



CITY OF PHILOMATH

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

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

July 20, 2020

6:00 p.m.

MEETING AGENDA

Meeting Access Information

This meeting is being held via video conference. Citizens may use the video link or phone number provided below to listen to the meeting. For residents that do not have a phone or access to the internet, a small number of chairs will be provided at City Hall to comply with public meetings laws and social distancing requirements.

Please use the following link or phone number to access the meeting:

Video: <https://zoom.us/j/2065507670?pwd=eTJqL3Nubk83ODJKTy9LdUQvYXg5Zz09>

Meeting ID: 206 550 7670

Password: Philomath

Phone: 312-626-6799 or 346-248-7799

Digital Passcode: 492443

Meeting Conduct

All non-city participant microphones and screens will be muted. Presenters and members of the public will only be unmuted if called on to speak. The chat function will be disabled during the meeting.

- | | |
|--|---------------|
| 1. CALL TO ORDER | 5 min |
| 1.1. Roll call | |
| 1.2. Warm up Activity "good news" | |
| 2. APPROVAL OF MINUTES | 5 min |
| 2.1. June 29, 2020 | |
| 3. PUBLIC HEARING | 20 min |
| 3.1 Planning File PC20-01 Keady | |
| 505 Fawn Lane/Tax Lots 5700 & 5800 on Map 12-6-11AB | |
| Variance to the maximum allowed lot size of 10,500 sq. ft. | |
| 3.2 PC20-01 Discussion and Decision | |

Opportunities to Comment During Public Hearing

The following options are available for the public to provide comment for the public hearing:

- 1) Sign up to speak by contacting the city at ashley.howell@philomathoregon.gov or by calling 541-929-6148 by 4:00 p.m. on the day of the meeting.

NOTICE: Given 2 business days' notice, an interpreter will be made available for the hearing impaired or those with limited English proficiency. Contact person: Ruth Post, (541) 929-6148.

- 2) Submit written comments by email to the city at ashley.howell@philomathoregon.gov by 12:00 p.m. the day of the meeting.
- 3) Submit written comments in the City Hall parking lot drop box by 12:00 p.m. the day of the meeting.
- 4) Mail written comments to PO Box 400, Philomath, OR 97370 3-4 days prior to the day of the meeting.

4. REPORTS **10 min**
 4.1. 2040 Advisory Committee update (Stein, Yoder)
 4.2. Downtown Streetscapes (Conner)

5. UNFINISHED BUSINESS **20 min**
 5.1. RV Parks in Philomath
 5.2. Inquiry – Action on TGM offer

6. NEW BUSINESS **10 min**
 6.1. Downtown design manual

7. ANNOUNCEMENTS & STAFF UPDATES **5 min**
 7.1. Staff update (staff)
 7.2. Proposed next meeting date: August 17 6:00 PM

8. COMMUNITY COMMENTS **5 min**

9. ADJOURNMENT

Total 80 minutes

Reminder – If able, please help us save time by reading the draft minutes and emailing any corrections to Ashley before the meeting.

**PHILOMATH PLANNING COMMISSION
MINUTES**

June 29, 2020

1. **CALL TO ORDER:** Chair Sullivan called the meeting to order at 6:05 p.m. via video conference.

- 1.1 **Roll Call:**

- Present:** Commissioners Gary Conner, Steve Boggs, David Stein, Peggy Yoder, Joseph Sullivan, Giana Bernardini (arrived at 7:02 p.m.)

- Absent:** Jeannine Gay.

- Staff:** City Manager Chris Workman, Deputy City Attorney David Coulombe, City Planner Pat Depa and Building Permit Clerk Ashley Howell.

Chair Sullivan started the meeting with a warm up activity. Commissioners shared good news.

City Councilor Ruth Causey joined the meeting at 6:08 p.m.

2. **APPROVAL OF MINUTES**

- 2.1 **Minutes of June 15, 2020** – Chair Sullivan requested to amend the vote for section six, page 2 of the minutes. The motion states that the motion was approved 7 to 0 and should be 6 to 0 because Jeannine Gay did not vote.

- MOTION:** Commissioner Yoder moved, Commissioner Conner second, to approve the June 15, 2020 minutes as amended. Motion APPROVED 5-0 (Yes: Sullivan, Conner, Boggs, Stein, Yoder; No: None).

3. **REPORTS**

- 3.1 **Reports 2040 Advisory Committee (Stein, Yoder)** – Nothing to report. Committee has not met.

- 3.2 **Downtown Streetscapes (Conner)** - Commissioner Conner discussed his conversation with Mr. Workman and David Dougherty, the City's contracted landscape architect, regarding the streetscape project. He explained that this project is fully underway including plans for funding and a schedule. The project is in the early phases of design and the City is currently working with ODOT on a preliminary plan to be approved in August or September. The project is scheduled to begin construction Spring 2022. He explained that the design team would have a time frame of around December 2020 to January 2021. He explained that he would like to propose having an open house, in whatever form possible, to discuss themes with the public and inform them of the project.

There was discussion about releasing possible themes to the public the week of July 13, 2020.

