



# AGENDA PHILOMATH CITY COUNCIL

October 15, 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. APPEAL OF PC19-02, PC19-03, PC19-04 & PC19-05

1. Public Hearing on Appeal of Planning Commission Denial  
Appellant: Lepman Development LLC  
Location: 617 N 19<sup>th</sup> St, Map 12-6-12 Tax Lots 100, 200 & 201  
Petitioner appeals denial of Master Planned Development.
2. Discussion and Possible Decision

C. APPEAL OF PC19-06 & PC19-07

1. Public Hearing on Appeal of Planning Commission Approval  
Appellants: Sandy Heath, Jeff Lamb, Catherine Biscoe and Lawrence Johnson  
Location: 617 N 19<sup>th</sup> St., Map 12-6-12 Tax Lots 100, 200 & 201  
Petitioners appeal approval of conditional use request and variance.
2. Discussion and Possible Decision

D. 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.



## **Title/Topic: Lepman Master Plan Mixed-Use Industrial Appeal**

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**Meeting Date:** October 15, 2019

**Department:** Planning

**File #'s:** PC19-02 Lepman Master Plan Development  
PC19-03 Industrial Flex Space  
PC19-04 Indoor Storage/Outdoor Storage - Boat & RV  
PC19-05 RV Park

**Staff Contact:** Patrick Depa

**Email:** patrick.depaa@co.benton.or.us

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### **ISSUE STATEMENT**

Shall the City Council approve, approve with conditions, or deny the Lepman Master Plan Mixed-Use Industrial development and associated Type III Site Design Review files? This hearing and review of these planning files noted above are procedural due to the appeal filed by Lepman Development LLC. The purpose of this hearing is for the Council to take public testimony, deliberate whether the application meets the City's applicable criteria, and come to a final decision.

### **BACKGROUND**

On August 26, 2019, the Philomath Planning Commission denied a Master Planned Development, planning file PC 19-02 and its associated site plan applications, planning files PC 19-03, PC 19-04, and PC 19-05. The development proposal consists of:

1. 19,363 square foot building for industrial flex space for light industrial uses,
2. 12 individual self-storage buildings constituting over 150,000 square feet,
3. outdoor RV and boat storage area, and
4. 175-space RV park consisting of on-site manager's quarters/office and a 7,088 square foot community center with a community room, swimming pool and exercise area.

All of the proposed uses are permitted outright in the Heavy Industrial (HI) and Industrial Park (IP) zoning districts in which they are proposed. Hard copies of the application for appeal and the original Staff Report dated June 26, 2019 are attached to this memo. All supporting documents, including the original applications for development, the required reports, minutes of Planning Commission's meetings, etc. are available for review on the City's website or at City Hall.

The Planning Commission's denial was based on two findings. The motion to deny the application was as follows:

"Commissioner Sullivan moved to deny the application based on findings that the use of the industrial land does not provide sufficient jobs as defined by the Comprehensive Plan goal and because the extremely large size of the RV Park calls into question the question of substandard housing as discussed in Section III of the Comprehensive Plan."

The Commission determined the proposed development was in conflict with two aspects of the City's Comprehensive Plan; however neither finding is found in the policies adopted in the Comprehensive Plan or the development criteria found in the Development Code.

**Jobs/Economic Development.** No supporting data or analysis was provided during the hearing to support how many new jobs a development should provide. The question of whether or not the proposed master plan development creates enough jobs has no foundational basis. In the Comprehensive Plan, the following policies identify guidelines for City and County economic development efforts:

**Policy 2.** Economic diversification shall be encouraged by promoting suitable serviced sites for development by non-timber dependent industries and secondary wood product manufacturing industries.

**Policy 7.** Commercial and industrial development shall be encouraged as a means of expanding the tax base.

**Policy 8.** Appropriate incentives, including assistance with off-site development costs and discounts or deferral of development fees, may be offered to industrial development projects that create new jobs within the area. (Amended by Ord. #720 on 9/22/03.)

**Policy 10.** Areas designated for industrial development are also appropriate for low-intensity commercial uses, offices, warehousing, and other similar nonmanufacturing uses.

**Policy 11.** The orderly development of frontage along Highway 20/34 between 19th Street and the eastern urban growth boundary, particularly on the north side of the road, shall be provided for by limiting and consolidating accesses onto the highway, providing for adequate urban facilities, promoting the acquisition or retention of open space at the old Willamette Mill site, providing for internal traffic circulation, controlling freestanding signs, and requiring landscaping

**Policy 22.** The City should encourage the development and expansion of businesses which serve tourists who travel through and visit the community.

Creation of new jobs is not a requirement for new development per the Comprehensive Plan's approved policies. The option that development projects that do create new jobs should be provided incentives for development (Policy 8) does not infer that development projects must create a specific number of new jobs. Even if it did, the Planning Commission did not define what number of jobs would be sufficient for approval of enough. By focusing on the number of jobs the Commission felt would satisfy this goal it ignored several of the other economic development policies including economic diversity, expansion of the tax base, low-intensity commercial uses, orderly development along Highway 20, and tourism. The proposed master plan development exemplifies many of the Comprehensive Plan's economic development policies. The RV Park will serve as a catalyst to a tourism industry that will result in direct and indirect employment opportunities within the commercial and service sectors.

**Housing.** No supporting data or analysis was provided to support the concern that substandard housing could be created as a result of the size of the RV Park. The words "sub-standard housing" do not appear in any of the adopted housing policies of the Comprehensive Plan. The phrase is used once in the analysis that the policies are drawn from; however, there is no basis to set a foundation for a denial. The adopted policies are the basis for review and compliance. Although the RV Park is not a housing development by definition (RVs are not houses or structures, so they cannot be "substandard housing"), the Staff Report recognizes the reality that RVs can serve to meet a transitional or temporary housing need. Page 5 of the Staff Report reads,

"While not providing traditional housing, the proposed Recreational Vehicle Park will provide housing for vacationing families, temporary housing for seasonal workers who

may be in the area for a few months, and retirees who like to spend their summers in the northwest and their winters in the south. Some of the occupants may be longer term tenants who are seeking affordable housing by utilizing their recreational vehicles for longer terms. The amenities in the Recreational Vehicle Park such as laundry facilities, exercise room, enclosed swimming pool and community center are added attractions to the month-to-month tenants as well as overnight campers.”

The following Housing Policies of the Comprehensive Plan are applicable to this application:

Policy 5: 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.

Policy 7: The City of Philomath will continue to participate and seek cost effective means to address its housing program on a regional basis. (*Amended by Ord. #720 on 9/22/03.*)

Policy 8: The City of Philomath will continue to evaluate various mechanisms to stabilize or reduce the cost of housing, particularly in relation to income levels. (*Added by Ord. #720 on 9/22/03.*)

The Lepman Master Plan Development meets or exceeds the review criteria, including adopted aspirational policies of the Comprehensive Plan and specific criteria found in the Development Code. The Staff Report appropriately concludes that the applicable criteria has been met and recommends approval of the proposed development project subject to the list of conditions outlined in the Staff Report.

### **COUNCIL OPTIONS**

To approve, approve with conditions, or deny the Lepman Master Plan Mixed-Use Industrial project and associated Type III Site Design Review cases.

### **RECOMMENDED MOTION**

*“I move the city council approve the application for the Lepman Industrial Master Plan Overlay proposal subject to the conditions of approval in the Staff Report based on the findings of fact contained in the Staff Report dated June 26, 2019, for planning files:*

*PC19-02 Lepman Master Plan Development,  
PC19-03 Industrial Flex Space,  
PC19-04 Indoor Storage/Outdoor Storage - Boat & RV, and  
PC19-05 RV Park.”*



## STAFF REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Transportation Impact Analysis (TIA)**:

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

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

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

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

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

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

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

### Housing Policies

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

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

### Public Facilities and Services

#### General Policies

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

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

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

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

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

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

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

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

**Sewage Disposal Policies**

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

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

**Water Supply Policies**

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

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

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

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

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

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

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

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

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

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

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

### **Storm Drainage Policies**

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

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

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

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

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

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

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

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

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

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

### Other Utilities Policies

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

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

### Transportation Policies.

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

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

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

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

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

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

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

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

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

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

### **Bicycle Policies.**

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

### **Pedestrian Ways.**

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

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

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

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

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

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

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

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

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

### Open Space Policies

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

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

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

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

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

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

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

### Air, Water, and Land Quality Policies

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

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

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

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

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

**Natural Hazards Policies**

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

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

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

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

**Goal 5 Resources**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **RV PARK REVIEW**

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

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

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

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

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

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

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

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

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

### **CONDITIONAL LAND USE REVIEW**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SUPPORTIVE FINDINGS:** The subject properties are roughly rectangular in shape and the proposed Planned Development area contains approximately 23.74 acres of the 39.04 acres contained in the

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

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

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

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

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

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

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

Development provides for more flexibility than would occur under a conventional industrial development.

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

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

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

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

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

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

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

Subject Property	Zoning/ Proposed Use	Parcel Size	Maximum Lot Coverage Allowed (%)	Maximum 10% Decrease in Open Space or Landscaping or Increase of Lot Coverage	Proposed Lot Coverage (%)
Tax Lot 100, Map 12612	IP & HI/Self-Storage	6.11 Acres (IP) 3.93 Acres (HI)	60% IP: 3.66 Acres 90% HI: 3.54 Acres	70% IP: 4.277 Acres 100% HI: 3.93 Acres	IP: 3.98 Acres (65.1%) HI: 2.10 Acres (59.3%)
Tax Lot 100, Map 12612	HI/Recreational Vehicle and Boat Storage	6.61 Acres (HI)	90% HI: 5.95 Acres	100% HI: 6.61 Acres	HI: 4.05 Acres (61.3%)
Tax Lot 100, Map 12612	IP/Industrial Flex-Space	1.62 Acres	60% IP: 0.972 Acres	70% IP: 1.134 Acres	IP: 1.25 Acres (77.2%)
Tax Lot 200, Map 12507 & Tax Lot 102, Map 12507 & Street Vacation	HI/Recreational Vehicle Park	15.71 Acre & 0.02 Acre & 0.20 Acre	90% HI: 14.427 Acres	100% HI: 15.93 Acres	HI: 7.98 Acres (50%)
<b>TOTALS within proposed</b>		18.27 Acres			Average Lot Coverage: 60.3%

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

**PROPOSED PHASING:**

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

Phase 1

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

Phase 2

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

Phase 3

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

Phase 4

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

## COMMENTS

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

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

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

## CONCLUSION

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

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

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

## RECOMMENDED MOTIONS:

TO **APPROVE** THE MASTER PLAN OVERLAY SUBJECT TO THE RECOMMENDED CONDITIONS OF APPROVAL:

I MOVE TO APPROVE the application for the Lepman Industrial Master Plan Overlay proposal, the conditional use permit and requested variance, based on the findings of fact contained in the staff report dated June 26, 2019, for files:

PC19-02 Master Plan Development  
PC19-03 Industrial Flex Space  
PC19-04 Indoor Storage/Outdoor Storage - Boat & RV  
PC19-05 RV Park  
PC19-06 Conditional Use Permit  
PC19-07 Lot Coverage Variance

*(and as modified at the public hearing)* and subject to the conditions of approval in the staff report *(as modified by the Planning Commission)*.

