



AGENDA PHILOMATH CITY COUNCIL

October 14, 2019

7:00 P.M.

Council Chambers; Philomath City Hall

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

A. ROLL CALL

B. CONFIRMATION OF CITY COUNCIL APPOINTMENT

C. CONSENT AGENDA

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

1. City Council minutes of September 9, 2019

D. ITEMS REMOVED FROM CONSENT AGENDA

E. PROCLAMATION

1. Indigenous People's Day – Recognition of The Confederated Tribes of Siletz Indians

F. PRESENTATIONS

1. Veterans Street Banner Proposal – Becki Goslow
2. Recognition of service by outgoing City Councilor Marion Dark

G. PUBLIC HEARINGS

1. PC19-08 – PMC Chapter 18 Zoning Code Amendments (various)
 - a. Public Hearing
 - b. Discussion and Decision
2. PC19-09 – PMC Chapter 18.135 Annexation Code Amendments
 - a. Public Hearing
 - b. Discussion and Decision

H. VISITORS COMMENTS

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

I. NEW BUSINESS

1. City Council vacancy process
2. OLCC Winery application - Campfire Wines & Co., 810 Applegate (Spindrift Wines)
3. Formation of 2040 Comprehensive Plan Advisory Group

J. ORDINANCES & RESOLUTIONS

1. Resolution 19-12 supporting Oregon DLCD Technical Assistance Grant application

K. COUNCIL REPORTS

L. STAFF REPORTS

1. City Manager
2. City Attorney
3. Finance Director

4. Police Chief
5. City Recorder
6. Public Works Director

M. INFORMATION & CORRESPONDENCE

1. Thank you letter from Philomath Youth Activities Club for social service contribution
2. Oregon Court of Appeals Order A170725 regarding Lamb & Biscoe vs City & Beelart
3. Philomath Connection ridership for September
4. City website statistics for September
5. Blvd. Apartments Traffic Safety Plan
6. Memorandum of Understanding for Philomath Family Housing Stability Fund
7. Pie Battle at the Corvallis Spirits Festival flyer
8. Planning Commission draft minutes of September 16, 2019
9. FY 2019-20 First Quarter Budget Report

N. EXECUTIVE SESSION

1. Per ORS 192.660(2)(e): Real Property Transactions
2. Per ORS 192.660(2)(d): Labor Negotiator Consultations

The Philomath City Council will meet in executive session for the purpose of discussing real property transactions and labor negotiator consultations. The executive session is held pursuant to ORS 192.660(2)(e and d) which allows the City Council to meet in executive session to conduct this discussion.

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

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

O. RECONVENE IN GENERAL SESSION

1. Public invited to return

P. ADJOURNMENT

CITY MEETING/EVENTS SCHEDULE

(As of 10/9/19)

OCTOBER 2019

- October 10 – 5:00 PM – Park Advisory Board meeting
- October 14 – 5:30 PM – Urban Renewal Agency work session
- October 14 – 7:00 PM – City Council meeting
- October 15 – 3:00 PM – Police Committee meeting
- October 15 – 7:00 PM – City Council meeting (special meeting)
- October 30 – 3:00 PM – Public Works Committee

NOVEMBER 2020

- November 11 – City offices closed in observance of Veterans' Day Holiday
- November 12 – 7:00 PM -- City Council meeting (rescheduled due to holiday)
- November 14 – 5:00 PM – Park Advisory Board meeting
- November 18 – 6:00 PM – Planning Commission meeting (if needed)
- November 28 & 29 – City offices closed in observance of Thanksgiving Holiday

All meetings are held at City Hall Council Chambers, 980 Applegate Street, Philomath, unless otherwise indicated. Tentative meetings may be cancelled if there is no business to be conducted. Refer to the City Meetings & Events calendar on the City's website for confirmation of meetings.

**CITY ATTORNEY'S OFFICE
MEMORANDUM
SEPTEMBER 9, 2019**

To: Philomath City Council
From: Jim Brewer, City Attorney
RE: Apologies and Correction/Councilor Appointment

Issue: Number of votes required for appointment of Councilor filling vacancy.

Briefly, I owe the Mayor, Council, Community and Ruth Causey and Matt Lehman, an apology. I evidently cannot count to four.

At the August 12, 2019 Council meeting, the first item on the agenda under New Business was City Council Vacancy Appointment. Section 7.2 of the City Charter reads:

Section 7.2 Filling vacancies.

Vacant elective city offices shall be filled by appointment by a majority vote of the remaining members of the council. The appointee's term of office begins immediately on appointment and continues throughout the unexpired term of the predecessor. During the temporary disability of an officer or during an officer's temporary absence from the city for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office.

The relevant point is that this section requires a majority vote of **the remaining members** of the Council to fill a vacancy. Although only five members of the Council were present, Councilor Weiss' resignation reduced the number of remaining members to six. A majority is any number that is greater than ½ of the body. I had reviewed this issue prior to the meeting and had a copy of this Charter provision with me and open in front of me during the meeting. I knew what the requirement was. After two ballots, Ruth Causey received three votes, Matt Lehman received two. Ruth Causey was considered appointed by this action. I evidently wasn't paying proper attention, as I believed she had received four votes. Ruth Causey was subsequently sworn in at the September 9, 2019 meeting.

After the September 9, 2019 meeting and the publication of the August 12 minutes, I received a telephone call from a California lawyer who was familiar with the charter language and asked me about the vote. I told him that I believed that four votes had been cast for Ruth Causey. Then I checked the minutes. I was wrong. Evidently, I cannot count to four, or cannot do single digit division and addition. I apologize to the individuals, the Council and the community.

Recommended Council Actions:

To remedy the situation I created, I advise the Council to take another vote to fill the vacancy. If Ruth Causey receives a majority of the votes of the remaining Council members, then she can be sworn in before other business and take her place at the Council table. The

Council is, of course, free to vote as it chooses. The City Manager has reached out to the other people interested in this position, to explain the situation. Based on these conversations, I would recommend the Council consider the following motion:

I move to appoint Ruth Causey to fill the vacancy on the Council.

Finally, following its action on filling the vacancy, I would advise the Council to consider the following motion:

I move to ratify the decisions made and actions taken at the September 9, 2019 meeting, specifically including Resolution 19-10 and Resolution 19-11.

PHILOMATH CITY COUNCIL
REGULAR MEETING
MINUTES
September 9, 2019

A. CALL TO ORDER/ROLL CALL

The City Council of the City of Philomath was called to order on Monday, September 9, 2019, at 7:00 p.m. in the Philomath City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon, by Mayor Niemann.

Present:

Mayor Eric Niemann
Councilor Ruth Causey (*Seated at 7:03 p.m.*)
Councilor Marion Dark
Councilor Doug Edmonds
Councilor Chas Jones (*Via videoconference beginning at 8:59 p.m.*)
Councilor David Low
Councilor Matthew Thomas (*Via videoconference 8:59 p.m.-9:10 p.m.*)

Absent:

Staff Present:

City Manager Chris Workman
City Attorney Jim Brewer
Finance Director Joan Swanson
City Recorder Ruth Post

Absent:

Police Chief Ken Rueben
Public Works Director Kevin Fear

B. OATH OF OFFICE

1. City Councilor Elect Ruth Causey – Ms. Causey received the oath of office from Ms. Post and took her seat as a member of the Council.

C. CONSENT AGENDA

1. City Council Minutes – August 12, 2019

MOTION: Councilor Dark moved, Councilor Edmonds second, to amend Agenda Item #C.01, City Council minutes of August 12, 2019, on Page 58, Line 9, to replace the word “ensured” with the word “assured” and on Page 58, Line 11 to replace the words “Corvallis city limits” with “city limits in Corvallis.” Motion APPROVED 5-0 (Yes: Causey, Dark, Edmonds, Low and Niemann; No: None).

9/11 Remembrance – Mayor Niemann recognized Boy Scouts from Troop 161 in attendance. He requested that three of the Scouts assist in a candle lighting ceremony in remembrance of September 11, 2001, with one candle for each crash site. Mayor Niemann read a partial transcript from the final cell phone calls from United Flight 93 which crashed into the Pennsylvania countryside as the Scouts lit the candles.

D. ITEMS REMOVED FROM CONSENT AGENDA

None.

E. PRESENTATIONS

1. Philomath Community Farmers Market Steering Committee – Mark McGuire, Executive Director, Philomath Community Services – Mr. McGuire introduced the current interest in exploring a farmers market steering committee in Philomath. He described the

1 participants working on a steering committee and the possible connection to Philomath
2 Community Services as a long-term fundraising source. He noted the desire to use City
3 resources such as the newsletter for a survey to gauge community interest. He
4 described positive preliminary feedback from farmers who have already learned of the
5 potential market and stated that the Corvallis-Albany Farmers Market is having to turn
6 vendors away. There was discussion about a timeline with a possible pilot project in
7 2020. Mr. McGuire described the use of a survey to gauge public interest. Mayor
8 Niemann questioned if the robust markets in Corvallis are a concern. Mr. McGuire stated
9 that the participation of the Corvallis-Albany market director is valuable to the Philomath
10 effort and is with their Board's approval. There was discussion about possible
11 timeframes, market days, and locations. Mayor Niemann noted proposed Resolution 19-
12 10 under Agenda Item #H.01 to support the Market Steering Committee and the tie-in to
13 the Strategic Plan for a healthy community. There was additional discussion about the
14 possibilities for a successful market. Mr. McGuire described some of the minimum
15 requirements the steering committee will be targeting for a successful market.
16

17 **2. Suicide Prevention / Lilly's Lope for Hope – Paula May, Lilly's Lope for Hope**
18 – Ms. May explained that six years ago her 14-year-old niece, Lilly Stagner, committed
19 suicide. She described the resulting passion she has developed for suicide prevention
20 efforts, including education she provides in local school districts at all age levels. She
21 noted she is a nurse and works with the support of the Corvallis Hospital. She described
22 the QPR classes she teaches and coordinates. She described the 6th annual 5K/1K run
23 in Lilly's memory that raises approximately \$10,000 every year through registrations,
24 sponsorships and silent auctions. She described the uses of the funds including paying
25 for special event trainers at the schools, several other support programs, and free
26 counseling provided to youths. She stated that all Benton County schools, with the
27 exception of North Albany, now receive support from the fundraising proceeds. Ms. May
28 described information they have developed to assist youths in getting needed services.
29

30 Mayor Niemann noted the difficult work that Ms. May has championed and the
31 inspiration she serves as. He described the school Inspired programs that are held each
32 year.
33

34 **Proclamation of September as Suicide Prevention Awareness Month – Mayor**
35 Niemann read the proclamation declaring September 2019 as Suicide Prevention
36 Awareness Month in Philomath. Ms. May lit a candle in memory of Lilly. Mayor Niemann
37 requested that the Scouts in attendance assist in distributing a small suicide prevention
38 information kit to all of the meeting attendees.
39

40 **F. VISITORS COMMENTS**

41 **1. Julie Conner, Philomath, OR** – Ms. Conner described concerns conveyed to her
42 by a local school bus driver about drivers who are passing school buses when the bus
43 lights are on and flashing. She noted the area this driver was having issues with is on
44 Highway 20 west of Woods Creek Road. She stated she has encouraged the driver to
45 contact Chief Rueben
46

47 **2. Sandy Heath, Philomath, OR** – Ms. Heath stated she understood the need to
48 collect fees for certain public information requests, but stated concerns about excessive
49 increases proposed in Resolution 19-11, Agenda Item #H.02. She stated the importance
50 of the federal Freedom of Information Act (FOIA) in providing citizens with access to
51 public records to allow for public scrutiny. She stated concerns about fees charged for
52 filing a land use appeal and that it was contrary to the fabric of the FOIA. She requested

1 the Council reconsider their calculation of the fees to allow everyone to participate in
2 democracy.

3
4 Ms. Heath stated the only fees she'd recently heard discussed by the Council were with
5 regard to the parks at the Finance & Administration Committee meeting. She described
6 her recent experience filing a Planning Commission appeal and learning that the deposit
7 had been increased from \$250 to \$690; however, she stated she was speaking in
8 particular about fees associated with a public records request. Ms. Swanson clarified
9 that the fee changes proposed on the new schedule include a reduction to the cost for
10 an oversized printing request. Ms. Heath stated concerns about a change to the cost of
11 public copies at 25 cents per page and that copies could be made anywhere else for 10
12 cents per page. There was confirmation by staff that this was the current fee and not a
13 fee change. Ms. Swanson confirmed that the only other change was a reduction to the
14 weekday rental rate for the Randy Kugler Community Hall building.

15
16 **3. Peggy Clark, Blodgett, OR, and Karen Bennett, Philomath, OR** – Ms. Clark spoke
17 as a representative of the PHS Old Timers' Reunion regarding the proposed fee
18 changes for reservation of the Randy Kugler Community Hall at City Park. She
19 requested the Council consider grandfathering a few waiver for the reunion as it has
20 received since the Hall was built. She stated the reunion has been being held for up to
21 60 years and they had over 160 participants this past year. Mayor Niemann
22 acknowledged that there are some costs associated with maintaining the park and the
23 Council would take the request into consideration.

24
25 Mayor Niemann called a recess at 7:50 p.m. and reconvened the Council at 7:57 p.m.

26
27 **G. NEW BUSINESS**

28 **1. Mayor appointments to standing committees and community organizations**
29 – Mayor Niemann noted that Councilor Causey has been appointed to the Police
30 Committee and as the liaison to the Philomath Chamber of Commerce.

31
32 **2. Revised Philomath Connection bus schedule** – Mayor Niemann summarized
33 the open house that was held earlier in the evening and the feedback that was received.
34 (Supplemental Agenda Item #G.02 – written comments received.)

35
36 Tim Bates, Corvallis Transit Service – Mr. Bates described some of the history of the
37 Philomath Connection route which has seen minimal changes for the past decade.
38 Mayor Niemann noted that ridership numbers are down and at their worst level ever. Mr.
39 Bates noted that bus ridership is down nationwide and this seems to correspond with the
40 price of gas. There was discussion about proposed revisions and the attempt for route
41 changes to serve the greatest good. Mayor Niemann noted that Oregon State students
42 begin classes on September 25 and the goal is to have the new routes in effect prior to
43 that.