There was discussion of providing information of the streetscape design project at the Farmers' Market.

There was discussion about providing commissioners with pictures of the themes to share with friends and neighbors.

There was discussion regarding only displaying themes to the public that coincide with the project's budget.

There was discussion of displaying possible themes to the public at the July 13, 2020 City Council meeting, at the Farmer's Market and on the City Facebook page.

Mr. Workman discussed budget constraints to the streetscape project and the difficulty in extending the scope of the project to 15th Street.

Commissioner Conner explained that he would like to see ground level changes at the entry way of the Chevron gas station to prevent wrong way traffic leaving the gas station eastbound. He explained that he would like to discuss the possibility of gathering more funds to cover this area at the time construction is taking place.

Commissioner Stein discussed parking availability bridging Applegate Street and Main Street. He explained that it would encourage people to stop and cross the block between the two streets. Mr. Workman explained that the city recently purchased an empty lot where Commissioner Stein discussed.

4. NEW BUSINESS

4.1 RV Parks in Philomath – Councilor Causey discussed a packet that she emailed to the Commissioners regarding RV Parks. She discussed that excluding RV Parks out of the code entirely could leave the City somewhat vulnerable to the possibility of yet another RV Park. She explained that she does advocate for outlined code language about limiting RV Parks and where they will be allowed throughout the city. She discussed the differences of some of the cities that she reviewed and their code language regarding RV Parks and that she did not find any city with a numerical limit on RV Parks. She explained that after speaking with Jim Brewer, conditional use permits would likely give the public the most control when deciding on whether to allow another RV Park in the city. She explained that the committee might want to wait to discuss this matter further until there is an updated comprehensive plan.

There was discussion regarding whether or not RV Parks should be limited based on city population.

Mr. Coulombe discussed defensibility with the proportionate plan versus enforcement at the local level as the population changes. He discussed conversations with Mr. Brewer and Councilor Causey, explaining a great flexibility with the conditional use permit process. He explained that this allows both flexibility at the time the application is received and it is considered. He explained that the conditional use permit process would give City Council a chance to determine whether or not the timing was right, if or when they received an RV Park application. He explained that a proportionate plan based on objective factors would have limited flexibility for the decision maker, or City Council.

There was discussion regarding using both conditional use and a numerical limit in regards to RV Parks.

There was discussion about whether or not the commission should wait to develop code language until the comprehensive plan is updated.

MOTION: Commissioner Stein moved, Commissioner Yoder second, that the commission put off a final decision about how to limit RV Parks until the next meeting. Motion APPROVED 3-0 (Yes: Stein, Yoder, Boggs; No: None; Abstained: Sullivan, Conner, Bernardini).

Discussion: Commissioner Yoder discussed that she would like to pursue Councilor Causey's offer to draft code language that uses both conditional use permits and a numerical limit.

4.2 Inquiry, Action on Transportation Problems - Mr. Workman discussed that the Department of Land and Conservation Development approached the city with an offer for a free program to review and do an audit of the development code. He explained that after discussing that offer with Mr. Depa, they both agreed that it would be a good idea discuss and pursue with the Planning Commission. He explained that the idea was then presented to the City Council. He explained that after his and Mr. Depa's review of the model development code from DLCD, they determined that it seemed metro-centric and tailored more to larger cities with larger downtown areas. He explained that he and Mr. Depa felt they could develop a better fitting development code tailored to the city. He explained that the opportunity to first get the comprehensive plan updated came up, and then the focus could be to draft the development code so that it matches the goals and policies in the updated comprehensive plan.

Commissioner Yoder read from August City Council meeting minutes and explained a motion addressed by the City Council granting authority to city staff to apply for the TGM Assistance grant and work with the Planning Commission to update the city's development code.

Mr. Workman explained that he would go back to the City Council and explain his reservations on moving forward with the DLCD program.

Commissioner Yoder explained that she spoke with Laura Beuhl at DLCD and that Ms. Beuhl explained that she was anticipating working with the city but had not heard from staff.

Mr. Depa discussed writing a development code that would regulate commercial districts in the downtown area. He explained that city staff, at the time the grant from DLCD was offered, was unsure of whether or not the budget would allow for a comprehensive plan update, which needed to be done before the development code. He explained that the correct order of process is to first update the comprehensive plan and then follow with the development code, never the opposite. He explained that with city staff experience and the help of the Planning Commission, a more tailored development code can be written for the city instead of using model code from DLCD.

Commissioner Yoder explained that Ms. Beuhl works with cities that have extremely old comprehensive plans and that bringing in a professional who is offering free services may help alleviate staff hours.

Mr. Depa explained that as a professional himself with several years of experience, his participation with the current state of Philomath provides a more insightful perspective allowing for a more customized development code.

Chair Sullivan asked Mr. Depa to review DLCD's sample development code again.

Mr. Workman explained that the current priority is updating the comprehensive plan and ensuring policies are set in place before a development code is written. He stated that the grant being discussed currently is not the same program that was spoken about a year ago when originally presented. The original program was to review and audit the current development code and staff chose to pass on that program so that the comprehensive plan could be updated first. He explained that when the city finishes updating the comprehensive plan and ensuring policies are set in place, they will then be ready to move forward with DLCD and the development code.