**OR**

TO **DENY** THE MASTER PLAN OVERLAY:

I MOVE TO DENY the application for the Lepman Industrial Master Plan Overlay proposal, conditional use permit and requested variance, based on the findings of fact developed by the Planning Commission.

### **Conditions of Approval:**

1. The applicant shall submit notice of the development to the Department of State Lands (DSL) and the Army Corp of Engineers and any determination for mitigation will rely on those findings and conclusions. All mitigation shall be completed by the applicant prior to any construction permits being issued.
2. It should be noted that the comments contained in both the city's engineering consultant and the county engineer's reports (see attached) are not the result of a full engineering analysis of the proposed development. More detailed analysis and detailed design work may be required as the project moves forward. This includes:
  - a) Any easements required for construction of public utilities shown on the approved construction drawings must be granted to the City prior to start of construction on Phase 1.
  - b) Some changes of the placement and access points to the water mains along 19<sup>th</sup> Street may need to be addressed during a final engineering review.
  - c) Additional hydrants and their locations as outlined in Westech's engineering report will need to be finalized and installed accordingly.
  - d) That all title work from the adjacent property to east shall be provided to determine the rights for both emergency access drives and all proposed utility easements within those drives.
  - e) All other conditions that are bulleted in the engineer's report as outlined in Exhibit A shall be followed or addressed at time of final engineering review.

3. That the applicant shall pull all the required permits for any work in the Oregon Department of Transportation (ODOT) and Benton County right of ways.
4. That a copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, utilities, parking, etc.) shall be submitted to the city.
5. That a time frame be submitted to the city and its engineers pertaining to how long the outdoor storage of boats and recreational vehicles is to remain stored on a gravel surface area rather than a paved surface or a variance must be sought.
6. That the applicant provide payment in lieu of the construction of the public bike/pedestrian path at this time at today's cost to be held in escrow. However, the sixteen (16) foot easement shall be recorded at the time of other easement recordings.
7. That the applicant obtain approval for a conditional use permit for the encroachment into the 50' riparian setback of the two viewing platforms and part of the private trail system in the RV Park.
8. That the applicant obtain a .3% variance to the maximum allowed lot coverage on these parcels.
9. That all future uses proposed in the industrial flex space building shall require individual planning approval prior to occupancy.
10. That the applicant obtain Benton County approval for the partial vacation of 20<sup>th</sup> Street.
11. That the applicant donate five feet (5') of right of way along 19<sup>th</sup> Street to meet the city's TSP requirement for width of a minor arterial road.



**CITY OF PHILOMATH**

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

**NOTICE OF APPEAL OF A PLANNING COMMISSION DECISION**

The undersigned hereby requests a review by the City Council of a decision made on August 26, 2019 by the Planning Commission relating to a request made by Scott D. Lepman dba Glorietta Bay, LLC, (File Numbers PC 19-02, PC 19-03, PC 19-04 and PC 19-05) for a Master Plan Development, Industrial Flex Space, Indoor Storage and Outdoor Storage of Boats and RVs, and for a RV Park. The permits were denied but the following permits were approved and not subject to this appeal but related to the overall project: PC 19-06, and PC 19-07.

The appeal must be filed on this form and shall include the following:

- 1) A statement of the reasons for the appeal, citing the specific Comprehensive Plan or Development Code provisions which are alleged to be violated: Decision of the Planning Commission was made not in accordance with applicable criteria and reached conclusions not supported by evidence presented in the record. The decision based on job creation and housing standards were not criteria for approval for this application.
- 2) A statement of the standing to appeal: The petitioner on appeal is the applicant and has standing to appeal.
- 3) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period: Not applicable
- 4) Fee: Actual cost for preparing & conducting the hearing (\$690 deposit)

I understand that in the event that I choose to pursue this appeal to the Land Use Board of Appeals (LUBA), I may be required to reimburse the City of Philomath for attorney fees should LUBA determine that the City is eligible for such reimbursement.

Name: Joel D. Kalberer, Attorney for Applicant, P.O. Box 667, Albany, Oregon  
541-926/2255

  
Signature \_\_\_\_\_ Joel D. Kalberer

Date: 9/9/2019

**FILED**

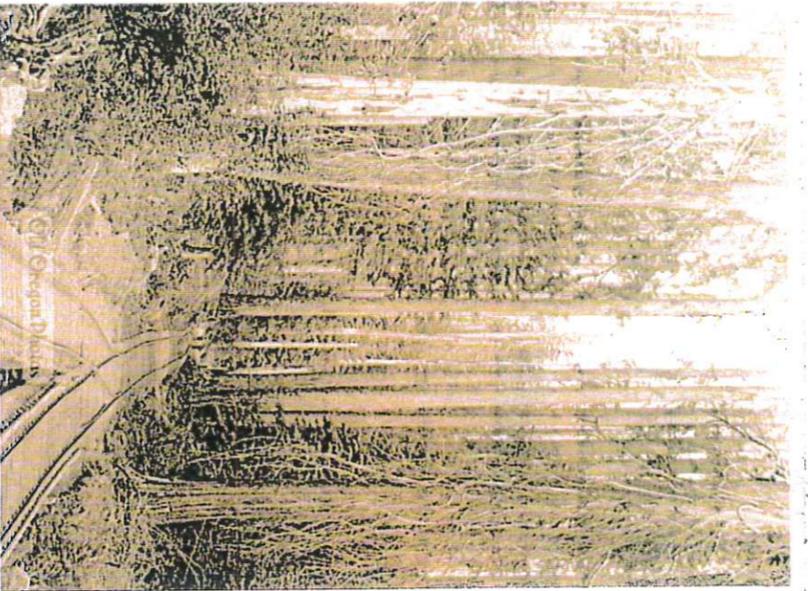
SEP 9 2019

BY:  TIME: 2:20 pm  
CITY OF PHILOMATH



## LAND OF THE GIANTS

The intent of the current Planned Development application is to provide for a master plan of approximately 23.74 acres of the 39.04 contained in 3 Tax Lots that were previously used for a veneer plant nearly 40 years ago. The proposed Planned Development could be completed over a period of five to ten or more years depending upon the market need.



The proposed Self-storage facility will consist of four phases for a total of 204,277 square feet of self-storage space. The Self-storage facility will consist of the construction of a 3,374 square foot, 2-story Office/Manager's Quarters, 12 single-story self-storage buildings containing a total of 132,116 square feet and a three-story self-storage building containing a total of 60,450 square feet. All of the buildings are located outside of the floodplain.

Residential users, by vast majority, make up the largest percentage of users of self-storage. In 2016, the proportion of residential users was 70.0%, whereas commercial users of self-storage facilities were 30% of the total. Commercial users include large and small commercial and industrial businesses that need storage space. The construction of the industrial flex-spaces within the development will also enjoy the opportunity to have nearby storage.

Many small businesses, especially small contractors such as landscapers, plumbers, electricians and builders, find it is more economical to rent self-storage space than it is to lease commercial space for their equipment and supplies. These ratios have been stable for the past several years in the facility that the applicant owns in the City of Corvallis. Recent new construction of 2 large multi-family housing complexes in Philomath and the potential of the construction of additional residential units, both single family and multiple family units demonstrate a growing demand for storage space in Philomath.

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

The proposed Recreational Vehicle Park will be constructed entirely in the First Phase of the project and will consist of 175 RV spaces, a 3,904 square foot Office/Manager's Quarters with an attached office/gathering space, a 7,142 square foot Community Center with an indoor pool, large community room with a full kitchen, a laundry room and attached patios and viewing platforms of Newton Creek; a dog park, a picnic area; 2 detached 247.5 square foot restroom buildings adjacent to the private pedestrian/bicycle trail that encircles the Recreational Vehicle Park. A 16-foot wide easement to the public will be dedicated to the City along the western side of the Planned Development for the future construction of a public trail that will run from North 19<sup>th</sup> Street, a Minor Arterial Street, to the City Park located adjacent to North 20<sup>th</sup> Place and Southwest Main Street, a Principal Arterial Street. The proposed Recreational Vehicle Park will have amenities that no other hospitality facility in Benton County currently provides.

Attractions are a core component of tourism such as natural and cultural sites, historical places, museums and art galleries, sport facilities, festivals and events, restaurants and shopping. The city of Philomath is within 45 miles of the Oregon coast and 4.4 miles from the Oregon State University campus in the City of Corvallis. Successful tourism is dependent upon year-round and diverse appeal. Location, location, location. The three most important characteristic of successful development. For a variety of reasons, tourism can be an attractive alternative for improving the economy of a small community. People travel more today than ever. Tourism provides an opportunity to serve the needs of the community and capture a share of traveler spending for the following reasons: (1) By bringing in outside dollars, the community can benefit from a need for a larger and more diverse mix of retail uses. (2) Outside revenue brought in by the tourists will stimulate the local community in the form of wages, purchases of goods, supplies and services. (3) Tourism can provide new entrepreneurial opportunities for both the existing and future community residents. (4) Visitors with high disposable incomes are likely to purchase retail goods that can yield higher profits for the business owners within the City of Philomath. (5) Although some of the revenue will be needed for the community's infrastructures, residents in general will benefit from the capital improvements required as part of the development of the proposed RV Park and the Self-storage and Industrial Flex-Space components of the proposed Planned Development.

