Municipal Code
Zone Designation:	Industrial Park (IP) & Heavy Industrial (HI)
Comp. Plan Designation:	Industrial
Staff Contact:	Patrick Depa, Associate Planner
File Number:	PC19-02 Master Plan Development PC19-03 Industrial Flex Space PC19-04 Indoor Storage/Outdoor Storage - Boat & RV PC19-05 RV Park PC19-06 Conditional Use Permit PC19-07 Lot Coverage Variance

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Our office has received a request for site plan review of a master planned development comprising of a mixed-use industrial project. These uses include industrial flex space buildings, multiple indoor storage facilities, outdoor storage area for boat & recreational vehicles (RV) and a RV Park. In addition, the applicant has applied for a conditional use approval for the encroachment into the Newton Creek riparian setback and a variance to the maximum amount of lot coverage allowed.

The applications require a quasi-judicial review and approval which requires a public hearing. All six applications shall be reviewed and processed using Type III procedures and criteria which are contained throughout this report. The planning commission shall relate approval or denial of a discretionary development permit application to the development regulations, the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the city as a whole.

The master plan development overlay applies because the project is over 10 acres in size. The benefits of incorporating a master plan overlay allows the City the flexibility to negotiate certain elements of site design as well as the feasibility of developing this property in this manner that would otherwise be unlikely. This report incorporates two separate site design reviews. The first is for the industrial flex space, indoor storage facilities and outdoor boat and RV storage. The second is for the RV Park. Some of the site design review requirements are addressed together for the purpose of this report.

The proposed development is generally described as being located on the north side of Main Street/Hwy 34, east of Newton Creek, with frontage on both Main Street and N. 19<sup>th</sup> Street. The site was formerly used as a timber planar processing mill and is currently vacant other than a few former building foundations that will be removed to make room for this development.

The proposed development consists of multiple parcels, some of which are split zoned. Tax lot 200, where the RV Park is proposed is zoned entirely Heavy Industrial (HI). Tax lot 100, where the self-storage buildings and the outdoor boat and RV storage are proposed, is split zoned Heavy Industrial (HI) and Industrial Park (IP). No zoning changes are required or are proposed for the purpose of this development. Surrounding zoning consists of IP (Industrial Park) to the east, LI (Light Industrial) to the

west and light industrial in the UGB area outside of city boundaries. The zoning to the south consist of C-2 (General Commercial) and R-1 (Low Density Residential).

The proposed uses are separated into the following: Two buildings comprising of 22,023 S.F. to be used for light industrial uses, 12 separate self-storage buildings consisting of over 204,000 S.F. of storage area, an outdoor RV and boat storage area and a 175 space RV Park that includes a 7,142 S.F. community center. Under the Master Plan development section for allowed uses, a planned development shall contain only those uses allowed outright in the underlying zone. All of the proposed uses are permitted uses in these zoning districts. However, individual uses that apply for space in the multi-tenant industrial building will have to get separate use approval prior to occupancy.

The applicant is proposing a partition of tax lot 100 into three (3) parcels. The largest of the new parcels, 16.65 acres, will incorporate the outdoor boat and RV storage and the twelve (12) building, 204,000 square foot indoor storage facility. The smallest of the new parcels, 1.62 acres, is proposed for the industrial flex space buildings. The remaining parcel, 5.46 acres, will not be part of this project and is partitioned out for future development not to be reviewed here. This partition has been incorporated into this review but does not require the overall approval of the master plan development to be partitioned. A separate review and staff report has already been compiled and is waiting for the resolution of this Master Plan Overlay decision.

The applicant has applied for and was granted a property line adjustment for a .05 acre piece of property located in the northeast corner of the site. This .05 acre piece is now part of this project site and has been incorporated into the RV Park section of the development. This area will be addressed during the site design review of the RV Park later in this report.

The applicant has indicated that this development will be constructed in phases. The RV Park, the industrial flex space building and the outdoor boat and RV storage areas will be constructed each as one phase and independent of the other uses. However, the 12 building, 204,000 square foot indoor storage space will be constructed in four phases. The main leasing office building and upstairs living space will be constructed during phase I.

### **MASTER PLAN OVERLAY AND TYPE III REVIEW**

The Development Code states that a Master Plan development overlay zone and concept plan shall be reviewed together using Type III procedure. This report incorporates the master plan overlay as well as both the conceptual plan and the final development plan together. Furthermore, this review incorporates Division 2 land use district standards as well as Division 3 design standards throughout this report.

Section 18.125.070 – Overlay Zones and Concept Plans requires the applicant to submit statements of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant.

The applicant and the city met multiple times during the pre-application process to discuss this development and both parties agreed that submitting this project under the Master Plan Overlay was the best approach. The rationale is that the city and developer could better determine any impact to surrounding properties and the city as a whole by addressing all the proposed uses at once rather than as individual projects. The applicant further outlines their rationale to this proposed development and their approach with phasing this project and addressing the compatibility of each use together and their overall design into one project.

The planning department agrees with the applicant's rationale and furthermore believes the use of the master plan development overlay applies specifically for developments like this one for the following reasons:

- All of the proposed uses are permitted in the underlying industrial districts and fit with the spirit of an industrial park design.
- The installation of the infrastructure can be adequately laid out and sized at the same time to accommodate multiple uses and properly connect to adjacent infrastructure.
- The applicant can get all of their approvals at once to eliminate multiple returns to the city and save time and resources.
- Future developments in the area can be reviewed for in a more comprehensive manner based on knowing all of the existing and future conditions.
- The applicant can phase in their approved project based on market conditions and demand.
- Adjacent properties can connect to an existing infrastructure layout which can more directly provide solutions to lessen any impacts.

The overlay zone and concept plan submission requires the same general information, data, concepts and narratives as the master planned overlay zone submittal. All of the required exhibits and data for a conceptual plan are included and incorporated into this review.

The developer has stated that the work is scheduled to begin after the necessary approvals are obtained by the developer. Even though there are different uses proposed as phase I construction, each phase I may start within a different timeframe or be staggered depending on stages of infrastructure installation. The applicant has stated that all of the proposed uses in this development will be rented or leased. The applicant specified that he does not sell his developments so the project will advance along each detailed phase as stated on the master plan overlay.

The chapter for master plan developments requires a narrative report about certain applicable approval criteria that the city deems appropriate to the proposed development. The applicant submitted the following reports with specific finding and conclusions. The city has summarized the areas of concern in the following:

**Wetland Delineation Report:** Newton Creek and its tributaries run through the central and western portions of the site. There are both wetlands and a flood plain that are associated with Newton Creek. Very little of the wetlands are proposed to be disturbed. Those that are have already been discussed with Department of State Lands (DSL) for mitigation and that determination will rely on what are DSL's findings and conclusion are. All structures will be constructed outside the flood plain.

**Phase I Environmental Assessment:** To summarize, the overall condition of the site was good with no current recognized environmental conditions identified during the completion of the Phase I report. Based upon the findings of this Phase I report, ESA recommends the oil/water separator be cleaned and decommissioned. Contents of the oil/water separator must be properly disposed. Debris piles, old concrete foundations and scattered trash should be removed from the property. Based on the site walkover, previous reports and an environmental database review, ESA does not recommend further investigation of the property.

**Geotechnical Site Investigation:** Based upon the applicant's report, no significant geologic hazards were found on the property and no further investigation is necessary for the purpose of this review. There was no water seepage or ground water encountered on the property and future water run off will be addressed during engineering review. There is no seismic risk as the property is flat and a 6 foot deep stone cap was discovered in multiple areas which led the consultant to conclude that the site is geologically and geotechnical suitable for the proposed development.

**Archeological Report (see Exhibit 'P')**: No prehistoric or demonstrably historical artifacts, features, or sites were found during the survey of the property. If anything of historical or archeological significance is encountered during construction the proper authorities will be notified.

**Sensitive Vegetation Report**: The conclusion of the Sensitive Vegetation Report prepared by Stonecrop LLC was that a relatively large population of Nelson's Checker-mallow (federally listed threatened) was documented in the southwest corner of the study area in a mostly native, wetland, ash-oak forest. The above described area is in the parcel that will be partitioned from this development and will remain in its natural state. None of the areas containing the identified threatened plants are part of the development area. The dozen or so threatened Checker-mallow that are not in the development area but are on site are within the tree preservation area and will not be disturbed.

**Transportation Impact Analysis (TIA)**:

The development will have two main access points to the project. One of the ingress/egress points will be from Main Street which is also Hwy. 20/34 and the other will be off of 19<sup>th</sup> Street. The applicant submitted two separate traffic impact analysis studies, one for the overall development and one that incorporated intersections north of the project. Neither study found that the development warrants any significant offsite improvements to the transportation system.

Hwy. 20/34 is under the jurisdiction of Oregon Department of Transportation (ODOT) and their review and comments have been incorporated into the development. ODOT is requiring the applicant install a right in - right out onto Main Street which is reflected into their design. There is some existing sidewalk along Main Street stopping where the couplet diverges. The applicant is proposing to connect to the existing sidewalk and continue it along the front of their development to the eastern boundary of the site.

The applicant's second study analyzed the ingress/egress from 19<sup>th</sup> Street found that no road improvements were needed as a direct result of the traffic from the RV Park. For safety and traffic control reasons the applicant has placed and designed the main access to the RV Park to be over 450 feet from the rail road crossing to the north. The proposed sidewalk along 19<sup>th</sup> Street will be setback 5 feet off of the 19<sup>th</sup> Street curb per the county request. Just prior to the rail road crossing the proposed sidewalk will move from the street right of way and intersect with the public 10' wide trail system that is on their site.

The applicant is proposing a public 10' wide trail system along the entire portion of their site from slightly shy of the rail road track in the north part of the site down to the unimproved city park at the southern portion of their site. The proposed bike/pedestrian path will be continuous except for a small portion of the trail that intersects a piece of property that is not in their control. Since the city park is currently unimproved and the trail would essentially go nowhere, the city is proposing that the applicant provide payment in lieu of the bike/pedestrian path at this time. This way the city can install the trail when the city park has reason to be improved and utilized and when the other adjacent property is developed and they can improve the remaining portion of the trail to make it continuous and safe.

**THE MASTER PLAN OVERLAY ZONE** requires the city makes findings that all of the following criteria and relevant provisions when approving the overlay zone. The four items are:

- A. Land Division Chapter
- B. Requirements for Open Space
- C. Land Use and Design Standards
- D. Comprehensive plan

- A. Land Division Chapter:** The applicant has submitted a partition application associated with the overlay zone which has been reviewed and tentatively approved under an April 25<sup>th</sup> staff report and will be processed based on the outcome of the Master Plan. The proposed partition meets all of the required criteria of the “Land Division” chapter with conditions attached to the partitions staff report and no additional conditions are required for the purpose of this review.
- B. Requirements for Open Space:** The only common open space for the proposed Planned Development at this time will be for the Recreational Vehicle Park. As stated before, none of the proposed development will be sold so therefore it will all remain under management’s control and responsibility. The only property that requires a dedication and covenants will be the public 10 foot wide pedestrian path which has been discussed in other sections of this report. The open space along Newton Creek that is outside of the development area will be protected and remain in its natural state.
- C. Land Use and Design Standards:** These findings and requirements are addressed separately below through the Type III design review for the RV Park, Self-Storage Facility, Outdoor Recreational Vehicle and Boat Storage and the Industrial Flex space. The conditional use permit required for the construction of two (2) viewing platforms encroaching into the Newton Creek Riparian Corridor will also be reviewed separately but using different criteria.
- D. Comprehensive Plan:**

### Housing Policies

***Policy 1.** The City of Philomath shall encourage the development of low cost housing in order to meet the housing needs of elderly, low-income, and handicapped persons.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** While not providing traditional housing, the proposed Recreational Vehicle Park will provide housing for vacationing families, temporary housing for seasonal workers who may be in the area for a few months, and retirees who like to spend their summers in the northwest and their winters in the south. Some of the occupants may be longer term tenants who are seeking affordable housing by utilizing their recreational vehicles for longer terms. The amenities in the Recreational Vehicle Park such as laundry facilities, exercise room, enclosed swimming pool and community center are added attractions to the month-to-month tenants as well as overnight campers.

### Public Facilities and Services

#### General Policies

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

***Policy 5.** Prior to or concurrent with the development of subdivisions or planned unit developments within the Urban growth Boundary, provision for urban services shall be provided to the development site.*

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

***Policy 8.** Public facilities shall be installed “to and through” developing property as appropriate so as to be readily available for adjacent development.*

***Policy 9.** System Development Charges (SDCs) shall be updated regularly to assure that new development is paying a fair share of all existing or planned public facilities as legally allowed.*

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

***Policy 15.** All developments shall comply with utility and facility plans intended to serve the area, including those identified in facility master plans and the adopted capital improvement plan.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed water, sewer and storm systems have been designed for and are sufficient to meet the needs of this development. All future engineering plans must be submitted to Westech Engineering, Inc., the City's engineer of record. Issuance of building permits is dependent on all ancillary approvals, i.e., engineering, etc. Further information may be required by individual departments prior to the issuance of a building permit. **(See engineering comments and conditions - Exhibit A).**

**Sewage Disposal Policies**

**Policy 5.** *The City of Philomath will continue to require new development to help finance the construction of sewage disposal facilities through systems development fees, connection fees, and sewage user fees.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed developments within the Planned Development will pay system development fees, connection fees, and sewage user fees as required by the City of Philomath. This Policy can be met at the time of issuance of Building Permits and utility billings.

**Water Supply Policies**

**Policy 7.** *The City will continue to work towards looping the City's distribution lines to improve flows throughout the system.*

**Policy 10.** *The City shall require past industrial sites adjacent to or encompassing wetland areas, upon application for a development permit, to provide a statement of known potential hazards to water quality from past activities. In instances where past ownership cannot be identified or communicated with, developers should be required to make reasonable efforts to certify any hazards as required by law on the property to protect the water quality and surrounding wetlands from adverse impacts.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Both Fire water and domestic building water supplies will be provided by constructing two 12-inch public water mainlines from the existing 12-inch public mainline that is in an existing public easement on the property to the east.

One of the proposed 12-inch public waterline extensions will be within an existing utility easement on the neighboring property to the east (Tax Lot 1200, 12507) and will enter into the proposed development in the private street just north of the proposed industrial flex space. Fire water supply to the proposed public fire hydrant, the onsite private fire hydrants, the proposed fire sprinkler system for the industrial flex space buildings, the proposed fire sprinkler systems for the self-storage office/manager's residence and the proposed fire sprinkler system for the 3-story self-storage building will all be supplied by this 12-inch public waterline extension. Domestic water supply for the industrial flex space building and the self-storage office/manager's residence will be provided by this 12-inch public waterline extension.

The second of the proposed 12-inch waterline extensions will be within an existing utility easement on the neighboring property as well and will enter into the proposed development north of the proposed open RV and boat storage area. This proposed public 12-inch waterline extension will extend through the self-storage project, into and through the RV Park project and connect to the existing 12-inch public waterline in North 19<sup>th</sup> Street. This will complete the looping of the public waterline system as depicted in the City of Philomath Water Masterplan. Some changes in the placement and access points to the water mains may need to be addressed during a final engineering review following the land use approval.

Public fire hydrants will be provided off both lines to serve the self-storage facility, the recreational vehicle and boat storage facility and the industrial flex-space development. Private 8-inch water lines and private fire hydrants will also be provided with in the area. The northern public 12-inch waterline will be extended across the northern portion of Tax Lot 100, over Newton Creek and through the southern driveway within

the Recreational Vehicle Park to connect to the 12-inch waterline within North 19<sup>th</sup> Street. Providing for the looping of the water line will improve the fire flows with the area. Policy 7 has been met.

To summarize the Phase I Environmental Report, the overall condition of the site was good with no current recognized environmental conditions identified during the completion of the Phase I report. Operation of the former Hobin and Philomath Forest Products planar and cutting mills was limited to a period of less than 25 years after accounting for shut-downs due to economic conditions. The data base record review identified two listing for the site, a LUST listing for decommissioning of two USTs and a report of sheen on water to DEQ. The LUST has been closed and an NFA issued in 2003. The Oregon DEQ gave the reported sheen an ECSI listing and low priority for evaluation. In thirty years, the DEQ has not pursued the matter further.

Based upon the findings of this Phase I report, ESA recommends the oil/water separator be cleaned and decommissioned. Contents of the oil/water separator much be properly disposed. Debris piles and scattered trash should be removed from the property. The 1988 ECSI listing for sheen on Newton Creek is too old to evaluate further and after thirty years since the listing, bio attenuation would mitigate the original source. The DEQ lists the Site as suspect and requiring further evaluation. The EGR Phase II addressed pentachlorophenol and petroleum hydrocarbon releases at the planar mill location. No evidence of residual pentachlorophenol contamination was detected in the EGR Phase II.

The former cutting mill has not been investigated for subsurface impact to soil or groundwater. Areas of potential concern include log yard, cutting mill, septic system and lubricant storage areas. No evidence of surface impact (stain or vegetation distress) was observed during the walkover. No record of reportable spills for the cutting mill were identified during completion of the Phase I Environmental Assessment.

Based on the Site walkover, previous reports and an environmental database review, the Environmental Consultant does not recommend further investigation of the property. Policy 10 has been met.

### **Storm Drainage Policies**

***Policy 1.*** *In conjunction with development projects, a “green belt” should be reserved along Newton Creek and its tributaries in order to protect the channels and maintain their effectiveness in handling storm drainage.*

***Policy 3.*** *The City will evaluate options to acquire ownership or drainage easements along the Mary’s River and Newton Creek and its tributaries to protect the riparian corridor and its function in improving water quality and handling storm drainage.*

***Policy 4.*** *The City shall increase its efforts to improve the drainage system through the capital improvement program and development process.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The development of this proposed Planned Development includes excavations and fills within the limits of delineated jurisdictional wetlands and waters of the US. Therefore, in addition to the project being required to conform to the City of Philomath storm water drainage standards it also must conform with the Oregon DEQ and NOAA Fisheries storm water drainage standards. And where the two are conflicting the more stringent standard will apply.

The storm waters generated by the proposed development will be treated for both storm water quantity and storm water quality prior to being released near the project’s southwest corner to an existing rip rap blanket adjacent to Newton Creek.

Release rates from the proposed development will be limited to calculated release rates that would be expected to leave the site prior to development. The storm events targeted will be 42% of the 2-year,

24-hour storm event and the 5-year, 24-hour storm event. These are the more stringent requirements for storm water quantity control taken from the 3 standards mentioned above. This will be achieved with a flow control structure within a manhole that will limit discharge rates and a large "Extended Dry Pond" that will detain storm water volumes.

Storm water quality will be provided for storm waters developed by the impervious surfaces for a storm event equal to 50% of the 2-year, 24-hour event. This will be accomplished by the permanent pool volume of the "Extended Dry Pond" and the infiltration of storm waters into the native soils providing for groundwater recharge. The storm water quality design will be prepared and constructed in conformance with the recognized standards of the Clean Water Services.

A 50-foot riparian corridor has been maintained adjacent to Newton Creek and the north easterly tributary to Newton Creek. Policies 1 and 4 has been met.

As long as the applicant maintains proper storm water protection techniques including silt fencing and other approved methods, the City will not require further or added protection for Newton Creek. Policy 3 has been met.

### Other Utilities Policies

***Policy 2.** The City of Philomath shall encourage the underground placement of electricity, telephone, and cable lines when an opportunity arises due to street widening or other public work projects.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The franchised utilities including Pacific Power, NW Natural Gas, and other private utilities exist along Highway 20/34 which is the south boundary of the proposed Planned Development. All of the new franchised utilities are proposed to be constructed in underground trenches to provide the necessary services.

### Transportation Policies.

***Policy 4.** The City of Philomath shall determine appropriate locations for future multi-use paths, bike lanes and other on-street bicycle facilities. Three appropriate locations may be the entire length of Applegate Street, Green Road/West Hills Road between Philomath and Corvallis, and along the Newton Creek drainageway. Additional appropriate locations for multi-use paths, bike lanes and other on-street bicycle facilities are recommended in the Philomath Safe Routes to School Plan.*

***Policy 11.** The City shall provide for a culvert system conducive to fish passage in conjunction with street construction or reconstruction along those tributaries of Newton Creek having the potential to be fish bearing waters.*

***Policy 12.** The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.*

***Policy 16.** Development proposals shall be reviewed to assure the continuity of sidewalks, trails, multi-use paths, bike lanes, and other bicycle and pedestrian facilities.*

### **SUPPORTIVE FINDINGS AND CONCLUSION:**

The applicant is proposing to dedicate a pedestrian walkway/bikeway easement through Tax Lots 100 and 200, Assessor's Map 120612, on the west side of Newton Creek. The pedestrian walkway/bikeway easement will provide for the construction of the pedestrian walkway/bikeway after the portion of the easement that crosses Tax Lot 102, Assessor's Map 120612 is secured. The City may determine that the construction of the pedestrian walkway/bikeway is better suited to wait until a continuous route is obtained. If so, a condition of approval will ensure such participation. Policy 4 can be met.

The proposed bridge access way across Newton Creek is private. Policy 11 does not apply.

A Traffic Analysis report was prepared for the mixed use development by Associated Transportation Engineering and Planning. The analysis found that the Lepman Mixed Use Development in Philomath will generate an estimated 22 trips in the AM Peak hour and 38 trips in the PM Peak hour. Traffic to and from the planned mixed use development will affect performance metrics at the studied intersection, but not in significant or unplanned ways.

All of the studied intersections are performing at LOS C or better and with a v/c less than 0.505 with the development and into the future (2029). Crash data provided by the ODOT Crash Data Unit indicates there have been 10 non-fatal crashes reported at the intersection of North 19<sup>th</sup> Street at Hwy 20 in the past 5 years. This rate is well within generally accepted standards in Oregon. Policy 12 has been met.

The proposed Planned Development provides for the continuity of sidewalks adjacent to the development on Southwest Main Street, a Principal Arterial Street and North 19<sup>th</sup> Street, a Minor Arterial Street (Benton County) (Collector Street, City of Philomath) and a multi-use path (pedestrian and bicycle) through the proposed Planned Development adjacent to the west side of Newton Creek from the north property line to the 2.19 acre parcel (Tax Lot 7200, 12612DA) owned by the City. Policy 16 has been met.

### **Bicycle Policies.**

***Policy 3. Acquisition of land and/or easements for bikeways, trails and multi-use paths shall be evaluated along with the need of land for parks and open space.***

### **Pedestrian Ways.**

***Policy 1. The City shall require safe, convenient and direct pedestrian ways, and the maintenance thereof, within all areas of the community.***

***Policy 2. New development and redevelopment projects shall encourage rather than discourage pedestrian access by providing convenient, useful, and direct pedestrian access.***

***Policy 4. Safe and convenient pedestrian facilities that minimize travel distance shall be provided by new development within and between new subdivisions, planned developments, shopping centers, industrial parks, residential areas, transit stops and neighborhood activity centers such as schools, parks and community and government buildings.***

***Policy 5. Where minimizing travel distance has the potential for increasing pedestrian use, direct and dedicated pedestrian paths shall be provided by new development.***

***Policy 6. The City shall encourage timely installation of pedestrian facilities to ensure continuity and reduce hazards to pedestrians throughout the community.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The applicant's is proposing to dedicate a 16-foot wide easement for a future multi-use path that extends through Tax Lots 100 and 200, 12612 from the north end of the site to the undeveloped city park parcel at the corner of Main Street and College.

At the time that the full easement area is obtained, the City can require that the multipath is constructed to the City's Standards. Whether the multipath is constructed now or in the future, this Policy is addressed as condition #6 of approval.

Public sidewalks will be installed adjacent to Main Street where they currently do not exist and along North 19<sup>th</sup> Street up to where it connects into the public multi-use path inside the RV Park that will be installed at the time of construction.

Private sidewalks will be provided within the proposed planned development areas leading to and from the public sidewalk up to the self-storage and the outdoor RV and boat storage rental office. Private sidewalk will also lead to and from the Industrial flex-space buildings.

### Open Space Policies

***Policy 1.*** *As urbanization occurs along watercourses, some open space area should be maintained in order to minimize erosion potential, maintain water temperature and quality, etc., natural drainage channels, to allow for linear parks along these channels.*

***Policy 2.*** *Park and recreation land shall be considered for dedication in relation to the Park Master Plan when urban development occurs as a means of preserving open space.*

***Policy 3.*** *The City's Flood Hazard Overlay District (inside the City) and Benton County's Floor Plan Management Overlay District (outside the City and within the UBG) shall protect land in the floodplain of Mary's River and Newton Creek.*

***Policy 5.*** *Natural vegetation, particularly trees greater than six inches in diameter at four feet above ground, should be preserved to the maximum extent possible by limiting clearing to that which is necessary for structures, roads, and utilities.*

***Policy 6.*** *Appropriate trails, creeks, and watercourses should be preserved via a Public zone designation, easements or other mechanisms to ensure their protection, connectivity, and possible utilization for multi-use recreation purposes.*

***Policy 10.*** *The City is recognized as a "Tree City USA" and shall encourage the preservation, replacement or planting of trees to maintain a sense of aesthetics and open space via the visual impacts from trees and their canopies.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The Newton Creek Riparian Corridor on the subject properties is shown on the Parks Master Plan as a proposed trail area. A 16-foot wide easement will be dedicated to the City as part of the Partitioning Plat for Tax Lot 100 and by separate easement for Tax Lot 200. Construction of the 10-foot wide pedestrian/bikeway across proposed Parcel 3 of the Partition application could be constructed as part of the development proposed on Parcel 3. All significant trees will be preserved and new trees will be added to the Newton Creek riparian corridor to provide for additional aesthetics and shade to the multi-use path. Special care will be taken during the construction of the pedestrian/bikeway and enhancement of the Newton Creek corridor and the forested wetland area located on proposed Parcel 3.

### Air, Water, and Land Quality Policies

***Policy 2.*** *All development in Philomath shall comply with applicable state and federal environmental quality standards.*

***Policy 3.*** *Industrial development must comply with state and federal air and water quality standards.*

***Policy 4.*** *The City recognizes that non-source point pollution has an adverse impact on water quality. The City will endeavor to minimize non-source point pollutants, educate the public on the incremental impacts from this pollution, and develop implementing strategies to reduce non-point source where practical.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The Storm Water Management Plans and Reports will control the rate at which storm waters are released from the site and limit those rates to pre-developed levels through the implementation of flow control devices and detention basins. The Storm Water Management Plan through the implementation of Storm Water Quality Basins will effectively treat a storm event equivalent to 50% of a 2 year storm to remove potential pollutants. Both the storm water quantity control and the storm water quality treatment have been designed to be in compliance with the current

SLOPES V and Oregon DEQ requirements for storm water management. These Comprehensive Plan Policies have been met and can be ensured by condition #2 of approval (Final Engineering Review).

**Natural Hazards Policies**

**Policy 2.** *The City of Philomath shall regulate development in areas subject to periodic flooding through the Flood Hazard Overlay District.*

**Policy 3.** *Foundations for buildings located on expansive soils shall require special design considerations as specified in the Uniform Building Code.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No development is proposed within the Newton Creek Flood Hazard Overlay District.

The conclusions of the Geotechnical Investigation were that there are no significant geologic or geotechnical hazards that would impede or otherwise restrict the development as proposed. The Environmental investigation revealed the presence of approximately 1 to 6 feet of pit run quarry stone and crushed aggregate capping the site. Based upon field observations, subsurface explorations and data analyses, it was concluded that the site is geologically and geotechnically suitable for the proposed development provided that the recommendations listed in the report are incorporated into the design and the construction of the project. These Policies have been met.

**Goal 5 Resources**

**Policy 3.** *The City of Philomath will meet state and federal requirements related to wetland-resource protection.*

**Policy 5.** *The City of Philomath will protect significant wetlands through restriction on grading, excavation, placement of fill, and most forms of vegetation removal.*

**Policy 7.** *The City of Philomath will allow for multiple uses of wetlands to meet community, environmental, and human needs, while ensuring that functions and values of significant wetland-resources are maintained.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** A total of 7.03 acres of wetland were identified within the subject property (see Exhibit 'E-1' – Wetland Delineation Letter Tax Lots 100, 200, and 102 and Exhibit 'E-2' – Preliminary Wetland Impacts Tax Lot 100). The majority of the delineated wetlands within the Planned Development will be protected. A limited amount of the delineated wetlands (1.65 acres) will be mitigated to be incorporated into the developed area of the Planned Development as approved by DSL and the Corp. of Engineers. This can be ensured by condition #1 of approval. No wetlands will be disturbed within the RV Park development (see Exhibit 'I-2' – Proposed Site and Dimensioning Plan for Recreational Vehicle Park).

**TYPE III - LAND USE DISTRICT AND DESIGN STANDARDS REVIEW**  
**(PC19-02 THROUGH PC19-05)**

**SELF STORAGE FACILITY, OUTDOOR STORAGE AREA AND INDUSTRIAL FLEX SPACE REVIEW**

Proposed vehicular and pedestrian access to the property containing the Self-Storage Facility, the RV and Boat Storage Facility and the Industrial Flex Space development will be from a reciprocal 60 foot wide access and utility easement from Main Street/HWY 34. The ingress/egress drive from Main Street has a boulevard design with a right in and right out being proposed. The applicant is proposing secondary access from two separate private easements leading to a future public road located within the abutting property to the east.

The applicant is proposing sidewalk along the entire Main Street frontage and along the 60 foot wide access and utility easement from Main Street/HWY 34 to the self-storage rental office. From there the sidewalk continues along the north side of the industrial flex building to a proposed future road connection to the east.

The height and setback requirements of the development code have been met for all of the proposed buildings. The proposed paving, curbing, lighting, fencing and interior sidewalk requirements have been met. No additional buffering between the development site and the adjacent properties is required. The parking stall quantity and barrier free requirements have been met. All maneuvering lanes are proposed at twenty-four feet wide or greater which meets the requirement.

Phase I of the boat and recreational vehicle (RV) storage area is proposed to be unpaved and utilized as an open graveled storage area. The applicant's purpose for the boat and RV storage area to start out unpaved is to accommodate an opportunity to construct buildings in future phases if the self-storage area is in need of expansion. If the RV Park is a success, a Planned Development modification with concurrent site design application may be submitted to utilize all or a portion of the area for an expansion of the RV Park as the amenities will be in place to accommodate such an expansion.

As the construction of the RV Park, the self-storage and the boat and RV storage units are dependent upon market demand, the applicant is requesting approval of this option at this time in conformance with the Master Plan Overlay. This option will be possible because the entire property will have all the necessary infrastructure in place to accommodate for future expansion of the different options of expansion.

However, leaving this area permanently unpaved or gravel would require a variance. Therefore, staff recommends that the developer provide a time frame to the city and its engineers pertaining to how long the outdoor storage of boats and recreational vehicles is to remain stored on a gravel surface area or a variance must be sought.

The applicant is applying for a variance to the maximum allowed lot coverage. Individually, heavy industrial zoning allows a maximum of 90% lot coverage and industrial park zoning allows a maximum of 60% lot coverage. Since this development is being reviewed under the city's Master Plan Development option in the city's development code, the lot coverage is being considered as an aggregate of the dually zoned parcels. For the purposes of this review, the maximum allowed lot coverage will be 60%. The applicant is proposing an average lot coverage between the four (4) parcels at 60.3% requiring a .3% variance. This case is a Class C variance which requires a public hearing and will be heard and reviewed further along in this report and may be approved as a condition of approval if the planning commission concurs with the findings.

The applicant is proposing one hundred forty-five (145) new trees in the lower area spread between nine (9) different species of trees and shrubs which both meet the City's coverage and variety requirement. Landscaped area, tree and shrub size, ground cover and placement all meet the development code requirements. The applicant is required to provide sod or seed on all landscape areas on site and within all adjacent right-of-ways. The developer is proposing an automatic irrigation system for all landscaped areas. Special protection techniques will be implemented to protect existing trees, plants and sensitive vegetation so that they will not be disturbed during construction of the proposed planned development. The applicant is proposing a six foot wrought iron fence with intermittent split face block columns surrounding the entire development except where the backs of a buildings act as the outside barrier instead.

The applicant is proposing that all of the self-storage buildings be constructed out of split face block and pre-finished metal panels with metal roofs. The same materials used on the self-storage buildings are being used for the light industrial flex space building but, with a different orientation and design. The upper portion of the flex space buildings will have sky lights and each door way will have an awning

over it. The overhead doors in the front of the buildings are proposed to be painted steel. Neither building shows what type of wall lighting they will be using. The City is recommending that the wall lights be consistent and of a decorative design.

There will be a two story office/manager's living quarters building proposed for the self-storage, boat and RV storage areas that will house an on-site manager. The applicant is proposing the building to be constructed out of cultured stone, painted steel and wood grained hardi-plank materials.

The applicant is proposing a freestanding sign for both the self-storage facility and the light industrial flex space. The self-storage sign will be constructed with a concrete stone base, painted metal cabinet with a reader board. The industrial flex space sign will be constructed with a concrete stone base, painted metal cabinet with individual sign area for each leasable unit. The only wall signage will be above the doorways of the flex space buildings.

All public facility standards have been addressed and are in conformance with city standards for the purpose of this review. The hillside and erosion control overlay chapter and the other standards chapter does not apply for this development.

That all future uses proposed in the industrial flex space building shall require individual planning approval prior to occupancy.

### **RV PARK REVIEW**

On the northern parcel associated with this master plan development, the applicant is proposing to install a 175 stall RV Park, a community center, a private bike/pedestrian path, picnic area and a dog park. There are four large dumpsters being proposed throughout the park and two bathroom facilities proposed at the north end of the park. The bike/pedestrian path will be 10' wide and circles the entire perimeter of the RV Park with a connection to the public bike/pedestrian path along 19<sup>th</sup> Street. The applicant is proposing a large picnic area that can be accessed via a short bridge across Newton Creek and a dog park that can be accessed from the private multi-use pathway. Both areas will have nice scenic view of Newton Creek.

The applicant is proposing vehicular and pedestrian access to the property containing the RV Park to be from North 19<sup>th</sup> Street. A secondary gated fire and public safety access is proposed from south of Newton Creek through Tax Lot 100 to the future public road located on the abutting property to the east (Tax Lot 1200, Benton County Assessor's Map 12507). The main entrance from 19<sup>th</sup> Street is proposed 400 feet south of the railroad tracks to improve ingress/egress from the site during times where train crossing is occurring.

The height and setback requirements of the development code have been met for all of the proposed buildings. The proposed paving, curbing, lighting, fencing and exterior sidewalk requirements have been met. No additional buffering between the development site and the adjacent properties is required. The community center parking and barrier free requirements have been met. The drives lanes throughout where the RV's park are 20 feet wide and are proposed as one ways for easier movement. All remaining maneuvering lanes where two way traffic is proposed are twenty-four feet wide or greater which meets the requirement.

The applicant is proposing just under two hundred new trees with a similar amount of shrubs within and adjacent to the RV Park. The tree quantity will be spread between ten (10) different species of trees and shrubs which both meet the City's coverage and variety requirement. Landscaped area, tree and shrub size, ground cover and placement all meet the development code requirements. The applicant is required to provide sod or seed on all landscape areas on site and within all adjacent right-of-ways. The developer is proposing an automatic irrigation system for all landscaped areas. Special protection

techniques will be implemented to protect existing trees, plants and sensitive vegetation so that they will not be disturbed during construction of the proposed planned development.

The RV Park will have its own separate manager and manager's office for the purposes of check in and check out of the park and other general maintenance and oversight duties. The proposed manager's office will have living quarters upstairs from the offices. The proposed office building will be constructed out of brick, block and hardi-plank siding with a high clearance canopy just outside the lobby for check in. Part of the parking area adjacent to the manager's office is proposed to encroach into 20<sup>th</sup> Street right of way. The applicant has applied to Benton County to vacate this portion of 20<sup>th</sup> Street to accommodate this access. They will have to obtain approval from Benton County for the partial vacation of 20<sup>th</sup> Street prior to construction or abandon this access.

The restrooms will be constructed out of cultured stone and wood paneling with hollow metal doors. The dumpsters will be within an eight (8) foot high enclosed structure constructed out of split face block and a metal gate. The structures will also have a half roof a few feet above the interior of the enclosure to shield any snow or rain fall.

The RV Park is proposing one freestanding sign to be placed along 19<sup>th</sup> Street directly adjacent to the entranceway. The sign will be 150 sq. ft. in size and be thirty (30) feet in height. The sign will be comprised of a stone and concrete base, steel posts, a shingled roof and have an electronic reader board.

The applicant is proposing a 7,142 square foot community center for the RV Park positioned towards the southern property line and adjacent to Newton Creek. The community center will consist of large community room, a pool room, exercise room, laundry room, bath/shower room and a kitchen. The community center will also have three viewing platforms or observation decks. One deck will be covered and act as another community room whereas the other two will be uncovered and outside. The two uncovered observation decks will be positioned to look over into Newton Creek and its riparian corridor. Both proposed outdoor decks/viewing platforms encroach into the restricted 50 foot wide riparian setback which, will require the applicant to obtain a conditional use permit to build them.

### **CONDITIONAL LAND USE REVIEW**

Per Chapter 18.55.060 Regulated Uses and under the table associated with this chapter, viewing platforms are a land use activity that is allowed in the Natural Resources Overlay District but requires a conditional use permit.

The required conditional use permit will be reviewed for the two (2) observation decks/viewing platforms as well as a part of the interior trail that encroach into the 50' riparian setback of Newton Creek. These proposals are associated with the RV Park and will be reviewed under the following criteria.

#### **Chapter 18.120.040 Criteria, standards and conditions of approval.**

##### **A. Use Criteria.**

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

**Finding: The viewing platforms and trail are adequate for the needs of the proposed use and purpose.**

2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval; and

**Finding: The viewing platforms and trail will not have any negative impact on adjacent properties or the public as a whole.**

3. All required public facilities have adequate capacity to serve the proposal.

**Finding: The viewing platforms and trail do not require access to public facilities.**

B. Site Design Standards. The criteria for site design review approval (PMC 18.110.060) shall be met.  
**Findings: All of the design standards have been met for the purpose of this review.**

C. Conditions of Approval. **None of the development code conditions apply to these uses and no other circumstances requires conditions be put on this case.**

I believe the proposed use and locations of the viewing platforms and the trail meet all of the approval criteria, design standards with no additional conditions required. Therefore, I respectfully recommend the Planning Commission may wish to approve the allowance of the viewing platforms and the trail to encroach into the 50 foot riparian corridor as proposed.

### **VARIANCE TO MAXIMUM LOT COVERAGE**

**Variance to allow for an overall average lot coverage of 60.3% where a maximum lot coverage of 60% is allowed in the IP (Industrial Park) zoning district and 90% is allowed in the HI (Heavy Industrial) zoning district for property located at 2951 Southwest Main Street and 617 North 20<sup>th</sup> Place.**

**18.155.040. Class C Variance Criteria. The City shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:**

***a. The proposed variance will not be materially detrimental to the purposes of this title, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed Planned Development conforms to all applicable policies and standards within the IP (Industrial Park) and HI (Heavy Industrial) zoning district except for lot coverage when each of the proposed elements (Self-Storage Facility, Covered Recreational Vehicle/Boat Storage Facility, Industrial Flex Space Development and Recreational Vehicle Park) are viewed separately rather than as a whole. The subject property containing the Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space Development contains 16.65 acres. The proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities are located in two different zoning districts. The Recreational Vehicle and Boat Storage Facility is located entirely within an HI (Heavy Industrial) zoning district and will have a lot coverage of 61.3% (4.05 acres) where 90% is allowed (5.95 acres). The Self-Storage Facility is located on 6.11 acres of Industrial Park (IP) zoned property and including all buildings, paved areas and sidewalks will have a lot coverage of 65.1% (Lot Coverage Assessment for Self-Storage and Recreational Vehicle and Boat Storage Facilities). The remaining portion of the Facility (3.93 acres) is zoned HI (Heavy Industrial) and will have a lot coverage of 59.3% (2.10 acres) where 90% is allowed (3.54 acres). The average overall lot coverage for the Self-Storage and Recreational Vehicle and Boat Storage Facility is 60.3% which is in compliance with the 10 percent flexibility allowed with Criterion B of Planned Development approval: ***A reduction in the amount of open space or landscaping by no more than 10 percent*** and Criterion C of Planned Development approval: ***An increase in lot coverage by buildings or changes in the amount of parking by no more than 10 percent.***

***b. A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands (Chapter 18.55 PMC), or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);***

**SUPPORTIVE FINDINGS:** The subject properties are roughly rectangular in shape and the proposed Planned Development area contains approximately 23.74 acres of the 39.04 acres contained in the three Tax Lots. While the subject properties are roughly rectangular in shape, the proposed developable area is impacted by natural features, including a riparian corridor of 50 feet from the top of the bank of Newton Creek and a tributary; significant vegetation, sensitive vegetation, wetlands that are located within the proposed Planned Development and location of the access road from the State Highway:

**Natural Features:** Newton Creek runs through Tax Lot 100 on the west side of the proposed Self-storage and Recreational Vehicle and Boat Storage Facilities and a contributory creek flows into Newton Creek the on north side of Tax Lot 100. The elevations on this portion of the proposed development ranges from an elevation 270 adjacent to Southwest Main Street to 277 feet at the northern boundary of Tax Lot 100. The proposed Recreation Vehicle Park development lies within Tax Lot 200 which has a south elevation of 277 feet to an elevation of 284 along the northern boundary of the Tax Lot which is adjacent to the Southern Pacific railroad right-of-way.

**Significant Vegetation:** There are significant trees (greater than 6" in diameter at 4 feet in height) along the banks of Newton Creek. As part of the expansion, no trees are proposed to be removed within the riparian area and all buildings are located a minimum of 50 feet from the top of the bank of Newton Creek. No buildings are proposed within areas where existing trees are located. All trees located near construction areas will be protected in accordance with City Standards during construction.

**Sensitive Vegetation:** The conclusion of the Sensitive Vegetation Report was that a relatively large population of Nelson's checkermallow (federally listed Threatened) was documented in the southwest corner of the study area in a mostly native, wetland, ash-oak forest. Although growing under a closed canopy is not ideal for this species, the generally open understory allows the plants to persist. Threats to this population include increasing shrub density and potential future development of the site. Adjacent development could impact the population if it alters the hydrologic regime in the forest. None of the areas containing the identified Threatened plants are part of the development area of the proposed Planned Development.

**Wetlands:** The site is located on the east side of Philomath in an area former sawmill and log storage yard operated by Willamette Industries until the early 1990's. The main stem of Newton Creek and a tributary enter the site from the north and flow south near the western boundary exiting the site at the southwest corner. Most of the site is disturbed, covered by concrete slabs remaining from the old mill, compacted gravel areas used for log storage or a network of dirt/gravel roads. The least disturbed, most natural area is a six-acre mature forest on the west side of Newton Creek.

The results of the investigation defines the 7.03 acres of wetland within the study area and 0.06 acres of ditch in the highway right-of-way. The wetland areas include forested riparian areas that border tributaries of Newton Creek, forested areas on the west side of Newton Creek, remnants of wetland meadows on the east side of Newton Creek and a drainage ditch near the eastern property boundary of tax lot 100. The majority of the delineated wetlands within the Planned Development will be protected. A limited amount of the delineated wetlands (1.65 acres) will be mitigated to be incorporated into the developed area of the Planned Development as approved by DSL and the Corp. of Engineers.

**SUPPORTIVE CONCLUSION:** The subject properties within the Planned Development are impacted by natural features, including a riparian corridor of 50 feet from the top of the bank of Newton Creek and a tributary; significant vegetation, sensitive vegetation, and wetlands that are located within the proposed Planned Development. The location of the access from Main Street creates the width of the parcel for the proposed Industrial Flex-Space development portion of the Planned Development.

Having the flexibility to diversify development standards over the entire area of the Planned Development provides for more flexibility than would occur under a conventional industrial development.

**c. The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;**

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed uses within the proposed Planned Development are allowed uses within the zoning districts either by Site Plan Review or Conditional Use approval. All standards have been maintained while permitting reasonable economic use of the land.

**d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;**

**SUPPORTIVE FINDINGS AND CONCLUSION:** No adverse impact is proposed that will affect traffic, drainage, natural resources or parks within the development area as a result of the allowance of the averaging of the overall lot coverage for the proposed Planned Development.

**e. The hardship is not self-imposed; and;**

**SUPPORTIVE FINDINGS AND CONCLUSION:** The 10 percent flexibility allowed with Criterion B of Planned Development approval: **A reduction in the amount of open space or landscaping by no more than 10 percent** and Criterion C of Planned Development approval: **An increase in lot coverage by buildings or changes in the amount of parking by no more than 10 percent** results in an improved development for the City with the creation of the Industrial Flex space and for a more efficient provision of open space and the utilization of the natural features of the site than the strict adherence to the maximum lot coverage specifically for each parcel within each zoning district contained in the proposed Planned Development. Provisions will be made to ensure the continued maintenance of all common areas and natural resource areas within the development.

**f. The variance requested is the minimum variance that would alleviate the hardship.**

Subject Property	Zoning/ Proposed Use	Parcel Size	Maximum Lot Coverage Allowed (%)	Maximum 10% Decrease in Open Space or Landscaping or Increase of Lot Coverage	Proposed Lot Coverage (%)
Tax Lot 100, Map 12612	IP & HI/Self-Storage	6.11 Acres (IP) 3.93 Acres (HI)	60% IP: 3.66 Acres 90% HI: 3.54 Acres	70% IP: 4.277 Acres 100% HI: 3.93 Acres	IP: 3.98 Acres (65.1%) HI: 2.10 Acres (59.3%)
Tax Lot 100, Map 12612	HI/Recreational Vehicle and Boat Storage	6.61 Acres (HI)	90% HI: 5.95 Acres	100% HI: 6.61 Acres	HI: 4.05 Acres (61.3%)
Tax Lot 100, Map 12612	IP/Industrial Flex-Space	1.62 Acres	60% IP: 0.972 Acres	70% IP: 1.134 Acres	IP: 1.25 Acres (77.2%)
Tax Lot 200, Map 12507 & Tax Lot 102, Map 12507 & Street Vacation	HI/Recreational Vehicle Park	15.71 Acre & 0.02 Acre & 0.20 Acre	90% HI: 14.427 Acres	100% HI: 15.93 Acres	HI: 7.98 Acres (50%)

<b>TOTALS within proposed Planned Developme nt</b>		18.27 Acres			Average Lot Coverage: 60.3%
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**SUPPORTIVE FINDINGS AND CONCLUSION:** The subject property containing the Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space Development contains 16.65 acres (see Exhibit "X-1" – Proposed Partition Plan). The proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities are located in two different zoning districts. The Recreational Vehicle and Boat Storage Facility is located entirely within an HI (Heavy Industrial) zoning district and will have a lot coverage of 61.3% (4.05 acres) where 90% is allowed (5.95 acres). The Self-Storage Facility and Industrial Flex Space is located on 7.73 acres of Industrial Park (IP) zoned property. Including all buildings, paved areas and sidewalks for this portion of the Planned Development, a lot coverage of 65.1% (see Exhibit 'J) The remaining portion of the Storage Facility (3.93 acres) is zoned HI (Heavy Industrial) will have a lot coverage of 59.3% (2.10 acres) where 90% is allowed (3.54 acres). The Industrial Flex Space portion of the subject property contains 70,567.2 square feet (1.62 acres). The development will have a lot coverage of 78.8% which includes all buildings, paved areas and sidewalks with 21.2% of the property being provided with landscaping. When the portion of the Self-Storage Facility zoned IP is combined with the Industrial Flex-Space development, the total acreage is 7.73 acres which allows for 4.438 acres of lot coverage at 60% and 5.411 acres at 70%. The proposed lot coverage of 5.23 acres meets the 10% increase allowed within a Planned Development. The entire Planned Development area including the proposed Recreational Vehicle Park will have an average 60.3% of lot coverage. The requested Variance is the minimum variance that will alleviate the hardship.

**PROPOSED PHASING:**

The developer is proposing to construct the project in four phases, generally summarized as follows (see dwg. H-1).