Mr. Workman explained that the City Council has directed him to now work on a comprehensive plan grant and that he will not be able to work on both grants at the same time. The comprehensive plan grant must come first.

There was discussion of a letter being drafted by Commissioner Yoder to the City Council, that would explain that Mr. Workman did not notify the Planning Commission or City Council that he was halting on pursuing the Transportation Growth Management grant.

MOTION: Commissioner Yoder moved, Sullivan second, that the Planning Commission present the Transportation Growth Management's findings to the City Council. Motion DENIED 6-0 (Yes: None; No: Sullivan, Stein, Yoder, Boggs, Conner, Bernardini).

MOTION: Commissioner Boggs moved, Commissioner Stein second, that Commissioner Yoder draft the Planning Commission a memo to review on the July 20, 2020 meeting for the commission to discuss, approve and forward to the City Council so that there is written record. Motion APPROVED 6-0 (Yes: Sullivan, Conner, Boggs, Stein, Yoder, Bernardini; No: None).

Discussion: None

5. NEW BUSINESS

5.1 Downtown Design Manual - Tabled.

6. ANNOUNCEMENTS & STAFF UPDATES

6.1 Mr. Workman explained that the Land Use Board of Appeals upheld the City Council's decision on the Lepman development.

6.2 Proposed Next Meeting Date - Public Hearing, July 20, 2020 at 6:00 p.m. -

Chair Sullivan asked staff to please ensure that the public be notified that the next meeting will be streamed on Facebook Live.

MOTION: Commissioner Stein moved, Commissioner Bernardini second, to adjourn the meeting. Motion APPROVED 6-0 (Yes: Sullivan, Conner, Boggs, Stein, Yoder, Bernardini; No: None).

7. **ADJOURNMENT** - Chair Sullivan adjourned the meeting at 7:39 p.m.

SIGNED:

ATTEST:

Joseph Sullivan, Chair

Ashley Howell, Building Permit Clerk

DRAFT



STAFF REPORT

Date:	July 10, 2020
Nature of Applicant:	Variance to the maximum allowed lot size of 10,500 sq. ft.
Applicant / Owner:	Terry and Kay Keady
Property Location:	505 Fawn Lane/Tax Lots 5700 & 5800 on Map 12-6-11AB
Applicable Criteria:	Chapter 18.155.040(C) 2.b of the PMC, Class C Variance
Zoning Designation:	R-1 (Low Density Residential)
Staff Contact:	Patrick Depa, Associate Planner
File Number:	PC20-01

VARIANCE REQUESTED:

The applicant is applying to exceed the maximum allowed square footage allowed in a lot in the R-1 zoning district by 18,685 square feet. The variance request stems from their desire to combine two plated lots in the Starlight Village Subdivision. Class C variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property and which are not applicable to other properties in the vicinity.

BACKGROUND:

1. Maximum amount of square footage allowed in a lot in the R-1 District is 10,500 square feet.
2. Both lots are located on Fawn Lane in the Starlight Village Subdivision.
3. Starlight Village was approved in September of 2007.
4. Fawn Lane is a cul-de-sac.
5. There is one home on 505 Fawn Lane (Tax lot 5700). Tax lot 5800 is a vacant lot.
6. There is a forty (40) foot drop in grade from the back of the applicant's house to the rear of the lot.
7. Both lots are flag lots and have a shared access agreement and shared utility easement with two other adjacent lots.

COMMENTS:

We received one letter in opposition to the variance request (see attached).

FINDINGS OF FACT APPLYING ORDINANCE CRITERIA:

18.155.040 Class C Variance. Class C variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size or shape, topography, sensitive lands, 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).

Approvals Process and 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 Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;

The purpose of lot standards in a residential district is intended to promote the livability, stability and improvement of the city's neighborhoods. Lot standards are intended for the orderly expansion and improvement of neighborhoods based on the following principles:

- A. Make efficient use of land and public services and implement the comprehensive plan by providing minimum and maximum density standards for housing.**
- B. Accommodate a range of housing needs, including owner-occupied and rental housing.**
- C. Provide for compatible building and site design at an appropriate neighborhood scale.**

The proposed variance would be in conflict with these standards.

- b. A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands, 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);

The property that the applicant's want to add an adjacent lot to has a steep grade evident from the 40' drop in elevation from the rear of the house to the rear of the lot. However, the lot is compensated by being almost three times bigger than the median square footage of other lots in the subdivision and has a house that meets all city siting standards. Adding additional land to the front of the lot the applicants have their home is not a remedy to the steep slope and would be in conflict with other property layouts on the street.

- 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;

The primary use in the R-1 District is for single family homes and not for large tracts of vacant land or open space. By adding an entire lot to another lot is in conflict with the purpose and intent of a residential zoned district. The city standard encourages the construction of single family homes on these lots. By denying this variance and maintaining the lot in its original platted form would not diminish the reasonable and economic use of the property.