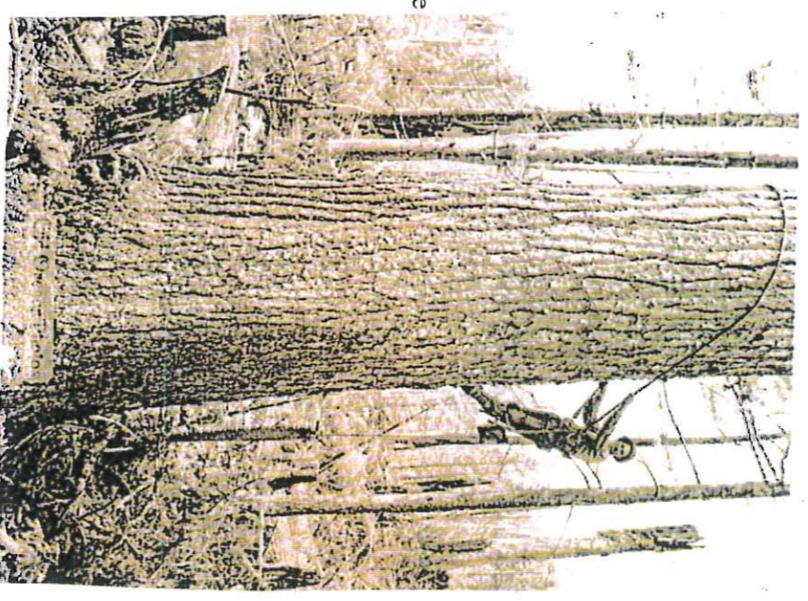
In addition, the recently adopted Marys Peak to Pacific Scenic Byway encompasses sections of state and local roads beginning at Interstate-5 in Linn County and terminating in Waldport. The narrative for project provided by ODOT says the following: "The Byway links Tangent, Corvallis, Philomath, and Alsea in Benton County and Tidewater and Waldport along Highway 34 in Lincoln County, with spurs branching out to Marys Peak and Alsea Falls. This corridor will serve to enhance and protect intrinsic natural qualities, honor rural lifestyles and industries, and create new economic opportunity for adjacent communities along the Byway. Scenic Byway designation will also add exposure to the area through regional and statewide marketing efforts, offering new and repeat visitors ideas on how to patronize local businesses, access lodging, and find many of the natural attractions. There are many parks, marinas, campgrounds, improved and unimproved boat ramps, access points to trail heads, and wildlife viewing areas, offering unique outdoor recreation opportunities along this route. Travelers will be able to experience a unique and active working landscape, outstanding natural beauty, and world-class outdoor recreation.

These locational attributes bode well for attracting patronage by Recreational Vehicle travelers and contributing to the economy of the City of Philomath which meets Economy Goal 2, Policy 22 which encourages the development and expansion of businesses which serve tourists who travel through and visit the community.

The Industrial Flex-space Development will consist of 2 buildings containing a total of 22,023 square feet. The buildings will be one and a half-story in height with a loft area over the office portion in each of the units. The building spaces will be constructed as flexible spaces ranging in size from 10,550 to 12,906 square feet for one of the entire buildings or 2,450 square feet to 2,600 square feet in size depending on the tenant's need. Each space will have a warehouse area with overhead doors and adjoining office space with loft space for additional office related use.

The proposed industrial flex-space portion of the Planned Development is intended to provide for large to small businesses with warehouse and manufacturing needs in an area in Philomath that is currently served by City water, sanitary sewer, and storm water facilities that have been sized to serve such a development with access to a principal arterial street (Southwest Main Street) and a designated truck route. The flex-space units will create employment opportunities for new and/or start-up businesses of varying sizes. Developing light industrial uses are a goal of the City of Philomath, Benton County and the State of Oregon. Manufacturing jobs historically have paid family-wage salaries. The proposed industrial flex-space development will create more employment opportunities as many of the businesses located on the site will be labor intensive providing opportunities for both skilled and unskilled workers.

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





**PHILOMATH AREA CHAMBER OF COMMERCE**

PO Box 606

PHILOMATH, OR 97370

541-929-2454

director@philomathchamber.org

September 30, 2019

City of Philomath  
PO Box 400  
Philomath, OR 97370

Reference: Letter of Support for Lepman RV Park and Storage

Dear City of Philomath:

On behalf of the Philomath Area Chamber of Commerce Board of Directors, I would like to express our strong support for the Lepman RV Park and Storage Development. We believe each of the various components of the development to include an RV Park, self-storage, and flex industrial space will help fill a current need in Philomath.

As both a bedroom community to Corvallis, including Oregon State University, and a gateway to the Oregon Coast, we have strived to attract more visitors to Philomath and give them a reason to stay for a period of time. The development would in turn help boost our economy by bringing more visitors to our local services, shops, eateries and events. There is also a shortage of self-storage options in the Philomath area. We often field calls for new residents looking for storage facilities and have found that often times the units in Philomath are all full. We also partner with the Benton County Economic Development office to help locate office or retail space for local businesses or new ones seeking to relocate to the Philomath area. Currently, the demand for space is high and the availability is little to none.

The proposed site has sat empty for well over 20 years. The plans for the new development include landscaping and entrance ways that will help beautify that area as people drive into town from West Hills Road. In addition, it would provide jobs by employing landscapers, electricians, building contractors, and ongoing staff. These are among many positive outcomes that would come from this development.

Part of our mission is to promote the economic vitality and diversifications of the Philomath area through a climate of growth for Philomath area businesses, and we believe the Lepman RV Park and Storage Development does just that. The Philomath Area Chamber of Commerce Board of Directors fully supports the development and appreciates the City's consideration on how it would benefit the greater community.

Thank you for your consideration.

Best regards,

Alyssa Lewis  
President, Philomath Area Chamber of Commerce

**FILED**

OCT 3 2019

BY: YB TIME: 3:25pm  
CITY OF PHILOMATH

**From:** [Joseph Sullivan](#)  
**To:** [Eric Niemann](#)  
**Cc:** [Chris Workman](#); [Planning Commissioner Steve Boggs](#); [Planning Commissioner Jeannine Gay](#); [Peggy Yoder](#); [Planning Commissioner Lori Gibbs](#); [Planning Commissioner Gary Conner](#); [Planning Commissioner David Stein](#)  
**Subject:** PMC and campgrounds - stay length clarification  
**Date:** Saturday, August 31, 2019 1:41:44 PM

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Good afternoon Mayor! I hope you're enjoying the long weekend.

As you know, the Planning Commission decided this week to deny the Lepman mixed-use development on 19th street. The reasons were (1) using large tracts of industrially zoned land for non-job-producing industries (i.e. storage) was found to be contrary to our comprehensive plan; and (2) an RV park where 70% of the residents are long-term was found to be creating a tract of substandard housing (also contrary to our comprehensive plan).

During the proceedings, Deputy City Attorney Amy Cook called our attention to PMC 9.15.025 which prohibits camping for more than five days outside of a campground. We asked ourselves, "would the Lepman RV park qualify as a campground?" I can only imagine the answer would be "yes", although in this case the point turned out to be moot.

I can't speak for the rest of the Commission, but if the Council were to address and clarify the idea of campground stay lengths in the PMC it would make it easier for me to consider proposals similar to Lepman's in the future. For example, the State of Oregon restricts stays in any state campground to 14 nights within any 17-night period. Philomath has no similar restriction. I believe the average stay in a Lepman park for long term residents was 2.25 years.

If our City code were amended to address a campground stay length restriction - even if we allowed people to stay for months instead of weeks - we could consider them tourists and therefore good for Philomath. My job, and probably Lepman's, would be considerably simpler.

Regarding a vision for Philomath, I'd like to follow your and Chris' request to share some ideas with the Council once it's convenient for you. That's probably the subject of a different email.

Cheers,

Joseph Sullivan



October 9, 2019

Dear Mayor and Philomath City Councilors:

During 2018, it is estimated that Benton County visitors spent \$133 million according to the Oregon Travel Impacts study prepared by Dean Runyan Associates. This study also cites that 1,790 jobs within the county are supported by this visitor revenue. It's estimated that a new job is created when an additional \$68,039 of spending occurs. It's estimated \$3.6 million of the \$133 million of visitor spending is generated by alternative lodging, which includes RV parks.

As the executive director of Visit Corvallis, I am writing in support of Scott Lepman Company's proposed development that would include an RV park. This development would enable more visitor spending to occur within Benton County, thus supporting more jobs and generating more tax revenue. It's estimated visitors generated \$6.4 million in tax revenue in 2018.

Currently, the RV market is underserved in the Benton County area. Our office regularly receives calls from individuals looking for RV opportunities. It's important to remember visitors and locals often enjoy the same businesses and community amenities. Philomath businesses and amenities would benefit from the additional revenue and tax benefits visitors bring to the area.

Philomath businesses are well positioned to capitalize on visitors who are looking for a central location to many Oregon experiences including agritourism businesses, proximity to the Oregon Coast and entry to the Marys Peak to Pacific Scenic Byway.

I hope that the council supports this project that will result in additional revenue for Philomath and capitalize on an untapped market.

Sincerely,

Christina L. Rehlau  
Executive Director



**Willamette Valley**  
OREGON WINE COUNTRY

October 8, 2019

Dear Philomath City Council,

I am writing to support the development of an RV Park in Philomath. This is an exciting time for tourism as we continue to see growth in Oregon visitation for the ninth consecutive year with direct travel spending at \$12.3 billion in 2018.

The Willamette Valley Visitors Association (WVVA) is the officially designated Regional Destination Management Organization for the Willamette Valley elected by Travel Oregon. Our region starts in Newberg/Wilsonville in the North and continues through to the town of Cottage growth in the South, and run Peak to Peak from the Coastal Range to the top of the Cascades. It is our organizations mission to market the region as a premier year-round travel destination while striving to spread the economic impact of tourism to all parts of the Valley. At the regional level in 2018, \$1.9 billion was spent in the Willamette Valley with \$76 million spent on "other overnight stays" which would include RV parks and campgrounds (other overnight stays does not include short-term rentals vacation rentals).

At the regional level, we see the City of Philomath at a precipice to be able to get their percentage of tourism dollars. We are seeing numerous old timber towns looking to diversify their economies and provide local jobs, develop new and emerging ideas, and help their economies. Tourism is a great track to support this. In the Willamette Valley, jobs provided by the tourism industry have grown 3.1% since 2010 accounting for 22,600 jobs.