Phase 1

- Recording of Partition Plat for the southerly property.
- Completion of the Lot Line Adjustment (consolidation) for the northerly property.
- Approval & Recording of the proposed 20<sup>th</sup> Street vacation.
- Access road from Main Street, access road from N 19<sup>th</sup> Street, and secondary accesses through the property to the east.
- Industrial Flex-Space development.
- Portion of the Self-Storage facility, including the office/manager's quarters & seven single story storage buildings.
- Portion of the RV & Boat Storage facility, consisting of an uncovered gravel storage area for RVs and boats.
- All of the RV Park, consisting of 175 RV spaces, the office/manager's quarters, and a community center.
- The portion of the public Newton Creek trail located on the RV park property.

Phase 2

- Portion of the Self-Storage development, consisting of four single story storage buildings and associated access & utility improvements.

Phase 3

- Portion of the Self-Storage development, including a 3 story storage building.

#### Phase 4

- Conversion of a portion of the RV & Boat Storage facility, consisting of a single story buildings for covered RV and boat storage.

### **COMMENTS**

The Fire and Police Departments both had one similar concern which is alternate emergency access points when or if the primary accesses are impassable. The developer recognized this concern and has provided both primary and secondary emergency access points into each development. The Fire and Police will have access through a set of keys that will be placed inside what is called a Knox box which gives both Fire and Police 24/7 access if an emergency arises.

Westech, the city's engineer of record, provided comments and concerns that are included in this report and should be part of any conditional approval (Exhibit A). Oregon Department of Transportation (ODOT) reviewed the applicant's transportation impact analysis and found no additional mitigation necessary for the proposed development at this time (Exhibit B). The applicant addresses or will address comments and concerns brought up by Benton County in their review letter dated May 6, 2019 (Exhibit C) during the required pre-construction meeting. Two issues to address in the Benton County letter that need correction. The first is in condition No. 6 where the applicant is asked to donate five inches (5") of right of way to the county along 19<sup>th</sup> Street. The county meant to ask for five feet (5') of right of way along 19<sup>th</sup> Street. The applicant has agreed to donate the requested amount which will be addressed at the pre-construction meeting. The second issue raised by the county that needs correction is under condition No. 12. The county asked for an expanded Traffic Impact Analysis (TIA) that addresses two intersections north of the development at 19<sup>th</sup> Street and West Hills Road and 53<sup>rd</sup> & Reservoir Road. These studies of the two intersections did take place after the county's request and the applicant's traffic engineer and the county's engineer concur with the findings outlined in the report that no additional mitigation or improvements will be necessary.

The city has received one letter of comment on this project which the resident states that they are opposed to the master planned project due to traffic concerns. Another concern includes the impact to the checker-mallow plant which has been found on some of the property in very limited amounts (see Exhibit D).

### **CONCLUSION**

As stated above, the conceptual plan and the final plan are being submitted at the same time so everything proposed in this plan will have a final approval. If anything changes and the change is deemed a major change, the master plan will have to come back to the Planning Commission for approval.

The development code requires that an approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts. The planning commission may also issue appropriate intermediate rulings when more than one permit or decision is required. This is referring to the conditional use permit and their variance request.

In conclusion, staff has reviewed the applicant's plans for this development and can confirm, with certain conditions, that the applicant meets or exceeds all of the required criteria required for approval. Therefore, we respectfully recommend approval of this master plan overlay with the following conditions:

**Conditions of Approval:**

1. The applicant shall submit notice of the development to the Department of State Lands (DSL) and the Army Corp of Engineers and any determination for mitigation will rely on those findings and conclusions. All mitigation shall be completed by the applicate prior to any construction permits being issued.
2. It should be noted that the comments contained in both the city's engineering consultant and the county engineers reports (see attached) are not the result of a full engineering analysis of the proposed development. More detailed analysis and detailed design work may be required as the project moves forward. This includes:
  - a) Any easements required for construction of public utilities shown on the approved construction drawings must be granted to the City prior to start of construction on Phase 1.
  - b) Some changes of the placement and access points to the water mains along 19<sup>th</sup> Street may need to be addressed during a final engineering review.
  - c) Additional hydrants and their locations as outlined in the Westech's engineering report will need to be finalized and installed accordingly.
  - d) That all title work from the adjacent property to east shall be provided to determine the rights for both emergency access drives and all proposed utility easements within those drives.
  - e) All other conditions that are bulleted in the engineers report as outlined in Exhibit A shall be followed or addressed at time of final engineering review.
3. That the applicant shall pull all the required permits for any work in the Oregon Department of Transportation (ODOT) and Benton County right of ways.
4. That a copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, utilities, parking, etc.) shall be submitted to the city.
5. That a time frame be submitted to the city and its engineers pertaining to how long the outdoor storage of boats and recreational vehicles is to remain stored on a gravel surface area rather than a paved surface or a variance must be sought.
6. That the applicant provide payment in lieu of the construction of the public bike/pedestrian path at this time at today's cost to be held in escrow. However, the sixteen (16) foot easement shall be recorded at time of other easement recordings.
7. That the applicant obtain approval for a conditional use permit for the encroachment into the 50' riparian setback of the two viewing platforms and part of the private trail system in the RV Park.
8. That the applicant obtain a .3% variance to the maximum allowed lot coverage on a Heavy Industrial and an IP (Industrial Park) zoned parcel.
9. That all future uses proposed in the industrial flex space building shall require individual planning approval prior to occupancy.
10. That the applicant obtain Benton County approval for the partial vacation of 20<sup>th</sup> Street.
11. That the applicant donate five feet (5') of right of way along 19<sup>th</sup> Street to meet the city's TSP requirement for width of a minor arterial road.

## EXHIBIT A

**From:** Denny Muchmore <[dmuchmore@westech-eng.com](mailto:dmuchmore@westech-eng.com)>

**Sent:** Friday, May 10, 2019 6:11 PM

**To:** Kevin Fear <[Kevin.Fear@philomathoregon.gov](mailto:Kevin.Fear@philomathoregon.gov)>

**Subject:** (Rev1): Lepman Ministorage, Flex Industrial & RV Park (Main Street & 19th Str access) - Land Use Application Review Comments & Proposed/Suggested Conditions

Kevin:

Per our discussions, we assume you will forward the information below to City Planning staff once you have reviewed it and added any additional comments that you may have.

*This email is a revised version of the previous application review email dated 4/23/2019, based on the meeting between the development team and the City to discuss clarifications to the proposed conditions.*

We assume that you or City Planning staff will provide this information to ODOT or County personnel as may be appropriate.

Per your request, we have reviewed the land use application and associated preliminary site & utility drawing submitted for the "Lepman Mixed Use Development" which fronts on Main Street and on 19<sup>th</sup> Street (*ie. along east side of Newton Creek*). We reviewed the application for conformance with applicable Public Works requirements, with regards to recommended street, access and utility improvements to mitigate anticipated impacts. For the most part, our review is limited to public works & infrastructure issues.

We understand that the City Planner will be reviewing the application from a planning/zoning standpoint and preparing the staff report.

Our understanding is that ODOT *has also reviewed* the application regarding the proposed driveway on Hwy 34/Main Street, and that Benton County *has reviewed* the application regarding the proposed driveway on N 19<sup>th</sup> Street. *Since both agencies have required that the traffic analysis documents be modified to address additional criteria, we request that a copy of the revised reports be sent to us when available, to see if any of the proposed Public Works requirements need to be modified.*

We recommend that approval of this development be subject to the suggested conditions outlined below.

If the Planning staff or Planning Commission wishes to modify any of the recommended conditions of approval outlined below, or grant variances based on information that we may not be aware of, we assume that this will be coordinated with Public Works as part of the land use approval process. The City Planner should exercise care if he rewords any of the suggested conditions, to avoid changing the meaning of the requirements.

It is important to be aware that the PWDS (and Oregon Fire Code - OFC) provisions referenced herein are not land use regulations, and are not intended to have an impact on the decision as to whether to approve or deny the application, but are listed so that the applicant is made aware of some of the design/construction standards which must be addressed during the construction phase of the development (*ie. approval or denial should be based on the land use regulations, while conditions regarding specific*

*improvements may reference the PWDS & OFC to clarify the extent of improvements required in order to provide service to or mitigate impacts from the development).*

### **Background Information**

The proposed development is generally located on the north side of Main Street/Hwy 34, east of Newton Creek, with frontage on both Main Street and N 19<sup>th</sup> Street.

Excerpts from the City utility maps are attached for reference. These maps show the approximate location and layout of the surrounding properties and known utilities.

The proposed site consists of three tax lots (*a portion of Taxlot 12612-00100 to the south, and all of Taxlot 12612-00200 & Taxlot 12612-00200 to the north*). The address listed for the northerly lot is 617 N 19<sup>th</sup> Street. There are currently no existing structures shown on the property.

The applicant (*hereinafter called the Developer*) proposes a number of applications, which are being processed concurrently.

- 1---Planned Development application for a phased project consisting of a self-storage facility and an RV & boat storage facility, an RV Park, and an industrial flex space development.
- 2---SDR application for the fenced self-storage facility and a fenced RV/boat storage facility.
- 3---SDR application for the RV Park.
- 4---SDR application for the industrial flex-space development .
- 5---Partition application to divide the southerly property into 3 parcels, with two parcels to be included in this development, and the third being west of Newton Creek and reserved for future development (*ie. the portion west of Newton Creek is not part of this development application*).
- 6---Vacation of the north end of the N 20<sup>th</sup> Place Right-of-way which fronts on the development property (*see comments following the [street discussion below](#)*). [Since N 20<sup>th</sup> Place is a County right-of-way, the vacation application will be processed through Benton County.](#)
- 7---Lot line adjustment to consolidate a small remnant parcel with the RV park property.

Preliminary site & utility layout drawings were included with the application, but the application did not include information on the offsite easements to the City which will be required along the proposed offsite waterline (*which is currently shown as running through the adjacent property to the east*). [Alignment alternatives to avoid these offsite easement issues are also discussed in this email.](#)

### **Prior Land Use Approval for Property.**

We are not aware of any previous land use actions affecting this property.

### **Existing Plats, Easements, etc.**

Benton County tax maps indicate that this property is not part of any previous partition or subdivision plats.

In conjunction with one of the pre-application meetings, a title report was provided for the development property, as well as copies of all referenced recorded documents in the title report. However, a title report of the adjacent property to the east was not provided (*ie. required due to the proposal to construct new City waterlines across that property*).

The **application** narrative (*pg 6 of 126, under "Access & Circulation"*) indicates that both of the easements from the east will be utilized as secondary access routes into the development, and the application drawings propose that new City waterlines be constructed along these same alignments. We will need to receive a title report for that adjacent property (*TL 12507-1200*) as well. If this title report is not provided at the land use application stage, it will be required in conjunction with the predesign meeting and City review of the site/street/utility construction drawings (*PWDS 1.10.b.11*).

To the best of our knowledge, while the existing easements (*on the adjacent property to the east, between the north-south private street and this development*) explicitly allow the developer to construct private roadways and to construct utilities along those alignments, there are no easements recorded which are to the benefit of the City of Philomath. The legal opinion prepared by the developer's attorney (*Exhibit Y-1*) only addresses the rights of the developer to construct access road & utility improvements within those existing easements, but does not address how an easement to the benefit of the City will be obtained and recorded.

Since the City requires easements (*to the City*) for any City utilities located outside of public right-of-ways, this **issue** is addressed in our review below and as a recommended condition of approval.

Also, a discussion regarding issues/questions about potential improvements which may be required to the existing roadway through the property to the east (*under previous development approvals and/or access permits*) is covered in the discussions below.

**Suggested Approval Conditions.** We recommend including or referencing the following suggested **requirements** in the land use approval (**•bulleted items below**).

**General Items.**

- Except for items specifically exempted by the planning approval, the development shall fully comply with the public facility requirements of the Philomath Development Code (PDC) and the Public Works Design Standards (PWDS). The applicant/developer is responsible for the construction costs of required public or private infrastructure improvements associated with the development (*both onsite and offsite*).
- After issuance/finalization of the land use approval, the developer and his engineer shall schedule and participate in a pre-design conference with City Public Works, Benton County and ODOT for the purpose of coordinating any required site / street / sidewalk / utility work (PWDS 1.9.b). This conference shall occur after the issuance of land use approval (*and expiration of any appeal period*), but prior to submitting site / street / sidewalk / utility construction drawings for review by Public Works. Participants shall include City Public Works and the City Engineer, as well as Benton County, ODOT and public/franchise utility providers as applicable. The developer shall provide all information required under PWDS 1.9.b prior to the predesign conference, as well as providing information on how each land use approval condition will be addressed.
- After the pre-design conference, the applicant shall prepare and submit final street, grading, parking, storm drainage, sewer and water plans conforming to the requirements of the Public Works Design Standards (PWDS) for review by the City Engineer and Public Works.

- Building permits for the structures on the site, and Public Works construction permits for site / street / sidewalk / utility work shall not be issued until after the developer has received final approval of any required engineered site, street/sidewalk or utility construction drawings per PWDS requirements, a Developer-City construction agreement has been executed, and a performance security satisfactory to the City has been submitted guaranteeing that all improvements will be completed in accordance with the approved drawings and City Standards within the specified time period (PWDS G.10). The engineered site / street / sidewalk / utility construction drawings shall be based on a topographic survey showing the location of all property lines, right-of-way lines and existing easements (*including recording references*), and existing utilities. The construction drawings shall show any new easements required (*including recording references*), and all required site and utility improvements, addressing site grading, street improvements/repairs, sidewalk & pedestrian plans, street lights, waterlines, fire hydrants, sanitary sewer, storm drainage, access driveways/fire lanes and parking area layout/dimension plans as applicable, and irrigation plans & backflow device locations for all phases of the development as applicable, as well as information on how streets and/or utilities can be extended to serve adjacent or upstream undeveloped property if applicable.
- Any required off-site easements shall be approved by the City and recorded by the Developer prior to final approval of the construction drawings by the City.
- **Permanent** occupancy permits for new structures shall not be issued prior to completion of all required improvements and conditions of approval, and written acceptance by the City, including submission of maintenance bonds and reproducible as-built drawings. **By accepting any temporary occupancy permits issued by the City, the developer explicitly agrees that such temporary occupancy permits will be revoked if the timeframes required by the City for completion of all improvements is not complied with.**

It should be noted that some type of legal mechanism or entity will be necessary to ensure that the common private improvements are maintained in conformance with City standards (*ie. including the common private sewers, the common private driveways & secondary private or emergency accesses, the common storm improvements, detention basin flow control structures & water quality features serving more than one property, etc.*).

- The developer shall determine the legal mechanism or entity under which ownership and maintenance the common private improvements will be addressed and assured (*ie. including the common private sewers, the common private driveways & secondary private or emergency accesses, the common storm improvements, detention basin flow control structures & water quality features serving more than one property, etc.*). The approach shall be acceptable to the City and conform with the requirements of PMC 18.115.70.B.6, and the documents shall be configured to apply to property in all phases of the development which will utilize and/or be benefitted by the various improvements.

### **Phasing.**

The developer is proposing to construct the project in four phases, generally summarized as follows (*see dwg H-1*).

Phase 1

- Recording of Partition Plat for the southerly property.
- Completion of the Lot Line Adjustment (consolidation) for the northerly property.
- Approval & Recording of the proposed 19<sup>th</sup> Street vacation.
- Access road from Main Street, access road from N 19<sup>th</sup> Street, and secondary accesses through the property to the east.
- Industrial Flex-Space development.
- Portion of the Self-Storage facility, including the office/manager's quarters & seven single story storage buildings.
- Portion of the RV & Boat Storage facility, consisting of an uncovered gravel storage area for RVs and boats.
- All of the RV Park, consisting of 175 RV spaces, the office/manager's quarters, and a community center.
- The portion of the public Newton Creek trail located on the RV park property.

#### Phase 2

- Portion of the Self-Storage development, consisting of four single story storage buildings and associated access & utility improvements.

#### Phase 3

- Portion of the Self-Storage development, including a 3 story storage building.

#### Phase 4

- Conversion of a portion of the RV & Boat Storage facility, consisting of a single story buildings for covered RV and boat storage.

In order to ensure that the design of City and private utilities and drainage are adequate to serve all phases, the site, grading, street & utility design [must be adequate to demonstrate that access & utility service can be provided](#) for the entire development, prior to the construction of Phase 1.

The development ordinances require all improvements to conform with the PWDS requirements, and the PWDS contain specific requirements relating to design of accesses, streets drainage & utilities to ensure that service to future phases or adjacent property is adequately addressed.

PWDS 1.8.a requires that the utility design *"for each phase shall be capable of standing alone"*. This requirement and the specific need for utilities sized large enough to accommodate existing and future surrounding development is reiterated in the PWDS sections relating to design for storm drainage, sanitary sewer, and water.

We recommend a condition of approval specifically addressing the phasing issue. As noted above, we recommend that the site, grading, access, parking & utility [design associated with Phase 1 be adequate to demonstrate that access & utility service can be provided](#) for the entire project, prior to start of construction on Phase 1. The location of the phase boundaries will need to be verified based on the final design and ability of utility service to be provided to adequately serve each phase as it is constructed, including providing full required fire flows at hydrants required for each phase, as well as providing primary, secondary and/or emergency access.

Any easements required for construction of public utilities shown on the approved construction drawings must be granted to the City prior to start of construction on Phase 1 (*including easements offsite or through future phases*).

- The developer shall have the option of constructing the development in a maximum of 4 phases. If the development is constructed in phases, the portion of the project included in Phase 1 shall generally conform with the proposed Phase 1 scope in the application narrative. The installation of streets, public and private utilities in each phase shall be sufficient to meet all City standards and to ensure service to and connection into the subsequent phase and to provide service to upstream properties as applicable, and to ensure that emergency turnaround and emergency access is provided, with the City Engineer and Public Works determining the appropriate level of improvements required to comply with this condition. As a minimum, Phase 1 shall include improvements to Main Street/Hwy 34, N. 19<sup>th</sup> Street, all water, sewer or storm drain improvements required to provide full utility service to City standards to the entire development property, waterlines looped through the property to the Main Street waterline to the 20<sup>th</sup> Place/19<sup>th</sup> Street waterline, all-weather access drives as required for access to any utilities and detention basins constructed outside of the Phase 1 boundary, and offstreet parking areas adequate for all buildings in Phase 1, as well as offsite pedestrian improvements as required to connect to the existing sidewalk system.

We recommend that the City approval add a condition to define the timeframe within which the partition plat, the lot consolidation, and construction of each phase must be completed, in relation to the previous phase, to ensure that the timeframe requirements regarding the phased development are known to and understood by the development team and the City. Based on the [application](#) narrative, the developer plans to commence construction on Phase 1 as soon as applicable agency approvals and City approvals can be obtained, and subsequent phases will be constructed over “5 to 10 or more years depending on the market need for the different uses”.

We recommend the following for adoption by the City (*if desired, the timeframes listed below can be modified by the City approval body, but the suggested condition provides a framework for defining the overall timeframe for the project*).

- Except as specifically modified by this land use decision, the developer shall be responsible to obtain a Public Works site / street / sidewalk / utility construction permit and building permits (*and commence substantial construction*) within 2 years of the date that the land use approval is final, or the land use approval will expire unless an extension is granted (*this does not require that all construction to be complete within the 2 year period*). [If the design & construction of the Phase 1 improvements are staged, the time limits under these phasing conditions shall apply to both Phase 1 stages equally.](#)
- The final partition plat shall not be recorded until after approval of the construction drawings [for all of Phase 1](#) (*to ensure that all required easements are appropriately shown on the plat*), but prior to issuance of an occupancy permit for any portion of the project.
- The lot line adjustment/consolidation may be recorded at any time prior to issuance of the Public Works permit.

- All Phase 1 improvements shall be completed within 3 years of the date that the land use approval is final. Construction of Phase 2 improvements shall commence within 2 years of the date that the Phase 1 construction is completed and approved by the City, and the construction of improvements for each subsequent phase shall commence within 2 years of the date of permit issuance for the previous phase, or the land use approval will expire unless an extension is granted (PMC 18.125.090.C).
- Extensions of not more than 12 months for each phase may be granted by the City Manager upon demonstration that there were issues outside of the developer's control which delayed the completion of the required improvements for the phase in question, and that all other provisions of PMC 18.125.090.C are satisfied.

If the Planning Commission wishes to require any specific development agreements relating to the timing of Phase 2 through Phase 4, these should be added as a separate condition of approval.

**Site Layout, Grading, Access, Parking, etc.**

The application drawings include a site layout drawing and preliminary grading contours.

The application shows a primary access driveway connecting to Main Street/Hwy 34 (*storage facility & industrial flex space*) and to N 19<sup>th</sup> Street (*RV Park*), with each primary access driveway serving as a secondary emergency access into the other portion of the mixed use development. Additional secondary emergency access along private roadways connecting to the existing private roadway through the industrial property to the east is shown on the drawings or described in the application narrative (*see discussion below*).

Pedestrian access is shown along both primary driveways, as well as private sidewalks through the sites as applicable. The layout includes parking throughout the development as applicable, with ADA parking at various places throughout the development as required.

- Any fills within public rights-of-ways, fire lanes or lot fills shall be compacted and tested to City standards and per the Oregon Structural Specialty Code requirements as applicable (*95% optimum per ASTM D1557 within right-of-ways, and 90% optimum within lot building envelopes*).
- The final site construction drawings shall include an on-site sidewalk or hard surfaced pedestrian path system that provides for approved pedestrian access to all building (*other than the self storage buildings inside the fenced enclosure areas*) from the sidewalks along the public or private streets and from any designated parking areas. Any ADA pedestrian pathways shall not require pedestrians to share travel lanes with vehicles (*except at crossings*), and shall include detectable warning panels at locations required by ADA or City standards. The final layout of the sidewalk or walkway system shall be acceptable to the City and the Building Official as applicable.

**Parking.** We assume that the City Planner will review the proposal and determine the number of parking spaces (*including bicycle parking*) required based on the type of occupancy/use proposed, and fill in the blanks as applicable.

- The final parking construction drawings shall provide parking & bicycle parking spaces for the various areas as follows, , including a minimum number of handicap parking spaces as required by City or state standards.
  - Industrial flex-space development : [ ] vehicle parking spaces & [ ] bicycle spaces.
  - Self-storage and RV/Boat storage office & managers residence: [ ] vehicle parking spaces & [ ] bicycle spaces (*in addition to two spaces dedicated for the residence*).
  - RV Park office & managers residence: [ ] vehicle parking spaces & [ ] bicycle spaces (*in addition to two spaces dedicated for the residence*).
  - RV Park Community Center: [ ] vehicle parking spaces & [ ] bicycle spaces.

Marking, striping and signing of crosswalks, parking spaces and handicap spaces shall conform with City and ADA standards. The final layout of the parking areas and access driveways shall conform with the PWDS and be acceptable to the City Engineer and Public Works, including but not limited to width, alignment, turning radius, clear vision areas, etc. Dedicated loading spaces shall be provided if required by the Development Code, without blocking other access routes. Sidewalks fronting head-in parking areas shall be 6 foot minimum width unless wheel-stops are provided.

- The style of any new private site & parking area lighting shall conform with City standards and shall be directed downward onto the areas to be lighted, and shall not project outward or upward. Site lighting styles shall be submitted for review and approval by City staff prior to installation. All site lighting on private property shall be metered and the utility bills paid by the property owner.
- The access drive configuration and signage shall conform to the requirements of the County, ODOT, the Philomath PWDS and any other agencies with jurisdiction.
- Unless otherwise approved in writing by the Fire Chief, the final layout shall be such that all portions of each building is within 150 feet from a fire apparatus access route as measured by an approved route around the exterior of the building per OFC 503.1.1. All fire apparatus access routes are to be designated as fire lanes and signed for no parking in a manner acceptable to the Fire Chief and City standards. Fire lane widths shall conform with the OFC and be acceptable to the Fire Chief. If Aerial Fire Apparatus Access Roads are required per OFC D105.1 for certain buildings, maximum clear separation from the fire lane to such buildings shall comply with OFC D105.3 as approved by the Fire Chief.

Secondary Fire Lanes. Since the RV Park portion of this project has “*more than 100 dwelling units*”, and the self-storage portion of the project includes “*buildings or facilities have a gross building areas of more than 62,000 square feet*”, two separate fire access roads are required per OFC D106.2 for both the north and south portions of the development. As noted above, the primary driveways for the self-storage facility and the RV park will function as secondary fire access roads for the other portion of the development. The separation between the two access points appears to meet the requirements of OFC D104.3, which requires that the two accesses be separated by a distance equal to at least half of the diagonal dimension of the site being served.

- All secondary fire apparatus access roads serving the property shall conform with the requirements of the Oregon Fire Code (OFC), and shall be approved by the Fire Chief and the City Engineer, and shall include drainage improvements per OFC D103.3.1. The location of the secondary fire apparatus access roads shall conform with separation requirements under OFC D104.3, and shall be approved by the Fire Chief prior to issuance of a building permits in this

development. Any secondary fire apparatus access roads which are not open to the public shall be provided with a lockable gate keyed to the Fire Departments padlock (*or other entry means acceptable to the Fire Chief*). The maintenance of secondary fire apparatus access road(s) shall be the responsibility of the property owner being served.

- All fire apparatus access roads shall be located within a recorded fire lane easement to the City, shall be signed for no parking (*unless a roadway wide enough to meet both the Fire Lane and parking widths is provided*) and shall be provided with a recorded maintenance agreement.

Additional Secondary Access Roads. As noted above, additional secondary access roads are proposed (*on drawing G-3a, or on application narrative pg 6/126*) through the industrial property to the east of the development, which will provide additional emergency fire access roads to both the north and south portions of this mixed use development.

The developer should be aware that there are certain conditions attached to the existing private road (*located on TL 12507-01200 to the east*) which extends north from Main Street/Hwy 34, from which the additional secondary access roads serving the development property are shown as being connected to (*or noted in the application narrative*). Our understanding is that these conditions specify that full improvements to the existing private roadway north of Main Street must be constructed when the square footage of the buildings taking access from this roadway exceeds a certain threshold.

While the use of the private roadway (*through the industrial property to the east*) as a secondary fire apparatus access road is not expected to trigger these private street improvement requirements, any proposal to use the existing private roadway to the east as a public access to the proposed Lepman development may trigger the requirement for these private street improvements (*ie. if the access through the adjacent property were to be open for use by the public*).

The development team should consult with the City Manager to determine what conditions might trigger the requirement for improvements to the existing private roadway to the east (*ie. road north of Main Street/Hwy 34, through the adjacent industrial property, TL 12507-01200*).

- If use of the existing private industrial park access road (*located on TL 12507-01200 to the east, extending north from Main Street/Hwy 34*) is proposed to be open for public access, and if such public access triggers requirements for improvements to this private roadway (*under existing development or access agreements with the City and/or ODOT*), the developer will be solely responsible for constructing any required improvements, and for negotiating any cost sharing arrangements with the neighboring property owner, prior to occupancy of any buildings within the proposed mixed use development.

Proposed Gravel Boat/RV Storage Area. As noted above, the application proposes that the open RV/Boat storage area be gravel surfaced. PWDS 2.30.e requires that *“all driveways, parking areas and vehicle maneuvering areas shall be paved with asphalt, concrete or comparable surfacing, except where the use of durable non-paving material is approved by the City on a case-by-case basis, where required to reduce surface water runoff and protect water quality. 1) Durable non-paved surfaces shall be subject to review and approval by the Public Works Director, and will require a maintenance agreement acceptable to the City be recorded against the property. 2) The type of durable pervious surface proposed shall allow for the installation of permanent marking of parking spaces, driving lanes, fire lanes & turnarounds, etc. (ie. where permanent surface painting is not feasible, permanent bright colored surface delineators specifically*

*designed for use with the durable non-paved surface proposed shall be provided and installed).*” Public Works has approved the use of specific products on other local developments which allow these requirements to be satisfied. The development team can check with Public Works regarding the location of sample approvals, and for information on the type of surfacing system allowed.

- If the open RV/Boat storage area is proposed to be constructed as a gravel surface, the requirements of PWDS 2.30.e shall be followed, subject to approval by Public Works. The common driveway/fire lane through the RV/Boat storage area shall be paved or hard surfaced, as well as pads around any catch basins or manholes, pedestrian paths, ADA parking areas, etc.

### **Streets, Sidewalks, etc.**

The property fronts on Main Street/Hwy 34 (*which is an ODOT right-of-way*), and on N. 19<sup>th</sup> Street (*which is a Benton County right-of-way*). Any traffic lane improvements which might be required would be triggered by ODOT or Benton County requirements. Conditions triggering street improvements such as curb and sidewalk are typically controlled by City development standards.

Main Street. Main Street/Hwy 34 in this location is fully improved across most of the property frontage, with curbs or sidewalks across most the development frontage. The right of way width for Main Street/Hwy 34 across the development frontage appears to vary from 80 to 90 feet.

In addition to any street or driveway improvements which may be required by ODOT, extension of curbs and sidewalks across the remainder of the frontage on the development side of the street shall be provided by the developer. Any additional right-of-way necessary to accommodate improvements required by ODOT will be the responsibility of the developer.

N 19<sup>th</sup> Street. N 19<sup>th</sup> Street in this location is improved with curbs across the property frontage, but does not currently have sidewalks. The right of way width for N 19<sup>th</sup> Street across the development frontage appears to be at least 70 feet.

In addition to the any street improvements which may be required by Benton County, construction of sidewalks on the development side of the street shall be provided by the developer, connected to the existing sidewalks to the south. Any additional right-of-way necessary to accommodate improvements required by Benton County will be the responsibility of the developer.

- The design of all streets, driveway approaches and sidewalks shall conform to the requirements of the Philomath PWDS, Benton County or ODOT standards, whichever is more stringent.
- Street and/or traffic marking modifications or improvements shall be provided along the Main Street/Hwy 34 frontage (*to the extent required by ODOT*), and along the N. 19<sup>th</sup> Street frontage (*to the extent required by Benton County*).
- Curb and sidewalk improvements shall be provided as required across the development frontage with Main Street and N. 19<sup>th</sup> Street, including connection to existing pedestrian facilities as applicable.
- Storm drainage improvements shall be provided in conjunction with all new or reconstructed streets or curbs (*PWDS 3.2.c*).

- Street and traffic control signs shall be installed at locations conforming to City and ODOT standards.
- Except where waived by Public Works based on conflicts with existing City utilities or building envelopes, 8 foot wide PUE easements to City standards shall be granted along all fronting street right-of-ways where such easements do not already exist (PWDS 1.10.j), and new franchise utilities shall be installed within PUEs except at crossings. Franchise utilities may not be installed within City water/sewer/storm drainage easements except at crossings.
- New public street lights shall be installed along all new and existing frontage public streets, with spacing and locations to be approved by the City Engineer and Public Works based on City standards.

Newton Creek Multi-Use Path. The application also addresses the construction of a future 10 foot wide public multi-use trail along the west side of Newton Creek, south of the RV Park, within a 16 foot wide easement to the City. Portions of the proposed path are located on the development property, and portions will be located on other adjacent properties.

While we did not see it specifically addressed in the application narrative, the multi-use path along the west side of Newton Creek is listed as “future” on the proposed partition plat (*Sheet X-1*).

Unless otherwise determined by the Planning Commission, we assume that the portions of the multi-use path south of the RV Park property will be constructed in the future, and not as part of this project.

### **20<sup>th</sup> Place R/W Vacation.**

As noted above, the 20<sup>th</sup> Street right-of-way vacation will be considered by Benton County, since this is a Country ROW.

Although it will not be constructed as part of this development, the City’s sewer master plan calls for a future 24” diameter trunk sewer to be constructed along 20<sup>th</sup> Place in the future (*extending north along 19<sup>th</sup> Street*). The alignment of this future trunk sewer has not been determined exactly, but it will need to be located east of the existing 20<sup>th</sup> Place waterline, and west of the existing 4” gas main. Since the minimum required easement width for trunk sewers (*larger than 15” diameter*) is 25 feet plus 2 feet for each foot deeper than 6 feet to invert, it is assumed that the majority of the right-of-way width will be required to be reserved as an easement for the construction of this future trunk sewer line.

Under Exhibit B-7 in the application narrative, the proposed findings state that the City will retain a utility easement over the entire vacated area of 20<sup>th</sup> Place for existing and future utilities. However, Sheet G-3b shows the proposed RV Park office building as being constructed about 18-20 feet out into the vacated right-of-way area. This building location appears to conflict with both the existing gas main located along the east side of the street, as well a potential conflict with the easement required for the future trunk sewer.

We contacted the development team, who clarified that the existing 4” high pressure gas line along 20<sup>th</sup> Place was not painted out with the utility locates, and thus was missed on the survey. Locates by the gas company and subsequent survey by the development team indicated that the 4” HP gas line is 13

feet east of the 20<sup>th</sup> Place centerline, which would place it 17 feet from the east ROW line. The development team is now proposing that the City/County retain an easement to a point 5 feet east of the existing gas line. Based on discussions with Public Works, it appears that this will leave adequate space west of the existing waterline (*reported to be 8' from the west ROW line*) for the future 24" trunk sewer (*approximately 40 feet east of the waterline*).

Sheet G-3b also appears to show a drive aisle running from the parking area for the proposed RV Park office to the north end of 20<sup>th</sup> Place. It is assumed that there will be a gate at the south end of this drive aisle to prevent public vehicular access from 20<sup>th</sup> Place. If this gate is locked and provided with a Knox box to Fire District standards, it would be able to serve as an additional emergency access point into the RV park, and would eliminate the need for an emergency vehicle turnaround at the north end of the vacated 20<sup>th</sup> Place.

- A portion of the vacated 20<sup>th</sup> Place right-of-way shall be reserved as an easement for existing and future utilities to be installed by the City, Benton County and/or franchise utility companies, and for public sidewalk(s) connecting 20<sup>th</sup> Place to 19<sup>th</sup> Street. The portion reserved as an easement shall be the westerly 48 feet of the existing right-of-way, or from the west right-of-way line to a point 5 feet east of the existing high pressure gas main, whichever is greater.
- Unless otherwise approved by the Fire District based on a gated emergency access connecting to the RV office parking lot, a new fire apparatus turnaround shall be constructed by the developer at the north end of 20<sup>th</sup> Place (*just south of the vacated R/W*) conforming with Fire District requirements. *Any easements required in order to construction a turnaround (if the gated connection noted above is not provided) shall be the responsibility of the developer.*

Subject to the proposed conditions in this review, we support the proposed vacation request. This will allow the developer to construct the proposed office building up to the edge of the retained easement, rather than to a setback from the existing ROW line.

### **Storm Drainage.**

The preliminary drawings include information on proposed storm drainage improvements on the site, including detention facilities for both the southerly and northerly portions of the development.

It appears to address the collection of offsite drainage which flows onto the southerly property from the east. It is not clear from the application drawings whether any runoff from the railroad right-of-way flows onto the RV Park site from the north.

Both portions of the property currently drain to Newton Creek or its tributary, which runs along or through the property. After development, all storm flows from the property is shown as being directed to Newton Creek and its tributary, with detention and water quality facilities being provided.

- The Developer shall submit storm drainage construction drawings conforming to the requirements of the PWDS. The storm drainage plan shall demonstrate that there are no impacts to the downstream properties, and shall collect drainage from upstream properties and convey it through or around the development as applicable. Drainage maps and a summary of flow calculations for existing and developed conditions shall be included on the construction drawings. The storm drainage plan shall be designed to accommodate roof and foundation

drains, as well as drainage from access drives, parking area and new or reconstructed streets and/or driveways, and shall convey storm water runoff to an approved point of disposal. The storm drainage plan shall include replacement of impacted storm drain pipes or inlets which are undersized or which do not meet current City standards. Any downstream improvements required to provide required capacity shall be constructed to City standards, and shall be the responsibility of the Developer. Easements meeting PWDS requirements shall be provided for any public storm drains located outside of street right-of-ways, or for private storm lines that cross property other than that which they serve. All weather maintenance access shall be provided to all public storm manholes and other structures unless otherwise approved by Public Works, including detention basin inlet & outlet structures. The stormwater detention system (*PWDS 3.18*) shall conform with PWDS requirements, which requires the detention basins to be located on private property and provided with a recorded detention easement & maintenance agreement per City standards, and means for its maintenance and upkeep. Any detention systems shall include provisions for inspection and maintenance access per City standards, with open basins designed for off-stream storage per PWDS 3.18.d.1.b unless a variance is granted by Public Works based on other agency permit requirements (*such as state wetland permits, etc.*).

### **Sanitary Sewer.**

The application drawings include information on proposed sanitary sewer improvements to serve the development. The application drawings propose a private common sewer system connecting to the existing City sanitary sewer along the north side of Main Street/Hwy 34.

Public Works has indicated that a common private sanitary sewer to serve the self-storage development and the RV park is acceptable, subject to a recorded maintenance agreement and metering/monitoring manholes at location(s) required by the City, and subject to the new common private mainline being constructed to City standards.

Flex Space Sewer. Since the industrial flex space facility will be located on a separate legal lot which fronts on Main Street, a separate sewer service lateral serving this lot shall be provided (*ie. it shall not be connected to the common private sewer serving the self-storage facility and the RV park*).

Since the nature of the tenants in the flex-space facility cannot be determined at this time, it also cannot be determined whether or not a metering/sampling manhole will be required in the future. In lieu of installing a metering/monitoring manhole on the service line at this time, the common sewer service line will need to be installed and configured at a depth and far enough from the building so that the sewer service lines from the individual flex-space units can be reconfigured in the future (*if required*) to allow for the installation of a metering/sampling manhole for an individual tenant (*outside of the building*), with the outlet from the metering manhole reconnected back to the common sewer line (*ie. if a particular future tenant proposes a use which produces wastewater with characteristics that require the installation of a metering/monitoring manhole*).

Metering/Sampling Manhole for RV Park. Per PWDS 4.19.a.2 and PWDS 4.16.i, a metering & sampling manhole will be required at this time on the common sewer serving the RV Park, to allow sewer billing based on actual flows and strengths discharged to the City system. The sewer manhole shown at the north end of the Main Street entrance "porkchop island" will need to be relocated to be under the west sidewalk (*ie. which will straighten out the sewer through this manhole*), to allow for straight flow through a metering/monitoring manhole at this location. A metering/sampling manhole shall be

installed, conforming with PWDS 4.16.i and City sewer standards (*including but not limited to PMC 13.20.140.E*), so as to allow the sewage flows and strengths to be measured for billing purposes.

RV Dump Station, Metering/Sampling Manhole. While the original application drawings and [application narrative](#) did not include provisions for a separate RV dump station, the development team subsequently submitted a request to add a RV dump station to the project (*4/17/2019 email*). Authorization to install a separate RV dump station is not a land use issue, but requires separate specific authorization by the Public Works Director and the City Manager (*PMC 13.20.110.L*), based on a determination that the nature of the wastewater will not have “*detrimental effects on the treatment works*”. The City will research this proposal while the application moves through the land use process. A condition addressing the minimum requirements that such an approval will be subject to are included herein for reference.

If a separate RV dump station is authorized by Public Works, a separate metering & sampling manhole will be required, to measure and sample all flows from the dump station separately from the RV Park flows. The separate metering/sampling manhole will be required to be located adjacent to the RV dump station, at a location acceptable to Public Works, conforming with PWDS 4.16.i and City sewer standards (*including but not limited to PMC 13.20.140.E*), so as to allow the sewage flows and strengths to be measured for billing purposes. This will allow the flows & loads from the RV dump station to be subtracted from the flows measured at the RV Park metering manhole, for billing purposes.

- Unless a PWDS variance is granted by the Public Works Director, a separate sewer service lateral serving the industrial flex-space buildings shall be connected to the existing Main Street sewer main. In lieu of installing a metering/monitoring manhole on the [sewer line serving the industrial flex-space buildings](#) at this time, the common sewer service line shall be installed deep enough and far enough from the building so that the sewer service lines from the individual flex-space units can be reconfigured in the future to allow for the installation of a metering/sampling manhole, and then reconnected back to the common sewer line (*ie. if a particular future tenant proposes a use which produces wastewater with characteristics that require the installation of a metering/monitoring manhole*).
- The developer shall submit sanitary sewer drawings conforming to the requirements of the PWDS, including plan & profile for the private common mainline serving the self-storage office and RV Park portions of the project, at depths conforming with City standards.
- RV Park Metering/Sampling Manhole. A metering/monitoring manhole acceptable to Public Works shall be installed on the common private mainline upstream of its connection to the City manhole on Main Street, at a location acceptable to Public Works (PWDS 4.16.i & 4.19.a). The configuration and style of the metering manhole, as well as the flow meter and sampler, shall be as directed by Public Works, to be compatible with the existing equipment used by the City at other locations in the wastewater system. The design shall include provisions for 120V power to the metering manhole location, to provide power to the flow meter & sampler (*and to power any future telemetry equipment the City may choose to have installed*).
- Separate RV Dump Site. If a separate RV dump station is authorized by Public Works, a separate metering & sampling manhole shall be provided to measure and sample all flows from the dump station separately from the RV Park flows. The metering/sampling manhole shall be located adjacent to the RV dump station, at a location acceptable to Public Works, subject to the same

configuration requirements as the metering manhole for the RV Park. In addition, the developer shall demonstrate to the satisfaction of Public Works and the City Manager that such an RV dump station will provide adequate access, vehicular stacking and turn-around looping to avoid restricting access for other RV park tenants or emergency vehicle access, and that it will not negatively impact traffic on the public street used for access to the RV dump station site.

### **Water & Fire Protection.**

The application drawings include information on proposed water system improvements. The drawings propose construction of two new City mainlines connected to the 12-inch waterline along the private roadway in the industrial property to the east of this development.

One of these proposed waterlines will be looped through and connected to the existing 12-inch waterline along 19<sup>th</sup> Street. However, the southerly waterline would be a dead-end line with no potential for future extension or looping (*the meters & backflow assemblies for the flex-space development and the storage facility would be fed from this dead-end waterline, while the meters & backflow assemblies for the RV Park would be fed from the looped waterline*).

The drawings include information on proposed private domestic water system and private fire sprinkler feed lines (*separate systems serving the RV Park and the storage facilities*), as well as a fire sprinkler service to the flex space buildings.

Based on the City's water master plan, a new water mainline will need to be extended from the existing 12" waterline on Main Street, and connected to the 12-inch waterline along N 19<sup>th</sup> Street. All waterlines located outside of public right-of-ways must be located within easements to the City of Philomath, width as required by the PWDS.

PWDS 5.11 requires that distribution system shall be looped at all possible locations, in order to provide redundancy for water service and for fire flows. While the RV Park appears to meet this criteria, the dead-end line serving the storage facility & flex space development does not.

Furthermore, there are no existing City easements along the proposed alignments through the property to the east. While the private easement (*to the benefit of the Lepman property*) includes authorization language allowing for the construction new utilities & waterlines, it does not include an easement to the City meeting City standards.

If the developer cannot obtain easements acceptable to the City for the proposed offsite waterlines, a new 12-inch mainline will need to be constructed from the existing 12-inch water mainline on the south side of Main Street, north through the development property along the new access road, and connected to the 19<sup>th</sup> Street waterline (*within easements to the City of Philomath*), with waterline stubs to the east boundary for future extension to the east when the adjacent property further develops.

If the developer does obtain easements acceptable to the City for the proposed offsite waterlines, the southerly of the new 12-inch waterlines will need to be looped to the north and connected to the northerly waterline which is connected to 19<sup>th</sup> Street.

Another issue is that the 19<sup>th</sup> Street waterline connection is shown as being near the center of 19<sup>th</sup> Street, which is not acceptable to Philomath Public Works (*since any operation of valves, or any*

*maintenance would require significant traffic control measures).* The 19<sup>th</sup> Street waterline connection will need to be shifted south so that the connection point is behind the curblineline on the east side of 19<sup>th</sup> Street.

Fire Hydrant Locations. Fire hydrants must be provided at locations as required by the Fire Chief, and meeting City standards. It appears that a number of additional fire hydrants will be required for this development.

PWDS 2.17.b.3 requires in part that *“hydrants shall be located at corner of each public & private street intersection where possible.”*

PWDS 2.17.b.6.b further specifies that *“for purposes of new development, hydrants on the opposite side of an ODOT highway right-of-way are generally NOT considered to be available . . . (ie. since the Fire Department may need to lay hose across the highway and restrict traffic during emergencies).”*

There are currently no hydrants shown inside the fence of the RV/Boat storage facility. It is anticipated that the Fire District will require additional hydrants to serve this area (*spacing to be determined during design*). Regardless of the spacing required for the open RV/Boat storage facility, the future construction of the enclosed RV/Boat storage building shown will require hydrants at locations required by City & Fire District standards.

PWDS 2.17.a requires that hydrants be installed within *“250 feet from the furthest point of any dwelling, business, garage or building”* unless lesser spacing is approved by the Fire District based on OFC standards.

A partial summary of additional hydrant locations is included below for preliminary reference only, since final hydrant locations will be coordinated with the Fire District during the site/utility design process (*ie. locations listed are to change*).

--A hydrant will be required at the Main Street entrance to the development (*connected to the existing 12” waterline on the south side of Main Street*).

--Hydrants will be required to serve the RV/Boat storage facility, including the future enclosed storage building proposed.

--A hydrant will be required adjacent to the fire backflow vault & FDC serving the RV park fire system (*not shown on G-3b*).

--A hydrant will be at primary entrances into the RV park area from the road by the community center.

--Spacing in the RV park and in the self-storage area appears to exceed the 400 feet referenced in OFC 507.5.1 and the hydrant spacing listed under OFC Table C105.1.

- The Developer shall submit water system construction drawings conforming to the requirements of the PWDS, and shall demonstrate that the required fire flows are available to all hydrants at the site. All water system improvements required to provide the minimum fire flows (*with or without fire sprinklers*) shall be the sole responsibility of the developer. Public and/or private fire hydrants will be required at intersections and at locations approved by the City Engineer and the Fire Chief, including a fire hydrant at the Main Street entrance to the site.
- The developer shall construct new waterlines as required to supply all water services and fire hydrants, including new waterline(s) looped through the site and connected to both Main Street and 19<sup>th</sup> Street. The connection point of domestic, irrigation and fire service lines to the public

system, and the location of backflow devices, shall be as approved by Public Works and the City Engineer.

- Easements per City standards shall be provided by the Developer for any waterlines located outside of public street right-of-ways. If the developer cannot obtain easements acceptable to the City for the proposed offsite waterlines through the property to the east, a new 12-inch mainline will need to be constructed from the existing 12-inch water waterline on the south side of Main Street, north through the development property along the new access road and connected to the 19<sup>th</sup> Street waterline, with waterline stubs to the east boundary for future extension to the east when the adjacent property further develops.
- The location of any well(s) on the property shall be shown, and backflow prevention provided for any lot on which a well is located (*unless the well(s) is/are abandoned per State standards*).

If you have any questions or need additional information regarding this review, please contact us to discuss.

*Denny Muchmore, PE (OR, WA)*  
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*3841 Fairview Industrial Drive SE, Suite 100, Salem, OR 97302*  
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# Oregon

Kate Brown, Governor

## Department of Transportation

### Region 2 Tech Center

455 Airport Road SE, Building A  
Salem, Oregon 97301-5397  
Telephone (503) 986-2990  
Fax (503) 986-2839

**DATE:** May 20, 2019

**TO:** Duane Liner, PE  
Region 2 Development Review Coordinator

**FROM:**   
Keith P. Blair, PE  
Region 2 Traffic Analysis Engineer

**SUBJECT:** Lepman Mixed Use Development (Philomath) – Outright Use  
Revised TIA Review Comments

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ODOT Region 2 Traffic has completed our review of the submitted revised traffic impact analysis (dated May 17, 2019) to address traffic impacts due to the proposed mixed use development of a 38-acre site located north of US-20/OR-34, east of Green Road, and south of the Southern Pacific Railroad tracks in the city of Philomath, with respect to consistency and compliance with current versions of ODOT's *Analysis Procedures Manual (APM)*. Both versions of the *APM* were most recently updated in November 2018. Current versions are consistently published online at: <http://www.oregon.gov/ODOT/TD/TP/Pages/APM.aspx>. As a result, we submit the following comments for the consideration of Region Development Review and the City:

Analysis items to note:

- Region Traffic assumes all land uses and densities offered under the current zoning are consistent with the City's code as cited in the report.