- 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;

No physical or natural systems exist or will be affected at this location as the two separated lots were each plated to accommodate a single home. This request may not affect any natural resources or systems, however it may have a detrimental effect to the uniformed appearance of the existing streetscape along Fawn Lane.

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

The proposed combination of these two lots is not rooted in a hardship and qualifies as “self-imposed”.

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

We do not find a hardship that would allow for the addition of over 7,405 square feet of property to a lot that already has twice that amount and which is able to accommodate the construction of a single family home.

RECOMENDATION/CONDITIONS:

Staff recommends the variance be **denied** finding that none of the approval criteria has been met.

However, if the Planning Commission disagrees with the findings it may choose to approve the variance by establishing its own findings to satisfy the criteria. If the planning commission does choose to approve or approve with conditions, planning staff recommends the following conditions:

1. **That the applicant sod or seed the entire lot and be required to install landscaping and a street tree as it would be required after construction of a home on the lot.**

OBJECTION TO CLASS C VARIANCE APPLICATION
APPLICANT: TERRY AND KAY KEADY
FILE NO. PC: 20-01

This objection to the above planning application is filed on behalf of SONJA V. DE HERDT and RICHARD W. ROBERTSON, Trustees under the Rick Robertson Living Trust and Ginny De Herdt Living Trust, 502 Fawn Lane, Philomath, Oregon

CRITERIA.

1. THE PROPOSED VARIANCE WILL NOT BE MATERIALLY DETRIMENTAL TO THE PURPOSE OF THE CODE, TO ANY OTHER APPLICABLE POLICIES AND STANDARDS AND TO OTHER PROPERTIES IN THE SAME LAND USE DISTRICT OR VICINITY.

The subject property is located in an area zoned R-1 – Low Density Residential. PMC 18-35-040 states that in R-1 zoned areas, the minimum lot area is 7,000 sq. ft., the maximum lot area is 150% of the minimum, being 10,500 sq. ft.

The proposed application will increase the lot area to 28,997 sq. ft.

PMC 18-35-010A provides that “The residential district is intended to promote the livability, stability and improvement of the city’s neighborhoods.” This chapter provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

A. Make efficient use of land and public services and implement the comprehensive plan by providing minimum and maximum density standards for housing; and

B. Provide for comparable building and site design at an appropriate neighborhood scale.

The subject application seeks to increase the lot size in an existing subdivision beyond both what is permitted by the Code and the size of the neighboring lots.

Lot 19 in Starlight Summit is already 21,580 sq. ft., far in excess of the maximum lot size in R-1 zoning. Lot 18 is 7,417 sq. ft., similar in size to the lots along Coastal View Drive.

Amalgamating the lots will not make efficient use of the land and will not provide for comparable site design at an appropriate neighborhood scale. The lot size will be

far in excess of neighboring parcels and will prevent the building of a dwelling on Lot 18, therefore not making efficient use of the land.

The proposed variance will be materially detrimental to the purpose of the Code and to other properties in the vicinity.

2. A HARDSHIP TO DEVELOPMENT EXISTS WHICH IS PECULIAR TO THE LOT SIZE OR SHAPE, TOPOGRAPHY, SENSITIVE LANDS, 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).

There is no hardship to development that exists. Lot 19 is already larger than the maximum lot size permitted in R-1 at 21,580 sq. ft., to accommodate the slope at the eastern end of the property. A dwelling house has been constructed on Lot 19. Lot 18 is larger than the minimum lot size for the zoning and is of a similar lot size to other lots on Coastal View Drive. It has no topographical features which would prevent development of the lot. Adjacent lots have been developed with more challenging topography than Lot 18. The applicant has made no claim that Lot 18 is on sensitive lands or that there are any other circumstances related to the property over which the applicant does not have control, and which are specific to this property, which would allow this variance. The applicant has claimed no hardship to development, just a desire not to develop Lot 18 at all but provide "livable outdoor space" for Lot 19. This is contrary to making efficient use of the land as required by the Code.

3. 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.

If Lots 19 and 18 are amalgamated, the ability to put a single family home on Lot 18 will be lost and this is contrary to the R-1 zoning in terms of density and contrary to the Code in terms of making efficient use of the land.

4. 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.

There will be no adverse effect on physical and natural systems by the variance.

5. THE HARDSHIP IS NOT SELF-IMPOSED.

There is no hardship; and if there were it would be self-imposed. The applicants have constructed their home on Lot 19. The home is within the property lines of Lot 19. There is no need to amalgamate Lot 18 in order to build on Lot 19 and amalgamating Lot 18 into the already developed Lot 19 means that Lot 18 will not be built on. There is no reason why Lot 18 should not continue to be a developable parcel in accordance with the Code. There is no hardship that would be alleviated by the amalgamation, other than a larger yard for Lot 19, the lack of which is a self-imposed hardship on Lot 19.

6. THE VARIANCE REQUESTED IS THE MINIMUM VARIANCE THAT WOULD ALLEVIATE THE HARDSHIP.

There is no hardship other than a potentially self-imposed hardship relating to the size of the outdoor space on Lot 19, which is self-imposed by the style and design of the dwelling constructed by the applicants on Lot 19.