This RV Park not only has the potential to increase visitors in your current local businesses, but every dollar left behind in the community helps the rising tide that could, in turn, stimulate more economic and business growth in Philomath. Philomath is strategically place at one of the major entries to the Oregon Coast whether a traveler takes Hwy 38, the Mary's Peak to Pacific Scenic Byway or Hwy 20. Philomath is also well positioned to participate in the agritourism efforts resulting in farm and food trails that are getting visitors into our rural communities to learn about farm and food production culture with the marketing and development support from Visit Corvallis, Willamette Valley Visitors Association and Travel Oregon.

Benton County sees \$133 million in visitor spending employing over 1,700 people. This positive movement forward in the county and region has the potential to change and affect Philomath in a positive way as well. To help ensure this positive change leads where the Philomath community desires it, WVVA believes investing in a diversified economy with a possible new tax stream will help Philomath have the tools and resources needed to be an even stronger place to live and visit.

*Special note: All of the statistics mentioned in my letter are available to the public via the Oregon Travel Impacts report 2018, compiled by Dean Runyan and Associates.*

Thank you for your time,

Dawnielle Tehama  
Executive Director  
Willamette Valley Visitors Association



## **CITY OF PHILOMATH**

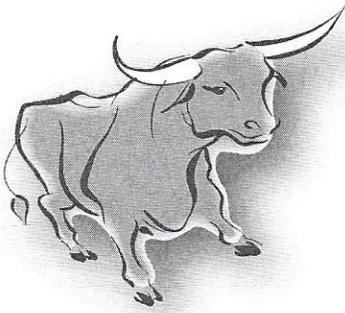
980 Applegate Street  
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# **M E M O R A N D U M**

**DATE:** October 9, 2019  
**TO:** Mayor and City Council  
**FROM:** Ruth Post  
**RE:** **Ex Parte Contact Information – Lepman Application**

As part of the public hearing process, each member of the Council is required to declare any ex parte contact they have had related to an application. City Councilor Doug Edmonds plans to declare his site visit to Blue Ox RV Park of Albany on October 7, 2019. As part of that visit, he received the following document. In the interest of ensuring that all members of the Council have access to the same information, Councilor Edmonds requested that the document be provided to the full Council.





# BLUE OX RV PARK

4000 Blue Ox Drive SE

Albany, OR 97322

541-926-2886

## RENTAL AGREEMENT

**THIS RENTAL AGREEMENT** is made as two identical copies in Albany, Linn County, Oregon this  , day of **October, 2019**, between **The Blue Ox RV Park**, herein after referred to as "Management" and  referred to as the "Resident". This rental agreement is for tenancy by a Recreational Vehicle or Park Trailer (aka "Park Model") that is less than 400 sq. ft. in the set-up mode. This tenancy is covered by ORS 90.100 to 90.460 and is not a "Facility" or mobile home park tenancy. Oregon statute limits tenancy to recreational, seasonal or temporary housing. The local city or county ordinances may determine the limitation on the length of tenancy which may not be under the control of the management. The Management rents to the Resident and Resident rents from Management subject to the conditions below at the following dwelling space located in a RV Park:

**SITE ADDRESS: 4000 Blue Ox Drive SE Space #  , Albany, OR 97322**

1. **Parties: Occupants:** The following individual(s), hereafter, referred to as "resident" are authorized to occupy the dwelling unit. Wherever the term "resident" is used, the term shall apply in the singular or plural. **NO ONE OTHER THAN THE FOLLOWING NAMED** will be allowed to occupy the dwelling unit without written permission from Management. Persons living on the premises for over fourteen (14) days a year, who are not listed under the Rental Agreement, will be considered unlawful occupants. Allowing unlawful occupants to reside on the premises will be grounds for immediate twenty-four (24) hour notice of termination of tenancy.

Name	D.O.B.	Name	D.O.B.

2. **Structure/Vehicle Identification:**

Make/Model:  Size:  ft. Year:  License#:

State:  Registered Owner(s):

Resident identifies that no remodeling, other than required maintenance, has been made to the structure without the appropriate permits and inspections.  (Initials)

A. **OTHER AUTHORIZED VEHICLES:**

Make/Model	Color	License Number/State

### 3. RENTAL TERMS

**Place of Payment:** The Resident shall pay the monthly rent at **4000 Blue Ox Drive SE, Albany, Oregon 97322**; your payment would need to be made by cash, check, money order(s), or credit card.

- A. **Duration of Agreement:** This is a month-to-month Rental Agreement unless otherwise provided. This Rental Agreement commences on the day of October, 2019 and terminates (30) days after the Management at the above stated address receives written notice. Resident shall not sublet the premises or any part thereof, or assign this Rental Agreement, without the Managements written consent. If for any reason the duration of the Resident's stay is less than 30 days this agreement is null and void and the current daily/weekly rates and applicable transient taxes for the park will supersede the monthly rates.
- B. **Due Date and Amount of Rent:** The rent is due on the first (1<sup>st</sup>) day of the month. The monthly rent amount is \$550.00. Rent is to be received no later than 6:00 p.m. the fifth (5<sup>th</sup>) day of the month.
- C. **Late Fee:** If the rent is received in whole or in part after 6:00 p.m. on the fifth (5<sup>th</sup>) day of the month, a \$50.00 late fee must be added to the payment. If any rent fee or deposit is left owing from prior months, payments will first be applied to any previous amounts owed (for late charges, bad check charges, deposits or fees, etc.) and then to the outstanding rent. Only three (3) late payments are permitted in a six (6) month period, if payments are late in excess of three (3) in a six (6) month period can be ground for immediate termination of rental agreement.
- D. **Returned Check Fee:** Rent may be paid in the form of check, money order, or cashier's check. If rent is paid by check, a \$25.00 fee will be charged for any returned check. It will be deducted from funds received prior to crediting Resident for the rental payment. In cases where rent payments are made by check and where the check is returned for insufficient funds, payment will only be accepted in the form of a cashier's check, cash, or money order.
- E. **Non-Compliance:** Management may seek injunctive relief and damages for any non-compliance by Resident of the terms of this agreement. There is a \$50.00 fee for non-compliance of utility policy, failure to clean up pet waste, removal of garbage or other waste from the property other than "dwelling unit". Parking violations, and improper use of vehicles with the premises.
- F. **Eviction:** If an eviction is necessary, the management will charge a fee of \$50.00 for each trip related to the action in addition to filing fees, prevailing party fees, and attorney fees.
- G. **Extended Absences:** This Rental Agreement requires that Resident give Management notice of anticipated extended absences from the dwelling in excess of seven (7) days, in accordance with ORS 90.340. If the Resident leaves the premises unoccupied for over seven (7) days without providing notice of the absence to the Management, the premises may be deemed to be abandoned and the Management shall take possession.
4. **NOTICES:** All notices to Management shall be sent to Management at the following address: Blue Ox RV Park, 4000 Blue Ox Drive SE, Albany, Oregon 97322. All notices to Resident shall be sent to, or served on, Resident at the rental address. Pursuant to ORS 90.910(3), all notices sent to Resident by Management for non-payment of rent under ORS 90.400(2), twenty-four (24) hours of termination under ORS 90.400(3)(a),(b) or (d) or a notice of inspection under ORS 90.335(3) will be deemed served on the day on which it is both mailed by first class mail to the Resident at the rental address and attached in a secure

manner to the main entrance to that portion of the rental premises of which the Resident has possession or personally delivered to the Resident.

**5. TERMINATING TENANCY:**

- A. **Rent is not an Option:** In addition to the assessment of a late fee, Management reserves the right to take action for non-payment of rent in accordance with ORS 90.400(2). If Resident fails to pay rent within seven (7) days, including the first day rent is due. The Management, after seventy-two (72) hours written notice of nonpayment, may notify the Resident of the intention to immediately terminate the Rental Agreement and take possession in a manner provided in ORS 105.105 through ORS 105.168 if rent is not paid within that period.
- B. **Notice of Termination in Writing:** This Agreement may be terminated by either party by giving the other party at least thirty (30) days' notice in writing prior to the date designated in the Rental Agreement termination notice in the first year. Thereafter, the tenancy shall terminate on the date designated, and or with a sixty (60) day notice from the management. The Resident is responsible for thirty (30) days of rent after written notice is given to the Management or until the dwelling space is re-rented, whichever is sooner. Resident is responsible for utility payments until possession of the dwelling space is returned to The Blue Ox RV Park. All facility keys, cable boxes, remote controls, laundry room and recreation hall keys must be returned to The Blue Ox RV Park before release of deposit.
- C. At the time of the termination of tenancy, any goods, chattels, motor vehicles, or other property left on the premises shall be considered abandoned property and disposed of as provided by Oregon Law.

**6. SECURITY/CLEANING DEPOSIT**

- A. **Security and Cleaning Deposit:** The Resident agrees to the amount of **\$105.00**. This amount represents a deposit to be used by the Management to pay for any damages, unpaid rent, cleaning, judicial costs or any other claims arising under this Rental Agreement or from any breach of any condition provided. Those deposits are as follows:

Description/Item	\$ Amount
Extra Resident	\$
Rent from the ___ Day of October thru the 31st	\$
Utility Deposit (Electric)	\$ 50.00
Facility Key Deposit	\$ 5.00
Cable Box Deposit: Serial #:	\$
Total Due	\$

- B. **Deposit of Funds:** The Resident agrees that any payment made hereafter, including security/cleaning deposits, may be placed in an interest bearing account. The interest earned thereon, if any, will go to the benefit of The Blue Ox RV Park.
  - a) Management shall give Resident a written accounting within thirty (30) days after the termination of tenancy and delivery of possession of the premises to Management stating specifically the basis for any security/cleaning deposits being forfeited or withheld by Management. The security deposit, if any, shall be used to secure the performance of the rental agreement, including but not limited to, cleaning and damage above ordinary wear and tear, pet damage, nonpayment of rent, utilities, fees assessed or other charges during tenancy, and/or failure to give notice as required by this agreement or statute.

The security deposit shall be retained until the structure is removed or sold. Any portion of the deposits not so claimed by Management shall be returned to Resident with the written accounting. Management may recover damages in excess of said security/cleaning deposits to which Management may be entitled. Funds representing unused deposits will be returned by check made payable to the named Resident(s) only and mailed to the forwarding address or last known address of Resident(s).