Proposed mitigation comments:

1. ODOT maintains jurisdiction of the Corvallis-Newport Highway No. 33 (US-20/OR-34) and ODOT approval shall be required for all proposed mitigation measures to this facility. No mitigation measures have been proposed. This conclusion appears reasonable for this proposed development.

Thank you for the opportunity to review this traffic impact analysis. As the analysis files were not provided, Region 2 Traffic has only reviewed the submitted report. This traffic impact study has been, for the most part, prepared in accordance with ODOT analysis procedures and methodologies. No further analysis work should be required. If there are any questions regarding these comments, please contact me at (503) 986-2857 or [Keith.P.Blair@odot.state.or.us](mailto:Keith.P.Blair@odot.state.or.us).



Public Works Department  
360 SW Avery Avenue  
Corvallis, Oregon 97333  
Phone: 541.766.6821  
Fax: 541.766.6891

May 6, 2019

**TO:** Patrick Depa – Associate Planner  
Benton County Community Development

**FROM:** Gordon Kurtz – Associate Engineer *GPK*  
Benton County Public Works

**RE:** Lepman Mixed Use Development  
Philomath, Oregon  
Lepman Properties, LLC – Owners  
Planning File #: PC19-02, 03, 04, 05, & 06  
19<sup>th</sup> Street – County Road #: 26630  
T12S – R6W – Section 12 – Tax Lots 100, 102, & 200

Public Works staff has reviewed the land use action noted above and recommend the following comments and conditions be added to the Notice of Decision:

- 1) A road approach permit will be required for the proposed approach. The new approach must meet current City of Philomath and Benton County standards for a commercial approach.
- 2) The existing approach must be abandoned, removed and replaced with new curb and gutter consistent with the 19<sup>th</sup> Street Corridor to the immediate north and south.
- 3) A Permit to Perform Work in the Benton County Right of Way will be required for all work to be performed in the 19<sup>th</sup> Street right of way. Permit application forms and a list of required supporting documentation are available upon request.
- 4) The applicant will be required to apply for a Benton County Erosion and Sediment Control Permit in addition to an Oregon Department of Environmental Quality 1200-C permit.
- 5) The applicant must provide the County with a petition, a survey, and associated required documentation to abandon the 20<sup>th</sup> Place right of way as proposed on Sheet W-1.
- 6) The applicant must dedicate 5' of right of way to the County along the north westerly frontage of the property to establish the minimum right of way width required by the City of Philomath TSP for Minor Arterials.
- 7) Curbside sidewalks will not be permitted on 19<sup>th</sup> Street. All sidewalks must be set back from the curb to meet the City of Philomath standard park strip width of 5 feet.
- 8) The County anticipates the need for a pedestrian crossing of the Union Pacific right of way at some point in the future. The Applicant is encouraged to examine

- this possibility. Right of way may be required on the north property line to accommodate a future pedestrian crossing facility.
- 9) If public sidewalks are proposed outside the Benton County right of way, the Applicant must provide an access and maintenance easement to the City, the County, the Public or some combination thereof.
  - 10) The County requests that the applicant provide a complete hydrologic and hydraulic report as well as an assessment of the water quality impacts of the development to include, but not limited to, existing and proposed permeable and impermeable areas, existing and proposed drainage patterns and a landscaping plan.
  - 11) The County requests that the applicant provide a copy of all environmental studies and assessments performed. If additional local, state or federal permits are required for this development, copies of the approved permits and their conditions must be provided to the County.
  - 12) County staff is concerned that although 25% of the traffic to and from the site is projected to travel to and from the north, no intersections to the north of the development were included in the Traffic Impact Analysis (TIA). It is reasonable to assume that a bulk of this traffic will follow the 19<sup>th</sup> Street – West Hills Road – Reservoir Road – 53<sup>rd</sup> Street – Walnut Boulevard route to the north. The primary northbound route, through the intersection of 53<sup>rd</sup> & Reservoir, would likely be used as a “shortcut” to OR 99W North. At minimum, the TIA should be expanded to include the intersections of West Hills Road & Reservoir Road and 53<sup>rd</sup> Street & Reservoir Road. Of particular concern is the impact this development will have to the intersection of 53<sup>rd</sup> & Reservoir during the Benton County Fair.
  - 13) A pre-design meeting is required.
  - 14) The County has read and understands the items included in the review provided by Denny Muchmore, PE of Westech Engineering, Inc. and those comments, where pertinent, should be considered included herein by reference.

It should be noted that the comments contained in this memo are not the result of a full engineering analysis of the proposed development. More detailed analysis and additional design work may be required as the project moves forward.

Please contact me if you have questions regarding these comments and conditions.

Ann Buell  
1511 Willow Lane, Philomath  
Objections to: Storage Units and RV Park - Lepman: PC19-02 et al  
April 24th, 2019

It seems to me that the "Industrial Use" of Parcel 2's RV Park will encroach on the threatened Nelson's checker-mallow, *Sidalcea nelsoniana*, located, I believe, on Parcel 3. The trails and visitors from the RV park are going to hurt that threatened species!

How will our natural water supply be affected by the use of these partitions? Will partitioning make it more of a burden on our city?

There will be far too much traffic on all ways into and out of Philomath, and now all ways out of town will be clogged, on 19th street, and who knows how partitioning will affect HWY 20/34 with the high density RV park proposed. Our town can't stand any more traffic, and it's reckless approving it. I worry about all the cost, in accidental damage and the lives that may be lost, too.

**FILED**  
APR 24 2019  
BY: *BB* TIME: *4:00 pm*  
CITY OF PHILC..

*Exhibit 'B'*

FINDINGS DOCUMENT OVERVIEW FOR PROPERTY  
LOCATED AT 2951 SOUTHWEST MAIN STREET AND  
617 NORTH 20<sup>TH</sup> PLACE (Subject to Change)

Overview Facts and Findings

**Request.** Concurrent applications for (1) Overlay Zone and Conceptual Planned Development approval and Detailed Planned Development Approval for the construction of a Self-storage Facility, a Recreational Vehicle and Boat Storage Facility, a Recreational Vehicle Park, and an Industrial Flex-Space Development in multiple phases (2) Site Design Review approval for the construction of a Self-Storage Facility containing a 3,374 square foot office/manager's quarters and a total of 204,277 square feet of self-storage in 4 phases; an uncovered RV and boat storage area in Phase I with buildings in Phase II which would provide for 140 covered spaces; (3) Site Design Review for the construction of all of the Recreational Vehicle Park in Phase I containing 175 RV spaces, a 3,902 square foot office/manager's quarters, two satellite restroom buildings adjacent to the walking trail within the development, a 7,142 square foot community center which includes a game room, a meeting room with kitchen, an exercise room, 2 restrooms with showers, an indoor pool and a laundry room with concurrent Conditional Use to allow for 2 viewing platform within the Newton Creek riparian corridor setback (4) Site Design Review for the construction of 22,023 square feet of industrial flex-space business spaces on 1.62 acres in 2 buildings [12,085 square feet in Building 1 (5 business spaces) and 9,938 square feet in Building 2 (4 business spaces)]; (5) Partitioning approval to divide a 23.73-acre parcel into 3 parcels containing 1.62 acres (Parcel 1), 16.65 acres (Parcel 2) and 5.46 acres (Parcel 3); (6) the Vacation of 0.20 acre (8,712 square feet) of street right-of-way of North 20th Place; and (7) a Lot Line Adjustment to combine Tax Lot 102, Benton County Assessor's Map 12507 (0.05 acre) with Tax Lot 200, Benton County Assessor's Map 12612.

**Applicant:** Scott Lepman dba Glorietta Bay LLC; 100 Ferry Street NW; Albany, OR 97321

**Applicant's Primary Contact:** Candace Ribera, Development Coordinator for Scott Lepman Company; 100 Ferry Street NW; Albany, OR 97321

**Civil Engineer:** Brian Vandetta, Udell Engineering and Surveying; 63 East Ash Street; Lebanon OR 97355

**Geotechnical Consultant:** Ronald Derrich, Branch Engineering Inc.; 310 5<sup>th</sup> Street; Springfield OR 97477

**Architect (Office/Manager's Quarters & Community Center):** Don Johnson, Skyline Architecture LLC; 2806 45th Court SE; Albany OR 97322

**Building Designer (Storage Buildings).** Gerry Barbaro, Steel West; 8780 Del Rosa Road; Victorville CA 9239

**Surveying.** David Schlosser, Northstar Surveying; 720 NW 4<sup>th</sup> Street; Corvallis OR 97330 and Kyle Latimer, Udell Engineering and Surveying; ; 63 East Ash Street; Lebanon OR 97355

**Wetland Consultant.** Allen Martin, Geo Resources, LLC; P.O. Box 71852; Springfield OR 97475

**Archeological Consultant.** Kathryn Toepel, PhD, RPA; Heritage Research Associates, Inc.; 1997 Garden Avenue; Eugene OR 97403

Environmental Consultant (Phase I). Steven LaFranchi; Environmental Science Associates, Inc.; 1450 Flintridge Avenue; Eugene OR 07401

Sensitive Vegetation Consultant. Richard Brainerd, Stonecrop, LLC; 1377 NW Alta Vista Drive; Corvallis Or 97330

Landscape Architect: Laura A. Antonson, RLA, Laurus Designs LLC; 1012 Pine Street; Silverton OR 97381

Subject Properties: Tax Lot 100, Benton County Assessor's Map 12612 containing 23.73 acres; Tax Lot 200, Benton County Assessor's Map 12612 containing 15.30 acres; and Tax Lot 102, Benton County Assessor's Map 12507. The properties are currently addressed as 2951 Southwest Main Street (Tax Lot 100); 617 North 20<sup>th</sup> Street (Tax Lot 200) and Tax Lot 102 is landlocked and not addressed.

Submitted Attachments.

1. Exhibit 'A' Legal Descriptions for Subject Properties
2. Exhibit 'A-1' Legal Description for Area of Street Vacation
3. Exhibit 'A-2' Legal Description for Lot Line Adjustment
4. Exhibit 'A-3' Composite Assessor's Tax Maps
5. Exhibit 'A-3a' Assessor's Maps (8) with Notified Properties
6. Exhibit 'A-3b' Notification Labels
7. Exhibit 'B' Findings Document Overview (pages 1 to 8)
8. Exhibit 'B-1' Overlay Zone and Conceptual Planned Development Findings for the construction of a Self-Storage Facility, a Recreational Vehicle and Boat Storage Facility, a Recreational Vehicle Park and Industrial Flex Space (pages 9 to 28)
9. Exhibit 'B-2' Site Design Review Findings for the construction of a Self-Storage Facility and the construction of a Recreational Vehicle and Boat Storage Facility (pages 29 to 57)
10. Exhibit 'B-3' Site Design Review Findings for the construction of a Recreational Vehicle Park with concurrent Conditional Use (pages 58 to 84)
11. Exhibit 'B-4' Conditional Use to Allow the Construction of Two Overlook Platforms Within the Newton Creek Riparian Corridor (pages 85 to 88)
12. Exhibit 'B-5' Site Plan Review Findings for the construction of an Industrial Flex-space Development (pages 89 to 116)
13. Exhibit 'B-6' Partitioning Findings for the Division of a 23.73-acre Parcel into 3 Parcels (pages 117 to 122)
14. Exhibit 'B-7' Findings for the Vacation of 8,712 Square Feet of North 20<sup>th</sup> Place (pages 123 to 124)
15. Exhibit 'B-8' Findings for Lot Line Adjustment to Combine Tax Lot 102, Benton County Assessor's Map 12507 with Tax Lot 200, Benton County Assessor's Map 12612 (pages 125 to 126)
16. Exhibit 'C' Existing Comprehensive Plan and Zoning Map
17. Exhibit 'D-1a' Existing Conditions Tax Lot 100 (Civil Drawing D-1a)
18. Exhibit 'D-1b' Existing Conditions Southwest Main Street Adjacent to Tax Lot 100 (Civil Drawing D-1b)
19. Exhibit 'D-2' Existing Conditions Tax Lot 200 (Civil Drawing D-2)
20. Exhibit 'D-3' Significant Vegetation Identification Tax Lot 100 (Civil Drawing D-3)
21. Exhibit 'D-4' Significant Vegetation Identification Tax Lot 200 and 102 (Civil Drawing D-4)
22. Exhibit 'E-1' Wetland Delineation Letter Tax Lots 100, 200 and 102
23. Exhibit 'E-2' Preliminary Wetland Impacts Tax Lot 100
24. Exhibit 'F-1' Overlay Zones Tax Lot 100 (Civil Drawing F-1)
25. Exhibit 'F-2' Overlay Zones Tax Lot 200 (Civil Drawing F-2)

26. Exhibit 'G-1' Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex-Space Development (Civil Drawing G-1)
27. Exhibit 'G-2' Composite Turning Radius Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex Space Development (Civil Drawing G-2)
28. Exhibit 'G-3' Composite Utility Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex-Space Development (Civil Drawing G-3)
29. Exhibit 'G-3a' Self-Storage and Recreational Vehicle and Boat Storage Utility Plan and Industrial Flex-Space Utility Plan (Civil Drawing G-3a)
30. Exhibit 'G-3b' Recreational Vehicle Park Utility Plan (Civil Drawing G-3b)
31. Exhibit 'G-3c' Self-Storage and Recreational Vehicle and Boat Storage Easements (Civil Drawing G-3c)
32. Exhibit 'G-3d' Recreational Vehicle Park Easements (Civil Drawing G-3d).
33. Exhibit 'H-1' Composite Phasing Plan for Self-storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development (Civil Drawing H-1)
34. Exhibit 'I-1' Proposed Site and Dimensioning Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (Civil Drawing I-1)
35. Exhibit 'I-2' Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing I-2)
36. Exhibit 'I-3' Proposed Site and Dimensioning Plan for Industrial Flex-Space (Civil Drawing I-3)
37. Exhibit 'J-1' Lot Coverage Assessment for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space (Civil Drawing J-1)
38. Exhibit 'J-2' Lot Coverage Assessment for Recreational Vehicle Park (Civil Drawing J-2)
39. Exhibit 'K-1' Composite Site Grading Plan for Self-storage and Recreational Vehicle and Boat Storage Facilities (Civil Drawing K-1)
40. Exhibit 'K-2' Site Grading Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space Development (Civil Drawing K-2)
41. Exhibit 'K-3' Site Grading Plan for Recreational Vehicle Park (Civil Drawing K-3))
42. Exhibit 'L-1' Storm Water Management Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space Development
43. Exhibit 'L-2' Preliminary Storm Water Management Report for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space Development
44. Exhibit 'L-3' Storm Water Management Plan for Recreational Vehicle Park
45. Exhibit 'L-4' Preliminary Storm Water Management Report for Recreational Vehicle Park
46. Exhibit 'M' Traffic Impact Analysis for Proposed Planned Development
47. Exhibit 'N' Rules & Regulations for Open Storage Areas in Recreational Vehicle and Boat Storage Facility and Order of Operations
48. Exhibit 'O-1' Phase I Environmental Assessment
49. Exhibit 'O-2' Geotechnical Site Investigation
50. Exhibit 'P' Archeological Report
51. Exhibit 'Q' Sensitive Vegetation Report
52. Exhibits 'R-1' Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)  
(1.1, 1.2, 1.3)
53. Exhibit 'R-2' Conceptual Landscape Plan for Recreational Vehicle Park (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)  
(2.1, 2.2, 2.3)
54. Exhibit 'R-3' Conceptual Landscape Plan for Industrial Flex-Space Development
55. Exhibit 'R-4' Proposed Fencing Materials for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Recreational Vehicle Park  
(1 to 4)

- 56. Exhibit 'S-1' Typical Self-Storage Facility Building Elevation Drawings
- 57. Exhibit 'S-2' Office/Manager's Quarters Elevation Drawings for Self-Storage and Recreational Vehicle Storage Facilities
- 58. Exhibit 'S-3' Office/Manager's Quarters Floor Plan Drawings for Self-Storage and Recreational Vehicle Storage Facilities (1<sup>st</sup> and 2<sup>nd</sup> Floors)
- 59. Exhibit 'T-1' Recreational Vehicle Park Elevation Drawings for Office/Manager's Quarters
- 60. Exhibit 'T-2' Recreational Vehicle Park Office/Manager's Quarters Floor Plans (1<sup>st</sup> and 2<sup>nd</sup> Floors)
- 61. Exhibit 'T-3' Recreational Vehicle Park Elevation Drawings for Community Center
- 62. Exhibit 'T-4' Recreational Vehicle Park Community Center Floor Plans
- 63. Exhibit 'T-5' Recreational Vehicle Park Elevation and Floor Plan Drawings for Satellite Restrooms
- 64. Exhibit 'T-6' Proposed Enclosed Garbage Containment Areas within Planned Development
- 65. Exhibit 'T-7' Proposed Recreational Vehicle Park Covered Bicycle Storage
- 66. Exhibit 'U-1' Industrial Flex-Space Elevation Drawings and Typical Floor Plans for Building A
- 67. Exhibit 'U-2' Industrial Flex-Space Elevation Drawings and Typical Floor Plans for Building B
- 68. Exhibit 'V-1' Proposed Signage for Self-Storage and Recreational Vehicle and Boat Storage Facilities
- 69. Exhibit 'V-2' Proposed Signage for Recreational Vehicle Park
- 70. Exhibit 'V-3' Proposed Signage for Industrial Flex-Space Development
- 71. Exhibit 'W-1' Proposed Street Vacation with Affected Properties
- 72. Exhibit 'X-1' Proposed Partitioning Plan
- 73. Exhibit 'X-2' Proposed Property Line Adjustment
- 74. Exhibit 'Y-1' Existing Covenants and Restrictions for Existing Easements from Tax Lot 1200, 12507 to Tax Lot 100, 12612
- 75. Exhibit 'Y-2' Proposed Private Accessway and Utility Easement Agreement Within the Proposed Planned Development

**Subject Properties:** Tax Lot 100 (2952 Southwest Main Street) and 200 (617 North 19<sup>th</sup> Street), Benton County Assessor's Map 12612. The subject properties are roughly rectangular in shape and the proposed Planned Development area contains approximately 23.74 acres of the 39.04 acres contained in the two Tax Lots. Historically the site was the location of a planing mill, with Newton Creek being sourced for flumes and log ponds. The northern portion of the properties (Tax Lot 200) contained buildings that housed the machinery for the mill and a railroad spur. The southern portion (Tax Lot 100) was used for rough timber/log storage. Remnants of the northern planing mill site include Portland Cement concrete foundations in the northern and center sections of the site, rail tracks, and a bridge over Newton Creek near the center of the site. The southern area of the site (Tax Lot 100) which contained the former barker and cutting mill and a log yard for staging logs prior to reduction to lumber was located immediately south of the cutting mill. This area is currently covered by an aggregate/stone surface with Scotch broom and Himalayan Blackberry growth. A well-house, a cinder-blocked sided fire well/pumphouse and a three-sided open shed near the former office location remain onsite. A few debris piles from mill demolition remain scattered over the properties. Tax Lot 201, Benton County Assessor's Map 12507. This property is a triangular shaped parcel that contains approximately 2,178 square feet and is a land-locked parcel.

**Site Development Concept:** The intent of the current Planned Development application is to provide for a master plan of approximately 23.74 acres of the 39.04 contained in Tax Lots 100, 200 and 201 for the construction of a portion of the self-storage facilities, all of the recreational vehicle park and all of the industrial flex space in Phase I of the development as well as to have a Master Plan for the phasing of the remainder of the self-storage and the recreational vehicle and boat storage facilities. The proposed Planned Development could be completed over a period of five to ten or more years depending upon the market need. The remaining 5.46 acres of Tax Lot 100 which is not a part of the proposed Planned Development would be developed separately with the intension of obtaining a Comprehensive Plan/Zone Change from HI (Heavy Industrial) to R3 (Residential Multiple Family). Access to this future development would be from 20<sup>th</sup> Place.

The Site Design Review application for the Self-storage facility will consist of four phases for a total of 204,277 square feet of self-storage space. Phase I of the self-storage facility will consist of the construction of a 3,374 square foot, 2-story Office/Manager's Quarters, 7 single-story self-storage buildings containing a total of 96,349 square feet. Phase II of the self-storage facility will consist of the construction of 4 one-story self-storage buildings containing a total of 30,862 square feet. Phase III of the self-storage facility will consist of a three-story self-storage building containing a total of 60,450 square feet. Phase IV of the self-storage facility will consist of a one-story building containing 4,905 square feet. All of the buildings are located outside of the floodplain.

In Phase I of the Recreational Vehicle and Boat Storage Facility, the area will be utilized by an open graveled storage area for recreational vehicles and boats. The RV storage area has been laid out to accommodate building in future phases or if the Recreational Vehicle Park is a success, a Planned Development modification with concurrent Site Design application will be submitted to utilize all or a portion of the area for an expansion of the RV park as the amenities will be in place to accommodate such an expansion.

The proposed Recreational Vehicle Park will be constructed in one Phase and will consist of 175 RV spaces, a 3,904 square foot Office/Manager's Quarters (see Exhibit 'T-1' - Recreation Vehicle Park Elevation Drawing for Office/Manager's Quarters and 'T-4' - Recreational Vehicle Park Office/Manager's Quarters Floor Plans), a 7,142 square foot Community Center (see Exhibit 'T-2' - Recreational Vehicle Park Elevation Drawings for Community Center and Exhibit 'T-5' - Recreational Vehicle Park Community Center Floor Plans; and 2 detached 247.5 square foot restroom buildings (see Exhibit 'T-3' - Recreational Vehicle Park Elevations Drawings for Satellite Bath Houses and Exhibit 'T-6' - Recreational Vehicle Park Satellite Bath Houses Floor Plans).

A private walking/biking trail that encircles the Park will be provided (see Exhibit 'I-2' - Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing I-2)). A 16-foot wide easement will be dedicated to the City for the future construction of a public trail that will run from North 19<sup>th</sup> Street, a Minor Arterial Street, to the City Park located adjacent to North 20<sup>th</sup> Place and Southwest Main Street, a Principal Arterial Street [see Exhibit 'G-1' - Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development (Civil Drawing G-1)].

A Site Design Review application has been submitted for the construction of an Industrial Flex-space Development consisting of 2 buildings containing a total of 22,023 square feet on a 1.62 acre portion of the 23.73 acre parcel. The buildings will be one and a half-story in height (see Exhibit 'U-1' and 'U-2' - Proposed Building Elevations and Typical Floor Plans) with a loft area over the office portion in each of the units. The building spaces will be constructed as flexible spaces ranging in size from 10,550 to 12,906 square feet for one of the entire buildings or 2,450 square feet to 2,600 square feet in size depending on the tenant's need. Each space will have a warehouse area with overhead doors and adjoining office space with loft space for additional office related use.

The proposed industrial flex-space portion of the Planned Development is intended to provide for large to small businesses with warehouse and manufacturing needs in an area in Philomath that is currently served by City water, sanitary sewer, and storm water facilities that have been sized to serve such a development with access to a principal arterial street (Southwest Main Street) and a designated truck route. The flex-space units will create employment opportunities for new and/or start-up businesses of varying sizes.

Developing light industrial uses are a goal of the City of Philomath, Benton County and the State of Oregon. Manufacturing jobs historically have paid family-wage salaries. The proposed industrial flex-space

development will create more employment opportunities as many of the businesses located on the site will be labor intensive providing opportunities for both skilled and unskilled workers.

Some of the companies that will operate in the proposed flex-space development will do so on a more or less permanent basis whereas, others will use the space for starting up or as a temporary solution. The proposed industrial flex-space development is geared more toward an incubator function providing a valuable contribution and sustainable industrial development for small- and medium-sized enterprises that may not be able to muster the capital necessary for individualized access to services provided in a developed industrial park.

As the construction of the Recreational Vehicle Park, the Self-storage and Recreational Vehicle and Boat Storage units are dependent upon market demand, the applicant is requesting approval at this time in conformance with the Master Planning for the entire property so that all necessary infrastructure will be in place for future expansion of the different options for the expansion of the Recreational Vehicle Park or Self-storage Facility or to provided covered recreational vehicle and boat storage.

In the future, a Comprehensive Plan/Zone Change application may be submitted for the 5.46 acres of the 23.73 acres that comprises Tax Lot 100 [proposed Parcel 3 (see Exhibit 'X-1')] for a residential development on the west side of Newton Creek.

**Access and Circulation:** Proposed vehicular and pedestrian access to the property containing the Self-Storage Facility, the Recreational Vehicle and Boat Storage Facility and the Industrial Flex Space development will be from Southwest Main Street (Corvallis Newport Highway)[see Exhibit 'G-1' – Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development (Civil Drawing G-1)] with secondary access from the southern private easement accessway to a future public road located within the abutting property to the east (see Exhibits 'Y-1' - Existing Covenants and Restrictions). Vehicular and pedestrian access to the property containing the Recreational Vehicle Park will be from North Nineteenth Street with a secondary gated fire access drive from the proposed northern private accessway easement on Tax Lot 100 to a future public road located on the abutting property to the east (Tax Lot 1200, Benton County Assessor's Map 12507).

**Natural Features:** Newton Creek (see Exhibits 'D-1' and 'D-2' – Survey and Existing Site Conditions) runs through Tax Lot 100 on the west side of the proposed Self-storage and Recreational Vehicle and Boat Storage Facilities and a contributory creek flows into Newton Creek the on north side of Tax Lot 100. The elevations on this portion of the proposed development ranges from an elevation 270 adjacent to Southwest Main Street to 277 feet at the northern boundary of Tax Lot 100. The proposed Recreation Vehicle Park development lies within Tax Lot 200 which has a south elevation of 277 feet to an elevation of 284 along the northern boundary of the Tax Lot which is adjacent to the Southern Pacific railroad right-of-way.

**Significant Vegetation:** There are significant trees (greater than 6" in diameter at 4 feet in height) along the banks of Newton Creek (see Exhibits 'D-3' and 'D-4' – Identified Significant Vegetation Locations). As part of the expansion, no trees are proposed to be removed within the riparian area and all buildings are located a minimum of 50 feet from the top of the bank of Newton Creek. No buildings are proposed within areas where existing trees are located. All trees located near construction areas will be protected in accordance with City Standards during construction.

**Sensitive Vegetation (see Exhibit 'Q'):** The conclusion of the Sensitive Vegetation Report was that a relatively large population of Nelson's checkermallow (federally listed Threatened) was documented in the southwest corner of the study area in a mostly native, wetland, ash-oak forest. Although growing under a closed canopy is not ideal for this species, the generally open understory allows the plants to persist. Threats to this population include increasing shrub density and potential future development of the site. Adjacent

development could impact the population if it alters the hydrologic regime in the forest. None of the areas containing the identified Threatened plants are part of the development area of the proposed Planned Development.

**Wetlands (see Exhibit 'E-1' – Wetland Delineation Letter Tax Lots 100, 200 and 102):** The site is located on the east side of Philomath in an area former sawmill and log storage yard operated by Willamette Industries until the early 1990's. The main stem of Newton Creek and a tributary enter the site from the north and flow south near the western boundary exiting the site at the southwest corner. Most of the site is disturbed, covered by concrete slabs remaining from the old mill, compacted gravel areas used for log storage or a network of dirt/gravel roads. The least disturbed, most natural area is a six-acre mature forest on the west side of Newton Creek.

The study area included in the three tax lots contains approximately 39.58 acres. The wetland investigation consisted of a complete site evaluation to identify potentially jurisdictional wetlands. Site visits occurred January 9 and 13<sup>th</sup>, and April 6, 2018.

The results of the investigation defines the 7.03 acres of wetland within the study area and 0.06 acres of ditch in the highway right-of-way. The wetland areas include forested riparian areas that border tributaries of Newton Creek, forested areas on the west side of Newton Creek, remnants of wetland meadows on the east side of Newton Creek and a drainage ditch near the eastern property boundary of tax lot 100. My investigation included the roadside ditch within the ROW near the southeast property corner that lies outside the tax lot boundary.

**Pre-application Meeting:** Pre-application meetings were held with representatives from the City, Benton County, ODOT and Westech Engineering on October 17, 2017, March 1, 2018, April 25, 2018, and June 26, 2018.

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FINDINGS APPLYING TO THE  
CITY OF PHILOMATH DEVELOPMENT CODE CRITERIA  
FOR OVERLAY ZONE AND CONCEPTUAL PLANNED DEVELOPMENT  
APPROVAL, DETAILED PLANNED DEVELOPMENT APPROVAL FOR A  
SELF-STORAGE FACILITY, A RECREATIONAL VEHICLE AND BOAT  
STORAGE FACILITY, A RECREATIONAL VEHICLE PARK, AND AN  
INDUSTRIAL FLEX-SPACE DEVELOPMENT AND PHASING PLAN  
FOR THE PLANNED DEVELOPMENT

*(Development Code Requirements are Shown in Bold Italics)*

***Section 18.125.060 Applicability of design standards.*** *The design standards of Division 3 shall apply to all master planned developments. Variances shall conform to the standards and procedures of Chapter 18.155 PMC.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The design standards of Division 3 are addressed separately for the construction of a Self-Storage Facility and a Recreational Vehicle and Boat Storage Facility (a portion of Tax Lot 00100, 12S03W12) (see Exhibit 'B-2', pages 29 to 57); for the construction of a Recreational Vehicle Park (Tax Lot 00200, 12S03W12) (see Exhibit 'B-3', pages 58 to 84) with concurrent Conditional Use to place viewing platforms within the Newton Creek Riparian Corridor (see Exhibit 'B-4', pages 85-88); and for the construction of an Industrial Flex-space development (portion of Tax Lot 00100, 12S03W12) (see Exhibit 'B-5', pages 89 to 116). Compliance with these standards can be met and can be ensured by conditions of approval. No variances are intended to be requested.

**Section 18.125.070 Overlay Zone and Concept Plans.**

***Criterion A. General Submission Requirements.*** *The applicant shall submit an application containing all of the general information required for a Type III procedures, as governed by PMC 18.105.050. In addition, the applicant shall submit the following:*

- 1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind assumptions and choices made by the applicant.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed Planned Development is intended to provide for a Master Plan for the development of approximately 26 acres of the 39.04 acres contained in the three Tax Lots. The proposed development area is located north of Southwest Main Street, a Principal Arterial Street, south of North 19<sup>th</sup> Street, a designated Minor Arterial Street (Benton County) and a designated Collector Street (City of Philomath) and east of North 20<sup>th</sup> Place (Tax Lots 00100 and 00200, 12612 and Tax Lot 201, 12507).

Overlay Zone and Conceptual Planned Development and Detailed Planned Development approvals are being sought for the construction of a Self-storage Facility, a Recreational Vehicle and Boat Storage Facility, a Recreational Vehicle Park, and an Industrial Flex-space development in multiple phases.

The proposed Planned Development is consistent with the IP (Industrial Park) and LI (Light Industrial) zoning districts, as there are no minimum lot size or dimension requirements, and the

uses are allowed outright in the zoning districts with Site Design Review. The remainder of the property west of Newton Creek and fronting on 20<sup>th</sup> Place (5.46 acres) is reserved for a future multiple family development if a Comprehensive Plan Amendment with a concurrent Zone Change is approved.

All of the proposed development within the proposed Planned Development will have either direct access to a public street or will be provided access through a recorded joint-use access agreement to a future public street (see Exhibit 'Y-1' – Existing Covenants and Restrictions and Exhibit 'Y-2' - Proposed Private Accessway and Private Utilities Agreement Within the Proposed Planned Development).

The public infrastructure necessary to serve the proposed Self-storage Facility, the Recreational Vehicle and Boat Storage Facility and the Industrial Flex-Space Development is available adjacent to the subject property in Southwest Main Street or was constructed as part of Phase I of the industrial development on the abutting property to the east. Necessary extensions of public sanitary sewer, water and fire service will be extended from the existing infrastructure within Southwest Main Street or the abutting property to the east to serve the development occurring on Tax Lots 100 and 200 [see Exhibit 'G-3' – Composite Utility Plan for Self-Storage Facility, Recreational vehicle and Boat Storage Facility, Recreational Vehicle Park and Industrial Flex-Space Development (Civil Drawing G-3)]. The site development will be landscaped to meet or exceed City requirements.

The intent of the Planned Development application is to provide for a master plan for the construction of a portion of the Self-Storage and Recreational Vehicle and Boat Storage Facilities, all of the Recreational Vehicle Park and all of the Industrial Flex-Space units in Phase I of the development as well as to have a Master Plan for the phasing of the remainder of the Self-Storage and the Recreational Vehicle and Boat Storage Facilities.

The proposed Industrial Flex-Space portion of the Planned Development is intended to provide for large to small businesses with warehouse and manufacturing needs in an area in Philomath on property that is currently served by City water, sanitary sewer, and storm water facilities that have been sized to serve such a development with access to a principal arterial street (Southwest Main Street) and a designated truck route. The flex-space units will create employment opportunities for new and/or start-up businesses of varying sizes.

Businesses can use flex space for both inventory storage and office space. Because of the clean design of a flex space, businesses can remove and add features to make it their own. For example, they can place machinery and turn a flex space into a manufacturing factory. Alternatively, they can decorate the area into a showroom to display their products to prospective customers. They can also turn it into a laboratory or an assembly area.

- 2. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The applicant's intent is to begin earth work on the proposed development as soon as approval is received by the Corp. of Engineers and the Division of State Land for the wetland areas and the crossing of Newton Creek. Site work preparation outside of wetland areas will begin as soon as the necessary approvals have been received from the City of Philomath. The proposed development could be completed over a period of five to ten or more years depending upon the market need for the different uses.

- 3. A statement of the applicant's intentions with regards to the future selling or leasing of all or portion of the planned development.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** All of the proposed development will be rented or leased. The applicant does not sell his developments.

4. *Narrative report or letter documenting compliance with the applicable approval criteria contained in PMC 18.125.080.*

*Special studies prepared by qualified professionals may be required by the planning official, planning commission, or city council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.*

**SUPPORTIVE FINDINGS:**

- a. Wetland Delineation Report (see Exhibit 'E-1 – Wetland Delineation Letter Tax Lot 100 and Tax Lot 200, 12612 and Tax Lot 102, 12507). A Wetland Delineation was prepared by Geo Resources.

Summary of Findings: The site is located on the east side of Philomath in an area former sawmill and log storage yard operated by Willamette Industries until the early 1990's. The main stem of Newton Creek and a tributary enter the site from the north and flow south near the western boundary exiting the site at the southwest corner. Most of the site is disturbed, covered by concrete slabs remaining from the old mill, compacted gravel areas used for log storage or a network of dirt/gravel roads. The least disturbed, most natural area is a six-acre mature forest on the west side of Newton Creek.

The study area included in the three tax lots is approximately 39.58 acres. The wetland investigation consisted of a complete site evaluation to identify potentially jurisdictional wetlands. Site visits occurred January 9 and 13<sup>th</sup>, and April 6, 2018.

The results of the investigation are shown on the attached figure that defines the 7.03 acres of wetland within the study area and 0.06 acres of ditch in the highway right-of-way. The wetland areas include forested riparian areas that border tributaries of Newton Creek, forested areas on the west side of Newton Creek, remnants of wetland meadows on the east side of Newton Creek and a drainage ditch near the eastern property boundary of tax lot 100. My investigation included the roadside ditch within the ROW near the southeast property corner that lies outside the tax lot boundary.

- b. Traffic Impact Analysis (see Exhibit 'M'). A Traffic Impact Analysis report was prepared for the mixed use development by Associated Transportation Engineering and Planning.

Summary of Findings: Lepman Mixed Use Development in Philomath will generate an estimated 78 trips in the AM Peak hour and 11 trips in the PM Peak hour. Traffic to and from the planned mixed use development will affect performance metrics at the studied intersection, but not in significant or unplanned ways.

All of the studied intersections are performing at LOS C or better and with a v/c less than 0.505 with the development and into the future (2029). The intersection of Green Street at Hwy 20 should be monitored to determine if drivers are turning left from Green Street onto Hwy 20. If drivers are turning left, consideration should be given to installing a median limiting turns to right in/right out on Green Street. There were no left turns counted in the traffic count survey. Crash data provided by the ODOT Crash Data Unit indicates there

have been 10 non-fatal crashes reported at the intersection of North 19<sup>th</sup> Street at Hwy 20 in the past 5 years. This rate is well within generally accepted standards in Oregon.

- c. Phase I Environmental Assessment (see Exhibit 'O-1'). Environmental Science Associates, Inc. (ESA) performed a Phase I Environmental Site Assessment in January 2018 in conformance with the scope and limitations of ASTM Standard Practice E1527-13 and EPA AA1 40 CFR Part 312 Standards and Practices for All Appropriate Inquiries; Final Rule. Any exceptions to, or deletions from, this practice are described in Section 1.4 of the report. No limiting conditions or exceptions were encountered.

At the time of the Phase I Environmental Report, the former planer and cutting mill property was undeveloped and former mill infrastructure largely demolished. The former planing mill was located on Tax Lot 200, while the former barker and cutting mill was located on Tax Lot 100. A log yard for staging logs prior to reduction to lumber was located immediately south of the cutting mill.

The mill was first constructed and operated by Hobin Lumber in the early-mid 1970's. In 1983 the mill was purchased and operated by WTD Industries/Tree Source. The mill closed for the final time in April 1998. Concrete structures (pads, footings, and containments), a office location remain onsite. A few debris piles from mill demolition remain scattered over the property. There were no other site improvements at the time of the walkover.

Historic aerial photos and reports (see Exhibit 'O-1' – Appendix A) indicate the site was used agriculturally from 1936 until the mid-1970's. In 1973 the property (Tax Lot 200 portion) was developed with a planning mill by Hobin Lumber Company. The cutting mill was added later in the late 1970's. The mill closed in 1980 due to poor market conditions and remained closed until sold to WTD Industries in 1983. The mill operated under the name Philomath Forest Products until 1998 when it permanently closed.

Native soils lie under 2-3 feet of crushed rock fill. Bark chips are mixed with crushed rock fill to an unknown depth. The walkover identified no recognized environmental conditions on the property or adjacent properties as observed from the site.

If future site use/development does not require the use of oil/water separators and groundwater wells, proper decommissioning of each of the three wells and oil/water equipped catch basins is recommended.

The Phase I included a review of local, state, and federal agency records, a review of client provided environmental reports, environmental liens, a review of historical data and an inspection of the property.

The environmental records review identified historic recognized environmental conditions for the site.

The former mill occupant Philomath Forest Products Company cutting mill had two underground storage tanks (USTs) (10,000-gallon diesel and 8,000-gallon gasoline) decommissioned in April 1992 according to DEQ Site LUST file 02-92-4064. Approximately 80 cubic yards of diesel contaminated soil were removed during the decommissioning and remediated onsite. Confirmation samples confirmed cleanup was complete in September of 1993. EGR's Phase I and II report performed on the property in 2015, contains site LUST file: 02-92-4064 which documents discovery, removal and successful soil remediation regarding the leaky diesel UST pipe. Both tanks and associated lines were removed, cleaned and recycled. To ESA's knowledge no other USTs remain onsite.

The property is listed in the ECSI database. According to Oregon DEQ, ECSI file: 233. Sometime in the late 1980's DEQ was notified regarding a spill release which impacted Newton Creek, or its immediate tributary located east of the main channel. During a visit to the mill site, DEQ learned the reported petroleum sheen was the result of yard accumulation of hydraulic oil (leaking hoses or minor breaks) from rolling stock during the dry season and subsequent runoff during storm events. No other comments are provided in the EDR. DEQ identifies the site as a "medium to low priority, suspect site requiring further investigation."

Properties listed in the EDR databases with ECSI and LUST ASTM search radii have either been issued NFA's by Oregon DEQ, or due to age, constituent of concern distance and/or groundwater gradient direction pose a de minimis risk of impacting the environmental condition of the property.

The IT Corporation Phase I ESA report completed in February of 2000, indicates the presence of two septic tanks and associated drainfields located on the northeast portion of site Tax Lot 100 between the former office and cutting mill buildings. The IT report nor the 2015 EGR & Associates report provide any additional information regarding the presence and/or decommissioning of Site septic tanks. ESA did not find evidence of septic tanks during the walkover of the property. If improper disposal of hazardous chemicals included discharge into the septic systems during mill operation, subsurface contamination to soil and groundwater may be present.

According to the 2000 IT Corporation Phase I, Dick Bragg, former mill operations manager with Philomath Forest Products, was present during the property walkover. Dick informed IT the facility used an anti-sap stain to treat/preserve wood products. The anti-sap stain product name is unknown. Use of the product was reported to be in the planer complex. The former mill site manager also informed IT that during completion of the Phase I site ESA several PCB-containing capacitors and transformers were removed from the property in the 1980's.

The EGR Phase II was designed to address areas of concern identified in the IT Phase I and subsequent EGR Phase I. The areas of concern items included the former USTs, truck shop, oil/water separator, paint/packaging shed, banding storage buildings, planer mill, and water wells. The EGR and Associates Phase II investigation included subsurface soil and groundwater laboratory testing for pentachlorophenol (evaluate anti-sap stain spills) and numerous additional analytes to evaluate for petroleum hydrocarbons associated with fuels, paints, lubricants and treating compounds.

No pentachlorophenol (used in anti-sap stain) or PCBs were identified in samples collected during completion of the Phase II. No analytes were identified in any soil or groundwater sample above DEQ Risk-based Decision Making or USEPA RSL concentration. Solids in the former oil/water separator near the former truck shop did contain hydraulic oil and should be properly disposed.

To summarize, the overall condition of the Site was good with no current recognized environmental conditions identified during the completion of the Phase I report. Operation of the former Hobin and Philomath Forest Products planar and cutting mills was limited to a period of less than 25 years after accounting for shut-downs due to economic conditions. The data base record review identified two listings for the site, a LUST listing for decommissioning of two USTs and a report of sheen on water to DEQ. The LUST has been closed and an NFA issued in 2003. The Oregon DEQ gave the reported sheen an ECSI listing and low priority for evaluation. In thirty years, the DEQ has not pursued the matter further.

Based upon the findings of this Phase I report, ESA recommends the oil/water separator be cleaned and decommissioned. Contents of the oil/water separator must be properly disposed. Debris piles and scattered trash should be removed from the property. The 1988 ECSI listing for sheen on Newton Creek is too old to evaluate further and after thirty years since the listing, bioattenuation would mitigate the original source. The DEQ lists the Site as suspect and requiring further evaluation. The EGR Phase II addressed pentachlorophenol and petroleum hydrocarbon releases at the planar mill location. No evidence of residual pentachlorophenol contamination was detected in the EGR Phase II.

The former cutting mill has not been investigated for subsurface impact to soil or groundwater. Areas of potential concern include log yard, cutting mill, septic system and lubricant storage areas. No evidence of surface impact (stain or vegetation distress) was observed during the walkover. No record of reportable spills for the cutting mill were identified during completion of the Phase I

Based on the Site walkover, previous reports and an environmental database review, ESA does not recommend further investigation of the property.

- d. Geotechnical Site Investigation (see Exhibit 'O-2'). The conclusions of the Geotechnical Investigation were that there are no significant geologic or geotechnical hazards that would impede or otherwise restrict the development as proposed. The Environmental investigation revealed the presence of approximately 1- to 6-feet of pit run quarry stone and crushed aggregate capping the site. Based upon field observations, subsurface explorations and data analyses, it was concluded that the site is geologically and geotechnically suitable for the proposed development provided that the recommendations listed in the report are incorporated into the design and construction of the project.
- e. Archeological Report (see Exhibit 'P'). No prehistoric or demonstrably historical artifacts, features, or sites were found during the survey of Tax Lot 100. The portion of the project area east of Newton creek was substantially disturbed by the lumber mill that formerly occupied this location, and disturbance that included clearing and grading of the entire area, installation of multiple buried utility lines, and construction of gravel pads, asphalt surfaces, and concrete floors that cover the native ground surface, as well as any ground disturbing actions that may have occurred during mill operations and during its demolition and removal. The mill was constructed between 1975 and 1980, so the remaining mill floors and equipment footings are not historical in age. As much of the area has been disturbed by the construction of the lumber mill, and other parts of the area are seasonally wet with a low probability of containing archaeological material, no additional archaeological investigations are recommended for Tax Lot 100.

The Archeological Consultant determined that there may not be a need for a field survey on Tax Lot 200 due to the extensive disturbance from the former mill improvements, its removal, and remediation. If the Corp. of Engineers determines that one is needed, an Archeological Report for the property could be completed within 30 days.

- f. Sensitive Vegetation Report (see Exhibit 'Q'). The conclusion of the Sensitive Vegetation Report prepared by Stonecrop LLC was that a relatively large population of Nelson's checkermallow (federally listed Threatened) was documented in the southwest corner of the study area in a mostly native, wetland, ash-oak forest. Although growing under a closed canopy is not ideal for this species, the generally open understory allows the plants to persist. Threats to this population include increasing shrub density and potential future development of the site. Adjacent development could impact the population if it alters the

hydrologic regime in the forest. None of the areas containing the identified Threatened plants are part of the development area of the proposed Planned Development.

**SUPPORTIVE CONCLUSION:** Special studies prepared by qualified professionals have been attached for review. Wetland Delineations have been completed for the entire area of the proposed Planned Development and will be submitted to the Division of State Lands for acceptance. Permit Applications will be submitted to the U.S. Army Corp of Engineers and the Oregon Department of State Lands prior to development occurring on these sites. The Goal and Policies related to Wetland Resources and Sensitive Vegetation are being met and can be ensured with conditions of approval.

**Criterion B. Additional Information.** *In addition to the general information described in subsection (A) of this section, the concept plan, data, and narrative shall include the following exhibits and information:*

1. *Existing conditions map, as defined in PMC18.110,050, Site design review – Application submittal requirements;*
2. *Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the conceptual plan);*
3. *Grading concept (for hillside or sloping properties or where extensive grading is anticipated);*
4. *Landscape concept (e.g., shows retention of existing vegetation and general planting areas);*
5. *Architectural concept (e.g., information sufficient to describe architectural styles, building heights, and general materials);*
6. *Sign concept (e.g., locations, general size, style and materials of signs);*
7. *Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The following required information has been submitted as part of this review:

1. Existing conditions map. See Exhibit 'D-1a' – Existing Conditions Tax Lot 100 (Civil Drawing D-1a; Exhibit 'D-1b' – Existing Conditions Southwest Main Street Adjacent to Tax Lot 100 (Civil Drawing D-1b); Existing Conditions 'D-2' – Existing Conditions Tax Lot 200 (Civil Drawing D-2).
2. Site design review – Application submittal requirements. See Exhibit 'B-2' – Site Design Review Findings for the construction of a Self-Storage Facility and a Recreational Vehicle and Boat Storage Facility (pages 29 to 57); Exhibit 'B-3' – Site Design Review for the construction of a Recreational Vehicle Park (pages 58 to 84) with concurrent Conditional Use [Exhibit 'B-4' pages 85 to 88)]; and Exhibit 'B-5' – Site Plan Review Findings for the Construction of an Industrial Flex-Space Development (pages 89 to 116) .
3. Conceptual site plan. See Exhibit 'G-1- Composite Site Plan for Self-Storage Facility and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development; Exhibit 'H-1' – Composite Phasing Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development; Exhibit 'I-1' – Proposed Site and Dimensioning Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (Civil Drawing I-1); Exhibit 'I-2' – Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing I-2); and Exhibit 'I-3' – Proposed Site and Dimensioning Plan for Industrial Flex-Space Development (Civil Drawing I-3).
4. Grading concept. See Exhibit 'K-1' – Composite Site Grading Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (Civil Drawing K-1); Exhibit 'K-2' – Site Grading for Self-Storage and Recreational and Boat Storage Facilities and Industrial Flex-Space (Civil

Drawing K-1); and Exhibit 'K-3' -- Site Grading Plan for Recreational Vehicle Park (Civil Drawing K-3).