44
45 **MOTION:** Councilor Edmonds moved, Councilor Low second, to approve the proposed
46 revisions to the Philomath Connection bus schedule effective September 23, 2019.
47 Motion APPROVED 5-0 (Yes: Causey, Dark, Edmonds, Low and Niemann; No: None).

48
49 **3. Investment Policy review** – Councilor Low, Finance & Administration
50 Committee Chair, summarized the review process that the proposed Investment Policy
51 has gone through over the past year. He stated the current policy was adopted in 1994
52 and is outdated and lacks some of the standards that the State now requires. He stated

1 the proposed policy is intended to keep the City's investments safe. Ms. Swanson noted
2 that the proposed policy was based on the State model policy but that some sections of
3 the model were removed to make the proposed policy more fiscally conservative and
4 more closely match the City's conservative investment strategy. There was discussion
5 about the current return on funds in the State Local Government Investment Pool.
6 Councilor Causey described her review of the sections that were removed from the
7 model and was satisfied with the information provided by the Finance Director. Ms.
8 Swanson noted that those sections are directed more towards larger cities than
9 Philomath, such as Portland, Eugene and Salem. Councilor Edmonds stated he also
10 reviewed the policy with Ms. Swanson and agreed with adoption.

11
12 **MOTION:** Councilor Edmonds moved, Councilor Causey second, the City Council
13 approve the Investment Policy as presented. Motion APPROVED 5-0 (Yes: Causey,
14 Dark, Edmonds, Low, and Niemann; No: None).

15
16 **4. Proposed 9-1-1 Service District for Benton County** – Mayor Niemann
17 reviewed the history of joint emergency dispatch services provided through the City of
18 Corvallis, the proposed special service district, and the prior discussions by the Council
19 regarding it. He described increases in service calls at the current 9-1-1 dispatch center
20 in Corvallis. Mayor Niemann reviewed Resolution 18-17 approved by the Council on
21 June 25, 2018, showing support for initiating formation of a permanent 9-1-1 Emergency
22 Communications County Service District in Benton County. He stated that, based on the
23 resolution, he had provided an authorization for the City Council to be identified as a
24 supporter of the service district in the Benton County Voters' Pamphlet. Councilor
25 Edmonds emphasized the effect of cell phones on dispatch services, including location
26 challenges.

27
28 **5. "If I were Mayor ..." Contest by Oregon Mayor's Association (OMA)** – Mayor
29 Niemann described the annual contest promoted by the OMA at local elementary,
30 middle and high schools. He described the incentive at the local level that could be
31 created by providing worthy prizes. He noted the communication with the School District
32 to ensure they have time to incorporate it into the curriculum. Councilor Edmonds stated
33 support for the program. Councilor Low stated he liked the civic nature of the program.
34 Council gave consensus to proceed with the program.

35
36 **H. ORDINANCES & RESOLUTIONS**

37 **1. Resolution 19-10 Supporting the Philomath Community Farmers Market**
38 **Steering Committee** – Mayor Niemann summarized the presentation earlier by Mark
39 McGuire from Philomath Community Services. Councilor Low stated he liked that it is an
40 effort that is being community-driven. Councilor Causey stated support for a market that
41 would be a healthy alternative. Mr. Workman stated that Ms. Post will be serving on the
42 steering committee and the resolution supports and authorizes the use of City staff time
43 towards the effort. Councilor Edmonds stated support and noted the correlation to the
44 Strategic Plan goals.

45
46 **MOTION:** Councilor Causey moved, Councilor Dark second, to approve Resolution 19-
47 10. Motion APPROVED 5-0 (Yes: Causey, Dark, Edmonds, Low, and Niemann; No:
48 None).

49
50 **2. Resolution 19-11 Setting certain fees for services, licenses and permits** –
51 Finance & Administration Committee Chair Low stated there were two facets to the
52 recommendation from the Committee. He noted the first was action in the resolution to

1 reduce weekday rates to rent Kugler Hall to encourage rentals and to reduce the fees for
2 large format printing requests. He stated the second facet was to identify which
3 organizations receive use of the Hall free of charge and the resulting Committee
4 decision to limit the fee waiver to the Lions Club.
5

6 Ms. Swanson clarified that the Committee reviewed the fees for Kugler Hall and the
7 Public Works Director made a recommendation to reduce the fees for the large-format
8 printing. Mr. Workman noted that the City has acquired a large-format printer which has
9 made it easier and less expensive to make those types of copies. Councilor Dark
10 questioned the types of requests that are charged an hourly rate. Ms. Post identified the
11 types of research requests she processes that fall into that category. Councilor Dark
12 questioned the deposit amount for appeal of a planning decision. Mr. Workman
13 described the need to collect a fee to cover the costs of the appeal and noted that the
14 expenses are tracked. Ms. Post stated the current fee is based on actual costs
15 associated with prior appeals.
16

17 **MOTION:** Councilor Low moved, Councilor Edmonds second, to approve Resolution 19-
18 11 as presented. Motion APPROVED 5-0 (Yes: Causey, Dark, Edmonds, Low, and
19 Niemann; No: None).
20

21 Councilor Edmonds stated understanding for waiver requests but also the need to cover
22 maintenance costs at the parks. Councilor Low stated the issue of the waivers had not
23 been reviewed since they were originally instituted. He questioned how to draw the line
24 on what constitutes a worthy group. Mayor Niemann questioned if the Old Timers'
25 Reunion coming in and presenting their case made them more worthy than one of the
26 groups that didn't. Councilor Low stated that the Finance & Administration Committee
27 unanimously recommended only allowing the Lions Club the waiver due to their
28 contributions to the construction of the Hall. Councilor Dark reviewed the fee reduction
29 that was reviewed by the Committee. Mayor Niemann supported the Committee making
30 the waiver decision. Ms. Swanson clarified that the weekend rates apply on Saturday
31 and Sunday only, not Friday. Mr. Workman stated that there is staffing expense
32 associated with each reservation. He recommended the Council either identify the
33 groups that are waived or do away with the list entirely. Mr. Workman stated that there
34 has been no official notice provided to the other groups that this was to be Council
35 discussion item, but the Old-Timers heard about the removal of the waiver through the
36 grapevine and let staff know of their intention to appear tonight. General consensus was
37 that the Committee's recommendation be accepted. Mr. Workman noted that there are
38 other park facilities available that don't have a fee for reservation. He added that the
39 Kugler Hall has a fee because of specific maintenance costs associated with it. He
40 commended Jan Boggs, who manages the reservation system, for making all of the
41 facility options known to those who inquire. Mayor Niemann volunteered to pay for a
42 block of the rental fee and Mr. Workman offered to match the Mayor's contribution so the
43 Old Timers' fee could be paid for 2020. Consensus was to accept the Committee's
44 recommendation to limit the fee waiver to the Lions Club.
45

46 **I. COUNCIL REPORTS**

47 **1. Councilor Edmonds** – Councilor Edmonds reported on the new brochure
48 available for the Philomath Community Foundation and stated the annual financial
49 reports are available.
50

51 **2. Councilor Causey** – Councilor Causey stated she enjoyed attending both the
52 Brew and Wine Fest and the Chili Cookoff. Mayor Niemann cited the successful

1 attendance at the Wine Walk, Brew and Wine Fest and Chili Cookoff events this
2 summer. The winners of the Chili Cookoff were announced.

3
4 **3. Councilor Low** – Councilor Low reported he and the Mayor attended the grand
5 opening of Dirt Road Brewing on Main Street and noted the additional employment being
6 provided with their brewing facility move to Philomath. He also reported that the
7 Philomath Community Services has some new things on the horizon.

8
9 **4. Councilor Edmonds** – Councilor Edmonds requested feedback on the change
10 of the City Council agenda packet delivery to Wednesday. Mr. Workman noted the
11 conflict with the management staff meeting on Wednesday mornings, resulting in a short
12 time-line for completion of the packet.

13
14 *(Councilors Thomas and Jones joined the meeting via teleconference at 8:59 p.m.)*

15
16 Mr. Workman described the impact of not having the extra day to prepare the packet.
17 Ms. Post noted the challenge of getting the packets completed and ready for delivery
18 before Public Works finishes for the day. Councilor Dark suggested the packets be
19 delivered on Thursday morning. Councilor Jones stated he would use the extra day if
20 provided but it wasn't a necessity. Councilor Thomas concurred.

21
22 **MOTION:** Councilor Edmonds moved, Councilor Causey second, to change the packet
23 delivery to Councilors to Thursdays. Motion APPROVED 6-1 (Yes: Causey, Edmonds,
24 Jones, Low, Thomas and Niemann; No: Dark).

25
26 **5. Councilor Dark** – Councilor Dark stated concerns about the flashing crosswalk
27 being installed at The Boulevard Apartments highway crossing. She stated the need to
28 reduce the speed limit in that area. Mayor Niemann stated that the highway crossing
29 was a concern at the time the development was approved. He stated he could approach
30 CAMPO regarding the speed limit. He described other concerns regarding crosswalks
31 that he has taken to CAMPO.

32
33 *(Councilor Thomas departed via teleconference at 9:10 p.m.)*

34
35 Mayor Niemann described the mobile speed signage that the Police Committee has
36 been reviewing for possible purchase and deployment. Councilor Edmonds described
37 some of the options that the Police Committee has been reviewing. Councilor Dark
38 restated the need to reduce the speed, she described the confusing merges involved.
39 Mayor Niemann stated the value of traffic enforcement efforts.

40
41 Councilor Dark questioned the status of the Water Quality TMDL Implementation Plan
42 and wondered if anything had changed (Agenda Item #K.03). Councilor Edmonds stated
43 that he contacted the Public Works Director for clarification of questions he had and
44 recommended she do the same.

45
46 **J. STAFF REPORTS**

47 **1. City Manager** – Mr. Workman updated the Council on the construction at Flossie
48 Overman Park on North 11th Street. He stated that construction is on schedule and
49 anticipated to be completed by the end of September. He stated that an appeal has
50 been filed for the Lepman Development and a public hearing will be scheduled before
51 the Council. He stated that 15 registrations were received for the upcoming Citizens'
52 Academy, with the first session scheduled for this Wednesday evening. Councilor Jones

1 requested that the schedule be distributed to the Council. Mr. Workman reported that the
2 Downtown Streetscape Project is moving forward. He noted that ODOT has had some
3 personnel changes and a Memorandum of Understanding is under development with
4 ODOT. He recommended a work session in October to bring the Council up to speed on
5 the work that has been developed to this point, with construction anticipated in early
6 2021. Council agreed to the work session on October 14; and Mr. Workman will have the
7 City's consultant from Murray Smith and ODOT in attendance. Mr. Workman stated he
8 would be attending the League of Oregon Cities' Conference later this month, along with
9 Mayor Niemann and Councilor Low. Mayor Niemann stated he would be touring the new
10 Bend membrane filtration water treatment plant.

11 **2. City Attorney** – Mr. Brewer noted the memorandum under Agenda Item #K.05,
12 regarding the Citizen Involvement Committee. Councilor Dark questioned how the CIC
13 works. Mr. Brewer explained that the Planning Commission serves as the CIC, as is
14 similar to many other similar-sized communities. Councilor Dark questioned how the
15 Planning Commission is appointed in Corvallis. Mr. Brewer stated they are appointed by
16 the City Council.

17 **3. Finance Director** – Ms. Swanson reported that PERS is now taking applications
18 for opening side accounts for those entities with an unfunded liability exceeding 200%.
19 She stated the auditors were on-site last week and they will be moving forward with
20 completing their report. She stated they will make a presentation of their final findings
21 later this year. She stated that approximately 30 applications have been received so far
22 for the reduced water base rate.

23 **4. Police Chief** – Excused.

24 **5. City Recorder** – Ms. Post reminded the Council that Veterans' Day, November
25 11, falls on a regular City Council date; and the City Council meeting will be held on
26 Tuesday, November 12, instead. Mayor Niemann reported on the five members of the
27 community who received Quilts of Valor this past Labor Day Weekend at the ceremony
28 at the Scout Lodge.

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

30
31 Mayor Niemann noted he has invited the local representative from Pacific Power to
32 appear before the Council at the October meeting to give electrical savings tips. He also
33 reported on Ron Wyden's visit to the Philomath Pharmacy to kick off his new initiative to
34 reduce prescription medication costs. Mayor Niemann reviewed the background for
35 Wyden's legislation.

36
37 Councilor Low requested that the Council continue discussions about an informal public
38 coffee session. Mayor Niemann requested that staff provide some assistance in setting
39 up a schedule. There was discussion about setting up a rotating schedule format and
40 using City resources to provide information to the public.

41
42 Mayor Niemann reviewed upcoming events, including the Lions Club Book Sale this
43 weekend, PYAC Carnival on September 20, the Philomath Fire & Rescue Open House
44 on October 5, and Lilly's Lope for Hope on October 12.

45
46 **K. INFORMATION & CORRESPONDENCE**

- 47 **1. Thank you letter from Strengthening Rural Families for social service**
48 **agency contribution** – No comment.
49 **2. Thank you letter from ABC House for social service agency contribution --**
50 **No comment.**
51 **3. 2018-19 TMDL Implementation Plan Annual Report** – No comment.