**7. OTHER**

- A. **PETS:** Pets are defined as any animal capable of doing property damage or personal injury. Pets are strictly prohibited unless hereby authorized. 2 Pets is accepted subject to addendum. Assistance animals are allowed with a properly documented Request for Reasonable Accommodations. If an unauthorized pet is found on the premises, Resident will be given a ten (10) day notice to vacate. If the pet is not permanently removed from the premises within the ten (10) day notice period, the Management shall terminate this Rental Agreement and take possession of the premises.
- B. **Yard/Landscape Maintenance:** Landscaping will be maintained by the management or management's subcontractor. Resident agrees that access to the premises may be made without notice to the resident. \_\_\_\_\_ (Initial)  
Resident shall not remove or plant shrubbery or trees without written agreement of the Management.
- C. **Control of Common Areas:** Common area landscaping and empty spaces will be maintained by the management. The management and any person identified as the "person in charge" pursuant to statute shall retain control over any and all common areas. Common areas are shared facilities such as laundry rooms, parking areas, swimming pools, courtyards and other areas of general use. If identified, the management may implement exclusion rules for all common areas. Such exclusion rules will apply to those who are not residents. Exclusion rules shall be posted or made a part of this agreement as well as provided to the law enforcement agencies in the area. Both residents and guest are prohibited from illegal or objectionable behavior and/or activities. Residents are responsible for the activities and action of visitors and guests.
- D. **Smoke Alarm/Detector Disclosure:** Pursuant to State Fire regulations resident identifies that an approved smoke alarm(s) have been installed in the structure.  
\_\_\_\_\_ (Initial)
- E. **Utilities and Services Payment Responsibility:**  
Electric Meters are read on the last day of each month and charges added to the Residents account based on used KWH. The cost of power is calculated by using the actual cost charged to Management from Power Company plus a fee to maintain electric services within the facility. Charges are due and payable on the first (1<sup>st</sup>) of the month and considered late as of the sixth (6<sup>th</sup>). At which time a fifteen (15) day disconnection notice will be delivered to resident. If not paid by the end of the fifteen (15) day notice a final five (5) day notice will be given to resident. Management will at the end of the five (5) day notice try to contact the Resident in person or phone prior to the disconnection of utilities.

Move-In Electric Meter Reading: _____	Water/Sewer	Electricity	Propane	Basic Cable	Wi-Fi	Garbage
A. Paid by Management and Included in Rent	X			X*	X	X

The management has elected to bill the resident separately from the rent according to the formula identified in Section C. (Billed on a monthly period)		X	X			
<b>C. Utility Billing Formula</b> Power: KWH x \$0.12 Propane: \$2.55/unit <b>Rates are subject to change without notice based on the current residential Rate. For current rates contact the Management.</b> *(\$50.00 Refundable deposit for the Cable Box)						

- F. **Recycling:** The Management identifies the availability of recycling as follows: Provided by the hauler. Information available from the Management regarding materials, requirements and location.
- G. **Use of Premises:** This agreement is for Residential Use Only.
- a) The Management agrees that the property shall be maintained pursuant to Oregon statute and the requirements of the management.
  - b) The Resident agrees to keep all areas of the premises under their control clean, sanitary and free from the accumulation of debris, filth, rubbish, garbage, and vermin and to dispose of same in a proper manner. Medical waste such as needles, blood products, and related articles are to be disposed of as "medical waste" as required by law. Patios, porches and stairways are to be kept clean and orderly and are not to be used for general storage.
  - c) At the commencement of the rental agreement, the resident accepts that the premises are safe for reasonable and foreseeable uses. The management shall be notified immediately in writing of any unsafe condition(s)
  - d) Resident is to use the premises for a dwelling unit and not to conduct any commercial activity or services for compensation in or on the premises without the written consent of the management. Day care shall be considered a business.
  - e) Resident and their guest(s) shall conduct themselves in a manner not to disturb the peaceful enjoyment of others. Resident shall restrict all sound or noise so as not to be heard outside the unit. Residents and their guests shall not be permitted to play or loiter in common areas except in those areas designated by the management.
  - f) **Common Area Restrictions:**
    - 1. Resident or their guests shall not operate recreation vehicles or equipment except in areas designated by the management.
    - 2. Resident shall use all electrical, plumbing, sewer disposal and solid waste disposal systems in a safe or reasonable manner.
    - 3. Entrance doors to common area buildings shall be kept locked. Resident shall immediately notify the management in writing if locks fail to operate properly.
  - g) Resident shall immediately report in writing all water leaks, malfunctions of equipment, failure of essential services, or need for repair.
  - h) Attachments, including but not limited to signs, that affect the exterior appearance of the rental space shall be require the written consent of the management and may be subject to additional rules and regulations.
  - i) Resident is responsible to secure their dwelling doors and windows.
  - j) In the event of severe temperature changes, resident shall take reasonable preventive measures to prevent pipes from freezing, including but not limited to, maintain adequate heat, cover any foundation vents, and disconnecting exterior hoses.

- k) Management shall not be liable for damages of any kind caused by the lack of heat, refrigeration or other services arising out of any accident, act of God or occurrences beyond the control of the management. The resident shall be limited to the rights and remedies specified by law.
  - l) Resident shall not store gasoline, combustibles, or other flammable liquids inside or around the rented space except as permitted by the Fire Department and Insurance regulations. Resident shall use smoking materials with caution and properly dispose of ashes and materials. Barbeques and similar equipment shall not be operated within 10 feet of a building or as restricted by rules.
  - m) Unauthorized vehicles or vehicles parked in areas other than a designated space shall be towed at the vehicle owner's expense.
  - n) No accessory buildings may be constructed without written permission of the management.
  - o) The resident shall prevent any liens from being filed against the management's property due to activity of the resident.
- H. **Repairs and Damages:** If the management must repair a problem from which the Resident is responsible, the Resident shall reimburse the Management for the expenses associated with the repair. When Management sends Resident a bill for the said expenses, the RESIDENT MUST REIMBURSE THE MANAGEMENT WITHIN THIRTY (30) DAYS AFTER RECEIVING THE BILL. Resident is responsible for damage done to the property by any third parties invited or brought to the premises by the Resident during the period of tenancy. \_\_\_\_\_ (Initial)
- I. **Repairs Request:** All requests for repairs must be in writing. Emergency repairs such, as plumbing or electrical problems MUST be called in right away to prevent damage. Pursuant to this Agreement and ORS 90.335, Management or Management's agents may enter the Resident's dwelling area or portions of the premises under Resident's exclusive control to perform repairs, alterations, improvements or necessary services upon Resident's verbal approval. Management may issue a 24-hour notice of entry for necessary inspections or repairs pursuant to ORS 90.322(e)
- J. **Resident Property Loss/Damage:** Resident shall have no claim against the Management and Managements shall have no liability for any loss of or damage to Resident's property resulting from burglary, insects, mold and or fungi rust, fire, explosion, vandalism, water damage, theft, riots, mysterious disappearance, rodents, Acts of God, or any other cause, regardless of whether such loss of or damage may be caused or contributed to by the active or passive acts or omissions of the Management, its agents or employees.
- K. **Insurance Coverage:** Management has no obligation to carry insurance on Resident's personal or household property. Management recommends Resident obtain renter insurance if Resident desires insurance coverage on these items.
- L. **Resident Liability:** Management has no liability for any injury to Resident or others caused by any condition existing near or about the Unit or the Premises or resulting from the activities or Resident. Resident shall hold Management harmless from the claims of any third persons arising in any manner out of Resident's use of the rental unit.
- M. **Injury to Person or Property:** Resident agrees to assume all liability for, and to hold Management harmless from, all damages, costs, and attorney fees incurred in defense of or arising out of damages caused by negligence or willful acts of Resident or Resident's invitees or guests in or upon any part of the premises. Resident further assumes responsibility for any and all damage or breakage to resident's equipment, fixtures or appliances therein or thereon, not caused by Management's misconduct or willful neglect. Further, Resident agrees to assume all liability for, and to hold Management harmless from, any injuries sustained by or to Resident or Resident's invitees or guests related to Resident's failure to observe dangerous conditions on the property beyond the control of Management or caused by acts of God.

- N. **Occupancy Guidelines:** Resident agrees to occupancy guidelines in accordance with ORS 90.330. Specifically, the number of persons residing in each unit shall be limited as follows: (1) no more than two (2) persons shall reside in a one bedroom unit; (2) no more than four (4) persons shall reside in a two bedroom unit; (3) no more than six(6) persons shall reside in a three bedroom unit; (4) in cases not covered by numbers (1) through (3) under this section, ORS 90.330(3) shall be applicable in determining dwelling unit occupancy limitations and those special occupancy limitations not covered by numbers (1) through (3) under this section shall be set forth in an addendum to this rental agreement.
- O. **Vehicles:** Non-functioning vehicles will not be allowed to remain on the premises or areas associated with the rental premises for more than twenty-four (24) hours. Vehicles will be towed after that time at the owner's expense. No vehicle repair, including the changing of oil, shall be made without the written consent of the management.
- P. **Parking:** Park in designated areas only. No parking is permitted on grassy areas, sidewalks, etc. Violation of this policy will cause resident to receive written warning, and having vehicle towed away at owner's expense.
- Q. **Laundry Facilities:** Laundry facilities are for the use of residents and guests of the Park only. Loss or damage to any resident property left in the laundry facilities is not the responsibility of Management. Residents are responsible for their children and any damage caused by their children in the laundry facilities or by third parties invited or brought to the premises by Resident.
- R. **Illegal Drugs:** Use, possession, or sales of illegal drugs while in or around the premises will be cause for immediate eviction.
- S. **Intentional Property Damage:** Intentional damage to the real and personal property of The Blue Ox RV Park will result in immediate eviction.
- T. **Flood Plain Disclosure:** (100 Year Flood Plain) XXXX No        Yes
- U. **Satellite Dish Installation Policy**
- b) As required by federal law, satellite dishes may be allowed but cannot be attached to any portion of the management's property.
  - c) Federal law allows the installation of direct broadcast satellite antennas or dishes of one meter or less in diameter.
  - d) Satellite dishes may only be installed inside the resident's unit or on a porch, patio, and deck, banded to a balcony or other portion to which the resident has possession.
  - e) No satellite dish may be installed on the exterior of the building, roof, or area under control of the management.
  - f) The resident shall be aware that not all areas of the property may receive or accept satellite broadcast signals.
  - g) Residents are responsible for any injury or damage to people or property caused by the installation of a satellite dish.
  - h) If the management has installed a central satellite dish for use by all residents, then individually owned satellite dishes are prohibited.
  - i) The policies applicable to satellite dishes are regulated by federal law which may change periodically and may cause adaptations to this agreement.
- V. **Resident Right to Sell Dwelling on Rented Space:**
- a) A resident desiring to sell their structure is required to give the management a written notice at least thirty (30) days prior to the sale of the dwelling. If the structure is to remain on the rented space, a prospective purchaser must seek necessary documents from the Management. A prospective purchaser may not occupy the dwelling unit until the prospective purchaser is accepted

by the Management as a resident and a written Rental Agreement is completed with the purchaser. Failure to make application for tenancy and obtain approval by the management, prior to the purchaser taking occupancy of the dwelling, may result in the eviction of the purchaser from the premises and the requirement that the structure be removed. In addition, the seller may incur financial penalties and liabilities by the purchaser and Management.