5. Landscape concept. See Exhibits 'R-1.1', 'R-1.2', and 'R-1.3' -- Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin); Exhibits 'R-2.1', 'R-2.2', and 'R-2.3' -- Conceptual Landscape Plan for Recreational Vehicle Park (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin); and Exhibit 'R-3' -- Conceptual Landscape Plan for Proposed Industrial Flex-Space Development.
6. Architectural concept. See Exhibit 'R-4' -- Proposed Fencing Material for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Recreational Vehicle Park; Exhibit 'T-6' -- Proposed Enclosed Garbage Containment Areas Within Planned Development; Exhibit 'T-7' -- Proposed Recreational Vehicle Park Covered Bicycle Storage; Exhibit 'S-1' -- Typical Self-Storage and Recreational Vehicle Storage Buildings Elevation Drawings; Exhibit 'S-2' -- Office/Manager's Quarters Elevations for Self-Storage and Recreational Vehicle and Boat Storage Buildings; Exhibit 'T-1' -- Recreational Vehicle Park Elevation Drawings for Office/Manager's Quarters; Exhibit 'T-3' -- Recreational Vehicle Park Elevation Drawings for Community Center; Exhibit 'T-5' -- Recreational Vehicle Park Elevations for Satellite Bath Houses and Exhibit 'U-1' -- Industrial Flex-Space Elevation Drawings and Typical Floor Plans for Building A and Exhibit 'U-2' -- Industrial Flex Space Elevation Drawings and Typical Floor Plans for Building B.
7. Sign concept. See Exhibit 'V-1' -- Proposed Signage for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Exhibit 'V-2' -- Proposed Signage for Recreational Vehicle Park, and 'V-3' -- Proposed Signage for Industrial Flex Space Development.
8. Copy of all existing covenants and restrictions. See Exhibit 'Y-1' -- Existing Covenants and Restrictions and Exhibit 'Y-2' -- Proposed Private Accessway and Private Utilities Agreement Within the Proposed Planned Development

**Section 18.125.080. Overlay zone and concept plan approval criteria.** *The city shall make findings that all of the following criteria are satisfied when approving, or approving with conditions, the overlay zone and concept plan. The city shall make findings that all of the criteria are not satisfied when denying an application:*

**Criterion A. Comprehensive Plan.** *Relevant provisions of the Comprehensive Plan are met;*

**Housing Policies**

**Policy 1.** *The City of Philomath shall encourage the development of low cost housing in order to meet the housing needs of elderly, low-income, and handicapped persons.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** While not providing traditional housing, the proposed Recreational Vehicle Park will provide housing for vacationing families, temporary housing for construction workers who may be in the area for a few months, and retirees who like to spend their summers in the northwest and their winters in the south. Some of the occupants may be longer term tenants who are seeking affordable housing by utilizing their recreational vehicles for longer terms. On average, the 149 space RV Park owned by the applicant in Albany (The Blue Ok) is 70% utilized by month to month tenants, and 30% by overnight campers (less than monthly).

The amenities in the Recreational Vehicle Park such as laundry facilities, exercise room, an enclosed swimming pool and community center are added attractions to the month to month tenants as well as the overnight campers.

Public Facilities and Services

General Policies

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

Policy 5. *Prior to or concurrent with the development of subdivisions or planned unit developments within the Urban growth Boundary, provision for urban services shall be provided to the development site.*

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

Policy 8. *Public facilities shall be installed "to and through" developing property as appropriate so as to be readily available for adjacent development.*

Policy 9. *System Development Charges (SDCs) shall be updated regularly to assure that new development is paying a fair share of all existing or planned public facilities as legally allowed.*

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

Policy 15. *All developments shall comply with utility and facility plans intended to serve the area, including those identified in facility master plans and the adopted capital improvement plan.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Public facilities have been designed with sufficient capacity to meet the City's future needs (see Exhibit 'G-3' – Composite Utility Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex Space Development (Civil Drawing G3).

Sewage Disposal Policies

Policy 5. *The City of Philomath will continue to require new development to help finance the construction of sewage disposal facilities through systems development fees, connection fees, and sewage user fees.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed developments within the Planned Development will pay system development fees, connection fees, and sewage user fees as required by the City of Philomath. This Policy can be met at the time of issuance of Building Permits and utility billings.

Water Supply Policies

Policy 7. *The City will continue to work towards looping the City's distribution lines to improve flows throughout the system.*

Policy 10. *The City shall require past industrial sites adjacent to or encompassing wetland areas, upon application for a development permit, to provide a statement of known potential hazards to water quality from past activities. In instances where past ownership cannot be identified or communicated with, developers should be required to make reasonable efforts to certify any hazards as required by law on the property to protect the water quality and surrounding wetlands from adverse impacts.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Both Fire water and domestic building water supplies will be provided by constructing two 12-inch public water mainlines from the existing 12-inch public mainline that is in an existing public easement on the property to the east (Tax Lot 1200, 12507).

One of the proposed 12-inch public waterline extensions will be within an existing utility easement on the neighboring property to the east (Tax Lot 1200, 12507) and will enter into the proposed development in the private street just north of the proposed industrial flex space. Fire water supply to the proposed public fire hydrant, the onsite private fire hydrants, the proposed fire sprinkler system for the industrial flex space buildings, the proposed fire sprinkler systems for the self-storage office/manager's residence and the proposed fire sprinkler system for the 3-story self-storage building will all be supplied by this 12-inch public waterline extension. Domestic water supply for the industrial flex space building and the self-storage office/manager's residence will be provided by this 12-inch public waterline extension.

The second of the proposed 12-inch waterline extensions will be within an existing utility easement on the neighboring property as well and will enter into the proposed development north of the proposed open RV and boat storage area. This proposed public 12-inch waterline extension will extend through the self-storage project, into and through the RV Park project and connect to the existing 12-inch public waterline in North 19<sup>th</sup> Street. This will complete the looping of the public waterline system as depicted in the City of Philomath Water Masterplan.

Public fire hydrants will be provided off both lines to serve the Self-Storage and Recreational Vehicle and Boat Storage Facilities and the Industrial Flex-Space development [see Exhibit 'G-3' – Composite Utility Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex Space Development (Civil Drawing G-3) and Exhibit 'G-3a' – Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space Development]. Private 8-inch water lines and private fire hydrants will also be provided with in the area. The northern public 12-inch waterline will be extended across the northern portion of Tax Lot 100 and over Newton Creek and through the southern driveway within the Recreational Vehicle Park to connect to the 12-inch waterline within North 19<sup>th</sup> Street. Providing for the looping of the water line will improve the fire flows with the area. Policy 7 has been met.

To summarize the Phase I Environmental Report, the overall condition of the Site was good with no current recognized environmental conditions identified during the completion of the Phase I report. Operation of the former Hobin and Philomath Forest Products planar and cutting mills was limited to a period of less than 25 years after accounting for shut-downs due to economic conditions. The data base record review identified two listing for the site, a LUST listing for decommissioning of two USTs and a report of sheen on water to DEQ. The LUST has been closed and an NFA issued in 2003. The Oregon DEQ gave the reported sheen an ECSI listing and low priority for evaluation. In thirty years, the DEQ has not pursued the matter further.

Based upon the findings of this Phase I report, ESA recommends the oil/water separator be cleaned and decommissioned. Contents of the oil/water separator must be properly disposed. Debris piles and scattered trash should be removed from the property. The 1988 ECSI listing for sheen on Newton Creek is too old to evaluate further and after thirty years since the listing, bioattenuation would mitigate the original source. The DEQ lists the Site as suspect and requiring further evaluation. The EGR Phase II addressed pentachlorophenol and petroleum hydrocarbon releases at the planar mill location. No evidence of residual pentachlorophenol contamination was detected in the EGR Phase II.

The former cutting mill has not been investigated for subsurface impact to soil or groundwater. Areas of potential concern include log yard, cutting mill, septic system and lubricant storage areas. No evidence of surface impact (stain or vegetation distress) was observed during the walkover. No record of reportable spills for the cutting mill were identified during completion of the Phase I Environmental Assessment.

Based on the Site walkover, previous reports and an environmental database review, the Environmental Consultant does not recommend further investigation of the property. Policy 10 has been met.

### Storm Drainage Policies

***Policy 1.*** In conjunction with development projects, a "green belt" should be reserved along Newton Creek and its tributaries in order to protect the channels and maintain their effectiveness in handling storm drainage.

***Policy 3.*** The City will evaluate options to acquire ownership or drainage easements along the Mary's River and Newton Creek and its tributaries to protect the riparian corridor and its function in improving water quality and handling storm drainage.

***Policy 4.*** The City shall increase its efforts to improve the drainage system through the capital improvement program and development process.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The development of this proposed Planned Development includes excavations and fills within the limits of delineated jurisdictional wetlands and waters of the US. Therefore, in addition to the project being required to conform to the City of Philomath storm water drainage standards it also must conform with the Oregon DEQ and NOAA Fisheries storm water drainage standards. And where the two are conflicting the more stringent standard will apply.

The storm waters generated by the proposed development will be treated for both storm water quantity and storm water quality prior to being released near the project's southwest corner to an existing rip rap blanket adjacent to Newton Creek.

Release rates from the proposed development will be limited to calculated release rates that would be expected to leave the site prior to development. The storm events targeted will be 42% of the 2-year, 24-hour storm event and the 5-year, 24-hour storm event. These are the more stringent requirements for storm water quantity control taken from the 3 standards mentioned above. This will be achieved with a flow control structure within a manhole that will limit discharge rates and a large "Extended Dry Pond" that will detain storm water volumes.

Storm water quality will be provided for storm waters developed by the impervious surfaces for a storm event equal to 50% of the 2-year, 24-hour event. This will be accomplished by the permanent pool volume of the "Extended Dry Pond" and the infiltration of storm waters into the native soils providing for groundwater recharge. The storm water quality design will be prepared and constructed in conformance with the recognized standards of the Clean Water Services.

For a more detailed explanation of the Post Construction Storm Water Management Plan refer to the Preliminary Storm Water Report included in this submittal.

A 50-foot riparian corridor has been maintained adjacent to Newton Creek and the northeastly tributary to Newton Creek. Policies 1 and 4 has been met and Policy 3 can be met if the City determines that further protection is needed for Newton Creek by a condition of approval.

### Other Utilities Policies

***Policy 2.*** The City of Philomath shall encourage the underground placement of electricity, telephone, and cable lines when an opportunity arises due to street widening or other public work projects.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The franchised utilities including Pacific Power, NW Natural Gas, and other private utilities exist along Highway 20/34 which is the south

boundary of the proposed Planned Development. The franchised utilities will be constructed north into the project in underground trenches to provide the necessary services.

Public and private easements will be provided for the public and private utilities necessary to serve the proposed Planned Development. This can be ensured by a condition of approval.

**Transportation Policies.**

**Policy 4.** *The City of Philomath shall determine appropriate locations for future multi-use paths, bike lanes and other on-street bicycle facilities. Three appropriate locations may be the entire length of Applegate Street, Green Road/West Hills Road between Philomath and Corvallis, and along the Newton Creek drainageway. Additional appropriate locations for multi-use paths, bike lanes and other on-street bicycle facilities are recommended in the Philomath Safe Routes to School Plan.*

**Policy 11.** *The City shall provide for a culvert system conducive to fish passage in conjunction with street construction or reconstruction along those tributaries of Newton Creek having the potential to be fish bearing waters.*

**Policy 12.** *The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.*

**Policy 16.** *Development proposals shall be reviewed to assure the continuity of sidewalks, trails, multi-use paths, bike lanes, and other bicycle and pedestrian facilities.*

**SUPPORTIVE FINDINGS AND CONCLUSION:**

**Policy 4:** The applicant is proposing to dedicate a pedestrian walkway/bikeway easement through Tax Lots 100 and 200, Assessor's Map 120612, on the west side of Newton Creek. The pedestrian walkway/bikeway easement will provide for the construction of the pedestrian walkway/bikeway after the portion of the easement that crosses Tax Lot 102, Assessor's Map 120612. If the City determines that the applicant should participate in the construction of the pedestrian walkway/bikeway, a condition of approval will ensure such participation. This Policy can be met.

**Policy 11:** The proposed bridge accessway across Newton Creek is private. This Policy does not apply.

**Policy 12:** A Traffic Analysis report was prepared for the mixed use development by Associated Transportation Engineering and Planning (see Exhibit 'M'). The analysis found that the Lepman Mixed Use Development in Philomath will generate an estimated 78 trips in the AM Peak hour and 11 trips in the PM Peak hour. Traffic to and from the planned mixed use development will affect performance metrics at the studied intersection, but not in significant or unplanned ways.

All of the studied intersections are performing at LOS C or better and with a v/c less than 0.505 with the development and into the future (2029). The intersection of Green Street at Hwy 20 should be monitored to determine if drivers are turning left from Green Street onto Hwy 20. If drivers are turning left, consideration should be given to installing a median limiting turns to right in/right out on Green Street. There were no left turns counted in the traffic count survey. Crash data provided by the ODOT Crash Data Unit indicates there have been 10 non-fatal crashes reported at the intersection of North 19<sup>th</sup> Street at Hwy 20 in the past 5 years. This rate is well within generally accepted standards in Oregon. This Policy has been met.

**Policy 16:** The proposed Planned Development provides for the continuity of sidewalks adjacent to the development on Southwest Main Street, a Principal Arterial Street and North 19<sup>th</sup> Street, a Minor Arterial Street (Benton County)(Collector Street, City of Philomath) and a multi-use path (pedestrian and bicycle) through the proposed Planned Development adjacent to the west side of

Newton Creek from the north property line of the 2.19 acre parcel (Tax Lot 7200, 12612DA) owed by the City. This Policy has been met.

**Bicycle Policies.**

***Policy 3. Acquisition of land and/or easements for bikeways, trails and multi-use paths shall be evaluated along with the need of land for parks and open space.***

**Pedestrian Ways.**

***Policy 1. The City shall require safe, convenient and direct pedestrian ways, and the maintenance thereof, within all areas of the community.***

***Policy 2. New development and redevelopment projects shall encourage rather than discourage pedestrian access by providing convenient, useful, and direct pedestrian access.***

***Policy 4. Safe and convenient pedestrian facilities that minimize travel distance shall be provided by new development within and between new subdivisions, planned developments, shopping centers, industrial parks, residential areas, transit stops and neighborhood activity centers such as schools, parks and community and government buildings.***

***Policy 5. Where minimizing travel distance has the potential for increasing pedestrian use, direct and dedicated pedestrian paths shall be provided by new development.***

***Policy 6. The City shall encourage timely installation of pedestrian facilities to ensure continuity and reduce hazards to pedestrians throughout the community.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The applicant's intent is to dedicate a 16-foot wide easement for the future multi-use path that extends through Tax Lots 100 and 200, 12612 to the City of Philomath so that in the future at the time of development of Tax Lot 102, 12612 the remaining easement can be obtained by the City. This easement can also provide for a multiuse path along the east side of North 19<sup>th</sup> Street. Public sidewalks will be constructed adjacent to Southwest Main Street, a Principal Arterial Street and North 19<sup>th</sup> Street, a designated Minor Arterial Street in the Benton County Transportation Plan and a Collector Street in the City of Philomath Transportation Plan. Private sidewalks will be provided within the proposed Planned Development [see Exhibit 'G-1' – Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex-Space Development. At the time that the full easement area is obtained, the City can require that the multipath is constructed to the City's Standards. These Policies have been met and can be ensured by a condition(s) of approval.

**Open Space Policies**

***Policy 1. As urbanization occurs along watercourses, some open space area should be maintained in order to minimize erosion potential, maintain water temperature and quality, etc., natural drainage channels, to allow for linear parks along these channels.***

***Policy 2. Park and recreation land shall be considered for dedication in relation to the Park Master Plan when urban development occurs as a means of preserving open space.***

***Policy 3. The City's Flood Hazard Overlay District (inside the City) and Benton County's Floor Plan Management Overlay District (outside the City and within the UBG) shall protect land in the floodplain of Mary's River and Newton Creek.***

***Policy 5. Natural vegetation, particularly trees greater than six inches in diameter at four feet above ground, should be preserved to the maximum extent possible by limiting clearing to that which is necessary for structures, roads, and utilities.***

***Policy 6. Appropriate trails, creeks, and watercourses should be preserved via a Public zone designation, easements or other mechanisms to ensure their protection, connectivity, and possible utilization for multi-use recreation purposes.***

***Policy 10. The City is recognized as a "Tree City USA" and shall encourage the preservation, replacement or planting of trees to maintain a sense of aesthetics and open space via the visual impacts from trees and their canopies.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The Newton Creek Riparian Corridor on the subject properties is shown on the Parks Master Plan as a proposed trail area. A 16-foot wide easement will be dedicated to the City as part of the Partitioning Plat for Tax Lot 100 and by separate easement for Tax Lot 200. Construction of the 10-foot wide pedestrian/bikeway across proposed Parcel 3 of the Partition application could be constructed as part of the development proposed on Parcel 3. All significant trees will be preserved and trees will be added to the riparian corridor to provide for additional aesthetics and shade along Newton Creek as part of the construction of the pedestrian/bikeway and enhancement of the area within the Newton Creek corridor and the forested wetland area located on proposed Parcel 3. These policies can be met and can be ensured by conditions of approval.

#### **Air, Water, and Land Quality Policies**

***Policy 2. All development in Philomath shall comply with applicable state and federal environmental quality standards.***

***Policy 3. Industrial development must comply with state and federal air and water quality standards.***

***Policy 4. The City recognizes that non-source point pollution has an adverse impact on water quality. The City will endeavor to minimize non-source point pollutants, educate the public on the incremental impacts from this pollution, and develop implementing strategies to reduce non-point source where practical.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The Storm Water Management Plans and Reports (see Exhibits 'L-1 and L-3'- Storm Water Management Plans for Self-storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development and Exhibits 'L-2 and L-4'- Storm Water Management Report for Self-storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development) will control the rate at which storm waters are released from the site and limit those rates to pre-developed levels through the implementation of flow control devices and detention basins. The Storm water Management Plan through the implementation of Storm Water Quality Basins (see Exhibit 'G-1' – Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development) will effectively treat a storm event equivalent to 50% of a 2 year storm to remove potential pollutants. Both the storm water quantity control and the storm water quality treatment have been designed to be in compliance with the current SLOPES V and Oregon DEQ requirements for storm water management. These Comprehensive Plan Policies have been met and can be ensured by a condition(s) of approval.

#### **Natural Hazards Policies**

***Policy 2. The City of Philomath shall regulate development in areas subject to periodic flooding through the Flood Hazard Overlay District.***

**Policy 3.** *Foundations for buildings located on expansive soils shall require special design considerations as specified in the Uniform Building Code.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No development is proposed within the Newton Creek Flood Hazard Overlay District.

The conclusions of the Geotechnical Investigation were that there are no significant geologic or geotechnical hazards that would impede or otherwise restrict the development as proposed. The Environmental investigation revealed the presence of approximately 1- to 6-feet of pit run quarry stone and crushed aggregate capping the site. Based upon field observations, subsurface explorations and data analyses, it was concluded that the site is geologically and geotechnically suitable for the proposed development provided that the recommendations listed in the report are incorporated into the design and the construction of the project. These Policies have been met.

**Goal 5 Resources**

**Policy 3.** *The City of Philomath will meet state and federal requirements related to wetland-resource protection.*

**Policy 5.** *The City of Philomath will protect significant wetlands through restriction on grading, excavation, placement of fill, and most forms of vegetation removal.*

**Policy 7.** *The City of Philomath will allow for multiple uses of wetlands to meet community, environmental, and human needs, while ensuring that functions and values of significant wetland-resources are maintained.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** A total of 7.03 acres of wetland were identified within the subject property (see Exhibit 'E-1' – Wetland Delineation Letter Tax Lots 100, 200, and 102 and Exhibit 'E-2' – Preliminary Wetland Impacts Tax Lot 100). The majority of the delineated wetlands within the Planned Development will be protected. A limited amount of the delineated wetlands (1.65 acres) will be mitigated to be incorporated into the developed area of the Planned Development as approved by DSL and the Corp. of Engineers. This can be ensured by a condition of approval (see Exhibit 'I-1' – Proposed Site and Dimensioning Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Exhibit 'I-3 – Proposed Site and Dimensioning Plan for Industrial Flex-Space Development). No wetlands will be disturbed within the Recreational Vehicle Park development (see Exhibit 'I-2' – Proposed Site and Dimensioning Plan for Recreational Vehicle Park).

**Criterion B. Land Division Chapter.** *All of the requirements for land divisions, as applicable shall be met (Chapter 12.115 PMC),*

**SUPPORTIVE FINDINGS AND CONCLUSION:** These requirements for the division of Tax Lot 100, 12-6-12, a 23.73-acre parcel into three parcels containing 1.62 acres, 16.65 acres and 5.46 acres are addressed in Exhibit 'B-6 – Partitioning Findings (see pages 117 through 122).

**Criterion C. Division 2 Land Use and Design Standards.** *All of the land use and design standards contained in Division 2 are met, except as modified in PMC 18.125.050 and the following provisions for density bonuses:*

**SUPPORTIVE FINDINGS AND CONCLUSION:** These requirements are addressed separately for the construction of a Self-Storage Facility and a Recreational Vehicle and Boat Storage Facility (Tax Lot 200) (see Exhibit 'B-2', pages 29 to 57); for the construction of a Recreational Vehicle Park (Tax Lot 100) (see Exhibit 'B-3', pages 58 to 84 ) with concurrent Conditional Use for the construction of 2 viewing platforms within the Newton Creek Riparian Corridor (see Exhibit 'B-4', pages 85-88); for the construction of an

Industrial Flex-space development (portion of Tax Lot 200) (see Exhibit 'B-5', pages 89 to 116); a Partition application for the division of a 23.73 acre parcel (Tax Lot 200,126012) into three parcels containing 1.62 acres, 16.65 acres and 5.46 acres (see Exhibit 'B-6', pages 117 to 122); the vacation of 8,712 square feet of North 20<sup>th</sup> Place (see Exhibit 'B-7', pages 123 to 124; and a Lot Line Adjustment to combine Tax Lot 102, 12507 with Tax Lot 100, 12612 (see Exhibit 'B-8', pages 125 to 126).

**Criterion D. Requirements for Common Open Space.** *Where common open space is designated, the following standards apply:*

1. *The open space shall be shown on the final plan and recorded with the final plat or separate instrument; and*
2. *The open space will be conveyed in accordance with one of the following methods:*
  - a. *By dedication to the city as publically owned and maintained open space. Open space propose for dedication to the city must be acceptable to the city council with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;*
  - b. *By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the city retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the city.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The only common open space for the proposed Planned Development at this time will be for the Recreational Vehicle Park. The spaces will not sold so the owner of the Recreational Vehicle Park will maintain control and maintenance of all of the open space. The future development on proposed Parcel 3 will be determined at a later date. At that time, the proposal may involve rental units such as apartment units or townhouse style rental units. The units would not be sold and all common open space would be controlled and maintained by the property owner. The open space along Newton Creek that is outside of the development area could be conveyed to the City if the City so desires. These requirements are not applicable at this time but could be ensured by a condition of approval if any of the open space area would meet the needs of the City for public open space.

**Section 18.125.100. Detailed development plan submission requirements.** *The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit (e.g., land division, development review, site design review, etc.) The detailed development plan shall be reviewed using a Type III procedure.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed Planned Development request involves combining both the conceptual plan and detailed plan review Type III procedure. All changes to the plans submitted can be conditioned to ensure the conditions of approval.

**Section 18.125.110. Detailed development plan approval criteria.** *The city shall approve the detailed development plan upon finding that the final plan conforms with the concept plan and required conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan, consistent with the following criteria:*

**Criterion A. Increased residential densities by no more than 10 percent, when such change conforms to the comprehensive plan;**

**SUPPORTIVE FINDINGS AND CONCLUSION:** No increased residential densities are proposed as part of the Planned Development. This criterion is not applicable.

**Criterion B.** *A reduction in the amount of open space or landscaping by no more than 10 percent;*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed Planned Development provides for an overall average lot coverage of 62.4% over the entire Planned Development project [see Exhibit J-1 – Lot coverage Assessment for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space Development (Civil Drawing J-1) and Exhibit ‘J-2’ – Lot Coverage Assessment for Recreational Vehicle Park (Civil Drawing J-2)].

Subject Property	Zoning/ Proposed Use	Parcel Size	Maximum Lot Coverage Allowed (%)	Proposed Lot Coverage (%)	Existing Wetland Acreage	Preserved Wetland Acreage	Proposed Wetland Credits to be Purchased
Tax Lot 100, Map 12612	IP & HI/Self-Storage	6.11 Acres (IP) 3.93 Acres (HI)	60% IP: 3.66 Acres 90% HI: 3.54 Acres	IP: 3.98 Acres (65.1%) HI: 2.10 Acres (59.3%)	IP: 1.525 Acres HI: 0.55 Acre	IP: 0.7614 Acres HI: 0.496 Acres	IP: 0.761 Acres HI: 0.054 Acre
Tax Lot 100, Map 12612	HI/Recreational Vehicle and Boat Storage	6.61 Acres (HI)	90% HI: 5.95 Acres	4.05 Acres (61.3%)	1.03 Acres	1.03 Acres	0
Tax Lot 100, Map 12612	IP/Industrial Flex-Space	1.62 Acres	60% IP: 0.972 Ac	1.25 Acres (67%)	0.075 Acre	0	0.075 Acre
Tax Lot 200, Map 12507 & Tax Lot 102, Map 12507 & Street Vacation	HI/Recreational Vehicle Park	15.71 Acre & 0.02 Acre & 0.20 Acre	90% HI: 14.427 Acres	7.98 Acres (50%)	1.08 Acres	1.08 Acres	0
<b>TOTALS within proposed Planned Development</b>				Average Lot Coverage: 60.3%	4.26 Acres	5.6774 Acres	0.89 Acres
Tax Lot 100, Map 12612	IP & HI/Future Multiple Family or Industrial Flex-Space	5.49 Acres (0.81 Acre IP) (4.68 Acres HI)	60% IP : 4.94 Acres 90% HI 60% Multi Family	IP: 0 Acres (0%) HI: 3.46 Acres (63%) Multi-Family 3.294 Acres (60%)	2.77 Acres	2.01 Acres	0.76 Acre

**Criterion C.** *An increase in lot coverage by buildings or changes in the amount of parking by no more than 10 percent. Greater changes require a major modification (Chapter 18.130 PMC);*

**SUPPORTIVE FINDINGS AND CONCLUSION:** At this time, no increase in lot coverage by buildings or changes in the amount of parking are expected to occur. This can be ensured by a condition of approval.

**Criterion D.** *No change in land use shall be permitted without approving a major modification to the concept plan (Chapter 18.130 PMC);*

**SUPPORTIVE FINDINGS AND CONCLUSION:** At this time, the proposed Recreational Vehicle and Boat Storage area is proposed to be a temporary graveled area as the need for expansion of the Self-Storage Facility or the expansion of the Recreational Vehicle Park are possible. If this should occur, a new application would be made for the proposed modification. This can be ensured by a condition of approval.

*Criterion E. No change which places development within environmentally sensitive areas or areas subject to a potential hazard shall be approved without approving a major modification to the concept plan (Chapter 18.130 PMC); and*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No changes would be proposed to the environmentally sensitive areas or areas subject to a potential hazard for the proposed Planned Development. This can be ensured by a condition of approval.

*Criterion F. The location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall be as proposed on the concept plan, or as modified through conditions of approval. Changes in the location or alignment of these features by more than 30 feet shall require approval of a major modification in conformance with Chapter 18.130 PMC.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Any changes that would be proposed to the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping, or other site improvements as proposed for the Planned Development under review will be in conformance with the plans submitted for review with this application. . This can be ensured by a condition of approval.

*Criterion G. Other substantial modifications made to the approved conceptual development plan shall require approval of either a minor modification or major modification, in conformance with Chapter 18.130 PMC.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** This Criterion can be met and can be ensured by a condition of approval.

***PMC Section 18.110.080D Phased Development. Phasing of development may be approved with the site design review application, subject to the following standards and procedures:***

1. *A Phasing plan shall be submitted with the site design review application.*
2. *The reviewing authority shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than five years without applying for reapplying for site design review.*
3. *Approval of a phased site design review proposal requires satisfaction of all of the following criteria:*
  - a. *The public facilities required to serve each phase are constructed in conjunction with or prior to each phase.*
  - b. *The development and occupancy of any phase dependent on the use of temporary public facilities shall require city council approval. Temporary facilities shall be approved only upon city receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with PMC 18.110.40. A temporary public facility is any facility not constructed to the applicable city or district standard, subject to review by the city engineer.*
  - c. *The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as part of the approved development proposal; and*
  - d. *An application for phasing may be approved after site design review approval as a modification to the approved plan in accordance with the procedures for minor modifications (Chapter 18.130 PMC).*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The Site Design Review application for the Self-Storage Facility will consist of four phases for a total of 204,087 square feet of self-storage space [see Exhibit

'H-1' – Composite Phasing Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development (Civil Drawing H-1)].

Phase I of the Self-Storage Facility will consist of the construction of a 3,374 square foot, 2-story Office/Manager's Quarters, 7 single-story self-storage buildings (Buildings C, D, H, I, J, K, and L) containing a total of 96,333 square feet. Phase II of the self-storage facility will consist of the construction of 4 one-story self-storage buildings (Buildings A-1, B, F and G containing a total of 42,399 square feet. Phase III of the self-storage facility will consist of a three-story self-storage building (Building E) containing a total of 60,450 square feet. Phase IV of the self-storage facility will consist of a one-story building (Building A-2) containing 4,905 square feet. All of the buildings are located outside of the floodplain and outside of the Newton Creek Riparian Corridor setback.

In Phase I of the Recreational Vehicle and Boat Storage Facility, the area will be utilized by open graveled storage for the recreational vehicles and boats. The RV storage area has been laid out to accommodate covered buildings in Phase IV of the Planned Development or if the Recreational Vehicle Park is a success, a Planned Development modification with concurrent Site Design application will be submitted to utilize all or a portion of the area for an expansion of the Recreational Vehicle Park as the amenities will be in place to accommodate such an expansion.

The proposed Recreational Vehicle Park will be constructed in one Phase and will consist of 175 RV spaces, a 3,904 square foot Office/Manager's Quarters, a 7,142 square foot Community Center, and 2 detached, 408 square foot satellite restroom buildings. A private walking/biking trail that encircles the Park will be provided (see Exhibit 'I-2' – Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing I-2)]. A 16-foot wide easement will be dedicated to the City for the future construction of a public multipurpose trail that will run from North 19<sup>th</sup> Street, a Minor Arterial Street to the City Park located adjacent to North 20<sup>th</sup> Place and Southwest Main Street, a Principal Arterial Street [see Exhibit 'G-1' – Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development (Civil Drawing G-1)].

As the construction of the Recreational Vehicle Park, the Self-Storage and Recreational and Boat Storage units are dependent upon market demand, the applicant is requesting approval at this time in conformance with the Master Planning for the entire property so that all necessary infrastructure will be in place for future expansion of the different options for the expansion of the Recreational Vehicle Park or Self-Storage Facility or the covered Recreational Vehicle and Boat Storage Facility.

A Site Design Review application has been submitted for the construction of an Industrial Flex-Space Development consisting of 2 buildings containing a total of 22,023 square feet on a 1.62 acre portion of the 23.73 acre parcel. The buildings will be one and a half-story in height (see Exhibits 'U-1' and 'U-2' - Proposed Building Elevations and Typical Floor Plans) with a loft area over the office portion in each of the units. The building spaces will be constructed as flexible spaces ranging in size from 10,550 to 12,906 square feet for one of the entire buildings or 2,450 square feet to 2,600 square feet in size depending on the tenant's need. Each space will have a warehouse area with overhead doors and adjoining office space with loft space for additional office related use. The flex-space units will create employment opportunities for new and/or start-up businesses of varying sizes. The future businesses can use the flex space for both inventory storage and office space. Because of the clean design of a flex space, the business tenants can remove and add features to make it their own. For example, they can place machinery and turn a flex-space into a small manufacturing factory. Alternatively, they can decorate the area into a showroom to display their products to prospective customers. They can also turn it into a laboratory or an assembly area.

The purpose of the Planning Development is to provide for a Master Plan for Tax Lots 100 and 200, 12612 and Tax Lot 102, 12507 so that all necessary infrastructure will be in place to serve the entire development. The proposed Phasing Plan will not result in requiring the city or other property owners to construct public facilities that will be required as part of the approved development proposal. These standards and procedures have been met and can be ensured by conditions of approval.



FINDINGS APPLYING TO THE  
CITY OF PHILOMATH DEVELOPMENT CODE CRITERIA  
FOR SITE DESIGN REVIEW APPROVAL FOR A SELF-STORAGE FACILITY  
AND A RECREATIONAL VEHICLE AND BOAT STORAGE FACILITY  
(Development Code Requirements are Shown in Bold Italics)

Section 18.110.060 Site Design Approval Criteria

***Criterion A. The application is complete, as determined in accordance with Chapter 18.105 PMC, Types of Applications and Review Procedures, and PMC 18.110.050.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The packet submitted with the concurrent Planned Development and Site Plan Review applications contains all of the information requested in the application form for a Type III procedure. This criterion for approval will be met upon the application being deemed complete and notification sent to affected property owners for a Public Hearing before the Planning Commission.

***Criterion B. The application complies with all of the applicable provisions of the underlying Land Use District (Division 2), including building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards as may be required for certain land uses.***

**SUPPORTIVE FINDINGS:** The subject property is Tax Lot 100 Benton County Assessor's Map 12S03W12)(see Exhibit 'A-1' Composite Assessor's Maps) that is designated on the Philomath Comprehensive Plan and Zoning Map as 'IP' (Industrial Park)(southern portion) and HI (Heavy Industrial)(northern portion)(see Exhibit 'C' - Existing Comprehensive Plan and Zoning Map). The proposed Self-Storage Facility and Recreational Vehicle and Boat Storage developments are permitted outright in the Industrial zoning districts with Site Design Review approval.

The Site Design Review application for the self-storage facility will consist of four phases for a total of 204,087 square feet of self-storage space [see Exhibit 'H-1' - Composite Phasing Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space development (Civil Drawing H-1)].

Phase I of the Self-Storage Facility will consist of the construction of a 3,374 square foot, 2-story Office/Manager's Quarters, 7 single-story self-storage buildings (Buildings C, D, H, I, J, K, and L) containing a total of 96,333 square feet. Phase II of the self-storage facility will consist of the construction of 4 one-story self-storage buildings (Buildings A-1, B, F and G containing a total of 42,399 square feet. Phase III of the self-storage facility will consist of a three-story self-storage building (Building E) containing a total of 60,450 square feet. Phase IV of the self-storage facility will consist of a one-story building (Building A-2) containing 4,905 square feet. All of the buildings are located outside of the floodplain and outside of the Newton Creek Riparian Corridor setback.

The 3-story self-storage building is roughly 310 feet long on the east and west sides and 65 feet wide. The first floor of the building is proposed to be constructed with concrete block. The second and third floors are proposed to be sided with galvanized steel (see Exhibit 'S-1' - Self-Storage and Recreational Vehicle and Boat Storage Building Elevations Drawings). The first floor on the east side is proposed to have a 41-foot

wide covered drive through with two drive aisles and 2 disabled parking spaces and 1 parking space and 6 loading spaces. The units facing the covered drive through will have metal roll-up doors serving the individual units. The first floor on the west side will have metal roll-up metal doors serving individual units but no covered drive-thru area. Both the east and west sides do have recessed entry areas. The north and south ends of the building will have secondary access stairwells. The second and third floors will have windows facing the east and west sides of the building on each floor. The north and south elevations will have four windows from the secondary access towers. The top of the building will have metal rake trim and a nearly flat metal roof. The building will be approximately 34'- 6" to the top of the metal trim.

In Phase I of the Recreational Vehicle and Boat Storage Facility, the area will be utilized by open graveled storage for the recreational vehicles and boats. In Phase IV, the RV storage area has been laid out to accommodate enclosed buildings in future phases or if the Recreational Vehicle Park is a success, a Planned Development modification with concurrent Site Design application will be submitted to utilize all or a portion of the area for an expansion of the RV park as the amenities will be in place to accommodate such an expansion.

**Building and yard setbacks:** *Minimum Front Yard Setback: 20 feet. Minimum Rear Yard Setback: No required Rear Yard Setback. Minimum Side Yard Setback: No required side yard setback.* Buildings E and D of the Self-Storage Facility are setback 60 feet from Southwest Main Street and Buildings A, B, and C are setback 190 to 200 feet from Southwest Main Street (see Exhibit 'I-1' – Proposed Site and Dimensioning Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities. The proposed three-story building (Building E) is setback 10 feet from the private north/south accessway. The office/manager's quarters is setback 15 feet from the private north/south private accessway.

**Lot area & dimensions:** *No minimums.* The subject property has 403.52 feet of frontage on Southwest Main Street (see Exhibit 'X-1' – Proposed Partition Plan) and approximately 480 feet of frontage on the private north/south street and 140.00 feet on the private east/west street which serves the Self-Storage and Recreational Vehicle and Boat Storage Facilities and the Industrial Flex-Space Development

**Density and floor area:** Not applicable.

**Lot coverage:** *Maximum allowable lot coverage in the (IP) industrial park zone is 60% (buildings and paved surfaces and in the HI (Heavy Industrial) zone is 90%.* The subject property containing the Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space Development contains 16.65 acres (see Exhibit "X-1" – Proposed Partition Plan). The proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities are located in two different zoning districts. The Recreational Vehicle and Boat Storage Facility is located entirely within an HI (Heavy Industrial) zoning district and will have a lot coverage of 61.3% (4.05 acres) where 90% is allowed (5.95 acres). The Self-Storage Facility is located on 6.11 acres of Industrial Park (IP) zoned property and including all buildings, paved areas and sidewalks will have a lot coverage of 65.1% (see Exhibit 'J-1' – Lot Coverage Assessment for Self-Storage and Recreational Vehicle and Boat Storage Facilities). The remaining portion of the Facility (3.93 acres) is zoned HI (Heavy Industrial) will have a lot coverage of 59.3% (2.10 acres) where 90% is allowed (3.54 acres). The average overall lot coverage is for the Self-Storage Facility is 60.3%

**Building height:** *Buildings shall be no more than 50 feet in height.* All but one of the proposed self-storage buildings will be 1-story in height (approximately 10'4"). A 3-story building that will be constructed in Phase III of the development will be approximately 34'- 6" to the top of the metal trim. The proposed covered recreational vehicle and boat storage buildings will be 16 to 18 feet in height (see Exhibit 'S-1' – Self-Storage and Recreational Vehicle and Boat Storage Facility Elevation Drawings) and the Office/Manager's Quarters will be 27 feet 8 inches in height.

**Building orientation:** *All building entrances shall be oriented towards a street and may be oriented towards an internal street when adjacent to an arterial street.* The building entrance for the office/manager's quarters faces the private north/south accessway that serves the proposed Self-Storage and Recreational Vehicle Storage

Facilities and the Industrial Flex-Space Development from Southwest Main Street (see Exhibit 'Exhibit 'G-1' - Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development).

Self-storage units are different from a traditional commercial or industrial use. Each unit is accessed directly by a roll-up "garage type" door and customers parking directly in front of the units or abutting units. The Recreational Vehicle and Boat Storage units operate the same way. The recreational vehicle storage tenants will be parking their RVs in the open storage spaces or units that they have rented. The units may or may not have roll-up overhead doors. Vehicles park on both sides of the accessway maneuvering around vehicles that are parked in front of a unit. Bollards will be installed at the corners of all buildings. Raised curbing will continue to be provided to protect all landscaped area from being damaged by vehicles. Designated loading spaces and disabled parking spaces will be provided on the east side of the 3-story self-storage building [see Exhibit 'I-1' - Proposed Site and Dimensioning Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space Development (Civil Drawing I-1)].

Architecture: *Building Entrances.* All buildings shall have a primary entrance oriented to a street. The entrance to the office/manager's quarters has a covered entrance facing the private accessway (see Exhibit 'S-2' - Office/Manager's Quarters Elevation Drawings for Self-Storage and Recreational Vehicle Storage Facilities).

Noise: Any noise emitted from the development will be well within the Department of Environmental Quality (DEQ) and the City's standards for purposes of noise regulations. This can be ensured through a condition of approval resulting from the review process.

Toxic Materials: The Self-Storage and Recreational Vehicle and Boat Storage Facilities will not allow toxic materials to be stored on site (see Exhibit 'N' - Use Limitations for Self-Storage and Recreational Vehicle and Boat Storage Facilities).

Signage: All signs will be in conformance with Section 18.95.040 (see Exhibit 'V-1' - Proposed Signage for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Exhibit 'V-2' - Proposed Signage for Recreational Vehicle Park, Exhibit 'V-3' - Proposed Signage for Industrial Flex-Space Development. Signs will be a maximum of 30 feet in height and will not exceed 150 square feet in size.

Lighting: Site lighting will be provided throughout both the Self-Storage and Recreational Vehicle and Boat Storage Facilities. Lighting will be provided from wall-mounted fixtures on all of the buildings. Front and side glare shields will be placed on all lighting fixtures to reflect the light on the buildings and access aisles within the development. No lighting will reflect on adjacent properties, streets, or into the night sky.

Security: An on-site security/monitoring system will be provided and will be extended into each phase of the development.

Other Limitations: The repair of autos, boats, motors and furniture, and the storage of flammable materials will be prohibited on the premises and rental contracts will specify this restriction (see Exhibit 'N' - Use Limitations for Self-Storage and Recreational Vehicle and Boat Storage Facilities).

**SUPPORTIVE CONCLUSION:** The proposed buildings comply with all building and yard setbacks, lot area and dimensions, lot coverage, building height, building orientation, and other applicable standards as discussed in following assessments of the Code requirements. The relationship of the proposed development to the existing and future industrial developments will be reasonable compatible with surrounding development and land uses. The subject property is part of an existing "industrial" area, and the proposed self-storage and recreational vehicle and boat storage buildings will be consistent with the existing uses surrounding the property in appearance. This criterion has been satisfied and can be ensured by a condition(s) of approval.

***Criterion C. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in compliance with Chapter 18.160 PMC, Nonconforming Uses and Development.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The subject properties previously contained a planer and cutting mill. The former planning mill was located on Tax Lot 200, while the former barker and cutting mill was located on Tax Lot 100. A log yard for staging logs prior to reduction to lumber was located immediately south of the cutting mill.

The mill was first constructed and operated by Hobin Lumber in the early-mid 1970's. In 1983 the mill was purchased and operated by WTD Industries/Tree Source. The mill closed for the final time in April 1998. Concrete structures (pads, footings, and containments), a wellhouse, a cinder-blocked sided fire well/pumphouse and a three-sided open shed near the former office location remain onsite. A few debris piles from mill demolition remain scattered over the property.

The redevelopment of the property with the Self-storage and Recreational Vehicle and Boat Storage Facilities will provide for the upgrade of the site to meet current district standards in compliance with Chapter 18.160PMC and be ensured by conditions of approval.

***Criterion D. The application complies with the design standards contained in Division 3. All of the following standards shall be met:***

***1. Chapter 18.65 PMC, Access and Circulation;***

***A. 18.65.29(C): Access Permits Required***

***1. Permits required for access to a public street requires an access permit....***

**SUPPORTIVE FINDINGS AND CONCLUSION:** Southwest Main Street (Newport Corvallis Highway) is under the jurisdiction of the Oregon Department of Transportation (ODOT). All necessary permits will be obtained prior to issuance of construction permits for the proposed development. This standard can be ensured by a condition of approval.

***B. 18.65.29(D): Traffic Study Requirements. The city or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements (see also PMC 18.18.020).***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The subject property has frontage on Southwest Main Street (Newport Corvallis Highway) an ODOT facility. Southwest Main Street in this area is improved to City and ODOT standards but is lacking curbs, gutters and sidewalks across a portion of the frontage of the property. These improvements will be made to the frontage of the property in accordance ODOT standards. This standard can be ensured by a condition of approval.

A Traffic Impact Analysis report was prepared for the mixed use development by Associated Transportation Engineering and Planning (see Exhibit 'M' - Traffic Impact Analysis for Proposed Planned Development). The Transportation Analysis found that the Lepman Mixed Use Development in Philomath will generate an estimated 78 trips in the AM Peak hour and 11 trips in the PM Peak hour. Traffic to and from the planned mixed use development will affect performance metrics at the studied intersection, but not in significant or unplanned ways.

All of the studied intersections are performing at LOS C or better and with a v/c less than 0.505 with the development and into the future (2029). The intersection of Green Street at Hwy 20 should be monitored to determine if drivers are turning left from Green Street onto Hwy 20. If drivers are turning left, consideration should be given to installing a median limiting turns to right in/right out on Green Street. There were no left turns counted in the traffic count survey. Crash data provided by the ODOT Crash Data Unit indicates there have been 10 non-fatal crashes reported at the intersection of North 19<sup>th</sup> Street at Hwy 20 in the past 5 years. This rate is well within generally accepted standards in Oregon.

The subject property has frontage on Southwest Main Street, a Principal Arterial facility under the jurisdiction of ODOT. Southwest Main Street in this area is improved to ODOT standards with bike lanes but is lacking sidewalks across the majority of the frontage of the subject property. The sidewalks will be installed in accordance with ODOT and City of Philomath Standards. This standard can be met and can be ensured by a condition of approval.

*C. 18.65.030: Pedestrian access and circulation. To ensure safe, direct and convenient pedestrian circulation, all developments except single family shall provide a continuous pedestrian and/or multi-use pathway system.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Bikeways are provided on Southwest Main Street. No separated bikeway will be provided on the private accessway. A private 5-foot wide sidewalk system has been provided from Southwest Main Street into the development on each side of the private accessway [see Exhibit 'I-1' – Proposed Site and Dimensioning Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (Civil Drawing I-1)]. A sidewalk will be provided to connect the office/manager's quarters for the Self-storage and Recreational Vehicle Storage Facilities to the private sidewalk system. The private sidewalk system will be separated from the private accessway by a 5-foot wide landscape strip. The private accessway and all driveways between the storage buildings will be concrete and all crossings will meet ADA requirements. This standard can be ensured by a condition of approval.

**2. Chapter 18.70 PMC, Landscaping Street Trees, Fences and Walls;**

**A. 18.70.020 Landscape conservation.**

**Subsection 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. The purpose of this section is to incorporate significant native vegetation into the landscapes of development and protect 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.*

**Subsection B, Significant Vegetation.** *"Significant vegetation" means:*

- (1) Significant Trees and Shrubs. Individual trees and shrubs with a trunk diameter of six inches or greater, as measured four feet above the ground (DBH) and all plants within the drip-line of such trees and shrubs, shall be deemed significant. Other trees may be deemed significant when nominated*

*by the property owner and designated by the city council as heritage trees (i.e., by virtue of site, rarity, historical significance, etc.).*

- (2) Sensitive Lands. Trees and shrubs on sites that have been designated as sensitive lands, in accordance with Chapter 18.55 PMC (e.g., due to slope, natural resource areas, wildlife habitat, etc.) and Chapter 18.85 PMC (hillside and erosion control) shall be protected.*
- (3) Exception. Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Benton County.*

**SUPPORTIVE FINDINGS AND CONCLUSION.** Significant Trees and shrubs have been identified [see Exhibit 'D-3' – Significant Vegetation Tax Lot 100 (Civil Drawing D-3)] and no significant trees or shrubs are located within the area being developed with the Self-Storage or Recreational Vehicle and Boat Storage Facilities. The conclusion of the Sensitive Vegetation Report (see Exhibit 'Q') prepared by Stonecrop LLC was that a relatively large population of Nelson's checkermallow (federally listed Threatened) was documented in the southwest corner of the study area (note: the portion of the property not being included in the proposed Planned Development) in a mostly native, wetland, ash-oak forest. Although growing under a closed canopy is not ideal for this species, the generally open understory allows the plants to persist. Threats to this population include increasing shrub density and potential future development of the site. Adjacent development could impact the population if it alters the hydrologic regime in the forest. None of the areas containing the identified Threatened Plants are part of the development area of the proposed Self-storage and Recreational Vehicle and Boat Storage development. All areas containing identified significant trees or shrubs will be protected in accordance with City Standards during the time that construction is occurring on the site. This can be ensured by a condition of approval.