Summary:

The criteria to approve the variance, set out above, is not met. No variance is appropriate, and we ask that the City deny the application for a variance.

Submitted by
Helen C. Nelson Esq.
OSB #060066
Evashevski Elliott P.C
100 Calapooia Street SW
PO Box 983
Albany, Oregon 97321
Telephone (541) 917-0100 - Facsimile (541) 928-7370
Email: Helen@e2-law.com

July 13, 2020

Philomath Planning Commission
P O Box 400
Philomath, OR 97370

Dear Planning Commission –

I am writing to object to the requested **Keady – Class C Variance – PC20-01**. As the homeowner of Lot 21 (kitty corner from Tax Lot 5700 (lot 19) and directly across from Tax Lot 5800 (lot 18) (the proposed lots to be merged) the following facts exist –

- Lot 19 is 21,580 S.F. (currently contains residence, concrete parking pad, blacktop paved driveway with blacktop hammerhead fire access for Lot 19 and Lot 20)
- Lot 18 is 7,417 S.F (currently contains a gravel driveway to access Lot 19 concrete parking pad)
- Legal civil action is currently in progress regarding Lot 17, 18, 19, 20 and 21 due to the refusal, I believe, of Keady's to allow free and unencumbered access over a shared driveway as platted on the Starlight Subdivision Plat map (Detail B, Page 1). Keady has installed parking barriers near the Lot 19 line in the middle of the blacktop paved drive. On this matter Mediation is set for July 15th, Summary Judgement set for September 4 and a two-day trial set for Oct 27th.

I oppose the variance request due to the following issues -

- Applicant states Lot 18 (7,417 S.F.) is "small and unbuildable" – I believe this is erroneous as Lot 1 (7,008 S.F.), Lot 2 (7,061 S.F.), Lot 3 (7,032 S.F.) and Lot 4 (7,028 S.F.) are smaller sized and have successful built homes. Lot 19 currently is the largest lot (21,580 S.F.) in the subdivision. Creating an even larger lot while removing a very adequate building lot from the city tax rolls makes no sense from an urban planning perspective. The existing size of Lot 19 (hillside lots are larger to compensation for hillside area) and Lot 18 (no hillside area) are currently consistent with the Starlight Subdivision lot sizes and configurations of Lots 1 through Lot 36 which range in size from 7,008 S.F. (lot 1) to 20,357 S.F. (Lot 20).
- Combining Lot 18 with Lot 19 (removing Lot 18 as a buildable lot) negatively impacts Philomath water, sewer and storm water investments by removing a buildable lot which, I believe, ultimately increases costs to all Philomath residents.
- Combining Lot 18 with Lot 19 (removing Lot 18 as a buildable lot) negatively impacts Philomath tax income which again, I believe, negatively impacts all Philomath residents.
- As a platted subdivision, with a Homeowners Association (currently still under control of the developer), combining lots creates an additional financial burden to other Starlight Summit homeowners by, in the future, spreading costs over 35 lots versus 36 lots. Additionally, I believe, unless the plat map and CC&R's are re-written to reflect the combining of lots much confusion could exist for those purchasing lots or in the management of the HOA in the future.
- Additionally, Lot 18 is currently being used as an unimproved (gravel) driveway creating a quasi-circular drive area which I am doubtful meets City Code (surface composition, required circular drive distances and use of Lot 18 to access Lot 19 parking pad area).

It is for these reasons, I believe the Planning Commission should deny this variance or, at the very least, the hearing should be continued until all legal action has been settled.

Respectfully submitted,

Christine Kastella
506 Fawn Lane
Philomath, OR 97370



NOTICE OF PUBLIC HEARING

The Philomath Planning Commission will hold a public hearing on Monday July 20, 2020, at 6:00 p.m. at Philomath City Hall, 980 Applegate, Philomath, Oregon, to consider the following application:

Date:	June 24, 2020
Nature of Applicant:	Variance to the maximum allowed lot size of 10,500 sq. ft.
Applicant / Owner:	Terry and Kay Keady
Property Location:	505 Fawn Lane/Tax Lots 5700 & 5800 on Map 12-6-11AB
Applicable Criteria:	Chapter 18.155.040(C) 2.b of the PMC, Class C Variance
Zoning Designation:	R-1 (Low Density Residential)
Staff Contact:	Patrick Depa, Associate Planner
File Number:	PC20-01

The applicant is applying for an 18,500 square foot variance to combine two plated lots that will exceed the maximum allowed square footage allowed in a lot in the R-1 zoning district. Class C variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property and which are not applicable to other properties in the vicinity. The purpose of the public hearing is for the Planning Commission to determine if the request conforms to the applicable criteria established in Philomath Municipal Code chapter 18.155.040(C) 2.b and approve or deny the application.