- b) Applicants shall meet the screening criteria utilized by the management at the time of application. Such criteria may not be the same as that which applied for the current resident.
- c) Prior to the completion of sale or moving of the structure, the resident must pay all outstanding rent, utilities and other charges before the approval of a prospective purchaser will be made or the structure may be moved from the facility.

**W. Personal Property, Services and Facilities Provided by the Management:**

In addition to the services necessary to maintain the premises in a habitable condition, the management agrees to provide the following for the use and enjoyment of residents. All of the amenities, personal property and/or services indicated are subject to the Rules and Regulations.

- a)  Public Meeting building available from 9 am –9 pm
- b)  Swimming Pool
- c)  NA Resident Mail Room\*
- d)  Outside Lighting in Common Areas
- e)  Recreational Area

Unless otherwise indicated use is limited to residents.

\*Management accepts no liability for lost/stolen mail. Residents are encouraged to obtain a private postal box for secure mail delivery.

**WAIVER** Failure by the Management at any time to require performance by the Resident of any provision hereof shall in no way affect Management's right hereunder to enforce the same, nor shall any waiver by said Management of any breach of any provision hereof be held to be waiver of any succeeding breach of any provision, or as a waiver of the provision itself.

**STATE AND LOCAL LAW** Resident shall not violate any city ordinance or state law in or about said premises. Said violations shall be grounds for immediate eviction.

**SUBJECT TO STATE LAW** All provisions of this Rental Agreement are to be construed in accordance with Oregon's Residential Management and Resident Laws. In the event of a conflict between the terms of this Rental Agreement and Oregon's Residential Management and Resident Laws, the provisions of Oregon's Residential Management and Resident Laws shall apply. All other non-conflicting terms of this Rental Agreement shall remain in full force and effect.

**ATTORNEY'S FEES** In any action on this Rental Agreement or arising under ORS 90.255 where Management is a prevailing party, either at a hearing, trial or on appeal, Management shall be entitled to an award of reasonable attorney's fees and costs as a prevailing party.

**DEFAULT** In the event of a default by the Resident, resident agrees to pay The Blue Ox RV Park for all expenses, including collection commission fees, attorney fees, and the court costs incurred in connection with the collection of amounts payable under this agreement. Collection commission fees would include any percentage paid to a collection agency should a delinquent account be assigned to a collection agency.





## **Title/Topic: GPS Appeal of Planning Commission's Approval Process**

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**Meeting Date:** October 15, 2019  
**Department:** Planning

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

**File #'s:** PC19-06 - Conditional Use to Allow Observation Decks and a walking path to encroach into the Newton Creek Riparian Corridor

PC19-07 – A .3% Variance over the maximum allowed lot coverage

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### **ISSUE STATEMENT**

The appellant, Grow Philomath Sensibly (GPS), challenges the Planning Commission followed the proper approval criteria in formulating their decisions for File #'s PC19-06 & PC19-07. Therefore, they contend the Planning Commission decisions are invalid.

The Development Code allows the Planning Commission to group certain files together if there is concurrence on the findings in the decision criteria for each file as presented in the staff report. If so, the Planning Commission can reference multiple files in their motion. If the Planning Commission does not concur on the findings in the decision criteria the files must be separated and addressed in individual motions with findings contrary to the approval criteria.

The purpose of this hearing is for the City Council to take testimony on this matter and render a decision as to whether or not the Planning Commission corresponded the individual criteria properly toward PC19-06 & PC19-07 to come to their decision of each file on its own merits.

### **BACKGROUND**

On August 26, 2019, the Philomath Planning Commission approved the conditional use (PC19-06) request made by Lepman Development LLC to allow for observation decks and an interior trail to encroach into the Newton Creek Riparian Corridor and a 0.3% variance (PC19-07) to the maximum allowed lot coverage. Their approvals were based on the findings that the conditional use and variance complied with the applicable Development Code Criteria (see pages 14-18 of Staff Report dated June 26, 2019).

The appellant maintains that the applications in planning files PC19-06 & PC19-07 were denied when the Planning Commission denied the Master Plan Development. The Development Code requires that a conditional use and a Class C Variance be reviewed under separate and different criteria and procedural findings than the Type III or Master Plan approval criteria.

Therefore, for the Planning Commission to have included the denial of PC19-06 & PC19-07, they would have had to introduce individual findings in rebuttal to the approval criteria cited in the Staff Report when they denied the Master Plan. At the time Planning Commission made their finding to deny the Master Plan Development, they did not include any rebuttal findings to the approval criteria for these two applications.

At this point, the City attorney advised the Planning Commission that they still needed to take action on the remaining two applications PC19-06 & PC19-07. Following the decision criteria and findings presented in the Staff Report, the Planning Commission's motions were for approval.

In conclusion, the Planning Commission followed the proper approval process and issued decisions that should be upheld.

### **CITY MANAGER RECOMMENDATION**

It is not uncommon for hearings for different applications to be consolidated into one meeting. In this case, the hearings were consolidated and the decisions were voted on separately. The proper process was followed. I recommend approval of PC19-06 & PC19-07.

### **COUNCIL OPTIONS**

1. To uphold Planning Commission's approval of PC19-06 Conditional Use and PC19-07 - Variance
2. To reverse Planning Commission's approval of PC19-06 Conditional Use and PC19-07 - Variance

### **RECOMMENDED MOTION**

*"I move the city council deny the Grow Philomath Sensibly appeal and uphold Planning Commission's approval of PC19-06 based on the findings presented in the Staff Report dated June 26, 2019.*

&

*"I move the city council deny the Grow Philomath Sensibly appeal and uphold Planning Commission's approval of PC19-07 based on the findings presented in the Staff Report dated June 26, 2019.*

### **ATTACHMENTS**

1. Staff report dated June 26, 2019 (hard copy previously provided with other appeal).

Sept. 9, 2019



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

### NOTICE OF APPEAL OF A PLANNING OFFICIAL DECISION

Fee: Actual Cost (\$250 deposit)

*please see attached letter and supporting docs*  
The undersigned hereby requests a review by the Planning Commission of a decision made on \_\_\_\_\_ by the Planning Official relating to a request made by \_\_\_\_\_ (File Number \_\_\_\_\_) for a \_\_\_\_\_. This request for review includes the (approval) (denial) of the application identified by File Number \_\_\_\_\_.

The appeal must be filed on this form and shall include the following:

- 1) A statement of the reasons for the appeal, citing the specific Comprehensive Plan or Development Code provisions which are alleged to be violated:

*please see attached letter and supporting documents,*

- 2) A statement of the standing to appeal: \_\_\_\_\_

*please see attached letter and supporting documents,*

- 3) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period:

*please see attached letter and supporting documents,*

- 4) Filing Fee: Actual cost for preparing and conducting the hearing. \$250 Deposit required at time of appeal filing.

**FILED**

SEP 9 2019  
BY: *PO*  
CITY OF PHILOMATH  
TIME: *2:30pm*

*do please see attached signature sheet*

Name (Please Print) \_\_\_\_\_ Mailing Address \_\_\_\_\_ Telephone \_\_\_\_\_

*\** \_\_\_\_\_  
Signature

*Sept 9, 2019*  
Date

September 9, 2019

City of Philomath  
980 Applegate Street  
PO Box 400  
Philomath, OR 97370

### NOTICE OF APPEAL OF A PLANNING OFFICIAL DECISION

The undersigned hereby request a review by the City Council of a decision made on August 26, 2019 by the Planning Commission relating to a request made by Scott Lepman Company (File Number PC19-02, PC19-03, PC19-04, PC19-05, PC19-06, PC19-07) for a Master Plan Development: Mixed-Use Industrial Development. **This request for review includes specifically the separate approvals of the applications identified by File Number PC19-06 Conditional Use Permit and PC19-07 Lot Coverage Variance.**

This appeal is being filed with the proper Notice of Appeal of Planning Decision Title Page from the City of Philomath and includes this letter and supporting documentation numbering XXX pages.

#### 1) THE STATEMENT OF THE REASONS FOR THE APPEAL

During the August 26, 2019 Planning Commission meeting on the Scott Lepman Master Plan Development (Files PC19-02, PC19-03, PC19-04, PC19-05, PC19-06 and PC19-07), the Public Hearing had already been closed, and the Master Plan Development was still being deliberated and presented as a one vote only to approve or deny the application. Only after the Master Plan Development application was denied by a vote of the Planning Commission Members of 3-2 (Denied: Boggs, Sullivan, Yoder, Approved Conner, Gibbs) **did the City Manager present PC19-06 Conditional Use Permit and PC19-07 Lot Coverage Variance as separate applications with separate votes.** These applications had previously been included in the Scott Lepman Master Plan Development throughout the entire Public Hearing Process. The Planning Commission Meeting Agenda of August 26, 2019, did not designate PC19-06 and PC19-07 as separate votes. During the Public Hearing process, the City Planner and City Manager have repeated multiple times with emphasis and clarity that the Master Plan Development would be a **single vote only for PC19-02 through PC19-07**. To extract the applications of PC19-06 Conditional Use Permit and PC19-07 Lot Coverage Variance as separate votes does not follow proper Land Use Decision procedure. The Lepman Master Plan Development applications of PC19-06 Conditional Use Permit and PC19-07 Lot Coverage Variance were not stand alone land use decisions but relevant applications only when included with the Master Plan Development applications of PC19-02, PC19-03, PC19-04 and PC19-05, therefore have no use independently and should not have been presented as such.