**Subsection C, Mapping and Protection Required.** *Significant vegetation shall be mapped as required by Chapter 18.110 PMC, Development Review and Site Design Review and Chapter 18.55 PMC, Overlay Districts. Significant trees shall be mapped individually and identified by species and size (diameter at four feet above grade, or DBH). A protection area shall be defined around the edge of all branches (drip-line) of each tree (drip-lines may overlap between trees). The city may also require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.*

**Subsection D, Protection Standards.** *All of the following protection standards shall apply to significant vegetation areas:*

- (1) Protection of Significant Trees (subsection (B)(1) of this section). Significant trees identified as meeting the criteria in Subsection (B)(1) shall be retained when-ever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.*
- (2) Sensitive Lands (subsection (B)(2) of this section). Sensitive lands shall be protected in conformance with the provisions of Chapter 18.55 PMC.*
- (3) Conservation Easements and Dedications. When necessary to implement the comprehensive plan, the city may negotiate dedication of land or*

*recording of a conservation easement to protect sensitive lands, including groves of significant trees.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** There are no significant trees or shrubs located within the development footprint of the proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities. The existing 15 significant cottonwood trees are located within the Newton Creek Riparian Corridor setback in the area of the creek extending from near the northwest corner of the Self-Storage Facility to the middle of the Recreational Vehicle and Boat Storage Facility [see Exhibit 'D-3' – Significant Vegetation Identification Tax Lot 100 (Civil Drawing D-3)]. The diameter of these trees range in size from 11 inches to 18 inches when measured from 4 feet above the ground. Near the southwestern portion of the Self-Storage Facility within the Newton Creek Riparian Corridor are 2 oak trees that are 24 inches in diameter when measured 4 feet above the ground. These trees and the native shrubs and plants under the canopies of the trees will be protected during construction with orange safety fencing. Non-native or aggressive invasive plant species will be removed. Protection of the identified significant trees and native vegetation can be ensured by a condition of approval.

**Subsection E, Construction.** *All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the city for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with Chapter 18.55 PMC, Overlay Districts.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** An orange safety fence will be at placed 3 feet from the drip line of the trees or at least 5 feet out from the trunk of the tree. No grading or excavation is expected to occur near the identified significant vegetation as no development is proposed near the identified significant trees. This can be ensured by a condition of approval.

**Subsection 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. Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Division 4, when the vegetation poses an immediate threat to life or safety, as determined by the planning official. The city official shall prepare a notice or letter of decision within 21 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No significant vegetation or dead, diseased or hazardous vegetation is proposed to be removed at this time. Compliance with these standards can be ensured by a condition of approval.

***B. 18.70.030 PMC. New Landscaping.***

- 1. Subsection A, Applicability. This section shall apply to all developments requiring site design review, and other developments with required landscaping.***
- 2. Subsection B, Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in PMC 18.110.050(B)(4), Landscape Plan.***
- 3. Subsection C, Landscape Area Standards. The minimum percentage of required landscaping equals:***

***a. Industrial districts: A minimum of 20 percent of the site shall be landscaped.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** A Conceptual Landscape Plan that includes the wetland area and the proposed dry for extended dry pond water quality and detention basins has been submitted for the Self-Storage and Recreational Vehicle and Boat Storage Facilities [see Exhibit 'R-1.1', 'R-1.2', and 'R-1.3']. The proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities contain a total of 15.99 acres and are located within the Industrial Park (IP) (6.11 acres) and Heavy Industrial (HI) (10.54) zoning districts. The maximum lot coverage allowed is 60 percent in the IP zoning district (3.66 acres) and 90 percent (within the HI zoning district (9.49). The total allowed lot coverage is 13.15 acres. The proposed lot coverage is 10.13 acres or 63.4 percent for this portion of the Planned Development. The 5.86 acres of landscape area includes 3.105 acres of wetlands of which 2.29 acres will be preserved.

The Final Landscape plans will be submitted with Building Plans for Permits for each phase of the proposed development that will address all of these standards. These standards can be met and can be ensured by conditions of approval.

- 4. Subsection D, Landscape Materials. Landscape materials include trees, shrubs and ground cover plants, non-plant ground covers, and outdoor hardscape features as described below:***
  - a. Natural Vegetation. Natural vegetation shall be preserved or planted where practicable.***
  - b. Plant Selection. A combination of deciduous and evergreen trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.***
  - c. Non-native, invasive plants, as per PMC 18.70.020(B), shall be prohibited.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed landscaping within the landscaped areas on the site will consist of a combination of deciduous and evergreen trees, shrubs, hedges, ground covers or native riparian mix seeding [see 'R-1.1', 'R-1.2', and 'R-1.3' - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. All trees will have a minimum diameter or caliper four feet above

grade of two inches or greater. Bark mulch will not cover more than 50 percent of the area to be landscaped. The significant trees located adjacent to Newton Creek will be protected wherever possible. If a tree must be removed, a tree larger than the minimum standard will be used as a replacement tree. The landscape material will meet or exceed the minimum caliper or height for trees and the shrubs will be 5-gallon or larger in size and no non-native, invasive plants are proposed. The standards can be ensured by a condition of approval.

- d. ***Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 60 percent of the required landscape area, except in the central and general commercial and all industrial districts, where hardscape features may cover up to 80 percent of the landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** No patios, decks or plazas are proposed within the Self-Storage and Recreational Vehicle and Boat Storage Facilities. This design standard is not applicable.

- e. ***Non plant Ground Covers. Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 50 percent of the area to be landscaped. Coverage is measured based on the size of plants at maturity or after four years of growth, whichever comes sooner.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The areas to be landscaped will contain trees and shrubs. No more than 50% of the landscaped area will include bark dust or other non-plant ground covers [see Exhibits 'R-1.1', 'R-1.2' and 'R-1.3' - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. However, the wetland areas will be landscaped with Riparian Zone Trees, shrubs and wetland buffer seed mix. The proposed groundcover, native upland buffer seed mixes and evergreen groundcovers will have a 100% ground cover in four years. This standard can be met and can be ensured by a condition of approval.

- f. ***Tree Size. Trees shall have a minimum caliper size of one and one-half inches or greater, or be eight feet or taller, at time of planting.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** All proposed trees will be a minimum caliper size of one and one-half inches and will be a minimum of eight feet [see Exhibit 'R-1.1', 'R-1.2', and 'R-1.3' - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. These standards can be met and can be ensured by condition of approval.

- g. ***Shrub Size. Shrubs shall be planted from one gallon containers or larger.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** All proposed shrubs will be a minimum of one gallon in size [see Exhibit 'R-1.1', 'R-1.2', and 'R-1.3' - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. This standard can be met and can be ensured by a condition of approval.

- h. Ground Cover Size. Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 100 percent of the underlying soil within four years.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed ground cover, native upland buffer seed mix, evergreen ground covers, wetland buffer seed mix and the native riparian buffer seed mix will grow together to cover 100 percent of the soil within four years [see Exhibits 'R-1.1', 'R-1.2', and 'R-1.3' - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)].

- i. Significant Vegetation. Significant vegetation preserved in accordance with PMC 28.70.040 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per-square foot basis. The street tree standards of PMC 18.70.040 may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** At this time, credits are not intended to be needed to meet the minimum landscape standards within the proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities.

- j. Stormwater Facilities. Stormwater facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed storm water dry pond will be landscaped with water tolerant and native plants [see Exhibits 'R-1.1', 'R-1.2', and 'R-1.3' - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. This standard will be met and can be ensured by a condition of approval.

- 5. Subsection E, Landscape Design Standards. All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provision of this chapter (PPMC 1870.010 through 18.70.050). Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based upon the following standards:*

- (1) Yard Setback Landscaping. Landscaping shall satisfy the following criteria:*
- (a) Provide visual screening and privacy within side and rear yards, while leaving front yards and building entrances mostly visible for security purposes;*
  - (b) Use shrubs and trees as wind breaks, as appropriate;*
  - (c) Retain natural vegetation, as practicable.*
  - (d) Define pedestrian pathways and open spaces with landscape materials;*

- (e) *Provide focal points within a development, such as signature trees (i.e., large or unique trees) hedges and flowering plants.*
- (f) *Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;*
- (g) *Use a combination of plants for year-long color and interest; and*
- (h) *Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** All of these applicable standards have been met [see Exhibits 'R-1.1', 'R-1.2', and 'R-1.3' - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. These standard can be met and can be ensured by a condition of approval.

- (2) **Parking Areas.** *A minimum of five percent of the combined area of all parking areas, as measured around the perimeter of all parking space and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evening distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per five parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscape areas shall have minimum dimension of four feet by four feet to ensure adequate soil, water, and space for healthy plant growth.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Self-storage units are different from a traditional commercial or industrial use. Each unit is accessed directly by a roll-up "garage type" door and customers parking directly in front of the units or abutting units. The Recreational Vehicle and Boat Storage units operate the same way. The recreational vehicle storage tenants will be parking their RVs in the open storage spaces or in the future in the units that they have rented.

Vehicles park on both sides of the accessway maneuvering around vehicles that are parked in front of a unit. Bollards will be installed at the corners of all buildings. All provided landscaped areas are a minimum of 5 feet in width. Raised curbing will continue to be provided to protect all provided landscaped areas from being damaged by vehicles.

The area adjacent to the private accessway and the area around the Office/Manager's Quarters will be landscape to meet these standards [see Exhibits 'R-1.1', 'R-1.2', and 'R-1.3' - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)].

(3) **Buffering and Screening Required.** *Buffering and screening are required under the following conditions:*

- (a) **Parking/Maneuvering Area Adjacent to Streets and Drives.** *Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, landscaped berm or similar screen shall be established parallel to the street or driveway to the greatest extent practical, excluding vision clearance areas.*

*The required screening device shall be no less than 36 inches in height within one year of development and not exceed 43 inches in height unless the street grade dictates otherwise to buffer the parking area. The design of the wall or screening shall also allow for visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained in good condition or otherwise replaced by the owner.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The customer parking spaces for the proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities are located adjacent to the west side of the private accessway and on the north side of the Office/Manager's Quarters. A pull-out is provided adjacent to the west side of the private accessway for recreational vehicles or vehicles pulling a trailer or boat. The entrance into the facility is provided by a drive-aisle from the private accessway. The Storage Facilities are separated from the private accessway by a 5-foot wide sidewalk [see Exhibit 'I-1' – Proposed Site and Dimensioning Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (Civil Drawing I-1)] and a 5-foot landscaped strip. A hedge will be provided on the west side of the sidewalk within the 5-foot wide landscape strip and the security fencing enclosing the Self-Storage Facility [see Exhibits 'R-1.1', 'R-1.2', and 'R-1.3' - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. These standards have been met and can be ensured by a condition of approval.

- (b) **Parking/Maneuvering Area Adjacent to Building.** *Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than five feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential groundfloor living space, a landscape buffer is required to fulfill this requirement.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Self-storage units are different from a traditional commercial or industrial use. Each unit is accessed directly by a roll-up "garage type" door and customers parking directly in front of the units or abutting units. The Recreational Vehicle and Boat Storage units operate the same way. The recreational vehicle storage tenants will be parking their RVs in the open storage spaces or units that they have rented.

Vehicles park on both sides of the accessway maneuvering around vehicles that are parked in front of a unit. Bollards will be installed at the corners of all buildings. All landscaped areas adjacent to buildings and sidewalks are a minimum of 5 feet in width. Raised curbing will continue to be provided to protect all landscaped area from being damaged by vehicles.

(c) **Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses.** *All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and residential districts. Screening shall be provide by one or more of the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non see-through fence, or a similar feature that provides a non see-through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter.65 PMC, Access and Circulation (See PMC 18.70,050 for standards related to fences and walls.)*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The mechanical equipment for the office/manager's quarters will be provided within a mechanical room in the building. Any outdoor equipment will be screened from view by the use of landscape material. No service area is located adjacent to a public street or residential district. Hedges are proposed within the development to screen on-site parking from Southwest Main Street and the private accessway. These standards have been met.

**Subsection F, Maintenance and Irrigation.** *The use of drought-tolerant plant species is encouraged and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen. All other landscape features required by this title shall be maintained in good condition or otherwise replaced by the owner.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** All landscape material is to be irrigated with an automatic underground irrigation system. The plant selection will maximize the use of drought tolerant plants. Native trees, shrubs and seed mixes will be used in the riparian buffer and around the wetlands and stormwater facilities. This standard can be met and can be ensured by a condition of approval.

Subsection G, Additional Requirements. *Additional buffering and screening may be required for specific land uses, as identified by Division 2, and the city may require additional landscaping through the conditional use permit process.*

SUPPORTIVE FINDINGS AND CONCLUSION: No buffering and screening is required as the proposed development is bounded on all sides by industrially zoned parcels.

Section 18.79.040 Street Trees. *Street trees shall be planted for all developments that are subject to land division or site design review. Requirements for street tree planting strips are provided in PMC 28.80.020, Transportation Improvements. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:*

Subsection A, Growth Characteristics. *Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:*

1. *Provide a broad canopy where shade is desired.*
2. *Use low-growing trees for spaces under utility wires*
3. *Select trees that can be "limbed-up" where vision clearance is a concern.*
4. *Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between building and the street.*
5. *Use species with similar growth characteristics on the same block for design continuity.*
6. *Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.*
7. *Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.*
8. *Select trees for their seasonal color, as desired.*
9. *Use deciduous trees for summer shade and winter sun.*

SUPPORTIVE FINDINGS AND CONCLUSION: The street trees will be selected from the approved Philomath street tree list. Trees will be planted with a spacing of 30 feet on center unless there is a conflict of utilities, driveways, and crosswalk, etc. [see Exhibits 'R-1.1', 'R-1.2', and 'R-1.3' - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. These standards can be met and can be ensured by a condition of approval.

Subsection B, Caliper Size. *The minimum caliper size at planting shall be one and one-half inches, based on the American Association of Nurserymen Standards.*

SUPPORTIVE FINDINGS AND CONCLUSION: The proposed trees will be a minimum of one and one-half inches, based upon the American Association of Nurserymen Standards [see Exhibits 'R-1.1', 'R-1.2', and 'R-1.3' - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. This standard can be met and ensured by a condition of approval.

***Subsection C, Spacing and Location.*** Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed street trees on Southwest Main Street and adjacent to the private accessway will be spaced no more than 30 feet apart except where conflicts exist with utilities, driveways or crosswalks, etc. [see Exhibits 'R-1.1', 'R-1.2', and 'R-1.3' - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. This standard can be met and can be ensured by a condition of approval.

***Subsection D, Soil Preparation, Planting and Care.*** The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.

***Subsection E, Assurances.*** As an alternative, the city may accept a fee or performance bond in accordance with the adopted fee schedule for each required street tree. The fee shall cover the city's expense for planting and the first two years of care.

**SUPPORTIVE FINDINGS AND CONCLUSION:** At this time, the applicant will be installing all landscaping to the Landscape Architect's specifications and providing irrigation for landscaping for 2 years after planting for the drought resistant plantings and longer for areas that don't contain drought resistant material. This can be ensured by a condition of approval.

## **Chapter 18.72 Fences Hedges and Walls.**

### ***Section 18.72.030 General Provisions.***

#### **Subsection A, Permits**

- 1. No permit shall be required for placement of fences or hedges that comply with the provisions of this chapter.***
- 2. Retaining walls shall be subject to permitting requirements when greater than four feet in height.***
- 3. Owners intending to place fences, walls or hedges within any public utility easement or right-of-way shall be required to secure an encroachment permit from the city council prior to the commencement of the project.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed Self-Storage Facility will have a 6-foot chain link security fence with 2 strands of barbed wire in areas not adjacent to Southwest Main Street and the private accessway. The security fencing adjacent to Southwest Main Street and the private accessway will be a six-foot high wrought-iron fence (see Exhibit 'R-4' – Proposed Fencing Materials for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Recreational Vehicle Park).

Subsection B, Locations.

1. *Fences, hedges and walls may be located within required yard setbacks; provided, that they comply with the provisions contained herein.*
2. *Corner lots may have side yard fencing out to the sidewalk, within six feet of the curb, or property line where neither a curb nor sidewalk exists.*
3. *Fences, hedges and walls may be placed within vision clearance areas up to a height of four feet where such features comply with the open sighted provision defined in this chapter. For purposes of this chapter vision clearance areas shall be defined in PMC 28.25.020 with the two side dimension being not less than 7 and a half feet for drives and where the back yard of any property abuts the front yard of an adjacent property.*
4. *Privacy screens may be situated anywhere within the back or side yard areas of any property where a setback of at least 10 feet from the property line is observed. When situated in any residential ...*
5. *Fences, hedges, and walls shall be located not less than five feet in radius from any fire hydrant or street sign.*
6. *Sight obscuring fences, walls or hedges may be required to screen activities such as garbage collection, recycling or for mechanical fixtures as part of the city's review and approval process.*
7. *For any industrial or public zone fences, walls, or hedges may be located or maintained in any yard except for the front and/or where vision clearance areas must be observed.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed Self-Storage Facility will have a 6-foot chain link security fence with 2 strands of barbed wire in areas not adjacent to Southwest Main Street and the private accessway. The security fencing adjacent to Southwest Main Street and the private accessway will be a six-foot high wrought-iron fence (see Exhibit 'R-4' – Proposed Fencing Materials for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Recreational Vehicle Park). No fencing is proposed to be installed in any vision clearance area. No garbage collection area is provided for the Self-Storage or Recreational Vehicle and Boat Storage Facilities. Individual garbage and recycling barrels for the office/manager's quarters will be stored within the garage.

Subsection C, Heights

1. Back and Side Yards.

- d. *Where back or side yards are adjacent to nonresidential property or railways, hedges may be allowed to grow to a height of 10 feet from grade for privacy or noise abatement purposes.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities are adjacent to nonresidential zoned properties [see Exhibit 'I-1' – Proposed Site and Dimensioning Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (Civil Drawing I-1) and Exhibit 'R-4' – Proposed Fencing Materials for the Self-Storage and Recreational Vehicle and Boat Storage Facilities and Recreational Vehicle Park]. No hedges are proposed within the Self-Storage and Recreational Vehicle and Boat Storage Facilities.

2. Front Yards.

- a. *When placed in front areas or front yards, heights shall be limited to four feet except for front privacy screens which shall not exceed six feet in total height.*
- b. *When facing any public right-of-way, pedestrian gates and trellises used as entry features shall not exceed eight feet in height or five feet in width. No entry feature may extend more than three feet in depth.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The 6-foot high wrought iron security fencing provided along the south side of the Self-Storage Facility will be located approximately 20 feet to 40 feet from the Southwest Main Street right-of-way line. At the southwest corner of the Proposed Extended Dry Water Pond Water Quality and Detention Basin [see Exhibit 'I-1' – Proposed Site and Dimensioning Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (Civil Drawing I-1) and Exhibit 'R-4' – Proposed Fencing Materials for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Recreational Vehicle Park] the fencing will change to a 6-foot high chain link fence with 2 strands of barbed-wire. These standards have been met.

3. Corner Lots. *Where a rear yard is abutting the adjacent property's front yard, the fence, wall or hedge shall be placed and sized to provide for a vision clearance area. The rear yard fence, hedge or wall may be no higher than four feet above the sidewalk or grade.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities do not abut an adjacent property's front yard. No fences, walls or hedges are proposed in any vision clearance area [see Exhibit 'I-2' – Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing I-2)].

4. Fences on Retaining Walls. *Fences located atop retaining walls may follow the height requirements above where the top of the retaining wall is at grade on at least one side. Where the grade on either side of the wall is below the top of the wall, the overall height of the fence/wall combination*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fences are proposed to be located atop retaining walls.

5. Berms.

- a. *Fences, walls, or hedges to be placed atop berms shall have their overall height determined based on the grade in effect prior to construction of the berm.*
- b. *In front yards, vision obscuring fences and berms shall not exceed a total overall height of four feet from the lower of the original grade or the center of the adjacent street.*
- c. *Berms may not be greater than 18 inches in height over the preconstruction or natural grade.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No berms are proposed within the development. No vision obscuring fences are proposed within front yards. This requirement is not applicable to the proposed development

6. *Fences, walls or hedges located in any industrial or public zones shall not exceed eight feet in height except for designated sports fields where additional heights may be required to provide for safety.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed chain link security fencing with 2 strands of barbed-wire will not exceed 8-feet in height. This standard can be met and can be ensured by a condition of approval.

**Subsection D, Material and Styles.**

1. *Fences and walls in front yards and/or vision clearance areas may be of a chain-link or picket style and must meet the definition of open sighted for purposes of this chapter. This open sighted provision applies to hedges and landscaping as well.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed fencing adjacent to Southwest Main Street and the private accessway will be a 6-foot high wrought-iron fence (see Exhibit 'R-4' – Proposed Fencing Materials for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Recreational Vehicle Park) with masonry columns approximately 20 feet on center. The fencing will not be placed within the vision clearance area. This standard can be ensure by a condition of approval.

2. *Walls or fences shall not be constructed of, or contain any, materials that could do bodily harm including, but not limited to, broken glass, spikes, razor wire or any other hazardous or dangerous materials.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Security fencing outside of the street frontage or private accessway will be a 6-foot high chain link fence with 2 strands of barbed wire as allowed within the industrial zoning districts.

3. *Hedges adjacent to any street or sidewalk, alley or other pedestrian right-of-way shall not be of a type consisting of sharp thorns, leaves, or needles that could prove harmful when contacted. Examples include holly, blackberry, or cactus.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The hedges that are proposed adjacent to sidewalks within the Self-Storage and Recreational Vehicle and Boat Storage Facilities are not of a type consisting of sharp thorns, leaves or needles. This can be ensured by a condition of approval.

4. *Fences shall be constructed from materials customarily used for such purposes, typically chain link, decorative wrought iron, synthetics, pressure treated lumber, cedar, redwood or similar. Fences and walls shall not be constructed from materials not originally intended for that purposed. Prohibited materials include, but are not limited to, pallets, tarps, tires, wheel rims, drywall, plywood, firewood stacks, plastic sheeting, and corrugated sheet stock.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The fences for the Self-Storage and Recreational Vehicle and Boat Storage Facilities will be made of either chain link or decorative wrought iron fencing material (see Exhibit 'R-4' – Proposed Fencing Materials for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Recreational Vehicle Park). This standard has been met.

5. *Walls may be constructed of stone, rock, masonry, concrete, boulders, brick or other similar material.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The buildings within the Self-Storage and Recreational Vehicle and Boat Storage Facilities will be constructed of masonry block and metal.

6. *Berms shall be of earthen type capable of supporting vegetation and shall be constructed such that no erosion of the materials shall transfer onto adjacent streets or sidewalks.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No berms will be constructed within the Self-Storage or Recreational Vehicle and Boat Storage Facilities.

7. *A hedge or other dense landscaping may be used to satisfy a requirement for a sight obscuring fence where required, subject to height restrictions specified for the location.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** None of the proposed development is required to have a sight-obscuring fence.

**Subsection E, Restricted Fences.**

1. *Barbed or razor wire fences are allowed only in agricultural areas where little danger of inadvertent contact by humans could occur or in nonresidential areas where barbs or razor wire shall be not less than six and one-half feet above grade and situated on top of otherwise approved fencing.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Any security fencing provided within the development will be a minimum 6-foot high chain link with two strands of barb wire a minimum of six and one-half feet above grade. This can be ensured by a condition of approval.

2. *Electrified fences are allowed only where said fence is completely enclosed inside a property boundary by a barrier type fence that satisfies the provisions of this chapter, or on the outer boundary of the city limits bordering county zoning districts; or in approved agricultural areas where no chance of inadvertent contact by humans could occur. All electrified fencing shall be conspicuously marked as being such.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No electrified fences are proposed within the Self-Storage or Recreational Vehicle and Boat Storage Facilities.

- 3. All wire, twine, rope, plastic or other flexible mesh style fencing is prohibited in residential areas within four feet of any sidewalk or public right-of-way. However, fencing of a temporary nature for use around construction sites and such may consist of appropriate forms of these material.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No permanent fences are proposed within four feet of any sidewalk or public right-of-way.

**Subsection F, Maintenance.** *Fences and walls shall be structurally maintained in a safe condition of repair and shall not be allowed to become and/or remain in a condition of disrepair including, but not limited to, noticeable leaning, broken supports or framing and growth of noxious weeds.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Any fencing within the proposed development will be structurally maintained. This can be ensured by a condition of approval.

**Subsection G, Other Provisions.**

- 1. In no event shall any gate, door or portion of said fencing be allowed to open outward across any sidewalk, curb, or other public right-of-way.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No gates, doors or portion of fencing will open outward across any sidewalk, curb, or other public right-of-way. This can be ensured by inspection of the proposed development prior to issuance of occupancy permit.

- 2. Fences, walls, or hedges on the back of through lots, except corner lots, that would otherwise be considered back yard features shall be treated in accordance with front yard provisions for portions of the lot 10 feet or closer to any sidewalk, curb, street or other public right-of-way.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fences, walls or hedges are proposed within 10 feet of a public sidewalk, curb, street or other public right-of-way.

- 3. Where fencing is adjacent to any street or sidewalk, the exposed framing side of the fence shall face inward toward the lot.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed wrought iron fencing adjacent to the public street and the private accessway will have the proposed framing side of the fence facing inward towards the lot.

- 4. Where fencing or wall designs use pickets or points as ornamental or architectural features, said features shall be rounded or otherwise blunted to provide for public safety.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed wrought iron pickets will have points that will be rounded. This can be ensured by inspection prior to occupancy of the facilities.

5. *Swimming pools, hot tubs, ponds, and similar water features greater than one foot deep shall be surrounded and screened with a minimum four-foot high secured fence or wall or be equipped with a functional latching cover. The fence or wall must have a self-latching gate in accordance with Chapter 15.15 PMC.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed storm water detention pond will be fenced with a wrought iron fence across the frontage facing Southwest Main Street and will be fenced around the remainder of the pond area with a chain link fence with barbed wire higher than six and a half feet to its connection with a storage building. In the first Phase of the Self-Storage and Recreational Vehicle and Boat Storage Facilities the boundary will be fenced with the chain link fencing. In Phase II of the development. The boundary of the Self-Storage Facility will be a masonry wall that is the back of the building.

**Subsection H, Variances.** *Variances to any requirement of this code shall be processed in accordance with Chapter 18.155, Variances.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No variances are being proposed. This subsection is not applicable.

**Chapter 18.75 PMC, Vehicle and Bicycle Parking:**

**Section 18.75.030 Vehicle parking requirements.** *The minimum number of required off-street vehicle parking space (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 space shall be determined in accordance with the following standards:*

- a) *General Offices: one space for 450 square feet of gross floor area.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The 3,374 square foot work/live office manager's quarters for the Self-Storage and Recreational Vehicle and Boat Storage Facilities will contain 1700 square feet of office space and an attached single family residence containing 2 bedrooms. This would require 4 parking spaces for the office and 2 spaces for the attached residence. An attached double car garage will be provided for the manager's quarters, a separate garage for the golf cart used for taking prospective users of the site on tour of available units, and six parking spaces (1 disabled) will be provided adjacent to the office. In addition to the six (6) provided off-street parking spaces, a pull-out space for 2 trucks or cars with trailers or moving vans or recreational vehicles is provided as a part of the development to serve customers using the office for both the Self-Storage Facility and the Recreational Vehicle and Boat Storage Facility [see Exhibit 'I-1' – Proposed Site and Dimensioning Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (Civil Drawing I-1)].

Self-storage units are different from a traditional commercial or industrial use. Each unit is accessed directly by a roll-up "garage type" door and customers parking directly in front of the units or abutting units. The Recreational Vehicle and Boat Storage units operate the same way. The recreational vehicle storage tenants will be parking their RVs in the open storage spaces or units that they have rented.

Vehicles park on both sides of the accessway maneuvering around vehicles that are parked in front of a unit. Bollards will be installed at the corners of all buildings. Raised curbing will continue to be provided to protect all landscaped area from being damaged by vehicles.

The three-storage building will have two disabled parking spaces and five loading/unloading spaces for the interior units on the first floor and the units on the second and third floors that are located under the canopy on the east side of the building.

**SUPPORTIVE CONCLUSION:** The required number of parking spaces have been provided. All parking spaces and aisle widths will meet the requirement of Table 18.75.030 E of the Philomath Development Code. These standards have been met and can be ensured by conditions of approval.

*Section 18.75.030B Bicycle parking requirements. This section does not apply to single family and two family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The number of required parking spaces for the proposed Self-storage Facility and the proposed Recreational Vehicle and Boat Storage Facility is fewer than 10 vehicle parking spaces. The bicycle parking requirements are not applicable.

**F. Chapter 18.80 PMC, Public Facilities Standards:**

***18.80.020 Transportation Improvements.***

***A. Development Standards. No development shall occur unless the development has frontage or approved access to a public street in conformance with the provisions of Chapter 18.65 PMC, Access and Circulation and the following standards are met:***

- 1. Streets within or adjacent to a development shall be improved in accordance with the comprehensive plan, transportation system plan and the provisions of this chapter.***
- 2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;***
- 3. New street and drives shall be paved; and***
- 4. The city may accept a future improvement guarantee (e.g., owner agrees not to object against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:***
  - a. A partial improvement may create a potential safety hazard to motorists or pedestrians;***
  - b. Due to the developed conditions of adjacent properties, it is likely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;***
  - c. The improvement would be in conflict with an adopted capital improvement plan; or***
  - d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities are accessed from a private accessway from Southwest Main

Street (U.S. Highway 20/34), an arterial street. Southwest Main Street adjacent to the subject property has been constructed to Oregon Department of Transportation Standards except for the construction of a sidewalk along the frontage of the subject property (Tax Lot 200, 126012). Prior to issuance of an Occupancy Permit for the buildings in Phase I, the private right in/right out access way will be constructed in conformance with the approved plans and in conformance with the City of Philomath and ODOT standards. In addition, a public sidewalk will be constructed within the Southwest Main Street right-of-way to ODOT standards.

A reciprocal joint-use access easement will be provided for the proposed Self-Storage and the Recreational Vehicle and Boat Storage Facilities and the proposed Industrial Flex-Space Development prior to issuance of Building Permits for the projects and recorded in conjunction with the Final Partition Plat (see Exhibit 'Y-2' – Proposed Private Accessway and Utilities Easement Agreement Within the Proposed Planned Development). These development standards can be ensured by a condition of approval.

*B. Variances. Variances to the transportation design standards in this section may be granted by means of a Class B variance, as governed by Chapter 18.155 PMC.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No Variances to the transportation design standards are requested. This criterion is not applicable.

*C. Creation of Rights-of-way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat, except the city may approve the creation of a street by acceptance of a deed; provided, that the street is deemed essential by the city council and the deeded right-of-way conforms to the standards of this title. All deeds of dedication shall be in a form prescribed by the city and shall name "the public," as a grantee.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No public street is proposed through the Self-Storage Facility, Recreational Vehicle and Boat Storage Facility or Industrial Flex-Space Development. This criterion is not applicable.

*D. Creation of Access Easements. The city may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Chapter 18.65 PMC, Access and Circulation. Access easements shall be created and maintained in accordance with the applicable provisions of the Uniform Fire Code.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** A reciprocal access easement will be provided throughout the proposed Planned Development to provide for vehicular and fire access from Southwest Main Street, a Principal Arterial Street to the Self-Storage and Recreational Vehicle and Boat Storage Facilities and the Industrial Flex-Space development located within proposed Parcels 1 and 2 of the concurrent proposed Partition Application [Exhibit 'G-2' -Composite Turning Radius Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex Space Development (Civil Drawing G-2) see Exhibit 'X-1' – Proposed Partitioning Plan (Civil Drawing X-1) and Exhibit 'Y-2' – Proposed Private Accessway and Utilities Agreement Within the Proposed Planned Development].

2. In addition, existing reciprocal access easements will provide access to a future Local Street which will be constructed in the adjoining property to the east (see Exhibit 'Y-1' – Existing Covenants and Restrictions). Reciprocal fire access easements will also be provided through the property from Southwest Main Street to North 19<sup>th</sup> Street [see Exhibit 'G-2' - Composite Turning Radius

Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex Space Development (Civil Drawing G-2)]. Recording of these easements can be ensured by a condition of approval. The provisions for continued access and the maintenance of the private accessways through the proposed Planned Development will either be recorded with the Partitioning Plat or by separate deed. This can be ensured by a condition of approval.

*E. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to the TSP and design specifications, as applicable, and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.*

- 1. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter, or*
- 2. Conform to a street plan approved by the city, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The right-of-way for a public north/south street has been provided on the abutting property to the east. There does not appear to be any time frame for the construction of this street to City Standards. The subject property will have secondary access to this street via existing recorded easements that will be used for secondary fire access to the development on the subject property (see Exhibit 'Y-1' – Existing Covenants and Restrictions). The proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities occurring on Tax Lot 200, 126012 and the Recreational Vehicle Park on Tax Lot 100, 126012 are secure facilities and having a public street split the developments would not be practical.

*F. Extension Preclusion. Any development that would preclude the logical extension of an existing street may be modified or rejected by the planning official.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No extension of an existing street has been proposed in the Philomath Transportation Plan. This criterion is not applicable.

*G. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall conform to the applicable design specification. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:*

- 1. Street classification in the comprehensive plan and/or transportation system plan;*
- 2. Anticipated traffic generation;*
- 3. On-street parking needs;*
- 4. Sidewalk and bikeway requirements based upon anticipated use;*
- 5. Requirements for placement of utilities;*
- 6. Street lighting;*
- 7. Minimize drainage, slope, and sensitive lands impacts, as identified in Chapter 18.55 PMC and/or the comprehensive plan;*
- 8. Street tree location, as provided for in Chapter 18.70 PMC;*
- 9. Protection of significant vegetation, as provided for in Chapter 18.70 PMC;*
- 10. Safety and comfort for motorists, bicyclists, and pedestrians;*
- 11. Street furnishings (e.g., benches, lighting, bus shelters, etc., when provided;*

12. Access needs for emergency vehicles; and
13. Transition between different street widths (i.e., existing streets and new streets), as applicable.

*Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The entire proposed Planned Development will be served by a private accessway with no on-street parking or bikeways. A public sidewalk will be provided on Southwest Main Street across the frontage of the subject property (Tax Lot 100). Curbs, gutters and sidewalks will be provide on both sides of the private right-in/right-out accessway from Southwest Main Street and a sidewalk will be provided across the frontage of the property on Southwest Main Street, a Principal Arterial Street and on North 19<sup>th</sup> Street, a Minor Arterial Street. Both streets currently have bike lanes. Necessary street furnishings such as additional street lighting, benches or bus shelters can ensured by conditions of approval.

#### *H. Future Street Plan and Extension of Streets.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No future street plan or extension of streets will be required to serve other properties.

#### *18.80.030 Public Use Areas.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The area adjacent to Newton Creek is shown on the Comprehensive Plan as Industrial Park and Heavy Industrial. The Comprehensive Plan Parks and Recreation Policy 4 states that "the types of recreation space which shall be provided to meet the City's recreation needs are community/district parks, neighborhood parks, and linear recreation corridors such as multi-use paths." The applicant intends to dedicate a 16 wide easement to the City of Philomath adjacent to the west side of the Newton Creek to provide for the construction of a 10-foot wide pedestrian/bikeway [see Exhibit 'G-1' – Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-space Development (Civil Drawing C-1)]. This can be ensured by a condition of approval

#### *18.80.040 Sanitary sewer and water service improvements.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Sanitary sewer will be provided to the proposed development by a private sanitary sewer extension from the existing 15-inch public sanitary sewer mainline that runs along the south property line of the development [see Exhibit 'G-3' – Composite Utility Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex-space Development (Civil Drawing G-3) and Exhibit G-3a' – Self-Storage and Recreational Vehicle and Boat Storage Utility Plan and Industrial Flex-Space Utility Plan (Civil Drawing G-3A)].

Both Fire water and domestic building water supplies will be provided by constructing two 12-inch public water mainlines from the existing 12-inch public mainline that is in an existing public easement on the property to the east (Tax Lot 1200, 12507).

One of the proposed 12-inch public waterline extensions will be within an existing utility easement on the neighboring property and will enter into the proposed development in the private street just north of the proposed industrial flex space. Fire water supply to the proposed public fire hydrant, the onsite private fire hydrants, the proposed fire sprinkler system for the industrial flex space buildings, the proposed fire sprinkler systems for the self-storage office/manager's residence and the proposed fire sprinkler system for the 3-story self-storage building will all be supplied by this 12-inch public waterline extension. Domestic water supply for the industrial flex space building and the self-storage office/manager's residence will be provided by this 12-inch public waterline extension.

The second of the proposed 12-inch waterline extensions will be within an existing utility easement on the neighboring property as well and will enter into the proposed development north of the proposed open RV and boat storage area. This proposed public 12-inch waterline extension will extend through the Self-storage project, into and through the RV Park project and connect to the existing 12-inch public waterline in North 19<sup>th</sup> Street. This will complete the looping of the public waterline system as depicted in the City of Philomath Water Masterplan.

***18.80.050 Storm drainage improvements.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The development of this project includes excavations and fills within the limits of delineated jurisdictional wetlands and waters of the US. Therefore, in addition to the project being required to conform to the City of Philomath storm water drainage standards it also must conform with the Oregon DEQ and NOAA Fisheries storm water drainage standards. And where the two are conflicting the more stringent standard will apply.

The storm waters generated by the proposed development will be treated for both storm water quantity and storm water quality prior to being released near the project's southwest corner to an existing rip rap blanket adjacent to Newton Creek.

Release rates from the proposed development will be limited to calculated release rates that would be expected to leave the site prior to development. The storm events targeted will be 42% of the 2-year, 24-hour storm event and the 5-year, 24-hour storm event. These are the more stringent requirements for storm water quantity control taken from the 3 standards mentioned above. This will be achieved with a flow control structure within a manhole that will limit discharge rates and a large "Extended Dry Pond" that will detain storm water volumes.

Storm water quality will be provided for storm waters developed by the impervious surfaces for a storm event equal to 50% of the 2-year, 24-hour event. This will be accomplished by the permanent pool volume of the "Extended Dry Pond" and the infiltration of storm waters into the native soils providing for groundwater recharge. The storm water quality design will be prepared and constructed in conformance with the recognized standards of the Clean Water Services.

For a more detailed explanation of the Post Construction Storm Water Management Plan refer to the Preliminary Storm Water Report included in this submittal.

***18.80.060 Private Utilities. A. Utilities shall be placed underground... B. Easements shall be provided for all underground utility facilities...***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The franchised utilities including NW Natural Gas, Pacific Power and communications exist along Highway 20/34 which is the project's

south boundary. The franchised utilities will be constructed north into the project in underground trenches to provide the necessary services.

*18.80.070 Easements. Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions...*

**SUPPORTIVE FINDINGS AND CONCLUSION:** All required easements for the proposed Self-Storage and Recreational Vehicle Storage and Boat Storage Facilities and Industrial Flex-Space Development will be provided on the Final Partition Plat (see Exhibit 'X-1' – Proposed Partition Plat) or recorded by separate deed. This requirement can be ensured by a condition of approval.

*18.80.080 Construction plan approval. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, light, parks or other requirements shall be undertaken until the plans have been approved by the City, permit fee paid, and permit issued...*

**SUPPORTIVE FINDINGS AND CONCLUSION:** All plans for public and private utilities, sidewalks or other requirements will be submitted to the City of Philomath, Benton County, or ODOT for review and approval as required. All permit fees will be paid prior to issuance of a permit. If required, the developer will provide a performance guarantee for the public improvements. This can be ensured by a condition of approval.

*18.80.090 Installation. A. Conformance Required. B. Adopted Installation Standards. C. Commencement. D. Resumption. E. City Inspections. F. Engineer's Certification and As-Built Plans.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The developer will meet all installation requirements as required by the jurisdiction having control over the work being done. All inspections will be obtained as required and required notification to the jurisdiction(s) will be complied with. Upon completion of the phase of the project, the Engineer's Certification and As-Built Plans will be submitted to the City of Philomath, Benton County and ODOT as required. This can be ensured by a condition of approval.

**G. Chapter 18.85 PMC, Hillside and Erosion Control Overlay;**

**SUPPORTIVE FINDINGS AND CONCLUSION:** The portions of the subject property proposed for development does not include hillsides. However, the following reports have been prepared for the proposed project: Geotechnical Site Investigation (see Exhibit 'O-2'), Archeological Report (see Exhibit 'P'), Sensitive Vegetation Report (Exhibit 'Q'), and Site Grading Plan for Recreational Vehicle Park (see Civil Drawing K-3).

An Erosion and Sediment Control Plan will be submitted with the plans submitted for review for all public utility improvements through the City's permit process to construct public improvements. An Erosion and Sediment Control Plan will be submitted for the work on private property with application for Building Permits for each Phase of development. This standard can be met and can be ensured by a condition(s) of approval.

While the subject property does not contain areas that would be classified as hillside development. It does however contain Newton Creek and an east tributary to Newton creek that converge into Newton Creek within the property. Newton Creek is protected by a Resource Overlay zone that extends 50 feet from the top of the bank on both sides. The 50 feet wide strips of land are referred

to as "protective zones" within the City of Philomath Development Ordinance. Within the "protective zones" the proposed development will include landscape plantings and seedings that will stabilize the area and prevent erosion. Plantings for slope stabilization along the creek banks will consist of native groups appropriate for the soil/moisture and solar aspect. Plant selection will also take in to account the native species already existing on site in similar conditions.

The plantings proposed within the 50 feet wide "protective zones" will consist of the following:

A mix of deciduous and coniferous trees. These include ash, firs, maples, oak, dogwood and cedars. Shrubs will be clustered in groups of 3-9 and include dogwood, ninebark, snowberry, red flowering currant, roses, ocean spray, Oregon grape, serviceberry, and elderberry.

All areas will be seeded with a native mix of grasses and perennials that are quick to establish and deeply rooted to help stabilize slopes. Seed mixes are from ProTime Seed and will include #402 Native Riparian Mix and #404 Native Upland Mix with Color. PT 408 Native Wetland Mix or similar may be used as needed in very wet areas around existing wetlands. It is also very effective at erosion control and quick to establish.

**H. Chapter 18.90 PMC, Other Standards (telecommunications facilities, solid waste storage, environmental performances), as applicable.**

**SUPPORTIVE FINDINGS AND CONCLUSION:** These requirements are not applicable.

**I. Chapter 18.95 PMC, Regulating Placement of Signs... Zoning District Requirements, Commercial and Industrial Zones.**

- a. *A total sign area of two square feet for each lineal foot of building frontage or one square foot of each lineal foot of lot frontage, whichever results in the larger sign area.*
- b. *Freestanding or projecting signs shall be limited to 150 square feet per face. Such signs shall not exceed 30 feet in height from grade to the highest element of such signs unless otherwise restricted.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities will have 417 feet of frontage on Southwest Main Street. The free-standing sign for the Facilities will be limited to 150 square feet with a maximum height of 30 feet. The name of the facility as well as the site address will be displayed on the sign. All signage will be in conformance with Chapter 18.95 and can be ensured by a condition of approval.

**Criterion E. Conditions required as part of a land division, Chapter 18.115 PMC; conditional use permit, Chapter 18.120; master planned development, Chapter 18.130 PMC; specific area plan, Chapter 18.55 PMC; or other approval shall be met.**

**SUPPORTIVE FINDINGS AND CONCLUSION:** Conditions that would be required as part of the land division affecting this property are addressed in concurrent Finding Document (See Exhibit 'B-6' – Partitioning Findings for the Division of a 23.73-Acre Parcel into 3 Parcels)(pages 117 to 122).

**Criterion F. Exceptions to criteria in subsections (D)(1) through (D)(6) of this section may be granted only when approved as a variance, Chapter 18.155 PMC.**

**SUPPORTIVE FINDINGS AND CONCLUSION:** No exceptions to criteria in subsections (D)(1) through (D)(6) are requested. This Criterion is not applicable.



*Exhibit 'B-3'*

FINDINGS APPLYING TO THE  
CITY OF PHILOMATH DEVELOPMENT CODE CRITERIA  
FOR SITE DESIGN REVIEW FOR A RECREATIONAL VEHICLE PARK  
WITH CONCURRENT CONDITIONAL USE TO ALLOW FOR THREE  
VIEWING PLATFORMS ADJACENT TO THE COMMUNITY CENTER  
OVERLOOKING NEWTON CREEK  
*(Development Code Requirements are Shown in Bold Italics)*

Section 18.110.060 Site Design Approval Criteria

Criterion A. *The application is complete, as determined in accordance with Chapter 18.105 PMC, Types of Applications and Review Procedures, and PMC 18.110.050.*

SUPPORTIVE FINDINGS AND CONCLUSION: The packet submitted with the concurrent Planned Development and Site Plan Review applications contains all of the information requested in the application form for a Type III procedure. This criterion for approval will be met upon the application being deemed complete and notification sent to affected property owners for a Public Hearing before the Planning Commission.

Criterion B. *The application complies with all of the applicable provisions of the underlying Land Use District (Division 2), including building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards as may be required for certain land uses.*

SUPPORTIVE FINDINGS: The subject property is Tax Lot 200, Benton County Tax Map 12S03W12 (see Exhibit 'A' – Composite Assessor's Maps) that is designated on the Philomath Comprehensive Plan and Zoning Map as 'HI' (Heavy Industrial)(see Exhibit 'C'). The proposed Recreational Vehicle Park is permitted outright in the Industrial zoning districts with Site Design Review approval.

RV Park Facility Building Setbacks: *Minimum Front Yard Setback: 20 feet. Minimum Rear Yard Setback: No required Rear Yard Setback. Minimum Side Yard Setback: No required side yard setback.* The proposed satellite restroom building located at the northwest corner of the development is located 20 feet from the North 19<sup>th</sup> Street right-of-way line. The Office/Manager's Quarters is setback 45 feet from the right-of-way line of North 19<sup>th</sup> Street and 40 feet and 20 feet from the new property line resulting from the proposed street vacation of North 20<sup>th</sup> Place.

RV Park Facility Yard Setbacks: *No minimums.* The RV spaces are a minimum of 10 from interior property lines.

RV Park Facility Lot Area & Dimensions: The proposed park is located on 16.03 acres. The parcel is nearly rectangular in shape with the property being approximately 920 feet wide east to west and 780 feet wide north to south.

RV Park Facility Density and Floor Area: Not applicable.

RV Park Facility Lot Coverage: *Maximum allowable lot coverage in the (HI) heavy industrial zone is 90%.* The subject property contains 16.03 acres. The maximum lot coverage allowed is 14.427

acres. The proposed Recreational Vehicle Park will have a lot coverage of 50% (7.98 acres) (see Exhibit 'J-2' – Lot Coverage Assessment for Recreational Vehicle Park) which includes all buildings, paved areas and sidewalks.

Each of the spaces in the Recreational Park are a minimum of 700 square feet. The space provided for the RV and an additional parking space will be paved with either asphalt or concrete. All spaces will be provided with water and sewer and all RVs staying in the park will be required to be to the water and sewer utilities provided by the park if the RV has equipment needing such service. Each of the spaces will be provided with electrical service. Toilets, lavatories, and showers for each sex will be provided in the Community Center as well as a utility room containing washers, dryers and clothes drying lines. In addition, 2 satellite restrooms will be provided adjacent to the pedestrian walkway/bicycle path that circles the park. Each RV space will be provided with a picnic table.

**RV Park Facility Building Heights:** *Buildings shall be no more than 50 feet in height.* The office/manager's quarters building will have a height of 10 feet 9 inches. The community building will have a height of 10 feet 8 inches (see Exhibit 'T-1' – Recreational Vehicle Park Elevation Drawings for Office/Manager's Quarters and Exhibit 'T-3' – Recreational Vehicle Park Elevation Drawings for Community Center).

**RV Park Facility Building Orientation:** *All building entrances shall be oriented towards a street and may be oriented towards an internal street when adjacent to an arterial street.* All of the buildings within the RV Park are oriented towards the internal private accessway system except for the satellite restrooms which are oriented toward the pedestrian walkway/bicycle path.