The public hearing will be conducted in a manner that allows the presentation of the staff report, testimony from the applicant, testimony from proponents, opponents and neutral parties, and comments from governmental bodies and agencies. Any person giving testimony may request that the hearing be continued in order to address new evidence submitted. Written testimony may be entered into the record prior to or during the public hearing and, if received at least seven days prior to the hearing date, will be included in the Planning Commissioners’ hearing packet. Please reference the above-noted file number in all correspondence.

The Staff Report will be available for review seven days prior to the hearing date. Copies of the Report, applicable sections of the Municipal Code, the application and other related documents can be reviewed at no charge at City Hall (980 Applegate Street, Philomath) or on the City’s website: www.ci.philomath.or.us. Personal copies may be obtained at City Hall for the nominal cost of making copies.

Failure to raise an issue either in person or in writing by the close of the record or failure to provide sufficient specificity to afford the City the opportunity to respond to the issue may preclude appeal to the State Land Use Board of Appeals (LUBA) based on that issue.

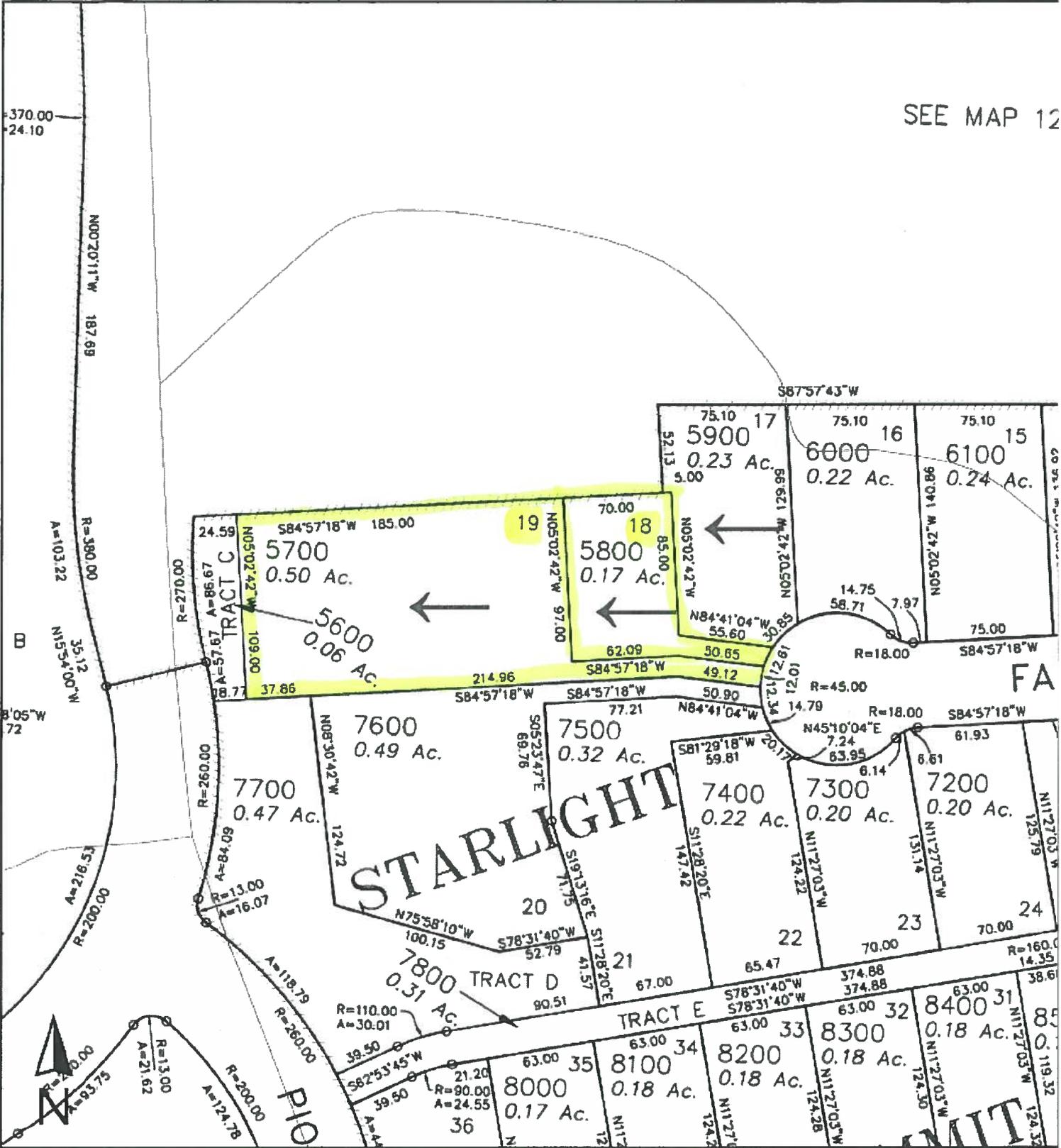
NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:

If you receive this notice it must be promptly forwarded to the purchaser. The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

----- ROUTING (For Department Use Only) -----

- Applicant/Agent(s)
- Area Property Owners
- Philomath Fire Department
- Philomath Public Works