- 1 **4. Thank you letter from Vina Moses for social service agency contribution to**
- 2 **Benton County Fish Emergency Fund – No comment.**
- 3 **5. Memorandum from City Attorney’s Office regarding Citizens’ Involvement**
- 4 **Committee – No comment.**
- 5 **6. Draft Park Advisory Board minutes of August 8, 2019 – No comment.**
- 6 **7. Draft Finance & Administration Committee minutes of August 27, 2019 – No**
- 7 **comment.**
- 8 **8. Republic Services annual report – No comment.**
- 9 **9. Thank you letter from Philomath Community Services for social service**
- 10 **agency contribution – No comment.**

L. ADJOURNMENT

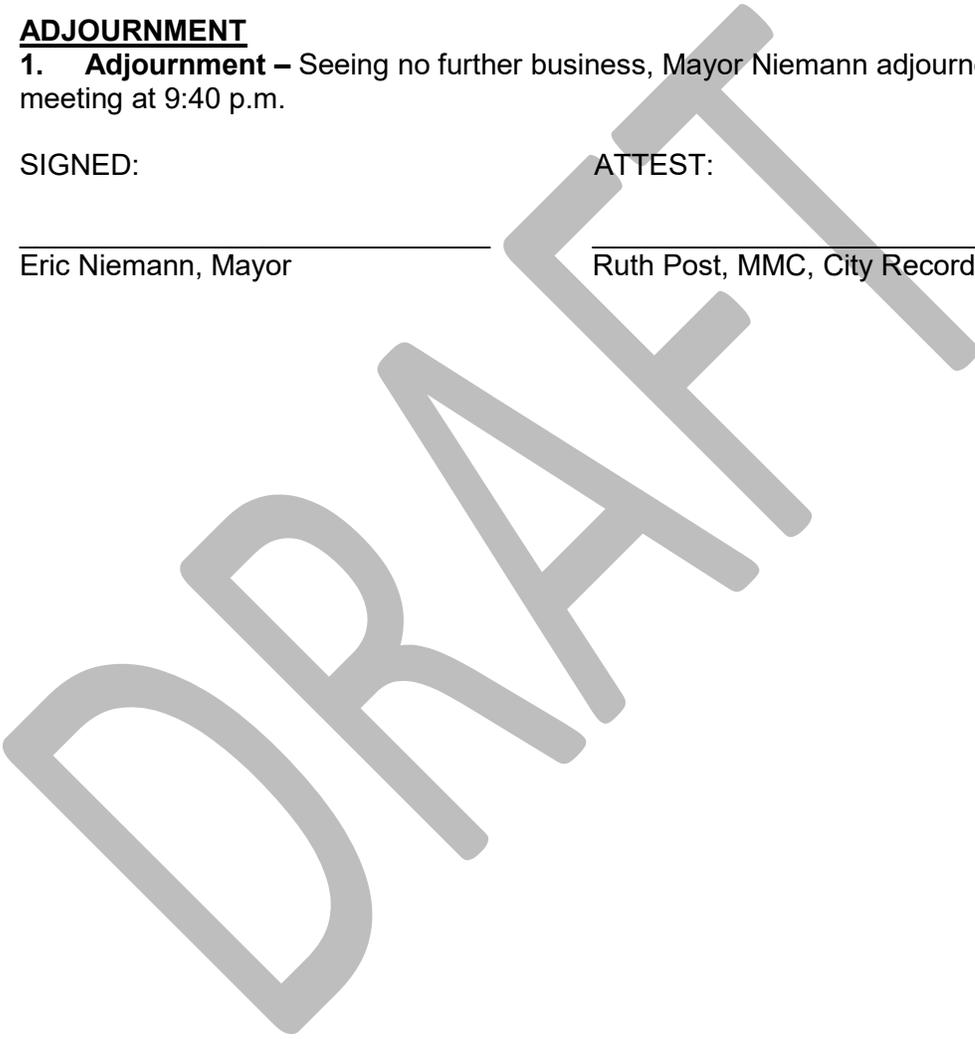
1. Adjournment – Seeing no further business, Mayor Niemann adjourned the meeting at 9:40 p.m.

SIGNED:

ATTEST:

Eric Niemann, Mayor

Ruth Post, MMC, City Recorder





**CITY OF PHILOMATH
PROCLAMATION
INDIGENOUS PEOPLES' DAY**

WHEREAS, Oregon is home to nine federally recognized Tribal governments in Oregon; and

WHEREAS, the City of Philomath recognizes that Indigenous People have called the lands of Oregon home since time immemorial; and

WHEREAS, in recognition of their long-time presence in this region, Philomath High School's Mascot is the Warriors and the Philomath Middle School's Mascot is the Braves in tribute to the courage, bravery, and pride of The Confederated Tribes of Siletz Indians; and

WHEREAS, The Confederated Tribes of Siletz Indians recently awarded grant funding to Philomath Community Gleaners & Philomath Community Services, to help the community-based food bank; and

WHEREAS, the Philomath Frolic & Rodeo recently honored its longtime relationship with The Confederated Tribes of Siletz Indians by selecting them to serve as the Grand Marshall of the Philomath Frolic & Rodeo Parade this past year; and

WHEREAS, a member of the Confederated Tribes of Siletz Indians recently participated in the Mary's Peak Convening held here in Philomath City Hall to provide input on how our community can work together to remain good stewards of this natural treasure.

THEREFORE, I Eric Niemann, Mayor of the City of Philomath, proclaim Monday, October 14th as Indigenous Peoples' Day in the City of Philomath and encourage all residents to recognize this observance. I would further encourage that the City of Philomath continue to seek ways to strengthen its relationship with The Confederated Tribes of Siletz Indians.

DATED: October 14, 2019

SIGNED:

(CITY SEAL)

Eric Niemann
Mayor, City of Philomath



Philomath City Council
Agenda Item Summary

Title/Topic: PC19-08 – Various Development Code Amendments

Applicant: City of Philomath
Meeting Date: October 14, 2019
Department: Planning

Staff Contact: Patrick Depa
Email: patrick.depaa@co.benton.or.us

Issue Statement:

The proposed Development Code amendments come from a variety of origins and circumstances grounded in guiding new development, increasing safety and applying best planning practices. In looking at the development impacts throughout the community, the Planning Commission recommends this proposed language be incorporated into the City's Code.

This matter comes before the City Council for consideration and action, based on the recommendations of Planning Commission.

Background:

In February 2019, City staff started a conversation with the Planning Commission of amending the development code with a list of specific concerns that have risen up over the past several years. Staff presented fifteen amendments ideas which were narrowed down to seven through multiple work sessions, an open house, and a public hearing.

The attached redlined version of the recommended code changes are the final versions that the Planning Commission recommends. The final version of these separate sections and sub-section code changes are the ones before the Council for your consideration and action.

Following the public hearing before the City Council on October 14, 2019, the Council may direct staff to bring the approved language to the Council for consideration in the form of an amending ordinance.

PLANNING COMMISSION OPTIONS:

1. To approve as presented
2. To approve as modified if changes are proposed.
3. To deny any or all parts of the proposed changes.

RECOMMENDED MOTION:

"I move to accept the findings of fact as presented and direct the City Manager have the appropriate ordinance with amending language be presented to the City Council for consideration and action."

ATTACHMENTS

- A. Staff Report dated October 7, 2019
- B. Redlined version of the proposed revisions to PMC



STAFF REPORT

DATE:	October 7, 2019
NATURE OF APPLICATION:	Update the City of Philomath Development Code.
APPLICANT:	City of Philomath
APPLICABLE CRITERIA:	Section 18.105.060 of the Philomath Municipal Code (PMC)
PROPERTY LOCATION:	City Wide
STAFF CONTACT:	Patrick Depa, Associate Planner
FILE NUMBER:	PC19-08

Background

Planning Commission and staff went over these proposed amendments and their intended purpose over the course of several meetings including an open house for the public to read about the changes and comment on them. The attached code amendments are the result of the notes and testimony we took during those meetings.

Summary

The purpose of this update is to recognize changing standards within the community predominately related to commercial and residential parking, manufactured home development standards, temporary storage, housing in the downtown commercial district, the validity of approved plans and pre-existing approvals and new code addressing the protection of the city's existing tree canopy. Some of these code changes are to address the increase in development and to prevent any undesirable projects in the downtown that would throw off the city's downtown main street improvements project.

The purpose of the hearing is to determine if the code amendments are sufficient to address their intended purpose and use and to arrive at a recommendation to the City Council.

The proposed language that would supplant the existing

Section 18.105.060 provides the criteria for Type IV legislative amendments. The decision-making criteria are enumerated under subsection G as follows:

Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

- 1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197 (for comprehensive plan amendments only);**

This is not a comprehensive plan amendment. The Statewide Planning Goals and Guidelines are not applicable to amending this language

2. Comments from any applicable federal or state agencies regarding applicable statutes or regulations;

Notice was provided to the Department of Land Conservation and Development. No comments were received from any state or federal agency.

3. Any applicable intergovernmental agreements; and

Intergovernmental agreements address coordination of development aspects and are not applicable to the amendments.

4. Any applicable comprehensive plan policies and provisions of this Code that implement the comprehensive plan. Compliance with Chapter 18.135 PMC shall be required for Comprehensive Plan Amendments, and Land Use District Map and Text Amendments.

Chapter 18.105-060 pertains to legislative amendments specifying that amendments are policy decisions made by the City Council.

The applicable comprehensive plan policies identified by a review of that document relating to this topic include:

Citizen Involvement Policies

1. The City of Philomath shall continue to hold public hearings on all comprehensive plan and zoning ordinance amendments.
2. The City of Philomath shall provide for ongoing citizen involvement in the planning process of continuing to follow the approved Citizen Involvement Program.

Findings: The City has held public open houses and received comments factored into the final documents and the City will hold public hearings before the Planning Commission and City Council to afford the general public the opportunity to be involved.

Housing Policies

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.
2. The City will encourage the utilization through incentives for mixed-use zoning to allow people to reside in closer proximity to employment opportunities. *(Added by Ord. #720 on 9/22/03.)*

Findings: The City will continue to seek and support many different varieties of housing choices which is evident in the expansion of the Mobile Home Park Special Standards for Certain Uses and the clarification of preferred residential development in the city's downtown commercial core.

Recommended Motion:

"I move to accept the findings of fact as presented in the Staff Report dated September 24, 2019 and direct the City Manager to present the appropriate amending ordinance to the City Council for consideration and action."

OR

I move to adopt the findings of fact as modified in opposition to the applicable criteria and that the proposed code amendments as presented in File No. PC19-08 be denied.

PROPOSED CHANGES TO THE ZONING CODE

Plan Approvals

18.10.050. Validity of approved plans and ~~P~~pre-existing approvals.

A. Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted, are subject to the following: prior to the effective date of the ordinance codified in this title, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Chapter 18.130 PMC, Modifications to Approved Plans and Conditions of Approval.

1. **Start of Construction.** Site plan approval is valid for a period of eighteen (18) months from the date of approval. Building permits must be issued and physical construction as set forth below must commence within the eighteen (18) month period.

2. **Extensions.** Upon written application prior to expiration, the planning commission, or city council, as applicable, may authorize an extension of the time limit of the site plan approval for an additional one (1) year. The extension shall be based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period. The planning commission, or city council, as applicable, may require compliance with any amendments to the zoning ordinance adopted since the date of the original approval.

3. **Expiration of Site Plan Approval.** In cases where at least 25% of the construction authorized by a site plan approval is not complete within eighteen (18) months of site plan approval or granting of an extension, the site plan approval shall automatically become null and void and all rights thereunder shall terminate.

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

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

Manufactured Home Parks

18.35.100 Special standards for certain uses.

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

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

2. Space. The minimum size pad or space for each home is 2,500 square feet; provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS 446.100(1)(c).
3. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 10 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than five feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than six feet to any other structure or dwelling, except that a double carport or garage may be built which serves two dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least three feet.
4. ~~Perimeter~~ Landscaping/Buffering. Manufactured home parks shall be landscaped as follows:
 - a. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the ~~city may require installation of fencing and~~ planting of a six-foot wide landscape buffer between the right-of-way and a manufactured home park **is required** for the privacy and security of residents or aesthetics of the streetscape.
 - b. The park shall provide landscape screening along the park boundary abutting adjacent properties.
 - c. The landscaping screening shall consist of evergreen trees or shrubs of a minimum three (3) feet in height, which are spaced so they provide a semi-continuous screen at maturity. Alternative screening devices subject to prior approval may be utilized if they conceal the manufactured home park as effectively as the required landscaping described above and provided the screening is kept in good repair.
 - d. Exposed ground surfaces in all parts of the manufactured home park shall be paved, covered with stone or other solid material, or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.
 - e. Minimum 20% of the site shall be dedicated to open space, excluding roads, and shall be designated on the site plan. Should recreational areas also be proposed, these shall also be shown on the plans.
5. House Design (~~Parks Smaller Than Three Acres~~). Manufactured homes in parks ~~smaller than 3 acres~~ shall meet the following design standards, consistent with ORS 197.314(6):
 - a. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees). ~~;~~ **and**
 - ~~b. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered superior to metal siding and roofing).~~

6. Streets and Sidewalks. All streets within the park shall be constructed and paved in accordance with city standards for local roads as outlined in the City's Transportation System Plan (TSP) unless other standards are approved by the Planning Commission. The manufactured home park shall be provided with a walk system in conformance with city requirements. Two (2) access points shall be provided to a major street to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park streets shall be interpreted as satisfying this requirement.
7. On Site Sales. The business of selling or storing new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a used manufactured home by a resident of the manufactured home development provided the development permits the sale.
8. Signage. There shall be a maximum of two (2) sixteen (16) square foot monument signs per street frontage with an entrance that shall bear the name and address of the manufactured home park. Such signs shall be located ten (10) feet from the lot line/right-of-way line and shall comply with *Chapter 18.95 Regulating Placement of Signs*.

Multi-family in Commercial Zones

18.40.090
Special standards for certain uses.

Residential in Commercial District
Table 18.40.020

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

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

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

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

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

** Multifamily dwellings in the ~~O-R~~ zone are subject to the standards of the R-3 zone in Chapter 18.35 PMC. [Ord. 799 § 7, 2015; Ord. 737 § 1, 2006; Ord. 734 § 1, 2005; Ord. 720 § 7[2.2.110], 2003.]
a commercial

A. Residential Uses. Higher density residential uses, such as multifamily buildings and attached townhomes, are allowed to encourage housing near employment, shopping and services. All residential developments shall comply with the standards in subsections (A)(1) through (A)(6) of this section, which are intended to require mixed-use development;

conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses that existed prior to the effective date of the ordinance codified in this title are exempt from this section.

1. Mixed-Use Development Required. Residential uses shall be allowed only when part of a mixed-use development (residential with commercial or public/institutional use). Both vertical mixed-use (housing above the ground floor), and horizontal mixed-use (housing on the ground floor) developments are allowed, subject to the standards in subsections (A)(2) through (A)(6) of this section.
2. Limitation on Street-Level Housing. No ~~more than 50 percent of a single~~ street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it ~~does not limit~~ residential uses to above the street level on upper stories or behind street-level storefronts. For parcels with street access at more than one level (e.g., sloping sites with two street frontages), the limitation on residential building space shall apply to all street frontages. Minimal street frontage may be given for stairways or access corridors to residential uses.

Temporary Storage

18.40.090 Special standards for certain uses.

H. Parking of semi-truck and/or tractor/trailers shall not exceed five calendar days.

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

Urban Tree Canopy

Chapter 18.70 LANDSCAPING, ~~AND~~ STREET TREES AND URBAN FOREST

Sections:

18.70.010 Purpose.

18.70.020 Landscape conservation.

18.70.030 New landscaping.

18.70.040 Street trees.

18.70.050 Repealed.

18.70.060 Urban Canopy: Application for tree removal permit.

18.70.070 Mitigation.

18.70.080 Public nuisance definition.

18.70.090 Notice required for nuisances.

18.40.100 Violation and penalty.

18.70.010 Purpose.

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

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

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

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

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

18.70.020 Landscape conservation.

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

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

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

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

3. Agriculture, Commercial Tree Farm or Orchard. Tree removal or transplanting occurring during use of land for commercial agriculture, orchard(s), or tree farm(s) for nursery or Christmas tree production.
4. Tree removal by the city or a utility within easements, rights-of-way, or on public lands.
5. Abatement of a nuisance as defined in Chapter 9.15.070 PMC or trees owned by the City.

18.70.040 Street trees.

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

1. Plant, cut, tap, carve, top, remove or transplant any tree, shrub or other plant located in the public right-of-way or on city property. This does not prohibit routine care and pruning; [Ord. 618 § 5, 1993.]
2. Attach any rope, wire, nail, sign, poster or other object to any tree, shrub, or plant located in the public right-of-way or on city-owned property;
3. Dig a tunnel or trench on any public right of way or city-owned or controlled property.

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

1. Nullify the permit;
2. Issue a written work order that the applicant cease and desist all work for which the permit was issued;
3. Impose penalties as defined in this chapter; and
4. Charge to the applicant the cost of steps taken to correct damage done. [Ord. 791 § 3, 2015; Ord. 618 § 4, 1993.]

18.70.050 Fences and walls.

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

18.70.080 Public nuisance definition.

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

18.70.090 Notice required for nuisances.

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

- A. The notice shall describe the kind of tree, shrub, or other plant, its location on the property, and the reason for declaring it a nuisance.
- B. The notice shall include suggested actions that may be taken to abate the nuisance.
- C. The notice shall require the elimination of the nuisance no less than 15 days after the notice is sent unless the nuisance is considered a hazard at which point a lesser time of elimination shall be imposed depending on the risk hazard.
- D. The city may have the nuisance abated after 15 days and file the cost of abatement as a lien against the property. [Ord. 791 § 4, 2015; Ord. 618 § 7, 1993.]

18.40.100 Violation and penalty.

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

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

The appraised value of trees shall be determined using methods described in the latest revision of "Valuation of Trees, Shrubs, and Other Plants," as published by the International Society of Arboriculture. [Ord. 618 § 8, 1993.]

Parking

18.75.030 Vehicle parking standards.

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

A. Vehicle Parking – Minimum Standards.

1. Residential Uses.

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

B. Credit for On-Street Parking. The amount of off-street parking required for commercial and industrial uses shall be reduced by one off-street parking space for every on-street parking space adjacent to the development, which would not obstruct a required clear vision area, nor any other parking that violates any law or street standard. Credit for on-street parking standards shall not be granted for residential uses. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by city, ODOT and/or county standards. The following constitutes an on-street parking space:

1. Parallel parking, each 24 feet of uninterrupted curb;
2. Forty-five/sixty degree diagonal, each 16 feet of uninterrupted curb;
3. Ninety degree (perpendicular) parking, each 10 feet of uninterrupted curb;
4. Curb space must be connected to the lot which contains the use;

5. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted unless otherwise approved by the city.

C. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this title. Specific locations for parking are indicated in Division 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). (See also Chapter 18.65 PMC, Access and Circulation.)

2. Driveways in Front Yards. Front yards shall not be paved, with exception of a maximum sixteen (16) foot wide driveway leading to a garage or dedicated parking pad, except homes with a three (3) car garage may have up to a twenty four (24) foot wide driveway.

(a) Single-family residential parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.

(b) Single-family residential parking spaces shall be located on hard or pervious concrete, asphalt or permeable/grass pavers. Lawn and yard areas, other than designated parking areas, shall not be utilized for off-street parking. Driveways shall be required to be concrete if the adjoining street is concrete.

(c) A minimum three (3) foot wide lawn or landscape strip shall be required between the edge of parking area pavement and all lot lines to provide adequate room for drainage, snow storage and privacy screening.

(d) Circular drives shall be prohibited unless driveway access points are separated by an interior distance of seventy (70) feet. A minimum lot width of one hundred (100) feet shall be required.

Consolidated Proceedings

18.105.070 General provisions.

D. Applications.

1. Initiation of applications:

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

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

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

2. Consolidated Proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

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

ba. When proceedings are consolidated:

- i. The notice shall identify each application to be decided;
- ii. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and
- iii. Separate findings and decisions shall be made on each application.



Title/Topic: PC19-09 – Annexation Code Amendments

Applicant: City of Philomath
Meeting Date: October 14, 2019
Department: Planning

Staff Contact: Patrick Depa
Email: patrick.depa@co.benton.or.us

ISSUE STATEMENT:

To determine approval, modification or denial of new annexation code language and direct staff to bring the revisions to the Council in the form of an ordinance. The Planning Commission has reviewed and made recommendations to amend and update the City's annexation section of the development code.

This matter comes before the City Council for consideration and action, based on the recommendations of Planning Commission.

BACKGROUND:

In light of SB 1573, with the City's appeal still under consideration by the State Court of Appeals, the City Council directed the Planning Commission to review the criteria for annexation and recommend revisions to ensure sufficient information needed to render an informed decision about an annexation proposal could be provided to the City by an applicant. The Planning Commission sought out multiple annexation procedures in development codes of other Oregon cities of similar populations and land boundaries. With the intent to come up with new review procedures that reflect smart growth principles, the Planning Commission created and added new code that it thought appropriate to incorporate into the City of Philomath development code.

The attached amendments and staff report reflect those changes to chapter 18.135 annexation that emerged from many Planning Commission work sessions, a public hearing and an open house which we bring to the council for your consideration and action.

Following the public hearing before the City Council on October 14, 2019, the Council may direct staff to bring the approved language to the Council for consideration in the form of an amending ordinance.

PLANNING COMMISSION OPTIONS:

1. To approve as presented
2. To approve as modified (if changes are proposed).
3. To deny any or all parts of the proposed changes.

RECOMMENDED MOTION:

"I move to accept the findings of fact as presented in the Staff Report dated September 24, 2019 and direct the City Manager to present the appropriate amending ordinance to the City Council for consideration and action."

ATTACHMENTS

- A. Staff Report dated October 7, 2019
- B. Redlined version of the proposed revisions to PMC 18.135



STAFF REPORT

DATE:	October 7, 2019
NATURE OF APPLICATION:	Update and Amend Chapter 18.135 Annexation in the PDC
APPLICANT:	City of Philomath
APPLICABLE CRITERIA:	Section 18.105.060 & 18.135.00 (PMC)
PROPERTY LOCATION:	City Wide
STAFF CONTACT:	Patrick Depa, Associate Planner
FILE NUMBER:	PC19-09

Background

The Planning Commission reviewed the proposed amendments and their intended purpose over the course of several meetings, including an open house for the public to read about the changes and comment on them. The attached code amendments are the result of the notes and testimony taken during those meetings.

Summary

The purpose of this update is to recognize changing standards within the community predominately related to annexation of property currently in the city's urban growth boundary. These amendments are focused on addressing new requirements that help the city determine in greater detail its capacities and limitations on new property proposed to come into our city.

The purpose of the hearing is to determine if the code amendments are sufficient to address their intended purpose and use and to arrive at a recommendation to the City Council.

The proposed language that would supplant the existing Section 18.105.060 provides the criteria for Type IV legislative amendments. The decision-making criteria are enumerated under subsection G as follows:

Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

- 1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197 (for comprehensive plan amendments only);**

This is not a comprehensive plan amendment. The Statewide Planning Goals and Guidelines are not applicable to amending this language

2. Comments from any applicable federal or state agencies regarding applicable statutes or regulations;

Notice was provided to the Department of Land Conservation and Development. No comments were received from any state or federal agency.

3. Any applicable intergovernmental agreements; and

Intergovernmental agreements address coordination of development aspects and are not applicable to the amendments.

4. Any applicable comprehensive plan policies and provisions of this Code that implement the comprehensive plan. Compliance with Chapter 18.135 PMC shall be required for Comprehensive Plan Amendments, and Land Use District Map and Text Amendments.

Chapter 18.105-060 pertains to legislative amendments specifying that amendments are policy decisions made by the City Council.

The applicable comprehensive plan policies identified by a review of that document relating to this topic include:

Citizen Involvement Policies

1. The City of Philomath shall continue to hold public hearings on all comprehensive plan and zoning ordinance amendments.
2. The City of Philomath shall provide for ongoing citizen involvement in the planning process of continuing to follow the approved Citizen Involvement Program.

Findings: The City has held public open houses and received comments factored into the final documents and the City will hold public hearings before the Planning Commission and City Council to afford the general public the opportunity to be involved.

Housing Policies

1. Either annexation or delayed annexation must occur in order for City zoning to apply to residential lands currently in the urban fringe.

Findings: The City will continue to seek and support many different varieties of housing choices and will follow smart growth techniques and criteria to evaluate the need for new residentially zoned property to be annexed.

Urbanization Policies

1. The approval of urban development proposals within the urban fringe shall be based upon the availability of City services, contiguity to the City, and approval of delayed annexation.

2. The City of Philomath shall continue to use the delayed annexation procedure as a means of increasing the City's tax base.
3. When considering annexation requests, the City of Philomath should evaluate its ability to provide services to areas proposed for annexation.
4. When considering annexation requests, the City of Philomath shall notify Benton County (as specified in the Urban Fringe Management Agreement between Philomath and Benton County) in order to allow the Count to comment on the request.

Findings: With these new code amendments, the City will be able to make better-informed decisions using the new approach and examination of the all of the City's capacities reviewed in conjunction with the required criteria.

Recommended Motion:

I MOVE THE:

City Council adopt the findings as presented in the staff report for the code amendments to "Chapter 18.135 Annexation" as presented in File No. PC19-09 and that the amendments be approved and the City Manager directed to present to the City Council the appropriate documents.

OR

City Council adopt the Findings of Fact as modified in opposition to the applicable criteria and that the code amendments to "Chapter 18.135 Annexation" as presented in File No. PC19-09 be denied.

PROPOSED CHANGES TO THE ANNEXATION CHAPTER

Chapter 18.135 ANNEXATION

Sections:

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

18.135.010 Purpose.

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

18.135.020 Legislative amendments.

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

18.135.030 Annexations.

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

B. Annexation Filing Deadlines.

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

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

1. Written consent to the annexation signed by the requisite number of affected property owners, electors, or both, to dispense with an election within the territory to be annexed, as provided by state law.
2. A legal description of the property to be annexed.
3. A map of the area to be annexed, including adjacent city territory.
4. Sufficient information for city staff to allow for the completion of an impact analysis on existing and future city services including: existing water supply and facilities; and existing sewer; drainage; transportation and transit; park and school facilities; and city staffing, including but not limited to police, public works, and city administration.
5. Sufficient information for city staff to allow for the completion of an impact analysis on community partner services including: school facilities; library services; fire services; and emergency medical services.
 - i. If the applicant asks for agency comment before the hearing and no comments are received, capacity will be presumed to exist for that agency.

ii. If the applicant asks for comment before the hearing and the agency comments that there are no capacity concerns, capacity will be conclusive as to that agency.

iii. If the applicant asks for comment before the hearing and the agency comments that capacity does not exist but can exist, the applicant may enter into an agreement with that agency to achieve capacity.

6. In addition, city staff shall project what additional facilities will be required to serve the development described in the conceptual plan and, if necessary, how such facilities will need to be phased in over time. The application shall provide evidence of the need of the proposal by citing data and statistics that support the annexation.

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

~~8.6.~~ A conceptual development plan shall be provided by the applicant and shall include the following:

i. A scale drawing of the site showing: the types and intensities of proposed development; existing streets that will be used for access and those streets that may need to be developed for access; the location of watercourses and other significant natural features; location of existing and necessary extension of public water, sanitary sewer, and storm drain facilities; and, existing uses and zoning on adjacent properties.

ii. The conceptual development plan shall contain sufficient detail on the actual or proposed site uses to allow city staff the opportunity to analyze the development's demand for new public infrastructure systems, as well as assess the impact on existing systems. Staff may develop hypothetical site design scenarios or model development at densities other than those proposed by the applicant to assess impact on public infrastructure.

~~9.7.~~ A statement indicating the type and nature of any comprehensive plan text or map amendments or zoning ordinance or zoning map amendments that may be required to complete the planned development.

~~10.8.~~ The application fee established by the city. In addition to the application fee, the planning official shall require a deposit that is adequate to cover any and all election costs.

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

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

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

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

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

3. At least one lot or parcel of the property to be annexed must be contiguous to the city limits or separated from the city limits only by a public right of way or a body of water.
4. Annexation of the property must be of benefit to the City and community of Philomath.
5. If the property to be annexed is or has been zoned or used for industrial or agricultural purposes, an inventory of known contaminants and how they will be abated by the applicant must be provided with the application for annexation at the time the application is filed.
6. If the property to be annexed is or has been zoned or used for industrial or agricultural purposes, a Phase I Environmental Assessment by a certified company shall be performed prior to annexation.
7. When property to be annexed exceeds 30 acres of developable land, development of the land must occur in phases, as specified in an annexation agreement between the applicant and the City.
8. Properties that include existing development must have a safe pedestrian route to school within 18 months of annexation.