**RV Park Facility Architecture:** *Building Entrances.* *All buildings shall have a primary entrance oriented to a street.* The entrance to the office/manager's quarters and the community center have covered entrances facing the private accessway (see Exhibit 'T-1' – Recreational Vehicle Park Elevation Drawings for Office/Manager's Quarters and Exhibit 'T-3' – Recreational Vehicle Park Elevation Drawings for Community Center). The satellite Bath Houses will have entrances oriented towards the private walking/biking path [see Exhibit 'I-2' – Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing I-2)]

**Noise:** Any noise emitted from the Recreational Vehicle Park will be well within the Department of Environmental Quality (DEQ) and the City's standards for purposes of noise regulations. This can be ensured through a condition of approval resulting from the review process.

**Toxic Materials:** The Recreational Park will not allow toxic materials to be stored on site (see Exhibit 'N' – Use Limitations for Self-Storage and Recreational Vehicle and Boat Storage Facilities).

**Lighting:** Site lighting will be provided throughout both the Recreational Vehicle Park. Lighting will be provided from wall-mounted fixtures on all of the buildings. All recreational vehicle spaces and the walking/biking path will be provided with ground mounted lighting fixtures. Front and side glare shields will be placed on all lighting fixtures to reflect the light on the buildings, access aisles and walking/biking paths within the development. No lighting will reflect on adjacent properties, streets, or into the night sky.

**Security:** An on-site security/monitoring system will be provided and will be extended into each phase of the development.

**Other Limitations:** The repair of autos, boats, motors and furniture, and the storage of flammable materials will be prohibited on the premises and rental contracts will specify this restriction (see

Exhibit 'N' – Use Limitations for Self-Storage and Recreational Vehicle and Boat Storage Facilities).

**SUPPORTIVE CONCLUSION:** The proposed buildings and recreational vehicle spaces comply with all building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards as discussed in following assessments of the Code requirements. No Variance has been requested. This criterion has been satisfied.

***Criterion C. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in compliance with Chapter 18.160 PMC, Nonconforming Uses and Development.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The subject properties previously contained a planer and cutting mill. The former planning mill was located on Tax Lot 200, while the former barker and cutting mill was located on Tax Lot 100. A log yard for staging logs prior to reduction to lumber was located immediately south of the cutting mill.

The mill was first constructed and operated by Hobin Lumber in the early-mid 1970's. In 1983 the mill was purchased and operated by WTD Industries/Tree Source. The mill closed for the final time in April 1998. Concrete structures (pads, footings, and containments), a wellhouse, a cinder-blocked sided fire well/pumphouse and a three-sided open shed near the former office location remain onsite. A few debris piles from mill demolition remain scattered over the property.

The redevelopment of the property with the Recreational Vehicle Park will provide for the upgrade of the site to meet current district standards in compliance with Chapter 18.160PMC and be ensured by conditions of approval.

***Criterion D. The application complies with the design standards contained in Division 3. All of the following standards shall be met:***

**3. Chapter 18.65 PMC, Access and Circulation;**

**A. 18.65.29(C): Access Permits Required**

***1. Permits required for access to a public street requires an access permit....***

**SUPPORTIVE FINDINGS AND CONCLUSION:** North 19<sup>th</sup> Street, a Minor Arterial Street is under the jurisdiction of Benton County. All necessary permits will be obtained prior to issuance of construction permits for the proposed development. This standard can be ensured by a condition of approval.

***B. 18.65.29(D): Traffic Study Requirements. The city or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements (see also PMC 18.18.020).***

**SUPPORTIVE FINDINGS AND CONCLUSION:** A Traffic Impact Analysis report was prepared for the mixed use development by Associated Transportation Engineering and Planning (see Exhibit 'M' - Traffic Impact Analysis for Proposed Planned Development). The Transportation Analysis found that the Lepman Mixed Use Development in Philomath will generate an estimated 78 trips in the AM Peak hour and 11 trips in the PM Peak hour. Traffic to and from the planned

mixed use development will affect performance metrics at the studied intersection, but not in significant or unplanned ways.

All of the studied intersections are performing at LOS C or better and with a v/c less than 0.505 with the development and into the future (2029). The intersection of Green Street at Hwy 20 should be monitored to determine if drivers are turning left from Green Street onto Hwy 20. If drivers are turning left, consideration should be given to installing a median limiting turns to right in/right out on Green Street. There were no left turns counted in the traffic count survey. Crash data provided by the ODOT Crash Data Unit indicates there have been 10 non-fatal crashes reported at the intersection of 19<sup>th</sup> Street at Hwy 20 in the past 5 years. This rate is well within generally accepted standards in Oregon.

The subject property has frontage on North 19<sup>th</sup> Street, a Minor Arterial facility under the jurisdiction of Benton County. North 19<sup>th</sup> Street in this area is improved to County standards with bike lanes but is lacking curbs, gutters and sidewalks across the frontage of the property. These improvements will be made to the frontage of the property by the applicant in accordance with County and City standards. This standard can be ensured by a condition of approval.

*C. 18.65.030: Pedestrian access and circulation. To ensure safe, direct and convenient pedestrian circulation, all developments except single family shall provide a continuous pedestrian and/or multi-use pathway system.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Bikeways are currently provided on North 19th Street, a Minor Arterial Street. No separated bikeway will be provided on the private accessways within the Recreational Vehicle Park. A public 6-foot wide sidewalk will be provided across the frontage of the property on North 19<sup>th</sup> Street to Benton County standards which includes the provision of a 5-foot wide planter strip. A private 5-foot wide curblin sidewalk system will be provided from North 19<sup>th</sup> Street into the development on the south side of the private accessway [see Exhibit 'I-2' – Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing I-2)] to connect the office/manager's quarters for the Recreational Vehicle Park to the private walking/biking trail and the Community Center. A 10-foot wide ¼-inch minus or asphalt walking/biking path will be provided to the picnic/recreational area, the satellite restrooms and the dog park. The private accessway and all recreational vehicle driveways will be concrete and all crossings within the Park will meet ADA requirements. This standard can be ensured by a condition of approval.

## *2. Chapter 18.70 PMC, Landscaping Street Trees, Fences and Walls;*

### *A. 18.70.020 Landscape conservation.*

*Subsection 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 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.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Significant Trees and shrubs have been identified [see Exhibit 'D-4' – Significant Vegetation Tax Lots 200 and 102 (Civil Drawing D-3)] and no significant trees or shrubs are located within the area being developed with the proposed Recreational Vehicle Park. The conclusion of the Sensitive Vegetation Report (see Exhibit 'Q') prepared by Stonecrop LLC was that a relatively large population of Nelson's checkermallow (federally listed Threatened) was documented in the southwest corner of the study area (note: the portion of the property not being included in the proposed Planned Development) in a mostly native, wetland, ash-oak forest. Although growing under a closed canopy is not ideal for this species, the generally open understory allows the plants to persist. Threats to this population include increasing shrub density and potential future development of the site. Adjacent development could impact the population if it alters the hydrologic regime in the forest. None of the areas containing the identified Threatened Plants are part of the development area of the proposed Self-storage and Recreational Vehicle and Boat Storage development. All areas containing identified significant trees or shrubs will be protected in accordance with City Standards during the time that construction is occurring on the site. This can be ensured by a condition of approval.

**Subsection B, Significant Vegetation.** *"Significant vegetation" means:*

- (1) Significant Trees and Shrubs. Individual trees and shrubs with a trunk diameter of six inches or greater, as measured four feet above the ground (DBH) and all plants within the drip-line of such trees and shrubs, shall be deemed significant. Other trees may be deemed significant when nominated by the property owner and designated by the city council as heritage trees (i.e., by virtue of site, rarity, historical significance, etc.).*
- (2) Sensitive Lands. Trees and shrubs on sites that have been designated as sensitive lands, in accordance with Chapter 18.55 PMC (e.g., due to slope, natural resource areas, wildlife habitat, etc.) and Chapter 18.85 PMC (hillside and erosion control) shall be protected.*
- (3) Exception. Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Benton County.*

**Subsection C, Mapping and Protection Required.** *Significant vegetation shall be mapped as required by Chapter 18.110 PMC, Development Review and Site Design Review and Chapter 18.55 PMC, Overlay Districts. Significant trees shall be mapped individually and identified by species and size (diameter at four feet above grade, or DBH). A protection area shall be defined around the edge of all branches (drip-line) of each tree (drip-lines may overlap between trees). The city may also require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No significant vegetation exists within the development area of the proposed Recreational Vehicle Park [see Exhibit 'D-4' – Significant Vegetation Identification Tax Lot 200 (Civil Drawing D-4)] and the area being proposed for development has not been identified as containing sensitive lands [see Exhibit 'D-1a' - Existing Conditions Tax Lot 100 (Civil Drawing D-1a) and Exhibit 'F-2' – Over Zones Tax Lot 200 (Civil Drawing F-2)].

The conclusion of the Sensitive Vegetation Report (see Exhibit 'Q') prepared by Stonecrop LLC was that a relatively large population of Nelson's checkermallow (federally listed Threatened) was documented in the southwest corner of the study area (note: the portion of the property not being included in the proposed Planned Development) in a mostly native, wetland, ash-oak forest. Although growing under a closed canopy is not ideal for this species, the generally open understory allows the plants to persist. Threats to this population include increasing shrub density and potential future development of the site. Adjacent development could impact the population if it alters the hydrologic regime in the forest. None of the areas containing the identified Threatened Plants are part of the development area of the proposed Self-storage and Recreational Vehicle and Boat Storage development. All areas containing identified significant trees or shrubs will be protected in accordance with City Standards during the time that construction is occurring on the site. This can be ensured by a condition of approval.

**Subsection D, Protection Standards.** *All of the following protection standards shall apply to significant vegetation areas:*

- (1) Protection of Significant Trees (subsection (B)(1) of this section). Significant trees identified as meeting the criteria in Subsection (B)(1) shall be retained when-ever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.*
- (2) Sensitive Lands (subsection (B)(2) of this section). Sensitive lands shall be protected in conformance with the provisions of Chapter 18.55 PMC.*
- (3) Conservation Easements and Dedications. When necessary to implement the comprehensive plan, the city may negotiate dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** There are no significant trees (greater than 6" in diameter at 4 feet in height) within the proposed development area of the Recreational Vehicle Park [see Exhibit 'D-4' – Significant Vegetation Identification Tax Lot 200 (Civil Drawing D-4)]. If there are "significant trees on the abutting property to the east, the trees located near the construction area will be protected in accordance with City Standards. This can be ensured by a condition of approval.

**Subsection E, Construction.** *All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the city for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with Chapter 18.55 PMC, Overlay Districts.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** There are no significant trees (greater than 6" in diameter at 4 feet in height) within the proposed Recreational Vehicle Park development area [see Exhibit 'D-4' – Significant Vegetation Identification Tax Lot 200 (Civil Drawing D-4)].

**Subsection 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.* Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Division 4, when the vegetation poses an immediate threat to life or safety, as determined by the planning official. The city official shall prepare a notice or letter of decision within 21 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

**SUPPORTIVE FINDINGS AND CONCLUSION:** There are no significant trees (greater than 6" in diameter at 4 feet in height) within the proposed Recreational Vehicle Park development area [see Exhibit 'D-4' – Significant Vegetation Identification Tax Lot 200 (Civil Drawing D-4)]. If there are "significant trees on the abutting property to the east, the trees located near the construction area will be protected in accordance with City Standards. This can be ensured by a condition of approval.

**B. 18.70.030 PMC. New Landscaping.**

*Subsection A, Applicability. This section shall apply to all developments requiring site design review, and other developments with required landscaping.*

*Subsection B, Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in PMC 18.110.050(B)(4), Landscape Plan.*

*Subsection C, Landscape Area Standards. The minimum percentage of required landscaping equals:*

- a. Industrial districts: A minimum of 20 percent of the site shall be landscaped.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** In accordance with requirements of PMC 18.110.050(B)(4), a Conceptual Landscape Plan has been submitted (see Exhibit 'R-2.1', 'R-2.2' and 'R-2.3' - Conceptual Landscape Plan for Recreational Vehicle Park [includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin]). The proposed Recreational Vehicle Park contains 16.03 acres and is located within the Heavy Industrial (HI) zoning district. The maximum lot coverage allowed is 90 percent in this zoning district. The allowed lot coverage is 14.427 acres. The proposed lot coverage is 7.98 acres or 50 percent. The 8.05 acres of landscape area includes 1.08 acres of wetland area which will be preserved.

The Final Landscape plan that will be submitted with Building Plans for Permits for each phase of the proposed development will address all of these standards. These standards can be met and can be ensured by conditions of approval.

4. *Subsection D, Landscape Materials. Landscape materials include trees, shrubs and ground cover plants, non-plant ground covers, and outdoor hardscape features as described below:*

- a. Natural Vegetation. *Natural vegetation shall be preserved or planted where practicable.*
- b. Plant Selection. *A combination of deciduous and evergreen trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary soils shall be amended to allow for healthy plant growth.*
- c. Non-native, invasive plants, as per PMC 18.70.020(B), shall be prohibited.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed landscaping within the landscaped areas on the site will consist of a combination of deciduous and evergreen trees, shrubs, hedges, and ground covers. All trees will have a minimum diameter or caliper four feet above grade of two inches or greater. Bark mulch will not cover more than 50 percent of the area to be landscaped. The significant trees located adjacent to Newton Creek will be protected wherever possible. If a tree must be removed, a tree larger than the minimum standard will be used as a replacement tree. The landscape material will meet or exceed the minimum caliper or height for trees and the shrubs will be 5-gallon or larger in size and this can be ensured by a condition of approval.

Existing non-native and invasive plants will be removed and no non-native or invasive plant species are proposed to be planted within the development. The standards can be ensured by a condition of approval.

- d. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 60 percent of the required landscape area, except in the central and general commercial and all industrial districts, where hardscape features may cover up to 80 percent of the landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed deck off the south side of the Community Center contains 900 square feet and is located on the south side of the indoor swimming pool area. Approximately 675 square feet of the deck area will extend into the Newton Creek Riparian Corridor area and will be constructed on piers.

The proposed patio and deck off the west side of the community room in the Community Center will contain a 620 square foot covered concrete patio and a 992 square foot open deck area that will extend over the existing pond on piers approximately 480 square feet. A stand-alone deck area is proposed for the northwest corner of the pond and will contain 500 square feet of which 200 square feet extends over the existing pond on piers. These areas of the existing pond is not within the Newton Creek Riparian Corridor. The areas of the decks that are within the Newton Creek Riparian Corridor have been requested for approval by a concurrent Conditional Use application (see Exhibit 'B-4, pages 85-88) and contain less than 60% of the required landscape area.

- e. Non plant Ground Covers. *Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 50 percent of the area to be landscaped. Coverage is measured based on the size of plants at maturity or after four years of growth, whichever comes sooner.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The areas to be landscaped will contain trees and shrubs. No more than 50% of the landscaped area will include bark dust or other none-plant ground covers [see Exhibits 'R-2.1', 'R-2.2' and 'R-2.3' - Conceptual Landscape Plan for Recreational Vehicle Park (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. However, the wetland areas will be landscaped with Riparian Zone Trees, shrubs and wetland buffer seed mix. The proposed groundcover, native upland buffer seed mixes and evergreen groundcovers will have a 100% ground cover in four years. These standards can be met and can be ensured by a condition of approval.

*f. Tree Size. Trees shall have a minimum caliper size of one and one-half inches or greater, or be eight feet or taller, at time of planting.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed street trees, flowering trees, shade trees, stormwater trees, riparian setback trees, columnar flowering trees, columnar trees, and medium ornamental trees will be a minimum caliper size of 1½ inches and a minimum height of 8 feet. These standards can be met and can be ensured by a condition of approval.

*g. Shrub Size. Shrubs shall be planted from one gallon containers or larger.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** All proposed shrubs will be a minimum of one gallon in size [see Exhibit 'R-2.1', 'R-2.2', and 'R-2.3' - Conceptual Landscape Plan for Recreational Park (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. This standard can be met and can be ensured by a condition of approval.

*h. Ground Cover Size. Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 100 percent of the underlying soil within four years.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed ground cover, native upland buffer seed mix, evergreen ground covers, wetland buffer seed mix and the native riparian buffer seed mix will grow together to cover 100 percent of the soil within four years (see Exhibits 'R-2.1', 'R-2.2', and 'R-2.3' - Conceptual Landscape Plan for Recreational Vehicle Park). This standard can be met and can be ensured by a condition of approval.

*i. Significant Vegetation. Significant vegetation preserved in accordance with PMC 28.70.040 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per-square foot basis. The street tree standards of {MC 18.70.040 may be waived when trees preserved within the front provided by street streets.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** There is no significant vegetation within the proposed industrial flex-space development area. This standard is not applicable.

*j. Stormwater Facilities. Stormwater facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.*

**SUPPORTIVE FINDINGS AND CONCLUSION.** Appropriate stormwater trees, shrubs and plants will be planted within the stormwater facilities located within the Recreation Vehicle Park (see Exhibits 'R-2.1', 'R-2.2', and 'R-2.3' - Conceptual Landscape Plan for Recreational Vehicle Park). This standard can be met and can be ensured by a condition of approval.

5. ***Subsection E, Landscape Design Standards.*** All yards, parking lots and required street tree planter strips shall be landscape in accordance with the provision of this chapter (PPMC 1870,010 through 18.70.050). Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, bases upon the following standards:

- (1) ***Yard Setback Landscaping.*** Landscaping shall satisfy the following criteria:
- (a) *Provide visual screening and privacy within side and rear yards, while leaving front yards and building entrances mostly visible for security purposes;*
  - (b) *Use shrubs and trees as wind breaks, as appropriate;*
  - (c) *Retain natural vegetation, as practicable.*
  - (d) *Define pedestrian pathways and open spaces with landscape materials;*
  - (e) *Provide focal points within a development, such as signature trees (i.e., large or unique trees) hedges and flowering plants.*
  - (f) *Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;*
  - (g) *Use a combination of plants for ear-long color and interest; and*
  - (h) *Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** All of these applicable standards have been met [see Exhibits 'R-2.1', 'R-2.2', and 'R-3.3' - Conceptual Landscape Plan for Recreational Vehicle Park (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. These standards can be met and can be ensured by a condition of approval.

- (2) ***Parking Areas.*** A minimum of five percent of the combined area of all parking areas, as measured around the perimeter of all parking space and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evening distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per five parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscape areas shall have minimum dimension of four feet by four feet to ensure adequate soil, water, and space for healthy plant growth.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The area adjacent to the private accessways and the areas around the Office/Manager's Quarters and Community Center will be landscaped to meet these standards [see Exhibits 'R-2.1', 'R-2.2', and 'R-2.3' - Conceptual Landscape Plan for Recreational Vehicle Park (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. These standards can be met and can be ensured by a condition of approval.

(3) **Buffering and Screening Required.** *Buffering and screening are required under the following conditions:*

- (a) **Parking/Maneuvering Area Adjacent to Streets and Drives.** *Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, landscaped berm or similar screen shall be established parallel to the street or driveway to the greatest extent practical, excluding vision clearance areas.*

*The required screening device shall be no less than 36 inches in height within one year of development and not exceed 43 inches in height unless the street grade dictates otherwise to buffer the parking area. The design of the wall or screening shall also allow for visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained in good condition or otherwise replaced by the owner.*

**SUPPORTIVE FINDINGS AND CONCLUSION.** The entrance into the Recreational Vehicle Park facility is provided by a drive-aisle from North 19<sup>th</sup> Street. The Storage Facilities are separated from the private accessway by a 5-foot wide sidewalk [see Exhibit 'I-2' - Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing I-2)] and in some places a minimum 5-foot wide landscaped strip. A hedge will be provided adjacent to the parking area that serves the Office/Manager's Quarter adjacent to North 19<sup>th</sup> Street [see Exhibits 'R-2.1', 'R-2.2', and 'R-2.3' - Conceptual Landscape Plan for Recreational Vehicle Park (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. These standards have been met and can be ensured by a condition of approval.

- (b) **Parking/Maneuvering Area Adjacent to Building.** *Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than five feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential groundfloor living space, a landscape buffer is required to*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The parking spaces within the proposed Recreational Vehicle Park are located off the private accessway and are separated from the private accessway by a 5-foot wide sidewalk [see Exhibit 'I-2' – Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing I-2)]. A 5-foot wide raised sidewalk has been provided adjacent to the parking spaces closest to the building. The Community Center also has parking spaces provided which front on a 5-foot-wide raised sidewalk. These standards have been met and can be ensured by a condition of approval.

- (c) **Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses.** All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and residential districts. Screening shall be provide by one or more of the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non see-through fence, or a similar feature that provides a non see-through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter.65 PMC, Access and Circulation (See PMC 18.70,050 for standards related to fences and walls.)

**SUPPORTIVE FINDINGS AND CONCLUSION:** The mechanical equipment units will be provided in the interior of the buildings or screened by landscaping. No service area is located adjacent to a public street or residential district. Hedges are proposed within the development to screen on-site parking from North 19th Street and the private accessway. These standards have been met.

**Subsection F, Maintenance and Irrigation.** The use of drought-tolerant plant species is encouraged and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen. All other landscape features required by this title shall be maintained in good condition or otherwise replaced by the owner.

**SUPPORTIVE FINDINGS AND CONCLUSION:** All landscape material is to be irrigated with an automatic underground irrigation system. The plant selection will maximize the use of drought tolerant plants. Native trees, shrubs and seed mixes will be used in the riparian buffer and around the wetlands and stormwater facilities. This standard can be met and can be ensured by a condition of approval.

**Subsection G, Additional Requirements.** Additional buffering and screening may be required for specific land uses, as identified by Division 2, and the city may require additional landscaping through the conditional use permit process.

**SUPPORTIVE FINDINGS AND CONCLUSION:** No additional buffering and screening is required for the proposed land use. These standards are not applicable to the proposed site layout.

**Section 18.79.040 Street Trees.** *Street trees shall be planted for all developments that are subject to land division or site design review. Requirements for street tree planting strips are provided in PMC 28.80.020, Transportation Improvements. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:*

**Subsection A, Growth Characteristics.** *Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:*

1. *Provide a broad canopy where shade is desired.*
2. *Use low-growing trees for spaces under utility wires*
3. *Select trees that can be "limbed-up" where vision clearance is a concern.*
4. *Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between building and the street.*
5. *Use species with similar growth characteristics on the same block for design continuity.*
6. *Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.*
7. *Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.*
8. *Select trees for their seasonal color, as desired.*
9. *Use deciduous trees for summer shade and winter sun.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The street trees will be selected from the approved Philomath street tree list. Trees will be planted with a spacing of 30 feet on center unless there is a conflict of utilities, driveways, and crosswalk, etc. [see Exhibits 'R-2.1', 'R-2.2', and 'R-2.3' - Conceptual Landscape Plan for Recreational Vehicle Park (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. These standards can be met and can be ensured by a condition of approval.

**Subsection B, Caliper Size.** *The minimum caliper size at planting shall be one and one-half inches, based on the American Association of Nurserymen Standards.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed trees will be a minimum of one and one-half inches, based upon the American Association of Nurserymen Standards [see Exhibits 'R-2.1', 'R-2.2', and 'R-2.3' - Conceptual Landscape Plan for Recreational Vehicle Park (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. This standard can be met and ensured by a condition of approval.

**Subsection C, Spacing and Location.** *Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees*

*shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The street trees on Northwest 19th Street and adjacent to the private accessway will be spaced no more than 30 feet apart except where conflicts exist with utilities, driveways or crosswalks, etc. [see Exhibits 'R-2.1', 'R-2.2', and 'R-2.3' - Conceptual Landscape Plan for Recreational Park (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)]. This standard can be met and can be ensured by a condition of approval.

**Subsection D, Soil Preparation, Planting and Care.** *The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.*

**Subsection E, Assurances.** *As an alternative, the city may accept a fee or performance bond in accordance with the adopted fee schedule for each required street tree. The fee shall cover the city's expense for planting and the first two years of care.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** At this time, the applicant will be installing all landscaping to the Landscape Architect's specifications and providing irrigation for landscaping for 2 years after planting for the drought resistant plantings and longer for areas that don't contain drought resistant material. This can be ensured by a condition of approval.

#### **Chapter 18.72 Fences Hedges and Walls.**

##### **Section 18.72.030 General Provisions.**

###### **Subsection A. Permits**

1. *No permit shall be required for placement of fences or hedges that comply with the provisions of this chapter.*
2. *Retaining walls shall be subject to permitting requirements when greater than four feet in height.*
3. *Owners intending to place fences, walls or hedges within any public utility easement or right-of-way shall be required to secure an encroachment permit from the city council prior to the commencement of the project.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed fencing will comply with the provisions of this chapter. No retaining walls are proposed and no fences, walls or hedges are proposed within any public utility easement or right-of-way. These provisions have been met.

###### **Subsection B, Locations.**

1. *Fences, hedges and walls may be located within required yard setbacks; provided, that they comply with the provisions contained herein.*
2. *Corner lots may have side yard fencing out to the sidewalk, within six feet of the curb, or property line where neither a curb nor sidewalk exists.*

3. *Fences, hedges and walls may be placed within vision clearance areas up to a height of four feet where such features comply with the open sighted provision defined in this chapter. For purposes of this chapter vision clearance areas shall be defined in PMC 28.25.020 with the two side dimension being not less than 7 and a half feet for drives and where the back yard of any property abuts the front yard of an adjacent property.*
4. *Privacy screens may be situated anywhere within the back or side yard areas of any property where a setback of at least 10 feet from the property line is observed. When situated in any residential ...*
5. *Fences, hedges, and walls shall be located not less than five feet in radius from any fire hydrant or street sign.*
6. *Sight obscuring fences, walls or hedges may be required to screen activities such as garbage collection, recycling or for mechanical fixtures as part of the city's review and approval process.*
7. *For any industrial or public zone fences, walls, or hedges may be located or maintained in any yard except for the front and/or where vision clearance areas must be observed.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** A 6-foot high block wall will be constructed adjacent to the railroad tracks on the north side of the proposed RV Park. A 6-foot high cyclone fence will be provided on the remaining perimeter of the Recreational Vehicle Park that will not be located within a vision clearance area or within a five foot radius of any fire hydrant or street sign [see Exhibit 'I-2' Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing I-2)]. All garbage containment areas within the park will be screened and covered (see Exhibit 'R-6' - Proposed Enclosed Garbage Containment Area Within Planned Development). No fencing will be provided within 20-feet of North 19<sup>th</sup> Street. These standards have been met and can be ensured by conditions of approval.

### **Subsection C, Heights**

#### **1. Back and Side Yards.**

- d. *Where back or side yards are adjacent to nonresidential property or railways, hedges may be allowed to grow to a height of 10 feet from grade for privacy or noise abatement purposes.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed development is adjacent to nonresidential properties. A 6-foot high block wall is proposed to provide for privacy and noise abatement along the railroad tracks located adjacent to the north property line of the proposed Recreational Vehicle Park [see Exhibit 'I-2' - Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing I-2)].

#### **2. Front Yards.**

- a. *When placed in front areas or front yards, heights shall be limited to four feet except for front privacy screens which shall not exceed six feet in total height.*
- b. *When facing any public right-of-way, pedestrian gates and trellises used as entry features shall not exceed eight feet in height or five feet in width. No entry feature may extend more than three feet in depth.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fences, pedestrian gates or trellises are proposed. These standards are not applicable at this time.

3. ***Corner Lots.*** *Where a rear yard is abutting the adjacent property's front yard, the fence, wall or hedge shall be placed and sized to provide for a vision clearance area. The rear yard fence, hedge or wall may be no higher than four feet above the sidewalk or grade.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The subject property is not a corner lot. However, no fence, wall, or hedge will be placed within a vision clearance area within the development. This standard can be ensured by a condition of approval.

4. ***Fences on Retaining Walls.*** *Fences located atop retaining walls may follow the height requirements above where the top of the retaining wall is at grade on at least one side. Where the grade on either side of the wall is below the top of the wall, the overall height of the fence/wall combination shall be measured from the higher of the grades on either side.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fences are proposed within the Recreational Vehicle Park atop a retaining wall. These standards are not applicable.

5. ***Berms.***

- d. *Fences, walls, or hedges to be placed atop berms shall have their overall height determined based on the grade in effect prior to construction of the berm.*
- e. *In front yards, vision obscuring fences and berms shall not exceed a total overall height of four feet from the lower of the original grade or the center of the adjacent street.*
- f. *Berms may not be greater than 18 inches in height over the preconstruction or natural grade.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No berms are proposed within the Recreational Vehicle Park. These standards are not applicable.

7. ***Fences, walls or hedges located in any industrial or public zones shall not exceed eight feet in height except for designated sports fields where additional heights may be required to provide for safety.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The fences within the proposed Recreational Park will not exceed eight feet in height. This standard has been met.

**Subsection D, Material and Styles.**

8. ***Fences and walls in front yards and/or vision clearance areas may be of a chain-link or picket style and must meet the definition of open sighted for purposes of this chapter. This open sighted provision applies to hedges and landscaping as well.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** There will be no fences in the front yard adjacent to North 19<sup>th</sup> Street or within vision clearance areas. This standard has been met and can be ensured by a condition of approval.

9. *Walls or fences shall not be constructed of, or contain any, materials that could do bodily harm including, but not limited to, broken glass, spikes, razor wire or any other hazardous or dangerous materials.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed fencing within the Recreational Vehicle Park will not be constructed of materials that could do bodily harm. This standard has been met and can be ensured by a condition of approval.

10. *Hedges adjacent to any street or sidewalk, alley or other pedestrian right-of-way shall not be of a type consisting of sharp thorns, leaves, or needles that could prove harmful when contacted. Examples include holly, blackberry, or cactus.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No hedges are proposed within the Recreational Vehicle Park. This standard is not applicable.

11. *Fences shall be constructed from materials customarily used for such purposes, typically chain link, decorative wrought iron, synthetics, pressure treated lumber, cedar, redwood or similar. Fences and walls shall not be constructed from materials not originally intended for that purpose. Prohibited materials include, but are not limited to, pallets, tarps, tires, wheel rims, drywall, plywood, firewood stacks, plastic sheeting, and corrugated sheet stock.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed fencing within the Recreational Vehicle Park will consist of a 6-foot high concrete block wall adjacent to the railroad tracks and a 6-foot high cyclone security fence. This standard has been met.

12. *Walls may be constructed of stone, rock, masonry, concrete, boulders, brick or other similar material.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** A 6-foot high concrete block wall will be constructed adjacent to the railroad tracks which is in conformance with this standard.

13. *Berms shall be of earthen type capable of supporting vegetation and shall be constructed such that no erosion of the materials shall transfer onto adjacent streets or sidewalks.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No berms are proposed within the Recreational Vehicle Park. This standard is not applicable.

14. *A hedge or other dense landscaping may be used to satisfy a requirement for a sight obscuring fence where required, subject to height restrictions specified for the location.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No hedges are proposed within the Recreational Vehicle Park development. This standard is not applicable.

**Subsection E, Restricted Fences.**

1. *Barbed or razor wire fences are allowed only in agricultural areas where little danger of inadvertent contact by humans could occur or in nonresidential areas where barbs or razor wire shall be not less than six and one-half feet above grade and situated on top of otherwise approved fencing.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No barbed or razor wire fences are proposed within the Recreational Vehicle Park. This standard is not applicable.

2. *Electrified fences are allowed only where said fence is completely enclosed inside a property boundary by a barrier type fence that satisfies the provisions of this chapter, or on the outer boundary of the city limits bordering county zoning districts; or in approved agricultural areas where no chance of inadvertent contact by humans could occur. All electrified fencing shall be conspicuously marked as being such.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No electrified fences are proposed within the Recreational Vehicle Park. This standard is not applicable.

3. *All wire, twine, rope, plastic or other flexible mesh style fencing is prohibited in residential areas within four feet of any sidewalk or public right-of-way. However, fencing of a temporary nature for use around construction sites and such may consist of appropriate forms of these material.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Temporary fencing will be utilized during construction. All temporary fencing will be removed prior to issuance of an Occupancy Permit for the proposed development.

**Subsection F, Maintenance.** *Fences and walls shall be structurally maintained in a safe condition of repair and shall not be allowed to become and/or remain in a condition of disrepair including, but not limited to, noticeable leaning, broken supports or framing and growth of noxious weeds.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** This standard will be met and can be ensured by a condition of approval.

**Subsection G, Other Provisions.**

1. *In no event shall any gate, door or portion of said fencing be allowed to open outward across any sidewalk, curb, or other public right-of-way.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No door or portion of fencing is proposed to open outward across and sidewalk, curb, or other public or private right-of-way. This standard is not applicable.

2. *Fences, walls, or hedges on the back of through lots, except corner lots, that would otherwise be considered back yard features shall be treated in accordance with front yard provisions for portions of the lot 10 feet or closer to any sidewalk, curb, street or other public right-of-way.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed concrete block and cyclone fencing will be located adjacent to a private walking/bike trail that will encircle the boundary of the Recreational Vehicle Park for the use of the residents of the park. No fences, wall or hedges are proposed adjacent to any public sidewalk, curb, street or other public right-of-way. This standard is not applicable.

3. *Where fencing is adjacent to any street or sidewalk, the exposed framing side of the fence shall face inward toward the lot.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The exposed framing side of the cyclone fence will face inward toward the lot. This can be ensured by a condition of approval.

4. *Where fencing or wall designs use pickets or points as ornamental or architectural features, said features shall be rounded or otherwise blunted to provide for public safety.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No picket fencing is proposed. This standard is not applicable.

5. *Swimming pools, hot tubs, ponds, and similar water features greater than one foot deep shall be surrounded and screened with a minimum four-foot high secured fence or wall or be equipped with a functional latching cover. The fence or wall must have a self-latching gate in accordance with Chapter 15.15 PMC.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed swimming pool will be located within the Community Building. All accesses to the pool will have self-latching doors or gates. The pool will be a maximum depth of 5 feet and will have a minimum of 5 feet of clearance around the entire pool. The pool will be provided with an ADA lift. This standard has been met.

**Subsection H, Variances.** *Variances to any requirement of this code shall be processed in accordance with Chapter 18.155, Variances.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No Variances are being request. This Section of the Development Code is not applicable.

**Chapter 18.75 PMC, Vehicle and Bicycle Parking:**

**Section 18.75.030 Vehicle parking requirements.** *The minimum number of required off-street vehicle parking space (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 space shall be determined in accordance with the following standards:*

- a) *General Offices: one space for 450 square feet of gross floor area.*
- b) *Industrial Uses: one space per two employees on the largest shift or for each 700 square feet of floor area.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The 3,320 square foot work/live office manager's quarters will for the Recreational Vehicle Park facility will contain 1,291 square feet of office space and an attached single family residence containing 2 bedrooms (see Exhibit. An attached double car garage will be provided for the manager's quarters, a separate garage adjacent to the office for the golf cart used for taking prospective users of the site on tour of available spaces, an attached maintenance garage for maintenance and landscaping equipment attached to the manager's garage and 7 on-site parking spaces (1 accessible) will be provided adjacent to the office.

Recreational Vehicle Park facilities are different from traditional commercial/industrial uses, as a customer is expected to park in their designated space that they are renting. Each space is provided with room for an RV vehicle and a vehicle that they may be towing. In addition to the seven (7) off-street parking spaces located at the office, pull-out spaces for 2 trucks or cars with trailers or Recreational Vehicles is provided as a part of the development to serve customers using the office [see Exhibit 'I-2' – Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing 'I-2')] Development). At the Community Center, thirteen (13) parking spaces (2 accessible) are provided adjacent to the community center, one of which is a designated van accessible disabled space.

All parking spaces and aisles will meet the requirement of Table 18.75.030 E of the Philomath Development Code. These standards have been met and can be ensured by conditions of approval.

*Section 18.75.030B Bicycle parking requirements. This section does not apply to single family and two family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed Recreational Vehicle Park facility will have a total of vehicle 20 parking spaces between the Community Center and the Office/Manager's quarters. Twenty (20) covered bicycle parking spaces will provided across the drive aisle from the Community Center (see Exhibit 'R-6' - Proposed Recreational Vehicle Covered Bicycle Storage) and four cover bicycle parking spaces will be provided under the canopy at the office/manager's quarters. These requirements can be met and can be ensured by a condition of approval.

**F. Chapter 18.80 PMC, Public Facilities Standards;**

***18.80.020 Transportation Improvements.***

***1. Development Standards. No development shall occur unless the development has frontage or approved access to a public street in conformance with the provisions of Chapter 18.65 PMC, Access and Circulation and the following standards are met:***

- a. *Streets within or adjacent to a development shall be improved in accordance with the comprehensive plan, transportation system plan and the provisions of this chapter.*

- b. *Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;*
- c. *New street and drives shall be paved; and*
- d. *The city may accept a future improvement guarantee (e.g., owner agrees not to object against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:*
  - (a) *A partial improvement may create a potential safety hazard to motorists or pedestrians;*
  - (b) *Due to the developed conditions of adjacent properties, it is likely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;*
  - (c) *The improvement would be in conflict with an adopted capital improvement plan; or*
  - (d) *The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** A Traffic Impact Analysis report was prepared for the mixed use development by Associated Transportation Engineering and Planning (see Exhibit 'M' - Traffic Impact Analysis for Proposed Planned Development). The Transportation Analysis found that the Lepman Mixed Use Development in Philomath will generate an estimated 78 trips in the AM Peak hour and 11 trips in the PM Peak hour. Traffic to and from the planned mixed use development will affect performance metrics at the studied intersection, but not in significant or unplanned ways.

All of the studied intersections are performing at LOS C or better and with a v/c less than 0.505 with the development and into the future (2029). The intersection of Green Street at Hwy 20 should be monitored to determine if drivers are turning left from Green Street onto Hwy 20. If drivers are turning left, consideration should be given to installing a median limiting turns to right in/right out on Green Street. There were no left turns counted in the traffic count survey. Crash data provided by the ODOT Crash Data Unit indicates there have been 10 non-fatal crashes reported at the intersection of 19<sup>th</sup> Street at Hwy 20 in the past 5 years. This rate is well within generally accepted standards in Oregon.

The proposed Recreational Vehicle Park will take access from North 19<sup>th</sup> Street, a recently improved Minor Arterial street under the jurisdiction of Benton County. The street was recently improved to Benton County standards but does not have sidewalks. A sidewalk and a pedestrian/bikeway will be provided as part of the development of the Recreation Vehicle Park. This can be ensured by a condition of approval.

*I. Variances. Variances to the transportation design standards in this section may be granted by means of a Class B variance, as governed by Chapter 18.155 PMC.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No variance to the transportation design standards is being requested. This standard is not applicable.

*J. Creation of Rights-of-way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat, except the city may approve the creation of a street by acceptance of a deed; provided, that the street is deemed essential by the city council and the deeded right-of-way conforms to the standards of this title. All deeds of dedication shall be in a form prescribed by the city and shall name "the public," as a grantee.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No public street is being created. This standard is not applicable.

*K. Creation of Access Easements. The city may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Chapter 18.65 PMC, Access and Circulation. Access easements shall be created and maintained in accordance with the applicable provisions of the Uniform Fire Code.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** A reciprocal access easement will be provided throughout the proposed Planned Development to provide for vehicular and fire access from Southwest Main Street, a Principal Arterial Street to the Self-Storage and Recreational Vehicle and Boat Storage Facilities and the Industrial Flex-Space development located within proposed Parcels 1 and 2 of the concurrent proposed Partition Application [see Exhibit 'G-2' - Composite Turning Radius Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex Space Development (Civil Drawing G-2), Exhibit 'X-1' - Proposed Partitioning Plan (Civil Drawing X-1) and Exhibit 'Y-2' - Proposed Private Accessway and Utilities Agreement Within the Proposed Planned Development)].

In addition, existing reciprocal access easements will provide access to a future Local Street which will be constructed in the adjoining property to the east (see Exhibit 'Y-1' - Existing Covenants and Restrictions). Reciprocal fire access easements will also be provided through the property from Southwest Main Street to North 19<sup>th</sup> Street. Recording of these easements can be ensured by a condition of approval. The provisions for continued access and the maintenance of the private accessways through the proposed Planned Development will either be recorded with the Partitioning Plat or by separate deed. This can be ensured by a condition of approval.

*L. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to the TSP and design specifications, as applicable, and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.*

- 1. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter, or*
- 2. Conform to a street plan approved by the city, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.*

**SUPPORTIVE FINDINGS AND CONCLUSION:**

*M. Extension Preclusion. Any development that would preclude the logical extension of an existing street may be modified or rejected by the planning official.*

4. **SUPPORTIVE FINDINGS AND CONCLUSION:** No public streets are being created within the proposed Planned Development and no public streets have been extended to the subject properties. The private accessways throughout the Planned Development will be created by a reciprocal easement as shown on the proposed Partition [see Exhibit 'X-1' – Proposed Partitioning Plan (Civil Drawing X-1), Exhibit 'Y-1' – Existing Covenants and Restrictions and Exhibit 'Y-2' – Proposed Private Accessway and Utilities Agreement Within the Proposed Planned Development] or be created by a recorded deed on the Recreation Vehicle Park development. This criterion is not applicable.

*N. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall conform to the applicable design specification. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:*

- 1. Street classification in the comprehensive plan and/or transportation system plan;*
- 2. Anticipated traffic generation;*
- 3. On-street parking needs;*
- 4. Sidewalk and bikeway requirements based upon anticipated use;*
- 5. Requirements for placement of utilities;*
- 6. Street lighting;*
- 7. Minimize drainage, slope, and sensitive lands impacts, as identified in Chapter 18.55 PMC and/or the comprehensive plan;*
- 8. Street tree location, as provided for in Chapter 18.70 PMC;*
- 9. Protection of significant vegetation, as provided for in Chapter 18.70 PMC;*
- 10. Safety and comfort for motorists, bicyclists, and pedestrians;*
- 11. Street furnishings (e.g., benches, lighting, bus shelters, etc., when provided);*
- 12. Access needs for emergency vehicles; and*
- 13. Transition between different street widths (i.e., existing streets and new streets), as applicable.*

*Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.*

*O. Future Street Plan and Extension of Streets.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The entire proposed Planned Development will be served by a private accessway with no on-street parking or bikeways. A public sidewalk will be provided on Southwest Main Street across the frontage of the subject property (Tax Lot 100). Curbs, gutters and sidewalks will be provide on both sides of the private right-in/right-out accessway from Southwest Main Street and a sidewalk will be provided across the frontage of the property on Southwest Main Street, a Principal Arterial Street and on North 19<sup>th</sup> Street, a Minor Arterial Street. Both streets currently have bike lanes. Necessary street furnishings such as additional street lighting, benches or bus shelters can ensured by conditions of approval.

The Traffic Impact Analysis for the Proposed Planned Development (see Exhibit 'M') evaluated the proposed private site circulation system and has determined that it will accommodate expected traffic from the proposed Planned Development. No public street rights-of-way are shown within

the subject property on the Comprehensive Plan Map or Transportation System Plan. Curbs, gutters and sidewalks will be provided on both sides of the private accessway. Easements will be provided for both public and private utilities. These standards can be ensured by conditions of approval as necessary.

***18.80.030 Public Use Areas.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The area adjacent to Newton Creek is shown on the Comprehensive Plan as Heavy Industrial. Comprehensive Plan Parks and Recreation Policy 4 states that "the types of recreation space which shall be provided to meet the City's recreation needs are community/district parks, neighborhood parks, and linear recreation corridors such as multi-use paths. The applicant intends to dedicate a 16 wide easement to the City of Philomath adjacent to the west side of the Newton Creek to provide for the construction of a 10-foot wide pedestrian/bikeway. In the future, the public pedestrian/bikeway will go from North 19<sup>th</sup> Street to the City Park located adjacent to Southwest Main Street [see Exhibit 'G-1' – Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-space Development (Civil Drawing C-1)]. This can be ensured by a condition of approval.

***18.80.040 Sanitary sewer and water service improvements.***

**SUPPORTIVE FINDINGS AND CONCLUSION:**

**Sanitary Sewer.** Sanitary sewer will be provided to the proposed Recreational Vehicle Park by a private sanitary sewer extension from the existing 15-inch public sanitary sewer mainline that runs along the south property line of the Self-Storage and Industrial Flex-Space development. The existing 15-inch public sanitary sewer mainline has the capacity to serve the proposed development. The private sanitary sewer line will be bored under Newton Creek near the south property boundary of the Recreational Vehicle Park development. The private sanitary sewer will then be routed through-out the Recreational Vehicle Park and to the Office/Manager's quarters located near North 19<sup>th</sup> Street [see Exhibit 'G-3' – Composite Utility Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex Space Development (Civil Drawing C-3) and Exhibit 'G-3b' – Recreational Vehicle Park Utility Plan]. The Recreational Vehicle Park's Office/Manager's Quarters will include a small private pumping station to pump its sanitary sewer to the gravity system within the Recreational Vehicle Park.

**Water.** Both Fire water and domestic water supplies will be provided by extending the public 12-inch water line within the Self-Storage and Recreational Vehicle and Boat Storage Facilities through the Recreational Vehicle Park connecting to the existing 12-inch public water mainline within North 19<sup>th</sup> Street.

The domestic water needs of the Recreational Vehicle Park will be served by new water lines that will be constructed from the previously mentioned 12-inch public waterline [see Exhibit 'G-3' – Composite Utility Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex Space Development (Civil Drawing C-3) and Exhibit 'G-3b' – Recreational Vehicle Park Utility Plan]. The fire water line will be provided by connections to the same previously mentioned 12-inch public waterline. The fire water connections will include double check detector assemblies to properly isolate the fire water system from the public water system. On-site private fire hydrants will be included in the design to provide the necessary required coverage to the Recreational Vehicle Park. The final hydrant locations will be reviewed and approved the Fire Department prior to

issuance of Building Permits for the construction of the park. This can be ensured by conditions of approval.

***18.80.050 Storm drainage improvements.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** Storm drainage improvements will be provided in conjunction with all new private accessways. The storm waters generated by the proposed Recreational Vehicle Park will be treated for storm water quantity in conformance with the City of Philomath Storm Water Standards prior to being released.

Release rates from the proposed Recreational Park development will be limited to calculated release rates that would be expected to leave the site prior to development. The storm events targeted will be the pre-development rates from the 5-year, 24-hour storm event compared to the post-development rates from the 25-year, 24-hour storm event. This will be achieved with a flow control structures within manholes that will limit discharge rates and buried storm chambers and above ground detention ponds that will detain storm water volumes. For a more detailed explanation of the Post Construction Storm Water Management Plan, refer to the Preliminary Storm Water Report (see Exhibit 'L-2') included in this submittal.

***18.80.060 Utilities.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The franchised utilities including NW Natural Gas, Pacific Power and communications exist along North 19<sup>th</sup> Street which is adjacent to the west boundary of the site. The franchised utilities will be constructed east into the project in underground trenches to provide the necessary services. Street lights will be provided where required adjacent to the proposed development. This can be ensured by a condition of approval.

***18.80.070 Easements. Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions...***

**SUPPORTIVE FINDINGS AND CONCLUSION:** All required public and private easements for the proposed Self-Storage and Recreational Vehicle Storage and Boat Storage Facilities and Industrial Flex-Space Development will be provided on the Final Partition Plat (see Exhibit 'X-1' – Proposed Partition Plat) or recorded by separate deed within the Recreational Vehicle Park. This requirement can be ensured by a condition of approval.

***18.80.080 Construction plan approval. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, light, parks or other requirements shall be undertaken until the plans have been approved by the City, permit fee paid, and permit issued...***

**SUPPORTIVE FINDINGS AND CONCLUSION:** All plans for public and private utilities, sidewalks or other requirements will be submitted to the City of Philomath, Benton County, or ODOT for review and approval as required. All permit fees will be paid prior to issuance of a permit. If required, the developer will provide a performance guarantee for the public improvements. This can be ensured by a condition of approval.

*18.80.090 Installation. A. Conformance Required. B. Adopted Installation Standards. C. Commencement. D. Resumption. E. City Inspections. F. Engineer's Certification and As-Built Plans.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The developer will meet all installation requirements as required by the jurisdiction having control over the work being done. All inspections will be obtained as required and required notification to the jurisdiction(s) will be complied with. Upon completion of the phase of the project, the Engineer's Certification and As-Built Plans will be submitted to the City of Philomath, Benton County and ODOT as required. This can be ensured by a condition of approval.

**G. Chapter 18.85 PMC, Hillside and Erosion Control Overlay;**

**SUPPORTIVE FINDINGS AND CONCLUSION:** The portions of the subject property proposed for development does not include hillsides. However, the following reports have been prepared for the proposed project: Geotechnical Site Investigation (see Exhibit 'O-2'), Archeological Report (see Exhibit 'P'), Sensitive Vegetation Report (Exhibit 'Q'), and Site Grading Plan for Recreational Vehicle Park (see Civil Drawing K-3).

An Erosion and Sediment Control Plan will be submitted with the plans submitted for review for all public utility improvements through the City's permit process to construct public improvements. An Erosion and Sediment Control Plan will be submitted for the work on private property with application for Building Permits for each Phase of development. This standard can be met and can be ensured by a condition(s) of approval.

While the subject property does not contain areas that would be classified as hillside development. It does however contain Newton Creek and an east tributary to Newton creek that converge into Newton Creek within the property. Newton Creek is protected by a Resource Overlay zone that extends 50 feet from the top of the bank on both sides. The 50 feet wide strips of land are referred to as "protective zones" within the City of Philomath Development Ordinance. Within the "protective zones" the proposed development will include landscape plantings and seedings that will stabilize the area and prevent erosion. Plantings for slope stabilization along the creek banks will consist of native groups appropriate for the soil/moisture and solar aspect. Plant selection will also take in to account the native species already existing on site in similar conditions.

The plantings proposed within the 50 feet wide "protective zones" will consist of the following:

A mix of deciduous and coniferous trees. These include ash, firs, maples, oak, dogwood and cedars. Shrubs will be clustered in groups of 3-9 and include dogwood, ninebark, snowberry, red flowering currant, roses, ocean spray, Oregon grape, serviceberry, and elderberry.

All areas will be seeded with a native mix of grasses and perennials that are quick to establish and deeply rooted to help stabilize slopes. Seed mixes are from ProTime Seed and will include #402 Native Riparian Mix and #404 Native Upland Mix with Color. PT 408 Native Wetland Mix or similar may be used as needed in very wet areas around existing wetlands. It is also very effective at erosion control and quick to establish.

**H. Chapter 18.90 PMC, Other Standards (telecommunications facilities, solid waste storage, environmental performances), as applicable.**

**SUPPORTIVE FINDINGS AND CONCLUSION:** These Standards are not applicable.

Criterion E. Conditions required as part of a land division, Chapter 18.115 PMC; conditional use permit, Chapter 18.120; master planned development, Chapter 18.130 PMC; specific area plan, Chapter 18.55 PMC; or other approval shall be met.

SUPPORTIVE FINDINGS AND CONCLUSION: A concurrent Conditional Use application has been file with the Master Planned Development Applications and Site Plan Review for the construction of the proposed Recreational Vehicle Park development. The Conditions of approval will be met as required.

Criterion F. Exceptions to criteria in subsections (D)(1) through (D)(6) of this section may be granted only when approved as a variance, Chapter 18.155 PMC.

SUPPORTIVE FINDINGS AND CONCLUSION: No exceptions to criteria in Subsections (D)(1) through (D)(6) have been applied for. This Criterion is not applicable.

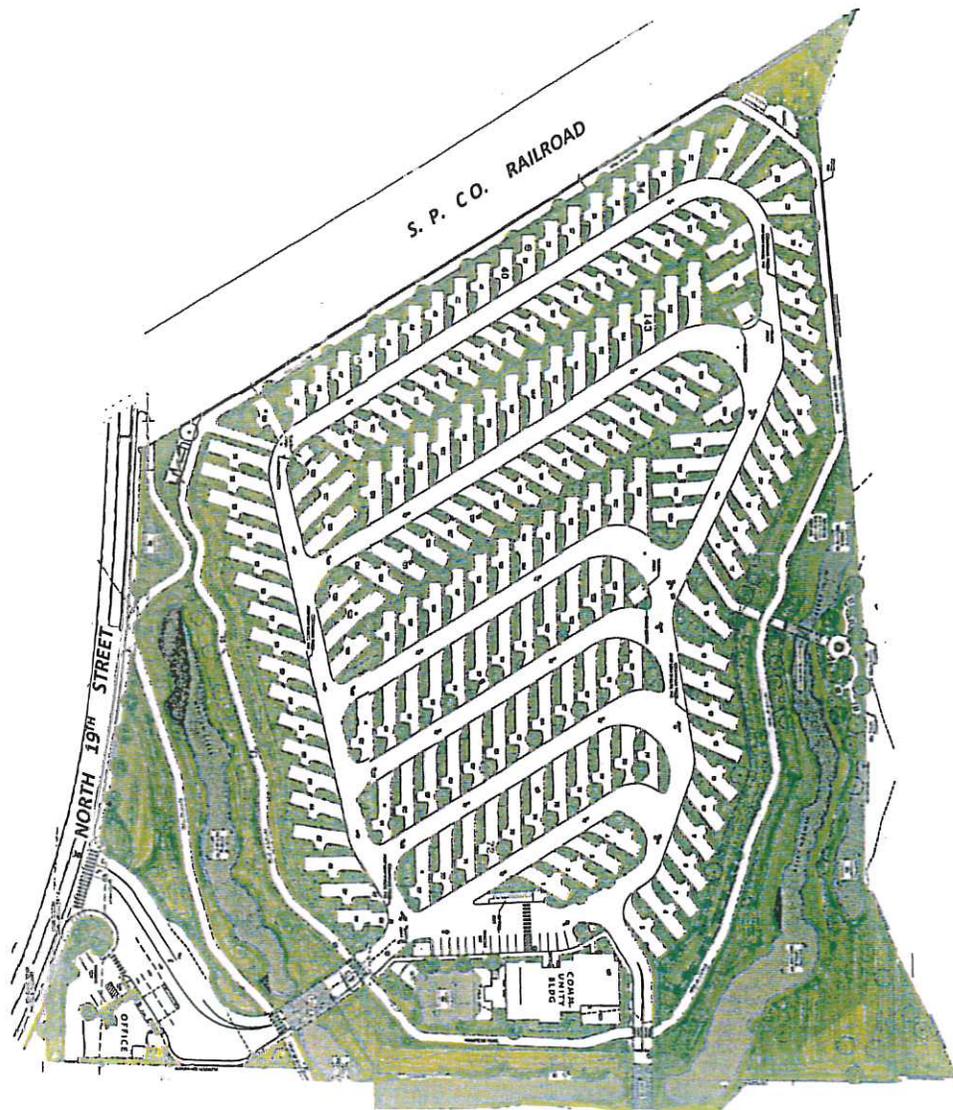


Exhibit 'B-4'

Conditional Use to Allow the Construction of  
Three Overlook Platforms  
Within the Newton Creek Riparian Corridor

*18.120.040. Criteria, standards, and conditions of approval for a Conditional Use. The city shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:*

*A. Use Criteria.*

- 1. The site size, dimensions, locations, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare erosion, odor, dust, visibility, safety, and aesthetic considerations;*

**SUPPORTIVE FINDINGS:** The proposed viewing platforms are located on the south and east side of an existing pond and on the south side of the swimming pool area within the Community Center. The proposed deck off the south side of the Community Center contains 800 square feet and is located on the south side of the indoor swimming pool area. Approximately 600 square feet of the deck area will extend into the Newton Creek Riparian Corridor area and will be constructed on piers.

The proposed patio and deck off the west side of the community room in the Community Center will contain a 594 square foot covered concrete patio and a 992 square foot open deck area that will extend over the existing pond on piers (approximately 480 square feet). A stand-alone deck area is proposed for the northwest corner of the pond and will contain 500 square feet of which 300 square feet extends over the existing pond on piers. These area of the existing pond is not within the Newton Creek Riparian Corridor. The areas of the decks that are within the Newton Creek Riparian Corridor have been requested for approval by a concurrent Conditional Use application.

The "Heavy Industrial" zoning designation identifies areas that are suitable for a wide range of heavy and light industrial uses including corporate offices, research and development, high technology, manufacturing, warehousing, wholesaling, and other accessory and compatible uses that have minimal environmental effects including self-storage facilities.

Noise emitted from the Recreational Vehicle Park will be well within the Department of Environmental Quality (DEQ) and the City of Philomath's standards for purposes of noise regulations. This can be ensured through a condition of approval resulting from the review process.

Site lighting will be provided. Lighting will be provided from wall-mounted fixtures on all of the buildings and pedestal lighting provided throughout the park. Front and side glare shields will be placed on all lighting fixtures to reflect the light on the buildings and access aisles within the development. No lighting will reflect on adjacent properties, streets, or into the night sky.

More land has been left open than required by minimum setback and lot coverage requirements in the HI (Heavy Industrial) zoning district.

**SUPPORTIVE CONCLUSION.** The relationship of the proposed development to surrounding properties will not change as a result of the provision of viewing platforms extending slightly into the riparian corridor as a result of the Conditional Use approval and will not hinder the intent of this criterion as continued compliance with all applicable regulations can be met and ensured through conditions of approval now and in the future.

2. *The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval, and*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The relationship of the development to adjacent surrounding properties will change as a result of the approval of the Conditional Use to allow 3 viewing platforms that project somewhat into the Riparian Corridor of Newton Creek. The location of the viewing platforms are located approximately 130 to 160 feet from the nearest property boundary and separated from the adjoining property by Newton Creek [see Exhibit 'I-2' – Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing I-2)]. Additional plant material that will be placed in the Riparian Corridor will further enhance the natural screening in the future (see Exhibit 'R-2' – Conceptual Landscape Plan for Recreational Vehicle Park (includes Wetlands Areas and Proposed Extended Dry Pond Water Quality and Detention Basin)).

3. *All required public facilities have adequate capacity to serve the proposal.*

**SUPPORTIVE FINDINGS AND CONCLUSION:**

**Sanitary Sewer.** Sanitary sewer will be provided to the proposed Recreational Vehicle Park by a private sanitary sewer extension from the existing 15-inch public sanitary sewer mainline that runs along the south property line of the Self-Storage and Industrial Flex-Space development. The existing 15-inch public sanitary sewer mainline has the capacity to serve the proposed development. The private sanitary sewer line will be bored under Newton Creek near the south property boundary of the Recreational Vehicle Park development. The private sanitary sewer will then be routed through-out the Recreational Vehicle Park and to the Office/Manager's quarters located near North 19<sup>th</sup> Street [see Exhibit 'G-3' – Composite Utility Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex Space Development (Civil Drawing C-3) and Exhibit 'G-3b' – Recreational Vehicle Park Utility Plan]. The Recreational Vehicle Park's Office/Manager's Quarters will include a small private pumping station to pump its sanitary sewer to the gravity system within the Recreational Vehicle Park.

**Water.** Both Fire water and domestic water supplies will be provided by extending the public 12-inch water line within the Self-Storage and Recreational Vehicle and Boat Storage Facilities through the Recreational Vehicle Park connecting to the existing 12-inch public water mainline within North 19<sup>th</sup> Street.

The domestic water needs of the Recreational Vehicle Park will be served by new water lines that will be constructed from the previously mentioned 12-inch public waterline [see Exhibit 'G-3' – Composite Utility Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex Space Development (Civil Drawing C-3) and Exhibit 'G-3b' – Recreational Vehicle Park Utility Plan]. The fire water line will be provided by connections to the same previously mentioned 12-inch public waterline. The fire water connections will include double check detector assemblies to properly isolate the fire water system from the

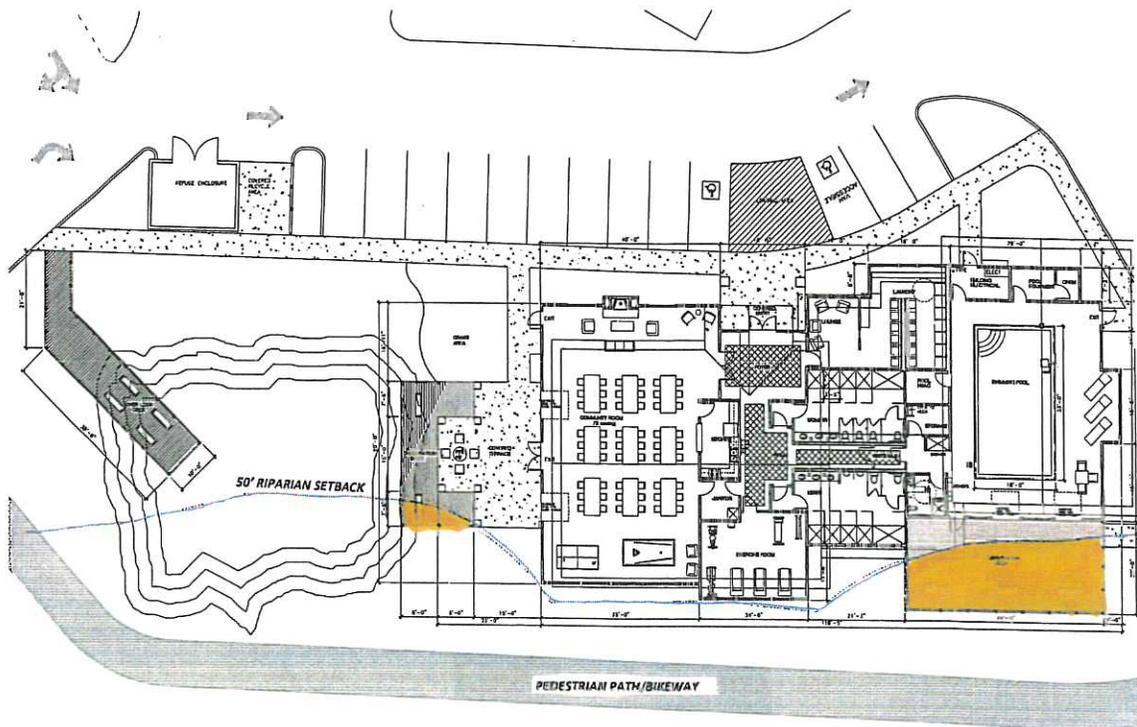
public water system. On-site private fire hydrants will be included in the design to provide the necessary required coverage to the Recreational Vehicle Park. The final hydrant locations will be reviewed and approved the Fire Department prior to issuance of Building Permits for the construction of the park. This can be ensured by conditions of approval.

Storm Drainage. Storm drainage improvements will be provided in conjunction will all new private accessways. The storm waters generated by the proposed Recreational Vehicle Park will be treated for storm water quantity in conformance with the City of Philomath Storm Water Standards prior to being released.

Release rates from the proposed Recreational Park development will be limited to calculated release rates that would be expected to leave the site prior to development. The storm events targeted will be the pre-development rates from the 5-year, 24-hour storm event compared to the post-development rates from the 25-year, 24-hour storm event. This will be achieved with a flow control structures within manholes that will limit discharge rates and buried storm chambers and above ground detention ponds that will detain storm water volumes. For a more detailed explanation of the Post Construction Storm Water Management Plan, refer to the Preliminary Storm Water Report (see Exhibit 'L-2') included in this submittal.

***B. Site Design Standards. The criteria for site design review approval (PMC 18.110.060) shall be met.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The Design Standards have been addressed through the concurrent Site Plan Review application Findings Document (see Exhibit 'B-3' pages 58 to 84).



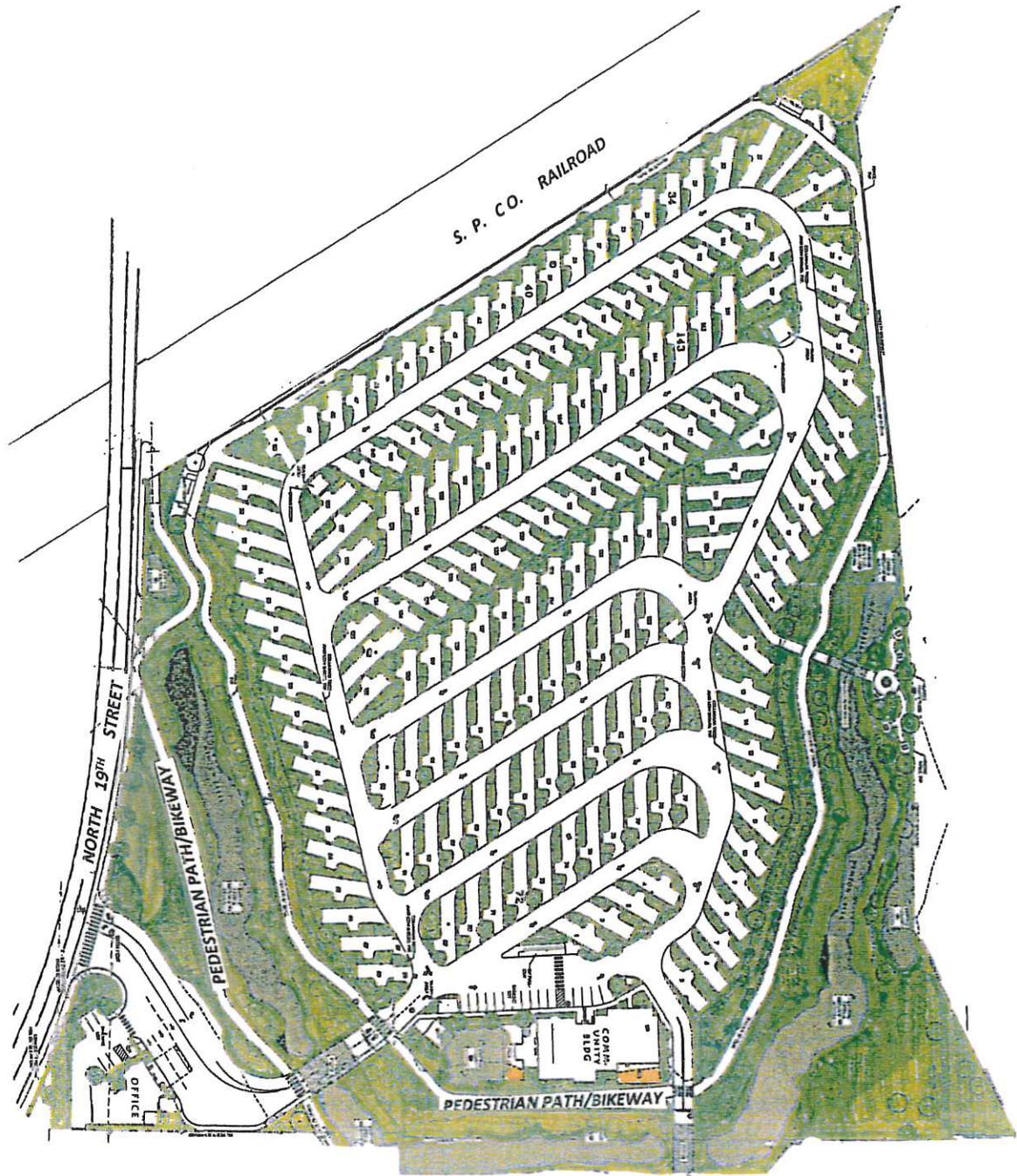


Exhibit 'B-5'

**FINDINGS APPLYING TO THE  
CITY OF PHILOMATH DEVELOPMENT CODE  
SITE DESIGN REVIEW CRITERIA  
FOR AN INDUSTRIAL FLEX-SPACE DEVELOPMENT  
*(Development Code Requirements are Shown in Bold Italics)***

**REQUEST:** Site Design Review approval for the construction of 19,363 square feet of industrial flex-space on 1.62 acres in 2 buildings [The nine flex space units will range in size from 2,297 square feet (5 units), 2,397 square feet (1 unit), 2,547 square feet (1 unit) and 2,797 square feet (2 units). Each flex-space will have 1,197 square feet of office space, an attached work space ranging in size from 1,100 to 1,600 square feet which includes 2 parking spaces within this area of the units.] [see Exhibit 'I-3' – Proposed Site and Dimensioning Plan for Industrial Flex Space (Civil Drawing 'I-3')]. A concurrent Partitioning application has been submitted for the proposed Industrial Flex-Space Development on 1.62 acres [see Exhibit 'B-5' – Partitioning Findings for the division of a 25.04 acre parcel into 3 parcels containing 1.62 acres, 15.11 acres and 8.31 acres and Exhibit 'X-1' – Proposed Partitioning Plan (Civil Drawing 'X-1')].

**INTENT OF PROPOSED DEVELOPMENT:** The purpose of the industrial flex space units is to provide for small to medium sized business spaces [see Exhibit 'I-3' – Proposed Site and Dimensioning Plan for Industrial Flex-Space (Civil Drawing I-3)]. A wide range of businesses could occupy the spaces such as service providers in various fields, light manufacturers, distribution, commercial food preparation, and Hi-tech, etc. Each unit will contain a “store-front” office, an ADA restroom, breakroom, and warehouse space on the first floor with office and/or storage space in the loft area and a 20-foot wide by 14-foot high on-grade roll-up door. The shop area will be clear span with gas fired unit heaters for freeze protection. The buildings will be steel and masonry construction and will be provided with a fire sprinkler system.

The proposed flex-space development will be geared more towards an incubator function providing a valuable contribution and sustainable industrial development for small- and medium-sized enterprises that cannot muster the capital necessary for individualized access to services provided in a developed industrial park.

<b>Units</b>	<b>Sizes</b>	<b>Units</b>	<b>Sizes</b>
Unit 100 1st Fl. Office	900	Unit 200 1 <sup>st</sup> Fl. Office	900
Unit 100 2nd Fl. Loft	506.5	Unit 200 2 <sup>nd</sup> Fl. Loft	450
Unit 100 Shop	1200	Unit 200 Shop	1350
Unit 101 1st Fl. Office	900	Unit 201 1 <sup>st</sup> Fl. Office	900
Unit 101 2nd Fl. Loft	450	Unit 201 2 <sup>nd</sup> Fl. Loft	450
Unit 101 Shop	1100	Unit 201 Shop	1100
Unit 102 1st Fl. Office	900	Unit 202 1 <sup>st</sup> Fl. Office	900
Unit 102 2nd Fl. Loft	450	Unit 202 2 <sup>nd</sup> Fl. Loft	450
Unit 102 Shop	1100	Unit 202 Shop	1100
Unit 103 1st Fl. Office	900	Unit 203 1 <sup>st</sup> Fl. Office	900
Unit 103 2nd Fl. Loft	450	Unit 203 2 <sup>nd</sup> Fl. Loft	450
Unit 103 Shop	1100	Unit 203 Shop	1600
Unit 104 1st Fl. Office	900		
Unit 104 2nd Fl. Loft	450		
Unit 104 Shop	1600	<b>TOTALS:</b>	<b>23,456.50</b>

Section 18.110.060 Site Design Approval Criteria

Criterion A. *The application is complete, as determined in accordance with Chapter 18.105 PMC, Types of Applications and Review Procedures, and PMC 18.110.050.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The packet submitted with the concurrent Planned Development and Site Plan Review applications contains all of the information requested in the application form for a Type III procedure. This criterion for approval will be met upon the application being deemed complete and notification sent to affected property owners for a Public Hearing before the Planning Commission.

Criterion B. *The application complies with all of the applicable provisions of the underlying Land Use District (Division 2), including building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards as may be required for certain land uses.*

**SUPPORTIVE FINDINGS:** The subject property is a portion of Tax Lot 100 Benton County Assessor's Map 12S03W12)(see Exhibit 'A-1' Composite Assessor's Maps) that is designated on the Philomath Comprehensive Plan and Zoning Map as 'IP' (Industrial Park)(see Exhibit 'C' – Existing Comprehensive Plan and Zoning Map). The proposed Flex-space Industrial development is permitted outright in the Industrial zoning districts with Site Design Review approval.

The buildings in the proposed flex-space development will be 1½ -story metal buildings with masonry accent walls [see Exhibit 'I-3' – Proposed Site and Dimensioning Plan for Industrial Flex Space,(Civil Drawing J-1) and Exhibits 'U-1' and 'U-2' - Industrial Flex Space Elevation Drawings and Typical Floor Plans] containing a total of 23,456 square feet. The nine flex space units will range in size from 2,297 square feet (5 units), 2,397 square feet (1 unit), 2,547 square feet (1 unit) and 2,797 square feet (2 units). Eight of the flex-space units will have 1,350 square feet of office space, with the 9<sup>th</sup> unit having an office space of 1,306.5 square feet. Each of the units will have an attached work space ranging in size from 1,100 to 1,600 square feet which includes 2 vehicle parking spaces within this area of the units.

Each unit will contain a "store-front" office, an ADA restroom, a breakroom and warehouse space on the first floor with office and/or storage space in the loft area and a 20-foot wide by 14-foot high on-grade roll-up doors and off-street parking.

**Building and yard setbacks:** *Minimum Front Yard Setback: 20 feet. Minimum Rear Yard Setback: No required Rear Yard Setback. Minimum Side Yard Setback: No required side yard setback.* Building 1 is setback from 60 to 80 feet from Southwest Main Street and 70 feet from the private north/south street. Building 2 is setback 70 feet from the private north/south street and 5 feet from the back of the sidewalk on the private east/west street

**Lot area & dimensions:** *No minimums.* The subject property has 149.68 feet of frontage on Southwest Main Street (see Exhibit 'X-1' – Proposed Partition Plan) and 490.84 feet of frontage on the private north/south street and 140.00 feet on the private east/west street serving both the flex-space development and the self-storage and recreational vehicle storage facilities

**Density and floor area:** Not applicable.

**Lot coverage:** *Maximum allowable lot coverage in the industrial park zone is 60% (buildings and paved surfaces).* The subject property contains 70,567.2 square feet (1.62 acres). The development will have a lot coverage of 78.8% which includes all buildings, paved areas and sidewalks with

21.2% of the property being provided with landscaping. However, the entire Planned Development area will have an average 60.3% of lot coverage.

Building height: *Buildings shall be no more than 50 feet in height.* The proposed buildings will be 1½ stories to provide for a loft office and will be 20 to 25 feet in height at the top of the ridge plate (see Exhibit 'U-1' – Industrial Flex-Space Elevation Drawings and Typical Floor Plans for Building A and Exhibit 'U-2' – Industrial Flex Space Elevation Drawings for Building B).

Building orientation: *All building entrances shall be oriented towards a street and may be oriented towards and internal street when adjacent to an arterial street.* All of the building entrances face the private north/south accessway from Southwest Main Street that serves the proposed development and the proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities (see Exhibit 'G-1' - Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development).

Architecture: *Building Entrances. All buildings shall have a primary entrance oriented to a street.* Each of the flex-space units have a covered entrance facing the private street (see Exhibit 'U-1' – Industrial Flex- Space Elevation Drawings and Exhibit 'U-2 – Industrial Flex-Space Typical Floor Plans).

Noise: Any noise emitted from the industrial flex-space units will be well within the Department of Environmental Quality (DEQ) and the City's standards for purposes of noise regulations. This can be ensured through a condition of approval resulting from the review process.

Toxic Materials: Businesses renting the flex-space units that utilize toxic or hazardous materials will be required to meet OSHA standards. This can be ensured through a condition of approval resulting from the review process.

Lighting: Site lighting will be provided throughout both the Industrial Flex-Space Development. Lighting will be provided from wall-mounted fixtures on all of the buildings. Front and side glare shields will be placed on all lighting fixtures to reflect the light on the buildings and access aisles within the development. No lighting will reflect on adjacent properties, streets, or into the night sky.

Security: Access to on-site security/monitoring systems will be provided for each of the flex-space units.

**SUPPORTIVE CONCLUSION:** The proposed 1½ -story buildings comply with all building and yard setbacks, lot area and dimensions, lot coverage, building height, building orientation, and other applicable standards as discussed in following assessments of the Code requirements. The relationship of the proposed development to the existing and future industrial developments will be reasonable compatible with surrounding development and land uses. The subject property is part of an existing "industrial" area, and the proposed flex-space development will be consistent with the existing uses surrounding the property in appearance and types of use. Small- and medium-sized manufacturing businesses and businesses in the services and trades will most likely provide most of the jobs in this proposed industrial flex-space development. No Variance has been requested. This criterion has been satisfied and can be ensured by a condition(s) of approval.

**Criterion C.** *The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in compliance with Chapter 18.160 PMC, Nonconforming Uses and Development.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The subject properties previously contained a planer and cutting mill. The former planning mill was located on Tax Lot 200, while the former barker and cutting

mill was located on Tax Lot 100. A log yard for staging logs prior to reduction to lumber was located immediately south of the cutting mill.

The mill was first constructed and operated by Hobin Lumber in the early-mid 1970's. In 1983 the mill was purchased and operated by WTD Industries/Tree Source. The mill closed for the final time in April 1998. Concrete structures (pads, footings, and containments), a wellhouse, a cinder-blocked sided fire well/pumphouse and a three-sided open shed near the former office location remain onsite. A few debris piles from mill demolition remain scattered over the property.

The redevelopment of the property with the Industrial Flex-Space Development [see Exhibit 'I-3' – Proposed Site and Dimensioning Plan for Industrial Flex-Space (Civil Drawing I-3)] will provide for the upgrade of the site to meet current district standards in compliance with Chapter 18.160PMC and can be ensured by conditions of approval.

***Criterion D. The application complies with the design standards contained in Division 3. All of the following standards shall be met:***

***5. Chapter 18.65 PMC, Access and Circulation;***

***A. 18.65.29(C): Access Permits Required***

***1. Permits required for access to a public street requires an access permit....***

**SUPPORTIVE FINDINGS AND CONCLUSION:** Southwest Main Street (Newport Corvallis Highway) is under the jurisdiction of the Oregon Department of Transportation (ODOT). All necessary permits will be obtained prior to issuance of construction permits for the proposed development. This standard can be ensured by a condition of approval.

***B. 18.65.29(D): Traffic Study Requirements. The city or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements (see also PMC 18.18.020).***

**SUPPORTIVE FINDINGS AND CONCLUSION:** A Traffic Impact Analysis report was prepared for the mixed use development by Associated Transportation Engineering and Planning (see Exhibit 'M' - Traffic Impact Analysis for Proposed Planned Development). The Transportation Analysis found that the Lepman Mixed Use Development in Philomath will generate an estimated 78 trips in the AM Peak hour and 11 trips in the PM Peak hour. Traffic to and from the planned mixed use development will affect performance metrics at the studied intersection, but not in significant or unplanned ways.

All of the studied intersections are performing at LOS C or better and with a v/c less than 0.505 with the development and into the future (2029). The intersection of Green Street at Hwy 20 should be monitored to determine if drivers are turning left from Green Street onto Hwy 20. If drivers are turning left, consideration should be given to installing a median limiting turns to right in/right out on Green Street. There were no left turns counted in the traffic count survey. Crash data provided by the ODOT Crash Data Unit indicates there have been 10 non-fatal crashes reported at the intersection of North 19<sup>th</sup> Street at Hwy 20 in the past 5 years. This rate is well within generally accepted standards in Oregon.

The subject property has frontage on Southwest Main Street (Newport Corvallis Highway), a Principal Arterial street, which is an ODOT facility. Southwest Main Street in this area is improved

to City and ODOT standards but is lacking curbs, gutters and sidewalks across the frontage of the subject property. These improvements will be made across the frontage of the property in accordance ODOT standards. This standard can be ensured by a condition of approval.

C. 18.65.030: Pedestrian access and circulation. *To ensure safe, direct and convenient pedestrian circulation, all developments except single family shall provide a continuous pedestrian and/or multi-use pathway system.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Bikeways are provided on Southwest Main Street. No separated bikeway will be provided on the private access street. A public 6-foot wide sidewalk will be provided across the frontage of Southwest Main Street with a private 5-foot wide sidewalk system provided from Southwest Main Street into the development on each side of the private access street (see Exhibit 'G-1' – Composite Site Plan for Self-Storage and Recreational Vehicle Park Facilities, Recreational Vehicle Park, and Industrial Flex Space Development). A sidewalk will be provided to connect the flex-space units to the private sidewalk system within the development. The sidewalk system will be separated from the private accessway by a 6-foot wide landscape strip on the west side of the sidewalk and a 5-foot wide landscape strip between the sidewalk and the parking stalls. The access to the proposed units and all sidewalks and crossings will meet ADA requirements. This standard can be ensured by a conditions of approval.

## 2. Chapter 18.70 PMC, Landscaping Street Trees, Fences and Walls;

### A. 18.70.020 Landscape conservation.

**Subsection 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. The purpose of this section is to incorporate significant native vegetation into the landscapes of development and protect 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.*

**Subsection B, Significant Vegetation.** *“Significant vegetation” means:*

- (1) ***Significant Trees and Shrubs.*** *Individual trees and shrubs with a trunk diameter of six inches or greater, as measured four feet above the ground (DBH) and all plants within the drip-line of such trees and shrubs, shall be deemed significant. Other trees may be deemed significant when nominated by the property owner and designated by the city council as heritage trees (i.e., by virtue of site, rarity, historical significance, etc.).*
- (2) ***Sensitive Lands.*** *Trees and shrubs on sites that have been designated as sensitive lands, in accordance with Chapter 18.55 PMC (e.g., due to slope, natural resource areas, wildlife habitat, etc.) and Chapter 18.85 PMC (hillside and erosion control) shall be protected.*
- (3) ***Exception.*** *Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Benton County.*

*Subsection C. Mapping and Protection Required.* *Significant vegetation shall be mapped as required by Chapter 18.110 PMC, Development Review and Site Design Review and Chapter 18.55 PMC, Overlay Districts. Significant trees shall be mapped individually and identified by species and size (diameter at four feet above grade, or DBH). A protection area shall be defined around the edge of all branches (drip-line) of each tree (drip-lines may overlap between trees). The city may also require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No significant vegetation exists within the development area of the proposed industrial flex-space units [see Exhibit 'D-3' – Significant Vegetation Identification Tax Lot 100 (Civil Drawing D-3)] and the area being proposed for development has not been identified as containing sensitive lands [see Exhibit 'D-1a' - Existing Conditions Tax Lot 100 (Civil Drawing D-1a) and Exhibit 'F-1' – Over Zones Tax Lot 100 (Civil Drawing F-1)].

The subject property does not contain areas that would be classified as hillside development. It does however contain Newton Creek and an east tributary to Newton creek that converge into Newton Creek within the property. Newton Creek is protected by a Resource Overlay zone that extends 50 feet from the top of the bank on both sides. The 50 feet wide strips of land are referred to as "protective zones" within the City of Philomath Development Ordinance. Within the "protective zones" the proposed development will include landscape plantings and seedings that will stabilize the area and prevent erosion. Plantings for slope stabilization along the creek banks will consist of native groups appropriate for the soil/moisture and solar aspect. Plant selection will also take in to account the native species already existing on site in similar conditions.

The plantings proposed within the 50 feet wide "protective zones" will consist of the following:

A mix of deciduous and coniferous trees. These include ash, firs, maples, oak, dogwood and cedars. Shrubs will be clustered in groups of 3-9 and include dogwood, ninebark, snowberry, red flowering currant, roses, ocean spray, Oregon grape, serviceberry, and elderberry.

All areas will be seeded with a native mix of grasses and perennials that are quick to establish and deeply rooted to help stabilize slopes. Seed mixes are from ProTime Seed and will include #402 Native Riparian Mix and #404 Native Upland Mix with Color. PT 408 Native Wetland Mix or similar may be used as needed in very wet areas around existing wetlands. It is also very effective at erosion control and quick to establish.

*Subsection D. Protection Standards.* *All of the following protection standards shall apply to significant vegetation areas:*

- (1) Protection of Significant Trees (subsection (B)(1) of this section). Significant trees identified as meeting the criteria in Subsection (B)(1) shall be retained when-ever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.*

- (2) *Sensitive Lands (subsection (B)(2) of this section). Sensitive lands shall be protected in conformance with the provisions of Chapter 18.55 PMC.*
- (3) *Conservation Easements and Dedications. When necessary to implement the comprehensive plan, the city may negotiate dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** There are no significant trees (greater than 6" in diameter at 4 feet in height) within the proposed flex-space development area [see Exhibit 'D-3' – Significant Vegetation Identification Tax Lot 100 (Civil Drawing D-1)]. If there are "significant trees on the abutting property to the east, the trees located near the construction area will be protected in accordance with City Standards. This can be ensured by a condition of approval.

**Subsection E, Construction.** *All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the city for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with Chapter 18.55 PMC, Overlay Districts.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** There are no significant trees (greater than 6" in diameter at 4 feet in height) within the proposed flex-space development area [see Exhibit 'D-3' – Significant Vegetation Identification Tax Lot 100 (Civil Drawing D-3)].

**Subsection 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*
- (2) *Emergencies. Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Division 4, when the vegetation poses an immediate threat to life or safety, as determined by the planning official. The city official shall prepare a notice or letter of decision within 21 days of the tree(s) being removed. The decision letter or notice shall explain the nature of*

**SUPPORTIVE FINDINGS AND CONCLUSION:** There are no significant trees (greater than 6" in diameter at 4 feet in height) within the proposed flex-space development area and no dead, diseased or trees that pose a hazard have been identified [see Exhibit 'D-3' Significant Vegetation Identification (Civil Drawing D-3)]. Compliance with these Standards can be ensured by a condition of approval.

**B. 18.70.030 PMC. New Landscaping.**

1. **Subsection A, Applicability.** *This section shall apply to all developments requiring site design review, and other developments with required landscaping.*

2. Subsection B, Landscaping Plan Required. *A landscape plan is required. All landscape plans shall conform to the requirements in PMC 18.110.050(B)(4), Landscape Plan.*
3. Subsection C, Landscape Area Standards. *The minimum percentage of required landscaping equals:*

*a. Industrial districts: A minimum of 20 percent of the site shall be landscaped.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** A Conceptual Landscape Plan has been provided for the Self-storage and Recreational Vehicle and Boat Storage Facilities and the Industrial Flex-space Development (see Exhibit 'S-2'). The proposed industrial flex-space development area contains 70,567.2 square feet (1.62 acres). The required minimum of 20 percent of the site being landscaped would result in 14,113.44 square feet of landscape area being required. The proposed landscaped area is 14,981 square feet (see Exhibit 'J-1' – Lot Coverage Assessment for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Flex Space). The 0.344-acre of landscape area includes 0.075 acres of wetlands that will be preserved. This design standard has been met and can be ensured by a condition(s) of approval.

The Final Landscape plan that will be submitted with Building Plans for Permits will address all of these standards. These standards can be met and can be ensured by conditions of approval.

8. Subsection D, Landscape Materials. *Landscape materials include trees, shrubs and ground cover plants, non-plant ground covers, and outdoor hardscape features as described below:*
  - a. Natural Vegetation. *Natural vegetation and shall be preserved or planted where practicable.*
  - b. Plant Selection. *A combination of deciduous and evergreen trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.*
  - c. Non-native, invasive plants, *as per PMC 18.70.020(B), shall be prohibited.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed landscaping within the landscaped areas of the Planned Development will consist of a combination of deciduous and evergreen trees, shrubs, hedges, ground covers or native riparian mix seeding. All trees will have a minimum diameter or caliper four feet above grade of two inches or greater. Bark mulch will not cover more than 50 percent of the area to be landscaped. The significant trees located adjacent to Newton Creek will be protected wherever possible. If a tree must be removed, a tree larger than the minimum standard will be used as a replacement tree. The landscape material will meet or exceed the minimum caliper or height for trees and the shrubs will be 5-gallon or larger in size and no non-native, or invasive plants are proposed. The standards can be ensure by a condition of approval.

- d. *Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 60 percent of the required landscape area, except in the central and general commercial and all industrial districts, where hardscape features may cover up to 80 percent of the landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No hardscape features have been included in fulfilling the landscaped area requirement within the proposed industrial flex-space development. This requirement is not applicable.

- e. *Non plant Ground Covers. Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 50 percent of the area to be landscaped. Coverage is measured based on the size of plants at maturity or after four years of growth, whichever comes sooner.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The areas to be landscaped will contain trees and shrubs. No more than 50% of the landscaped area will include bark dust or other none-plant ground covers (see Exhibit 'R-3' - Conceptual Landscape Plan for Industrial Flex-Space Development). The proposed groundcover, native upland buffer seed mixes and evergreen groundcovers will have a 100% ground cover in four years. These standard can be met and can be ensured by a condition of approval.

- f. *Tree Size. Trees shall have a minimum caliper size of one and one-half inches or greater, or be eight feet or taller, at time of planting.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** All proposed trees will be a minimum caliper size of one and one-half inches and will be a minimum of eight feet [see Exhibit 'R-3' - Conceptual Landscape Plan for Industrial Flex-Space Development). These standards can be met and can be ensured by a condition of approval.

- g. *Shrub Size. Shrubs shall be planted from one gallon containers or larger.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** All proposed shrubs will be a minimum of one gallon in size (see Exhibit 'R-3' - Conceptual Landscape Plan for Industrial Flex-Space Development). This standard can be met and can be ensured by a condition of approval.

- h. *Ground Cover Size. Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 100 percent of the underlying soil within four years.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed general ground covers and evergreen ground covers will grow together to cover 100 percent of the soil with in four years (see Exhibit 'R-3' - Conceptual Landscape Plan for Industrial Flex-space Development). This standard can be met and can be ensured by a condition of approval.

- i. *Significant Vegetation. Significant vegetation preserved in accordance with PMC 28.70.040 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per-square foot basis. The street tree*

*standards of {MC 18.70.040 may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street streets.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No significant vegetation is located within the development area of the proposed Industrial Flex Space development. This standard is not applicable.

- j. Stormwater Facilities. Stormwater facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No detention/retention ponds or swales or proposed within the proposed Industrial Flex-Space development. This standard is not applicable.

- 9. Subsection E, Landscape Design Standards.** *All yards, parking lots and required street tree planter strips shall be landscape in accordance with the provision of this chapter (PPMC 1870,010 through 18.70.050). Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, bases upon the following standards:*

- (1) Yard Setback Landscaping.** *Landscaping shall satisfy the following criteria:*
- (a) Provide visual screening and privacy within side and rear yards, while leaving front yards and building entrances mostly visible for security purposes;*
  - (b) Use shrubs and trees as wind breaks, as appropriate;*
  - (c) Retain natural vegetation, as practicable.*
  - (d) Define pedestrian pathways and open spaces with landscape materials;*
  - (e) Provide focal points within a development, such as signature trees (i.e., large or unique trees) hedges and flowering plants.*
  - (f) Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;*
  - (g) Use a combination of plants for ear-long color and interest; and*
  - (h) Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** All of these applicable standards have been met (see Exhibits "R-3" - Conceptual Landscape Plan for Industrial Flex-Space Development). These standards can be met and can be ensured by a condition of approval.

- (2) Parking Areas.** *A minimum of five percent of the combined area of all parking areas, as measured around the perimeter of all parking space and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evening distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between*

*parking bays to provide a partial canopy. At a minimum, one tree per five parking spaces total shall be planted to create a partial tree canopy over around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscape areas shall have minimum dimension of four feet by four feet to ensure adequate soil, water, and space for healthy plant growth.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The parking lot contains 44 parking space in a single line across the frontage of the private accessway. Street trees and parking lot trees have been provided in landscape areas a minimum of five-feet in width (see Exhibit 'R-3' – Conceptual Landscape Plan for Industrial Flex-space Development). These standards can be met and can be ensured by a condition of approval.

(4) **Buffering and Screening Required.** *Buffering and screening are required under the following conditions:*

(a) **Parking/Maneuvering Area Adjacent to Streets and Drives.** *Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, landscaped berm or similar screen shall be established parallel to the street or driveway to the greatest extent practical, excluding vision clearance areas.*

*The required screening devise shall be no less than 36 inches in height within one year of development and not exceed 43 inches in height unless the street grade dictates otherwise to buffer the parking area. The design of the wall or screening shall also allow for visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained in good condition or otherwise replaced by the owner.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** A hedge will be provided on the east side of the sidewalk adjacent to the private accessway within the 5-foot wide landscape strip and a berm with plant material will be placed along Southwest Main Street to buffer the parking area from the street (see Exhibit 'R-3' - Conceptual Landscape Plan for Industrial Flex-Space Development). These standards can be met and can be ensured by a condition of approval.

(b) **Parking/Maneuvering Area Adjacent to Building.** *Where an area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than five feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to*

*residential ground floor living space, a landscape buffer is required to fulfill this requirement.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The parking spaces within the proposed Industrial Flex-Space Development are located adjacent to the west side of drive-aisle serving the flex-space units and are separated from the private accessway by a 5-foot wide sidewalk [see Exhibit 'I-3' – Proposed Site and Dimensioning Plan for Industrial Flex-space (Civil Drawing I-3)] and a 5-foot landscaped strip. A 5-foot wide raised sidewalk has been provided on the east side of the drive-aisle where overhead doors are not provided to the units. These standards have been met.

- (c) **Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses.** *All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and residential districts. Screening shall be provide by one or more of the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non see-through fence, or a similar feature that provides a non see-through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter.65 PMC, Access and Circulation (See PMC 18.70,050 for standards related to fences and walls.)*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The mechanical equipment for the individual industrial flex-space units will be provided on the roof of the two buildings. The equipment will be screened from view (see Exhibits 'U-1' – Proposed Industrial Flex-Space Elevation Drawings and Typical Floor Space for Building A and 'U-2' – Proposed Industrial Flex-Space Elevation Drawings and Typical Floor Space for Building B). No service area is located adjacent to a public street or residential district. Hedges are proposed within the development to screen on-site parking from Southwest Main Street and the private accessway. These standards have been met.

**Subsection F, Maintenance and Irrigation.** *The use of drought-tolerant plant species is encouraged and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen. All other landscape features required by this title shall be maintained in good condition or otherwise replaced by the owner.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** All landscape material is to be irrigated with an automatic underground irrigation system. The plant selection will maximize the use of drought tolerant plants. Native trees, shrubs and seed mixes will be used in the riparian buffer and around the wetlands and stormwater facilities. This standard can be met and can be ensured by a condition of approval.

Subsection G, Additional Requirements. *Additional buffering and screening may be required for specific land uses, as identified by Division 2, and the city may require additional landscaping through the conditional use permit process.*

SUPPORTIVE FINDINGS AND CONCLUSION: No additional buffering and screening is required for the proposed land use. These standards are not applicable to the proposed site layout.

Section 18.79.040 Street Trees. *Street trees shall be planted for all developments that are subject to land division or site design review. Requirements for street tree planting strips are provided in PMC 28.80.020, Transportation Improvements. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:*

Subsection A, Growth Characteristics. *Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:*

1. *Provide a broad canopy where shade is desired.*
2. *Use low-growing trees for spaces under utility wires*
3. *Select trees that can be "limbed-up" where vision clearance is a concern.*
4. *Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between building and the street.*
5. *Use species with similar growth characteristics on the same block for design continuity.*
6. *Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.*
7. *Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.*
8. *Select trees for their seasonal color, as desired.*
9. *Use deciduous trees for summer shade and winter sun.*

SUPPORTIVE FINDINGS AND CONCLUSION: The street trees will be selected from the approved Philomath street tree list. Trees will be planted with a spacing of 30 feet on center unless there is a conflict of utilities, driveways, and crosswalk, etc. (see Exhibit 'R-3' - Conceptual Landscape Plan for Industrial Flex-Space Development). These standards can be met and can be ensured by a condition of approval.

Subsection B, Caliper Size. *The minimum caliper size at planting shall be one and one-half inches, based on the American Association of Nurserymen Standards.*

SUPPORTIVE FINDINGS AND CONCLUSION: The proposed trees will be a minimum of one and one-half inches, based upon the American Association of Nurserymen Standards [see Exhibits 'R-3' - Conceptual Landscape Plan for Industrial Flex-Space Development. This standard can be met and ensured by a condition of approval.

Subsection C, Spacing and Location. *Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees*

*shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed street trees on Southwest Main Street and adjacent to the private accessway will be spaced no more than 30 feet apart except where conflicts exist with utilities, driveways or crosswalks, etc. (see Exhibits 'R-3' - Conceptual Landscape Plan for Industrial Flex-Space Development. This standard can be met and can be ensured by a condition of approval.