Keady - not



TICOR TITLE™

ParcelID: 419358
505 Fawn Ln
Philomath, OR 97370

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

S84°57'18"W 274.59



S84°57'18"W 274.59

S84°57'18"W

185.00

N05°02'42"W 109.00

5700

0.50 Ac.

R = 270.00

A = 86.67

1 of 4

MAPIDLOT: 12611AB05700

Tax Account: 815258

Assessment Map: 12611AB

Owner: KEADY LARINE KAY

Street Address: 503 FAIRVIEW PHOENIX AZ 85020

Zoom to

N05°02'42"W 97.00

70.00

5800

0.17 Ac.

85.00

N05°02'42"W

N84°41'04"W

55.60

S84°57'18"W

62.09

50.65

49.12

S84°57'18"W 252.82

S84°57'18"W

N84°41'04"W

50.90

3.77

56.63

214.96

77.21

S81°29'18"W

7600

A=20



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

Fee: \$1,080

CLASS C VARIANCE APPLICATION

Applicant(s)

Name: Terrence N Keady Contact Phone: 541-929-4031
 Mailing Address: 505 FAWN LN Philomath OR 97370
 E-mail: _____

Name: Laraine Kay Keady Contact Phone: 541-929-4031
 Mailing Address: 505 FAWN LN Philomath OR 97370
 E-mail: _____

Interest in Property (Owner Purchaser, Agent, etc.): _____

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

<u>Name</u>	<u>Address</u>	<u>E-mail</u>

General Property Information

Street Address: 505 & 507 FAWN LN Philomath, OR 97370

Assessor's Map: 12611AB / 12611AB Tax Lot: 5700 / 5800 Zoning: _____

Existing Structures: Residence

Current area and use(s) of the Property: _____

Describe the Variance being requested:

We want to combine lots 19+18. Our residence is on lot 19. The majority of lot 19 lies over the ^{Hill} Lot 18 area is very small and not adequit to build a home. The combination of lots 19 & 18 will give our residence livable outdoor space (.42 acre)

General Information

The Planning Commission may grant variances from the requirements of the Philomath Municipal Code where the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size or shape, topography, sensitive lands, 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); except that no variances to “permitted uses” shall be granted. In granting a Variance, the Planning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purposes of the Philomath Municipal Code.

Class C Variance Applicability

- 1) The variance standards are intended to apply to individual platted and recorded lots only.
- 2) An applicant who proposes to vary a specification standard for lots yet to be created through a subdivision process may not utilize the Class C variance procedure.
- 3) A variance shall not be approved which would vary the “permitted uses” of a land use district.

Class C Variance Approvals Process and Criteria.

- 1) Class C variances shall be processed using a Type III procedure, as governed by Chapter 18.105.050 of the Philomath Municipal Code (PMC), using the approval criteria in subsection 2, below. In addition to the application requirements contained in Chapter 18.105.050 of the PMC, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 2.
- 2) 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 Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
 - b. A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands, 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);
 - 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;
 - 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;
 - e. The hardship is not self-imposed; and
 - f. The variance requested is the minimum variance that would alleviate the hardship.

Required Application Information

A detailed description of the present use of the property and the proposed variance, including:

- The current use of the property
- A description of the variance being requested, including a response to each of the applicable criteria that would support the granting of the variance

A map of the property, drawn to scale, that contains the following information.

- The property boundaries and the location and use of all buildings and other improvements on the property
- A north arrow and the scale of the map
- Any other information necessary in reviewing the variance for compliance with the criteria

ADDITIONAL RESPONSIBILITIES OF THE APPLICANT

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

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

Signature(s)

I hereby certify that the information contained in this application is accurate to the best of my knowledge; and that the proposed use would not violate any deed restrictions attached to the property. This application must be signed by all owners of the property, or a statement authorizing the applicant to act for the owner must accompany the application.

Terrace M. Keady

Laraine Kay Keady

July 19, 2020

Date

June 19, 2020

Date

Processing Information

This application will be reviewed at a public hearing before the Planning Commission. Surrounding property owners will be notified of the application and given an opportunity to submit evidence and testify at the hearing. The City will also send notices of the hearing and final decision to the applicant, affected government agencies, owners of land within 250 feet of the boundaries of the property, and all other persons who participate in the proceedings. If the application is approved, Conditions of Approval specified in the Notice of Decision must be satisfied within the time specified in the approval.

Anyone who submitted written testimony or oral testimony to the Planning Commission may appeal a decision of the Planning Commission to the City Council by filing an appeal application with the City within 14 days of the decision.

For Office Use Only

Date Application Received: _____ Receipt Number: _____ By: _____

File Number Assigned: _____ Date Application Deemed Complete: _____

Point person: None

Time limit: 10 minutes

What is this all about?

Councilor Causey has suggested modifying the PMC to restrict future development of RV parks. We have had several rounds of discussion and are expecting some concrete proposals for us to act on.