Any review criteria that cannot be satisfied at the time the application is filed with the City may be satisfied through an annexation agreement between the applicant and the City. Annexation agreements shall be filed with the Benton County Recorder and shall run with the land.

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

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

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

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

the site, the minutes of the public hearing, a tape recording of the meeting, the decision and findings of the commission, and any other materials deemed necessary for a decision by the council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The city shall attempt not to create islands of unincorporated territory within the corporate limits of the city. If such an island is created, the city council may set a time for a public hearing for the purpose of determining if the annexation should be submitted to the voters.
2. Written notice to property owners by first class mail will be made prior to annexation to allow for property owner responses. Failure to receive notice shall not in any way invalidate the annexation procedure that may be subsequently undertaken by the city.
3. Annexation of an island shall be by ordinance, subject to approval by the voting majority of the electorate.

NM. Comprehensive Plan and Zoning Designations.

1. The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Philomath comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Philomath comprehensive plan.
2. Simultaneous application for annexation and a zone change is allowed; provided, that the zone change ordinance does not take effect until and unless the property is properly annexed to the city and incorporated within the city limits.

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

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

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

PE. Election Procedures.

1. Pursuant to ORS 222.130(1), the statement of chief purpose in the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words.
2. Pursuant to ORS 222.130(2), the notice of an annexation election shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.
3. Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

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

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

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

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

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

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

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

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

18.135.040 Record of amendments.

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

18.135.050 Transportation planning rule compliance.

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

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

B. Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity,

and level of service of the facility identified in the transportation system plan. This shall be accomplished by one of the following:

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

From: [David Stein](#)
To: [Eric Niemann](#)
Subject: Re: Planning Commission Annexation Code changes
Date: Thursday, September 26, 2019 7:16:19 PM

Hi Eric:

Hope all is well with you and your family!

Just a short note expressing my hope that the City Council will support the changes to the annexation code that we (the Planning Commission) have proposed. As I believe you recognize, it took a long time and was a lot of work, and we really think the changes will make a big difference to Philomath.

I think it's safe to say that we all hope you will approve them.

Cheers
David Stein



Philomath City Council Agenda Item Summary

Title/Topic: City Council Vacancy; Appointment Timeline

Meeting Date: October 14, 2019
Issue Lead: Mayor Eric Niemann
Staff: City Manager Chris Workman

ISSUE STATEMENT

Shall the Council begin taking applications to fill the vacancy created by Marion Dark's resignation from the City Council?

BACKGROUND

Section 7.2 of the Philomath Municipal Code states: "Vacant elective city offices shall be filled by appointment by a majority vote of the remaining members of the council. The appointee's term of office begins immediately on appointment and continues throughout the unexpired term of the predecessor."

City Recorder Ruth Post has prepared a press release soliciting applications. I recommend accepting applications until November 27 in order to give staff time to prepare the applications for the December City Council meeting packet. The notice will be placed on the homepage of the City's website and posted on Facebook.



CITY OF PHILOMATH

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

PRESS RELEASE

DATE: October 14, 2019

TO: Philomath Express
Corvallis Gazette Times
KGAL Radio Station
Philomath Chamber Director
City of Corvallis – Public Access Television
City of Philomath Website

FROM: Ruth Post, City Recorder

SUBJECT: **City Council Accepting Applications to Fill Council Vacancy**

The Philomath City Council is accepting applications to fill a vacant position on the Council. At their October 14 meeting, the Council accepted the resignation of Marion Dark.

The Council will accept applications from citizens interested in serving the remainder of Dark's term which expires December 31, 2020. The application deadline is November 27, 2019, at 5:00 p.m. Citizens interested in the position should contact City Recorder Ruth Post at City Hall, 980 Applegate Street, Philomath, or by calling (541) 929-6148 for more information or to receive an application form. The Council will interview applicants and make a selection at their December 9 meeting.

Eligibility requirements to serve on the City Council are:

- Must be a registered voter of the city of Philomath;
- Must have resided within the city limits the six months immediately preceding appointment.

In addition to City Council meetings, Councilors are members of the City's Budget Committee and Urban Renewal Agency, serve on standing committees, and serve as liaisons to other area community and governmental organizations.

For additional information about this press release,
contact Ruth Post, City Recorder, at 541-929-6148.



Philomath Police Department

Chief Ken Rueben

"Committed to Quality Service in Partnership with the Community"

1010 Applegate Street, Philomath, Oregon 97370 541-929-6911

Memorandum

TO: Ruth Post, City Recorder

FROM: Ken Rueben, Chief of Police

SUBJECT: Campfire Wines and Co., LLC, OLCC Permit

DATE: September 18, 2019

We have reviewed the OLCC permit (Liquor License Application) submitted by the Campfire Wines and Co., LLC.

The official address of the business will be 810 Applegate Street, Philomath, Oregon. (The current Spindrift Winery).

The application is complete, and no disqualifying information was discovered during the review.

If you need additional information, please let me know.

Suggested Motion:

I move that the Philomath City Council recommend approval of the OLCC Liquor License Application submitted by Campfire Wines and Co.



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received:
<input type="checkbox"/> Brewery 2 nd Location	_____
<input type="checkbox"/> Brewery 3 rd Location	Name of City or County:
<input type="checkbox"/> Brewery-Public House 1 st location	_____
<input type="checkbox"/> Brewery-Public House 2 nd location	Recommends this license be:
<input type="checkbox"/> Brewery-Public House 3 rd location	<input type="checkbox"/> Granted <input type="checkbox"/> Denied
<input type="checkbox"/> Distillery	By: _____
<input type="checkbox"/> Full On-Premises, Commercial	Date: _____
<input type="checkbox"/> Full On-Premises, Caterer	
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	
<input type="checkbox"/> Grower Sales Privilege 1 st location	
<input type="checkbox"/> Grower Sales Privilege 2 nd location	
<input type="checkbox"/> Grower Sales Privilege 3 rd location	
<input type="checkbox"/> Limited On-Premises	OLCC USE ONLY
<input type="checkbox"/> Off-Premises	Date application received:
<input type="checkbox"/> Off-Premises with Fuel Pumps	9-11-19
<input type="checkbox"/> Warehouse	By: <u>Enwick</u>
<input type="checkbox"/> Wholesale Malt Beverage & Wine	Date application accepted as initially complete:
<input checked="" type="checkbox"/> Winery 1 st Location	9-11-19
<input type="checkbox"/> Winery 2 nd Location	By: <u>Enwick</u>
<input type="checkbox"/> Winery 3 rd Location	License Action(s): <u>N/O WYNC</u>

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

Campfire Wines & Co., LLC

(Applicant #1)

(Applicant #2)

(Applicant #3)

(Applicant #4)

OLCC USE ONLY	OLCC FINANCIAL SERVICES USE ONLY
<p>RECEIVED</p> <p>SEP 11 2019</p> <p>SALEM REGIONAL OFFICE</p>	



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Campfire Wines & Co., LLC Phone: 541.743.5963

Trade Name (dba): Campfire Wines & Co., LLC

Business Location Address: 810 Applegate St.

City: Philomath, OR ZIP Code: 97370

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

Outdoor Area Hours:

~~Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____~~

The outdoor area is used for:

Food service Hours: _____ to _____
 Alcohol service Hours: _____ to _____
 Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- Live Music
- Recorded Music
- DJ Music
- Dancing
- Nude Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

~~Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____~~

SEATING COUNT

~~Restaurant: _____ Outdoor: _____
Lounge: _____ Other (explain): _____
Banquet: _____ Total Seating: _____~~

OLCC USE ONLY	
Investigator Verified Seating: _____(Y) _____(N)	
Investigator Initials: _____	
Date: _____	

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: _____ Date: 6/11/19

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)



Title/Topic: Formation of 2040 Comprehensive Plan Advisory Committee

Meeting Date: October 14, 2019
Staff Contact: Chris Workman

ISSUE STATEMENT:

Shall the Council establish a special committee, to be called the 2040 Comprehensive Plan Advisory Committee, to assist with the process of updating aspects of the City's Comprehensive Plan?

BACKGROUND:

The City has applied for a technical assistance grant from DLCD in order to hire a consultant to complete an economic opportunities analysis, a buildable lands inventory, a housing needs analysis, and develop a main street plan. To assist in reviewing the analysis provided by the consultants, it would benefit the City to establish an advisory committee made up of cross-section of community leaders and stakeholders.

Per PMC 2.10.060, "Committees, commissions and boards of the city.

A. Unless otherwise provided for by ordinance, the committees, commissions and boards of the city, other than the committees of the council and special committees, may be established and their members appointed by the majority vote of the council."

The committee would meet periodically throughout the duration of the project, which is expected to be ten to twelve months, at which time it would be disbanded. Comments from the committee will go to the consultants, and the consultant's completed analysis and final recommendations will go to the Planning Commission for consideration before coming to the Council for a final decision in the form of a comprehensive plan update.

In order to assure residents, businesses, property owners, the schools, and other public and non-profit organizations within the community are represented equitably, I recommend the Council approve formation of a 2040 Comprehensive Plan Advisory Committee tonight and direct staff to bring a list of potential committee members to the Council's next meeting for consideration. If awarded the technical assistance grant, we would want the committee to start meeting as early as January 2020.

COUNCIL OPTIONS:

1. Approve the formation of the 2040 Comprehensive Plan Advisory Committee
2. Do not approve the formation of the 2040 Comprehensive Plan Advisory Committee.

RECOMMENDED MOTION:

"I move to establish a special committee, to be called the 2040 Comprehensive Plan Advisory Committee, to assist with the process of updating aspects of the City's Comprehensive Plan."

ATTACHMENTS

None



Title/Topic: Resolution 19-12 Oregon DLCD Technical Assistance Grant Application

Meeting Date: October 14, 2019
Department: Planning
Staff Contact: Chris Workman

ISSUE STATEMENT:

Shall the Council pass Resolution 19-12 supporting application for a technical assistance grant from the Oregon Department of Land Conservation and Development (DLCD)?

BACKGROUND:

DLCD offers technical assistance grants annually to cities looking to update aspects of their comprehensive plans. The deadline for submitting a grant request was October 1, 2019, with formal resolutions of support from the elected body allowed to be submitted after the deadline. Upon approval, this resolution will be submitted to DLCD. If awarded the grant, staff will return to the Council for acceptance of the grant.

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

Project Objectives:

- 1) **Promote economic development** with completion of an updated economic opportunity analysis.
- 2) Prepare a main street plan that guides future development and investment into Philomath's downtown area.
- 3) Develop realistic expectations and a cohesive strategy and vision for economic development for the downtown area and the city's industrial zones.
- 4) Provide an economic component for the city's new comprehensive plan update that meets Statewide Goal 9.
- 5) **Promote affordable and workforce housing** with completion of a housing needs analysis.
- 6) Assess adequacy of available residential lands and land use regulations to meet the city's housing needs with a focus on new or innovative housing options (e.g. cottages, tiny homes) as identified in the Regional Solutions Mid-Valley Priorities.
- 7) Provide a housing component for the city's new comprehensive plan update that meets Statewide Goal 10.
- 8) Develop an updated buildable lands inventory, recognizing sustainability and resiliency, as well as needs and opportunities for the community.
- 9) Define specific policies and implementation measures that will achieve the community's development aspirations.

10) **Update the comprehensive plan** and plan map with the findings of each of the analysis.

The estimated project cost is \$70,000 with a grant request of \$50,000. The city will provide \$20,000 (28%) in cash match and a minimum of \$8,000 in in-kind staff and volunteer time and supplies.

CITY COUNCIL OPTIONS:

1. To approve Resolution 19-12 as presented
2. To approve Resolution 19-12 with specific modifications
3. To reject Resolution 19-12 and advise staff on how to proceed.

RECOMMENDED MOTION:

"I move to approve Resolution 19-12 declaring support for updating aspects of the Comprehensive Plan with technical assistance from the Department of Land Conservation and Development."

ATTACHMENTS

A. Resolution 19-12

**CITY OF PHILOMATH
RESOLUTION 19-12**

**DECLARATION OF SUPPORT FOR UPDATING ASPECTS OF THE
COMPREHENSIVE PLAN WITH TECHNICAL ASSISTANCE FROM THE
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT.**

WHEREAS, the City of Philomath has a Comprehensive Plan, a long-range land use plan that reflects the community's desires and priorities regarding how the City will accommodate population and employment growth over a 20 year period; and

WHEREAS, key elements of the Comprehensive Plan were last updated and approved in 2003, specifically, the economic opportunities analysis, buildable lands inventory, and the housing needs analysis; and

WHEREAS, the City desires to create a main street plan that focuses on preservation, development, and design of the downtown area; and

WHEREAS, once complete, these analysis can be used to update policies found in the Comprehensive Plan; and

WHEREAS, the Oregon department of Land Conservation and Development offers technical assistants grants cities looking to update their Comprehensive Plans.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Philomath that the City supports updating aspects of the Comprehensive Plan with technical assistance from the Department of Land Conservation and Development and directs staff to proceed with applying for said funding and assistance.

PASSED by the Council this 14th day of October 2019.

APPROVED by the Mayor this 14th day of October 2019.

SIGNED:

ATTEST:

Eric Niemann, Mayor

Ruth Post, MMC, City Recorder



PHILOMATH YOUTH ACTIVITIES CLUB

P.O. Box 1358 · 421 S. 19th St.
(541) 929-4040 ph. · (541) 929-4281 fx.
Philomath, OR 97370

Board of Directors

Denny Bennett
Chairperson

Jeff Minter
Vice Chairperson

Ken Rueben
Treasurer

Eric Niemann
Secretary

Steve Bell

Melissa Edwards

Blake Ecker

Rusty Jensen

Kathy Motter

Nathan Nystrom

Shane Russell

Laurie Shenk

Shane Stueve

Andrew Taufa'asau

Jeannine Turner

Eddie Van Vlack
Executive Director

September 5, 2019

City of Philomath
PO Box 400
Philomath, OR 97370

Please accept my personal thanks as well as the thanks of our entire organization for your grant to the Philomath Youth Activities Club Inc. for the year 2019-2020. Your support is a vital piece in allowing PYAC to let the kids and families of the Philomath area know that we believe in them. Your support was received as listed below:

\$7,000.00 on check #028144, dated July 30, 2019

Thanks to your help, we will be able to ensure that every child who wants to participate in our programs is given the opportunity to do so. We know that simply by giving youth an opportunity to get involved, we are helping them to develop their self-esteem and discover who they are and who they would like to be. Our goal is to help youth develop as many positive assets as possible.

They will then have the tools necessary to not only meet the many challenges of adolescence, but to conquer and grow from them. That is why your support of our organization is so very much appreciated.

Again, on behalf of the board of directors, staff, parents, and children involved with our organization, thank you for your support.

Sincerely,

Eddie Van Vlack
Executive Director

*We are so grateful for
our wonderful working
relationship with the city
The City staff and Council
our all outstanding
People !!*

PYAC is a 501(c)(3) tax-exempt charitable organization. Your gift is tax deductible to the extent the law allows. This letter serves as your receipt. Let it be known that no goods or services were received for this donation. EIN #93-1127754

IN THE COURT OF APPEALS OF THE STATE OF OREGON

JEFFREY R. LAMB and CATHERINE BISCOE,
Petitioners,

v.

CITY OF PHILOMATH and LEVI BEELART,
Respondents.

Land Use Board of Appeals No. 2019008

Court of Appeals No. A170725

ORDER DENYING RECONSIDERATION

Petitioners petition for reconsideration of the court's decision dated July 10, 2019. The court has considered the petition and orders that the petition is denied.

The petition for reconsideration is denied.



DARLEEN ORTEGA PRESIDING JUDGE, COURT OF APPEALS 9/27/2019 7:53 AM
--

c: James K Brewer
George B Heilig
Jeffrey R Lamb
Catherine Biscoe

ej

ORDER DENYING RECONSIDERATION

REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563

PHILOMATH CONNECTION RIDERSHIP SUMMARY

2019-2020 SUMMARY TOTAL RIDES -	3,909	DAYS OF SERVICE-	77	AVG RIDE/DAY-	51
2018-2019 SUMMARY TOTAL RIDES -	16,323	DAYS OF SERVICE-	306	AVG RIDE/DAY-	53
2017-2018 SUMMARY TOTAL RIDES -	17,953	DAYS OF SERVICE-	279	AVG RIDE/DAY-	64
2016-2017 SUMMARY TOTAL RIDES -	18,859	DAYS OF SERVICE-	257	AVG RIDE/DAY-	73
2015-2016 SUMMARY TOTAL RIDES -	17,387	DAYS OF SERVICE-	237	AVG RIDE/DAY-	73

MONTH	DAYS OF SVC	TOTAL FOR MONTH	AVERAGE RIDES PER DAY
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2019-2020

JULY	26	1,381	53
AUGUST	27	1,337	50
SEPTEMBER	24	1,191	50
OCTOBER	27		0
NOVEMBER	25		0
DECEMBER	25		0
JANUARY	26		0
FEBRUARY	25		0
MARCH	26		0
APRIL	26		0
MAY	25		0
JUNE	26		0

2018-2019

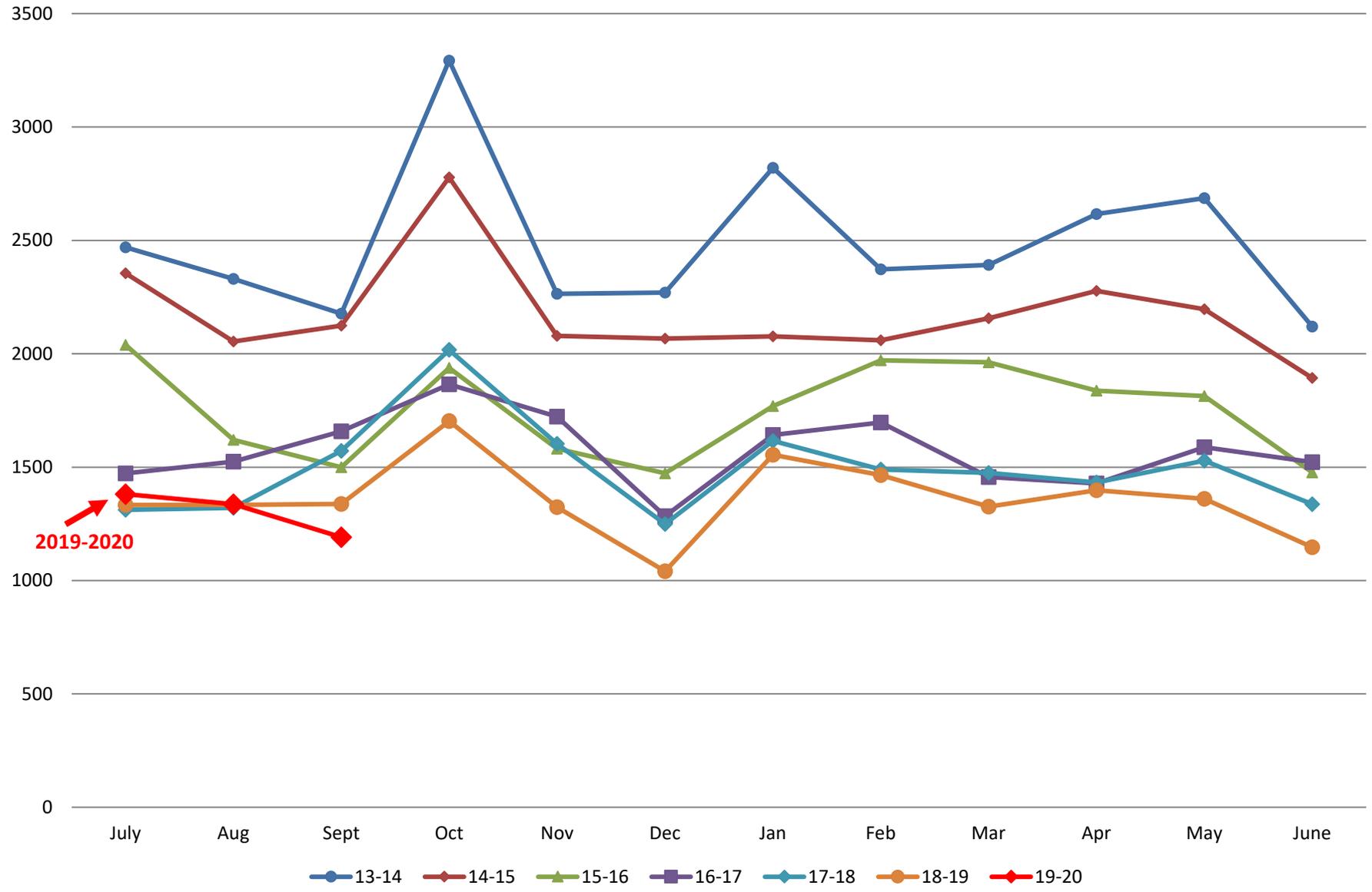
JULY	25	1,333	53
AUGUST	27	1,333	49
SEPTEMBER	24	1,338	56
OCTOBER	27	1,703	63
NOVEMBER	25	1,324	53
DECEMBER	25	1,041	42
JANUARY	26	1,555	60
FEBRUARY	24	1,465	61
MARCH	26	1,326	51
APRIL	26	1,398	54
MAY	26	1,360	52
JUNE	25	1,147	46

RIDERSHIP BY WEEK FOR THE MONTH

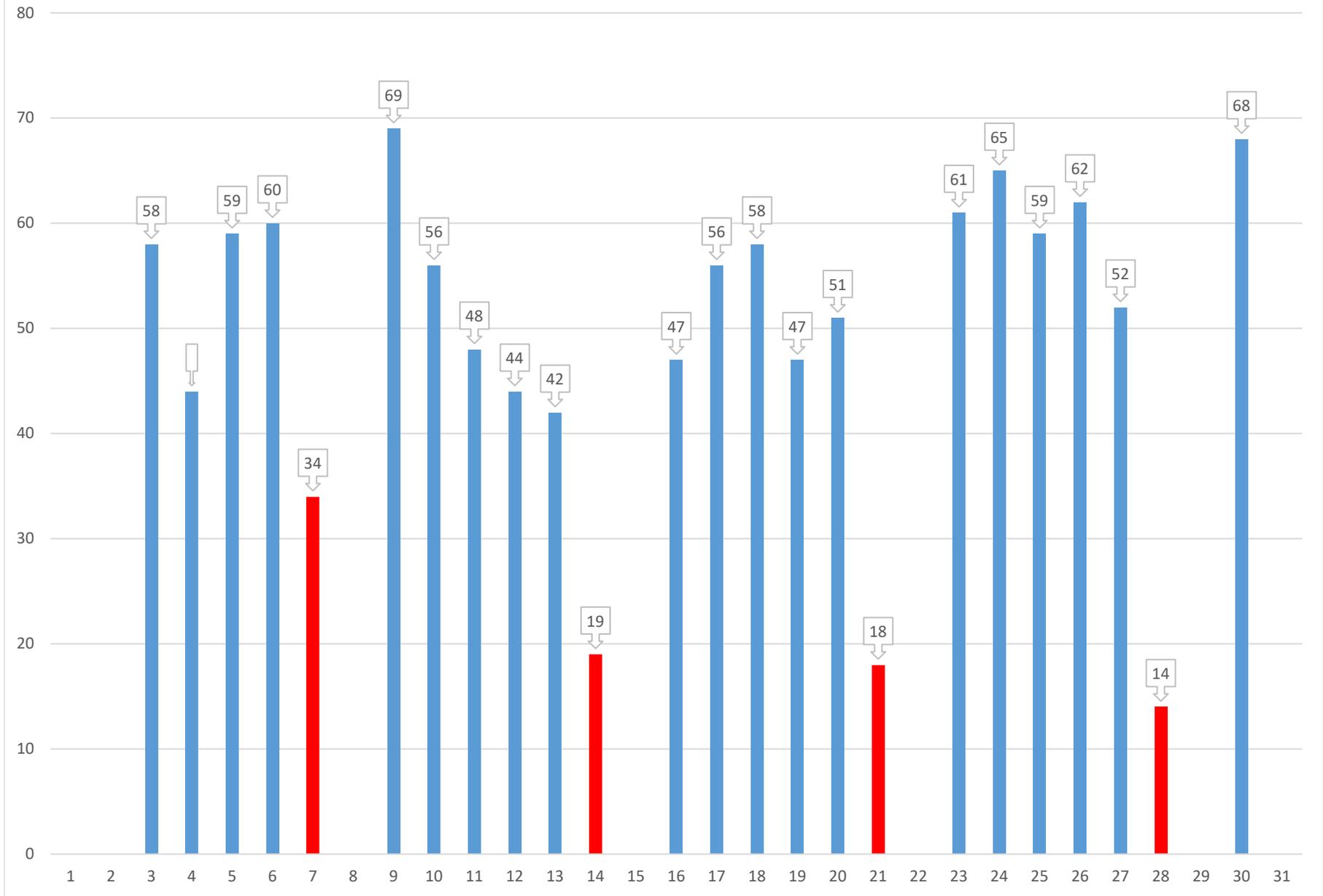
PC ROUTE	*9/3-7	*9/9-14	9/16-21	9/23-28	*9/30
	289	278	277	327	68

MONTHLY TOTAL 1,239

Philomath Connection Bus Ridership Monthly Totals



Daily Philomath Connection Riders: September 2019



Section	Page Views	Unique IPs	Section	Page Views	Unique IPs
Home	5330	2260	Report a Problem	189	25
City Meetings & Events	3144	379	City Manager	185	59
Police	2480	430	Bicycle Registration	182	55
City Council	1581	235	Businesses	181	44
Parks	1447	445	Audits	178	30
Municipal Court	1422	178	Finance	176	64
Active Planning Applications	1075	234	Departments & Services	174	56
Planning Commission	1064	144	Planning Commission	172	47
Things to See & Do	889	193	Your City Government	169	58
City Liens	860	55	Library	167	46
Urban Renewal Agency	827	78	Other Elected Officials	166	44
What's New	815	306	Planning & Building	162	47
Mayor and City Council	814	153	Budget Committee	160	51
Budget Committee	783	102	Chief Ken Rueben	157	34
URA Budget Committee	756	78	Capital Improvement Plan	157	29
Water Department	728	162	Urban Renewal Agency	153	33
Emergency Management	719	111	Budgets	151	39
Standing Committees	674	128	City Charter	149	36
Utility Billing	674	174	URA Boundaries	143	29
Streets	647	81	Fire	143	32
Online Utility Bill Payments	597	316	Code Enforcement Request	139	25
Administration	583	108	Annual Water Quality Reports	137	28
Park Advisory Board	580	212	Annual Budgets	136	20
Building Permits	572	128	Helpful Links	136	26
Park Advisory Board	518	240	Urban Renewal Plan	134	24
Public Hearings	510	134	Audits	134	20
Contact Us	494	205	Search Results	130	76
Employment Opportunities	461	248	Accreditation	126	20
Log In	433	93	Free Summer Bus for Kids	121	19
Permits & Licenses	388	50	New Ordinances	85	32
City News	359	128	Contact the City Manager	81	28
Public Works	343	160	Contact the Police Dept	76	24
Special Committees	324	37	Contact Mayor & City Council	72	20
City Code & Ordinances	317	119	Contact the City Recorder	69	18
Permits, Licenses & Forms	312	101	Contact the PW Director	69	16
Meeting Agendas	268	58	Contact the Municipal Court	65	13
Planning Department	263	113	Photo Credits	64	12
Maps	255	106	Contact the Finance Director	62	9
Sewer/Stormwater Dept	254	52	Contact Mayor Niemann	36	27
Design Standards	249	56	Contact Councilor Causey	13	7
City Recorder	237	49	Contact Councilor Thomas	11	7
Sign Up for City E-News	213	43	Contact Councilor Dark	10	6
Website Map	203	63	Contact Councilor Low	7	4
Downtown Streetscapes	201	40	Contact Councilor Edmonds	6	3
Agendas, Minutes & Audio Rec	200	62	Contact Councilor Jones	6	3
Application Forms	197	35	Unsubscribe	4	3
Bus	196	69	Stormwater Documents	3	1
Safe Routes to School Plan	190	27	Philomath Municipal Code	2	2

Audience Overview ✔

SAVE EXPORT SHARE INSIGHTS

All Users
100.00% Users

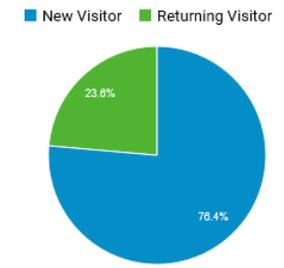
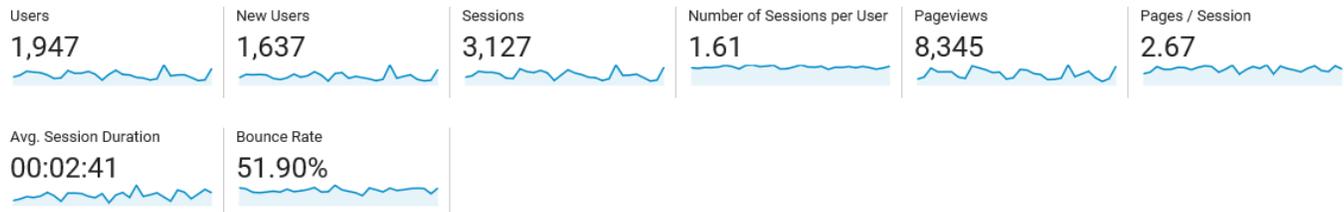
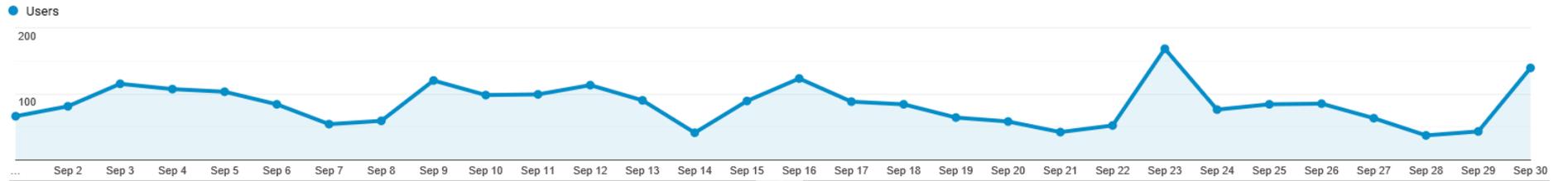
+ Add Segment

Sep 1, 2019 - Sep 30, 2019

Overview

Users vs. [Select a metric](#)

Hourly Day Week Month



Data from Google Analytics

PAGE VIEWS FOR ITEMS IN "WHAT'S NEW"

Item Title	Page Views
Open House Sept 9 on PC Bus Route Changes	223
Enter Now! "Phabulous" Philomath Photo Contest	112
October City News Posted	99
Water History & New Water Treatment Plant Overview	77
Sign up for Linn-Benton Emergency Alert Notification System	76



Philomath Police Department

Chief Ken Rueben

"Committed to Quality Service in Partnership with the Community"

1010 Applegate Street, Philomath, Oregon 97370 541-929-6911

September 18, 2019

To: Chris Workman
City Manger

From: Ken Rueben

Subject: Traffic Safety Plan for Blvd. Apartment Access

Chris:

Over the past 3-4 months, you and I have discussed the opening of the new Boulevard Apartments and the access provided by the builders.

We understand that traffic entering onto Philomath Blvd. and traffic entering the driveways from Philomath Blvd, in both directions, are a major traffic change for that stretch of road.

During the initial opening of the apartments, we have provided extra patrols in the area. As the apartments begin to fill, we know that school kids and pedestrians will be using the new crosswalk to traverse Philomath Blvd.

Here is our plan to educate the public of this new crossing and reduce risk prior to opening the crosswalk and over the next several months:

1. Educate the public with social and print media about the new crosswalk and pedestrian crossings during school hours.
2. Request special temporary signage from ODOT such as reader boards to the east and west of the crosswalk indicating, "Traffic Control Change Ahead-Children in Crosswalk."



Philomath Police Department

Chief Ken Rueben

"Committed to Quality Service in Partnership with the Community"

1010 Applegate Street, Philomath, Oregon 97370 541-929-6911

3. Petition ODOT to create a School Safety Zone, which would change the speed limit to 20mph "when lights flash" between known crossing times for school kids.
4. Conduct crosswalk enforcement activities during the next two months. PPD has special ODOT funding for officer overtime during these special enforcement events.
5. Coordinate with ODOT and Philomath Public Works to paint the leading edge (both east and west sides) of the concrete median to make the new crosswalk median more visible during low light and bad weather conditions.
6. PPD has recently purchased and will install an instant feedback radar speed sign, a traffic calming device designed to slow speeders down by alerting them of their current speed.

As we move further into the school year, and we have a fuller grasp of the volume of pedestrian traffic crossing the Highway, we will continue to work with the Philomath School District and ODOT to ensure pedestrian safety in this area.

Please let me know if you have any other recommendations or concerns.

Ken Rueben
Chief of Police
Philomath Police Department
1010 Applegate Street
Philomath, OR 97370

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF PHILOMATH,
THE PHILOMATH SCHOOL DISTRICT NO. 17J AND
PHILOMATH COMMUNITY SERVICES
FOR THE PHILOMATH FAMILY HOUSING STABILITY FUND**

THIS INTERGOVERNMENTAL AGREEMENT is entered into under the authority of ORS 190.010 this 8th day of October, 2019, by and among the City of Philomath, a municipal corporation of the State of Oregon, hereinafter call the "CITY," Philomath School DISTRICT 17J, hereinafter called the "DISTRICT," and Philomath Community Services, Inc. a 501(c)3 Oregon non-profit organization, hereinafter called "PCS."

All notifications necessary under this Agreement shall be addressed to:

City of Philomath	Philomath School District 17J	Philomath Community Services
Attn: Chris Workman	Attn: Buzz Brazeau	Attn: Jean Goul
PO Box 400	1620 Applegate Street	PO Box 1334
Philomath, OR 97370	Philomath, OR 97370	Philomath, OR 97370
541-929-6148	541-929-3169	541- 929-2499

WHEREAS, the CITY, DISTRICT and PCS have a need and desire to address homelessness in the community; and

WHEREAS, the DISTRICT is concerned about the effects of homelessness or the threat of homelessness has on students' success in school; and

WHEREAS, the CITY has allocated funds to go toward a fund that would help households in danger of becoming homeless to be able to stay in their homes; and

WHEREAS, PCS works directly with households in the community that are on the verge of homelessness and could benefit from additional funds; and

WHEREAS, all three entities have a shared interest in helping households, especially those with children, from becoming homeless; and

WHEREAS, all three entities desire to work together to collect and distribute funds to households within the community that are in acute danger of having to leave their homes; and

WHEREAS, ORS 190.010 specifically gives local governments including the CITY and the DISTRICT authority to enter into a written agreement to perform any function or activity that either party to the agreement has authority to perform; and

WHEREAS, the CITY, DISTRICT and PCS desire to enter a cooperative working arrangement where money can be collected into a fund and then distributed to households that meet the criteria established by the three entities together in order to relieve households in danger of becoming homeless on a case-by-case basis.

NOW THEREFORE, in order to advance the cooperative efforts of the CITY, DISTRICT, and PCS, the parties agree as follows:

1. SCOPE OF PROJECT AND PRIORITY

The purpose of this agreement is to provide financial assistance to households within the Philomath

community that are homeless or are in danger of becoming homeless.

The first priority is to establish a fund that can be used to assist households in need. Funds may come from the CITY, DISTRICT, PCS, as allowed by statute, or any other source so long as the parties mutually agree to accept said funds. The funds shall be housed by a foundation or other not-for-profit organization acceptable to the CITY, DISTRICT and PCS, including any one of the three parties' accounts.

Once a fund is established, additional funding requests shall be made throughout the term of this agreement, so as to replenish the fund as needed. This responsibility is shared among all three parties.

Funds available shall be provided to households in need on a case-by-case basis; however, the minimum qualifications should be met with very few exceptions:

1. Household must be within the Philomath School District's boundary
2. Household must have at least one child that is school-age or younger
3. Household must have not used this funding source in the last 24 months
4. Household must have met and worked with Community Services Consortium representatives or other similar organizations which can assist with housing, job training, and other services
5. Household must show they have looked to other resources and that without these funds they will likely become or remain homeless

2. TERM

Prior to establishing a fund, any PARTY may terminate this agreement, provided that the terminating PARTY provides the non-terminating PARTIES with at least sixty (60) days prior written notice. Otherwise, this agreement shall remain in effect for two years from the date the agreement is fully signed.

Any financial obligations under this agreement are subject to the approval of appropriations in each fiscal year by the governing body of the party.

3. HOLD HARMLESS

During the effective term of this agreement, all parties shall maintain general liability insurance in an amount sufficient to meet the requirements of the Oregon Tort Claims Act (ORS 30.260-30.300). Subject to the limitations and conditions of the Oregon Tort Claims Act (ORS 30.260-30.300), each party agrees to hold the other harmless, and to indemnify and to defend the other, its officers, agents, volunteers and employees from any and all liability, actions, claims, losses, damages or other costs including attorney's fees and witness costs that may be asserted by any person or entity arising from, during, or in connection with the performance of the work described in this agreement, when such liability, action, claim, loss, damage or other cost results from the actions or responsibilities of that party in the course of this agreement. Nothing in this agreement shall be deemed to create a liability for any party in excess of the Oregon Tort claims limits for any party.

4. MODIFICATIONS & WAIVERS

The parties may modify this agreement at any time through a written amendment signed by all parties. Waiver of any duty to perform or waiver of a right to enforce this agreement may only be effective if in the form of a written amendment.

IN WITNESS WHEREOF,

The parties have executed their signatures:

CITY OF PHILOMATH

Chris Workman

City Manager

Date:

PHILOMATH SCHOOL DISTRICT 17J

Buzz Brazeau

Superintendent

Date: 10/8/19

PHILOMATH COMMUNITY SERVICES

Jean Goul

President

Date: 10-8-19

OFFICIAL PIE BATTLE.

WHEN

Sunday, November 10th - 3pm

WHERE

**Under the Big Tent at the
Corvallis Spirits Festival:**

**4 Spirits Distillery
3405 SW Deschutes Street, Corvallis, OR 97333**

FEATURING THE AREA'S FINEST CITY ADMINISTRATORS:

Pat Hare - Adair Village

Peter Troedsson - Albany

Mark Shepard - Corvallis

Rick Hohnbaum - Monroe

Chris Workman - Philomath



WHAT'S AT STAKE:

- **Pie**
- **Pride**
- **Your Waistline**
- **1st Place Medal**

PLACE YOUR BETS:

**Festival attendees may
place a bet on their
favorite pie-eating star
for a chance to win
cash!**

**ROBES
PROVIDED
FOR
COMFORT.**

**PHILOMATH PLANNING COMMISSION
MINUTES
August 26, 2019**

1
2
3
4
5
6 **1. CALL TO ORDER:** Chair Stein called the meeting to order at 6:00 pm. at the City Hall
7 Council Chambers, 980 Applegate, Philomath, Oregon.

8
9 **2. ROLL CALL:**

10 **Present:** Commissioners Gary Conner, Jeannine Gay, Lori Gibbs, David Stein, and
11 Peggy Yoder.

12
13 **Staff:** Chris Workman City Manager, Deputy City Attorney Amy Cook, City Planner Pat
14 Depa and City Recorder Ruth Post.

15
16 **Absent:** Commissioners Steve Boggs and Joseph Sullivan.

17
18 **3. APPROVAL OF MINUTES**

19 **3.1 Minutes of August 26, 2019**

20
21 **MOTION:** Commissioner Gay moved, Commissioner Yoder second, to approve the minutes of
22 August 26, 2019, as presented. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein, and
23 Yoder; No: None).

24
25 **4. FILE PC19-08 – ZONING AMENDMENTS**

26 **4.1 Public Hearing**

27 Applicant: City of Philomath

28 Application Type:

- 29
 - Type IV
 - Location: Citywide

30
31 Chair Stein opened the public hearing at 6:01 p.m. The rules for testimony were ready by Ms.
32 Cook. There were no conflicts of interest or bias issues reported by the Commission. Chair
33 Stein reminded the Commission that they had been working on these amendments for some
34 time and now is the opportunity for public input. There was discussion about the Commission
35 making additional comments during their discussion period.

36
37 Presentation of Staff Report/Applicant: Mr. Depa summarized the review process prior to this
38 public hearing, including feedback from the open house held in April. Commissioner Yoder
39 questioned the term “stop gap” in the summary of the staff report. Mr. Depa explained that
40 these are issues that have been identified as gaps that lead to enforcement issues in the
41 current code.

42
43 Testimony by Proponents: None.

44
45 Testimony by Opponents: None.

46
47 Testimony by Neutral Parties, including Governmental Bodies: None.

48
49 Rebuttal by Applicant, limited to issues raised by Opponents: Waived.

50
51 Seeing no requests to keep the record open, Chair Stein closed the public hearing at 6:09 p.m.
52 On behalf of the City, Mr. Workman waived the right to submit final written comments.

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4.2 Discussion and Decision

Chair Stein opened the floor for discussion by the Commission. Commissioner Yoder questioned dictating the color of siding or a metal roof under 18.35.100(D)(5)(b). Ms. Post noted that this is the current code and not a proposed amendment. She added that a placement permit for a manufactured dwelling does not include any information regarding the color of siding or roof. There was additional discussion about the text and whether it was outdated language.

MOTION: Commissioner Yoder moved, Commissioner Gay second, to delete section 18.35.100(D)(5)(b). Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein and Yoder; No: None).

Commissioner Conner questioned a 24-hour parking restriction under 18.40.090(H), stated this seemed like too-short of a timeframe. He recommended a week as more reasonable. Commissioner Yoder suggested amending it to five days. Mr. Depa defined “accessory parking” as a defined space as approved by a site plan review. Commissioner Conner also recommended deleting (H)(2) regarding screening.

MOTION: Commissioner Conner moved, Commissioner Gibbs second to strike the first sentence of 18.40.090(H), “Long term or temporary storage of semi-truck and/or tractor/trailers is prohibited” and strike the word “Accessory” and amend “24 hours” to “five calendar” days. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein and Yoder; No: None).

There was discussion about this applying to all zoning districts. Mr. Depa pointed out that this allows for enforcement of screening from adjacent residentially zoned properties. He stated this strengthens the ability to enforce screening. There was additional discussion about this text. Mr. Workman described the intent to protect residentially zoned properties from having to view parked trucks. Commissioner Conner suggested if there is a five day limit on parking, then there is no need for screening.

Commissioner Conner suggested 18.40.090(H)(1) be amended to read: “Long-term storage of tractor/trailers is allowed in industrial zoned districts and shall be screened from public view and adjacent residentially zoned properties with a fence no less than six (6) feet tall.” Discussion continued about whether screening was needed or not. Mr. Depa reminded the Commission that the City does not have code enforcement but an obvious issue could be addressed. He described the attempt to write code that can address issues that affect the City as a whole.

MOTION: Commissioner Stein moved, Commissioner Conner second to amend 18.40.090(H)(2) to read: “All parking or storage of tractor/trailers for more than five days shall be screened from public view and adjacent residentially zoned properties with a fence no less than six (6) feet tall. Motion APPROVED 4-1 (Yes: Conner, Gay, Gibbs and Stein; No: Yoder).

Commissioner Yoder questioned the language under 18.40.090(A), Multi-family in Commercial Zones regarding higher density being encouraged near employment, shopping and services. She questioned if that was needed until the City reaches a point of higher employment and shopping in the rea. She recommended removing the text. There was discussion about the text being in place for future development. Commissioner Yoder stated she would hate to see this be used to put in a bunch of row houses. Mr. Depa described the application of this text in the Office-Residential Zone.

105 Commissioner Yoder questioned 18.75.030, Parking, regarding three parking spaces for a four-
106 bedroom dwelling. Mr. Workman stated this was discussed at the last Planning Commission
107 session on the proposed amendments and three parking spaces was agreed to.
108

109 Commissioner Yoder questioned whether 18.75.030(C)(2)(b) would require improvements on
110 existing driveways. Mr. Depa stated that an improvement application would trigger this
111 requirement. There was discussion about gravel driveways versus hard surface. Mr. Workman
112 stated that the Public Works Design Standards identify the current driveway standards; and an
113 improvement that requires site design review would be reviewed for this.
114

115 **MOTION:** Commissioner Yoder moved, Commissioner Gibbs second, the Findings of Fact as
116 amended in the staff report be adopted and the Planning Commission recommend approval to
117 the City Council the proposed development code amendments as presented in File No. PC19-
118 08. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein and Yoder; No: None).
119

120 Mr. Workman thanked the Commission for the extensive hours devoted to these amendments.
121 Ms. Post stated this is a recommendation to the City Council and a public hearing will be
122 posted and noticed for October 14, 2019, at 7:00 p.m.
123

124 Chair Stein called a 5 minute recess at 6:55 p.m. The meeting reconvened at 7:00 p.m.
125

126 **5. FILE PC19-09 – ANNEXATION CODE AMENDMENTS**

127 **5.1 Public Hearing**

128 Applicant: City of Philomath

129 Application Type:

- 130 • Type IV
- 131 • Location: Citywide

132 Chair Stein opened the public hearing at 7:00 p.m. The rules for testimony were ready by Ms.
133 Cook. There were no conflicts of interest or bias issues reported by the Commission.
134

135 Presentation of Staff Report/Applicant: Mr. Depa stated he had nothing more to add at this
136 time.
137

138 Testimony by Proponents: None.
139

140 Testimony by Opponents: None.
141

142 Testimony by Neutral Parties, including Governmental Bodies: None.
143

144 Rebuttal by Applicant, limited to issues raised by Opponents: None.
145

146 Seeing no requests to keep the record open, Chair Stein closed the public hearing at 7:02 p.m.
147 On behalf of the City, Mr. Workman waived the right to submit final written comments.
148

149 **5.2 Discussion and Decision**

150 Chair Stein opened the floor for discussion by the Commission.
151

152
153 Commissioner Yoder questioned 18.135.030 (A) as to who defines “orderly expansion.” Mr.
154 Workman explained that the State’s definition of “orderly expansion” is to not create islands
155 and that they be adjacent to existing city boundaries. Commissioner Yoder suggested adding
156 language regarding a certain percentage of growth per year and put a cap on it. There was
157 discussion regarding the question. Mr. Workman stated that the State has circumstances

158 where a moratorium may be placed due to lack of infrastructure but will require plans to come
159 into compliance that ensures lifting of the moratorium.
160

161 Commissioner Yoder questioned what would constitute the “benefit” of the City and community
162 in 18.35.030(F)(4). Commissioner Stein stated it was intentionally left undefined to create a
163 value statement. Commissioner Gibbs recalled that it was included because it sounded good.
164 There was additional discussion regarding the text.
165

166 Commissioner Yoder requested clarification of 18.135.030(C)(5)(i) regarding capacity. Chair
167 Stein explained that agencies are given an opportunity to comment and if they choose not to,
168 then the assumption is that they have capacity available. Mr. Workman agreed and noted that,
169 if the agency identifies lack of capacity, then subsection “iii” becomes applicable.
170

171 Chair Stein suggested a contradiction exists between 18.35.030(F)(6) and 18.35.030(G)
172 regarding who is responsible for selecting expert consultants to develop required impact
173 analyses. He recommended removal of the last sentence of (F)(6), thereby requiring the
174 applicant to use the City’s chosen company. There was discussion about the question of who
175 would hire a consultant to complete any required studies. Ms. Cook explained that (6) requires
176 any company to be approved by the City.
177

178 **MOTION:** Commissioner Stein moved, Commissioner Yoder second, to delete the last
179 sentence of 18.35.030(F)(6) “The company selected by the applicant to perform this study must
180 be approved by the city.” Chair Stein stated he doesn’t want the developer to have any say
181 over who is chosen to perform studies. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs,
182 Stein and Yoder; No: None).
183

184 **MOTION:** Commissioner Conner moved, Commissioner Gibbs second, the Findings of Fact as
185 amended in the staff report be adopted and the Planning Commission recommend approval to
186 the City Council the proposed development code amendments as presented in File No. PC19-
187 09. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein and Yoder; No: None).
188

189 **6. ADJOURNMENT:**

190 There being no further business, Chair Stein adjourned the meeting at 7:18 p.m.
191

192 SIGNED:

ATTEST:

193

194

195

David Stein, Chair

Ruth Post, MMC, City Recorder

City of Philomath
September 30, 2019 Comparison to Last Year and Budget
25% of the Fiscal Year has Elapsed

	<u>Actual 9-30-17</u>	<u>Actual 9-30-18</u>	<u>Budget</u>	<u>Percent of Budget</u>
General Fund				
Revenue				
Cash Carryforward	\$ 818,525	\$ 1,102,770	\$ 1,049,100	105%
Property tax	45,283	8,323	1,685,000	0%
Cigarette, Liquor, Revenue Sharing	10,074	7,608	163,900	5%
General Fund Fee	59,446	62,631	250,000	25%
Building Permits	134,784	24,158	405,000	6%
Franchise Revenue	52,844	50,708	360,800	14%
Court Revenue	44,572	73,611	220,000	33%
Overhead	99,996	121,191	484,760	25%
Grants	0	920	136,000	1%
Miscellaneous Revenue	23,088	14,913	85,740	17%
Total Revenue	1,288,612	1,466,833	4,840,300	30%
Expenditures				
Administration	(64,822)	(65,690)	(395,100)	17%
Building Permits	(97,725)	(27,268)	(341,600)	8%
Finance	(88,186)	(107,907)	(506,300)	21%
Municipal Court	(44,419)	(52,796)	(252,200)	21%
Police	(343,799)	(366,302)	(2,064,400)	18%
Buildings and Grounds	(25,668)	(22,627)	(147,100)	15%
Parks	(25,929)	(26,518)	(109,000)	24%
City Council	(57,577)	(64,182)	(407,600)	16%
Transfers	(41,250)	(11,750)	(47,000)	25%
Contingency	0	0	(100,000)	0%
Total Expenditures	(789,375)	(745,040)	(4,370,300)	17%
Net Revenue	\$ 499,237	\$ 721,793	\$ 470,000	

The cash carryforward from June 30, 2019 was about \$54,000 higher than anticipated. \$698,200 of the General Fund ending cash balance is earmarked for a PERS side account. Starting December 2, 2019 the city can apply for the 25% matching funds from the state. It is anticipated that the PERS side account will be set up by the end of December.

Property tax collections will start arriving in November. Last fiscal year the County released some Comcast revenue that they had been holding pending the resolution of an appeal by Comcast. This caused last years property tax collections in the first quarter to be higher than usual.

Building permit revenue is lower than anticipated. Generally we would expect to see new construction in the late summer and early fall. This year we have several new subdivisions that have been approved, but they are either in the early phases of planning or are working to get infrastructure in place before construction begins.

City of Philomath
September 30, 2019 Comparison to Last Year and Budget
25% of the Fiscal Year has Elapsed

	<u>Actual 9-30-17</u>	<u>Actual 9-30-18</u>	<u>Budget</u>	<u>Percent of Budget</u>
Street				
Revenue				
Cash Carryforward	\$ 232,098	\$ 265,822	\$ 242,000	110%
State Hwy tax	54,986	53,799	335,400	16%
Street Utility Fee	27,008	28,287	112,000	25%
Franchise Fees	6,540	7,606	60,200	13%
Miscellaneous Revenue	6,596	11,400	34,400	33%
Expenditures				
Personnel	(51,607)	(54,403)	(289,141)	19%
Materials and Services	(50,102)	(54,135)	(259,159)	21%
Transfers	(26,425)	(17,674)	(70,700)	25%
Contingency	0	0	(70,000)	0%
Net Revenue	<u>\$ 199,094</u>	<u>\$ 240,702</u>	<u>\$ 95,000</u>	
Water				
Revenue				
Cash Carryforward	\$ 258,928	\$ 427,421	\$ 370,000	116%
Water Revenue	363,146	444,462	1,434,000	31%
Miscellaneous Revenue	8,061	11,473	57,690	20%
Expenditures				
Personnel	(97,855)	(101,845)	(569,039)	18%
Materials and Services	(124,848)	(109,748)	(509,351)	22%
Transfers	(55,425)	(148,325)	(593,300)	25%
Contingency	0	0	(100,000)	0%
Net Revenue	<u>\$ 352,007</u>	<u>\$ 523,438</u>	<u>\$ 90,000</u>	
Sewer				
Revenue				
Cash Carryforward	\$ 202,153	\$ 319,170	\$ 330,000	97%
Sewer Revenue	280,776	289,295	1,150,000	25%
Transfer In	37,500	50,000	200,000	25%
Miscellaneous Revenue	4,241	4,010	38,200	10%
Expenditures				
Personnel	(80,828)	(82,332)	(472,980)	17%
Materials and Services	(70,754)	(85,803)	(400,020)	21%
Debt Service	(92,076)	(92,073)	(364,200)	25%
Transfers	(45,650)	(72,750)	(291,000)	25%
Contingency	0		(90,000)	0%
Net Revenue	<u>\$ 235,362</u>	<u>\$ 329,517</u>	<u>\$ 100,000</u>	

Revenue and expenses for these three funds are pretty much on target. The ending cash balances at June 30, 2019 in the Water and Sewer Funds were a bit higher than projected.

Water revenue is up significantly from last fiscal year. This is due to a 22% water rate increase on July 1, 2019. The increase is necessary to raise enough revenue to cover debt service on the new water treatment plant that will be constructed in 2021.

Contributions to the PERS side account from these funds will be as follows: Street Fund \$60,800, Water Fund \$132,000 and Sewer Fund \$109,000.

City of Philomath
September 30, 2019 Comparison to Last Year and Budget
25% of the Fiscal Year has Elapsed

	<u>Actual 9-30-17</u>	<u>Actual 9-30-18</u>	<u>Budget</u>	<u>Percent of Budget</u>
Storm Drain				
Revenue				
Cash Carryforward	\$ 27,875	\$ 33,265	\$ 33,000	101%
Storm Drain Revenue	14,810	15,147	59,950	25%
Expenditures				
Materials and Services	(3,451)	(4,099)	(49,050)	8%
Transfers	(10,375)	(7,225)	(28,900)	25%
Net Revenue	<u>\$ 28,859</u>	<u>\$ 37,088</u>	<u>\$ 15,000</u>	
Land, Building, & Equipment				
Revenue				
Cash Carryforward	\$ 2,509,665	\$ 3,187,193	\$ 3,225,100	99%
Transfers In	173,749	250,500	1,002,000	25%
Grants	0	0	425,000	0%
Miscellaneous Revenue	21,792	23,815	72,300	33%
Expenditures	(47,521)	(65,093)	(2,944,400)	2%
Net Revenue	<u>\$ 2,657,685</u>	<u>\$ 3,396,415</u>	<u>\$ 1,780,000</u>	
SDC's				
Revenue				
Cash Carryforward	\$ 1,542,201	\$ 3,345,220	\$ 3,240,000	103%
SDC Revenue	1,855,857	9,026	654,225	1%
Miscellaneous Revenue	15,343	20,924	90,000	23%
Grants	22,601	0	172,275	0%
Expenditures				
Capital Outlay	(306)	(200,000)	(1,545,000)	13%
Transfers	(37,500)	(50,000)	(200,000)	25%
Net Revenue	<u>\$ 3,398,196</u>	<u>\$ 3,125,170</u>	<u>\$ 2,411,500</u>	

The Land, Building & Equipment Fund budgeted grant revenue of \$425,000 with a matching expenditure for a new transit bus. Rather than running the grant revenue and bus purchase through the City of Philomath, Corvallis Transit ran the purchase through their grant. The bus is owned by the City of Philomath and was put into service the first week of October.

The grant budgeted in the SDC Fund is for the construction of the park on N. 11th Street. Major construction will be completed in October 2019. Once the final bills are in, the city can apply for the grant reimbursement

The SDC capital outlay of \$200,000 was the City's contribution to the tennis courts at the Philomath High School.