**Subsection D, Soil Preparation, Planting and Care.** *The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.*

**Subsection E, Assurances.** *As an alternative, the city may accept a fee or performance bond in accordance with the adopted fee schedule for each required street tree. The fee shall cover the city's expense for planting and the first two years of care.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** At this time, the applicant will be installing all landscaping to the Landscape Architect's specifications and providing irrigation for landscaping for 2 years after planting for the drought resistant plantings and longer for areas that don't contain drought resistant material. This can be ensured by a condition of approval.

#### **Chapter 18.72 Fences Hedges and Walls.**

##### **Section 18.72.030 General Provisions.**

###### **Subsection A, Permits**

1. *No permit shall be required for placement of fences or hedges that comply with the provisions of this chapter.*
2. *Retaining walls shall be subject to permitting requirements when greater than four feet in height.*
3. *Owners intending to place fences, walls or hedges within any public utility easement or right-of-way shall be required to secure an encroachment permit from the city council prior to the commencement of the project.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fences, walls or hedges are proposed to be utilized in the industrial flex-space development within the public utility easement located adjacent to Southwest Main Street. These provisions are not applicable.

###### **Subsection B, Locations.**

1. *Fences, hedges and walls may be located within required yard setbacks; provided, that they comply with the provisions contained herein.*
2. *Corner lots may have side yard fencing out to the sidewalk, within six feet of the curb, or property line where neither a curb nor sidewalk exists.*
3. *Fences, hedges and walls may be placed within vision clearance areas up to a height of four feet where such features comply with the open sighted provision defined in this chapter. For purposes of this chapter vision clearance areas shall be defined in PMC 28.25.020 with the two side dimension being not less than 7*

- and a half feet for drives and where the back yard of any property abuts the front yard of an adjacent property.*
4. *Privacy screens may be situated anywhere within the back or side yard areas of any property where a setback of at least 10 feet from the property line is observed. When situated in any residential ...*
  5. *Fences, hedges, and walls shall be located not less than five feet in radius from any fire hydrant or street sign.*
  6. *Sight obscuring fences, walls or hedges may be required to screen activities such as garbage collection, recycling or for mechanical fixtures as part of the city's review and approval process.*
  7. *For any industrial or public zone fences, walls, or hedges may be located or maintained in any yard except for the front and/or where vision clearance areas must be observed.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fences or walls are proposed to be utilized in the industrial flex-space development. A boxwood hedge will be provided within the landscape area adjacent to the sidewalk on the west side of the development to screen the parking area from the private accessway (see Exhibit 'R-3' Conceptual Landscape Plan for Industrial Flex-Space Development. These provisions have been met and can be ensured by a condition of approval.

**Subsection C, Heights**

1. **Back and Side Yards.**

- a. *Where back or side yards are adjacent to nonresidential property or railways, hedges may be allowed to grow to a height of 10 feet from grade for privacy or noise abatement purposes.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed development is adjacent to nonresidential properties. This standard is not applicable.

2. **Front Yards.**

- a. *When placed in front areas or front yards, heights shall be limited to four feet except for front privacy screens which shall not exceed six feet in total height.*
- b. *When facing any public right-of-way, pedestrian gates and trellises used as entry features shall not exceed eight feet in height or five feet in width. No entry feature may extend more than three feet in depth.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fences or walls are proposed in the front yard areas adjacent to Southwest Main Street. A boxwood hedge will be planted within the five-foot landscape area between the sidewalk and the parking spaces adjacent to the private accessway from Southwest Main Street (see Exhibit 'R-1' Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin). These provisions have been met.

3. **Corner Lots.** *Where a rear yard is abutting the adjacent property's front yard, the fence, wall or hedge shall be placed and sized to provide for a vision clearance area. The rear yard fence, hedge or wall may be no higher than four feet above the sidewalk or grade.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed flex-space buildings do not abut the adjacent property's front yard. This standard is not applicable.

4. ***Fences on Retaining Walls.*** *Fences located atop retaining walls may follow the height requirements above where the top of the retaining wall is at grade on at least one side. Where the grade on either side of the wall is below the top of the wall, the overall height of the fence/wall combination shall be measured from the higher of the grades on either side.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fence atop a retaining wall is proposed for the industrial flex-space development. This standard is not applicable.

5. **Berms.**

- a. *Fences, walls, or hedges to be placed atop berms shall have their overall height determined based on the grade in effect prior to construction of the berm.*
- b. *In front yards, vision obscuring fences and berms shall not exceed a total overall height of four feet from the lower of the original grade or the center of the adjacent street.*
- c. *Berms may not be greater than 18 inches in height over the preconstruction or natural grade.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** An 18-inch high berm is proposed adjacent to Southwest Main Street (see Exhibit 'R-1' Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin) to screen the parking area from the street. These provisions have been met.

6. *Fences, walls or hedges located in any industrial or public zones shall not exceed eight feet in height except for designated sports fields where additional heights may be required to provide for safety.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fencing will be provided for the proposed Flex-space industrial development. The proposed boxwood hedge will be maintained at a height of 3 feet. This standard can be ensured by a condition of approval.

**Subsection D, Material and Styles.**

1. *Fences and walls in front yards and/or vision clearance areas may be of a chain-link or picket style and must meet the definition of open sighted for purposes of this chapter. This open sighted provision applies to hedges and landscaping as well.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fences, walls or hedges are proposed within the front yards or vision clearance areas (see Exhibit 'R-3' Conceptual Landscape Plan for Industrial Flex-Space Development). This standard is not applicable.

2. *Walls or fences shall not be constructed of, or contain any, materials that could do bodily harm including, but not limited to, broken glass, spikes, razor wire or any other hazardous or dangerous materials.*

**SUPPORTIVE FINDINGS AND CONCLUSION.** No fences or walls are proposed to be constructed within the industrial flex-space development. This standard is not applicable.

3. *Hedges adjacent to any street or sidewalk, alley or other pedestrian right-of-way shall not be of a type consisting of sharp thorns, leaves, or needles that could prove harmful when contacted. Examples include holly, blackberry, or cactus.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** A boxwood hedge or similar plant material will be planted within the 5-foot wide landscape adjacent to the private accessway (see Exhibit 'R-1' Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin). The boxwood plant does not consist of sharp thorns, leaves or needles. This standard has been met.

4. *Fences shall be constructed from materials customarily used for such purposes, typically chain link, decorative wrought iron, synthetics, pressure treated lumber, cedar, redwood or similar. Fences and walls shall not be constructed from materials not originally intended for that purposed. Prohibited materials include, but are not limited to, pallets, tarps, tires, wheel rims, drywall, plywood, firewood stacks, plastic sheeting, and corrugated sheet stock.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fences will be constructed as part of the industrial flex-space development. This standard is not applicable.

5. *Walls may be constructed of stone, rock, masonry, concrete, boulders, brick or other similar material.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The walls enclosing the trash and recycling enclosure are proposed to be constructed of matching masonry block that will be on the lower 6-feet of the buildings (see Exhibit 'T-6' Proposed Enclosed Garbage Containment Area and Exhibit 'T-7' - Bicycle Storage and Exhibit 'U-1' - Industrial Flex-Space Elevation Drawings and Typical Floor Plans for Building A and Exhibit 'U-2' - Industrial Flex-Space Elevation Drawings and Typical Floor Plans for Building B). This standard has been met.

6. *Berms shall be of earthen type capable of supporting vegetation and shall be constructed such that no erosion of the materials shall transfer onto adjacent streets or sidewalks.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The 18-inch high berm adjacent to Southwest Main Street will be located approximately 20 feet from the right-of-way line of Southwest Main Street. The berm will be landscaped (see Exhibit 'R-1' Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin) and no erosion of materials will transfer onto the public street, private accessway or sidewalks. This standard has been met and can be ensured by a condition of approval.

7. *A hedge or other dense landscaping may be used to satisfy a requirement for a sight obscuring fence where required, subject to height restrictions specified for the location.*

**SUPPORTIVE FINDINGS AND CONCLUSION.** The proposed industrial flex-space development will have a sight-obscuring masonry enclosure around the garbage and recycling containment area (see Exhibit 'T-6' Proposed Enclosed Garbage Containment Area Within Planned Development; Exhibit 'T-7' – Covered Bicycle Storage, Exhibit 'U-1' – Industrial Flex-Space Elevation Drawings and Typical Floor Plans for Building A and Exhibit 'U-2' – Industrial Flex-Space Typical Floor Plans for Building B). This requirement is not applicable.

**Subsection E, Restricted Fences.**

1. *Barbed or razor wire fences are allowed only in agricultural areas where little danger of inadvertent contact by humans could occur or in nonresidential areas where barbs or razor wire shall be not less than six and one-half feet above grade and situated on top of otherwise approved fencing.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fencing is proposed for the industrial flex-space development. This standard is not applicable.

2. *Electrified fences are allowed only where said fence is completely enclosed inside a property boundary by a barrier type fence that satisfies the provisions of this chapter, or on the outer boundary of the city limits bordering county zoning districts; or in approved agricultural areas where no chance of inadvertent contact by humans could occur. All electrified fencing shall be conspicuously marked as being such.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fencing is proposed. This standard is not applicable.

3. *All wire, twine, rope, plastic or other flexible mesh style fencing is prohibited in residential areas within four feet of any sidewalk or public right-of-way. However, fencing of a temporary nature for use around construction sites and such may consist of appropriate forms of these material.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Temporary fencing will consist of chain-link fencing material. This standard has been met and can be ensured by a condition of approval.

**Subsection F, Maintenance.** *Fences and walls shall be structurally maintained in a safe condition of repair and shall not be allowed to become and/or remain in a condition of disrepair including, but not limited to, noticeable leaning, broken supports or framing and growth of noxious weeds.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** There will be no fences, however, the garbage and recycling containment area will be enclosed with a masonry wall with sight-obscuring gates (see Exhibit 'R-6' - Proposed Enclosed Garbage Containment Area Within Planned Development). This standard can be ensured by a condition of approval.

**Subsection G, Other Provisions.**

1. *In no event shall any gate, door or portion of said fencing be allowed to open outward across any sidewalk, curb, or other public right-of-way.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The only gate proposed will be for the garbage and recycling containment area (see Exhibit 'T-6' - Proposed Enclosed Garbage Containment Area Within Planned Development). Roll-up doors will be provided for the flex-space units. Neither the garbage containment gate nor the roll-up doors open out onto any sidewalk, curb or public right-of-way. This standard has been met.

2. *Fences, walls, or hedges on the back of through lots, except corner lots, that would otherwise be considered back yard features shall be treated in accordance with front yard provisions for portions of the lot 10 feet or closer to any sidewalk, curb, street or other public right-of-way.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fence, wall or hedge is proposed on the back of the industrial flex-space buildings. This standard is not applicable.

3. *Where fencing is adjacent to any street or sidewalk, the exposed framing side of the fence shall face inward toward the lot.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fencing is proposed adjacent to the proposed private accessway, street or sidewalk within or adjacent to the proposed flex-space development. This standard is not applicable.

4. *Where fencing or wall designs use pickets or points as ornamental or architectural features, said features shall be rounded or otherwise blunted to provide for public safety.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No fencing is proposed adjacent to any private accessway, street or sidewalk within or adjacent to the proposed industrial flex-space development. This standard is not applicable.

5. *Swimming pools, hot tubs, ponds, and similar water features greater than one foot deep shall be surrounded and screened with a minimum four-foot high secured fence or wall or be equipped with a functional latching cover. The fence or wall must have a self-latching gate in accordance with Chapter 15.15 PMC.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No water feature is proposed within the Industrial Flex-Space development. This standard is not applicable.

**Subsection H, Variances.** *Variances to any requirement of this code shall be processed in accordance with Chapter 18.155, Variances.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No Variances have been requested for the Industrial Flex-Space development. This requirement is not applicable.

**Chapter 18.75 PMC, Vehicle and Bicycle Parking:**

**Section 18.75.030 Vehicle parking requirements.** *The minimum number of required off-street vehicle parking space (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 space shall be determined in accordance with the following standards:*

- a. *General Offices: one space for 450 square feet of gross floor area.*
- b. *Industrial Uses: one space per two employees on the largest shift or for each 700 square feet of floor area.*

**SUPPORTIVE FINDINGS:**

The nine flex space units will range in size from 2,297 square feet (5 units), 2,397 square feet (1 unit), 2,547 square feet (1 unit) and 2,797 square feet (2 units). Eight of the flex-space units will have 1,350 square feet of office space, with the 9<sup>th</sup> unit having an office space of 1,306.5 square feet. Each of the units will have an attached work space ranging in size from 1,100 to 1,600 square feet which includes 2 vehicle parking spaces within this area of the units.

Use	Square Footage	Required Parking By Use	Provided Garage Parking	Provided Parking Lot
Unit 100 1st Fl. Office	900	2.00		2.00
Unit 100 2nd Fl. Loft	506.5	1.13		1.13
Unit 100 Shop	1200	1.71	2	-0.29
Unit 101 1st Fl. Office	900	2.00		2.00
Unit 101 2nd Fl. Loft	450	1.00		1.00
Unit 101 Shop	1100	1.57	2	-0.43
Unit 102 1st Fl. Office	900	2.00		2.00
Unit 102 2nd Fl. Loft	450	1.00		1.00
Unit 102 Shop	1100	1.57	2	-0.43
Unit 103 1st Fl. Office	900	2.00		2.00
Unit 103 2nd Fl. Loft	450	1.00		1.00
Unit 103 Shop	1100	1.57	2	-0.43
Unit 104 1st Fl. Office	900	2.00		2.00
Unit 104 2nd Fl. Loft	450	1.00		1.00
Unit 104 Shop	1600	3.56	2	1.56
Unit 200 1st Fl. Office	900	2.00		2.00
Unit 200 2nd Fl. Loft	450	1.00		1.00
Unit 200 Shop	1350	3.00	2	1.00
Unit 201 1st Fl. Office	900	2.00		2.00
Unit 201 2nd Fl. Loft	450	1.00		1.00
Unit 201 Shop	1100	1.57	2	-0.43
Unit 202 1st Fl. Office	900	2.00		2.00
Unit 202 2nd Fl. Loft	450	1.00		1.00
Unit 202 Shop	1100	1.57	2	-0.43
Unit 203 1st Floor Office	900	2.00		2.00
Unit 203 2nd Fl. Loft	450	1.00		1.00
Unit 203 Shop	1600	2.29	2	0.29
TOTALS:	23,456.50	45.54	18	27.54

**SUPPORTIVE CONCLUSION:** A total of 45.54 parking spaces are required for the proposed development. A total of 34 parking spaces have been provided within the parking lot and a total of 18 vehicle spaces have been provided within the buildings. A total of 52 parking spaces have been provided, with 6 extra spaces.

All parking spaces and aisles will meet the requirement of Table 18.75.030 E of the Philomath Development Code. These standards have been met and can be ensured by conditions of approval.

*Section 18.75.030B Bicycle parking requirements. This section does not apply to single family and two family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The number of required parking spaces for the proposed Flex-space Industrial Development is two spaces per 10 vehicle parking spaces. A minimum of 6 bicycle parking spaces will be provided. The covered bicycle parking will be located near the southwest corner of the covered garbage containment area and will meet the space standards as listed in ADC9.120(13)(e)-(h). This can be ensured by a condition of approval.

**F. Chapter 18.80 PMC, Public Facilities Standards;**

***18.80.020 Transportation Improvements.***

***P. Development Standards. No development shall occur unless the development has frontage or approved access to a public street in conformance with the provisions of Chapter 18.65 PMC, Access and Circulation and the following standards are met:***

- 1. Streets within or adjacent to a development shall be improved in accordance with the comprehensive plan, transportation system plan and the provisions of this chapter.***
- 2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;***
- 3. New street and drives shall be paved; and***
- 4. The city may accept a future improvement guarantee (e.g., owner agrees not to object against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:***
  - e. A partial improvement may create a potential safety hazard to motorists or pedestrians;***
  - f. Due to the developed conditions of adjacent properties, it is likely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;***
  - g. The improvement would be in conflict with an adopted capital improvement plan; or***
  - h. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed street system serving the Industrial Flex-Space development will be a private accessway that is designed to function as a right in/right out accessway from Southwest Main Street which is under the jurisdiction of ODOT. In the future, the private main private accessway will be connected to a future public street (see Exhibit

'Y-1' – Existing Covenants and Restrictions). The proposed private accessway is not in conflict with any adopted capital improvement plan. The private 30-foot wide accessway will be constructed to City Standards with curbs, gutters and sidewalks on both sides of the private street. This can be ensured by a condition of approval.

*Q. Variances. Variances to the transportation design standards in this section may be granted by means of a Class B variance, as governed by Chapter 18.155 PMC.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No variances are being requested to the transportation design standards. This criterion is not applicable.

*R. Creation of Rights-of-way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat, except the city may approve the creation of a street by acceptance of a deed; provided, that the street is deemed essential by the city council and the deeded right-of-way conforms to the standards of this title. All deeds of dedication shall be in a form prescribed by the city and shall name "the public," as a grantee.*

6. **SUPPORTIVE FINDINGS AND CONCLUSION:** No public streets are being created. The private accessways will be created by a reciprocal easement as shown on the proposed Partition [see Exhibit 'X-1' – Proposed Partitioning Plan (Civil Drawing X-1), Exhibit 'Y-1' – Existing Covenants and Restrictions and Exhibit 'Y-2' – Proposed Private Accessway and Utilities Agreement Within the Proposed Planned Development] to be created by a recorded deed. This criterion is not applicable.

*S. Creation of Access Easements. The city may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Chapter 18.65 PMC, Access and Circulation. Access easements shall be created and maintained in accordance with the applicable provisions of the Uniform Fire Code.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** A reciprocal access easement will be provided throughout the proposed Planned Development to provide for vehicular and fire access from Southwest Main Street, a Principal Arterial Street to the Self-Storage and Recreational Vehicle and Boat Storage Facilities and the Industrial Flex-Space development located within proposed Parcels 1 and 2 of the concurrent proposed Partition Application [see Exhibit 'G-2' - Composite Turning Radius Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park and Industrial Flex Space Development (Civil Drawing G-2), Exhibit 'X-1' – Proposed Partitioning Plan (Civil Drawing X-1) and Exhibit 'Y-2' – Proposed Private Accessway and Utilities Agreement Within the Proposed Planned Development].

In addition, existing reciprocal access easements will provide access to a future Local Street which will be constructed in the adjoining property to the east (see Exhibit 'Y-1' – Existing Covenants and Restrictions). Reciprocal fire access easements will also be provided through the property from Southwest Main Street to North 19<sup>th</sup> Street. Recording of these easements can be ensured by a condition of approval. The provisions for continued access and the maintenance of the private accessways through the proposed Planned Development will either be recorded with the Partitioning Plat or by separate deed. This can be ensured by a condition of approval.

*T. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to the TSP and design specifications, as applicable, and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.*

- 1. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter, or*
- 2. Conform to a street plan approved by the city, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed private accessway serving the proposed Planned Development will connect to Southwest Main Street, a Principal Arterial Street on the south of the development and to North 19<sup>th</sup> Street, a Minor Arterial Street on the northwest and to a future public street planned for to the east of the proposed development providing for adequate connections to the public street system [see Exhibit ‘G-1’ – Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational vehicle Park and Industrial Flex-Space Development (Civil Drawing G-1)]. The proposed Industrial Flex-Space development is located on the eastside of the private accessway. The private 30-foot wide accessway will be constructed to City Standards with curbs, gutters and sidewalks. This can be ensured by a condition of approval.

*U. Extension Preclusion. Any development that would preclude the logical extension of an existing street may be modified or rejected by the planning official.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed private accessway system was discussed with the City Staff, a Benton County Road Department representative, a representative from ODOT and Westech Engineering at a pre-application meetings held on October 17, 2017, March 1, 2018, April 25, 2018, and June 26, 2018.

The Traffic Impact Analysis for the Proposed Planned Development (see Exhibit ‘M’) evaluated the proposed site circulation system and has determined that it will accommodate expected traffic from the proposed project. As required by public street systems, the proposed development provides for pedestrian connections through the site and to the adjacent sidewalk on Southwest Main Street. This Criterion has been met.

- V. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall conform to the applicable design specification. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:*
- 1. Street classification in the comprehensive plan and/or transportation system plan;*
  - 2. Anticipated traffic generation;*
  - 3. On-street parking needs;*
  - 4. Sidewalk and bikeway requirements based upon anticipated use;*
  - 5. Requirements for placement of utilities;*
  - 6. Street lighting;*
  - 7. Minimize drainage, slope, and sensitive lands impacts, as identified in Chapter 18.55 PMC and/or the comprehensive plan;*

8. *Street tree location, as provided for in Chapter 18.70 PMC;*
9. *Protection of significant vegetation, as provided for in Chapter 18.70 PMC;*
10. *Safety and comfort for motorists, bicyclists, and pedestrians;*
11. *Street furnishings (e.g., benches, lighting, bus shelters, etc., when provided;*
12. *Access needs for emergency vehicles; and*
13. *Transition between different street widths (i.e., existing streets and new streets), as applicable.*

*Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The Traffic Impact Analysis for the Proposed Planned Development (see Exhibit 'M') evaluated the proposed private site circulation system and has determined that it will accommodate expected traffic from the proposed Planned Development. No public street rights-of-way are shown within the subject property on the Comprehensive Plan Map or Transportation System Plan. Curbs, gutters and sidewalks will be provided on both sides of the private accessway. Easements will be provided for both public and private utilities. These standards can be ensured by conditions of approval as necessary.

#### *W. Future Street Plan and Extension of Streets.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No future public streets or extension of public streets have been included in the City's Transportation Plan within the area of the proposed Planned Development of which the Industrial Flex-Space development is a part.

#### *18.80.030 Public Use Areas.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The area of the subject property adjacent to Newton Creek is shown on the Comprehensive Plan as Industrial Park and Heavy Industrial. Comprehensive Parks and Recreation Policy 4 states that "the types of recreation space which shall be provided to meet the City's recreation needs are community/district parks, neighborhood parks, and linear recreation corridors such as multi-use paths." The applicant intends to dedicate a 16-foot wide easement to the City of Philomath adjacent to the west side of the Newton Creek to provide for the construction of a 10-foot wide pedestrian/bikeway [see Exhibit 'G-1' – Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-space Development (Civil Drawing C-1)]. This can be ensured by a condition of approval.

#### *18.80.040 Sanitary sewer and water service improvements.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Sanitary sewer will be provided to the proposed development by a private sanitary sewer extension from the existing 15-inch public sanitary sewer mainline that runs along the south property line of the developments. The existing 15-inch public sanitary sewer line has the capacity to serve the proposed flex-space development.

Both fire water and domestic building water supplies will be provided by constructing a 12-inch public water mainline from the existing 12-inch public mainline that is in an existing public easement on the

property to the east. The proposed 12-inch public water line extension will be located within an existing utility easement on the neighboring property to the east [see Exhibit 'G-3a' – Self-Storage and Recreational Vehicle and Boat Storage Utility Plan and Industrial Flex-Space Utility Plan (Civil Drawing G-3a)]. The water line on within the subject property containing the industrial flex-space development will enter into the proposed development in the private street just north of the proposed industrial flex-space. Fire water supply to the proposed public fire hydrant, the on-site private fire hydrants, the proposed fire sprinkler system for the industrial flex space buildings, the proposed fire sprinkler systems for the self-storage office/manager's residence and the proposed fire sprinkler system for the 3-story self-storage building will all be supplied by this 12-inch public waterline extension. Domestic water supply for the industrial flex space buildings, the proposed fire sprinkler systems for the self-storage office/manager's residence will also be supplied by this 12-inch public water line extension.

***18.80.050 Storm drainage improvements.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The development of the flex-space development and self-storage and recreational vehicle and boat storage facilities includes excavations and fills within the limits of delineated jurisdictional wetlands and waters of the US. Therefore, in addition to the project being required to conform to the City of Philomath's storm water drainage standards and also must conform to the Oregon DEQ and NOAA Fisheries storm water drainage standards. Where the standard(s) conflict, the more stringent standard(s) will apply.

The storm waters generated by the proposed development will be treated for both storm water quantity prior to being released near the project's southwest corner to an existing rip rap blanket adjacent to Newton Creek [see Exhibit 'G-3a' – Self-Storage and Recreational Vehicle and Boat Storage Utility Plan and Industrial Flex-Space Utility Plan (Civil Drawing G-3a), Exhibit 'G-c' Self-Storage and Recreational Vehicle and Boat Storage and Industrial Flex-Space Easements (Civil Drawing 'G-c), and Exhibit 'L-1' – Storm Water Management Plans for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space Development].

Release rates from the proposed development will be limited to calculated release rates that would be expected to leave the site prior to development. The storm events targeted will be 42% of the 2-year, 24-hour storm event and the 5-year, 24-hour storm event. These are the more stringent requirements for storm water quality control taken from the 3 standards mentioned above. This will be achieved with a flow control structure within a manhole that will limit discharge rates and a large "Extended Dry Pond" that will detain storm water volumes.

Storm water quality will be provided for storm waters developed by the impervious surfaces for a storm event equal to 50% of the 2-year, 24-hour event. This will be accomplished by the permanent pool volume of the "Extended Dry Pond" and the infiltration of storm waters into the native soils providing for groundwater recharge. The storm water quality design will be prepared and constructed in conformance with the recognized standards of the Clean Water Services.

For a more detailed explanation of the Post Construction Storm Water Management refer to the Preliminary Storm Water Report (see Exhibit 'L-1' – Storm Water Management Plans for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space Development) and Exhibit 'L-2' – Storm Water Management Plans for Recreational Vehicle Park).

*18.80.060 Franchised Utilities.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The franchised utilities including NW Natural Gas, Pacific Power, and communications exist along Highway 20/34 (Southwest Main Street) which is the south boundary of the Planned Development. The franchised utilities will be constructed north into the property in underground trenches to provide the necessary services and will be protected by necessary easements [see Exhibit 'G-c' Self-Storage and Recreational Vehicle and Boat Storage and Industrial Flex-Space Easements (Civil Drawing G-c)]. This can be ensured by a condition of approval.

*18.80.070 Easements.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Prior to installation of utility services, the developer will coordinate with the City of Philomath and the franchised utility companies for necessary easements which will be recorded. All utilities will be placed underground in accordance with City Standards. This can be ensured by a condition of approval.

*18.80.080 Construction plan approval.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** All plans for public and private utilities, sidewalks or other requirements will be submitted to the City of Philomath, Benton County, or ODOT for review and approval as required. All permit fees will be paid prior to issuance of a permit. If required, the developer will provide a performance guarantee for the public improvements. This can be ensured by a condition of approval.

*18.80.090 Installation.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The developer will meet all installation requirements as required by the jurisdiction having control over the work being done. All inspections will be obtained as required and required notification to the jurisdiction(s) will be complied with. Upon completion of the phase of the project, the Engineer's Certification and As-Built Plans will be submitted to the City of Philomath, Benton County and ODOT as required. This can be ensured by a condition of approval.

*G. Chapter 18.85 PMC, Hillside and Erosion Control Overlay;*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The portions of the subject property proposed for development does not include hillsides. However, the following reports have been prepared for the proposed project: Geotechnical Site Investigation (see Exhibit 'O-2'), Archeological Report (see Exhibit 'P'), Sensitive Vegetation Report (Exhibit 'Q'), and Site Grading Plan for Recreational Vehicle Park (see Civil Drawing K-3).

An Erosion and Sediment Control Plan will be submitted with the plans submitted for review for all public utility improvements through the City's permit process to construct public improvements. An Erosion and Sediment Control Plan will be submitted for the work on private property with application for Building Permits for each Phase of development. This standard can be met and can be ensured by a condition(s) of approval.

While the subject property does not contain areas that would be classified as hillside development. It does however contain Newton Creek and an east tributary to Newton creek that converge into Newton Creek within the property. Newton Creek is protected by a Resource Overlay zone that

extends 50 feet from the top of the bank on both sides. The 50 feet wide strips of land are referred to as "protective zones" within the City of Philomath Development Ordinance. Within the "protective zones" the proposed development will include landscape plantings and seedings that will stabilize the area and prevent erosion. Plantings for slope stabilization along the creek banks will consist of native groups appropriate for the soil/moisture and solar aspect. Plant selection will also take in to account the native species already existing on site in similar conditions.

The plantings proposed within the 50 feet wide "protective zones" will consist of the following:

A mix of deciduous and coniferous trees. These include ash, firs, maples, oak, dogwood and cedars. Shrubs will be clustered in groups of 3-9 and include dogwood, ninebark, snowberry, red flowering currant, roses, ocean spray, Oregon grape, serviceberry, and elderberry.

All areas will be seeded with a native mix of grasses and perennials that are quick to establish and deeply rooted to help stabilize slopes. Seed mixes are from ProTime Seed and will include #402 Native Riparian Mix and #404 Native Upland Mix with Color. PT 408 Native Wetland Mix or similar may be used as needed in very wet areas around existing wetlands. It is also very effective at erosion control and quick to establish.

**H. Chapter 18.90 PMC, Other Standards (telecommunications facilities, solid waste storage, environmental performances), as applicable.**

**SUPPORTIVE FINDINGS AND CONCLUSION:** These Standards are not applicable.

**Criterion E. Conditions required as part of a land division, Chapter 18.115 PMC; conditional use permit, Chapter 18.120; master planned development, Chapter 18.130 PMC; specific area plan, Chapter 18.55 PMC; or other approval shall be met.**

**SUPPORTIVE FINDINGS AND CONCLUSION:** The applicant is requesting preliminary partitioning plat approval for the division of Tax Lot 100 a 23.73 acre parcel (see Exhibit 'B-5' – Partitioning Findings and Exhibit 'X-1' – Proposed Partition Plan) into three parcels containing 1.62 acres (Parcel 1, proposed Industrial Flex-Space Development); 16.65 acres (Parcel 2, proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities) and 5.46 acres (Parcel 3, future development site to be determined). All conditions of approval will be met

**Criterion F. Exceptions to criteria in subsections (D)(1) through (D)(6) of this section may be granted only when approved as a variance, Chapter 18.155 PMC.**

**SUPPORTIVE FINDINGS AND CONCLUSION:** No exceptions to criteria in Subsections (D)(1) through (D)(6) have been requested. This Criterion is not applicable.



FINDINGS APPLYING TO THE  
CITY OF PHILOMATH DEVELOPMENT CODE CRITERIA  
FOR PARTITIONING APPROVAL FOR THE DIVISION OF A  
23.73-ACRE PARCEL INTO THREE PARCELS  
*(Development Code Requirements are Shown in Bold Italics)*

**Section 18.115.020 General Requirements.**

***A. Subdivision and Partition Approval Through Two-step Process. Applications for subdivision or partition approval shall be processed through a two-step process: the preliminary plat and the final plat.***

- 1. The preliminary plat shall be approved before the final plat can be submitted for approval consideration; and***
- 2. The final plat shall include all conditions of approval of the preliminary plat.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The application request is for preliminary plat approval. The final plat will meet all conditions of approval placed by the review body.

***B. Compliance with ORS Chapter 92. All subdivision and partition proposals shall be in conformance to state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed partition will be recorded in conformance with all regulations set forth in ORS Chapter 92. The requirement can be met and can be ensured by a condition of approval.

***C. Future Redivision Plan.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** At this time, no redivision is proposed.

***F. Minimize Flood Damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a 100-year floodplain shall comply with Federal emergency Management Agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before city approval of the final plat.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** None of the proposed lots being created are entirely within a floodway or flood plain [see Exhibit 'F-1' – Overlay Zones Tax Lot 100 (Civil Drawing F-1) and Exhibit 'X-1' – Proposed Partitioning Plat]. Proposed Parcel 1 is located entirely outside of the Newton Creek floodway, floodplain and riparian corridor. The proposed development on proposed Parcel 2 is located entirely outside of the Newton Creek floodway, floodplain and riparian corridor. Parcel 3 does contain Newton Creek along the eastern boundary. However there is approximately  $\frac{3}{4}$  of the property that is located outside of the Newton Creek floodway, floodplain and riparian corridor. There are forested wetlands located within proposed Parcel 3. Permits will be obtained from the Division of State Lands (DSL) and the Corp of Engineers prior to any development occurring any of the Parcels. This can be ensured by a condition of approval.

***H. Need for Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to prevent or minimize flood damage to the extent practicable.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** Public sanitary sewer and water facilities are adequate to accommodate the extension of services to the proposed self-storage and recreational vehicle boat storage facilities (Parcel 2) and industrial flex space developments (Parcel 1). The public sanitary sewer currently in 20<sup>th</sup> Place adjacent to proposed Parcel 3 is a very shallow line and a pump station may be required to be installed at the time of development on the parcel. It is possible that a 24-inch sanitary sewer line will be extended in accordance with the City's master plan that would provide for a sewer line that is deep enough to serve the parcel without a pump station.

Any new construction on the proposed parcels will be connected to the public sanitary sewer and water systems. All public sewer and water system facilities and appurtenances that lie outside of a public right-of-way can be protected by public utility easements. Provision of necessary easements for public sanitary sewer and water lines and private gas and electrical lines can be ensured by conditions of approval.

*I. Need for Adequate Drainage. All subdivisions and partition proposals shall have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The development of the flex-space development (proposed Parcel 1) and the self-storage and recreational vehicle and boat storage facilities (proposed Parcel 2) includes excavations and fills within the limits of delineated jurisdictional wetlands and waters of the US. Therefore, in addition to the project being required to conform to the City of Philomath's storm water drainage standards and also must conform to the Oregon DEQ and NOAA Fisheries storm water drainage standards. Where the standard(s) conflict, the more stringent standard(s) will apply.

The storm waters generated by the proposed development will be treated for both storm water quantity prior to being released near the project's southwest corner to an existing rip rap blanket adjacent to Newton Creek [see Exhibit 'G-3a' – Self-Storage and Recreational Vehicle and Boat Storage Utility Plan and Industrial Flex-Space Utility Plan (Civil Drawing G-3a), Exhibit 'G-c' Self-Storage and Recreational Vehicle and Boat Storage and Industrial Flex-Space Easements (Civil Drawing 'G-c), and Exhibit 'L-1' – Storm Water Management Plans for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space Development.

Proposed Parcel 3 has no proposed development associated with the Partition application. The future development of the parcel can provide adequate surface water drainage to reduce exposure to flood damage and provide water quality control. These standards have been met.

*J. Floodplain, Park, and Open space Dedications. Where land filling and/or development is allowed within or adjacent to the 100-year floodplain outside the zero-foot rise floodplain, and the park master plan designates the subject floodplain for park, open space, or trail use, the city may require the dedication of sufficient open land area for a greenway adjoining or within the floodplain. When practicable, this area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the city's adopted trail plan or pedestrian and bikeway plans, as applicable. The city shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, consistent with Chapter 18.80 PMC and PMC 18.80.020D*

**SUPPORTIVE FINDINGS AND CONCLUSION:** No development is proposed to be constructed in the Floodplain area. A 16-foot wide easement across proposed Parcel 3 will be granted to the City of Philomath for the future construction of a pedestrian/bikeway pathway. In addition, a 16-foot wide easement for the extension of the pedestrian/bikeway pathway will also be granted to the City of Philomath on the west side

of Newton Creek on Tax Lot 200, 12612 connecting with North 19<sup>th</sup> Street, a Minor Arterial Street under the jurisdiction of Benton County.

**Section 18.115.050 Approval Criteria – Preliminary Plat (applicable criteria listed only).**

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

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

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed preliminary plat complies with all applicable development code sections. The proposed concurrent development proposals on proposed Parcel 1 and Parcel 2 comply will all requirements of the zoning districts and required design standards. No variance is necessary to receive preliminary plat approval.

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

**SUPPORTIVE FINDINGS AND CONCLUSION:** No plat name is required for a Partition. This standard is not applicable.

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

**SUPPORTIVE FINDINGS AND CONCLUSION:** The adjoining properties are acreage properties with no existing subdivision plats. The property to the east has a designated street alignment with 2 dedicated easements serving the subject property (see Exhibit 'X-1' – Proposed Partitioning Plat and Exhibit 'Y-1' – Existing Covenants and Restrictions). These standards have been met.

4. *All proposed private common areas and improvements (e.g. homeowner association property) are identified on the preliminary plat.*
7. **SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed common area will consist of the private accessway serving proposed Parcels 1 and 2 [see Exhibit 'G-1' – Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex Space Development (Civil Drawing G-1), Exhibit 'X-1' – Proposed Partitioning Plat and Exhibit 'Y-2' – Proposed Private Accessway and Utilities Agreement Within the Proposed Planned Development]. This standard has been met.

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

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

**SUPPORTIVE FINDINGS AND CONCLUSION:** There are no minimum lot sizes in the IP (Industrial Park) and HI (Heavy Industrial) zoning districts and no minimum rear or side yard setbacks unless the property is abutting a residential zone. The subject property do not abut a residential zone. No blocks are proposed and the right-in/right-out street connectivity is provided by a private accessway from Southwest Main Street, a Principal Arterial Street under the jurisdiction of the State of Oregon. These standards have been met.

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

**SUPPORTIVE FINDINGS AND CONCLUSION:** All setbacks required by the IP (Industrial Park) and HI (Heavy Industrial) zoning districts for proposed Parcels 1 and 2 have been met. No development is proposed for Parcel 3 at this time. These standards have been met.

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

**SUPPORTIVE FINDINGS AND CONCLUSION:** Proposed Parcels 1 and 2 will be served by a private right-in/right-out private accessway from Southwest Main Street [see Exhibit 'I-1' – Proposed Site and Dimensioning Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (Civil Drawing I-1) and Exhibit 'I-3 – Proposed Site and Dimensioning Plan for Industrial Flex-Space Development (Civil Drawing I-3)]. Proposed Parcel 3 has 426.86 feet of frontage on North 20<sup>th</sup> Place, a designated Local Street on the Philomath Transportation Plan and will have direct access to the street. This standard has been met.

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

**SUPPORTIVE FINDINGS AND CONCLUSION:** Landscape Plans have been provided for the proposed developments on proposed Parcels 1 and 2 (see Exhibit 'R-1.1', 'R-1.2', and R-1.3' – Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin and Exhibit 'R-3' – Conceptual Landscape Plan for Industrial Flex-space Development). Proposed Fencing Materials for the Self-Storage and Recreational Vehicle and Boat Storage Facilities are shown in Exhibit 'R-4'. No fencing will be provided for the Industrial Flex-Space Development.

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

**SUPPORTIVE FINDINGS AND CONCLUSION:** A fire apparatus access drive will be provided to serve all portions of buildings that are located more than 150 feet from a public right-of-way [see Exhibit 'G-2' - Composite Turning Radius Plan for the Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development (Civil Drawing G-2)]. This requirement has been met.

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





FINDINGS APPLYING TO THE  
CITY OF PHILOMATH DEVELOPMENT CODE CRITERIA  
FOR STREET VACATION APPROVAL FOR THE VACATION OF  
APPROXIMATELY 8,712 SQUARE FEET OF NORTH 20<sup>TH</sup> PLACE

SUPPORTIVE FINDINGS:

1. The proposed right-of-way vacation includes the right-of-way from the northeast corner of the intersection of North 20<sup>th</sup> Place with North 19<sup>th</sup> Street to a point 258.28 feet south along the east right-of-way line and 60.61 feet along the west right-of-way line [see Exhibit 'X' Proposed Street Vacation with Affected Properties (Civil Drawing X)].
2. The subject right-of-way is currently owned by Benton County and 20<sup>th</sup> Place has not been constructed to City Standards.
3. A Utility Easement will be retained over the entire vacated area for access to existing and future public and private utilities that are or will be located in the area of the right-of-way vacation
4. The western 20 feet of the vacated area will revert to the abutting Tax Lot 501, Benton County Assessor's Map 12612 [see Exhibit 'W' -Proposed Street Vacation with Affected Properties (Civil Drawing X)].
5. Philomath's Transportation Plan does not identify North 20<sup>th</sup> Place as being part of the city's arterial/collector street system, nor is it identified as a critical local street. The street is currently barricaded at its connection to North 19<sup>th</sup> Street, a designated Minor Arterial Street on the Benton County Transportation Plan and a Major Collector Street on the City of Philomath's Transportation Plan.
6. The following existing and possible future public and private utility locations are relevant to the proposed right-of-way vacation [see Exhibit 'D-2' - Existing Conditions Tax Lot 200 (Civil Drawing D-1)]:
  - a. Public Sanitary Sewer. Sanitary sewer utility maps indicated that there is no sanitary sewer mains in the right-of-way. However, the area to the north of North 19<sup>th</sup> Street needs to be served and the possibility of use of this right-of-way for an extension of a public sanitary line requires that a utility easement over the entire right-of-way being vacated be retained in order to accommodate a future public sanitary sewer line.
  - b. Public Water. There is an existing 12-inch water line within the west side of the existing right-of-way. The City will need to retain a utility easement over this line.
  - c. Public Storm Drainage. There is no public storm drainage within the existing right-of-way to be vacated. There is a public storm drainage system in the North 19<sup>th</sup> Street right-of-way that will provide drainage in the vicinity. It is the applicant's belief that no easement provision is necessary for public storm drainage.
  - d. Private Underground Power. The one call utility located showed no evidence of buried private power in the vicinity of the proposed street vacation.
  - e. Private Overhead Power. The private overhead power is along the west side of 20<sup>th</sup> Place.

- f. Private Gas Line. There is a 4-inch high pressure gas line according to the NW Natural Gas maps that is 15 feet east of the centerline of North 20<sup>th</sup> Place.
- g. Private Phone Line. The one call utility locate showed a buried phone line just west of the west right of way of North 20<sup>th</sup> Place.

**SUPPORTIVE CONCLUSIONS:**

1. Public utilities exist within the area proposed for vacation. The City may have a need to build a sewer main within the right-of-way proposed for vacation. The City should retain a utility easement over the entire right-of-way being vacated to accommodate existing and future public utility needs.
2. Private utilities exist within both sides of the area proposed for vacation. The City should retain a utility easement over the entire right-of-way being vacated to accommodate existing and future private utility needs.
3. The proposed vacation does not conflict with the City of Philomath's Transportation System Plan.
4. Maintaining a utility easement over the entire area being vacated benefitting the City of Philomath will assure that the vacation of the area proposed for vacation will not have a negative effect on any public or private utility.

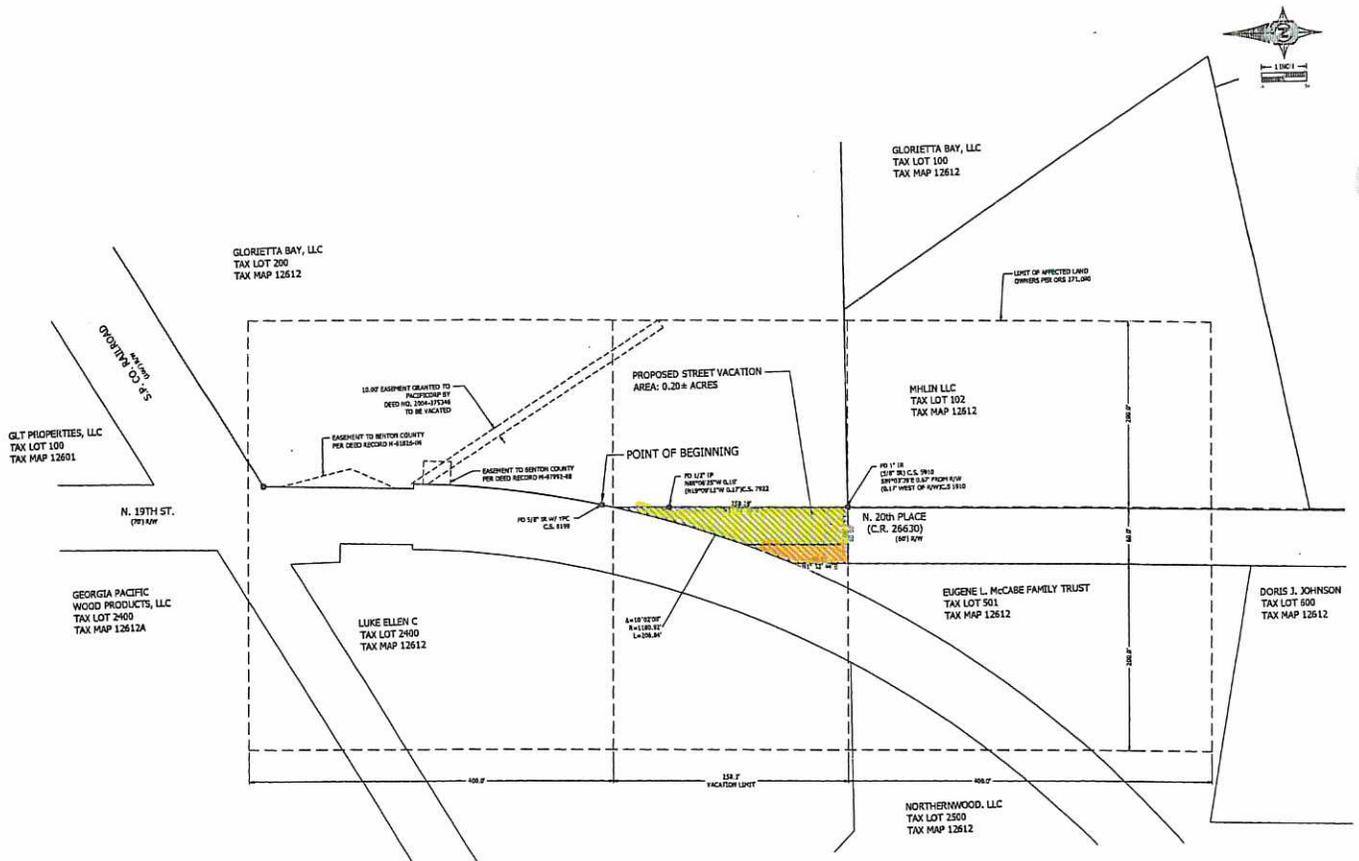


Exhibit 'B-8'

FINDINGS APPLYING TO THE  
CITY OF PHILOMATH DEVELOPMENT CODE CRITERIA  
FOR A LOT LINE ADJUSTMENT

**SUPPORTIVE FINDINGS:**

**Approval Criterion 1.** *No additional parcel or lot is created by the lot line adjustment; however, the number of lots or parcels may be reduced;*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed Lot Line Adjustment combines 0.02 acres (8,712 square feet) (Tax Lot 102, 12507) with an existing 15.30 acre parcel (Tax Lot 200, 12612). Tax Lot 102 is currently landlocked. No new parcel will be created. This Criterion has been met.

**Approval Criterion 2.** *Lot Standards. All lots and parcels comply with the applicable lot standards of the land use district (Division 2) including lot area and dimensions;*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Tax Lot 200 is currently zoned HI (Heavy Industrial) and Tax Lot 102 is zoned IP (Industrial Park). There are no minimum lot sizes in these zoning districts. This Criterion has been met.

**Approval Criterion 3.** *Access. All lots and parcels comply with the standards or requirements of Chapter 18.65 PMC, Access and Circulation; and*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Tax Lot 102 is currently a landlocked parcel. Tax Lot 200 has frontage on North 20<sup>th</sup> Place and on North 19<sup>th</sup> Street. The concurrent Street Vacation application would vacate the North 20<sup>th</sup> Place right-of-way adjacent to the subject property and a new accessway to North 19<sup>th</sup> Street, a Minor Arterial Street, will be constructed to serve the proposed Recreational Vehicle Park [see Exhibit 'I-2' – Proposed Site and Dimensioning Plan for Recreational Vehicle Park (Civil Drawing I-2)].

**Approval Criterion 4.** *Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use district (Division 2).*

**SUPPORTIVE FINDINGS AND CONCLUSION:** Tax Lot 200 is currently zoned HI (Heavy Industrial) and Tax Lot 102 is zoned IP (Industrial Park). There are no minimum lot sizes in these zoning districts. The proposed Recreational Vehicle Park development will meet all standards within the zoning districts. This Criterion has been met.