## **2) THE STATEMENT OF THE STANDING TO APPEAL**

All parties have standing for this appeal as each has participated during the hearing process for the Lepman Master Plan Development: Mixed-Use Industrial Development, designated as File No. PC19-02, PC19-03, PC19-04, PC19-05, PC19-06 and PC19-07

## **3) THE STATEMENT REGARDING RAISING THE ISSUE DURING THE COMMENT PERIOD**

There were many issues raised during the comment period from the parties filing this appeal. However, at no time during the Public Hearing or comment period was the Lepman Master Plan Development: Mixed-Use Industrial Development presented as anything but a Master Plan Development with one single vote either to approve or deny the application by the Planning Commission. As a result, the parties were unaware of the need to raise a specific issue about the separation of PC19-06 and PC19-07 for separate votes. Once the Planning Commission began to discuss the applications of PC19-06 Conditional Use Permit and PC19-07 Lot Coverage Variance, a request for clarification of the applications was formally made by Catherine Biscoe to Acting Chair Lori Gibbs. The request for clarification was denied. As a result the applications were incorrectly presented as independent applications with independent votes.

## **4) FILING FEE**

Filing Fee has been included with this application in the amount of \$250.00

## **5) SIGNATURE PAGE OF PARTIES SUBMITTING APPEAL**

Please see attached signature sheet

## **6) RESOLUTION SOUGHT BY FILING PARTIES**

The parties are requesting the following resolution upon review of this appeal by the Philomath City Council

1. The return of the \$250 filing fee, as this is an appeal to correct irregular
2. The revocation and withdrawal of the approval of application PC19-06 Conditional Use Permit and PC19-07 Lot Coverage Variance as the vote of denial of these two applications had already taken place during the vote to deny the Lepman Master Plan Development application at the August 26, 2019 Planning Commission meeting.
3. The correction of the record to reflect an accurate and complete vote of denial for all Lepman Master Plan Development: Mixed-Use Industrial Development applications.

4. A letter stating such correction has been made to all portions of the Lepman Master Plan Development applications and mailed to all parties of this appeal.

**Supporting Documents Included:**

(a) Notice of Public Hearing: Lepman Master Plan Development dated May 30, 2019 for PC19-02, PC19-03, PC19-04, PC19-05, PC19-06 – for Public Hearing July 15, 2019 (at which time the record was held open for July 29, 2019)

(b) Notice of Public Hearing: Lepman Master Plan Development dated June 24, 2019 to include PC19-07 in Master Plan Development – for Public Hearing July 15, 2019 (at which time the record was held open for July 29, 2019)

(c) Planning Commission Meeting Agenda for July 29, 2019 showing CONTINUATION OF PUBLIC HEARING on the Lepman Master Plan Development for File **Numbers PC19-02, PC19-03, PC19-04, PC19-05, PC19-06 and PC19-07**

(d) City of Philomath Planning Commission Draft Minutes<sup>page 1</sup> dated July 29, 2019 (as of Sept. 9, 2019, still showing only Draft minutes on the City of Philomath website) recording City Planner, Pat Depa as stating:

**“He stated that none of the uses can be separated and must be reviewed together.”**

(e) Planning Commission Meeting Agenda for August 26, 2019 showing DISCUSSION & DECISION on PC19-02 et al (suggesting no other designation for PC19-06 and PC19-07 other than inclusion in the complete Lepman Master Plan Development as presented in the July 29, 2019 Public Hearing agenda. There was no suggestion at any time of in any document that PC19-06 or PC19-07 are applications that are separate from the Master Plan Development)

(f) Notice of Planning Commission Decision: Master Plan Development: Mixed-Use Industrial Development, File Number: PC19-02, PC19-03, PC19-04, PC19-05

(g) Notice of Planning Commission Decision: Master Plan Development: Mixed-Use Industrial Development, File Number: PC19-06 Conditional Use Permit

(h) Notice of Planning Commission Decision: Master Plan Development: Mixed-Use Industrial Development, File Number PC19-07 Lot Coverage Variance

(i) The Planning Commission Public Hearings summary as posted on the City of Philomath website for the Lepman Master Plan Development states:

“The applicant is applying for approval of a master planned development for a mixed-use industrial project...” referring to the applications as a Master Plan Development application

"There is a conditional use permit required for this project for the two (2) viewing platforms..." referring to PC19-06

"File Number: PC19-02, PC19-03, PC19-04, PC19-05, PC19-06", showing that 19-07 is not clearly documented as part of the Lepman Master Development Plan

Summary of the Master Plan Development Public Hearing at the top shows:

"PC19-02, PC19-03, PC19-04, and PC19-05: Denied

PC19-06: Approved

PC19-07: Approved"

Which clearly shows that the Master Plan Development application was not voted on as one vote, but separated out into 3 separate votes. If this was the intent of the applicant, each application (Pc19-06 and PC19-07) should have been afforded a separate Public Hearing process for each application, with appropriate designations at the subsequent Public Hearings.

Name: **Sandy Heath, Chair, Grow Philomath Sensibly**

Mailing Address: 340 N 13<sup>th</sup> St., Philomath OR 97370

Telephone: 541-979-0764

Signature: \_\_\_\_\_

Date: 9/9/19

Name: **Jeffrey R. Lamb, Co-Chair, Grow Philomath Sensibly**

Mailing Address: P.O. Box 248

Telephone: 541-453-4041

Signature: \_\_\_\_\_

Date: 000 9-9-19

Name: **Catherine R, Biscoe, Secretary, Grow Philomath Sensibly**

Mailing Address: PO box 848, Philomath, OR 97370

Telephone: 651-955-2842

Signature: \_\_\_\_\_

Date: Sept 9, 2019

Name: **Lawrence Johnson, Treasurer, Grow Philomath Sensibly**

Mailing Address: PO Box 423

Telephone: 541-752-1711

Signature: \_\_\_\_\_

Date: 9/9/19



## NOTICE OF PUBLIC HEARING

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

Date:	May 30, 2019
Nature of Applicant:	Master Plan Development: Mixed-use Industrial Development
Applicant / Owner:	Scott Lepman Company
Property Location:	617 N. 19 <sup>th</sup> Street. Benton Co. Assessor's Map 12612, Tax Lot 100, 200 & 201
Applicable Criteria:	Chapter 18.125 Mater Planned Developments of the Philomath Municipal Code
Zone Designation:	Industrial Park (IP) & Heavy Industrial (HI)
Comp. Plan Designation:	Industrial
Staff Contact:	Patrick Depa, Associate Planner
File Number:	PC19-02, PC19-03, PC19-04, PC19-05 & PC19-06

The applicant is applying for approval of a master planned development for a mixed-use industrial project as shown on the backside of this notice. The purpose of the public hearing is for the Planning Commission to determine if the request conforms to the applicable criteria established in Philomath Municipal Code Chapter 18.105.50, 18.125.070 and 18.125.80 to approve, deny or approve with conditions the application.

The master plan development overlay applies because the project is over 10 acres in size and will incorporate three separate site design reviews in one composite site plan. The site design reviews are broken down into the three proposed uses: A 19,363 S.F. Industrial flex space building for light industrial uses, 12 separate self-storage buildings consisting of over 150,000 S.F. of storage area including an open RV and boat storage area and a 175 space RV Park that includes a 7,088 S.F. community center. There is a conditional use permit required for this project for the two (2) viewing platforms and interior trails that encroach into the 50' riparian corridor setback of Newton Creek.

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

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

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

### **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:**

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The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

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

<input checked="" type="checkbox"/> Applicant/Agent(s)	<input checked="" type="checkbox"/> Area Property Owners	<input checked="" type="checkbox"/> Philomath Fire Department	<input checked="" type="checkbox"/> Philomath Public Works
<input checked="" type="checkbox"/> Benton County Planning	<input checked="" type="checkbox"/> Philomath School District	<input checked="" type="checkbox"/> Pioneer Telephone Coop.	<input checked="" type="checkbox"/> Pacific Power
<input checked="" type="checkbox"/> Interested Parties	<input checked="" type="checkbox"/> ODOT	<input checked="" type="checkbox"/> Comcast	<input checked="" type="checkbox"/> NW Natural Gas

Lepman.not

7 of 15 (a)



## NOTICE OF PUBLIC HEARING

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

Date:	June 24, 2019
Nature of Applicant:	Variance to allow .3% above maximum allowed lot coverage
Applicant / Owner:	Lepman Development LLC
Property Location:	617 N. 19 <sup>th</sup> Street. Benton Co. Assessor's Map 12612, Tax Lot 100, 200 & 201
Applicable Criteria:	Chapter 18.45.040 & 18.155.040 Class C Variance
Zoning Classification:	Heavy Industrial (HI) & Industrial Park (IP)
Staff Contact:	Patrick Depa, Associate Planner
File Number:	PC19-07

The applicant is applying for a variance to the maximum allowed lot coverage in their Master Planned Development project PC19-02. Individually, heavy industrial zoning allows a maximum of 90% lot coverage and industrial park zoning allows a maximum of 60% lot coverage. Since this development is being reviewed under the city's Master Plan Development option in the city's development code, the lot coverage is being considered as an aggregate of the dually zoned parcels. For the purposes of this review, the maximum allowed lot coverage will be 60%. The applicant is proposing an average lot coverage of the four (4) parcels at 60.3% requiring a .3% variance. This case will be heard at the same meeting and under the same public hearing as the Lepman Development's Master Plan Development case PC19-02 will be heard.

The purpose of the public hearing is for the Planning Commission to determine if the request conforms to the applicable criteria established in Philomath Municipal Code chapter 18.155.040(C) 2 to approve or deny the request. The public hearing will be combined and heard concurrently with the entire master plan development in a manner that allows the presentation of the staff report, testimony from the applicant, testimony from proponents, opponents and neutral parties, and comments from governmental bodies and agencies. Any person giving testimony may request that the hearing be continued in order to address new evidence submitted. Written testimony may be entered into the record prior to or during the public hearing and, if received at least seven days prior to the hearing date, will be included in the Planning Commissioners' hearing packet. Please reference the above-noted file number in all correspondence.

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

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*ROUTING (For Department Use Only)*

<input checked="" type="checkbox"/> Applicant/Agent(s)	<input checked="" type="checkbox"/> Area Property Owners	<input checked="" type="checkbox"/> Philomath Fire Department	<input checked="" type="checkbox"/> Philomath Public Works
<input type="checkbox"/> Benton County Planning	<input type="checkbox"/> Philomath School District	<input type="checkbox"/> Pioneer Telephone Coop.	<input type="checkbox"/> Pacific Power
<input checked="" type="checkbox"/> Post Property	<input type="checkbox"/> ODOT	<input type="checkbox"/> Comcast	<input type="checkbox"/> NW Natural Gas

(b)



## CITY OF PHILOMATH

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

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

# PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS  
980 Applegate Street

July 29, 2019  
6:00 p.m.

## MEETING AGENDA

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

### NEXT MEETING

August 19, 2019 @ 6:00 p.m.

(c)

**PHILOMATH PLANNING COMMISSION  
MINUTES  
July 29, 2019**

1  
2  
3  
4  
5  
6 **1. CALL TO ORDER:** Chair Stein called the Public Hearing to order at 6:00 pm

7  
8 **2. ROLL CALL:**

9 **Present:** Commissioners Gary Conner, Joseph Sullivan, Lori Gibbs, Steve Boggs,  
10 Peggy Yoder, and Chair David Stein.

11  
12 **Staff:** Chris Workman, City Manager; Patrick Depa, Planner; and Ashley  
13 Howell, Building Permit Clerk.

14  
15 **3. CONTINUATION OF PUBLIC HEARING**

16 **3.1 File Number:** PC19-02, PC19-03, PC19-04, PC19-05, PC19-06, PC19-07

17 Applicant: Scott Lepman Company

18 Application Type:

- 19 • Master Plan (PC19-02)
- 20 • Industrial Flex Space (PC19-03)
- 21 • Indoor Storage/Outdoor Storage – Boat & RV (PC19-04)
- 22 • RV Park (PC19-05)
- 23 • Conditional Use Permit (PC19-06)
- 24 • Lot Coverage Variance (PC19-07)

25 Location: 617 N 19<sup>th</sup> St., Assessor's Map 12612, Tax Lot 100, 200 & 201

26  
27 Commissioner Gibbs and Commissioner Conner confirmed they listened to the audio from the  
28 previous hearing on July 15, 2019, and familiarized themselves with the record.

29  
30 **Staff Report-** City Planner, Patrick Depa summarized the Staff Report. He explained that this is  
31 a Master Plan Development industrial mixed-use. He stated that this project has three specific  
32 proposed uses; indoor/outdoor storage and boat storage, and an RV Park. He stated that all of  
33 these uses are permitted and allowed in the industrial districts that they reside in. He explained  
34 that this development has been reviewed under Master Plan Development, which has more  
35 scrutiny and direction toward the Comprehensive Master Plan. He stated that none of the uses  
36 can be separated and must be reviewed together. He discussed the six cases to review and  
37 that some of these require Site Design Review. He stated that Master Plan Overlay is  
38 considered heavily on the comprehensive policies, which include very detailed studies. All three  
39 uses support the policies of the Comprehensive Plan. He discussed the Site Design Review  
40 and that it focuses on design, layout, paving, building materials, signage, parking, and  
41 connectivity to the surrounding community. All conditions were met or exceed in review. He  
42 explained the Conditional Use for the allowance of the two viewing platforms within the riparian  
43 corridor, and a Variance of 0.3% total lot coverage over the allowed amount. He stated again  
44 that all six cases could be voted on together because of the application being a Master Plan  
45 Development. He suggests that the conditions be read off with approval, and be specific to The  
46 Conditional Use and The Variance.



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# PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS  
980 Applegate Street

August 26, 2019  
6:00 p.m.

## MEETING AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
  - 3.1 Minutes of July 15, 2019
  - 3.2 Minutes of July 22, 2019
  - 3.3 Minutes of July 29, 2019
4. DISCUSSION & DECISION
  - 4.1 PC19-02 et al
    - Agenda Item Summary – Lepman Master Plan
    - Public Testimony (received from 7/29/2019 to 8/13/2019)
    - Applicant Rebuttal
5. ADJOURNMENT

### NEXT MEETING

September 16, 2019 @ 6:00 p.m.

(e)

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



**NOTICE OF PLANNING COMMISSION DECISION**

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

**DECISION:**

The requested Master Plan Development Mixed-use Industrial Development is **DENIED** based on the Findings of Fact contained in the Staff Report dated June 26, 2019 as appended by the Planning Commission at the August 26, 2019 Planning Commission meeting.

CITY MANAGER: \_\_\_\_\_

Date of Planning Commission Decision: August 26, 2019

THIS DECISION MAY BE APPEALED TO THE CITY COUNCIL WITHIN 14 CALENDAR DAYS OF THE DATE OF DECISION. THE APPEAL MUST BE FILED ON THE APPROPRIATE FORM. CONTACT THE CITY RECORDER AT CITY HALL, 980 APPLGATE STREET, PHILOMATH. A copy of the Findings of Fact may be obtained from the City Recorder.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER. The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

(f)



**NOTICE OF PLANNING COMMISSION DECISION**

Nature of Applicant:	Conditional Use Permit
Applicant / Owner:	Scott Lepman Company
Property Location:	617 N. 19 <sup>th</sup> Street. Benton Co. Assessor's Map 12612, Tax Lot 100, 200 & 201
Applicable Criteria:	Chapter 18.125 Master Planned Developments of the Philomath Municipal Code
Zone Designation:	Industrial Park (IP) & Heavy Industrial (HI)
Comp. Plan Designation:	Industrial
Staff Contact:	Patrick Depa, Associate Planner
File Number:	PC19-06 Conditional Use Permit

**DECISION:**

The requested Conditional Use Permit is **APPROVED** based on the Findings of Fact contained in the Staff Report dated June 26, 2019.

CITY MANAGER: \_\_\_\_\_

Date of Planning Commission Decision: August 26, 2019

THIS DECISION MAY BE APPEALED TO THE CITY COUNCIL WITHIN 14 CALENDAR DAYS OF THE DATE OF DECISION. THE APPEAL MUST BE FILED ON THE APPROPRIATE FORM. CONTACT THE CITY RECORDER AT CITY HALL, 980 APPLGATE STREET, PHILOMATH. A copy of the Findings of Fact may be obtained from the City Recorder.

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(9)

----- ROUTING (For Department Use Only) -----  
 Applicant/Agent(s)     Testifiers



## NOTICE OF PLANNING COMMISSION DECISION

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Nature of Applicant:	Lot Coverage Variance
Applicant / Owner:	Scott Lepman Company
Property Location:	617 N. 19 <sup>th</sup> Street. Benton Co. Assessor's Map 12612, Tax Lot 100, 200 & 201
Applicable Criteria:	Chapter 18.125 Master Planned Developments of the Philomath Municipal Code
Zone Designation:	Industrial Park (IP) & Heavy Industrial (HI)
Comp. Plan Designation:	Industrial
Staff Contact:	Patrick Depa, Associate Planner
File Number:	PC19-07 Lot Coverage Variance

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### DECISION:

The requested Lot Coverage Variance is **APPROVED** based on the Findings of Fact contained in the Staff Report dated June 26, 2019.

CITY MANAGER: \_\_\_\_\_

Date of Planning Commission Decision: August 26, 2019

THIS DECISION MAY BE APPEALED TO THE CITY COUNCIL WITHIN 14 CALENDAR DAYS OF THE DATE OF DECISION. THE APPEAL MUST BE FILED ON THE APPROPRIATE FORM. CONTACT THE CITY RECORDER AT CITY HALL, 980 APPLGATE STREET, PHILOMATH. A copy of the Findings of Fact may be obtained from the City Recorder.

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(h)

----- ROUTING (For Department Use Only) -----  
 Applicant/Agent(s)     Testifiers

14 of 15

## Planning Commission Public Hearings

\*\*\*NOTE: Public testimony is closed.\*\*\*

The applicant is applying for approval of a master planned development for a mixed-use industrial project located at 617 N 19th Street. The Planning Commission held public hearings on July 15 and July 29, 2019. The Planning Commission extended the period for submission of final written public comments until 5:00 p.m. on August 13, 2019. The applicant submitted final written rebuttal limited to issues raised by opponents on August 20, 2019. The Planning Commission reconvened on Monday, August 26, at 6:00 p.m., making the following decisions

PC19-02, PC19-03, PC19-04, and PC19-05: Denied  
PC19-06: Approved  
PC19-07: Approved

Copies of the decision documents are available at the link below.

**Nature of Applicant:** Master Plan Development: Mixed-use Industrial Development  
**Applicant / Owner:** Scott Lepman Company  
**Property Location:** 617 N. 19<sup>th</sup> Street. Benton Co. Assessor's Map 12612, Tax Lot 100, 200 & 201  
**Applicable Criteria:** Chapter 18.125 Mater Planned Developments of the Philomath Municipal Code  
**Zone Designation:** Industrial Park (IP) & Heavy Industrial (HI)  
**Comp. Plan Designation:** Industrial  
**Staff Contact:** Patrick Depa, Associate Planner  
**File Number:** PC19-02, PC19-03, PC19-04, PC19-05 & PC19-06

The applicant is applying for approval of a master planned development for a mixed-use industrial project as shown on the backside of this notice. The purpose of the public hearing is for the Planning Commission to determine if the request conforms to the applicable criteria established in Philomath Municipal Code Chapter 18.105.50, 18.125.070 and 18.125.80 to approve, deny or approve with conditions the application.

The master plan development overlay applies because the project is over 10 acres in size and will incorporate three separate site design reviews in one composite site plan. The site design reviews are broken down into the three proposed uses: A 19,363 S.F. Industrial flex space building for light industrial uses, 12 separate self-storage buildings consisting of over 150,000 S.F. of storage area including an open RV and boat storage area and a 175 space RV Park that includes a 7,088 S.F. community center. There is a conditional use permit required for this project for the two (2) viewing platforms and interior trails that encroach into the 50' riparian corridor setback of Newton Creek.

POSTED: May 31, 2019  
UPDATED: July 16, 2019  
UPDATED: July 30, 2019

\*taken from City of Philomath website "Planning Commission Public Hearings" page, September 9, 2019

(i)