Objectives

1. Decide if we wish to take action on this matter or not

Background / How to prepare

Read the various background information that has been supplied in previous packets

Notes:

Suggested language for RV Park Usage

Recommended Municipal Code changes

Recreational Vehicle Park replaces Recreational Vehicle Park Facilities

Chapter 9.15.025

Page 9-8.1

Use of a recreational vehicle as a dwelling.

replace the phrase "...except when situated on a legally permitted campground where overnight camping is allowed." with "...except when situated on a legally permitted Recreational Vehicle Park."

Chapter 18.15 Definitions

Page 18-11

Insert a definition for Recreational Vehicle Park

"Recreational Vehicle Park" means a lot, tract or parcel of land, where two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public for a charge or fee. It does not mean A) An area designated only for picnicking or overnight camping; or B) A manufactured dwelling park or mobile home park.

Chapter 18.45 Industrial Districts

The planning commission may grant conditional use permits as described in PMC 18.120, pages 18-105-18-106.

Table 18.45.020, Page 18-36

LI – Light Industrial: strike item K

HI – Heavy Industrial: add RV Park Facilities as item I under conditional uses.

IP – Industrial Park: strike item E.

Chapter 12.120.060

In addition to the satisfying the general criteria in section 18.120.040, the Applicant for a RV Park facility must demonstrate that: a) another RV Park is needed in the city; and b) the proposed RV Park is the best option to meet that need.

Point person: Peggy Yoder

Time limit: 10 minutes

What is this all about?

On August 12, 2019 the city council approved application of TGM code assistance. At the June 15 meeting we asked what became of this effort. At the same meeting we voted to request Staff look into the matter and tell us what happened.

At the June 29 meeting, the City Manager informed us that he chose to discontinue this project. Peggy is proposing a letter to the Council to request further action on this matter.

Objectives

1. Discuss Peggy's draft letter
2. Decide whether to take action on this matter

Background / How to prepare

Read Peggy's proposed letter (attached)

Notes:

MEMORANDUM

July 20, 2020

To: Philomath City Council

Re: Transportation & Growth Management (TGM) Request

During a work session on July 22, 2019, the Planning Commission met to discuss "Principles of Transportation and Growth Management Program" with Laura Buhl, Oregon Dept. of Land Conservation and Development. Ms. Buhl explained in detail how "TGM promotes smart growth principles that enable communities to meet transportation needs while retaining their livability and economic vitality." (TGM handout)

The Planning Commission was enthusiastic about the program, and directed Mr. Depa and Mr. Workman to present the program to the City Council.

At the City Council meeting on August 12, 2019, the minutes show (pg 59, lines 17-23):

MOTION: Councilor Jones moved, Councilor Edmonds second, to direct staff to apply for the TGM Code Assistance Grant and Mayor Niemann to provide the required letter of support on behalf of the City Council; and further moved to authorize the City Manager to sign any required agreements related to acceptance of the grant if awarded and direct the Planning Commission to work with staff and the selected consultant on updating the City's development code. Motion APPROVED 5-0 (Yes: Dark, Edmonds, Jones, Low, 23 and Niemann; No: None).

At the November 12, 2019 Planning Commission meeting, Mr. Workman was asked where we stand regarding the TGM grant. The response was "we have applied for that grant and we are waiting to hear back."

At the June 15, 2020 Planning Commission meeting, the Commission asked Staff what happened regarding Laura Buhl and the grant request. After a few minutes of discussion, no clear answer seemed to be forthcoming and a motion was made to formally have Staff answer the question.

On June 23rd, the City Manager wrote the Planning Commission chair to say "I'm not going to have time to write something up on the action on transportation problems, so that will have to wait until next month." The Chair replied that two weeks was certainly enough time and that the Commission would be expecting his statements on the matter. The City Manager declined this request, stating that he did not write something up and "the Commission will have to settle for Pat's response."

At the June 29, 2020 meeting the Planning Commission noted that Laura Buhl had been contacted and she had not received a grant request from Philomath. Ms. Buhl is still interested in assisting Philomath, but would like to be contacted first before any grant is applied for. The Planning Commission asked if another look could be taken, to which the City Manager declined. The City Manager stated that he had made a decision to not proceed with the program on his own authority.

The Council-Manager form of government is that the council appoints a City Manager to take charge of the daily supervision of city affairs, and said manager serves at the pleasure of the Council. The issue raising concern is:

- 1) The decision by the City Manager to disregard the direction of the City Council without informing either the Planning Commission or the Council, and
- 2) Why the City Manager stated on November 12, 2019 that “we have applied for the [TGM] grant” when he had not done so.

We respectfully ask that the behavior by the City Manager be addressed by the City Council, and that the original request by the City Council on August 12, 2019 be fulfilled.

Point person: None

Time limit: 10 minutes

What is this all about?

Our city planner, Patrick Depa, would like to create a Downtown Design Manual. He is hoping that the final version will be enforceable. Tonight he will be presenting his views and asking for our feedback. Patrick has indicated that he will presenting pieces of his proposal over several meetings and would like 10 minute tonight to introduce the subject to us.

(Mr. Depa is invited to take the floor)

Objectives

1. Listen to the presentation
2. Give guidance to Mr. Depa

Background / How to prepare

Read the related information previously provided by Mr. Depa

Notes: