



AGENDA PHILOMATH CITY COUNCIL

November 12, 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. CONSENT AGENDA

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

1. City Council minutes of October 14, 2019
2. City Council minutes of October 15, 2019
3. Philomath Area Chamber of Commerce 2019 Board of Directors Ballot

C. ITEMS REMOVED FROM CONSENT AGENDA

D. PROCLAMATION

1. American Legion 100th Anniversary

E. PRESENTATIONS

1. Presentation of Annual Fiscal Audit – Pauly Rogers & Company
2. Stand By Me – Mike Corwin, OCWCOG
3. Recognition of Citizens' Academy participants

F. VISITORS COMMENTS

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

G. OLD BUSINESS

1. Lepman Master Planned Development (PC19-02, et al) discussion and decision
2. Philomath Housing Stability Fund contribution

H. NEW BUSINESS

1. Formation of 2040 Comprehensive Plan Advisory Group
2. IGA forming Mid-Valley Prosperity Partnership Economic Strategy and Action Plan – 2019
3. Willamette Valley Visitors Association grant application

I. COUNCIL REPORTS

J. STAFF REPORTS

1. City Manager
2. City Attorney
3. Finance Director
4. Police Chief
5. City Recorder
6. Public Works Director

K. INFORMATION & CORRESPONDENCE

1. Philomath Connection ridership for October
2. City website statistics for October
3. Draft Park Advisory Board minutes of October 10, 2019

L. ADJOURNMENT

CITY MEETING/EVENTS SCHEDULE

(As of 11/6/19)

NOVEMBER 2019

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
November 25 – 5:30 PM – City Council work session
November 25 – 7:00 PM – City Council meeting
November 28 & 29 – All Day – City offices closed in observance of Thanksgiving Holiday

DECEMBER 2019

December 2 – 6:15 PM – Christmas tree lighting celebration
December 5 – 5:00 PM – Public Works meeting (if needed)
December 9 – 5:30 PM – City Council work session
December 9 – 7:00 PM – City Council meeting
December 12 – 5:00 PM – Park Advisory Board meeting
December 16 – 6:00 PM – Planning Commission (if needed)
December 23 – 7:00 PM – City Council meeting (if needed)
December 24 – 12:00 Noon to 5:00 PM – City offices closed
December 25 – All Day – City offices closed

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.

PHILOMATH CITY COUNCIL
REGULAR MEETING
MINUTES
October 14, 2019

A. CALL TO ORDER/ROLL CALL

The City Council of the City of Philomath was called to order on Monday, October 14, 2019, at 7:00 p.m. in the Philomath City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon, by Mayor Niemann.

Present:

Mayor Eric Niemann
Councilor Marion Dark
Councilor Doug Edmonds
Councilor Chas Jones
Councilor David Low
Councilor Matthew Thomas
Councilor Ruth Causey (seated at 7:07 p.m.)

Absent:

Staff Present:

City Manager Chris Workman
City Attorney Jim Brewer
Finance Director Joan Swanson
Police Chief Ken Ruben
Public Works Operations Supervisor Garry Black
City Recorder Ruth Post

Absent:

B. CONFIRMATION OF CITY COUNCIL APPOINTMENT

1. Mr. Brewer explained the requirements of the Charter for a Councilor to be appointed by a majority of the remaining Council and the need for four votes to make such a decision. He reviewed the actions that took place at the August 12 meeting with the appointment of Ruth Causey to the Council and the need for the Council to revote on the appointment. Mr. Workman explained that he had contacted the other three applicants for the position and they had all decided not to have their names on the ballot; however, Mr. Doug Nelson had subsequently requested to be placed on the ballot. There was additional discussion about the process. The Council voted by signed ballot and Ms. Causey received 5 votes and Mr. Nelson received 1. Ms. Post administered the oath of office to Ms. Causey and she took a seat with the Council.

MOTION: Councilor Edmonds moved, Councilor Low second, to ratify the decisions made and actions taken at the September 9, 2019 meeting, specifically including Resolution 19-10 and Resolution 19-11. Motion APPROVED 7-0 (Yes: Causey, Dark, Edmonds, Jones, Low, Thomas and Niemann; No: None.)

C. CONSENT AGENDA

1. City Council Minutes – September 9, 2019 – There was brief discussion about the timing of Councilor Thomas' attendance at the meeting via teleconference. It was agreed that the minutes were accurate.

1 **MOTION:** Councilor Edmonds moved, Councilor Jones second, to approve the consent
2 agenda for October 14, 2019. Motion APPROVED 7-0 (Yes: Causey, Dark, Edmonds,
3 Jones, Low, Thomas and Niemann; No: None).
4

5 **D. ITEMS REMOVED FROM CONSENT AGENDA**

6 None.
7

8 **E. PROCLAMATION**

9 **1. Indigenous People's Day** – Recognition of The Confederated Tribes of Siletz
10 Indians – Mayor Niemann invited The Confederated Tribes of Siletz Indians
11 representatives Gloria Ingle and Angela Ramirez to join him as he read the proclamation
12 into the record declaring October 14, 2019 as Indigenous Peoples' Day in the city of
13 Philomath. He presented them with a copy of the proclamation.
14

15 **F. PRESENTATIONS**

16 **1. Veterans Street Banner Proposal** – Becki Goslow – Ms. Goslow provided a
17 brief history of her career as a teacher at Philomath Middle School for 30 years. She
18 also described her service as Past President of the Benton County Veterans' Memorial
19 on Kings Boulevard that was founded by her father. She provided an example of the
20 service recognition banners that the City of Sweet Home has and proposed a similar
21 pilot program for Philomath. She described how this project could tie in with the
22 downtown streetscape project when it's constructed. There was discussion about
23 Creative Graphics in Philomath producing the banners and Ms. Goslow's goal to have
24 the pilot project displayed for Veterans' Day this November 11. Mayor Niemann
25 suggested the possible alternative is to display the seals of the different service
26 branches with a generic wording due to the short timeline between now and Veterans'
27 Day.
28

29 Mayor Niemann suggested the possibility of hanging the banners each year for
30 Veterans' Day and Memorial Day. Ms. Goslow emphasized the value of the photos of
31 the service members on the banners in bringing a face to the name. There was
32 discussion about specifics of the proposal and Ms. Goslow suggested Sweet Home
33 would be a good resource to answer certain questions. Council gave consensus to
34 proceeding with the program.
35

36 Mayor Niemann requested a moment of silence in observance of Breast Cancer
37 Awareness Month.
38

39 Mayor Niemann called a short recess at 7:34 p.m. to allow guests to exit. Council
40 reconvened at 7:42 p.m.
41

42 **2. Recognition of service by outgoing City Councilor Marion Dark** – Mayor
43 Niemann explained that Councilor Dark had submitted her resignation effective October
44 19, 2019, due to moving outside of the city limits. He presented her with a certificate of
45 appreciation for her service on the Council.
46

47 Mayor Niemann presented the League of Oregon Cities gold safety award to Mr.
48 Workman.
49

50 **G. PUBLIC HEARINGS**

51 **1. PC19-08 – PMC Chapter 18 Zoning Code Amendments (various) –**

1 **a. Public Hearing:** Mayor Niemann opened the public hearing at 7:47 p.m.
2 Mr. Brewer read the rules for the hearing. There were no declarations of bias or conflict
3 of interest declared by the Council. Mayor Niemann disclosed a letter received from
4 Planning Commission Chair David Stein that is included in the packet and a verbal
5 contact with Planning Commissioner Peggy Yoder encouraging approval of the
6 amendments. Upon disclosing the contacts, Mayor Niemann declared he could make a
7 fair and unbiased decision.
8

9 Presentation of Staff Report – Mr. Workman identified several minor corrections to the
10 agenda item summary, staff report, and proposed amendments. He summarized the
11 proposed amendments and the review process conducted by the Planning Commission.
12

13 Testimony by Proponents –

14 Sandy Heath, Philomath, OR – Ms. Heath questioned if some of the proposed
15 amendments as an overreach by government. She stated they were inappropriate for a
16 rural community.
17

18 Jeff Lamb, Philomath, OR – Mr. Lamb stated he had participated in the open house on
19 these proposed amendments. He described a hearing last year for Millpond Crossing
20 that didn't include the process going through the Planning Commission. He stated
21 support for requirements for an environmental assessment managed by the City. Mayor
22 Niemann pointed out that some of Mr. Lamb's comments might be better addressed
23 during the next public hearing.
24

25 Catherine Biscoe, Philomath, OR – Ms. Biscoe thanked the Planning Commissioners for
26 their work on the proposed amendments. She stated concerns about the parking
27 requirements under 18.75.030(A) as related to residential housing requirements. She
28 stated the concern that language could be added that specified this only applied when
29 development occurred. She requested the hearing be held open to consider additional
30 language.
31

32 Testimony by Opponents –

33 None.
34

35 Testimony by Neutral Parties –

36 Robert Biscoe, Philomath, OR – Mr. Biscoe stated concerns about the addition of
37 city standards for a residential upgrade making it prohibitive to do the home
38 project. He cited an example of a garage project in Washington in which the
39 required improvements cost more than the project itself.
40

41 Rebuttal by Applicant – Mr. Workman stated the development code addresses
42 the criteria being applied at the time of a development application that triggers
43 the requirement to meet current standards.
44

45 There was discussion about Ms. Biscoe's request to keep the record open.
46

47 **MOTION:** Councilor Thomas moved, Councilor Edmonds second, to keep the
48 record open until October 31, 2019. Motion APPROVED 7-0 (Yes: Causey, Dark,
49 Edmonds, Jones, Low, Thomas and Niemann; No: None).
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2
3
4 Mayor Niemann closed the public hearing at 8:20 p.m.
5

6 **2. PC19-09 – PMC Chapter 18.135 Annexation Code Amendments –**

7 **a. Public Hearing:** Mayor Niemann opened the public hearing at 8:21 p.m.
8 Mr. Brewer read the rules for the hearing. There were no conflicts of interest or bias
9 declared by the Council. Mayor Niemann declared the email from Planning Commission
10 Chair David Stein and personal contact with Planning Commissioner Peggy Yoder
11 encouraging approval of the proposed amendments. Upon declaration, Mayor Niemann
12 stated he could make a fair and unbiased decision.
13

14 Presentation of Staff Report – Mr. Workman noted several minor corrections to the
15 agenda item summary and staff report and summarized the proposed amendments.
16

17 Proponents:

18 Jeff Lamb, Philomath, OR – Mr. Lamb stated concerns that previous industrial or mill
19 sites should be required to perform an environmental assessment and be monitored by
20 the City. He suggested that the City should make the decisions regarding selecting
21 consultants to perform required studies. Mr. Brewer stated that 18.35.030(G) addresses
22 that concern. Mr. Lamb stated that Millpond Crossing had used an unlicensed consultant
23 to perform their environmental assessment.
24

25 Catherine Biscoe, Philomath, OR – Ms. Biscoe stated the Beelart annexation appeal
26 would be heard by the Supreme Court but has not been heard yet. She stated the
27 importance of the cost of infrastructure improvements and requested water usage
28 evaluations be based on an aggregate of all approved developments. She requested
29 any variances also be determined by the same Type III or Type IV process as the
30 original approval. She stated these criteria are relevant in light of the case that will be
31 heard by the Supreme Court. Ms. Biscoe requested that the public hearing be continued.
32

33 Neutral Parties:

34 Robert Biscoe, Philomath, OR – Ms. Biscoe stated he appreciated the process that was
35 used to develop these amendments and commended the Planning Commission and
36 staff for their work.
37

38 Rebuttal by Applicant:

39 Mr. Workman corrected Mr. Lamb's testimony, stating that the Millpond Crossing
40 environmental assessment consultant was licensed in the state of Oregon but used an
41 incorrect California stamp; and as soon as that was discovered, it was corrected.
42

43 Councilor Dark requested the spelling of "render" be corrected on the agenda item
44 summary page and that the Comprehensive Plan Urbanization Policy #3 on the staff
45 report be changed to "shall" instead of "should". Mayor Niemann corrected UGB on Page
46 2 of the proposed amendments under 18.135.030(F)(1). Councilor Dark stated support
47 for any development to be required to perform an environmental impact study in addition
48 to other studies including infrastructure.
49

1 **MOTION:** Councilor Jones moved, Councilor Low second, to leave the record open until
2 October 31, 2019. Motion APPROVED 7-0 (Yes: Causey, Dark, Edmonds, Jones, Low,
3 Thomas and Niemann; No: None).
4

5 Mayor Niemann closed the public hearing at 8:40 p.m.
6

7 Councilor Thomas questioned if the appeal referenced by Ms. Biscoe would be heard
8 before the Council makes a decision on the amendments. Mayor Niemann stated the
9 standards that are in place at the time of an application are the standards that apply.
10

11 **H. VISITORS COMMENTS**

12 1. Terry Weiss, Philomath, OR, and Corvallis, OR – Ms. Weiss provided a
13 comparison of her water bills between her now vacant house in Philomath and her new
14 address in Corvallis. She stated concerns about the Philomath water rates and the
15 Council needs to be aware of that. There was discussion about comparison of the bills
16 and the base fees that are charged for the City to guarantee availability of water.
17

18 2. Cole Patton, Philomath, OR – Mr. Patton described sidewalks on College Street
19 between 18th and 19th and between 16th and 17th on the south side that need to be
20 replaced and are creating a trip hazard. Mr. Black stated that Public Works would follow
21 up on those.
22

23 3. Catherine Biscoe, Philomath, OR – Ms. Biscoe stated her appreciation of the city
24 staff, Planning Commission and the community to collaborate on the proposed
25 amendments and the plans for the upcoming Comprehensive Plan review. She stated
26 her appreciation for the Citizens' Academy program and that it is a great program.
27

28 **I. NEW BUSINESS**

29 1. **City Council vacancy process** – Mayor Niemann summarized the timeline
30 presented to fill Councilor Dark's position. Councilor Jones encouraged reconnecting the
31 individuals who applied for the Council position in July. Mr. Workman stated that kind of
32 contact would be best coming from members of the Council instead of staff.
33

34 2. **OLCC Winery application** – Campfire Wines & Co., 810 Applegate (Spindrift
35 Wines) – Chief Rueben reviewed the application and found no disqualifying information.
36 He summarized the process for companies like this to go through in order to use
37 Spindrift's facility for making their wine.
38

39 **MOTION:** Councilor Thomas moved, Councilor Causey second, that the Philomath City
40 Council recommend approval of the OLCC liquor license application submitted by
41 Campfire Wines and Co. Motion APPROVED 7-0 (Yes: Causey, Dark, Edmonds, Jones,
42 Low, Thomas and Niemann; No: None).
43

44 3. **Formation of 2040 Comprehensive Plan Advisory Group** – Mr. Workman
45 summarized the State's formal Periodic Review process for updating a City's
46 Comprehensive Plan and their current stance to not actually require them because they
47 lack staffing to work with cities on them. He described the route that the City can
48 undertake to apply for a technical assistance grant; and if awarded, to update the
49 economic opportunities analysis, buildable lands inventory, and housing needs analysis.
50 He explained that a hired consultant would work with staff and an advisory group of local
51 stakeholders to review the information and, based on the outcomes, the City Council
52 could then review the Comprehensive Plan policies that may need updates or

1 corrections. He added that this group would also develop a Main Street plan focused on
2 the municipal code and Main Street to review types of development that could happen
3 and the implementation of the Downtown Streetscapes project. He described the cross-
4 section of the community that could make up a 2040 Comprehensive Plan Advisory
5 Group, including representatives from downtown property owners, the business
6 community, schools, community members. He suggested 8 to 12 members would be
7 ideal. He noted that any recommended changes to the Comprehensive Plan would be a
8 Type IV process with public hearings before both the Planning Commission and City
9 Council. There was discussion about the potential makeup of the committee and the
10 status of the group. Mr. Workman stated if the grant is awarded to the City, he would like
11 to get the group underway early next year.

12
13 **MOTION:** Councilor Low moved, Councilor Thomas second, to establish a special
14 committee, to be called the 2040 Comprehensive Plan Advisory Committee, to assist
15 with the process of updating aspects of the City's Comprehensive Plan pending
16 receiving the technical assistance grant. Motion APPROVED 7-0 (Yes: Causey, Dark,
17 Edmonds, Jones, Low, Thomas and Niemann; No: None).

18
19 **J. ORDINANCES & RESOLUTIONS**

20 **1. Resolution 19-12 Supporting Oregon DLCD Technical Assistance Grant**
21 **application** – Councilor Jones questioned if the City already has \$20,000 budgeted. Mr.
22 Workman stated those funds are budgeted and the grant is \$50,000 for a total estimated
23 project cost of \$70,000.

24
25 **MOTION:** Councilor Edmonds moved, Councilor Causey second, to approve Resolution
26 19-12 declaring support for updating aspects of the Comprehensive Plan with technical
27 assistance from the Department of Land Conservation and Development. Motion
28 APPROVED 7-0 (Yes: Causey, Dark, Edmonds, Jones, Low, Thomas and Niemann; No:
29 None).

30
31 **K. COUNCIL REPORTS**

32 **1. Councilor Jones** – Councilor Jones reported that the director of the Oregon
33 Cascade West Council of Governments (OCWCOG) has resigned and they will be
34 recruiting for a new director. He also noted that Softstar Shoes has installed a new
35 electric vehicle charging station on Main Street. Councilor Jones stated he will be
36 hosting the OCWCOG Celebrate LBL (Lincoln-Benton-Linn Counties) awards on
37 October 24 and noted that former Mayor Dale Collins and Mayor Niemann have both
38 been nominated for the volunteer of the year award. There was discussion about the
39 nominees attending. Mayor Niemann stated that the Oregon RAIN Venture Catalyst
40 program has also been nominated for an award.

41
42 **2. Councilor Low** – Councilor Low reported he observed Spencer Kirk and Mike
43 Vencill of our public works staff while they were cleaning storm drains recently. Mayor
44 Niemann noted that Lige Weedman spent three hours at the Fire Department Open
45 House demonstrating what happens when you flush a toilet. Councilor Low reported on
46 his attendance at the Oregon League of Cities' conference last month. He congratulated
47 Officer Mark Koeppel on receipt of the Civic Education Award. Councilor Low also
48 reported on the Stand By Me financial education program that is being organized in
49 Benton County and his attendance with the Mayor at a recent meeting to discuss it. He
50 stated support for the program that provides educational assistance for personal
51 financial management. He stated a letter of support from the Council would be desirable.
52 Mayor Niemann described the types of changing financial needs that the program works

1 to connect participants to mentors for coaching and mentoring. Councilor Low stated that
2 Benton County has committed \$80,000 towards the program. He further described the
3 format of the program. The Council agreed to hear more at their November meeting.
4

5 **3. Councilor Causey** – Councilor Causey reported on her attendance at the
6 September Chamber of Commerce forum at which County Commissioner Xan Augerot
7 spoke about the 9-1-1 Service District on the November ballot.
8

9 **4. Councilor Edmonds** – Councilor Edmonds noted the bus ridership continues to
10 decline and requested that staff report on the transition to the new schedule. Mr.
11 Workman stated it went smoothly and there have been no comments or concerns
12 received either at the City or by the Corvallis Transit Service. He thanked Public Works
13 for getting the information posted at the bus shelters.
14

15 **5. Councilor Jones** – Councilor Jones added that the OCWCOG Celebrate LBL
16 event is being held at the carousel in Albany and includes unlimited carousel rides. He
17 also reported that he has invited Representative Dan Rayfield to come address the
18 Council at a future date.
19

20 **6. Mayor Niemann** – Mayor Niemann extended congratulations to the Marys River
21 Grange on their recent Distinguished Grange national award and noted their harvest
22 festival is this Saturday. He also congratulated the community on their outstanding
23 support shown last weekend at the fundraiser for Amber Henderson, raising over
24 \$11,000 to assist with her expenses related to fighting cancer. Mayor Niemann also
25 noted that he successfully ran Lilly's Lope for Hope last Saturday and described the
26 positive impact this event has had on the community. He also reported on the OSU
27 student leadership engagement group that spread fertilizer at Lupe's Community Garden
28 recently. Finally, he reported on attending the Indigenous Peoples' Day celebration at
29 Oregon State University this afternoon with Councilor Jones.
30

31 **L. STAFF REPORTS**

32 **1. City Manager** – Mr. Workman reported the city has been accepted to the Oregon
33 Main Street Program. He explained that the City had previously belonged to the Main
34 Street Program but had let that membership go several years ago. He described the
35 advantages of membership, including being eligible for grants that may come available.
36 He reported that the City paid for our planner to attend the Oregon Main Street Annual
37 Conference in partnership with Monroe & Adair Village. Mr. Workman also reported that
38 a Memorandum of Understanding for the Philomath Family Housing Stability Fund has
39 now been reached between the City, Philomath Community Services (PCS) and the
40 School District. He stated that PCS has agreed to hold the funds for the program and
41 they are still working out details regarding the process. In addition, he reported on
42 attending the Travel Oregon grant writing training held in Monroe. He explained that the
43 City had previously unsuccessfully partnered with the Frolic & Rodeo on a grant
44 application for facility improvements and that attending the training will help in future
45 applications. Mr. Workman also reported that the eight city Mid Valley Partnership has
46 been meeting regularly and has established five goals that now go beyond the original
47 economic development partnership. He stated he will be bringing an MOU to the Council
48 next month to consider. He reported on the Brownfield Coalition with Benton County,
49 Corvallis and Monroe and stated that there is one property located in Philomath already
50 registered and he will be submitting a project for downtown for technical assistance. Mr.
51 Workman reported on his attendance at the LOC Conference with the Mayor and
52 Councilor Low. Mayor Niemann reported he did get a chance to tour the Bend water

1 treatment plant during the conference. Mr. Workman reminded the Council he would be
2 attending the International City Managers' Association conference next week and would
3 be out of the office.

4
5 Councilor Edmonds requested an update on the memorandum of understanding for the
6 tennis courts. Mr. Workman stated they are still ironing out some details, particularly
7 related to maintenance costs.

8 **2. City Attorney** – Mr. Brewer reported on his attendance at the City Attorney'
9 Association Conference last month. He reported that Deputy City Attorney Amy Cook
10 has resigned effective October 25 to take a position as an Assistant District Attorney in
11 Klamath County. He suggested taking a few minutes before the beginning of the public
12 hearings scheduled for October 15 to review some land use hearing process.

13 **3. Finance Director** – Ms. Swanson reported the audit is complete and auditors will
14 attend the next City Council meeting.

15 **4. Police Chief** – Chief Rueben reported on Officer Mark Koepp's award at the
16 LOC Conference. He commended Officer Koepp on his 24 years of service. He
17 thanked everyone who attended the chili cookoff, raising over \$10,000 for charities
18 including ABC House. He also reported on the speed sign currently posted at the
19 eastern entrance on the highway. He described the data that is generated by the sign,
20 including times of day, speed of cars, and number of cars. There was discussion about
21 the pedestrian crossing at The Boulevard Apartments.

22 **5. City Recorder** – No report.

23 **6. Public Works Director** – Mr. Black reported the first leaf pickup day is October
24 24 and requested that catch basins not be covered with leaves. He reported on the walk
25 through today at the new Flossie Overman Discovery Park on North 11th Street. He
26 thanked Ms. Post for updating the city's website information on storm water
27 management.

28
29 **M. INFORMATION & CORRESPONDENCE**

30 **1. Thank you letter from Philomath Youth Activities Club for social service**
31 **contribution** – No comment.

32 **2. Oregon Court of Appeals Order A170725 regarding Lamb & Biscoe vs City**
33 **& Beelart** – No comment.

34 **3. Philomath Connection ridership for September** – No comment.

35 **4. City website statistics for September** – No comment.

36 **5. Blvd. Apartments Traffic Safety Plan** – No comment.

37 **6. Memorandum of Understanding for Philomath Family Housing Stability**
38 **Fund** – No comment.

39 **7. Pie Battle at the Corvallis Spirits Festival flyer** – Mr. Workman stated he is
40 training for the pie eating contest.

41 **8. Planning Commission draft minutes of September 16, 2019** – No comment.

42 **9. FY 2019-20 First Quarter Budget Report** – No comment.

43
44 **N. EXECUTIVE SESSION**

45 **1. Per ORS 192.660(2)(e): Real Property Transactions**

46 **2. Per ORS 192.660(2)(d): Labor Negotiator Consultations**

47 **ROLL CALL:**

48 **Council:** Mayor Eric Niemann, City Councilors Ruth Causey, Marion Dark, Doug
49 Edmonds, Chas Jones, David Low, and Matthew Thomas.

50 **Staff:** City Manager Chris Workman, Finance Director Joan Swanson and City Recorder
51 Ruth Post.

52 **Media:** Philomath Express Editor Brad Fuqua.

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Mayor Niemann read the rules for the Executive Session into the record and excused the public at 9:58 p.m. He declared a brief recess. At 10:10 p.m., he reconvened the Council in Executive Session.

O. RECONVENE IN GENERAL SESSION

1. Public invited to return – Mayor Niemann requested that the parking lot be checked and invited the public to return to the chambers at 10:54 p.m.

MOTION: Councilor Edmonds moved, Councilor Dark second, to approve acceptance of the donation of land, a lot at 1545 College Street, and direct the City Manager to complete the title transfer process and meet all the conditions of acceptance identified in Ms. Durham’s will. Motion APPROVED 7-0 (Yes: Causey, Dark, Edmonds, Jones, Low, Thomas and Niemann; No: None).

P. ADJOURNMENT

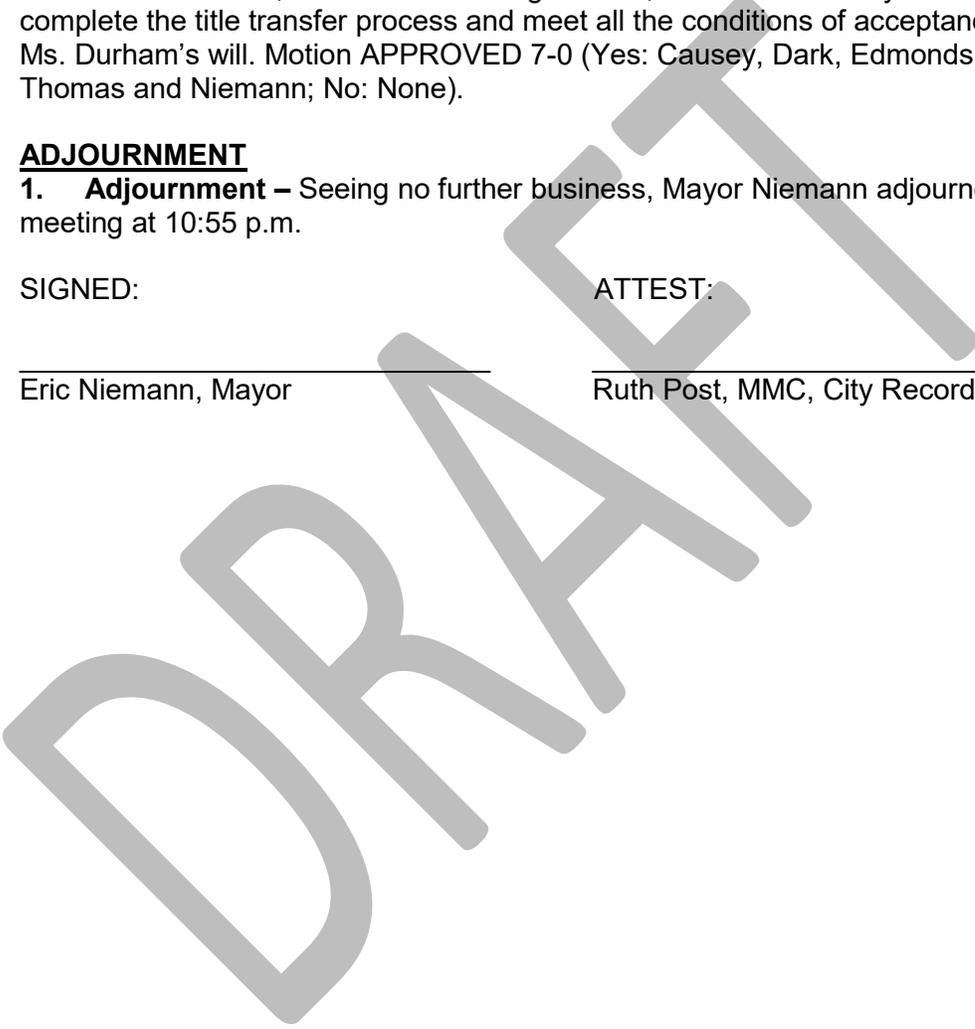
1. Adjournment – Seeing no further business, Mayor Niemann adjourned the meeting at 10:55 p.m.

SIGNED:

ATTEST:

Eric Niemann, Mayor

Ruth Post, MMC, City Recorder



PHILOMATH CITY COUNCIL
REGULAR MEETING
MINUTES
October 15, 2019

A. CALL TO ORDER/ROLL CALL

The City Council of the City of Philomath was called to order on Tuesday, October 15, 2019, at 7:00 p.m. in the Philomath City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon, by Mayor Niemann.

Present:

Mayor Eric Niemann
Councilor Ruth Causey
Councilor Marion Dark
Councilor Doug Edmonds
Councilor Chas Jones
Councilor David Low
Councilor Matthew Thomas

Absent:

Staff Present:

City Manager Chris Workman
Deputy City Attorney Jim Brewer
City Recorder Ruth Post

Absent:

Finance Director Joan Swanson
Police Chief Ken Rueben
Public Works Director Kevin Fear

Mr. Brewer provided a summary of the public hearing process to be held. He noted that all aspects of the application were appealed, so there would be one consolidated public hearing. He noted the burden is on the applicant to show that the applicable criteria has been met and this is an entirely new public hearing. He provided information regarding the process of reviewing the testimony, criteria, disclosures, bias, conflicts of interest, deliberations, and site visits.

B. APPEAL OF PC19-02, PC19-03, PC19-04 & PC19-05, PC19-06 and PC19-07

1. Public Hearing on Appeal of Planning Commission Decision

Appellant: Lepman Development LLC

Location: 617 N 19th St., Map 12-6-12 Tax Lots 100, 200 & 201

Mayor Niemann opened the public hearing at 7:17 p.m. Mr. Brewer read the rules for testimony and the hearing process. Mayor Niemann requested declarations of ex parte contact, bias, or site visits.

Councilor Edmonds declared that he drove through the Blue Ox RV Park in Albany, Oregon, also owned by the applicant. He described the conditions he observed and his conversation with someone who lives there. He stated he did not prompt the conversation in any way.

Councilor Causey declared that she performed a site visit at the Benton Oaks RV Park and spoke to the manager. She described the conversation and conditions. She also spoke to someone at Shonnards Nursery regarding the Nelson's checkermallow and was referred to Oregon State University for more information.

1 Councilor Edmonds also declared a site visit at Knox Butte RV Park. He stated he didn't
2 speak to anyone. He reported that he reached out to the Philomath Police Chief for
3 statistics regarding police calls at the Blue Ox RV Park.
4

5 Councilor Low declared that he drove through the Knox Butte RV Park and the Blue Ox
6 RV Park.
7

8 Councilor Jones declared that he drove through the Blue Ox RV Park, Knox Butte RV
9 Park, and Benton County RV Park. He stated he did not have any conversations with
10 anyone. He also declared that he visited Pacific Shores RV Park in Newport. He
11 described impressions of each park.
12

13 Mayor Niemann declared he visited the Blue Ox RV Park earlier today. He stated he did
14 not speak with anyone. He also reviewed a list of declarations (Supplemental Agenda
15 Item #B.01).
16

17 Councilor Low declared that he is the Vice-President of the Philomath Community
18 Services organization and co-appellant Catherine Biscoe is the Gleaners Program
19 Manager.
20

21 Councilor Jones stated he reviewed the Planning Commission record and recordings on
22 the City's website.
23

24 Councilor Causey stated she listened to the Planning Commission audio recordings.
25

26 Councilor Thomas stated he recently had a work-related picked up at an RV Park; he
27 had had an exchange with Grow Philomath Sensibly Co-Chair Sandy Heath on the
28 NextDoor website, and had read her column in the Gazette Times newspaper.
29

30 Councilor Dark stated she had listened to the Planning Commission audio recordings.
31

32 Councilor Thomas declared he'd had a conversation with Ms. Biscoe at the City Council
33 meeting on October 14, 2019.
34

35 All members of the Council declared they had the ability to make a fair and impartial
36 decision.
37

38 Mayor Niemann questioned if there were any rebuttals of declarations. Councilor Dark
39 stated concerns about bias due to Mayor Niemann's relationship with Chamber Director
40 Shelley Niemann. Mayor Niemann stated his wife is not a voting member of the
41 Chamber Board and serves at their pleasure. He stated she is listed on the declarations
42 page he had just gone over and that they had not spoken about the application and he
43 had no bias as a result.
44

45 Presentation of Staff Report: Mr. Depa summarized the use of a Master Planned
46 Development application to review the proposed development. He described the review
47 requirements for each of the applications. He explained the proposed uses are all
48 allowed outright by the underlying zone. He summarized each of the proposed uses, the
49 proposed riparian zone impacts, development amenities, and transportation impact
50 analysis evaluation. He stated that, after thorough review by staff, it was determined that
51 the application met the applicable Development Code criteria. He described the
52 applicability of the policies in the Comprehensive Plan. He stated the developer went

1 above and beyond to present an application that addressed the applicable policies. He
2 stated the RV Park was not initially evaluated against housing policies; however, after
3 the review by the Planning Commission, two additional housing policies were considered
4 in addition to the one that was initially reviewed in the staff report. He described water
5 supply concerns that were presented during the Planning Commission review and stated
6 the available resources are considered sufficient. He stated the transportation impact
7 analysis was reviewed and no off-site improvements were warranted to meet the needs
8 of the development. He stated support for the application.
9

10 Mr. Depa further described the separation of the conditional use (PC19-06) and variance
11 (PC19-07) applications due to different review criteria. He explained the grouping of the
12 master planned findings with the three site review applications but the variance and
13 conditional use applications required separate findings. He explained that the Planning
14 Commission would have had to make separate findings to deny these two applications.
15

16 Presentation of Applicant:

17 Scott Lepman, Albany, OR – Mr. Lepman described several projects his company has
18 completed by repurposing vacant and abandoned buildings at sites in Corvallis, Albany,
19 Brownsville, and Dallas. He described the history of this property as an abandoned mill
20 site (Submitted testimony labeled as: Supplemental Agenda Item #B.01).
21

22 Mr. Lepman cited statistics for vehicles passing through Philomath and the tourism
23 benefits of an RV Park in Philomath. He described on-site management of the park.
24

25 He described the industrial flex space benefits, including employment opportunities that
26 can provide family-wage jobs and create opportunities to diversify the industrial job base
27 in the community.
28

29 Brian Vandetta, PE, Udell Engineering – Mr. Vandetta described the stormwater impacts
30 of the proposed project and the federal and state regulatory agencies that must provide
31 approval. He summarized the water infrastructure requirements as called for in the City's
32 Water Master Plan that the developer will pay to install. He reviewed the sanitary sewer
33 infrastructure requirements. Councilor Causey questioned the status of the two wells on
34 the site. Mr. Vandetta described the likely intention to use the wells for irrigation. Mr.
35 Lepman explained the Oregon Water Resources Department requirements that potable
36 water must be a minimum of a quarter mile from a stream. He stated since this can't be
37 achieved on this site, the wells will likely be used only for irrigation. Councilor Causey
38 questioned the path in the wetlands that was discussed in the July 15 Planning
39 Commission meeting. Mr. Lepman indicated the location of the proposed bike/pedestrian
40 path described the wetlands impacts in the area of the Stormwater detention pond and
41 the proposed bike/pedestrian path.
42

43 Councilor Causey questioned the plans for the three Nelson's Checkermallow plants
44 located in the storm detention area. Mr. Lepman deferred this question for his wetlands
45 expert to address.
46

47 Mr. Vandetta provided confirmation to Councilor Dark that there would be separate
48 sewer hookups for each RV space.
49

50 Councilor Causey questioned the water service expectations for the industrial flex space
51 and the method of water billing that would occur. Mr. Workman explained this use would
52 be billed just as any other industrial or commercial site based on the water meter size.

1 By comparison, he explained that the Forest Meadows manufactured home park is billed
2 as multi-family residential because the zoning and use is residential.
3

4 Councilor Causey questioned if Mr. Lepman would allow older but refurbished RVs in the
5 park. Mr. Lepman explained there are often exceptions to rules but he was unsure. He
6 stated their desire is for people in the park to maintain their space. He stated they are
7 trying to have a nice park. Councilor Thomas questioned that Mr. Lepman was the
8 owner but didn't know the rules for his park. Mr. Lepman explained that he tries to let his
9 managers answer those types of questions; however, their policy is to allow 2005 or
10 newer RVs. Councilor Jones questioned if the park were sold if Mr. Lepman would be
11 able to impose that kind of rule on a new owner. Mr. Lepman was unsure how that could
12 be accomplished. He stated that every prior owner of the Blue Ox hadn't managed it well
13 and got foreclosed. He stated he has invested money to make it nice and wants this new
14 park to be nice.
15

16 Karl Birky, PE, ATEP, Inc. – Mr. Birky described the traffic study he developed using an
17 RV park rating and, at Benton County's request, the reclassification of the evaluation to
18 standards for a manufactured home park which is heavier. He stated it didn't make any
19 difference though and that no off-site improvements were required. He stated this project
20 shouldn't impact the traffic in Philomath.
21

22 Allen Martin, Geo Resources, LLC – Mr. Martin provided his qualifications as a wetlands
23 specialist. He provided an overview of the work completed to comply with city, state and
24 federal requirements. He reviewed each of the wetlands related reports that have been
25 completed, the agency reviewing the reports and the status of each report, including
26 clean water, wetlands, endangered species, fish habitat, and natural historical
27 preservation. Mayor Niemann questioned if the state and federal reviews are customarily
28 completed prior to local approval. Mr. Martin explained applicant can't do any
29 development until approvals are given and cities typically make conditions of approval to
30 address state and federal compliance. Councilor Causey questioned if they are willing to
31 work with Oregon State University to preserve the Nelson's checkermallow in the way of
32 the stormwater detention facility. Mr. Martin clarified that two plants will not be impacted
33 and that one will. He described outreach to US Fish and Wildlife to mitigate adverse
34 impacts to the plants and the response was that the checkermallow plants are doing well
35 in recovery sites. Fish and Wildlife had conveyed that they didn't need any seeds and
36 didn't have any place to relocate plants at that time. He added they will still have
37 requirements to meet prior to having any impacts and a number of options will be
38 considered at that time.
39

40 Councilor Low questioned if there are considerations for protection of the wetlands from
41 any environmental impacts of the mill site. Mr. Martin explained that hazardous
42 substances are a separate issue, affecting wetland and upland without discrimination.
43 Councilor Jones questioned if the bioswale in the southwest corner would function as a
44 wetland. Mr. Martin stated it would meet wetland criteria and, once constructed, it would
45 both function as a wetland and eventually be regulated as a wetland.
46

47 Mayor Niemann called a recess at 8:47 p.m. and reconvened at 8:56 p.m. Councilor
48 Thomas clarified that his earlier questions to Mr. Lepman were not intended to question
49 his business practices but were meant to just provide understanding.
50

51 Steve LaFranchi, Environmental Sciences Associates, Inc. – Mr. LaFranchi described
52 the due diligence completed to identify any environmental issues. He described review

1 of existing databases for prior environmental assessments and stated he had personally
2 been on the site in 1994 when the mill still existed and was aware of areas with higher
3 exposure. Councilor Low questioned when the Phase II assessment completed and why
4 it was done. Mr. LaFranchi stated both a Phase I and Phase II were completed by EGR.
5 He stated the Phase II was conducted to further investigate an underground storage
6 tank location and a location where anti-sap stain was identified. Mr. Lepman stated the
7 Phase II was paid for by Benton County when they were considering locating a jail there.
8 He added that the Phase II, completed in 2015, identified no elevated contaminants; and
9 after review, he concurred with that conclusion. He explained he has experience with
10 both Phase II assessments and Phase III cleanups. Councilor Edmonds questioned
11 mitigations to prevent environmental damage at the proposed industrial flex space. Mr.
12 Lepman explained he doesn't yet know what types of occupants will be there but will
13 have lease agreements regarding property contamination and liability. He added that the
14 Benton County Economic Development Office is excited about the prospects for the
15 industrial flex space but it is unknown what types of tenants it will have at this time.
16 Responding to Councilor Dark's question, Mr. LaFranchi explained the process of
17 extraction of the oil-water separator catch basin and the follow-up testing. Mr. Lepman
18 stated the separator is designed into the project's engineering.
19

20 Candace Ribera, Planner, Scott Lepman Co. – Ms. Ribera described her planning
21 experience. She described her work identifying applicable criteria and policies and
22 addressing them in the application. Councilor Jones requested an explanation of the
23 layout of the proposal. Ms. Ribera explained the size and shape of the property sections
24 were primary factors in determining the type of use for each area. She described the
25 creek around the RV park as a primary reason for its location. Responding to Councilor
26 Low, Ms. Ribera stated there were no concerns about the proximity of the railroad.
27 Respond to Councilor Jones, Ms. Ribera stated they had met the applicable policies in
28 the Comprehensive Plan.
29

30 Mr. Lepman noted this project will provide 43 jobs and the Comprehensive Plan doesn't
31 specify any exact number required. He added that this property is not zoned for
32 residential use and this is not a housing project. He explained that they are developing
33 this property as a resort, investing in amenities to create a vacation resort. He described
34 the variety of demographics of park occupants and income levels. Responding to
35 concerns raised by the Planning Commission, he stated there is adequate water supply
36 and, upon development, the RV and boat storage area won't be visible from either 19th
37 or Main Streets. Regarding global warming, he stated the site is currently mostly covered
38 in gravel and the addition of green space in RV park and plantings will actually benefit
39 the site. Regarding the archeological heritage survey completed, SHPO approved the
40 report submitted; and if the Army Corp of Engineers requires further survey, it will be
41 completed. He stated they have made no requests for subsidy from the City and is
42 installing a looped water system to the benefit of the neighboring property owner. Mr.
43 Lepman described the utility payments, SDC's, property taxes, and transient lodging tax
44 this project will pay. He stated there may be concerns about the City's Development
45 Code being outdated; however, the land has been purchased relying on the text of the
46 code as currently written. He noted that if citizens are unhappy with the current code,
47 there are mechanisms for updating or revising it. He stated appreciation for support he
48 has received in redeveloping the abandoned mill and concurs with the staff report and
49 conditions of approval.
50

51 Responding to a question from Mayor Niemann, Mr. Lepman stated they routinely
52 contribute available storage space to local non-profits in the communities they are in.

1 Responding to a question from Councilor Edmonds, Mr. Lepman stated the Blue Ox park
2 in Albany currently has the nicest amenities in Linn and Benton Counties, but this park
3 will have nicer facilities with a desirable location on Highway 20. Responding to a
4 question from Councilor Jones, Mr. Lepman stated this property has certain features that
5 make it desirable even though it will be surrounded by industrial users. He described
6 their monthly RV space rates and explained that some customers pay a monthly rate to
7 reserve a space so they can come and go.
8

9 Councilor Jones suggested the use of educational signage regarding conserving water
10 use. Mr. Lepman stated he now realizes that water is a contentious issue and Philomath
11 does need a new system. He added that more users means more payers for that
12 improvement and added their intention to use the wells for everything other than potable
13 water.
14

15 In response to a question from Councilor Low, Mr. Lepman described the area on the
16 east side of the RV park property that will have a firepit and covered area to create a
17 camping experience for guests but there will be no tent camping. He stated they are not
18 a KOA but are Good Sam affiliated. In response to a question from Councilor Thomas,
19 Mr. Lepman explained that Philomath's code only allows RV parks in industrial zones;
20 but he has had conversations with the railroad managers and the sawmill managers. He
21 stated he is willing to make a substantial investment that the amenities will overcome
22 any adverse factors.
23

24 Presentation of Proponents:

25 Matthew Conser, Albany, OR – Mr. Conser stated he is owner of the neighboring
26 apartment complex, Oak Springs, and has had substantial experience with development.
27 He stated he represented the seller in the property purchase transaction with Mr.
28 Lepman. He described the previous efforts by Benton County to put a jail on the site. He
29 described the challenges in resurrecting a fallow piece of property. He described the
30 local economic and community benefits. He stated there is a waiting list for RV spaces
31 anywhere there are jobs nearby. He stated the storage component is needed. He
32 encouraged approval of the proposal.
33

34 Christina Rehklau, Executive Director, Tourism Corvallis, Corvallis, OR – Ms. Rehklau
35 spoke about the economic development opportunity presented by travelers to Benton
36 County. As the tourism arm for the Benton County area, they receive calls from people
37 looking for spaces for RV's. She stated Philomath is positioned to take advantage of the
38 people who are already going through town on the way to the Coast. She described the
39 recent write-up in Forbes magazine about the culinary sites in Philomath and the
40 opportunity to take advantage of that publicity.
41

42 Tonya Markus, Jeff Markus, Hannah Moehlmann and Leo Gonzales, Blue Ox RV Park,
43 Albany, OR – Mr. Markus described the number of requests they routinely receive at The
44 Blue Ox RV Park from people looking for a space. Ms. Markus described the work they
45 do in the office welcoming guests and answering their questions. Mr. Gonzales stated he
46 performs grounds maintenance at the park and has lived there for 10 years. Ms.
47 Moehlmann described the benefits to the community, including travelers coming for OSU
48 football games.
49

50 Blake Ecker, Philomath, OR – Mr. Ecker stated he is from a multi-generational Philomath
51 family and has known Mr. Lepman many years. He stated support for Mr. Lepman and
52 that he believes the RV park would be a good benefit to the community. He described

1 events at the schools that attract visitors who have no place to stay locally and have to
2 stay in RVs in the school parking lots. He stated he didn't understand why the Planning
3 Commission denied the application because it appeared all the criteria was met. He
4 stated this plan meets all the criteria; and if there is concern about growth, the code
5 should be changed.
6

7 Becca Barnhart, Willamette Valley Visitors Association – Ms. Barnhart extended WVVA's
8 support for this development. She described the economic benefits created by tourism
9 dollars. She noted Philomath is strategically placed at a major entry to the Oregon Coast
10 with both Highways 20 and 34 and is well-positioned to participate in agri-tourism efforts.
11 She stated that Benton County saw \$133 million in visitor spending, employing 117
12 people in 2018.
13

14 Ken Pellett, Philomath, OR – Mr. Pellett stated he has been a long-time resident of
15 Philomath and loves seeing an old, unused space become something new. He stated
16 endorsement for the project. He stated he has friends that worked at that millsite and to
17 him it is a picture of something that died, and this project represents something new and
18 exciting.
19

20 Presentation of Opponents:

21 Peggy Yoder, Philomath, OR – Ms. Yoder stated the City may owe Mr. Lepman an
22 apology as the 2015 Water Master Plan includes quite a few references to water issues.
23 She cited the Planning Commission decision to deny the application. She noted it's
24 shameful if the Comprehensive Plan doesn't match or follow what the Development
25 Code says because the Planning Commission was going by what the Comprehensive
26 Plan said. She stated concerns about being something that we don't know it could be,
27 such as a homeless camp. She stated concerns about a precedence of large
28 developments filling up our industrial area with RVs. She described the definition of
29 homelessness used by schools and living in a trailer park or campground meets the
30 definition of homeless. She stated that nowhere in the Comprehensive Plan does it say
31 the community should pursue substandard housing. She stated the Planning
32 Commission spent many hours on discussions, testimony and review of the many pages
33 of the application. She requested that the City Council abide by the decision made by
34 the Planning Commission. Mayor Niemann clarified that Ms. Yoder is a member of the
35 Planning Commission.
36

37 John Booker Jr., Philomath, OR – Mr. Booker stated he has been a resident of
38 Philomath for 20 years and his major concern is seeing businesses come and go. He
39 questioned if this development was going to take up valuable space where a grocery
40 store could go. He stated support for a tourism tax in Philomath. He stated concerns with
41 affordable housing and there is an issue with homelessness. He questioned if the
42 developer has come up with plans to address that. He stated the Comprehensive Plan
43 needs to look at more things than tourism. He stated support for visitors spending money
44 in Philomath businesses. He stated he moved to Philomath because it was a small town
45 and he looked forward to it staying that way.
46

47 Jeff Lamb, Philomath, OR – Mr. Lamb wanted to declare a conflict of interest because
48 he helped get Mayor Niemann elected. He stated that the declarations by Mayor
49 Niemann have nothing to do with the criteria. He questioned the length of the staff
50 reports addressing the two appeals. He stated he has also been in Philomath for 50+
51 years and has repeatedly worked for this town. He stated there wouldn't be a civic center
52 or city hall if not for Philomath 2000. He stated that the Planning Commission must have

1 been mistaken when they told the public that the record was closed when they made
2 their decision on August 26 because he's hearing all kinds of things tonight and that
3 suggests the record is not closed. He stated that the buses being housed west of
4 Philomath aren't being taken into account when they did all these things. He objected to
5 Mr. Lepman's presentation before the Chamber and the Chamber Board making an
6 endorsement without talking to their membership. He stated he is a member who is not
7 in favor of this and there are a lot of other people who are not for this.
8

9 Dr. Steve Northway, Corvallis, OR – Dr. Northway stated concerns that the biological
10 inventory is adequate in at least four instances. He stated Philomath and the Willamette
11 Valley have an endangered global biological phenomenon known as the migration of the
12 Monarch butterfly between Southern California and Canada. He stated they are highly
13 endangered because the Willamette Valley no longer has any food plant for the butterfly
14 caterpillars. He stated this site has that valuable foliage and, in his 30 years here, is the
15 largest population of *Asclepius speciosa* he has seen in the Willamette Valley on this
16 side of the mountains. He described the butterfly migration pattern. He stated that
17 vegetation is identified to be covered by a footpath. He questioned if any survey has
18 been done for other endangered species on this site.
19

20 Laurence Johnson, Corvallis, OR – Mr. Johnson stated concerns about the public
21 involvement requirements of Oregon land use planning. He stated that Corvallis has
22 decided that the Planning Commission will be the Citizens Advisory Commission and he
23 believes Philomath is not in compliance because there is no reference to the Citizens
24 Advisory Commission's opinion being sought out. He stated that Mr. Depa appears to be
25 making new recommendations. He stated that the traffic is not taking into account the
26 bus barns west of Philomath with busses driving daily through Philomath.
27

28 Catherine Biscoe, Philomath, OR – Ms. Biscoe summarized her concerns with the
29 application and specifically cited water resource concerns, infrastructure concerns as
30 identified in the master plans, mitigation of pollutants from the RV park being conveyed
31 into Newton Creek and traffic impacts. She stated the approval of more than 1,000
32 residential units should be taken into account when evaluating traffic on main corridors
33 and roads between Philomath and Corvallis. She requested that the record be held open
34 or the hearing be continued (Submitted testimony labeled as: Supplemental Agenda
35 Item #B.01B).
36

37 Sandy Heath, Philomath, OR – Ms. Heath stated she does not promote anti-growth in
38 Philomath. She thinks the storage space would be a good development except for the
39 large size of the buildings. She stated concerns about the minimal employment created
40 by the project. She stated that 70% of the RV park residents will be considered long-
41 term and not in compliance with the goals of the Comprehensive Plan. She stated
42 Oregon parks restrict stays in any state campground to 14 nights. She encouraged the
43 Council to uphold the Planning Commission decision and requested that the record be
44 held open because time was limited to three minutes. (Submitted testimony labeled as:
45 Supplemental Agenda Item #B.01C.)
46

47 Robert Biscoe, Philomath, OR – Mr. Biscoe stated concerns with traffic. He stated that
48 he counted 28 cars in front of him on 19th Street at 5:00 p.m. today, and in a matter of a
49 minute-and-a-half in front, behind and coming at him 75 vehicles. He stated concerns
50 with the addition of Oak Springs, expansion of Forest Meadows, and this proposal. He
51 stated aggregate impacts to traffic should be taken into account. He stated the plan
52 includes a housing development on this industrial property site after they do the initial

1 project. He stated that the approval of 1,000 additional housing units in western Corvallis
2 should also be considered. He stated the right-turn only out of the RV park will take
3 travelers to Corvallis, not Philomath, to spend money.
4

5 Robert Hoagland, Philomath, OR – Mr. Hoagland stated he just moved into Oak Springs
6 Apartments and has concerns with the traffic, reckless driving, and speeds that are not
7 being enforced. He stated it is unsafe at Oak Springs Apartments, and he can't even
8 walk his dog in the dog park on-site. He stated the Council should talk to the Police Chief
9 about putting a presence on 19th Street. He stated he, himself, has not seen the level of
10 traffic that Mr. Biscoe described.
11

12 Michael Spencer, Corvallis, OR – Mr. Spencer stated concerns about the available water
13 supply and provided analysis of his calculations. He requested further analysis of the RV
14 park water usage (Submitted testimony labeled as: Supplemental Agenda Item #B.01D).
15

16 Ann Buell, Philomath, OR – Ms. Buell reviewed prior testimony she has made regarding
17 preservation of endangered species. She questioned how the project could be an
18 enhancement to the community if there is so much objection from the community. She
19 stated the community needs jobs and not substandard housing. She stated concerns
20 about the Chamber luncheon interactions by Mr. Lepman. She requested that the record
21 be left open.
22

23 Rana Foster, Corvallis, OR – Ms. Foster stated support for the Planning Commission's
24 denial. She stated there are extensive exhibits missing from the on-line record. Ms.
25 Foster stated concerns about endangered species related to the property and the bike
26 paths. She stated she had proposed to the Planning Commission moving the bike path
27 to 20th Place as a condition of approval. She referred to the 50-foot riparian corridor
28 buffer as a concern.
29

30 May Dasch, Philomath, OR – Ms. Dasch stated opposition to the proposal and
31 supported the Planning Commission's denial. She stated concerns with water supply
32 and was astonished that the Planning Commission never considered water during its
33 deliberations. She reviewed the City's water sources as identified in the Water Master
34 Plan and stated water should be a consideration every time a decision is to be made
35 (Supplemental testimony labeled as: Supplemental Agenda Item #B.01E).
36

37 Kay Samms, Philomath, OR – Ms. Samms stated concerns with traffic dangers and her
38 cats getting hit and killed. She stated that it is insane for the developer to refer to the site
39 as something that has died. She stated concerns about runoff into the tributaries and the
40 Marys River.
41

42 Cindy Mitchell, Corvallis, OR – Ms. Mitchell described the field studies her late husband
43 Jeff Mitchell conducted with students in this area during his years as a biology teacher at
44 Philomath High School. She identified the site as the location for Science, Music and
45 Marshmallow presentations approximately 13 years ago, and other educational activities
46 that occurred. She stated a better use of the site could be developed.
47

48 Jim Hagen, Corvallis, OR – Mr. Hagen described his past work on environmental issues.
49 He addressed the variance application. He stated that permanent monitoring wells need
50 to be installed in case something does happen. He stated this level of activity and traffic
51 in and out will impact Newton Creek. He had concerns about runoff impacting the creek.
52 He stated concerns with using the wells even for non-drinking purposes and didn't think

1 it would work. He agreed that a better use of the space would be a park with some office
2 space.

3
4 Michael Sprouse, Philomath, OR – Mr. Sprouse stated concerns that Mr. Lepman is an
5 absentee owner. He stated concerns that Mr. Lepman didn't know anything about water
6 issues in Philomath. He stated concerns about pollutants flowing into the detention
7 ponds, particularly brake fluid. He stated this stuff is not being retained properly. He
8 stated he hasn't seen any contracts or guarantees. He stated that one of the employees
9 of the RV park said he has lived there 10 years. He stated that \$1,900 per month at the
10 new apartments isn't affordable housing.

11
12 Testimony of Neutral Parties:

13 None.

14
15 There was discussion about options for proceeding.

16
17 Mayor Niemann called a recess 11:03 p.m. and reconvened at 11:07 p.m.

18
19 Rebuttal by the Applicant, limited to issues raised by Opponents:

20 Joel Kalberer, Weatherford Thompson, Albany, OR – Mr. Kalberer emphasized the
21 review of the criteria in reaching a decision. He stated that expert planners have
22 reviewed the application against the criteria. He stated this is not a beauty pageant and it
23 is not a housing application. He stated RV parks are not a housing category; they are
24 unique; and that is why they are located in industrial zones. He stated it is not part of
25 Oregon's Goal 10. He stated that Mr. Lepman has spent a tremendous amount of time,
26 effort and money to review the criteria and submit a development that met them. He
27 stated there are no objections to the timeframe for opponents to submit final written
28 comments and they will follow with final rebuttal.

29
30 Councilor Low questioned if the Council will be able to ask the applicant additional
31 questions. Mr. Brewer stated they will not have that opportunity. Mr. Workman stated
32 that the City's hearing process code language does allow for the body to ask questions.
33 Mr. Brewer stated that could be interpreted as reopening the public hearing. Mr. Lepman
34 was asked to address additional questions from the Council at this time.

35
36 Councilor Low questioned the pollutant issues presented by the public testimony. Mr.
37 Vandetta described the construction of the stormwater detention facility. Mr. Lepman
38 stated the area described by the citizen testimony is the storage building area that has
39 limited activity and the flex space primarily with roof and pavement runoff into the
40 stormwater detention area. He explained this water will be treated and noted that city
41 street runoff isn't even treated and goes directly into the creek. Mr. Vandetta further
42 described the stormwater runoff conditions for City streets. Mr. Vandetta stated the
43 drainage from the RV park will have typical catch basins with traps to suspend pollutants
44 designed to meet Oregon plumbing code. Mr. Vandetta stated he wasn't aware of any
45 monitoring well requirements for a development of this type. Mr. Lepman stated they are
46 typically required when known pollutants exist to test if it is moving or dissipating, but
47 there are no known contaminants on this site.

48
49 At Councilor Jones' request for clarification, Mr. Vandetta verified that the development
50 is calculated to use .089 million gallons per day which is under 50% of the City's current
51 reserve capacity. Councilor Jones questioned if there was a method to control the ratio
52 of longer-term to shorter-term users at the RV park. Mr. Lepman explained that Oregon

1 state statute prohibits communities from regulating length of stay at RV parks. In
2 response to Councilor Jones' question, Mr. Kalberer explained that if the proposed RV
3 park encompassed a larger area such as the entire area industrial-zoned area, it would
4 need to meet the criteria for traffic, water, septic and all the other impacts and
5 questioned if it would be able to meet all of the criteria.
6

7 Regarding the Oregon statute, Mr. Lepman stated they weren't aware of this during the
8 Planning Commission proceedings. Ms. Ribera verified that the statute prohibits the
9 regulation of the length of stay if the park is connected to public water and sewer.
10 Councilor Thomas questioned if this meant that the entire park could be occupied by
11 long-term users. Mr. Lepman stated he is putting in the best amenities available in the
12 Willamette Valley to attract tourists and his revenue would double if they were all
13 overnight stays. He stated that those who stay longer getting a substantial discount and
14 having people stay longer isn't necessarily a bad thing. He added that long term users
15 have a long list of requirements to meet or they are asked to leave, and they have a cap
16 on the number of long-term spaces available to maintain Good Sam membership
17 eligibility.
18

19 Councilor Causey questioned if the two new apartment complexes were contemplated in
20 the traffic studies and Mr. Birky stated they were not. At Councilor Low's question, Mr.
21 Birky confirmed there is space for additional growth according to the analysis.
22

23 **MOTION:** Councilor Edmonds moved, Councilor Causey second, to close the public
24 hearing at 11:29 p.m.
25

26 **MOTION:** Councilor Thomas moved, Councilor Low second, to keep the record open
27 until October 22, 2019; with rebuttal to submitted testimony due by October 29, 2019
28 and applicant final written comments due by November 5, 2019. Motion APPROVED 7-0
29 (Yes: Causey, Dark, Edmonds, Jones, Low, Thomas and Niemann; No: None).
30

31 **D. ADJOURNMENT**

32 **1. Adjournment** – Seeing no further business, Mayor Niemann adjourned the
33 meeting at 11:30 p.m.
34

35 SIGNED:

ATTEST:

36
37
38 _____
Eric Niemann, Mayor



Philomath Area Chamber of Commerce 2019 Board of Directors Ballot

We have three positions coming open in January 2020. Two board members, Winnie Richardson and Korey Kozaryn, will be leaving at the end of this year. One board member, Sarah Woosley, has agreed to run for a second term. There is also a write-in option. Please vote for three.

In order to be counted, ballots must be received no later than November 22, 2019. Please use one of the following methods for returning your ballot:

- Enclosed envelope for mailing
- Hand deliver to our office at 1010 Applegate Street
- Scan and email to director@philomathchamber.org



Rhea Jans – RJS & Associates Insurance Services (Three year term)

Rhea is an agent with RJS & Associates in Philomath. She is a mother of two boys and has been a resident of Philomath for 13 years. Rhea has been a very involved Chamber Member and has loved watching our community grow and thrive. It is very important to Rhea that we as a community work together and help our town grow in the best ways possible. She loves seeing new and existing businesses succeed and it would be a huge privilege for her to be able to work with the other members of the PACC and the community of Philomath. Rhea takes pride in letting people know where she's from, and believes that every helping hand makes a huge difference as she has seen firsthand what Philomath is capable of as a whole when it comes to a family, business, or entity in need. Rhea would thoroughly enjoy being a part of the PACC Board and thanks you for your consideration.



Joe Marcotte – Marcotte Distilling (Three year term)

Joe and his family are longtime residents of Philomath, having been here since 1980. He started Kindergarten at Philomath, graduated PHS, and after serving in the U.S. Marine Corps is back in Philomath to raise his kids so they may have the same small-town childhood he had. Joe was raised around business with his mom owning retail stores in Corvallis for over 30 years. She served in the Beaver Club, Corvallis Chamber, Coffee Klatch, wrote a weekly column in the newspaper, and was a staple in the local community based on her business experience. Joe and his wife have been in business in the Philomath community since 2010 when they started a trucking company, and now they currently own the distillery in the Philomath Shopping Center. Joe considers business his passion in life, and can't think of any other job that he'd rather do. His mom was a huge influence, watching her succeed and strive so hard to be influential in the Corvallis community, and now he feels like it's his turn to do his part for the community in which he lives and works. Joe thanks everyone for this opportunity and plans to bring all his hard work and experience to the Philomath Area Chamber of Commerce Board.



Sarah Woosley – Philomath Youth Activities Club (Three year term)

Sarah has served on the Philomath Area Chamber of Commerce Board since 2017. She is the Associate Director for the Philomath Youth Activities Club and has been with PYAC since 2001. Sarah is also a 1999 graduate of Portland State University with a Bachelor of Science in Social Sciences. She is active in the Benton County Positive Youth Development Coalition and sits on the Strengthening Rural Families advisory board. Sarah is a graduate of the Ford Institute Leadership Program, which focuses on community leadership and rural community support. She also facilitated one cohort of the FILP class in Philomath, and is a trained Girls Circle facilitator. Sarah is passionate about advocating for those that cannot advocate for themselves. Sarah and her husband Mark live in Philomath with their two boys Rustan and McCully.



Write-in – (Three year term)



City of Philomath American Legion Proclamation

WHEREAS, the American Legion was chartered by Congress in 1919 as a wartime veterans' organization based on the four pillars of Veterans Affairs & Rehabilitation, National Security, Americanism, and Children & Youth; and

WHEREAS, the American Legion is celebrating its Centennial Anniversary in 2019 and has been serving both veterans and communities alike for the past 100 years; and

WHEREAS, the American Legion is an eminent community service organization with Legion posts worldwide working a variety of programs that support the four pillars; and

WHEREAS, Legion members are dedicated to upholding the ideals of freedom and democracy while working to make a difference in the lives of fellow Americans; and

WHEREAS, the Marys River American Legion, Post 100 routinely perform good works in the City of Philomath to include donating a big, beautiful, American Flag to the Philomath Frolic & Rodeo, raffling off a rifle to raise funds to donate money to other community non-profit service organizations like the Philomath Youth Activities Club, the Food Bank, June's Kids Klose, Gleaners and Oddfellows. Legionnaires also perform outreach to fellow Veterans by performing "buddy checks" throughout the area to monitor the health and welfare of area veterans; and

WHEREAS, President Trump signed a bill July 30 that declares the United States has been in a state of war since Dec. 7, 1941; and

WHEREAS, because of this bill, the American Legion's eligibility criteria immediately changes from seven war eras to two: April 6, 1917, to Nov. 11, 1918, and Dec. 7, 1941 to a time later determined by the federal government; and

WHEREAS, The LEGION Act (Let Everyone Get Involved In Opportunities for National Service Act) also opens the door for approximately 6 million veterans to access American Legion programs and benefits for which they previously had not been eligible; and

NOW, THEREFORE, I, Eric Niemann, Mayor of the City of Philomath, do hereby proclaim the month of November as "AMERICAN LEGION MONTH" in the City of Philomath.

Eric C. Niemann
Mayor
City of Philomath, Oregon



Community Services Program

1400 Queen Avenue SE, Suite 206 • Albany, OR 97322
541-924-4539 • FAX 541-924-4544

Agenda Item #E.02
Meeting Date: 11/12/2019

Stand By Me Delaware Summary

Stand By Me Delaware (\$BM) increases Delaware's economic vibrancy by providing financial empowerment coaching and toolkits to help individuals, families, and businesses achieve and maintain [personal] financial security. \$BM has created service access points by embedding coaches with community partners including Veteran Service Offices, Head Start, High Schools and Senior Centers. Coaching is tailored for the demographic the coach serves, enabling culturally appropriate access for specific target markets. Populations include low-wage workers, college and high school students, Head Start families, childcare workers, seniors and retirees, and English as Second Language (ESL) families. Coaches work to build relationships and trust through flexible meetings and remaining non-judgmental. Customers are empowered to work through a coaching continuum: moving from one program component such as reducing credit debt and improving credit score(s), to another, such as home ownership or college savings.

\$BM was launched in 2010. The program has helped more than 110,000 Delawareans reach their financial goals through improving individual credit scores by an average of 64 points, growing statewide savings by \$3.3 million, and reducing debt statewide by \$19.6 million.

There are four primary outcomes for \$BM customers:

- Create a budget
- Reduce debt
- Improve credit ratings
- Build savings

Core Programmatic Activities:

- **Personal Financial Coaching:** Budgeting, debt reduction, financial goal setting, savings, and personal money management.
- **Mind Over Money Workshops:** 1-hour workshops where participants have fun while learning about money.
- **Financial Services:** Financial institutions and non-profits providing access to savings, loan, and transaction products.
- **Post-Secondary Education Services:** Financial planning for post-secondary, FAFSA applications, and managing student loan debt.
- **Community Referrals:** Debt consolidation, foreclosure assistance, free tax preparation, public benefits, home ownership counseling.

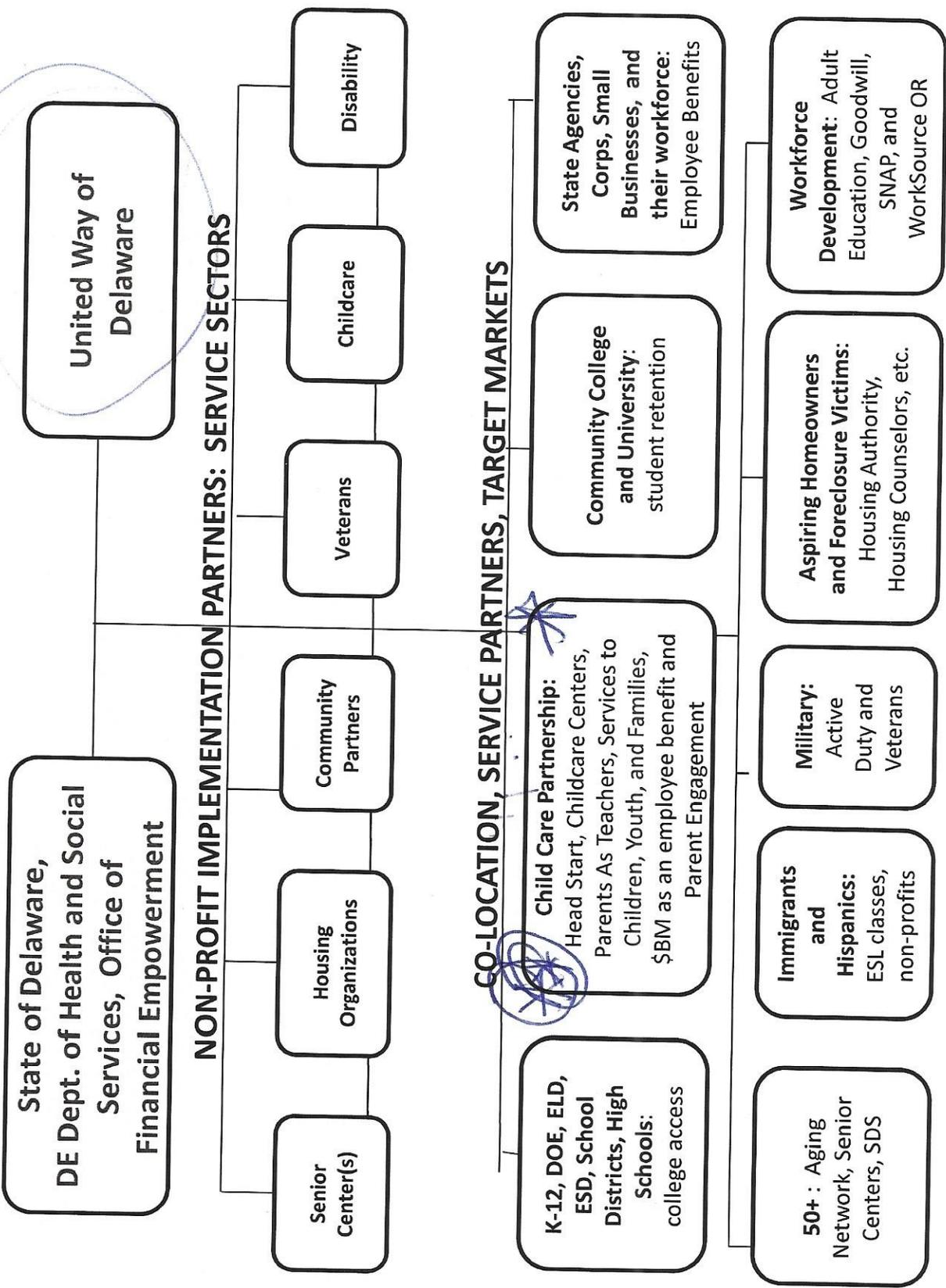
Program Management & Implementation

The United Way of Delaware and the State of Delaware provide oversight of the program. Operations are managed by a team within the Department of Health and Human Services.

Funding

\$BM has an annual budget of \$2.7 million, funded largely by foundations and corporations.

Delaware Financial Empowerment Partnership



State of Delaware,
DE Dept. of Health and Social
Services, Office of
Financial Empowerment

United Way of
Delaware

NON-PROFIT IMPLEMENTATION PARTNERS: SERVICE SECTORS

Senior
Center(s)

Housing
Organizations

Community
Partners

Veterans

Childcare

Disability

CO-LOCATION, SERVICE PARTNERS, TARGET MARKETS

K-12, DOE, ELD,
ESD, School
Districts, High
Schools:
college access

Child Care Partnership:
Head Start, Childcare Centers,
Parents As Teachers, Services to
Children, Youth, and Families,
\$BM as an employee benefit and
Parent Engagement

Community College
and University:
student retention

State Agencies,
Corps, Small
Businesses, and
their workforce:
Employee Benefits

50+ : Aging
Network, Senior
Centers, SDS

Immigrants
and
Hispanics:
ESL classes,
non-profits

Military:
Active
Duty and
Veterans

Aspiring Homeowners
and Foreclosure Victims:
Housing Authority,
Housing Counselors, etc.

Workforce
Development: Adult
Education, Goodwill,
SNAP, and
WorkSource OR



Philomath City Council
Agenda Item Summary

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

Date:	November 6, 2019
Nature of Applicant:	Master Plan Development: Mixed-Use Industrial Development
Applicant / Owner:	Scott Lepman Company
Property Location:	617 N. 19 th 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

ISSUE STATEMENT

To approve, deny or approve with conditions the Lepman Master Plan Overlay Mixed-Use Industrial project and associated Type III Site Design Review cases, the Conditional Use to allow encroachment into the riparian corridor and the Variance from maximum lot coverage. The review of these cases are procedural due to the appeal filed by Lepman Development LLC to Planning Commission's denial on August 26, 2019. The purpose of this meeting is for the Council to deliberate the findings of fact based on the Staff Report and comments received during the public hearing and make a final decision with whether or not the applications either meet the applicable criteria or can meet the applicable criteria with specific conditions of approval.

BACKGROUND

At the beginning of the October 15, 2019 City Council meeting, the City's attorney stated that the two public hearings on the agenda would be consolidated into one hearing procedure as required by Philomath Municipal Code (PMC) 18.105.070(D)(2).

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

Pursuant to this, all six applications/planning files/cases and both appeals (one filed by the applicant of the denial of the master plan overlay and one filed by four residents of the approval of the conditional use and variance) were addressed at the one consolidated public hearing and it will continue to be grouped together and addressed as the Master Plan Overlay appeal going forward.

At the conclusion of the public hearing, which included the staff report, presentation of the applicant, and oral testimony of proponents, opponents and neutral parties, the City Council closed the public hearing but decided to hold the record open for one week, through October 22, 2019, 5:00 p.m. The Council also decided to allow one week, until October 29, 2019, 5:00 p.m., for any party to provide rebuttal to any testimony that had been provided up to that point, followed by one week for the applicant to submit a final report by November 5, 2019, 5:00 p.m.

The City received several comments, rebuttals, and the applicant's final report within the appropriate timeframes established by the City Council, each of which were added to the City website and available to the public at City Hall upon request.

In response to the documents and comments received into the record during the public hearing and while the record was left open, staff has prepared the attached Findings of Fact for the Council's consideration. In addition, staff has prepared a list of conditions of approval for the Council to consider if proceeding with approval of this land use proposal.

If the Council intends to proceed with a denial of the land use proposal, the prepared Findings of Fact must be altered or amended to support the denial. Changes or amendments should be made by a motion of the Council.

Once the Findings of Fact are agreed upon, they must be approved by way of a motion of the Council, followed by a motion to approve or deny the land use proposal.

I have reviewed the proposal in its entirety and believe the Lepman Master Plan Development meets or exceeds all of the City's review criteria and applied comprehensive plan policies. I believe that I have come to the correct and appropriate conclusions that support approval of this project, subject to the attached Conditions of Approval.

The City, under State Statute [ORS 227.178(4)] shall render a decision on or before November 14, 2019 as the 120 day review period extension will end.

CITY MANAGER RECOMMENDATION

I believe the application meets the City's applicable criteria for development in the industrial zones. The Conditions of Approval will ensure compliance with City policies found in the Comprehensive Plan, requirements of the City's Zoning/Development Code, and design standards outlined in the Public Works Design Standards. I believe approval of this development would be defensible before the Oregon Land Use Board of Appeals.

COUNCIL OPTIONS

To approve, deny or approve with conditions the Lepman Master Plan Overlay Mixed-Use Industrial project, with its associated Type III Site Design Review cases, Conditional use case, and the Variance for maximum lot coverage.

RECOMMENDED MOTION

"I move to adopt the Findings of Fact dated November 6, 2019 as presented [or modified] during Council deliberation and approve the application for the Lepman Industrial Master Plan Overlay proposal with its associated cases:

- PC19-02 Lepman Master Plan Development;*
- PC19-03 Site Plan for the Industrial Flex Space;*
- PC19-04 Site Plan for the Self-Storage and Outdoor Recreational Vehicle and Boat Storage;*
- PC19-05 Site Plan for the Recreational Vehicle Park;*
- PC19-06 Conditional Use Permit for the Riparian Corridor; and*
- PC19-07 Variance to maximum lot coverage allowed*

...subject to the Conditions of Approval dated November 6, 2019 as presented [or modified] during Council deliberation."



Findings of Fact

Date:	November 6, 2019
Nature of Applicant:	Master Plan Development: Mixed-Use Industrial Development
Applicant / Owner:	Scott Lepman Company
Property Location:	617 N. 19 th 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

I. Overview of Applications

The Applicant has submitted multiple applications for the various aspects of the proposed development. The applications have been submitted and reviewed concurrently. The various planning files/applications/cases are:

1. PC 19-02: Master Plan Overlay Zone and Conceptual Planned Development approval and Detailed Planned Development Approval for the construction of a Self-storage Facility, a Recreational Vehicle and Boat Storage Facility, a Recreational Vehicle Park, and an Industrial Flex-Space Development in multiple phases;
2. PC 19-03: Site Design Review for the construction of 22,023 square feet of industrial flex-space business spaces on 1.62 acres in 2 buildings [12,085 square feet in Building 1 (5 business spaces) and 9,938 square feet in Building 2 (4 business spaces)];
3. PC 19-04: Site Design Review approval for the construction of a Self-Storage Facility containing a 3,374 square foot office/manager's quarters and a total of 204,277 square feet of self-storage in 4 phases; an uncovered RV and boat storage area in Phase I with buildings in Phase II which would provide for 140 covered spaces;
4. PC 19-05: Site Design Review for the construction of all of the Recreational Vehicle Park in Phase I containing 175 RV spaces, a 3,902 square foot office/manager's quarters, two satellite restroom buildings adjacent to the walking trail within the development, a 7,142 square foot community center which includes a game room, a meeting room with kitchen, an exercise room, 2 restrooms with showers, an indoor pool and a laundry room;
5. PC 19-06: Conditional Use to allow for 2 viewing platforms within the Newton Creek Riparian Corridor setback, walking path and a picnic area on the west side of easterly tributary to Newton Creek; and
6. PC 19-07: Variance to allow for an overall average lot coverage of 60.3% where a maximum lot coverage of 60% is allowed.

II. Procedures

General Findings on the Process for the October 15, 2019 Public Hearing:

The City Council is aware that the consolidated nature of the application and the manner the Planning Commission decisions made created confusion about the process and the role of applicants and appellants. A number of people provided written and/or oral testimony raising concerns that two hearings were required, or that the appellants were entitled to have an additional opportunity to provide their appeals, as if they were applicants.

The Council notes that Section 18.105.050(I) of the Philomath Municipal Code says that “The notification and hearings procedures for Type III applications on appeal to the city council shall be the same as for the initial hearing.”

The Council interprets the plain language of this Section to mean what it says - the code requires the Council to conduct any hearing on any appeal of a Type III application in the same manner and order as the initial hearing before the Planning Commission. The Council notes that the overall process for a Type III hearing is set out in the Philomath Municipal Code at PMC 18.105.050(E)(2). The Council finds that under this provision of the code, it would be an error to conduct the hearing resulting from any appeal of a Type III application as if the appellants were applicants.

The Council notes that in this case, the applicant filed a number of applications for the same property. PMC 18.105.070(D)(2) requires these applications to be consolidated for review and decision. Under this consolidated proceeding, it would be an error to divide the applications into different hearings. Under the consolidated proceeding, the applications followed the Type III process and hearing at the Planning Commission. The same hearing procedure was followed at the City Council for the consolidated applications. The Council notes that the City Attorney provided this explanation at the beginning of the hearing, and the Mayor chose to follow this procedure. The Council finds that this is the correct procedure, following the language in the code.

Finally, the Council notes that considerable concern and objects were raised regarding the amount of time provided for public testimony. The Council notes that PMC 18.105.050(E)(1)(a) says following:

E. Hearing Process and Procedure.

1. Unless otherwise provided in the rules of procedure adopted by the city council:
 - a. The presiding officer of the planning commission shall have the authority to:
 - i. Regulate the course, sequence, and decorum of the hearing;
 - ii. Direct procedural requirements or similar matters; and
 - iii. Impose reasonable time limits for oral presentations.

The City Council notes that at the beginning of the public hearing, the Mayor surveyed the room, announced the course, sequence and time limits for the public hearing, allowing three minutes for each person for public testimony. The City Council finds that three minutes is not unreasonable, given the number of people who wanted to testify. The City Council notes that the record was held open for anyone to provide written testimony or evidence for an additional week, providing an additional opportunity for people to participate in the decision.

The City Council finds that the City provided appropriate process and procedure as required by the Code.

III. Master Plan Overlay Requirements

Chapter 18.125

Section 18.125.070 - Overlay zone and concept plan submission.

The City Council Finds:

1. The applicant submitted an application containing all of the general information required for a Type III procedures, a statement of planning objectives and a description of the character of the proposed development.
2. The applicant submitted a general development schedule indicating the various phases of all the proposed uses.
3. That all of the requested "Special Studies" have been received by City Council for review and comment.

18.125.070(A)(4) - Special studies prepared by qualified professionals may be required by the planning official, planning commission or city council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

The following special studies have been received by City Council for review and comment.

Sensitive Vegetation:

The City Council Finds:

1. 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.
2. Only one of those plants located in the dry pond will be effected by the proposed development.
3. USFWS was contacted and reported that its recovery plan for Nelson's Checkermallow is going well and it does not need additional plants or seeds for its recovery effort.
4. None of the other areas containing the identified threatened plants are part of the development area of the proposed Planned Development.

Wetland Delineation Letter:

The City Council Finds:

1. The study area included in the three tax lots contains approximately 39.58 acres.
2. Wetland Delineations have been completed for the entire area of the proposed Planned Development and have been submitted to the Division of State Lands for acceptance.
3. The applicant has submitted a remove/fill joint application with the Oregon Department of State Land and the US Army Corp of Engineers as required by the City's Development Code.
4. Permit approval must be received from the U.S. Army Corp of Engineers and the Oregon Department of State Lands prior to development occurring on these sites.
5. The Goal and Policies related to Wetland Resources and Sensitive Vegetation are met.

Phase I & II Environmental Assessment:

The City Council Finds:

1. A Phase I Environmental Site Assessment was performed in January 2018.
2. Final Rule. No limiting conditions or exceptions were encountered.
3. A Phase II was designed to address areas of concern identified in the historical survey of the property.
4. No pentachlorophenol (used in anti-sap stain) or PCBs were identified in samples collected during completion of the Phase II.
5. The overall condition of the site was good with no current recognized environmental conditions identified during the completion of the Phase I report.

Traffic Impact Analysis Report:

The City Council Finds:

1. Two Traffic Impact Analysis (TIA) reports were completed on September 4, 2018 and May 22, 2019.
2. Both TIA reports concluded that the project will generate 111 PM peak hour trips.
3. Although the analysis did not take into account background traffic from the Boulevard or Oak Springs apartments, there is sufficient evidence that no off-site traffic mitigation is required in order to keep the adjacent streets and nearby intersections at generally accepted standards adopted by ODOT, Benton County and the City.
4. Both (TIA) reports, ODOT and Benton County concluded that there was no need for any offsite improvements at this time.
5. The "Transportation" policies were reviewed along with the recently adopted TSP and we found that the development was overwhelmingly in line with the comprehensive plan polices.

Section 18.125.080 – Overlay Zone Approval Criteria. The Master Plan Overlay requires the city make findings of the following criteria and relevant provisions when approving the overlay zone. The following are the City Council's findings:

A. Comprehensive Plan:

The comprehensive plan portion of this review is important in that it requires the City to make findings that support polices applicable to this development.

The comprehensive plan is created through a multitude of studies, reports, analysis, synopsis and assumptions. These various components themselves do not recommend policy; rather, they provide a base of information for community discussions. These discussions lead to the development of goals & objectives, and from the goals and objectives, policies are formed and approved by the governing body.

The policies of a comprehensive plan are aspirational and support the overall goals of the city or community. The policies must be in direct correlation with the State's 19 Planning Goals but, actually can go beyond and most of the time do.

The City Council reviewed the Master Plan Overlay to the policies of the applicable chapters of the comp plan. The following are the City Council's findings:

CITIZEN INVOLVEMENT

The City Council Finds:

1. The City Council held a public hearing to obtain input from proponents, neutral parties and opponents of the project.
2. The public record was left open for an additional week. The issues raised during the “Comment Period” have become part of the public record.
3. The hearing was legally and properly noticed as required by the Development Code. Notification was given in the Gazette Times, on site, mailed to neighbors and interested parties, and on the city’s website to notice citizens of the meeting time the public hearing was being held.

ECONOMY

The City Council Finds:

1. The city promoted the use of the Master Plan Overlay option to support economic diversification of uses and by utilizing suitable serviced sites for development by non-timber dependent industries.
2. The city used the Master Plan Overlay to combine similar industrial designations to uphold the compatibility between and existing and future industrial uses.
3. The applicant submitted the appropriate Phase I & II environmental assessment applications with the Department of Environmental Quality in order to assure compliance with DEQ environmental protection standards.
4. The Master Plan Overlay promotes the mixed–use development concept which 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 while expanding the tax base.
5. The proposed industrial flex space development designated for industrial development is also appropriate for low-intensity commercial uses, offices, warehousing, and other similar non-manufacturing uses.
6. The RV Park development with short-term occupants and seasonal visitors will assist in the expansion of the business community which serves tourists who travel through and visit the community.

HOUSING

City Council did not review the RV Park as a housing component of the development nor has it applied housing goals to these industrial zones. RV Parks are an allowed use in Industrial Districts whereas residential housing in any form is prohibited. Even mobile home parks are prohibited in industrial zones.

City Council views RV Parks as a recreational use and because they are primarily associated with a motor vehicle, they are only allowed in the industrial zones. The Council sees a RV Park to be closely associated with people vacationing and tourism.

Realizing that some of visitors to the park can be long-term stays, using it for transitional or temporary housing in cases of emergency or other situations, season construction work housing, etc. The adopted policies are the basis for review and compliance. Although the RV Park is not a housing development by definition, The City Council recognizes it can function to meet the basic housing needs in specific situations of transitional or temporary stays.

The City Council Finds:

1. 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.
2. Some of the occupants may be long-term tenants who are seeking affordable housing by utilizing their recreational vehicles for longer terms. This use is supported by the RV Park's amenities such as laundry facilities, exercise room, walking/jogging trail, and enclosed swimming pool.

PUBLIC FACILITIES AND SERVICES

General Polices

The City Council Finds:

1. Public facilities have been designed with sufficient capacity to meet the City's future needs and the needs of this development.
2. Further information may be required by individual departments prior to the issuance of a building permit. (See engineering comments and conditions - Exhibit A).
3. Westech Engineering, the city's consulting engineers, submitted a fourteen (14) page report of items that will be required upon approval.

Sewage Disposal Policies

The City Council Finds:

1. 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.

Water Policies

The City Council Finds:

1. Philomath has the available supply of water to service this development.

Water Production Capacity	2.18 MGD
Peak Day Demand	1.47 MGD
Planned project projected	0.49 MGD
Oak Springs Apts.	0.053 MGD
Boulevard Apts.	0.162 MGD
Mill Pond Crossing Sub	0.105 MGD
Beelart Annexation	0.136 MGD
Newton Creek Sub	0.034 MGD
Reserve peak day water capacity	0.22 MGD
Projected Peak Day Demand	0.0671 MGD
RV Park	0.0640 MGD
Self-Storage	0.0008 MGD
Flex Industrial Space	0.0023 MGD

Based on the above analysis, upon full build-out of all approved and anticipated developments, the water system would have a reserve peak day capacity of .22

MGD. The proposed development of 175 RV spaces, self-storage facility and flex industrial space would require 0.0671 MGD. Therefore, the City's current water system has adequate capacity to serve the proposed development.

2. The two new 12-inch public water mainlines that cross through this development will complete the looping of the public waterline system as depicted in the City of Philomath Water Masterplan.
3. Providing for the looping of the water line will improve the fire flows with the area.
4. That the proposed Fire water supply is sufficient to supply all public fire hydrants, the onsite private fire hydrants and the proposed on site fire sprinkler systems.

Storm Drainage Policies

The City Council Finds:

1. The project conforms to the City of Philomath storm water drainage standards and with the Oregon DEQ and NOAA Fisheries storm water drainage standards.
2. The storm waters generated by the proposed development will be adequately treated for both storm water quantity and storm water quality.
3. 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.
4. 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.

Other Utilities Policies

The City Council Finds:

1. The franchised utilities including Pacific Power, NW Natural Gas, and other private utilities will be constructed in underground trenches to provide the necessary services.

TRANSPORTATION POLICIES

The City Council Finds:

1. Two Traffic Impact Analysis (TIA) reports were completed, September 4, 2018 and May 22, 2019.
2. Both TIA reports concluded that the project will generate 111 PM peak hour trips.
3. Although the analysis did not take into account background traffic from the Boulevard or Oak Springs apartments, there is sufficient evidence that no off-site traffic mitigation is required in order to keep the adjacent streets and nearby intersections at generally accepted standards adopted by ODOT, Benton County and the City.
4. Both (TIA) reports, ODOT and Benton County concluded that there was no need for any offsite improvements due to the proposed development.
5. The "Transportation" policies were reviewed along with the recently adopted TSP and we found that the development was overwhelmingly in line with the comprehensive plan polices.

Bicycle and Pedestrian Way Policies

The City Council Finds:

1. The Planned Development provides for the continuity of sidewalks adjacent to the development on Southwest Main Street and North 19th Street.

2. That the applicant will install a pedestrian walkway/bikeway easement along each of their properties to assist in the complete connection between Main Street and N 19th Street.

RESOURCES AND HAZARDS

Open Space Policies

The City Council Finds:

1. The internal pathways proposed along the Newton Creek Riparian Corridor on the subject properties meet the Parks Master Plan goal of a proposed trail area.
2. The preservation of all significant and new trees will be added to the Newton Creek riparian corridor to provide for additional aesthetics has been met.

Air, Water, and Land Quality Policies

The City Council Finds:

1. The Storm Water Management Plans meet the rates of pre-developed levels through the implementation of flow control devices and detention basins.
2. 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.

Natural Hazards Policies

The City Council Finds:

1. No development is proposed within the Newton Creek Flood Hazard Overlay District.

B. Land Division Chapter: The applicant submitted one partition application which has been reviewed and tentatively approved under an April 25th Staff Report and will be processed based on the outcome of the Master Plan application. The general requirement criteria of the land division chapter has been met.

C. Land Use and Design Standards: All of the land use and design standards contained in Division 2 are met. 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. All criteria for the Type III design reviews and the conditional use have been met.

D. Requirements for Open Space: Where common open space is designated, the open space area shall be conveyed in accordance with methods outlined in the code. The only common open space for the proposed Planned Development at this time will be for the Recreational Vehicle Park which 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 along N. 19th Street which is listed in the conditions of approval. The criteria has been met.

IV. TYPE III - LAND USE DISTRICT AND DESIGN STANDARDS REVIEW

SELF STORAGE FACILITY, OUTDOOR STORAGE AREA AND INDUSTRIAL FLEX SPACE REVIEW (PC19-02 THROUGH PC19-04)

Section 18.105.070(D)(2) - General Provisions.

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

The City Council Finds:

1. The review of self-storage facility, outdoor storage area and industrial flex space review is appropriate for this large scale development and that it meets development code standards.

Section 18.110.060(B) - Approval Criteria

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

The City Council Finds:

1. All of the proposed indoor storage buildings meet the required setbacks in the Heavy Industrial (HI) and the Industrial Park (IP) zoning designations.
2. The density, floor area, building height & building orientation have all been meet.
3. The proposed lot coverage can be met with the approval of a .3 % variance.
4. All internal road widths and building setbacks from the road assist in mitigating on site traffic.
5. No buffering to mitigate noise, light or glare is required for this development.

Section 18.110.060(D) - Approval Criteria

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

1. Chapter 18.65 PMC, Access and Circulation;
2. Chapter 18.70 PMC, Landscaping, Street Trees, Fences and Walls;
3. Chapter 18.75 PMC, Vehicle and Bicycle Parking;
4. Chapter 18.80 PMC, Public Facilities Standards;
5. Chapter 18.85 PMC, Hillside and Erosion Control Overlay;
6. Chapter 18.90 PMC, Other Standards (telecommunications facilities, solid waste storage, environmental performance), as applicable.

Chapter 18.65 PMC - Access and Circulation

The City Council Finds:

1. The vehicular and pedestrian access on the property containing the Self-Storage Facility, the Outdoor Storage area and the Industrial Flex Space development has been met.
2. The reciprocal 60 foot wide access from Main Street/HWY 34 and the ingress/egress drive from Main Street with a right in and right out design meets ODOT's access and circulation requirements.
3. The proposed secondary access from two separate private easements leading to a future public road located within the abutting property to the east meets the emergency access requirements.
4. The required sidewalks along the Main Street frontage and along the 60 foot wide access to the self-storage rental office have been met.

Chapter 18.70 PMC - Landscaping, Street Trees, Fences and Walls

The City Council Finds:

1. The applicant meets the new landscaping requirement by adding one hundred forty-five (145) new trees in the lower area spread between nine (9) different species of trees and shrubs.
2. The applicant meets all the development code requirements for variety, tree and shrub size and ground cover placement.
3. The applicant meets the requirement to sod or seed on all landscape areas on site and within all adjacent right-of-ways.
4. The applicant meets the requirement to install an automatic irrigation system for all landscaped areas.
5. The applicant proposes special protection techniques to protect existing trees, plants and sensitive vegetation so that they will not be disturbed during construction of the proposed planned development.
6. Further protection has been met with the installation of 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.

Chapter 18.75 PMC, Vehicle and Bicycle Parking;

The City Council Finds:

1. All vehicle parking and maneuvering lane requirements including barrier free requirements have been met for the development.
2. The all bicycle parking can be accommodated outside each storage unit and each individual mixed use unit space via bike racks.
3. The proposed paving, curbing, lighting and interior sidewalk requirements have been met.

Chapter 18.80 PMC - Public Facilities Standards

The City Council Finds:

1. The development has received their preliminary permits for access to Hwy 34/Main Street.
2. The development meets all the city and emergency access requirements for internal roadways streets.

3. The development meets the requirement for future street plan and extension of streets by stubbing two roads to the east to line up with other street extension easements.
4. The public area requirement has been with the creation of public easements to be recorded for the 10 foot wide bike and pedestrian path leading from the unimproved city park adjacent to the SW corner to the site up to N 19th Street.
5. Preliminary engineering surrounding the design of the system and the anticipated capacities required have been met. Further engineering analysis of the proposed development and more detailed analysis and detailed design work will be required as the project moves forward.

Chapter 18.95 PMC - Regulating Placement of Signs

The City Council Finds:

1. That the two proposed signs meet the Development Code standards.

RV PARK REVIEW (PC19-05)

Section 18.110.060(B) Approval criteria

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

The City Council Finds:

1. All the proposed buildings on site meet the required setbacks for the Heavy Industrial (HI) zoning designation.
2. That the lot coverage, density, floor area, building height & building orientation requirements have all been meet.
3. That all internal road widths and building setbacks from the road assist in mitigating on site traffic.
4. That no buffering to mitigate noise, light or glare is required for this development.

Section 18.110.060.D - Approval criteria.

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

1. Chapter 18.65 PMC, Access and Circulation;
2. Chapter 18.70 PMC, Landscaping, Street Trees, Fences and Walls;
3. Chapter 18.75 PMC, Vehicle and Bicycle Parking;
4. Chapter 18.80 PMC, Public Facilities Standards;
5. Chapter 18.85 PMC, Hillside and Erosion Control Overlay;
6. Chapter 18.90 PMC, Other Standards (telecommunications facilities, solid waste storage, environmental performance), as applicable.

Chapter 18.65 PMC - Access and Circulation

The City Council Finds:

1. The vehicular and pedestrian access requirements to and on the development has been met.

2. The County requirement to locate the main entrance from 19th Street 400 feet south of the railroad tracks has been met.
3. All of the proposed maneuvering lane widths inside the site have been met.
4. The 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) meets the emergency access requirements.
5. The required sidewalks along the N 19th Street have been met.

Chapter 18.70 PMC - Landscaping, Street Trees, Fences and Walls

The City Council Finds:

1. The applicant meets the new landscaping requirement by adding close to two hundred new trees with a similar amount of shrubs.
2. The applicant meets all the development code requirements for variety, tree and shrub size and ground cover placement.
3. The applicant meets the requirement to sod or seed on all landscape areas on site and within all adjacent right-of-ways.
4. The applicant meets the requirement to install an automatic irrigation system for all landscaped areas.
5. The applicant proposes special protection techniques to protect existing trees, plants and sensitive vegetation so that they will not be disturbed during construction of the proposed planned development.

Chapter 18.75 PMC - Vehicle and Bicycle Parking

The City Council Finds:

1. All vehicle parking and maneuvering lane requirements including barrier free requirements have been met for the development.
2. The all bicycle parking can be accommodated outside each RV parking pad and multiple bike racks will be provided at the community center.
3. The proposed paving, curbing, lighting and interior sidewalk requirements have been met.

Chapter 18.80 PMC - Public Facilities Standards

The City Council Finds:

1. The development has received their preliminary permits for access to N 19th Street.
2. The development meets all the city and emergency access requirements for internal roadways streets.
3. The public area requirement has been with the creation of public easements to be recorded for the 10 foot wide bike and pedestrian path along N 19th Street.
4. Preliminary engineering surrounding the design of the system and the anticipated capacities required have been met. Further engineering analysis of the proposed development and more detailed analysis and detailed design work will be required as the project moves forward.

Chapter 18.95 PMC - Regulating Placement of Signs

The City Council Finds:

1. The proposed sign meet all development code standards.

V. 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 Recourses Overlay District but requires a conditional use permit.

The conditional use approval criteria 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 only associated with the RV Park.

Chapter 18.120.040 Criteria, standards and conditions of approval.

The City Council Finds:

1. The site size, dimensions, location, topography and access to the trail and decks are adequate for the needs of the development and will not over burden or threaten the health of the riparian corridor.
2. There will not be any negative impacts to Newton Creek based on the applicant proposal to replant vegetation in and adjacent to the Creek where currently asphalt exists.
 - i. The ordinance provides: "Areas developed prior to adoption of this title are acknowledged as preexisting conditions and are allowed to be maintained in their status at the time of adoption of this title. For purposes of this section, "development" means buildings and any other development requiring a building permit, or any alteration of the overlay zone by grading or construction of an impervious surface, including paved or gravel parking areas."
 - ii. The applicant provided the City verification of the prior developed and impervious surface and graveled areas.
3. Activity by the public will be mitigated and buffered through the installation and placement of dozens of trees and shrubs adjacent to the creek.
4. The viewing platforms and trail will not have any negative impact on adjacent properties or the public as a whole.
5. The viewing platforms and trail do not require access to public facilities and will rely on natural recharging of the creek and its banks.
6. All of the Site Design Standards have been met for the purpose of this review.

VI. VARIANCE TO MAXIMUM LOT COVERAGE

The City Council Finds:

1. The use of the Mater Plan Overlay recommends the grouping of uses on property over 10 acres and allows the flexibility that would not otherwise be allowed in other zoning classifications.
2. 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;
3. The proposed variance resembles the compliance with other code sections that provide for the flexibility to that allows an increase in lot coverage by buildings or changes in the amount of parking by no more than 10 percent.
4. A hardship exists in relation to the odd shape of the property, the topography of the riparian corridor surrounding Newton Creek that bisects multiple locations on the site

and by the restrictions present around the sensitive areas on site where the developer has initiated protective measures.

5. All other Site Design Standards have been met or maintained while permitting reasonable economic use of the land.
6. The slight increase in lot coverage will have no adverse on traffic, drainage or natural resources within the development area as a result of the allowance of the averaging of the overall lot coverage for the proposed Planned Development.
7. The protection measures initiated for the sensitive areas and protected natural resources contributed to the proposed layout and density of the project.
8. The .3% over the allowed lot coverage is a minor amount in relation to the entire Master Plan Overlay Development.
9. All of the Site Design Standards have been met for the purpose of this review.



Conditions of Approval

Date:	November 6, 2019
Nature of Applicant:	Master Plan Development: Mixed-Use Industrial Development
Applicant / Owner:	Scott Lepman Company
Property Location:	617 N. 19 th 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

1. **Wetland/Fill Permit:** The applicant shall submit notice of the development to the Department of State Lands (DSL) and the Army Corp of Engineers and any determination for mitigation will rely on those findings and conclusions. All mitigation shall be completed by the applicate prior to any construction permits being issued.
2. **Engineering Standards:** 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 19th Street may need to be addressed during a final engineering review.
 - c) Additional hydrants and their locations as outlined in Westech Engineering's 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. **ROW Permits:** 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. **Existing Covenants and Restrictions:** 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. **Parking on Gravel:** The applicant shall apply for and receive a variance to the city's development standards prior to allowing boats or recreational vehicles to park on the gravel surface within the outdoor storage area.

6. **Bike/Pedestrian Path:** The applicant shall provide payment to the City 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. **Viewing Platforms:** The applicant shall 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 or remove the viewing platforms from the riparian setback on the site plan.
8. **Maximum Lot Coverage:** The applicant shall obtain a variance to the maximum allowed lot coverage on these parcels or reduce the lot coverage to comply with the development code.
9. **Flex Space Future Site Plan Review:** All future uses proposed in the industrial flex space building shall require individual planning approval prior to occupancy.
10. **Vacating 20th Street:** The applicant shall go through Benton County planning for permission to vacate 20th Street.
11. **Additional ROW:** The applicant shall grant the City five feet (5') of right of way along the east side of 19th Street in order to meet the city standards for width of a minor arterial road.
12. **Wetland Resources, Fish and Wildlife Habitats:** All actions or requirements to mitigate for potentially adverse impacts to wetlands, endangered species, fish and wildlife habitat by the Corp of Engineers' and the Division of State Land's Removal/Fill Permit decisions shall be incorporated into the Final construction plans submitted for the Planned Development that are submitted to any reviewing agency for issuance of permits. The applicant shall not remove or destroy, from areas within the Natural Resource Overlay Zone, threatened or endangered plant species or animal habitat of sensitive or threatened species as defined in the Philomath Zone Code including any Checkered Mallow.
13. **Signage Adjacent to Riparian Corridor:** Applicant shall provide signage adjacent to the Riparian Corridor that read: All dogs will be required to be on a leash and will only be allowed on the pedestrian/bike path and off leash only in the designated fenced dog park. Biking with off leash dogs will not be permitted. These requirements shall also be included with a park user's agreement.
14. **Storm water quantity control and storm water quality treatment:** Both the storm water quantity control and the storm water quality treatment shall be designed to be in compliance with the current SLOPES V and Oregon DEQ requirements for storm water management and the City of Philomath requirements whichever is more restrictive for that portion of the project which is subject to State and Federal wetland permitting (property south of Newton Creek). Stormwater quality control shall be designed to be in compliance with the City of Philomath for the north portion of the Planned Development ,
15. **Recreational Vehicle Park and RV/Boat Storage Site Regulations:** Mechanical work of any kind on the Vehicle is strictly prohibited unless performed by an authorized dealer, with the exception of maintenance required to allow the stored Vehicle to be moved, (such as changing a flat tire). In no case is maintenance that could cause environmental harms, such as but not limited to, oil or other fluid changes be allowed on the property. Tenants found in violation of this provision will be billed for any remediation work required as a result of this activity. In addition, the contract will be considered void and the offender required to vacate the premises within twenty-four (24) hours of notification.
16. **Recreational Vehicle Park Regulations:** Storage of personal items is prohibited under and/or around the Vehicle. Management of the Recreational Vehicle Park will determine what constitutes

storage violations and that determination may be affected by the overall appearance of the site. Structures external to the vehicle and not an integral part of the vehicle are prohibited. This includes, but is not limited to storage totes, steps, gas cans and external propane tanks which exceed seven (7) gallons of capacity. Written notice will be given by the Recreational Vehicle Park Management and the violation must be corrected within a minimum of 48 hours of the notice unless additional time is granted in writing by the Recreational Vehicle Park personnel.

17. **Geological and Geotechnical:** Recommendations listed in the Geological and Geotechnical report (Exhibit 'O-2' - Geotechnical Site Investigation shall be incorporated into the design and construction of the project.
18. **Construction of Private Pedestrian/Bike Path:** The portions of the private trails within the Recreational Vehicle Park that are located within the 50-foot Riparian Setback Corridor must include vegetation enhancements to mitigate potential impacts to storm drainage off the paths. In addition, the proposed trails within in the Riparian Setback Corridor must be constructed of pervious material instead of impervious material when the path is located in a previously undisturbed area of the previous mill site as shown on the existing conditions Exhibit 'D-2' for Tax Lot 200 (Civil Drawing D-2). The applicant is prohibited from adding additional impervious areas to within the riparian corridor.
19. **Bus Stop:** Prior to Occupancy Permit of the RV site, a covered bus stop shall be installed along 19th Street at a location and of a construction type approved by Public Works so travelers can easily assess public transit and reduce the impact of additional vehicles on the roadways.
20. **Wells for Irrigation:** Prior to the use of any of the three existing wells on the site, the applicant shall obtain a permit if required, from the Oregon Water Resources Department for the use of the well. A copy of the approved permit or a letter stating that a permit is not required must be submitted to the City of Philomath prior to the installation of the irrigation system for the Recreational Vehicle Park
21. **Maintaining Trees:** All trees planted throughout the development, including street trees, landscaping trees, and other trees, shall be maintained by the owner. At one year past the completion of each phase, the City shall be allowed to inspect the trees and the owner will replace any dead or missing trees.
22. **Water Conservation:** Prior to issuance of an Occupancy Permit, signs shall be installed at all spigots and in restrooms, kitchen areas and laundry rooms that remind users of the Recreational Vehicle Park and the Industrial Flex Spaces to conserve water such as:



PHILOMATH CITY COUNCIL

MEETING AGENDA PACKET

NOVEMBER 12, 2019

TABLE OF DOCUMENTS

AGENDA ITEM #G.01:

LEPMAN MASTER PLANNED DEVELOPMENT (PC19-02, ET AL)

A. FINAL WRITTEN COMMENTS:

1. Final Report submitted by Applicant Scott Lepman

B. WRITTEN REBUTTALS SUBMITTED PRIOR TO 10/29/19 DEADLINE:

1. Rana Foster
2. Ann Buell
3. Scott Lepman
4. Waiver or extension of 120 day rule at applicant's request, received by City on May 9, 2019

C. WRITTEN COMMENTS SUBMITTED PRIOR TO 10/22/19 DEADLINE:

1. Colby Davidson
2. Cindy Mitchell
3. Jim Hagan
4. Shepard Smith
5. Rana Foster email with Gordon Kurtz, Benton County Associate Engineer
6. Catherine Biscoe
7. Chas Jones
8. Rana Foster
9. Sandy Heath
10. Jeff Lamb
11. Kay Sams
12. Robert Biscoe

D. WRITTEN COMMENTS SUBMITTED DURING 10/15/19 PUBLIC HEARING:

1. Scott Lepman
2. Van Hunsaker
3. Catherine Biscoe
4. Sandy Heath
5. Michael Spencer
6. May Dasch

**Final Report to City of Philomath City Council Based on Issues
Raised At the Hearing On October 15, 2019 and Issues Raised
During the Comment Period Ending at 5:00 p.m. October 22, 2019
and the Rebuttal Period Ending at 5:00 p.m. October 29, 2019**

Case No.s PC19-02 Lepman Master Plan Development, PC19-03 Industrial Flex Space, PC19-04 Indoor Storage/Outdoor Storage – Boat & RV, PC19-05 RV Park, PC19-06 Conditional Use – Observation Decks, Pullout Area and Walking Paths in Riparian Corridor and PC19-07 a 3% Variance Over Maximum Allowed Lot Coverage

Testimony in Favor:

Matthew Conser, Developer of Oak Meadows Apartments and Realtor, 1010 Airport Road SE, Albany OR 97322

Christina Rehklau, on behalf of Visit Corvallis, 574 NW Linden Avenue, Corvallis OR 97330

Jeff and Tonya Markus, Leo Gonzalez, Hannah Moehlmann, Blue Ox RV Park Management Team, 4000 Blue Ox Drive SE, Albany 97322

Blake Ecker, Country Financial, 2545 Applegate Street, Philomath OR 97370

Becca Barnhart, Willamette Valley Visitors Association, 388 State Street, Salem OR 97301

Ken Pellett, Commercial Site Developer, 24228 Ervin Road, Philomath, 50-year resident of Philomath OR 97370, likes to see vacant uses repurposed.

Letters in Favor:

Alyssa Lewis, President, Philomath Chamber of Commerce, P.O. Box 606, Philomath OR 97370

Dawnielle Tehama, Executive Director, Willamette Valley Oregon Wine Country, 388 State Street Suite 100, Salem OR 97301

Christina Rehklau, Executive Director, Visit Corvallis, 420 NW Second Street, Corvallis OR 97330

Jeff Sims, Senior Director of State Relations & Program Advocacy for National Association of RV Parks and Campgrounds (ARVC), 9085 E. Mineral Circle, Centennial CO 80112.

Kate Porsche, Economic Development Manager, Corvallis Benton County Economic Development Office, 501 SW Madison Avenue, Corvallis OR 97339.

Questions Submitted From City Councilor, Chas Jones:

- (1) Traffic survey completed in September 2018 and May 2019, surveys did not account for traffic associated with the two apartment complexes and those that are still under construction.
 - (a) How are the existing traffic studies relevant given that these two major developments are actively under construction and will impact traffic? (b) Is it possible to incorporate the traffic studies performed by the two apartment complexes into your traffic study's conclusion? (c) If considering the apartment complexes into a traffic analysis, would the 8 a.m./5 p.m. target times

on Monday and Friday (in August) still produce the maximum traffic demand? Or would it be better to use a date associated with the school year?

- (2) Regarding your analysis of the jobs created with the proposed development (Concern #25 in your rebuttal to August 26 Planning Commission meeting): Can you clarify the types of jobs that are projected to be created (e.g., number of full-time vs. part-time jobs)?
- (3) Regarding your analysis of the water demand associated with the proposed development (Concern #11 in your rebuttal to August 26 Planning Commission meeting): (a) According to the City's Water Master Plan (page 4-9), the City of Philomath should not rely upon the interties as long-term water supply. Thus, I ask that you revise your assessment of the water demand associated with the proposed development without including the intertie as a water source. (b) I have attempted to identify the source of your data regarding the estimated water demand. They do not appear to be from the Water Master Plan though, but they are somewhat similar. Can you please clarify the sources of the data? I am specifically referring to data referenced in your response to Concern #11. (c) Similarly, what is the source of your estimate of the 0.22 MGD reserve capacity? (d) It is my understanding that we usually utilize the intertie during periods of extreme drought, if the intertie is unable to be used, what is the capacity of our less preferred water options (wells) during that time?

Summarized Testimony in Opposition:

1. Peggy Yoder (on Philomath Planning Commission), P.O. Box 998, Philomath: Proposed RV Park is substandard housing; Project will be filling up industrial land with non-industrial uses; Homeless people may be living in the RV Park; Urges Council to support Planning Commission's decision to Deny.

2. John G. Booker Jr., 20 year Philomath resident, P.O. Box 1119, Philomath: Seen businesses come and go. Will there be a grocery store? Is there a tourist tax? Affordable housing might be for homeless people, wants plan to stop homelessness. Wants small town.

3. Jeff Lamb, P.O. Box 248, Philomath: Mayor has a conflict of interest; Traffic; Chamber of Commerce Board presentation; Up-zoning of industrial parcels in the City of Philomath, the City has annexed and approved the rezoning of 3 former mill sites to high density residential and up-zoned another former mill site to high density residential for the construction of 250-300 apartment units.

4. Dr. Steve Northway, 29023 Decker Road, Corvallis: Monarch Butterfly habitat, critical migration route, food stock on the property.

5. Lawrence Johnson, P.O. Box 423 Corvallis: Goal 1 – Public Involvement, haven't used citizen involvement. No advisory board. City Planner has new recommendation, not Planning Commission's recommendation. Traffic Engineer did not take Bus Barn into account.

6. Catherine Biscoe, P.O. Box 848, Philomath: Case No.s PC-06 and PC-07 - change in hearing, procedural challenge; Presentation to Chamber; Water supply – high water use, paying for water treatment plant and water infrastructure - submitted doc to council, has no findings for infrastructure costs; Mitigation of pollutants into Marys River and water shed; Traffic impacts; Limited job development; Exclusivity of RV park; Height and size of 3 story storage building; Substandard housing; housing development on industrial property; Open ended application; Traffic analysis issues.

7. Sandy Heath, 340 N 13th Street, Philomath: Concerns about RV park length of stay and 3-story storage building; Proposal contradicts Comprehensive Plan Goals in that large tracts of industrially zoned land for uses that are non-job producing industries and an RV park is substandard housing. Hold the record open.

8. Robert Biscoe, P.O. box 848, Philomath: Traffic hasn't been addressed; Housing development on industrial land: future housing development on remaining land: long term living in RVs: impact on traffic, city has approved 1000 more housing units, not considered in traffic report; Water supply, City of Philomath Water Master Plan states that the city of Philomath shall seek out low water consumption industries. Hold record open.
9. David Hoagland, P.O. Box 1031, Philomath: Oak Springs Apartments (125 units) Traffic problems speeding, tailgating, need more police and traffic enforcement.
10. Michael Spencer, Software Developer, 200 NW 53rd Street #53, Corvallis: Water requirements
11. Ann Buell, Wildlife Biologist, 1511 Willow Lane, Philomath: Extinction of rare plants, housing on industrial land, so many objections, please listen to Cindy Mitchel's written testimony, Oregon White Oak, testimony at hearing rushed, not bringing needed jobs,
12. Rana Foster, 980 SE Mason Place, Corvallis: Citizens did not have access to all exhibits; endangered species (2 plants not mentioned); buried utilities within riparian corridor; filling floodplain and wetlands for bikepath, put bikepath on 20th Place; use of 50-foot riparian buffer on RV site for decks, open ended application if the rv/boat storage area is to be changed in the future.
13. May Dasch, P.O. Box 1116, Philomath: Submitted 5 objections to the Corp of Engineers; creation of jobs; substandard housing; water usage.
14. Kay Sams, 146 N. 14th Street #7, Philomath: Traffic, site has not died, upland wildlife, sensitive ecosystem and wetland habitat, toxic runoff from RVs into Newton Creek, infrastructure costs.
15. Cindy Mitchell, Former Habitat for Humanity Executive Director, 1911 NE Pax, Corvallis: 1250 wetland students studied site for over 10 years, built bird houses on the site; should be a themed development; saddling citizens of Philomath with traffic and water problems; people will be riding bikes all over the property.
16. Jim Hogan (Higgins), Environmentalist, Alsea Oregon: Objects to variance for lot coverage, the Newton Creek impact from site development; needs permanent monitoring wells for the drainage on the site; stormwater runoff; well for irrigation.
17. Mike Sprouse, 315 Topaz Street, Philomath: The applicant doesn't know much about property, didn't research, retention pond as gas, antifreeze and oil will be washed down into Newton Creek, pond will not filter antifreeze; developer promises but no contracts. One of his employees from his RV Park has worked at the park for 2 years but stated that he has lived in the park for 10 years.
18. Colby Davidson, Philomath High Class of 2007, no address listed: Development of the Newton Creek Wetlands and Oak woodlands of Newton Creek.
19. James Hagan, no address listed: Plan calls for the filling in of a part of Newton Creek, There is a better fit for the community.
20. Van O Hunsaker, no address listed: RV Park doesn't meet the definition of a RV park as RVs should not be used as a permanent residence.
21. Shepard Smith, no address listed: Past resident of Philomath from 2007-2014. Oregon experiencing changing weather, water will be increasing demand; critical to keep intact natural areas that support needs for water; slow down and take into consideration the needs to support expedient growth.
23. Sandy Heath, Rana Foster, Catherine Biscoe, and Jeff Lamb dba Grow Philomath Sensibly (appellants): PC19-06 and PC19-07 were not discussed by applicant or appellants at the City Council hearing. Hearings before the Planning Commission denial of the Planned Development and the concurrent Site Plan Review

applications appealed by the applicant and the appeal for the approval of the Conditional Use and Variance applications filed by the appellants were combined into one hearing even though the hearings were advertised as being 2 separate hearings.

Applicant's Response to Summarized Issues

Citizens did not have Access to all Exhibits: All referenced Exhibits were submitted to the City with the submittal of the land use applications for the proposed Planned Development and concurrent applications. The City posted all of the following Exhibits on line and hard-copies of the Exhibits were available for review at City Hall:

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

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

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

Open ended application if the rv/boat storage area is to be changed in the future: The proposed Recreational Vehicle and Boat Storage area is not intended to provide for an open ended application where the use can be changed at the Developer's whim. As the construction of the Recreational Vehicle Park, the Self-storage and Recreational Vehicle and Boat Storage units and Industrial Flex-Space units are dependent upon market demand, the applicant is requesting approval at this time in conformance with the Master Planning for the entire property so that all necessary infrastructure will be in place for future expansion of the different uses within the Planned Development.

Sections 18.130.030 and 18.130.040 PZC provide for minor and major modifications to an approved Planned Development. Based upon the standards listed in these two Sections of the Code, the change of the RV/boat storage area to another use would be classified as a major modification which means that the applicant would be required to submit an application for the modification and the modification request would be subject to the same review procedure and approval criteria used for the initial project request, however, the review would be limited in scope to the modification request. Notice shall be provided in accordance with the applicable review procedure.

A new Traffic Impact Analysis will be required for the proposed Planned Development modification.

Traffic: The Traffic analysis was provided for all the affected and responding agencies by the Developer's Traffic Engineer, Karl Birky, PE, PTOE, ATEP, Inc (see Exhibit 'M' – Traffic Impact Analysis for Proposed Planned Development and page 14 of Philomath Planning Commission - August 26, 2019 Rebuttal to Issues Raised at Planned Development Planning Commission Public Hearings on July 15 and July 29, 2019).

As stated in the original Traffic Analysis submitted with the application and the revised Traffic Analysis requested by Benton County (see Exhibit 'M'), the intersections that the Developer's Traffic Engineer studied function and will function within generally accepted standards and standards adopted by ODOT, Benton County and with the City of Philomath, with the traffic generated by the proposed planned development. The following information provided by the Developer's Traffic Engineer was provided to the Planning Commission in the submitted Findings Document submitted with the application and at the Planning Commission hearing: "Traffic engineers use the ITE Trip Generation Manual to estimate trip generation for a variety of use. This memo will use PM Peak hour trips. The PM Peak hour is generally when traffic is greatest and is the traffic volume roads often built to handle. The ITE Manual assumes a single family home generates 0.99 PM Peak hour trips (and 9.52 trips per day). The TSDC fee for a single family home in Philomath is \$5,440 for the 1 PM Peak hour trip a home will generate. TSDCs for other uses are based on Equivalent Dwelling Units, which the Traffic Engineer assumes is the PM Peak hour trips the use generates. The fee changes in direct relationship to the PM Peak hour trip generation and/or to the Daily Traffic.

The Traffic Engineer believes that the project as planned will generate 111 PM Peak hour trips as you configured it with 175 RV spaces, 327ksf of Mini Storage, and 19ksf of Office space. In this instance the TSDCs would be about \$600,000 (111 * \$5,440). ODOT and the County have suggested that the RV Park is more like a Manufactured Home Park and should use the trip generation rate for Manufactured Home Parks. When I make this change the PM Peak hour trips increase to 145 trip and the TSDCs would be about \$785,000. So more trips means more money to the City.

If the Traffic Engineer assumed that the site could be developed with single family homes, assuming there could be 4 lots per acre, there could be 154 homes that would generate 154 PM Peak hour trips and generate about \$840,000 in fees. But this is more traffic than the proposed Recreational Vehicle Park use would generate. The Traffic Engineer states that it is his experience that apartments generate more trips than single family homes.

The Traffic Engineer assumed the entire site could be developed as General Light Industrial and assumed that 25% of the site could be floor space. The 414k sf space would generate 263 PM Peak hour trips and about \$1,430,000 in TSDC fees. But again is more traffic than the proposed development.

All the intersections that the Traffic Engineer studied function and will function within generally accepted standards and standards adopted by ODOT and, with the City of Philomath, with the traffic from your planned development. It is true that drivers in Salem and larger cities are more accustomed to denser traffic conditions, but generally the adopted traffic standards are common. It is the Traffic Engineer's opinion that traffic will not degrade below accepted standards and should not be the reason to deny this application."

In a response letter submitted to Rana Foster from Gordon Kurtz an Associate Engineer for Benton County and made a part of the record submitted to the City during the response time after the City Council hearing the following information was provided: "I have one TIA dated September 14, 2018 and another dated May 22, 2019. Per the County's request, nearly the entirety of the second TIA is devoted to the West Hill Road/Reservoir Avenue and Reservoir Avenue/53rd Street intersections.

The County did not request that the applicant analyze intersections beyond those listed above. The 53rd/Oak Creek/Walnut/Harrison intersection and the West Hills Road/53rd Street intersections were analyzed for a 2030/33 building-out (PTV/Kittleson & Associates) when they were designed and signalized/constructed. For the Lepman development, the County asked for analysis at intersections with known or potential deficiencies. The analysis requested was extensive considering the location of the project and analysis beyond that requested was deemed unwarranted.

If RV storage units are added to the property on the south/east side of the proposed development, the traffic impact is likely to be similar to that for normal storage units. I am not a traffic engineer, but my assessment is the trips per year might be slightly higher, but the overall impact of the RV storage spaces would be negligible and nearly indiscernible at intersection removed from the location by miles of travel routes. The county has reviewed both of the traffic impact analyses provided by the developer and is in agreement with its findings."

Specific Traffic Question by City Councilor: Traffic survey completed in September 2018 and May 2019, surveys did not account for traffic associated with the two apartment complexes and those that are still under construction. (1) How are the existing traffic studies relevant given that these two major developments are actively under construction and will impact traffic? (b) Is it possible to incorporate the traffic studies performed by the two apartment complexes into your traffic study's conclusion? (c) If considering the apartment complexes into a traffic analysis, would the 8 a.m./5 p.m. target times on Monday and Friday (in August) still produce the maximum traffic demand? Or would it be better to use a date associated with the school year?

The following is the response from the Traffic Engineer who prepared the original Traffic Analysis that was submitted during the response time line of five o'clock p.m. on October 29, 2019:

Traffic Comments - Lepman Development - Philomath

ATEP Inc.

October 28, 2019
Honorable Mayor and City Council
City of Philomath
Philomath, OR

In July of 2018, I was asked to write a traffic impact analysis (TIA) for the planned Lepman Development, LLC project in Philomath. I have been a licensed civil engineer and licensed traffic engineer in Oregon since 2002 and have focused my practice on traffic engineering. I contacted the City to develop a scope of work, identifying intersections that should be studied, the highest traffic periods when counts should be conducted and other matters that should be considered. The scope of work was developed quickly, professionally and, in my opinion, typically. The City did ask that instead of counting traffic on Tuesday, Wednesday or Thursday, which are the traditional days for traffic counts to be conducted, the counts be done on Monday or Friday, to capture the weekend (and work) traffic volumes through the City. Background traffic was not included in the scope of work. The traffic counts were completed in August 2018.

The TIA was completed and submitted. It was reviewed by the City of Philomath, Benton County and ODOT. The agencies indicated that trip generation estimates for RV campgrounds might be less than will occur and using Mobile Home Park data would be a more conservative trip generation assumption. The higher trip generation rate of the Mobile Home Park estimate was used, the analysis revised and submitted for review. Later Benton County asked that two intersections (NW 53rd at SW Reservoir Ave and W Hills at SW Reservoir Ave) be added to the analysis, though these intersections are more than a mile from the site. Those intersections were counted in May 2019 and the analysis completed, submitted, reviewed and accepted by Benton County. Background traffic was not mentioned by the City, Benton County or ODOT in the past year.

TIA's are required by agencies when a developer wants to build a housing subdivision or a commercial development that could significantly affect traffic in a community. ODOT notes *"TIA's are used... to forecast future system effects from proposed development projects and to predict the useful life of a transportation project against a future expected land use scenario."* TIA's are provided for agencies, not for the developer. TIA's provide one piece of long range planning information that agencies use to plan travel ways, traffic controls and to make traffic management and operation decisions. They are an estimate, a picture at a point in time with an estimate of what will happen in the future. Agencies use the different pieces of information from different studies, counted on different days and viewed from different perspectives to make planning decisions.

When asked to complete a TIA, I have found it takes two weeks to get traffic counts, a week to analyze the data in a computer model that has been created while the counts are conducted and another week to write and assemble the TIA.. There has not time to incorporate background traffic from apartments that were being planned since the City Council hearing. However, it is still my opinion the studied intersections will function within accepted standards with the traffic from the apartments. In August 2018 the existing PM peak hour analysis found the intersection of Highway 20 at 19th St was functioning at 46% of capacity (v/c = 0.461).

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
2	Hwy 20 at 19th St	Signalized	HCM 6th Edition	SB Left	0.461	20.9	C
3	Hwy 20 at College St	Two-way stop	HCM 6th Edition	EB Thru	0.007	0.0	A
5	Hwy 20 at Green St	Two-way stop	HCM 6th Edition	NB Right	0.002	10.7	B

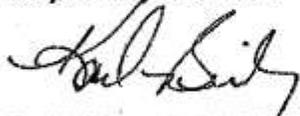
The TIA also found that the 2019 PM Peak hour performance metric at the same intersection would be 50% of capacity (v/c = 0.496) with the Lepman Development, LLC project.

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	N Access at 19th St	Two-way stop	HCM 6th Edition	WB Left	0.054	13.9	B
2	Hwy 20 at 19th St	Signalized	HCM 6th Edition	WB Left	0.496	22.1	C
3	Hwy 20 at College St	Two-way stop	HCM 6th Edition	EB Thru	0.008	0.0	A
5	Hwy 20 at Green St	Two-way stop	HCM 6th Edition	NB Right	0.002	10.9	B
9	South Access	Two-way stop	HCM 6th Edition	SB Right	0.062	11.5	B

The additional 145 PM Peak hour trips from the development is estimated to use 3% of the intersection's capacity. It continues to be my opinion the trips from the apartments will not add enough traffic to cause the volume to capacity (v/c) ratio to increase to a level of concern for ODOT (v/c=70%) with jurisdiction of the intersection. The intent of the TIA is to provide information to agencies (ODOT, Benton County and/or the City of Philomath) that will inform decision making in the future to keep traffic flowing.

As the TIA submitted to the City of Philomath for the Lepman Development states *"All the studied intersections are functioning within accepted performance metrics in the existing AM and PM Peak hour periods. They will continue to function within accepted performance metrics when the site is developed and in the future (2029). ODOT crash data does not indicate significant safety problems at the studied intersections."*

Respectfully submitted



Karl Birky, PE, PTOE, Retired
Associated Transportation Engineering and Planning, Inc. (ATEP)

Building Orientation to Street: Section 18.45.050 PDC Development Orientation (A) Building Entrances. All buildings shall have a primary entrance oriented to a street. “Oriented to a street” means that the building entrance faces the street or is connected to the street by a direct and convenient pathway. Streets used to comply with this standard may be public streets, or private streets that contain sidewalks, and street trees in accordance with the design standards in Division 3.

A private street will serve the Self-Storage and Recreational Vehicle and Boat Storage Facilities and the Industrial Flex-Space Development. The entrance to the office/manager’s quarters has a covered entrance facing the private accessway [see Exhibit ‘S-2’ – Office/Manager’s Quarters Elevation Drawings for Self-Storage and Recreational Vehicle Storage Facilities and Facilities (see Exhibit ‘G-1’ - Composite Site Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities, Recreational Vehicle Park, and Industrial Flex-Space Development)].

All of the building entrances of the flex-space buildings face the private north/south accessway from Southwest Main Street that serves the proposed development and will be provided with connections to the private sidewalk system. The private sidewalk system will be constructed to City Standards and will be separated from the private accessway (street) by a 5-foot wide landscape strip which will be planted with street trees in accordance with the design standards in Division 3 [see Exhibits ‘R-1’ (1.1, 1.2, 1.3) - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Exhibit ‘R-3’ - Conceptual Landscape Plan for Industrial Flex-Space Development] . This can be ensured by a condition of approval.

Impact on Wetlands and 50-foot Riparian Buffer as a Result of Bike Path, All Buried Utility Corridors, Decking over Waterway/Pond, Future Public and Private Pedestrian Paths/Bikeways, and RV

Pads: The proposed wetland loss in Tax Lot 100 is 0.97 acres as provided in Exhibit ‘E-1’- Wetland Delineation Letter Tax Lots 100, 200 and 102 and Exhibit ‘E-2 - Preliminary Wetland Impacts Tax Lot 100 prepared by Allen Martin, Geo Resources, LLC. There will be no wetland impacts in Tax Lot 200 or Tax Lot 102. No grading or fill is proposed in any wetland area within Tax Lot 200 or Tax Lot 102, the site of the proposed RV Park.





The Oregon Department of State Lands and the United States Army Corps of Engineers will require compensatory wetland mitigation for all wetland impacts. Compliance with the DSL and the USACOE determination can be ensured by a condition of approval. A total of 2.39 acres of wetland and 1.92 acres of Waters of the State were identified within Tax Lot 100 that lies within the proposed Planned Development. The majority of the delineated wetlands within the Planned Development will be protected.

The current project lies within the City of Philomath designated natural resource overlay zone (Chapter 18.55.020) riparian corridor. Part of the proposed development crosses into the protective zone that extends 50 feet horizontally from the top of bank of Newton Creek. Proposed development within the protective zone includes the private trail; the public trail; stormwater detention ponds; viewing decks elevated on piers; a picnic area; vehicular access crossings bridges and a Recreational Vehicle pull-out.

The 50-foot wide protective zone includes (1) a naturally vegetated area adjacent to the creek and (2) concrete or gravel covered areas once used by the former saw mill. The naturally vegetated area is a mix of trees and shrubs that extend variable distances from the top of the bank – typically, the vegetative portion of the protective zone averages 15 to 20 feet wide from the top of the bank. The remaining 30 feet of the protective zone is the remnants of the former mill and includes large concrete slabs or gravel covered areas used for log or material storage. The upper storage portion of the gravel will be removed in areas proposed to be re-landscaped and replaced with topsoil as directed by the project Landscape Architect, Laura A. Antonson, RLA, Laurus Designs LLC. The area will then be planted with a mix of native trees, shrubs, forbs and grasses that will increase native plant diversity and improve wildlife habitat.

The applicant has identified several features of the development to be within the Natural Resource Overlay Zone. Under Section 18.550.020 of the Philomath Zone Code, the Natural Resource Overlay Zone includes significant wetland areas and riparian corridors. This includes a protection zone measured 50-foot horizontally upland from the top of the bank along sections of Newton Creek [PDZ 18.550.020(2)]. The subject property contains portions of the Newton Creek riparian corridor and portions of property identified and delineated on-site as wetlands. The riparian area is delineated in several of the Applicant's reports and survey maps. The wetlands are also delineated in several survey maps and in the wetlands report.

Section 18.55.040 of the Philomath Zone Code creates an exception to review under the Natural Resource Zone Overlay. That ordinance provides: **Areas developed prior to adoption of this title are acknowledged as preexisting conditions and are allowed to be maintained in their status** at the time of adoption of this title. For purposes of this section, "development" means buildings and any other development requiring a building permit, **or any alteration of the overlay zone by grading or construction of an impervious surface, including paved or gravel parking areas.** [Ord. 720 §7[2.5.202], 2003.] (bold added).

The evidence in the record shows that property is the former Hobin Lumber Site first constructed and operated by Hobin Lumber in the early-mid 1970's. Tax lot 100 served as a barker and cutting mill while tax lot 200 served as the planning mill along with a log yard. The development pre-exists the adoption of the title. Therefore, any development within the NR Overlay zone including any impervious surface or paved or gravel areas is not subject to additional review and allowed to be maintained in their status. PDZ 18.55.040.

The Applicant provided verification of the prior developed and impervious surface and graveled areas. The Applicant submitted a survey of "existing conditions" for Tax Lots 100 and 200 created by their engineer and surveyor, Udell Engineering and Land Surveying, LLC ("Existing Conditions Surveys"). These Existing Conditions Surveys include a survey of all asphalt, concrete, and gravel on the two tax lots. These survey areas delineate the portions of the property that are exempt from review under the Natural Resource Zone Overlay. Aerial maps in the record, also shows much of the subject property is covered in concrete, asphalt, and gravel.

The Existing Conditions Surveys show that the Applicant's:

- Crossing areas will utilize existing crossing areas that are already paved, concrete or graveled.
- RV pull out area is also an area already graveled over for parking and access.
- Viewing decks will be also be in an area already graveled over.
- The stormwater system is within the graveled area.
- The private trail is within graveled or paved areas.

For these portions of the Applicant's uses within the Newton Creek riparian corridor, they are exempt from any review. (The viewing decks were nevertheless reviewed again by separate permit.)

Even if these areas were subject to review under PDZ 18.550.060, that ordinance allows development of certain uses within the Natural Resources Overlay Zone. Included in those uses are "all uses permitted outright as provided for in the underlying zone." Table 18.550.060. Additionally, "all uses permitted conditionally as provided for in the underlying zone." Here, the flex industrial space, mini-storage, and RV Park are all uses permitted outright. The viewing deck, RV pull out, crossing areas, and private trail are all amenities of the RV Park. The stormwater system is designed for all the uses on the two tax lots. Therefore, these uses are permitted outright within the Natural Resource Overlay areas. Further, the water drainage facilitates, water and sewer utilities, and drainage pumps are outright permitted in the Natural Resources Overlay.

Further, the Applicant has met criterion regarding the protection of threatened and endangered species and habitat required by the code. A survey by the Applicant found a population of Nelson's checkermallow in the

forested area west of Newton Creek, which is in an area completely outside of any proposed area of development. Another very small population was found in the southwest corner for tax lot 200. The Applicant storm water drainage facility will be located in this area. The Applicant does not propose the removal or destruction any of these plants. As a condition of approval, the Applicant will be prohibited from removing or destroying these plants and must design their storm water facility to accommodate any such plants in the NR Overlay Zone.

Next, of the development within the Newton Creek riparian corridor, there is no development proposed by the Applicant that will include the placement of structures or impervious surfaces including grading or fill not already exempt from review under PDZ 18.55.040. The Applicant does not propose to create any new structures or impervious areas within the Newton Creek riparian corridor. The development areas, which include the RV pull out, crossing areas, private trail, picnic area, and decking area are in places identified with preexisting development. Further, the private trail, picnic area, and decking will be designed to use pervious surfaces in any portion that may lie outside any of preexisting development areas. As a further assurance, the Applicant will be prohibited, as a condition of approval, from adding additional impervious areas to within the riparian corridor.

Other Concerns Related to the Riparian Corridor:

- A. **Bike Path Within the RV Park:** People walking or riding their bikes will be limited to the pathway. Dogs will be required to be leashed at all times on the private pedestrian/bike pathway and will be required to stay on the designated path. Dogs will only be allowed off their leashes at the designated fenced dog park. The RV park pad spaces that are adjacent to the Fifty-foot Riparian buffer area are located from 5 to 15 feet from the buffer area. People and their dogs will not be allowed within the wetland areas. All dogs will be required to be on a leash and will only be allowed on the pedestrian/bike path and off leash only in the designated fenced dog park. Biking with off leash dogs will not be permitted. These requirements can be ensured by a condition of approval.
- B. **Buried Utility Corridors:** The buried utilities within the 50-foot riparian setback area will be minimized to transverse crossings to minimize the impacts. The trenches for such utilities will be backfilled with native materials above the pipe zone so that vegetation may be restored after the installation. Utility installations crossing the stream channel will be either hung on the bridge structure or bored under the stream to minimize the impacts.
- C. **Decking of Waterway/Pond:** The proposed viewing platforms are located on the south and east side of an existing pond and on the south side of the swimming pool area within the Community Center.
 - (1) The proposed deck off the south side of the Community Center contains 800 square feet and is located on the south side of the indoor swimming pool area. Approximately 600 square feet of the deck area will extend into the Newton Creek Riparian Corridor area and will be constructed on piers. This deck is approximately 40 feet from the top of the bank of Newton Creek, thus protruding approximately 10 feet into the Corridor area. The deck area is outside of the 100-year floodplain boundary and does not extend over the creek.
 - (2) The proposed patio and deck off the west side of the community room in the Community Center will contain a 594 square foot covered concrete patio and a 992 square foot open deck area that will extend over the existing pond on piers (approximately 480 square feet of the deck area). The portion of the deck area that extends into the Riparian Corridor area is located approximately 60 feet from the top of the bank and is outside of the 100-year floodplain boundary.

- (3) A stand-alone deck area is proposed for the northwest corner of the existing fire pond and will contain 500 square feet of which 300 square feet extends over the existing fire pond on piers. This area of the existing fire pond is not within the Newton Creek Corridor.

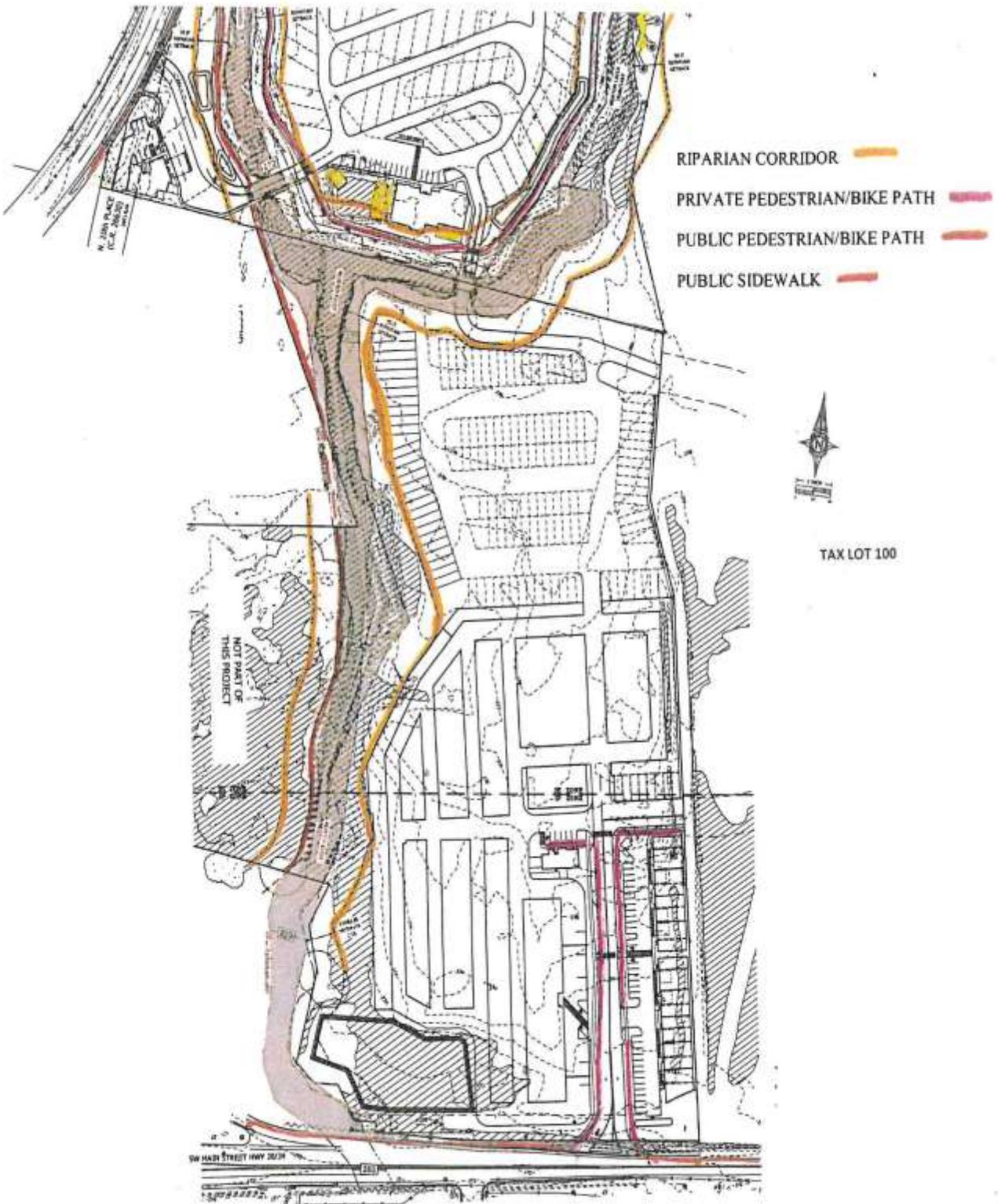
The areas of the decks that are within the Newton Creek Riparian Corridor have been requested for approval by a concurrent Conditional Use application. The grading for the decks and pedestrian/bike path will be minimal. The decks will be supported by pressure treated posts.

- D. RV Pads: None of the RV pads are located within the Newton Creek Riparian Corridor.

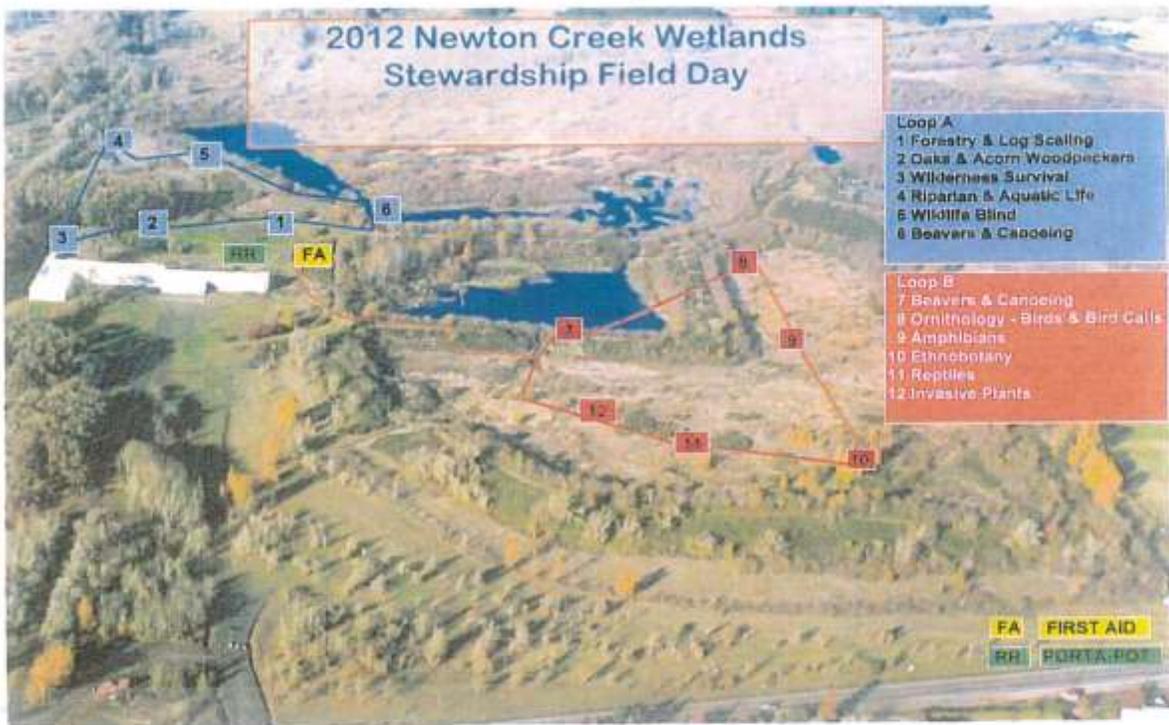
Location of Public Bike/Pedestrian Path: The alignment of a future pedestrian/bike trail on the west side of Newton Creek is located in an area where a population of Nelson’s checkermallow was identified by Richard Brainerd, Stonecrop [see Exhibit ‘D-3’ - Significant Vegetation Identification Tax Lot 100 (Civil Drawing D-3) and Exhibit ‘D-4’ - Significant Vegetation Identification Tax Lot 200 and 102 (Civil Drawing D-4)]. The location of the walking trail is not a part of the current Planned Development but an easement is being granted to the City for potential development of the trail in the future. The trail alignment area crosses a wetland and any disturbance in the vicinity of the known checkermallow population would require a wetland removal/fill permit. In order to receive a permit, the endangered species issue would need to be addressed before the US Army of Engineers would issue a permit. The exact location of the proposed public pedestrian/bike trail easement is subject to change. The drawn location is to show the developer’s intent to provide an easement to



the public in compliance with the Philomath Comprehensive Plan and Park's Master Plan for a bike/pedestrian path adjacent to Newton Creek for the enjoyment of the public and the dedication of the easement can be ensured by a condition of approval.



1,250 Students Studied Site for Over 10 Years: As shown below, the subject properties contained within the proposed Planned Development were not a part of the wetland study area performed by the 1,250 students.



Lot Coverage Variance: 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 (see Exhibit ‘J-1’ - Lot Coverage Assessment for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space (Civil Drawing J-1 and Exhibit ‘J-2’ - Lot Coverage Assessment for Recreational Vehicle Park (Civil Drawing J-2).

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%. 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.*

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/Recreation al 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/Recreation al 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%)
TOTALS within proposed Planned Development		18.27 Acres			Average Lot Coverage: 60.3%

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.

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. 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

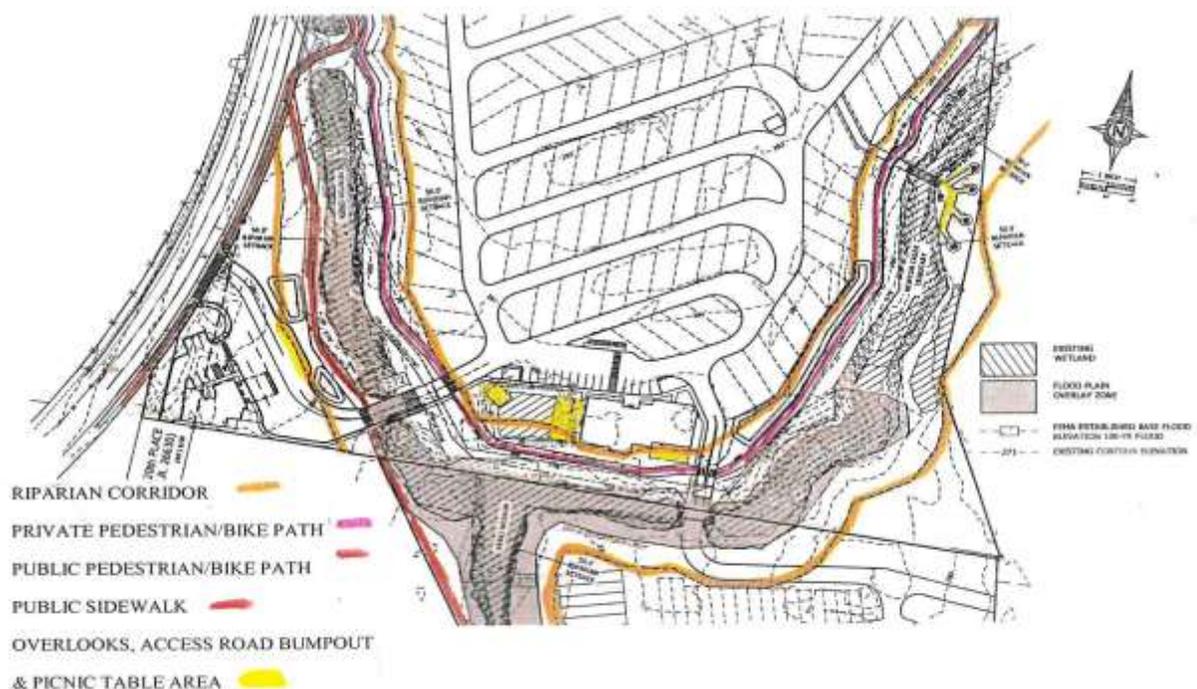
which allows for 4.438 acres of lot coverage at 60% and 5.411 acres at 70%. The proposed lot coverage of 5.23 acres meets the 10% increase allowed within a Planned Development. The entire Planned Development area including the proposed Recreational Vehicle Park will have an average 60.3% of lot coverage. The requested Variance is the minimum variance that will alleviate the hardship.

Conditional Use for Private Overlooks and Private Pedestrian/Bike Path: Section 18.55.060 of the Philomath Development Code lists the regulated uses within natural resource overlay areas. Table 18.55.060 lists the following uses that are applicable to the proposed Planned Development as Conditional Uses in the Natural Resource NR Overlay District:

4. Trails, boardwalks, viewing platforms, information kiosks, and trail signs.
5. Realignments and reconfigurations of channels and pond banks, including the restoration and enhancement of natural functions and values which involve displacement, excavation or relocation of more than 50 cubic yards of earth and which carry out the objectives of this title.
7. Bikeways and other paved pathways.
8. Stormwater quality treatment facilities that use biofiltration methods.

Table 18.55.060 lists water related and water dependent uses, including drainage facilities, water and sewer utilities, flood control projects and drainage pumps as allowed uses in the natural resource overlay areas.

The approval of a conditional use allows the Planning Commission to allow the use when the use will have minimal impacts or to allow the use but impose conditions to address identified concerns. None of the proposed uses with the 50-foot Riparian Corridor Setback are listed as prohibited uses in the City of Philomath Development Ordinance. The proposed viewing platforms are located on the south and east side of an existing pond and on the south side of the swimming pool area within the Community Center. The proposed deck off the south side of the Community Center contains 800 square feet and is located on the south side of the indoor swimming pool area. Approximately 600 square feet of the deck area will extend into the Newton Creek Riparian Corridor area and will be constructed on piers.



The proposed patio and deck off the west side of the community room in the Community Center will contain a 594 square foot covered concrete patio and a 992 square foot open deck area that will extend over the existing pond on piers (approximately 480 square feet). A stand-alone deck area is proposed for the northwest corner of the pond and will contain 500 square feet of which 300 square feet extends over the existing pond on piers. This area of the existing pond is not within the Newton Creek Riparian Corridor. The areas of the decks that are within the Newton Creek Riparian Corridor have been requested for approval by a concurrent Conditional Use application.

Picnic tables are proposed to be placed within the Riparian Corridor within the 50-foot riparian corridor of the East Branch of Newton Creek. The area is on the east side top of bank of the East Branch. This area will be signed for what is allowed within the area and garbage cans will be provided to keep the area clean. Just like the Community Building, this area will also be part of the maintenance staff's daily chores to police and make sure that the rules are being followed. The bridge pathway system will be within the Riparian Corridor but will be done in such a manner that the bridge itself will span the Newton Creek east tributary from top of bank to top of bank. The 50-foot riparian corridor is planned to contain minimal development that will allow the RV Park tenants to enjoy the scenic beauty of the corridor. All of the features that are planned to be constructed within the corridor are listed in Table 18.55.060 as "Allowed Uses" or "Conditional Uses" or similar in nature to uses listed. None of the proposed features are listed as "Prohibited Uses."

Impacts on Endangered Plants: The conclusion of the Sensitive Vegetation Report prepared by Richard Brainerd, Stonecrop [see Exhibit 'D-3' - Significant Vegetation Identification Tax Lot 100 (Civil Drawing D-3) and Exhibit 'D-4' - Significant Vegetation Identification Tax Lot 200 and 102 (Civil Drawing D-4)] 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. This area is not currently part of the proposed Planned Development and will be reviewed at the time a future development is proposed.

With regards to the current project, three individual checkermallow plants were identified on the east side of the creek in the southwest corner of the proposed development. One of those plants located in the dry pond will be effected. We contacted a USFWS biologist to discuss ways to save the plant or at least to collect seeds to preserve the genetic material. The USFWS recovery plan for Nelson's checkermallow is going well and they do not need additional plants or seeds for their recovery effort. Another option we are working on is to collect seeds from the plants and provide them to the new wetland mitigation bank being developed south of Philomath. In any case before a USACOE permit is issued, Mr. Lepman will need to have consultation with USFWS to ensure that potential adverse effects to the checkermallow species is addressed. The one endangered checkermallow plant could be relocated in close proximity to its existing location upon the supervision of a botanist in accordance with any standards required by the Corp of Engineer or the Division of State Lands through their review process. This could be ensured by a condition of approval.

Impact on Wildlife, Monarch Butterfly Habitat, Critical Migration Route, Food Stock on the Property: As far as general concerns about adverse effects to wildlife, the project is proposing extensive plantings of shrubs and trees to provide more habitat for wildlife. Currently, the site has a variety of shrubs and trees that exist within corridors bordering the creek and eastern tributary. The addition of new shrubs and trees on what is now a mostly barren industrial site will enhance the riparian corridors and increase habitat areas for local wildlife. As part of the Corps and DSL Permit process, a consultation with the U.S. Department of Fish and Wildlife will be required to address potential adverse impacts to endangered species or habitat. All actions or requirements to mitigate for potentially adverse impacts to endangered species will be incorporated into the

Corp of Engineers' and the Division of State Land's Removal/Fill Permit decisions. This can be ensured by a condition of approval.

Impact on Fish Habitat: The City of Philomath is not the responsible agency for ensuring that the state and federal standards and requirements are complied with. The applicant has submitted a joint permit application to both the Oregon Division of State Lands and the US Army Corps of Engineers. During the permit review process by these agencies, not only will they provide essential review but Oregon DEQ and NOAA Fisheries will also be involved. The agencies at the state and federal levels will review and ensure that state and federal standards, rules, and laws are complied with prior to issuing necessary permits. This can be ensured by a condition of approval.

Impact of Development on Newton Creek: There are significant trees along the banks of Newton Creek. The existing 15 significant cottonwood trees are located within the Newton Creek Riparian Corridor setback in the area of the creek extending from near the northwest corner of the Self-Storage Facility to the middle of the Recreational Vehicle and Boat Storage Facility. The diameter of these trees range in size from 11 inches to 18 inches when measured from 4 feet above the ground. Near the southwestern portion of the Self-Storage Facility within the Newton Creek Riparian Corridor are 2 oak trees that are 24 inches in diameter when measured 4 feet above the ground. These trees and the native shrubs and plants under the canopies of the trees will be protected during construction. As part of the development of the Planned Development, all significant trees will be preserved and additional native trees and shrubs will be added to the riparian corridor to provide for additional aesthetics and shade along Newton Creek.

Picnic tables are proposed to be placed within the Riparian Corridor within the 50-foot riparian corridor of the East Branch of Newton Creek. The area is on the east side top of bank of the East Branch. This area will be signed for what is allowed within the area and garbage cans will be provided to keep the area clean. Just like the Community Building, this area will also be part of the maintenance staff's daily chores to police and make sure that the rules are being followed. The bridge pathway system will be within the Riparian Corridor but will be done in such a manner that the bridge itself will span the Newton Creek east tributary from top of bank to top of bank. The 50-foot riparian corridor is planned to contain minimal development that will allow the RV Park tenants to enjoy the scenic beauty of the corridor. All of the features that are planned to be constructed within the corridor are listed in Table 18.55.060 as "Allowed Uses" or "Conditional Uses" or similar in nature to uses listed. None of the proposed features are listed as "Prohibited Uses."

There is no development proposed within the boundary of the FEMA defined 100-year floodplain. No development will occur below the top of the bank and thus all native vegetation within that zone will be maintained. The majority of the 50-foot riparian corridor has been degraded. All native riparian vegetation and significant trees within the riparian corridor will be retained within the Newton Creek mainstem and east substem. The soil in the corridor will be amended and native trees, shrubs and grasses will be added to the riparian corridor to provide for additional aesthetics and shade along Newton Creek. All trails are being proposed outside of the 100-year floodplain of Newton Creek. The portions of the trails located within the 50-foot Riparian Setback Corridor will include vegetation enhancements to mitigate potential impacts to storm drainage off the paths. In addition, the proposed trails within in the Riparian Setback Corridor could be constructed of pervious material instead of impervious material. This option can be ensured by a condition of approval.

Cost of Infrastructure and Public Involvement in Cost: All needed infrastructure within the Planned Development, both public and private, will be paid for by the developer. The developer, in addition to financing all of the required infrastructure, will pay the City of Philomath System Development Charges (SDC fees) for water, sewer, streets and storm drainage. The total estimated System Development Charges for the Self-Storage, Industrial Flex Space, and Recreational Vehicle Park for storm water, sanitary sewer, and water is \$817,657.24.

Up-zoning of Industrial Parcels in the City of Philomath: Definition of up-zoning: The practice of change the zoning in an area typically from residential to a higher residential density or commercial use. For example, a neighborhood of single family residential homes may be up-zone to a multi-family or mixed use (commercial plus residential use) zone.

The subject properties within the proposed Planned Development are not being up-zoned. The proposed uses are only allowed in the existing industrial zoning districts within the City of Philomath. The subject property is not being upzoned.

Housing on Industrial Land: Concerns have been raised about substandard housing and housing on Industrial lands. The proposed RV Park is allowed only in industrial zones and is not an allowed use even by conditional use in any of the residential zones. While not providing traditional housing, the Recreational Vehicle Park will provide for vacationing families, temporary housing for construction workers who may be in the area for a few months, and retirees who like to spend their summers in the northwest and their winters in the south. This is a commercial venture that is allowed only in Industrial zones within the City of Philomath. The City of Philomath allows RV parks within the industrial zones and therefore an RV park is allowed.

Creation of Jobs: The intent of the proposed Planned Development is to enhance the community of Philomath. Potentially significant employment opportunities, consistent with more sustainable patterns of development, exist in the City of Philomath. Redesigned and improved infrastructure, knowledge-based-services, environmental technologies, improved management and use of natural resources, opportunities for start-up companies and tourism are all rich areas for private sector investment within the City of Philomath.

The Industrial zoning designations identify areas suitable for a wide range of industrial uses including corporate offices, research and development, high technology, manufacturing, warehousing, wholesaling, and other accessory and compatible uses. The proposed self-storage facility and the proposed recreational vehicle park are uses that are only allowed in all of the Industrial zoning districts within the City of Philomath.

The total small amount of land being utilized for the proposed self-storage facility (16.65 acres), proposed Recreational Vehicle Park (15.87 acres), and proposed Industrial Flex Space development (1.62 acres) will have little to no impact on the additional 436 acres of vacant industrially zoned properties within the city of Philomath (LI; 40, HI: 83, IP: 313) or the 318 acres of industrially designated properties within the Urban Growth Boundary but outside the city limits.

The Industrial Flex Space development has been estimated at a minimum of 3 employees per unit which equates to 27 jobs. The proposed Self-Storage and Recreational Vehicle and Boat Storage Facility will provide for the employment of 10 people. The proposed Recreational Vehicle Park will employ a minimum of 6 employee. The total minimum estimated permanent jobs created is 43. Of the estimated 43 created jobs, 35 of the jobs would be full time and 8 would be part time. Neither the City's Comprehensive Plan nor the City's Development Code have specific requirements for the number of jobs to be created by a development or business locating in the City of Philomath.

In addition to the estimated on-site jobs provided by the proposed uses, the construction of the proposed Planned Development including offsite infrastructure and onsite infrastructure is anticipated to take up to 5 years. During the construction period, many family-wage earning people will be benefited such as (1) rock quarry owners; (2) truck drivers; (3) land surveyors; (4) engineers; (5) architects; (6) site construction workers; (7) flaggers; (8) building contractors; (9) masons; (10) plumbing contractors; (11) electrical contractors; (12) and special inspectors.

As a destination, the proposed Recreational Vehicle Park would give vacationers a reason to stay for a period of time, providing revenue to local businesses such a purchasing groceries, clothing, fuel, and patronizing local

restaurants and local activities. Improving retail businesses in Philomath will help the local economy and add to the employment base.

Due to a variety of factors including changing development patterns, business concepts, and community needs, and other factors that cannot be specifically anticipated, the goals of a community cannot always remain static. The proposed Self-Storage Facility and Recreational Vehicle Park could be viable uses for the next 50 years and then could be easily replaced by another industrial user. In the meantime, as the tax base is the sum of the taxable activities, collective value of real estate, and assets subject to tax within the City of Philomath, this tax base is of particular importance in certain bond issues secured by tax revenues for the City. The tax base may increase for a number of reasons and is also the reason that government revenues tend to increase during economic growth and shrink during recessions.

At buildout, the proposed Industrial Flex Space development will provide 22,023 square feet of industrial space for small to medium sized businesses. A wide range of businesses could occupy the spaces such as service providers in various fields, light manufacturers, distribution, commercial food preparation, and Hi-tech, etc. Each unit will contain a “store-front” office, an ADA restroom, breakroom, and warehouse space on the first floor with office and/or storage space in the loft area and a 20-foot wide by 14-foot high on-grade roll-up door. The proposed flex-space development will be geared more towards an incubator function providing a valuable contribution and sustainable industrial development for small- and medium-sized enterprises that cannot muster the capital necessary for individualized access to services provided in a developed industrial park. Upon completion, the flex space is estimated to add a market value of \$2,800,000 and an assessed value of \$1,719,200 for the buildings and the land and an estimated property tax of \$34,389.

At buildout, the proposed Self-Storage Facility, containing a 3,374 square foot office/manager’s quarters and 204,277 square feet of self-storage space could have an approximate market value of \$9,400,000 for the buildings and the land with an assessed value of \$5,771,600 and an estimated property tax of \$115,449.

At buildout, the proposed Recreational Vehicle Park could have an approximate market value of \$8,200,000 for the buildings, RV spaces and the land and an assessed value of \$5,034,800 and an estimated property tax of \$100,711.

Substandard Housing: The Housing Goal is not applicable to industrially zoned property but the Recreational Vehicle Park portion of this Planned Development will provide some contribution to the Housing Goal. The proposed RV Park is an allowed use in all of the Industrial zones within the City of Philomath with Site Design Review but is not an allowed use in any of the residential zoning districts. While not providing traditional housing, the proposed Recreational Vehicle Park will provide housing for vacationing families, temporary housing for construction workers who may be in the area for a few months, and retirees who like to spend their summers in the northwest and their winters in the south. Some of the occupants may be longer term tenants who are seeking affordable housing by utilizing their recreational vehicles for longer terms.

On average, the 150 space RV Park owned by the applicant in Albany (The Blue Ox) is 70% utilized by month to month tenants, and 30% by overnight campers (less than monthly). Even though the month to month tenants may stay on average 2.25 years, the recreational vehicle can easily be unhooked, and moved to another destination in another park for a few days or a week- or month-long trip and then returning to their monthly rented space at the Blue Ox because they are retired and want to have a guaranteed home base close to family or medical services. This often occurs at the Blue Ox RV Park, also owned by the applicant, where tenants pay monthly for their space but are traveling or staying at a park located in warmer states in the winter. This is mainly due to the lack of Recreational Vehicle Park spaces to meet the demand of RVers.

Specific Questions Regarding Water Usage and Water Availability by City Councilor: Regarding your analysis of the water demand associated with the proposed development (Concern #11 in your rebuttal to August 26 Planning Commission meeting): (a) According to the City’s Water Master Plan (pages 4-9), the City of Philomath should not rely upon the interties as long-term water supply. Thus, I ask that you revise your assessment of the water demand associated with the proposed development without including the intertie as a water source. (b) I have attempted to identify the source of your data regarding the estimated water demand. They do not appear to be from the Water Master Plan though, but they are somewhat similar. Can you please clarify the sources of the data? I am specifically referring to data referenced in your response to Concern #11.(c) Similarly, what is the source of your estimate of the 0.22 MGD reserve capacity? (d) It is my understanding that we usually utilize the intertie during periods of extreme drought, if the intertie is unable to be used, what is the capacity of our less preferred water options (wells) during that time?

(a) According to the City’s Water Master Plan (pages 4-9), the City of Philomath should not rely upon the interties as long-term development without including the intertie as a water source.

Project Engineer’s Response: The City of Philomath is currently working on plans to expand their Water Treatment Plant. This Expansion would increase the City’s capacity far beyond what it is today. Therefore, the inclusion of the intertie in the capacity calculations is the correct thing to do as it will be available until this new Water treatment Plant is on line and producing additional water.

(b) I have attempted to identify the source of your data regarding the estimated water demand. They do not appear to be from the Water Master Plan though, but they are somewhat similar. Can you please clarify the sources of the data? I am specifically referring to data referenced in your response to Concern #11.

Project Engineer’s Response: The source of my data is over one year of actual water meter readings from a similar RV park owned by Mr. Lepman, The Blue Ox.

Here is a computation of the RV Park’s estimated water usage based on the City of Philomath Water Master Plan.

Per capita water usage = 106 gpd (source City of Philomath Water Master Plan)
Peaking Factor = 2.34 (source City of Philomath Water Master Plan)

The Blue Ox in Albany is a 150 space RV parks and its population is 220 people. This calculates to an average of 1.47 people per RV space.

The proposed RV Park is 175 spaces:
 $175 \times 1.47 \times 106 \text{ gpd} = 27,268 \text{ gallons per day}$

$27,268 \text{ gallons per day} \times 2.34 \text{ (peaking factor)} = 63808 \text{ gallons per day} = 0.064 \text{ MGD}$

Previously submitted calculations = 0.083 MGD

(c) Similarly, what is the source of your estimate of the 0.22 reserve capacity?

Project Engineer’s Response: From City staff. It was a report prepared by the City Engineer for the Beelart Annexation case file and Newton Creek case file.

(d) It is my understanding that we usually utilize the intertie during periods of extreme drought, if the intertie is unable to be used, what is the capacity of our less preferred water options (wells) during that time?

Project Engineer's Response: The intertie is available and is expected to be available.

Water Availability, High Water Usage: See information provided above.

Wells for Irrigation: There are currently three wells within the proposed Planned Development and the applicant intends to use these wells for irrigation uses. These are high volume wells which were used by the mill owner for fire protection and water to serve the office and 2 restrooms on the site. Two of the wells are located within the RV Park development and 1 well is located within the Self-Storage and RV and Boat Storage area. The redevelopment of the properties will provide for the upgrade of the site to meet current Industrial zoning district standards and Overlay district standards. The wetland areas can be required to be inspected yearly to ensure that at least 50% of the wetland plants are surviving. The inspection and replanting can be ensured by condition(s) of approval. All trails are being proposed outside of the 100-year floodplain. The portions within the 50-foot Riparian Setback will include vegetation enhancements to mitigate potential impacts to storm drainage.

Stormwater Runoff: The initial project submittal included preliminary storm water reports for both the Recreational Vehicle Park and for the Self-Storage and RV and Boat Storage Facilities and the Flex Space development areas. These reports identified the impervious surface areas that will have the potential to generate non-point source pollutants. All of the stormwaters generated from the impervious areas within the Self-Storage and RV and Boat Storage Facilities and the Flex Space development area will receive treatment to remove potential non-point source pollutants as follows: trapped catch basins, pollution control manholes and a Vegetated Extended Dry Pond conforming with "Clean Water Services" standards. All of the stormwater generated from the impervious areas within the Recreational Vehicle Park development site will receive treatment to remove potential non-point source pollutants as follows: trapped catch basins, surface infiltration through artificially turfed areas, pollution control manholes and vegetated filter strips along the trails in the riparian corridor. Strips of grass, both real and artificial, have been provided between and around impervious paved areas such as parking areas within the Recreational Vehicle Park, which will provide for filtering of non-point source pollutants.

Statement Regarding a Presentation to Philomath Chamber of Commerce Board: Mr. Lepman did attend the Chamber of Commerce monthly meeting on September 19th when the Chamber employee put out 1 flier at each table detailing the project, as it is customary for members at these monthly meetings to put out business cards or fliers regarding their business or event.

Mr. Lepman did not give any formal presentation at that meeting and the fliers only contained information that had been submitted to the City and that was available on line. No new information was provided. Mr. Lepman did have an informal meeting with 4 or 5 Chamber members for about 45 minutes on September 17th when Mr. Lepman became a member of the Chamber and they asked questions about the project. This group then presented the information to the Chamber Board to see if they wanted to support the project. Mr. Lepman did not attend the Board meeting. The Board sent a letter of support to the City on September 30th. Mr. Lepman did introduce himself to the Mayor as they were cleaning off a table after the conclusion of the luncheon meeting.

Public Involvement/Procedural Challenges: The Philomath Planning Commission held 3 hearings where the public was heard. The Planning Commission denied the Planned Development and Site Design Reviews for the Self-Storage Facility, the Recreational Vehicle and Boat Storage Facility, the Recreational Vehicle Park and the Industrial Flex Space development. The Planning Commission approved the concurrent Conditional Use to allow for 2 viewing platform within the Newton Creek riparian corridor setback and Variance to allow a 3% lot coverage where 10% is the maximum allowed. The denial of the Planned Development and concurrent Site Design Reviews for the Self-Storage Facility, the Recreational Vehicle and Boat Storage Facility, the

Recreational Vehicle Park and the Industrial Flex Space development were appealed by the applicant and the approval of the concurrent Conditional Use and Variance applications were appealed by the board members of the Grow Philomath Sensibly group.

The public notices for the City Council appeal hearings were sent out and indicated that 2 public hearings were to be held but the City Council in compliance with allowed Council procedures chose to combine the two hearings into one hearing which was announced prior to beginning of the combined hearing.

Exclusivity of RV Park: The proposed Recreational Vehicle Park will operate much like a hotel facility or a membership Golf Club where amenities are provided to paying guests or club members and their guests but the public cannot just drop in for a swim in the pool or to enjoy other amenities provided by the facility.

Height, Size and Location of 3-Story Storage building: The location of the proposed 3-story building was picked for several reasons: (1) To give the self-storage facility an eye-pleasing look to the public by paying extra attention to details like windows on the street facing portion of the building much like an upscale office building with creative lighting fixtures on the building. With attractive windows on the second and third floors of the building, the proposed landscaping adjacent to both the public and private street, and the traditional wrought-iron fencing adjacent to the street views, we want the community saying, “I can’t believe *that’s* a self-storage building!” (2) The location of the 3-story building was also chosen for the constraints of the site. The 3-story building requires 131 feet to accommodate the building and the covered canopy parking and loading area on the east side of the building and the 30-foot drive aisle on the west side of the building. To have two 40-foot wide buildings would require 158 feet with drive aisles on each side of the building. The west drive aisle would no longer align with the drive aisle adjacent to the office/manager’s quarters. (3) The location of the wetland area adjacent to Main Street that are being utilized for the Water Quality and Detention Dry Pond also constrains the area for the location of multiple buildings between the dry pond and the right-in/right-out access point on Southwest Main Street. The Industrial zoning districts allows a maximum height of 50 feet and 80 feet when part of a Conditional Use. The Industrial zoning requires a minimum 20-foot setback adjacent to a public street. The proposed 3-story building is located 55 feet from the Main Street right-of-way line with the 20 feet adjacent to Main Street being landscaped in conformance with required street landscaping. The 3-story building will be 30 to 32 feet in height compared to the Industrial Flex Space building which will be 1½ stories to provide for a loft office and will be 20 to 25 feet in height at the top of the ridge plate.

Conclusions Regarding Industrial Flex Space Development: The purpose of the industrial flex space units is to provide for small to medium sized business spaces [see Exhibit ‘I-3’ – Proposed Site and Dimensioning Plan for Industrial Flex-Space (Civil Drawing I-3)]. A wide range of businesses could occupy the spaces such as service providers in various fields, light manufacturers, distribution, commercial food preparation, and Hi-tech, etc. Each unit will contain a “store-front” office, an ADA restroom, breakroom, and warehouse space on the first floor with office and/or storage space in the loft area and a 20-foot wide by 14-foot high on-grade roll-up door. The shop area will be clear span with gas fired unit heaters for freeze protection. The buildings will be steel and masonry construction and will be provided with a fire sprinkler system.

The proposed flex-space development will be geared more towards an incubator function providing a valuable contribution and sustainable industrial development for small- and medium-sized enterprises that cannot muster the capital necessary for individualized access to services provided in a developed industrial park.

The nine flex space units will range in size from 2,297 square feet (5 units), 2,397 square feet (1 unit), 2,547 square feet (1 unit) and 2,797 square feet (2 units). Eight of the flex-space units will have 1,350 square feet of office space, with the 9th unit having an office space of 1,306.5 square feet. Each of the units will have an attached work space ranging in size from 1,100 to 1,600 square feet which includes 2 vehicle parking spaces within this area of the units.

Each unit will contain a “store-front” office, an ADA restroom, a breakroom and warehouse space on the first floor with office and/or storage space in the loft area and a 20-foot wide by 14-foot high on-grade roll-up doors and off-street parking.

The proposed street system serving the Industrial Flex-Space development will be a private accessway that is designed to function as a right in/right out accessway from Southwest Main Street which is under the jurisdiction of ODOT. In the future, the private main private accessway will be connected to a future public street (see Exhibit ‘Y-1’ – Existing Covenants and Restrictions). The proposed private accessway is not in conflict with any adopted capital improvement plan. The private 30-foot wide accessway will be constructed to City Standards with curbs, gutters and sidewalks on both sides of the private street.

The proposed private accessway system was discussed with the City Staff, a Benton County Road Department representative, a representative from ODOT and Westech Engineering at pre-application meetings held on October 17, 2017, March 1, 2018, April 25, 2018, and June 26, 2018. The Traffic Impact Analysis for the Proposed Planned Development (see Exhibit ‘M’) evaluated the proposed site circulation system and has determined that it will accommodate expected traffic from the proposed project. As required by public street systems, the proposed development provides for pedestrian connections through the site and to the adjacent sidewalk on Southwest Main Street.

The Traffic Impact Analysis for the Proposed Planned Development (see Exhibit ‘M’) evaluated the proposed private site circulation system and has determined that it will accommodate expected traffic from the proposed Planned Development. No public street rights-of-way are shown within the subject property on the Comprehensive Plan Map or Transportation System Plan. Curbs, gutters and sidewalks will be provided on both sides of the private accessway. Easements will be provided for both public and private utilities.

The proposed Industrial Flex-Space development has met all of the City’s development standards and Criteria for approval.

Conclusions Regarding Self-Storage Facility and Outdoor RV and Boat Storage: Industrial Land Use Goal, *Maintain, protect, and expand the City’s existing industries; promote and provide a diversified industrial base that will supply jobs for both the existing and future labor force.*

Sustainable development is a difficult concept to define; it is also continually evolving, which makes it doubly difficult to define. One of the original descriptions of sustainable development is credited to the Brundtland Commission: "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (World Commission on Environment and Development, 1987, p 43).

The above listed Industrial Goal is a directive to the City. The subject property has been vacant for approximately 30 years. In the city of Philomath, storage facilities and recreational vehicle parks are only allowed in industrial zoning districts. The proposed self-storage business is environmentally responsible and uses a longer life material (light gauge steel) relative to other materials designed for the same purpose. The light gauge steel siding and roofing material needs to be replaced less often, reducing the natural resources required for manufacturing and the amount of money spent on installation. Less frequent replacement and repair will require fewer raw materials and will produce less landfill waste over the building’s lifetime. Recyclability measures a material’s capacity to be used as a resource in the creation of new products. Steel is the most commonly recycled building material, in large part because it can be easily separated from construction debris by magnets.

The self-storage business places an insignificant demand on the City's utility and transportation systems while providing a service to the residential, commercial and industrial users within the City and surrounding area. Storage facilities are typically considered to be a development type that can easily be changed by the removal of the buildings to construct a different use dependent upon the future needs of the community.

Due to a variety of factors including changing development patterns, business concepts, and community needs, and other factors that cannot be specifically anticipated, the goals of a community cannot always remain static. The proposed Self-Storage and the Recreational Vehicle and Boat Storage Facilities could be a viable use for the next 50 years and then be easily replaced by another industrial user. Neither the Philomath Comprehensive Plan nor the Development Code require a specific number of jobs to be created by an allowed business in the Industrial zoning districts. The Self-Storage and the Recreational Vehicle and Boat Storage Facilities are estimated to create approximately 5 jobs.

The proposed Self-Storage and Recreational Vehicle and Boat Storage development has met all of the City's development standards and Criteria for approval.

Conclusions Regarding Recreational Vehicle Park: In general, the development of a hospitality facility that attracts tourists will enhance the infrastructure, the viability and visibility of the Philomath community and increase the community's attractiveness as a place to visit, work or call home. Tourism strengthens a community's retail base. Communities that accommodate tourism have significantly more retail establishments and offer a more diverse mix of products and services. RV park patronage and sustained occupancy are influenced by the quality of the park, the amenities offered, its location, and proximity to communities, recreation, and destination uses and attractions. Our proposed RV Park will offer unique on-site amenities; close proximity to Highway 20 and downtown Philomath and Corvallis; proximity to community and regional retail centers, and numerous recreation amenities within a short distance. Furthermore, trailer services and restaurants are also within a short drive.

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 experience a unique and active working landscape, outstanding natural beauty, and world-class outdoor recreation.

The locational attributes of the proposed Recreational Vehicle Park bodes 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 that *"encourages the development and expansion of businesses which serve tourists who travel through and visit the community."* Tourism strengthens a community's retail base. 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.

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

The site is located on the east side of Philomath in an area former sawmill and log storage yard operated by Willamette Industries until the early 1990's. The main stem of Newton Creek and a tributary enter the site from the north and flow south near the western boundary exiting the site at the southwest corner. Most of the site is disturbed, covered by concrete slabs remaining from the old mill, compacted gravel areas used for log storage or a network of dirt/gravel roads. The least disturbed, most natural area is a six-acre mature forest on the west side of Newton Creek fronting on 20th Place. This area is not included in the proposed Planned Development and is reserved for a future multiple family development if a Comprehensive Plan Amendment with a concurrent Zone Change is approved.

The proposed Planned Development is consistent with the IP (Industrial Park) and LI (Light Industrial) zoning districts, as there are no minimum lot size or dimension requirements, and the uses are allowed outright in the zoning districts with Site Design Review. The Industrial zoning designations identify areas suitable for a wide range of industrial uses including corporate offices, research and development, high technology, manufacturing, warehousing, wholesaling, and other accessory and compatible uses. The total small amount of land being utilized for the proposed self-storage facility (16.65 acres), proposed Recreational Vehicle Park (15.87 acres), and proposed Industrial Flex Space development (1.62 acres) will have little to no impact on the additional 436 acres of vacant industrially zoned properties within the city of Philomath (LI: 40, HI: 83, IP: 313) or the 318 acres of industrially designated properties within the Urban Growth Boundary but outside the city limits. The proposed self-storage facility and the proposed recreational vehicle park are uses that are only allowed in all of the Industrial zoning districts within the City of Philomath.

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

The public infrastructure necessary to serve the proposed Self-storage Facility, the Recreational Vehicle and Boat Storage Facility and the Industrial Flex-Space Development is available adjacent to the subject property in Southwest Main Street or was constructed as part of Phase I of the industrial development on the abutting property to the east. Necessary extensions of public sanitary sewer, water and fire service will be extended from the existing infrastructure within Southwest Main Street or the abutting property to the east to serve the development occurring on Tax Lots 100 and 200 [see Exhibit 'G-3' – Composite Utility Plan for Self-Storage Facility, Recreational vehicle and Boat Storage Facility, Recreational Vehicle Park and Industrial Flex-Space Development (Civil Drawing G-3)]. The site development will be landscaped to meet or exceed City requirements [see Exhibits 'R-1' (1.1, 1.2, 1.3) - Conceptual Landscape Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin); Exhibits 'R-2' (2.1, 2.2, 2.3) - Conceptual Landscape Plan for Recreational Vehicle Park (includes Wetland Areas and Proposed Extended Dry Pond Water Quality and Detention Basin); and Exhibit 'R-3' - Conceptual Landscape Plan for Industrial Flex-Space Development].

The total number of estimated jobs created by the proposed uses within the Planned Development is 43.

Conclusion: The proposed Planned Development for (1) Overlay Zone and Conceptual Planned Development approval and Detailed Planned Development Approval for the construction of a Self-storage Facility, a Recreational Vehicle and Boat Storage Facility, a Recreational Vehicle Park, and an Industrial Flex-Space Development in multiple phases with concurrent 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 within the HI (Heavy Industrial) zoning district; (2) Site Design Review approval for the construction of a Self-Storage Facility and Recreational Vehicle and Boat Storage Facilities; (3) Site Design Review for the construction of a Recreational Vehicle Park with concurrent Conditional Use to allow for 2 viewing platform within the Newton Creek riparian corridor setback; and (4) Site Design Review for the construction of an industrial flex-space development have met all of the City's development standards and Criteria for approval.

Proposed Conditions of Approval in Addition to Conditions of Approval Listed in the Staff Report:

1. **Overall Project:** Construction of the project shall occur in substantial conformance with the Plans submitted with the concurrent Land Use applications submitted for review by Planning Commission and approved by the City Council subject also to the following specific conditions of approval for the overall Planned Development:
 - a. **Wetland Resources, Fish and Wildlife Habitats:** All actions or requirements to mitigate for potentially adverse impacts to wetlands, endangered species, fish and wildlife habitat by the Corp of Engineers' and the Division of State Land's Removal/Fill Permit decisions shall be incorporated into the Final construction plans submitted for the Planned Development that are submitted to any reviewing agency for issuance of permits. The applicant shall not remove or destroy, from areas within the Natural Resource Overlay Zone, threatened or endangered plant species or animal habitat of sensitive or threatened species as defined in the Philomath Zone Code including any checkered mallow.
 - b. **Signage Adjacent to Riparian Corridor:** Applicant shall provide signage adjacent to the Riparian Corridor that read: All dogs will be required to be on a leash and will only be allowed on the pedestrian/bike path and off leash only in the designated fenced dog park. Biking with off leash dogs will not be permitted. These requirements shall also be included with a park user's agreement.
 - c. **Storm water quantity control and storm water quality treatment:** Both the storm water quantity control and the storm water quality treatment shall be designed to be in compliance with the current SLOPES V and Oregon DEQ requirements for storm water management and the City of Philomath requirements whichever is more restrictive **for that portion of the project which is subject to State and Federal wetland permitting (property south of Newton Creek). Stormwater quality control shall be designed to be in compliance with the City of Philomath for the north portion of the Planned Development .**
 - d. **Recreational Vehicle Park Regulations:** Mechanical work of any kind on the Vehicle is strictly prohibited unless performed by an authorized dealer, with the exception of maintenance required to allow the stored Vehicle to be moved, (such as changing a flat tire). In no case is maintenance that could cause environmental harms, such as but not limited to, oil or other fluid changes be allowed on the property. Tenants found in violation of this provision will be billed

for any remediation work required as a result of this activity. In addition, the contract will be considered void and the offender required to vacate the premises within twenty-four (24) hours of notification.

- e. **Recreational Vehicle Park Regulations:** Storage of personal items is prohibited under and/or around the Vehicle. Management of the Recreational Vehicle Park will determine what constitutes storage violations and that determination may be affected by the overall appearance of the site. Structures external to the vehicle and not an integral part of the vehicle are prohibited. This includes, but is not limited to storage totes, steps, gas cans and external propane tanks which exceed seven (7) gallons of capacity. Written notice will be given by the Recreational Vehicle Park Management and the violation must be corrected within a minimum of 48 hours of the notice unless additional time is granted in writing by the Recreational Vehicle Park personnel.
- f. **Geological and Geotechnical:** Recommendations listed in the Geological and Geotechnical report (Exhibit 'O-2' - Geotechnical Site Investigation shall be incorporated into the design and construction of the project.
- g. **Construction of Private Pedestrian/Bike Path:** The portions of the private trails within the Recreational Vehicle Park that are located within the 50-foot Riparian Setback Corridor must include vegetation enhancements to mitigate potential impacts to storm drainage off the paths. In addition, the proposed trails within in the Riparian Setback Corridor must be constructed of pervious material instead of impervious material when the path is located in a previously undisturbed area of the previous mill site as shown on the existing conditions Exhibit 'D-2' for Tax Lot 200 (Civil Drawing D-2). The applicant is prohibited from adding additional impervious areas to within the riparian corridor.
- h. **Wells for Irrigation:** Prior to the use of any of the 3 existing wells on the site, the applicant shall obtain a permit if required, from the Oregon Water Resources Department for the use of the well. A copy of the approved permit or a letter stating that a permit is not required must be submitted to the City of Philomath prior to the installation of the irrigation system for the Recreational Vehicle Park.
- i. Prior to issuance of an Occupancy Permit, signs shall be installed in restrooms, kitchen areas and laundry rooms that remind users of the Recreational Vehicle Park and the Industrial Flex Spaces to conserve water such as:



**CONSERVE WATER
DO NOT
LEAVE FAUCET
RUNNING**

Poster: 19-01723 from ConserveSigns.com

THINK

**Conserve
Water**

Poster: 19-01723 from ConserveSigns.com

Oct. 29, 2019

Rebuttal, to 'Written Record' from Oct. 15, 2019.

Dear Philomath City Council,

Benton County Traffic Engineer Mr. Gordon Kurtz noted both TIA in staff report support exhibits on City of Philomath website, are the same, but the newer version has a different cover sheet, over top of the old TIA, and this was a question for Planner Depa.

Gordon Kurtz: of Oct. 28, 2019

"... The "revised" TIA, dated May 17, 2019, that you attached to your most recent email is a document I haven't seen before. You are correct, it appears to be a duplicate of the first TIA submittal, dated September 14, 2018, under a different cover. I'll reiterate and state that I have not seen this document under this cover. It has taken me some time to compare documents and dates and

titles but I still can't make sense of what has happened. I have a document dated May 22, 2019, which is the ADDITIONAL analysis of West Hills/Reservoir/53rd Street requested by Public Works. It is an addendum, although it is not titled as such, and it does not contain the analysis provided in the first submittal. I have attached that document to this email. I believe clarification of what documents were provided to the public and when, is a question best posed to Patrick Depa, copied on this email."

I commented to the record, regarding specific lack of information on intersections to the north, Philomath Planning Commission July 29, 2019, page 7 of my comment: ..."Both TIA in packet to the PPC do not include looking at the northern reach on the County city of Corvallis impact for traffic right in right out onto 19th from RV Park."

From this evaluation, no one has had the revised TIA to look at during both PC and CC hearings.

The Staff Report lists out 75 exhibits, which is a fraction of what is available on city website for this application. If Philomath City Council and Philomath Planning Commission both, never had access to the revised TIA, what else are these bodies missing reviewing because they do not have access to the complete record for this very large development?

I had concern over both TIA possibly missing an evaluation for the use of the RV and Boat Storage area for an as planned built infrastructure use for more/additional undefined number of spaced- expansion to more RV Park.

County Traffic Engineer Mr. Kurtz speculated that the Boat and RV Storage area will not be a RV Park as there are no support infrastructure. We do not have the revised TIA to address this concern.

"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.” Staff report.

In reference to additional questions/statements below. I would consider it extremely unlikely that the area designated for storage of RV’s and boats would become part of the park itself as that would require significant support infrastructure that is typically not present in storage facilities. It is true that parts of the RV park could be used as storage but the storage facility would not be able to support recreational stays.

Does the revised TIA contain analysis of the Boat and RV storage area use as more RV Park? RV will be right turn only west out of Storage Depot onto College Street, then turn onto 19th, and may have to make a right on South Main due to not enough turn radius for long trailers, going east bound from 19th to 10/34/Main Street.

“The applicant’s second study(traffic) analyzed the ingress/egress from 19 th Street found that no road improvements were needed as a direct result of the traffic from the RV Park. For safety and traffic control reasons the applicant has placed and designed the main access to the RV Park to be over 450 feet from the rail road crossing to the north. The proposed sidewalk along 19 th Street will be setback 5 feet off of the 19 th 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.” Staff report.

Mr. Gordon Kurtz noted oct. 28, he may have not understood my question about use of RV and Boat Storage area as a possibly additional: RV Park.

“In reference to additional questions/statements below. I would consider it extremely unlikely that the area designated for storage of RV’s and boats would become part of the park itself as that would require significant support infrastructure that is typically not present in storage facilities. It is true that parts of the RV park could be used as storage but the storage facility would not be able to support recreational stays.”

Infrastructure to and through the RV and Boat Storage Area.

Page 13 Staff Report:

“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 19th 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 19th Street. Providing for the looping of the water line will improve the fire flows within the area."... Staff report.

Email to Mr. Kurtz;

May 17, 2019 TIA PC19-02-07 further discussion, question
'Dear Mr. Kurtz, Planner Depa noted restrictions on turn east at 19th to South Main Street, someplace in the staff report for PC19-02-07. Sorry, My forgetfulness.

The applicant will develop an area inside the rv park and storage area to house boat and rv, then change this area up, to be whatever is the most profitable, possibly storage depot or more RV Park.

So, if this becomes more RV park, they will use the main Storage Depot Exit right out only onto Philomath Blvd, to College Street to 19th Street which has two other associated names, Green and Reservoir Road. TIA may have not looked at this use. Unknown how many more RV sites would be placed here.

The second TIA of May 17 2019 in the exhibit we have access to on City of Philomath website, for this application has the same number of pages as Sept 1, 2018 TIA.

I again do not see any reference in the contents section to Westhills, Fifty Third or Walnut Blvd.

I can try to attach this document.

Maybe the two documents are the same and someone did a filing error to the record and we in fact have never seen the May 17, 2019 revised TIA for both the planning commission and the city council hearings. The title on the May 17, TIA is revised, so I assume this means the Second TIA to include northern intersections from 19th, Reservoir Road, Walnut Blvd, Westhills Road and Walnut Blvd. The title as: May 17(18) TIA is revised, so I assume this means the Second TIA to include northern

intersections from 19th, Reservoir Road walnut blvd. westhills road and walnut blvd. I noted this issue of the lack of documentation for these northern intersections in the revised TIA and that the revised may 17, 2019 TIA has the same number of pages as the first TIA of Sept. 1. 2018, in the record to the Philomath Planning commission, so I said something and it is documented if there is a question that is valid for the review process by the public.’

Mr. Lepman noted in oct. 15 comment the term Vacation Resort, this is not in the staff report. This is new information to the record for review by PC and PCC.

Use of RV and Boat storage as a Industrial Flex Space may also be new information and is not in the staff report.

“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.” Staff Report

The RV Park is private use only, the public will be excluded from using trails, pool, shower, laundry, dog park, picnic area, internal trails. With State limiting the use of RV Park stays to 30 days,. What is the State law around the stay length and what is the reason the applicant shares Oregon Land Lord Tenant Laws apply, and since there is a State limit on stay length, they do not discriminate on stay length, the State law tells the lessee they have to leave at thirty days.

This state stay limitation law is new to the record and is not in the staff report and could create more traffic due to stay limit causing roll over in rental spaces, possibly for people who do not lessee a space all year.

Water

Use and referral to wells on site, three of them so far, are not noted or defined to location, in the Staff Report and these well use and location are all three, new information to the record.

The Flex Industrial space expansion into the RV and Boat Storage space is possibly new information. Water use in the Flex Industrial Space may need to be metered, as this site may expand and have to use water in greater volumes, so will be possibly unmetered at the commercial industrial rate instead of the residential rate. Will City of Philomath lose money and water supply if the Flex Industrial Space expands and unmetered water is provided to these users at a lower rate?

Wells which are next to water sources by ¼ mile such as creeks and rivers can only be used for x reasons, what are these reasons and how are wells to be used on this site?

“The location of any well(s) on the property shall be shown, and backflow prevention provided for any lot on which a well is located (unless the well(s) is/are abandoned per State standards).” page 43 Environmental Analysis staff report Westtech Engineering.

Wells are not noted or at all identified on or in the Staff Report.

Wildlife

Site connects to the very large floodplain of Newton Creek, connects to the Marys River and the Philomath Scoutlodge ponds. Staff report noted nothing about area wildlife use of these important waterway resources. Fishery survey are lacking, this area contains beaver, and Oregon Chub may be present. Lamprey species may be present, beaver, western pond turtle, migratory salmonid such as northern cut throat trout, and other trout species which have been documented to use this area, at various times of the year depending on connectivity to this area. Oregon Chub may be present and need to be surveyed for and they have not been surveyed as well as possibly looking for Pacific Lamprey and other lamprey species.

The applicant has shared nothing about the areas fish and wildlife richness and how this site is to be conserved while also being very heavily developed. Site was used extensively over 12 or more years for the community to enjoy, and as an open classroom for Philomath High School outdoor education classes taught by

Mr. Jeff Mitchell. Community came together here to enjoy programs and speakers as well as outdoor school event for 100's of 5 and 6th graders in Philomath, and Corvallis. The Philomath Scout Lodge located here because of these unique natural resources.

Bike Path Escrowed to be built,

'Policy 4. The City of Philomath shall determine appropriate locations for future multi-use paths, bikelanes 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 NewtonCreek drainageway. Additional appropriate locations for multi-use paths, bike lanes and other to the West in city right of way with six feet given to bike path area by applicant.'

'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.'

I had submitted argument this second public area in the entire development, the west bike path can be conditioned to be relocated/built using paint, asphalt and fill rock, to 20th place and I did present reasoning. The applicant is providing some unknown amount of escrow fund to built a Future west path in the riparian/floodplain of Newton Creek by the City of Philomath. This escrow account may never pay for the bike path as it may exceed the funds he is told to provide.

Additionally, for the bike path in the Newton Creek riparian area and flood plain the city has allowed some square footage of required Openspace under MUC, to be virtually placed in the bike path corridor right of way, as a future: six feet (three feet left and right of the bike path asphalt surface) area from the Flex Industrial Space/Storage Depot loss of openspace, and possibly more space if rv and boat storage turns into RV Park.

The City of Philomath, as the developer has washed his hands of this problem path, here, may not have the ability to complete this bike path due to all the

issues which I present and possibly more, he has to gain access to other private land, and City may never build City Park to which this bike path goes south to.

A Philomath City Council, condition of approval to move West Bike Path to 20th place could be made, and a condition of approval to place the open space requirements virtually to move the (6 foot open space area times what area) from either side of the bike path, to someplace else on this site which is in need of open space retention.

Tax lot 100 into which the West Bike Path will go will be built to apartments and clearcut of 100 plus year old Oregon White Oak, Federally listed plants, State listed Plant, mitigated for the loss of x acres of wetland, fill in flood plain, and degrade this rare habitat by its total removal for apartments. The city will require a bike path be built (painted) onto 20th Place to support apartments built into the bulldozed tax lot 100.

Jobs

How does a Flex Industrial Space with nothing present create 27 jobs? This is unclear and is new information to the record not contained in the staff report.

Safety

Philomath the city of Philomath from lessee of the RV Park who could be have criminal records? Nazarene Church on College may be interested in reopening up their school. How safe is this school area from RV Park lessees and this is not at all considered as this site will house x number of lessee as guests and not residents, who do not pay taxes and who are transient and mobile here.

Lodging tax is new information to the record, what does this do to the City of Philomath if this tax is excised? City will make less and just receive the low Industrial rate taxes from the landowner.

Housing

‘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.’

The use of this site and these two specific land zones, do not provide long term secure, or affordable housing. It is unknown who will be able to lease rv spaces here, or the cost of a space. This process owner could be exclusive to income, in to apply. Families are not noted to be welcome here specifically within the design of the resort layout, there are not play areas for youth, covered bike racks, bus stops.

Possibly the resort plan and build here, will lead to already planned unaffordable pricing for the working poor and elderly who must use RV to live and work. What percentage of the market makes up this class of RV owners? This is not presented. The uncertainty of thirty day only stay here may be a limitation to the working poor, elderly and young families who can not afford a home and or the market continues to provide for no family housing in an actual single family home.

Site plantings

Willamette Valley has a Mediterranean climate, so all native plants are exposed to dry and wet conditions in season, so all native plants are generally very adapted to the this climatic condition through the seasons. All native plants are drought tolerant if used as landscaping bonded to be replanted if treated poorly and allowed to die after specific bonding period city of Philomath requires landscaping to remain alive for after build out. Then these plants can all be changed to non native weedy invasive chemical dependent commercial shrubs and non native trees. There is limited discussion about bonding and the length of time the city will require the applicant to maintain any native plants on this site.

Thanks, Rana Foster 980 SE Mason Pl, Corvallis OR.

Ann Buell
October 28, 2019

It says on the city's web-page for Lepman, "Anyone wishing to rebut any of the written testimony must submit it to City Recorder Ruth Post by 5:00 p.m. on October 29, 2019."

I think Cindy Mitchel's written testimony is stunning, and expresses the the heart of the town of Philomath.

Mr. Lepman made comments, in his 22 page PDF, that if we don't like the Comprehensive Plan (CP), then we should change it. I really don't know who suggested that, because I've only heard Mr. Scott Lepman say it.

I agree with our CP. It suggests that we are a bedroom community in need of jobs, not housing. This is not bringing the jobs we need to our community, just more housing we don't need.

Ms. Rana Foster says there is "Oregon White Oak at over 100+ years each," in the written testimony, on page 8. She writes also about the "threatened Thin Leaved Pea Vine, *L. holochlorous* has been documented in this area in 'Newton Creek Wetland Management Plan', but was not evaluated in the applicants Rare Plant Survey."

This would bring us closer to those 1 million species lost reported in *Natures Dangerous Decline, Unprecedented* I talked about in my previous testimony.

Ms. Foster has so many pages of rich comments in the testimony, it's hard to believe anyone could have that much knowledge, but she does. She is the recipient of the Homer Campbell A.S.C. Environmental Award which recognizes local individuals that have made significant contributions in the areas of environmental stewardship, awareness, and outreach. Please give her testimony the weight and respect it deserves.

I'd like to discuss Ms. Foster's comments in the written testimony about Mayor Niemann rushing us. She discussed in over many pages:

On page 46, she said, "Every single person who commented was rushed."

She said, "The appellants for PC19-06 and 07, did not understand the scope, breath or detail of these new hearing changes. The Mayor could have considerably increased the public comment time limit to five minutes to allow the appellants to at least, attempt to cover their issue and all the Lepman LLC issues, PC19-02-05, in comment to PCC for the new single hearing on oct. 15, 7-11:40.

On page 47, "The applicants agreed upon allotted 30 minutes, went an hour and about a half, and so he was given much leeway and did not get told to stop-deference, then his allotted 30 minutes, where public had three minutes each and where cut short with, "that is enough."

On page 48, "...and the Mayor cutting us off by saying that is enough...."

She wondered, "Do the PC and CC actually hear what we said or, are they at all times made to be confused due to the comments having to be flung at them, in three minute comment limitation? on page 48. She went on for pages about it, discussing how the appellants for PC19-06 and 07.

Those are just some of her comments about being rushed.

I agree with Rana Foster. Having to listen for hours from Lepman that night, but only getting 3 measly rushed minutes each is grossly unfair, and I would add, shows Niemann's bias.

I read Chas Jones say that he thinks the people didn't get enough time because mayor Niemann was in such a hurry.

Lepman's documentation was massive; with over 1500 pages of plans, applications, letters and documentation that had already been processed by the planning commission and citizens for months. And that was before this appeal.

I was prepared to speak for 5 minutes, not 3. Most of us were. Then we all had to scramble to reduce what we had. It was hard to hear what's going on when you have to do that.

Also, I'm afraid of public speaking, and that just added more pressure and made it harder for me to speak. I don't think I got to say even 3 minutes worth because of my fear, even though I was trying to speed up. Doing that just messed me up further.

The citizens and planning commission worked hard for months, but Mayor Niemann really seemed like his agenda was to just rush this through all in one night.

It didn't sound like Councilor Eric Niemann in 2018. Last year, he listened to citizens comments and seem to be on their side. So what's different?

The answer may be found in this Gazette Times (GT) article, ***Philomath must rally against planned development*** https://www.gazettetimes.com/opinion/letters/as-i-see-it-philomath-must-rally-against-planned-development/article_e9aece7d-eee9-5eb3-8f4a-a93202f3c2ff.html:

“Shockingly, after the luncheon, Philomath's mayor, city manager and Lepman engaged in lengthy conversation raising concerns of ex parte contact. Just days later, a letter from the president of the Chamber of Commerce “on behalf of the board” was filed. Allowing a heavily biased presentation of the development proposal to the Chamber of Commerce membership after it was denied by the Planning Commission is procedurally incorrect and unethical....”

Needless to say, this really is bringing up enormous ethical and legal questions about the Lepman project. I don't see how this can be fair and impartially voted on, let alone legal, unless council members that were at the luncheon recuse themselves, especially the mayor since he is the deciding vote if it's a tie.

I noticed that the pro-testimony increased greatly after the luncheon, too, like Ms. Biscoe commented.

I thought some of the mayor's confessions seemed too over-the-top, like he was trying to look like he was going to be fair. But, some of his disclosures were almost ridiculous that he “confessed” to. His bias was peeking out through his actions when he gave the opposition so much time and the rest of us so little.

Also, Mayor Niemann made light of his Lepman contact at the Chamber of Commerce in direct opposition to what the GT article said. It said, "...after the luncheon, Philomath's mayor, city manager and Lepman engaged in lengthy conversation raising concerns of ex parte contact." This all suggests he has bias toward Lepman, and is the reason he rushed the meeting that night.

Since bias has been introduced because of Lepman's questionable tactics at the Chamber of Commerce, and then again by the Chamber itself, when it wrote to our city on September 30, expressing its support of the Lepman RV Park and Storage.

I would find all this completely suspect if our mayor votes, "Yes," especially based on his past record.

Last year Eric Niemann voted "No" on development after development. I remember thinking to myself, "Wow, there's a man on the Philomath city council that's on our side!" I was so impressed with him I wrote a few Letters to the Editors praising how he voted with citizens and for citizens. I went as far as calling him a hero in one article. I encouraged people to vote for him last fall. The city had been converting heavy industrial to high density residential with reckless abandon.

So it looked like Eric Niemann was the only councilor that cared. We thought we were voting for change by bringing in four new councilors, and electing him as mayor last November. But now I am coming to believe he used those impotent "no" votes (he was the only one voting no, so there was no danger of the developments not passing) to seem like a friend to us citizens.

Before reading the GT article, a "No" vote is how I imagined Niemann would have voted, and what I think most his constituents would've expected of him, especially with all the opposition it has created. To do anything else would be out of character based on his record before being elected as mayor.

So, if the mayor doesn't either vote "No," or recuse himself from voting, then not only would I question his ethics, but also the legality of these proceedings, based not only on such bias, but on the laws and/or policies he may have violated.

Catherine Biscoe wrote: "*At the Public Hearing on October 15, 2019, after a 2.5 hour presentation by the applicant, there was 10 testimonies in favor of this development; all from special interest parties and developers....*"

She went on to say, "*That same night, there were 17 testimonies opposing this development. (There has been dozens of other powerful testimonies throughout the Hearing process) Testimonies given by passionate, local residents and leaders who have dedicated hundreds of hours to research. Their contributions, have been an effort to provide a fact-based and relevant testimony for governing officials to look closely at required criteria. They tirelessly show up at meetings to offer an important perspective that is unbiased by Big Development and profitability. These people are your neighbors, your friends and your constituents, as are the City Council appointed Planning Commission members who denied this application.*"

I truly hope all city councilors have, or will be, reviewing all new written testimony, all previous written testimony, are familiar with Philomath's Comprehensive Plan, and have reviewed the transcripts of the Planning Commission for July 15, July 29, and Aug 13. Please don't overturn the Planning Commissions' decision without reviewing all prior testimony in addition to all the new. That would be bias, too.

Scott Lepman Company

100 Ferry Street NW
Albany, Oregon 97321
(541) 928-9390 Phone
(541) 928-4456 Fax

October 29, 2019

Hand-Delivered

Honorable Mayor and City Councilors
City of Philomath
980 Applegate Street
P.O. Box 400
Philomath OR 97370

FILED

OCT 29 2019

BY: RS TIME: 3:54 pm
CITY OF PHILOMATH

Attached to this letter is evidence addressing questions regarding the Traffic Analysis by our Traffic Engineer, Karl Birky and water usage by the Recreational Vehicle Park by our Civil Engineer, Brian Vandetta.

The letter from Mr. Birky regarding traffic addresses the requirements by ODOT and Benton County that are used in conducting a traffic survey including how background traffic is addressed. The letter summarizes that even with recent developments across the City, there is sufficient capacity in the intersections and roadways to accommodate the development.

The letter from Mr. Vandetta regarding water usage addresses the fact that water usage by this development will not rely on intertie water supply and that there is sufficient capacity in Philomath's water system to accommodate this development.

We have no other issues to address that we have not already addressed in our Findings Documents submitted with our Planned Development application and concurrent Site Design Reviews, Conditional Use and Variance applications and in the Rebuttal documents that were made part of the Planning Commission Record.

Our formal Rebuttal document will be submitted before 5:00 p.m. on November 5, 2019. I thank you for the amount of time you have taken to consider our proposal.

Sincerely,



Scott D. Lepman
Scott Lepman Company
100 Ferry Street NW
Albany, OR 97321

Attachments: 2

October 28, 2019

Honorable Mayor and City Council

City of Philomath

Philomath, OR

In July of 2018, I was asked to write a traffic impact analysis (TIA) for the planned Lepman Development, LLC project in Philomath. I have been a licensed civil engineer and licensed traffic engineer in Oregon since 2002 and have focused my practice on traffic engineering. I contacted the City to develop a scope of work, identifying intersections that should be studied, the highest traffic periods when counts should be conducted and other matters that should be considered. The scope of work was developed quickly, professionally and, in my opinion, typically. The City did ask that instead of counting traffic on Tuesday, Wednesday or Thursday, which are the traditional days for traffic counts to be conducted, the counts be done on Monday or Friday, to capture the weekend (and work) traffic volumes through the City. Background traffic was not included in the scope of work. The traffic counts were completed in August 2018.

The TIA was completed and submitted. It was reviewed by the City of Philomath, Benton County and ODOT. The agencies indicated that trip generation estimates for RV campgrounds might be less than will occur and using Mobile Home Park data would be a more conservative trip generation assumption. The higher trip generation rate of the Mobile Home Park estimate was used, the analysis revised and submitted for review. Later Benton County asked that two intersections (NW 53rd at SW Reservoir Ave and W Hills at SW Reservoir Ave) be added to the analysis, though these intersections are more than a mile from the site. Those intersections were counted in May 2019 and the analysis completed, submitted, reviewed and accepted by Benton County. Background traffic was not mentioned by the City, Benton County or ODOT in the past year.

TIA's are required by agencies when a developer wants to build a housing subdivision or a commercial development that could significantly affect traffic in a community. ODOT notes *"TIA's are used... to forecast future system effects from proposed development projects and to predict the useful life of a transportation project against a future expected land use scenario."* TIA's are provided for agencies, not for the developer. TIA's provide one piece of long range planning information that agencies use to plan travel ways, traffic controls and to make traffic management and operation decisions. They are an estimate, a picture at a point in time with an estimate of what will happen in the future. Agencies use the different pieces of information from different studies, counted on different days and viewed from different perspectives to make planning decisions.

When asked to complete a TIA, I have found it takes two weeks to get traffic counts, a week to analyze the data in a computer model that has been created while the counts are conducted and another week to write and assemble the TIA.. There has not time to incorporate background traffic from apartments that were being planned since the City Council hearing. However, it is still my opinion the studied intersections will function within accepted standards

with the traffic from the apartments. In August 2018 the existing PM Peak hour analysis found the intersection of Highway 20 at 19th St was functioning at 46% of capacity (v/c = 0.461).

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
2	Hwy 20 at 19th St	Signalized	HCM 6th Edition	SB Left	0.461	20.9	C
3	Hwy 20 at College St	Two-way stop	HCM 6th Edition	EB Thru	0.007	0.0	A
5	Hwy 20 at Green St	Two-way stop	HCM 6th Edition	NB Right	0.002	10.7	B

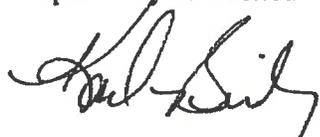
The TIA also found that the 2019 PM Peak hour performance metric at the same intersection would be 50% of capacity (v/c = 0.496) with the Lepman Development, LLC project.

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	N Access at 19th St	Two-way stop	HCM 6th Edition	WB Left	0.054	13.9	B
2	Hwy 20 at 19th St	Signalized	HCM 6th Edition	WB Left	0.496	22.1	C
3	Hwy 20 at College St	Two-way stop	HCM 6th Edition	EB Thru	0.008	0.0	A
5	Hwy 20 at Green St	Two-way stop	HCM 6th Edition	NB Right	0.002	10.9	B
9	South Access	Two-way stop	HCM 6th Edition	SB Right	0.062	11.5	B

The additional 145 PM Peak hour trips from the development is estimated to use 3% of the intersection's capacity. It continues to be my opinion the trips from the apartments will not add enough traffic to cause the volume to capacity (v/c) ratio to increase to a level of concern for ODOT (v/c=70%) with jurisdiction of the intersection. The intent of the TIA is to provide information to agencies (ODOT, Benton County and/or the City of Philomath) that will inform decision making in the future to keep traffic flowing.

As the TIA submitted to the City of Philomath for the Lepman Development states *"All the studied intersections are functioning within accepted performance metrics in the existing AM and PM Peak hour periods. They will continue to function within accepted performance metrics when the site is developed and in the future (2029). ODOT crash data does not indicate significant safety problems at the studied intersections."*

Respectfully submitted



Karl Birky, PE, PTOE, Retired

Associated Transportation Engineering and Planning, Inc. (ATEP)

Udell Engineering & Land Surveying, LLC

63 East Ash Street, Lebanon, OR 97355
Ph: 541-451-5125 • Fax: 541-451-1366

The following is a response to Councilor Jones' questions.

Chris Jones, Philomath City Councilor: Questions

Regarding your analysis of the water demand associated with the proposed development (Concern #11 in your rebuttal to August 26 Planning Commission meeting):

(a) According to the City's Water Master Plan (page 4-9), the City of Philomath should not rely upon the interties as long-term water supply. Thus, I ask that you revise your assessment of the water demand associated with the proposed development without including the intertie as a water source.

Response: The City of Philomath is currently working on plans to expand their Water Treatment Plant. This Expansion would increase the City's capacity far beyond what it is today. Therefore, the inclusion of the intertie in the capacity calculations is the correct thing to do as it will be available until this new Water Treatment Plant is on line and producing additional water.

(b) I have attempted to identify the source of your data regarding the estimated water demand. They do not appear to be from the Water Master Plan though, but they are somewhat similar. Can you please clarify the sources of the data? I am specifically referring to data referenced in your response to Concern #11.

Response: The source of my data is over one year of actual water meter readings from a similar RV Park owned by Mr. Lepman, The Blue Ox.

Here is a computation of the RV Park's estimated water usage based on the City of Philomath Water Master Plan.

Per capita water usage = 106 gpd (source: City of Philomath Water Master Plan)

Peaking Factor = 2.34 (source: City of Philomath Water Master Plan)

The Blue Ox in Albany is a 150 space RV Park and its population is 220 people. This calculates to an average of 1.47 people per RV space.

The proposed RV Park is 175 space:

$175 \times 1.47 \times 106 \text{ gpd} = 27,268 \text{ gallons per day}$

$27,268 \text{ gallons per day} \times 2.34 \text{ (peaking factor)} = 63,808 \text{ gallons per day} = 0.064 \text{ MGD}$

Previously submitted calculations = 0.083 MGD.

(c) Similarly, what is the source of your estimate of the 0.22 MGD reserve capacity?

Response: From City staff. It was a report prepared by the City Engineer for the Beelart Annexation case file and Newton Creek case file.

(d) It is my understanding that we usually utilize the intertie during periods of extreme drought, if the intertie is unable to be used, what is the capacity of our less preferred water options (wells) during that time?

Response: The intertie is available and is expected to be available.

Respectfully,



Brian Vandetta PE, PLS
Udell Engineering and Land Surveying, LLC



CITY OF PHILOMATH

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

Applicants

WAIVER OR EXTENSION OF 120 DAY RULE AT APPLICATION'S REQUEST

Applicant: Scott D. Lepman dba Glorietta Bay LLC

Application File No. PC19-07 through PC19-06 and P19-06

Date of Application Deemed Complete: March 19, 2019

Pursuant to ORS 227.178*, the Applicant:

Waives its rights to a decision on the above application within 120 days of the date the application is deemed complete.

Extends the 120 day time period for a reasonable period of time of 120 days [ORS 227.178(4)] to November 14, 2019. Total period may not exceed 245 days.

[Handwritten Signature]
Applicant signature

May 9, 2019
Date

Name: Scott D. Lepman dba Glorietta Bay, LLC

Address: 100 Ferry Street NW

Albany, OR 97321

Phone: 541-928-9390 email: scottlepman@gmail.com and candace@slcompany.com

** 227.178 Final action on certain applications required within 120 days; procedure; exceptions; refund of fees.
(1) Except as provided in subsections (3) and (4) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.
(4) The 120-day period set in subsection (1) of this section may be extended for a reasonable period of time at the request of the applicant.
(9) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (7) of this section or ORS 227.179 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.*

To Whom It May Concern,

I am writing in strong opposition to the development of the Newton Creek wetlands. Growing up in Philomath, the wetlands had a profound effect on me both personally and professionally. After being diagnosed with ADD in fifth grade, I struggled academically. I had problems sitting still and often found myself distracted and I disengaged during lectures. In my junior year at Philomath High, however, I was accepted into Ecology. In this class, the lessons were illustrated by hands on experiences in nature. It's not an exaggeration to state that the work we did in the wetlands completely transformed my academic performance and shaped my career trajectory.

I continued my immersion in this incredibly unique ecosystem as a teacher myself. As a fish expert during Newton Creek Field Days, I led students through stations that included examining pelts and skulls of native Oregon wildlife, exploring oak woodland habitats, conducting turtle surveys via canoe, and seining a portion of the creek for macro-invertebrates, amphibians, and fish. I gained educational skills that have served me throughout my ongoing career as a wildlife and environmental educator, and was able to inspire and engage other students like myself who were not thriving in the traditional classroom.

I also worked in the wetlands as a volunteer researcher with the Oregon Department of Fish and Wildlife Salmon and Trout Enhancement Program (STEP) and the Mary's River Watershed Council (MRWC) from February 2006 to 2008. I trapped, identified, marked, and released more than 12 species of fish that I caught in an upstream-migratory hoop trap, including several Willamette Valley cutthroat trout. Cutthroat trout require superb water quality and very-well oxygenated water to survive, and had never previously been identified in this section of Newton Creek. Finding cutthroat trout in Newton Creek made it possible for the MRWC to acquire a grant and, with the help of the U.S. Fish and Wildlife, to remove the dam. It is worth mentioning that after the removal of the dam, cutthroat trout were found to be using the upstream area within the next two weeks.

The oak woodlands of Newton Creek are also an essential habitat. They represent the predominant historic landscape of the Willamette Valley, which has since been greatly diminished by development. In addition to their striking beauty, oak woodlands are integral ecosystems for many plant and animal species. They also serve as natural flood control areas, and developing them would put an important *plant and animal community* at risk, but also the *community of people* who choose to move there.

I know I speak for other community members when I say that the Newton Creek wetlands are an essential natural resource that must be preserved.

Respectfully yours,

Colby Davidson

Philomath High, Class of 2007

Sonoma State University, Department of Geography, Environment, and Planning, Class of 2020

Dauidsc0@Sonoma.edu

To Whom It May Concern:

“Don’t it always seem to go, that you don’t know what you got till it’s gone”

This is truly the beginning of the end of the frontier in the Pacific Northwest.

Land development decisions are more critical in this era because site options are evaporating. As the population of Oregon predictably doubles, we want to be creatively-thinking of how industrial sites can be both inclusive and multi-purposed to serve the needs of small towns in transition.

Many successful, small towns have introduced an integrated theme that eventually becomes the identity of the community, while also creating jobs, notoriety, excitement and opportunities for young families. Does Philomath want to be known as an “RV town, with lots of traffic congestion and water problems”?

–Or as the word “Philomath” means “lover of learning”, can Philomath live up to it’s name, it’s transition, it’s story of hands-on learning, mentoring youth, hard work and volunteerism to become a destination site that promotes something higher and better?

More than 1250 Philomath high school students pondered this very question for over ten years, while using the MCW site as an outdoor classroom. They restored riparian zones along Newton Creek, drafted and employed scientific method data to secure environmental grants from private foundations, and learned to problem-solve and respect environmental complexity.

They built a 9-hole bird-viewing blind and a 12-station outdoor education program, where Philomath high school students taught Corvallis students the interdependence of all life on the wetlands via hands-on scientific and environmental foci. In partnership with MPNRIC, PHS students also created an evening program for the community, known as “Science, Music and Marshmallows!”. On site, OSU teachers and environmental professionals entertained citizens, (perched on hay bales), with outdoor slide shows and provided opportunity for citizens to experience, study and understand the importance and interdependence of wetland biodiversity and how the wetland site itself, relates to the health and future of our community.

These students are now parents. They ARE the future of Philomath. Their love, work and concern for the NCW site will be trashed and dishonored, should mitigation and Newton Creek riparian boundaries be disturbed, as proposed.

Fortunately, the potential to avoid huge infrastructure headaches, water pollution, RV traffic congestion and disillusionment still exists, but it must happen through definition, not default.

Students envisioned the NCW industrial site targeting and attracting renewable resource industries and offices (Shelterworks, Abundant Solar, ODFW, etc.) that would put Philomath on the map as a fun, integrated, renewable resource, educational, cutting-edge destination and experience.

Industry would invite the public to tour their sites, highlighting the history and transition of Philomath from a timber/mill town to a renewable resource experiential campus, compatible with their industry products, and include meeting places, open spaces and educational tours that modeled responsible stewardship of wetlands and business.

This was only one idea. There are many more. So when approving development petitions, let’s be selective and intentional. Let’s approve industry and development that is compatible with the big potential of this wonderful site that does not create more infrastructure, traffic and water problems for the citizens of Philomath. ***Let’s not “pave paradise and put in an RV lot!”***

2012 Newton Creek Wetlands Stewardship Field Day

- Loop A**
- 1 Forestry & Log Scalling
 - 2 Oaks & Acorn Woodpeckers
 - 3 Wilderness Survival
 - 4 Riparian & Aquatic Life
 - 5 Wildlife Blind
 - 6 Beavers & Canoeing

- Loop B**
- 7 Beavers & Canoeing
 - 8 Ornithology - Birds & Bird Calls
 - 9 Amphibians
 - 10 Ethnobotany
 - 11 Reptiles
 - 12 Invasive Plants

- FA** FIRST AID
- RR** PORTA-POT





FREE!!
FREE!!

Science, Music & Marshmallows

Natural Resources Campfire Programs

Every Wednesday in August

[Located at the Old Clemens Mill behind Philomath Community Chamber of Commerce Caboose on Hwy 20/34]

Take the Davey Crocket Challenge every week. Try to identify skulls, bones, pelts and plants. Win prizes!!

Roast marshmallows with friends at the end of each evening.

DATE	FAMILY FUN ACTIVITY 7:00-8:00 PM	MUSIC 7:45-8:30 PM	SPEAKER/TOPIC 8:30-9:30 PM
August 1	Open Water Canoeing with Gene Johnson Learn boat safety & explore the wildlife at the Newton Creek Wetlands.	Rusty Strings Band	George Taylor, State Climatologist "The Climate of the Past and What it Tells us About the Future" The climate has changed in the past and is certain to change in the future. Will it get warmer or colder? Drier or wetter? Do humans affect climate, and if so, what can be done about it? These and other questions will be addressed.
August 8	Log Scaling w/Rick Wells Watch a self-loader log truck deliver and unload a multi-species load of logs. Learn to calculate the volume and value of the logs. Prize for the most accurate contestant.	Roy Roland & Rich Legue	Rick Fletcher, OSU Extension Forester "The Evolution of Forestry & Forest Practices Regulations in Western Oregon" Trace the history & evolution of Oregon's 1941 reforestation Law. Learn about Oregon's current Forest Practices Act & the public assets it protects. Compare Oregon's law with forestry regulations elsewhere & with voluntary "green" certification programs
August 15	Growing Mushrooms with Steve Carpenter & PHS Students Turn a bale of straw into gourmet oyster mushrooms to take home.	Wild Hog in the Woods	Julie Jackson, Allied Waste "Recycling in Benton County" What happens to my milk jugs, bottles and old newspapers after they leave the curb? Hear the true story and fascinating facts about how you can lessen your impact on the planet Steve McGettigan, Heart of the Valley Astronomers "Star Party" After the talk, join us for a Star Party! Telescopes will be provided to view a variety of cosmic sights including Planet Jupiter, the Whirlpool Galaxy, Wild Buck Cluster & The Milky Way's extensive collection of stars. All necessary equipment will be provided. Just bring your curiosity.
August 22	Geocaching with Kim Carson Go on a high tech scavenger hunt while learning to use a GPS unit.	Fred Towne	Jeff Mitchell, Marys Peak Natural Resources Interpretive Center "Wetlands Wildlife" Over 100 vertebrate species of wildlife have been identified by PHS students in the Newton Creek Wetlands. Hear stories about their interesting behaviors & some of the most recent research on their management.
August 29	Nature Hike with Staff Learn how native Americans used plants for food & medicine on an ethnobotany hike. Sample local farmer, Mike Hessel's gourmet melons! Identify and sample other seasonal fruits.	Pete Ballerstedt	Joseph Postman & Kim Hummer USDA Agricultural Research Service "Stalking the Wild Fruit of the World" Travel with us to some very interesting parts of the world in search of seeds & cuttings of many different wild fruits to bring back to the U.S. Join our photo journey to South America, Japan, Central Asia, Europe and our own back yard in search of the wild relatives of some of our important fruit crops.

This program is a cooperative effort between: Marys Peak Natural Resources Interpretive Center, Philomath School District, OSU Science Education Partnerships (SEPS), Starker Forests, Marys River Watershed Council, Integrated Resource Management, Chintimini Wildlife Center, Philomath Chamber of Commerce, Abby Lane Labs, Philomath Scout Lodge & Oregon Trout

FREE!!



Sponsored by.....

PO Box 1267, Philomath, OR 97370



Science, Music & Marshmallows

Natural Resources Campfire Programs

Every Wednesday in August

Located at the Old Clemens Mill behind Philomath Community Chamber of Commerce Caboose on Hwy 20/34

FREE!

- Take the Davey Crocket Challenge. Prizes!
- Try to identify skulls, bones, pelts and plants.
- Roast marshmallows with friends!

DATE	FAMILY FUN ACTIVITY 7:00-8:00 PM	MUSIC 7:45-8:30 PM	SPEAKER/TOPIC 8:30-9:30 PM
August 6	Ethnobotany Hike Take a gentle walk in the Newton Creek Wetlands and learn to identify the plants that local Native Americans used for food, medicine, tools, and shelter. <i>Kid friendly.</i>	The Sambees!	Dr. Ron Neilson, United States Forest Service “Potential Impacts of Climate Change on Global Ecosystems” Ron serves on the Intergovernmental Panel on Climate Change, a scientific body set up by the World Meteorological Organization and the United Nations Environmental Program. He is bioclimatologist for the USFS who conducts research using models to help us understand how a changing climate might influence specific factors, such as forest canopies and root systems, as well as broader landscape responses, including Northwest forests. Learn what the most recent scientific models predict for future ecosystems.
August 13	Wildlife hike in the wetlands Be part of the dedication of the “Wildlife Study Blind” funded with a grant from the Benton Soil and Water Conservation District and built by PHS senior Kenny Secher and his hammer-swinging mentors. Cross the creek on a beaver dam and learn to identify wildlife by their tracks, scat and sign. Bring your binoculars or borrow ours. <i>Kid friendly!</i>	Pete Ballerstedt!	Michael Bendixen, Oregon Field Guide Videographer “Behind the Scenes at Oregon Field Guide: Chiseling the Message” Scientists spend many years conducting their research and the conclusions are often complicated and difficult to understand. Learn how Michael, a Philomath High School and U of O graduate, and the staff for the wildly popular OPB television show develop their story by refining many years of scientific work into a 10 minute segment. See clips from behind the scenes from familiar segments as they strategize to make important scientific discoveries more accessible to the public.
August 20	Fishing! Fish for warm-water bass, crappie, catfish and bluegill to help Oregon Department of Fish & Wildlife determine what species live in the beaver ponds. Bring your pole, license and favorite bait or lure. Do science: catch fish! <i>(No license required for kids under 14.)</i>	Rusty Strings Band!	Bill Percy, OSU Emeritus Professor of Oceanography “Ecology of Ocean Fishes: What Goes on in the Big Pond?” Bill is a retired OSU researcher who has won many national and international awards for his work aboard research vessels in the Pacific Ocean. He will talk and show slides about fish ecology with emphasis on the salmon, trout and steelhead. Learn how a changing climate affects ocean currents and food webs. Research on hatcheries, fish farms and wild fish populations will be included.
August 27	Extract DNA ~from your own saliva or from an onion. Build a DNA model. Learn or review the parts of a cell in some fun activities.	Alan Ede!	Dr. Jon Moulton, Gene Tools, LLC “Knocking Down Genes in Philomath” Learn how the creation of a complex molecule called the “Morpholino” by Dr. Jim Summerton of Gene Tools has allowed researchers from around the world to make progress in a search for the cure for cancer. Jon will use cartoon diagrams and microphotographs to help us understand, at the molecular level, how the Morpholino is used to turn genes on and off and how this knowledge may some day be used to understand embryo development and mechanisms of disease. (challenging content for high school students and older) adults)

Sponsored by Marys Peak Natural Resources Interpretive Center, in cooperation with OSU Science Education Partnerships (SEPs), Philomath School District, Marys River Watershed Council, Oregon Trout, Starker Forests, Chintimini Wildlife Rehabilitation Center, Benton Soil and Water Conservation District, Integrated Resource Management & Philomath Area Chamber of Commerce. For more about our organization and programs, go to www.mpnric.org.

From: [James Hagan](#)
To: [Ruth Post](#)
Subject: Storage Units and RV Park - Lepman: PC19-02 et al
Date: Tuesday, October 22, 2019 10:30:44 AM

Hello Ruth

Thanks for being there to forward this letter and all of the others to the Mayor and Town Council. This is just a brief note to express a strong concern against the proposed RV and storage construction on the wetlands site that you are debating. You have a list of variances and extra permits that are required to proceed and these alone should indicate the miss direction of this proposed project. Come on, folks with Newton Creek right there, the plan in place calls for the filling in of a part of it and the total effect on all of it that is adjacent to the proposed construction. It does not take a series of special permits and skewed data to make a decision against this plan. Just do it. There is a better fit that will encompass both the environmental aspect of this land and the needs of the growing community that you represent. The proposed use of this space as a RV Park and Storage Center accomplishes neither.

Thanks Jim Hagan

From: [Shepard Smith](#)
To: [Ruth Post](#)
Subject: Storage Units & RV Park - Lepman: PC 19-02 et al
Date: Tuesday, October 22, 2019 10:23:50 AM

Hello, I am Shepard Smith, a past resident of Philomath from 2007- 2014. I personally have witnessed the expedient growth of Philomath , maybe too fast for its capacity to support further growth at this time especially in regards to resources such as water.

Benton County has been in a drought over the last few years while the suburbs of Philomath continue to grow. We as a society in Oregon and the world are experiencing changing weather patterns with plenty of unknowns in any given year. It is difficult to forecast and plan for expanding any enterprise whether it be for agriculture, student housing or tourism to name a few where water will be in demand increasingly.

I'd like to add too that it is a shame that the property in question has developed like it has over the past several years. When it could be a beautiful open space for the community of Philomath as well as surrounding communities. It has served as an educational space where area schools could visit and observe how nature works and has given these students perhaps an idea of what they may study further or areas of work they would like to engage. It has taught how critical it is to keep intact natural areas that support so many needs like water for all life, not just human consumption.

I vote to slow down and take into consideration the needs to support expedient growth. Like any enterprise, moving to fast in growth could have unseen consequences and place undo burden on systems and a community trying to develop as a worthy place to live and raise a family.

Sincerely,
Shepard Smith

From: [DEPA Patrick](#)
To: [Ruth Post](#)
Subject: FW: PC19-02 through 07 Lepman LLC Clements Mill development and changes r elated to site use in future, no in tia(s)
Date: Tuesday, October 22, 2019 12:59:19 PM

From: KURTZ Gordon P <Gordon.P.KURTZ@co.benton.or.us>
Sent: Tuesday, October 22, 2019 9:19 AM
To: 'tweet37@juno.com' <tweet37@juno.com>
Cc: BYER Laurel <Laurel.Byer@Co.Benton.OR.US>; DEPA Patrick <Patrick.Depa@Co.Benton.OR.US>; VERRET Greg J <Greg.J.VERRET@co.benton.or.us>
Subject: RE: PC19-02 through 07 Lepman LLC Clements Mill development and changes r elated to site use in future, no in tia(s)

Rana,

Neither of the documents you attached arrived in a readable format so I don't have them for reference. I have answered what I can below. Responses are in red. Let me know if you have further questions.

Best regards,

GORDON P. KURTZ
ASSOCIATE ENGINEER
BENTON COUNTY PUBLIC WORKS
360 SW AVERY AVENUE
CORVALLIS, OREGON 97333-1192
D: 541-766-6006
C: 541-740-5228
F: 541-766-6891

>((((((()))°>



DISCLOSURE: Messages to and from this E-mail address may be subject to Oregon Public Records Law.

From: tweet37@juno.com <tweet37@juno.com>
Sent: Monday, October 21, 2019 6:33 PM
To: KURTZ Gordon P <Gordon.P.KURTZ@co.benton.or.us>
Subject: PC19-02 through 07 Lepman LLC Clements Mill development and changes r elated to site use in future, no in tia(s)

Dear Mr. Kurtz, Lepman LLC did two TIA after you noted possible usage to the north to access 99E from RV Park at new entrance on north 19th. **99E is not in Benton County. If you mean 99W, I used this reference to indicate a possible destination for traffic from the development considering the needs of tourist travel in general. It was**

an illustration of routes that travelers might take to avoid the existing congestion of the 20/34 corridor and Corvallis north/south cross-town traffic.

I see only the term north in the second TIA and nothing is found in a search of the second TIA for West Hills Road, Walnut Blvd. or Fifty third Street or 53rd. I have one TIA dated September 14, 2018 and another dated May 22, 2019. Per the County's request, nearly the entirety of the second TIA is devoted to the West Hills Road/Reservoir Avenue and Reservoir Avenue/53rd Street intersections.

So, my question is did this second TIA actually look north at these intersections, Walnut and Reservoir Road, West Hills and 53rd? The County did not request that the applicant analyze intersections beyond those listed above. The 53rd/Oak Creek/Walnut/Harrison intersection and the West Hills Road/53rd Street intersections were analyzed for a 2030/33 build-out (PTV /Kittleson & Associates) when they were designed and signalized/constructed. For the Lepman development, the County asked for analysis at intersections with known or potential deficiencies. The analysis requested was extensive considering the location of the project and analysis beyond that requested was deemed unwarranted.

Second concern, the owner will convert the RV and Boat Storage PC19-04 to either more Storage Depot rental units he will build or more RV Park pads. I assume exit and entrance for this new use of the Boat and RV storage area could be only in from 20/34 and out to College Street, and back to South Main or north to 53rd, Walnut, or right on S Main to turn around to go east on 20/34. The new future use of this rv and boat storage area may not be in the two TIA as data for impacts to roadway and intersections and declining LOS to intersections from even more RVs. If RV storage units are added to the property on the south/east side of the proposed development, the traffic impact is likely to be similar to that for normal storage units. I am not a traffic engineer, but my assessment is the trips per year might be slightly higher, but the overall impact of the RV storage spaces would be negligible and nearly indiscernible at intersections removed from the location by miles of travel routes.

ODOT looked at the second TIA but say they had not reviewed the actual data. So, is no one but the developer and paid contracted planner from Benton County is looking at the actual evaluation per Benton County Engineering concern for north bound traffic impacts? The County has reviewed both of the traffic impact analyses provided by the developer and is in agreement with its findings.

Your note in the Staff Report about the poor left hand turn at South Main from 19th and need to place a bullard to route RV to the north is also maybe not part of both TIA. I don't know what/where "South Main" is. If what is meant here is southbound 19th to eastbound 20/34 the facilities named are not in the County's jurisdiction. Furthermore, I was not the source of this comment.

Currently the applicant is in a seven day written record left open till five on Oct 22. for comment in a closed hearing to Philomath City Council. If there are errors or information that is overlooked in both TIA the public has not been fully informed.

Thanks, Rana.

October 22, 2019

**Philomath City Council
980 Applegate Street
PO Box 400
Philomath, OR 97370**

Re: Nature of Application: Master Plan Development - Mixed-use Industrial Development
Applicant/Owner: Scott Lepman Company
Property Location: 617 N 19th Street. Benton County Assessor's Map 12-6-12 Lots 100, 200 and 201
Zone Designation: Industrial Park and Heavy Industrial
File Number: PC19-02, PC19-03, PC19-04, PC19-05, PC19-06 and PC19-07
Staff Contact: Patrick Depa, Associate Planner

Philomath City Council, please consider the following testimony in **opposition** to the above application:

At the Public Hearing on October 15, 2019, after a 2.5 hour presentation by the applicant, there was 10 testimonies in favor of this development; all from special interest parties and developers. Testimony supporting tourism, commercial land development and "vacation destination resorts". These testimonies did not consider the full spectrum of required criteria when considering a Land Use application. It is unlikely that these proponents understand the needs and community of Philomath or the criteria governing this decision.

That same night, **there were 17 testimonies opposing this development.** (There has been dozens of other powerful testimonies throughout the Hearing process) Testimonies given by passionate, local residents and leaders who have dedicated hundreds of hours to research. Their contributions, have been an effort to provide a fact-based and relevant testimony for governing officials to look closely at required criteria. They tirelessly show up at meetings to offer an important perspective that is unbiased by Big Development and profitability. These people are you neighbors, your friends and your constituents, as are the City Council appointed Planning Commission members who denied this application.

The record still shows that the application is incomplete and that criteria has not been met on:

- Water availability** – refer to *previous testimonies, City of Corvallis docs: (increased water draw from Mary's River, acknowledgment of limited consistent water flow) Philomath Water System Master Plan*
- High Water Usage development** – *against recommendation of Philomath Water System Master Plan*
- Infrastructure needs from the City of Philomath** – *cost of infrastructure vs. Budget Constraints*
- Clarity of a proposed housing development on Industrial property**
- Heavy environmental impact and pollution** – *acknowledged Public Hearing process*
- Complete traffic study that includes other area developments** – *(Blvd, Oak Springs, Mill Pond, and Corvallis' more than +1000 recently approved developments)*

- Industrial Job development** – 43 sited, but only 5 admittedly for RV park before the Council – other 38?
- Substandard Housing** – Long term Campground Facility or High-end Destination Vacation Resort?

Procedural irregularities during this Hearing:

- Improper notice
- Timely availability of the record
- Improper Hearing procedure
- Changes in Hearing documents and reports

Further consideration should be given to: (see attached)

***ORS 197.505 to 197.540: MORATORIUM ON CONSTRUCTION OR LAND DEVELOPMENT** State Land Use law allows for a legal moratorium when public resources and infrastructure cannot be met.

***ORS 197.319 to 197.350: ENFORCEMENT OF PLANNING REQUIREMENTS** State Law language is very clear as to the requirements for deciding on a Land Use application. These requirements have not been met with this application.

***ORS 197.435 to ORS 197.467: SITING OF DESTINATION RESORTS** A term which was referred to at the October 15th Public Hearing. The application is not clear enough. RV Park or Destination Vacation Resort?

As the City Council reviews this application...their conclusion should be that the application is incomplete and that ALL of the criteria have not been met. There are simply too many unknowns, therefore the Council should deny the application. Burying the Council under an application/record that now exceeds one thousand pages does not change the fact that **when an application does not meet applicable criteria it cannot be approved**. No amount of heavy-handed testimony changes that fact.

If the council wishes to approve this application, be sure you can answer this last question...

“Will the City of Philomath be liable when we cannot meet the needs of this massive development as our Governing Officials have said that we could??”

Submitted Respectfully,

Catherine Biscoe, PO Box 848, Philomath, OR 97370

Philomath Budget Committee

16 year Philomath resident

Chamber of Commerce Member

Grow Philomath Sensibly

23 pages for the record. (Letter (2pgs), Corvallis Council packet (10 pgs), ORS reference (11 pgs.)



**CORVALLIS
CITY COUNCIL WORK SESSION**

**October 24, 2019
4:00 pm**

**Madison Avenue Meeting Room
500 SW Madison Avenue**

- I. Call to Order
- II. **Water Master Plan Update [20 minutes]**
- III. Strategic Operational Plan Update Process [60 minutes]
- IV. Community Comments (Community members wishing to offer advance written comments are encouraged to use the public input form at www.corvallisoregon.gov/publicinput.)
- V. Review of Three-Month Schedule
- VI. Other Councilor Comments (time permitting)
- VII. Planning Commissioner Interviews:
 - 5:30 pm – Marcia Wike
 - 5:50 pm – Jonathan Strittholt
 - 6:10 pm – Judianne Saam
- VIII. Adjournment

If you need special assistance to participate in this meeting, please contact the City Recorder at (541) 766-6901 (for TTY services, dial 7-1-1). Notification at least two business days prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (In compliance with the Americans with Disabilities Act, 28 CFR 35.102-35.104 ADA Title I and ORS 192.630(5)).

A Community That Honors Diversity

TO: City Council for October 24, 2019, Work Session
 FROM: Mary Steckel, Public Works Director *MS*
 DATE: October 11, 2019
 THROUGH: Mark W. Shepard, P.E., City Manager *MS*
 Nancy Brewer, Finance Director *NB*
 SUBJECT: Water Master Plan Update
 STRATEGIC OPERATIONAL PLAN PRIORITY: P-3C Complete Water Master Plan



Action Requested:

Staff requests the City Council's input on staff's selected Water Supply Strategy that will be included in the updated Water Master Plan.

Discussion:

The City is in the process of updating the Water Master Plan (WMP). A significant component of the WMP project is the development of a Water Supply Strategy (WSS). The purpose of the WSS is to plan water system improvements to achieve the projected 50-year drinking water needs of the city, while also meeting the City's selected redundancy and resilience goals. The project team (consultants and staff) evaluated and modeled the city's future water demands and established desired levels of service following a disaster using the Oregon Resilience Plan.

The WSS needs to meet:

- The 50-year Maximum Daily Demand (MDD) projection, which is 30 million gallons per day (mgd).
- The redundancy goal, which is to provide 7.5 mgd of potable water for three days with the largest water treatment plant (i.e. Taylor Water Treatment Plant) out of service. The 7.5 mgd target was selected as it is the projected winter water demand in the year 2063.
- The resilience level of service goals:
 - 7.5 mgd of potable water.
 - Uninterrupted potable water service during a 500-year flood.
 - Back-up power and chemical storage to provide 7.5 mgd for three days if regular power or chemical supply is unavailable.

The project team developed eight different approaches to meeting the WSS objectives. The alternatives were evaluated (scored) on a series of criteria by subject matter experts on the consulting team. Those scores were then adjusted using the Corvallis specific weighting factors reviewed with the City Council in August. The adjusted final scores were used to help guide the selection of a WSS alternative.

An overview of each alternative considered follows: (See attachment CC-A for additional detail.)

Alternative #1 – Meet the seismic resiliency goal at the Rock Creek Water Treatment Plant (WTP). This alternative focused on meeting the resilience goals using the Rock Creek WTP only. Because there is not 7.5 mgd of water available year-round on the Rock Creek watershed, Alternative #1 is unable to meet one of the resilience goals and was eliminated from consideration.

Alternative #2 – Maximize the value of existing water rights from the Rock Creek watershed.

This alternative aimed to utilize the available water rights on the watershed through new diversion points and a new larger water treatment plant. This alternative also includes a new waterline from the watershed to Corvallis, but not one that is seismically hardened.

Alternative #3 – Redundancy in seismic resiliency.

This alternative looked to have two seismically resilient water treatment plants. This includes new seismically resilient infrastructure at Rock Creek and increasing the treatment capacity at the Taylor WTP to 25 mgd, with new seismically resilient infrastructure.

Alternative #4 – Focus investments at the Taylor WTP.

This alternative looks to the Taylor WTP alone to achieve the WSS objectives. All future water treatment capital expenditures would be at the Taylor WTP and the treatment capacity would be increased to 30 mgd. The Rock Creek WTP would discontinue operation at some point in the future when basic ‘repair and replacement’ maintenance is no longer financially feasible. Having two water sources was a high priority for the public in the survey results. This alternative results in just one water source, and so it was eliminated from consideration.

Alternative #5 – Redundancy in raw water supply, focus investments at the Taylor WTP.

This alternative places all future water treatment capital expenditures at the Taylor WTP location, increasing the treatment capacity of that plant to 30 mgd. The Rock Creek WTP would discontinue operation at some point in the future when basic ‘repair and replacement’ maintenance is no longer financially feasible. A new pipeline from the Rock Creek watershed would be constructed to the Taylor WTP with raw water from the watershed sources treated at Taylor WTP.

Alternative #6 – Engage in a regional partnership.

This alternative closes the Rock Creek WTP and moves the Rock Creek water rights to a City of Philomath water treatment plant intake on the Marys River. Corvallis would maintain ownership of the water rights but Philomath would treat and provide water to the Corvallis distribution system.

Alternative #7 – Develop new resilient supplies.

This alternative discontinues operations at the Rock Creek WTP at some point in the future when basic ‘repair and replacement’ maintenance is no longer financially feasible. New sources of water would be developed and could include groundwater (wells), indirect potable use (treated wastewater is placed in a reservoir or aquifer, and drawn out as needed to be treated at the water treatment plant to potable drinking water standards), and direct potable use (treated wastewater is piped directly to the water treatment plant for treatment).

Alternative #8 – Construct a new water treatment plant on the Willamette River.

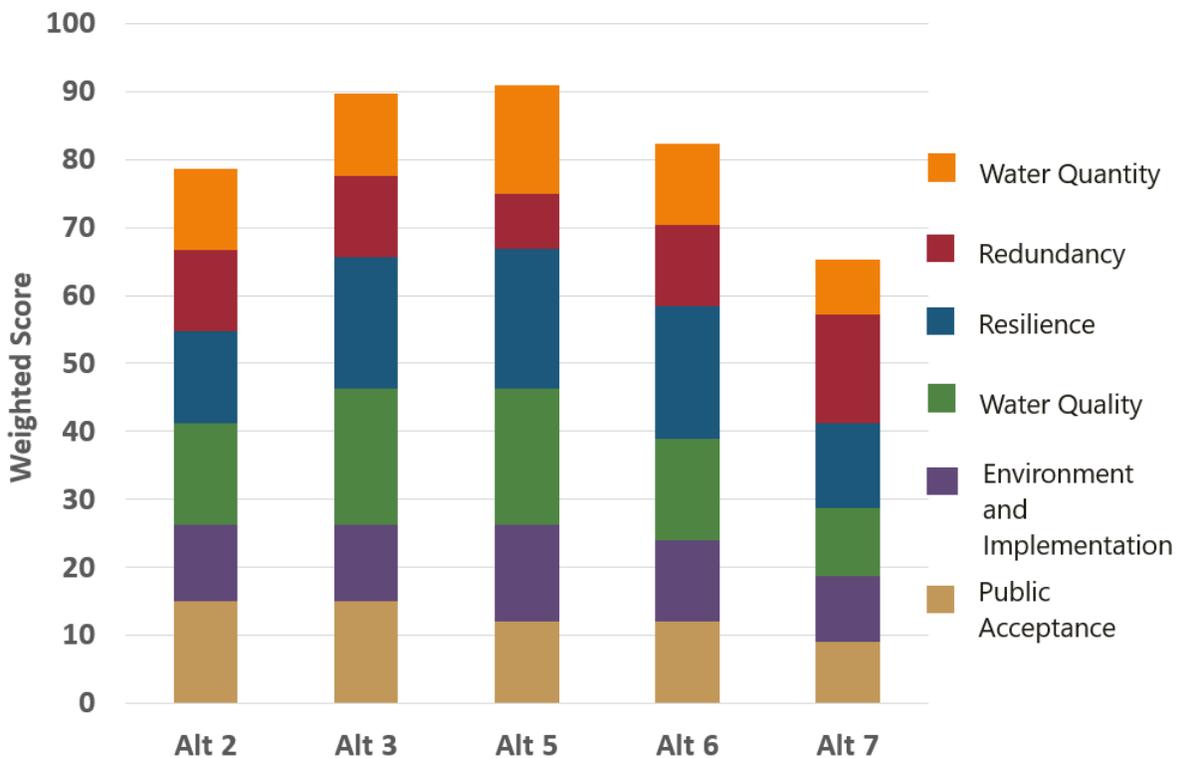
This alternative includes the construction of a new water treatment plant in a new location utilizing a different intake design, and discontinues operations at the Rock Creek WTP when basic ‘repair and replacement’ maintenance is no longer financially feasible. Two water sources/treatment facilities were a high priority for the public in the survey results and because this alternative results in just one water source, it was eliminated from consideration.

WSS Objectives met by each Alternative Strategy

	Water Quantity	Water Source Redundancy	Disaster Resiliency
Alternative 1		√	√
Alternative 2	√	√	√
Alternative 3	√	√	√
Alternative 4	√		√
Alternative 5	√	√	√
Alternative 6	√	√	√
Alternative 7	√	√	√
Alternative 8	√		√

The consulting team’s evaluation results were presented to staff for discussion and review. The chart below reflects how well each of the five viable alternatives was able to meet each criteria category.

Water Supply Strategy Alternatives Scoring



The key difference between Alternatives 3 and 5 is where the raw water from the Rock Creek watershed will be treated. Alternative 3 includes a new water treatment plant on the watershed to replace the existing plant that is aging out. Alternative 5 pipes the raw water from the watershed to an expanded Taylor Plant for treatment. Staff was not comfortable with all of the community’s raw water ending up at one treatment plant location. If something was to happen to that location, there would be no other treatment options to fall back on.

As a result, the discussion among staff and the consultant team centered around Alternative 3. Alternative 3, through the discussion, was modified to include an evaluation of alternate sites for a new treatment plant for watershed raw water that would be located between the watershed and Corvallis. This modification allows time for additional evaluations to determine the best location for this new water treatment facility.

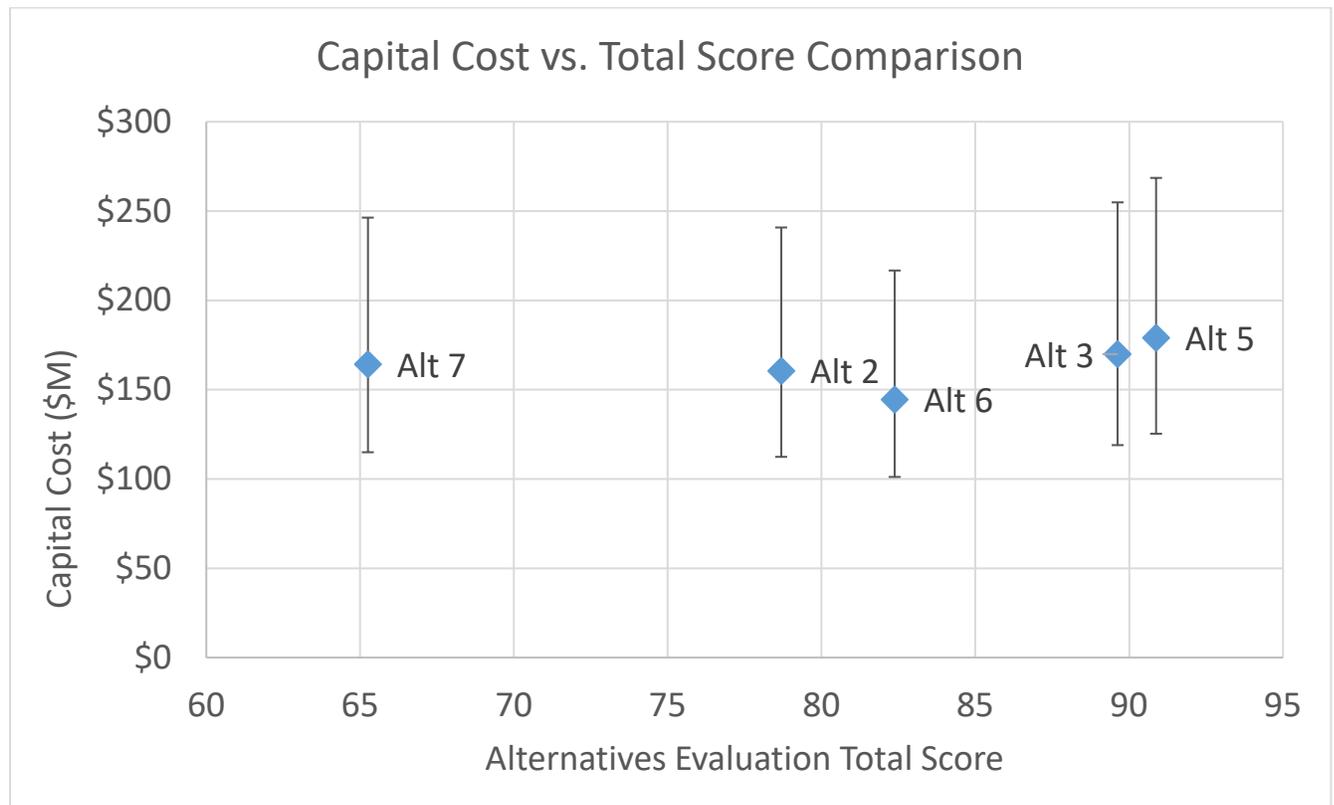
Advantages of the modified Alternative 3

- Allows evaluation of a treatment plant off the watershed where there are currently operational challenges due to its remoteness. Challenges include: weather (snow), limited emergency access, inefficient plant maintenance (travel time, distance from parts inventories), and limited redundant communications.
- Provides redundancy in water sources and water treatment for the community.
- Meets all the objectives of the WSS.

Implications of the modified Alternative 3

- A new treatment plant would be built for the watershed water source (location unspecified).
- A new resilient water line would be built from the watershed to Corvallis.
- A new water intake would be installed on Rock Creek.
- The Taylor WTP would be expanded for additional capacity.
- A new replacement water intake structure would be built at the Taylor WTP.

The estimated costs of each alternative was also evaluated. The estimates between all the options were close, landing between \$145M - \$170M. When contingency for the unknown is added, the range varies from \$100M – 260M.



Staff is seeking Council comments/questions on staff's recommendation to pursue a modified Alternative 3 for the Water Master Plan WSS.

Budget Impact:

There is no FY2019/2020 budget impact. Long-term water system Capital Improvement Project budgets will be driven from the WSS. Increasing customer rates and/or other funding mechanisms would likely be required in the future to construct the infrastructure needed to provide a reliable future potable water supply.

Attachment:

CC-A - Water Supply Strategy Alternatives Overview

Water Supply Strategy Alternatives Overview

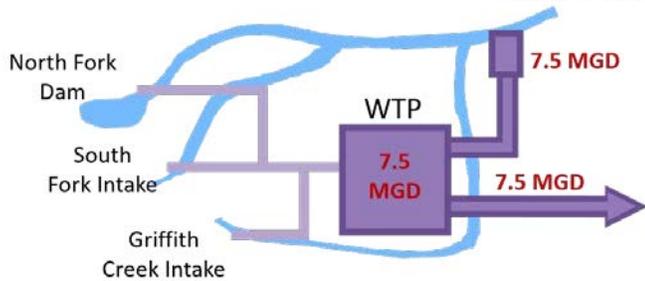
The following eight strategies were evaluated to meet the City's long-term water supply goals.

Alternative 1 – Meet Seismic Resiliency Goal at Rock Creek WTP -- **Removed from consideration, DOES NOT MEET RESILIENCE GOAL.**

Rock Creek

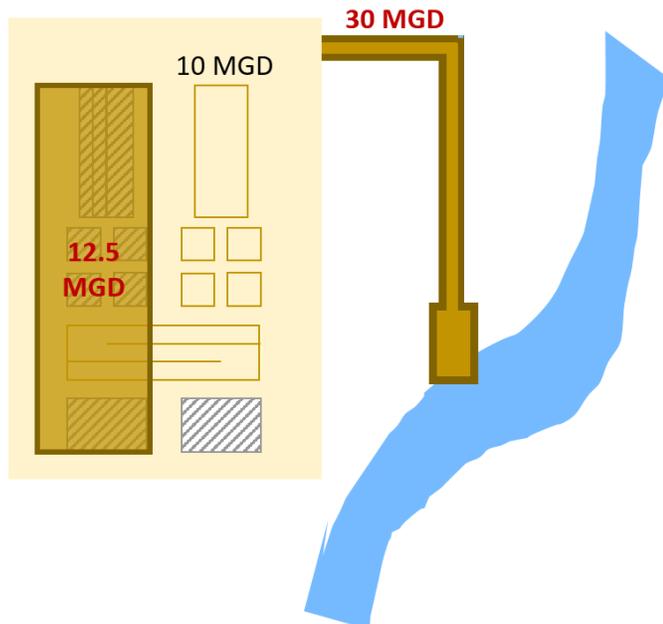
- Total water rights: 7.5 mgd (winter)/5.2 mgd (summer).
- Construct new seismically resilient 7.5 mgd WTP.
- Seismically harden North Fork Reservoir.
- Seismically harden finished water piping to Baldy Reservoir.

Winter: 7.5 MGD
Summer: 5.2 MGD



Taylor

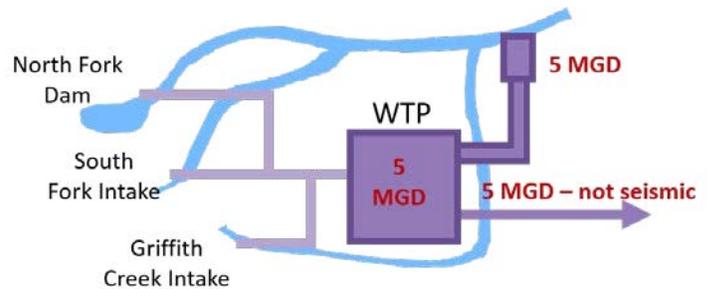
- Replace intake and raw water piping (seismically resilient).
- Expand Taylor to 22.5 mgd.



Alternative 2 – Maximize Value of Existing Rock Creek Water Right

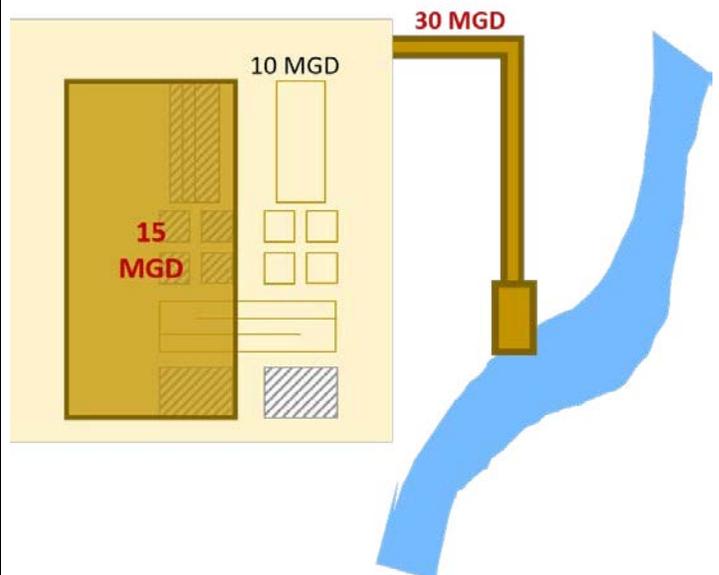
Rock Creek

- Move Points of Diversion (POD) to Rock Creek and construct new intake on Rock Creek.
- Construct new seismically resilient 5 mgd WTP.
- Seismically harden North Fork Reservoir.



Taylor

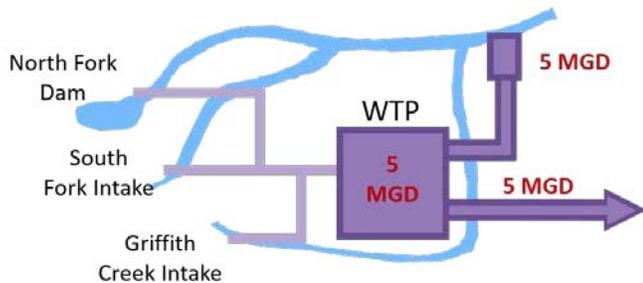
- Replace intake and raw water piping (seismically resilient).
- Expand Taylor to 25 mgd.



Alternative 3 – Redundancy in Seismic Resiliency

Rock Creek

- Move PODs to Rock Creek and construct new intake on Rock Creek.
- Construct new seismically resilient 5 mgd WTP.
- Seismically harden North Fork Reservoir.
- Replace finished water piping to Bald Hill Reservoir (seismically resilient).



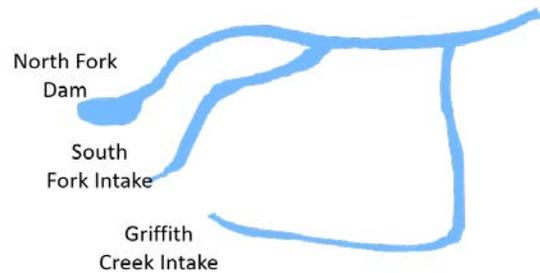
Taylor

- Replace intake (seismically resilient).
- Expand Taylor to 25 mgd.

**Alternative 4 – Focus Investments at Taylor WTP --
Removed from consideration, DOES NOT MEET
REDUNDANT SUPPLY GOAL.**

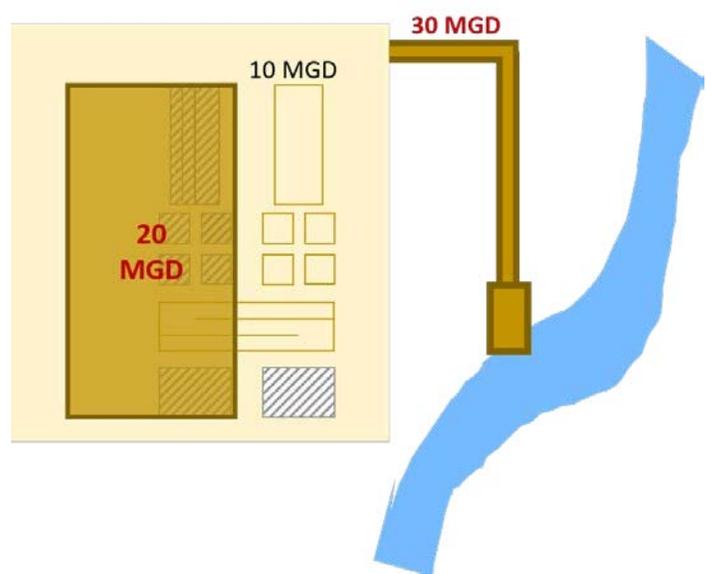
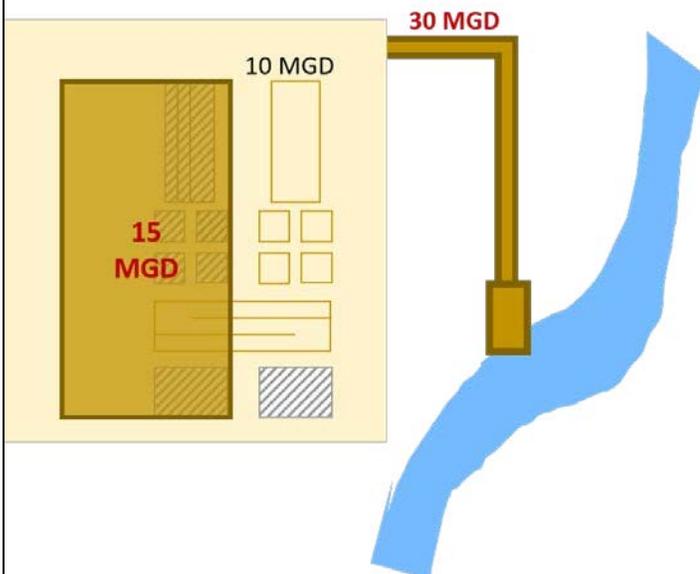
Rock Creek

- Continue with current treatment scheme.
- Rock Creek WTP ages out of operation over the 50-year planning period.



Taylor

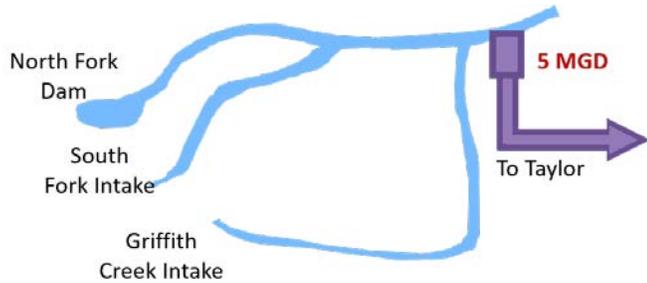
- Replace intake (seismically resilient).
- Expand Taylor to 30 mgd.



Alternative 5 – Redundancy in Raw Water Supply, Focus Investments at Taylor WTP

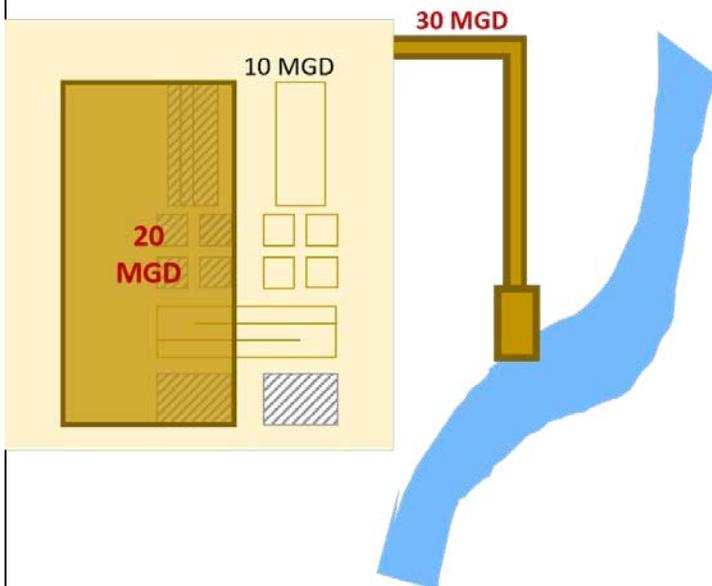
Rock Creek

- Move PODs to Rock Creek and construct new intake on Rock Creek.
- Pipe raw water to Taylor WTP location for treatment (5-mgd capacity, seismically resilient).



Taylor

- Replace intake (seismically resilient).
- Expand Taylor location to 30 mgd:



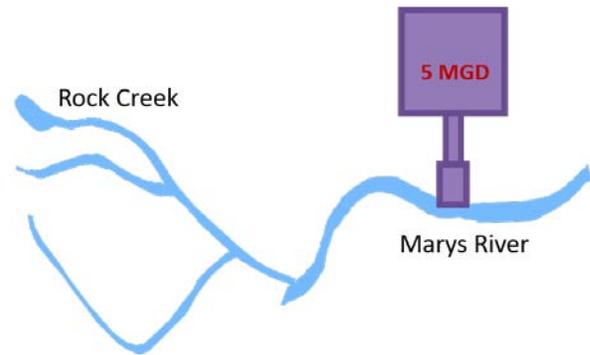
Alternative 6 – Engage in a Regional Partnership

Rock Creek

- Cease Water Treatment Plant operations.

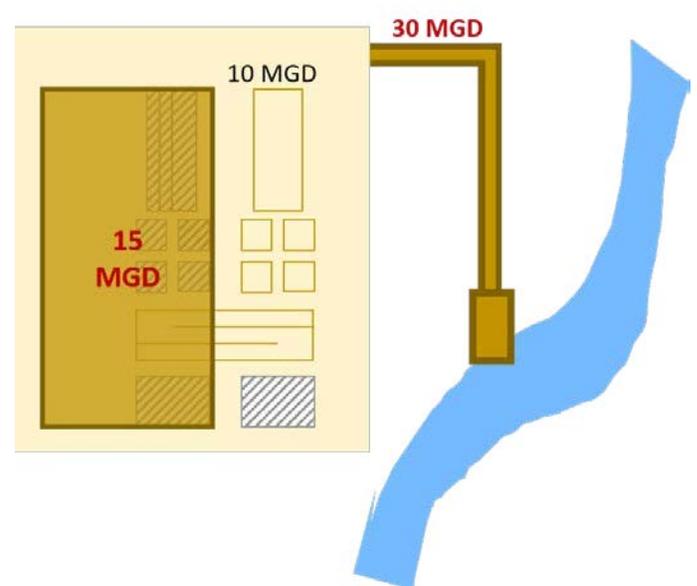
Regional Partnership

- Partner with Philomath on a new seismically resilient Marys River WTP.
- Construct a new intake on the Marys River.
- Transfer Rock Creek water rights PODs to Marys River.
- Replace finished water piping to Baldy Reservoir (5 mgd capacity, seismically resilient, 3 miles).



Taylor

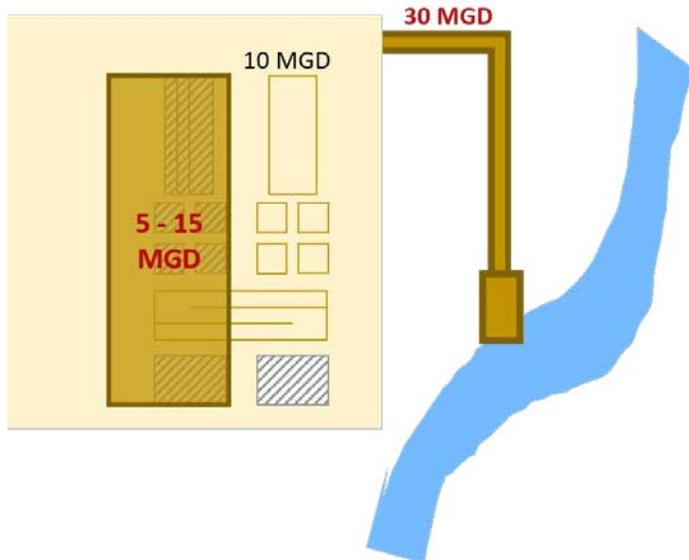
- Replace intake (seismically resilient).
- Expand Taylor to 30 mgd:



Alternative 7 – Develop New Resilient Supplies

Rock Creek and Taylor WTPs

- Continue with current treatment scheme at Taylor and Rock Creek.
- Repair & Replace as needed.
- Rock Creek WTP ages out of operation over the 50-year planning period.
- Replace Taylor intake (seismically resilient).



Develop New Resilient Supply – probably one of the following options

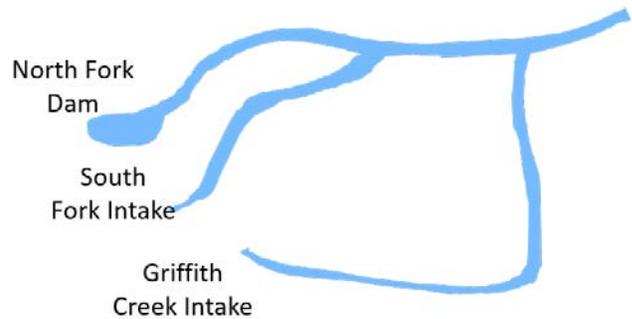
- Groundwater
- Aquifer storage and recovery
- Indirect potable reuse
- Direct potable reuse



Alternative 8 – Construct New WTP on the Willamette -- Removed from consideration, DOES NOT MEET REDUNDANT SUPPLY GOAL.

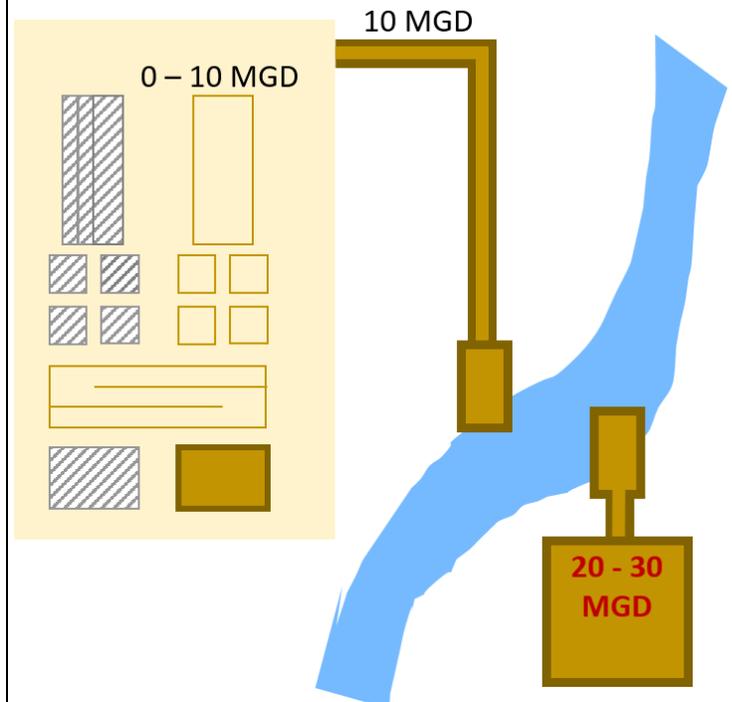
Rock Creek and Taylor WTPs

- Continue with current treatment scheme at Taylor and Rock Creek.
- Repair & Replace as needed.
- Rock Creek WTP ages out of operation over the 50-year planning period.
- Replace Taylor intake (seismically resilient).



New Willamette WTP

- Construct a seismically resilient 20 – 30 mgd Water Treatment Plant.



MORATORIUM ON CONSTRUCTION OR LAND DEVELOPMENT

197.505 Definitions for ORS 197.505 to 197.540. As used in ORS 197.505 to 197.540:

(1) "Public facilities" means those public facilities for which a public facilities plan is required under ORS 197.712.

(2) "Special district" refers to only those entities as defined in ORS 197.015 (19) that provide services for which public facilities plans are required. [1980 c.2 §2; 1991 c.839 §1; 1993 c.438 §4; 1995 c.463 §1; 1999 c.838 §1; 2005 c.22 §144; 2007 c.354 §29]

197.510 Legislative findings. The Legislative Assembly finds and declares that:

(1) The declaration of moratoria on construction and land development by cities, counties and special districts may have a negative effect not only on property owners, but also on the housing and economic development policies and goals of other local governments within the state, and therefore, is a matter of statewide concern.

(2) Such moratoria, particularly when limited in duration and scope, and adopted pursuant to growth management systems that further the statewide planning goals and local comprehensive plans, may be both necessary and desirable.

(3) Clear state standards should be established to ensure that:

(a) The need for moratoria is considered and documented;

(b) The impact on property owners, housing and economic development is minimized; and

(c) Necessary and properly enacted moratoria are not subjected to undue litigation. [1980 c.2 §1; 1991 c.839 §2; 1995 c.463 §2]

197.520 Manner of declaring moratorium. (1) No city, county or special district may adopt a moratorium on construction or land development unless it first:

(a) Provides written notice to the Department of Land Conservation and Development at least 45 days prior to the final public hearing to be held to consider the adoption of the moratorium;

(b) Makes written findings justifying the need for the moratorium in the manner provided for in this section; and

(c) Holds a public hearing on the adoption of the moratorium and the findings which support the moratorium.

(2) For urban or urbanizable land, a moratorium may be justified by demonstration of a need to prevent a shortage of public facilities which would otherwise occur during the effective period of the moratorium. Such a demonstration shall be based upon reasonably available information, and shall include, but need not be limited to, findings:

(a) Showing the extent of need beyond the estimated capacity of existing public facilities expected to result from new land development, including identification of any public facilities currently operating beyond capacity, and the portion of such capacity already committed to development;

(b) That the moratorium is reasonably limited to those areas of the city, county or special district where a shortage of key public facilities would otherwise occur; and

(c) That the housing and economic development needs of the area affected have been accommodated as much as possible in any program for allocating any remaining public facility capacity.

(3) A moratorium not based on a shortage of public facilities under subsection (2) of this section may be justified only by a demonstration of compelling need. Such a demonstration shall be based upon reasonably available information and shall include, but need not be limited to, findings:

(a) For urban or urbanizable land:

(A) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;

(B) That the moratorium is sufficiently limited to ensure that a needed supply of affected housing types and the supply of commercial and industrial facilities within or in proximity to the city, county or special district are not unreasonably restricted by the adoption of the moratorium;

(C) Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;

(D) That the city, county or special district has determined that the public harm which would be caused by failure to impose a moratorium outweighs the adverse effects on other affected local governments, including shifts in demand for housing or economic development, public facilities and services and buildable lands, and the overall impact of the moratorium on population distribution; and

(E) That the city, county or special district proposing the moratorium has determined that sufficient resources are available to complete the development of needed interim or permanent changes in plans, regulations or procedures within the period of effectiveness of the moratorium.

(b) For rural land:

(A) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;

(B) Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;

(C) That the moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical areas are not unreasonably restricted by the adoption of the moratorium; and

(D) That the city, county or special district proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.

(4) No moratorium adopted under subsection (3)(a) of this section shall be effective for a period longer than 120 days, but such a moratorium may be extended provided the city, county or special district adopting the moratorium holds a public hearing on the proposed extension and adopts written findings that:

(a) Verify the problem giving rise to the need for a moratorium still exists;

(b) Demonstrate that reasonable progress is being made to alleviate the problem giving rise to the moratorium; and

(c) Set a specific duration for the renewal of the moratorium. No extension may be for a period longer than six months.

(5) Any city, county or special district considering an extension of a moratorium shall give the department at least 14 days' notice of the time and date of the public hearing on the extension. [1980 c.2 §3; 1991 c.839 §3; 1995 c.463 §3

ENFORCEMENT OF PLANNING REQUIREMENTS

197.319 Procedures prior to request of an enforcement order. (1) Before a person may request adoption of an enforcement order under ORS 197.320, the person shall:

(a) Present the reasons, in writing, for such an order to the affected local government; and

(b) Request:

(A) Revisions to the local comprehensive plan, land use regulations, special district cooperative or urban service agreement or decision-making process which is the basis for the order; or

(B) That an action be taken regarding the local comprehensive plan, land use regulations, special district agreement or decision-making process that is the basis for the order.

(2)(a) The local government or special district shall issue a written response to the request within 60 days of the date the request is mailed to the local government or special district.

(b) The requestor and the local government or special district may enter into mediation to resolve issues in the request. The Department of Land Conservation and Development shall provide mediation services when jointly requested by the local government or special district and the requestor.

(c) If the local government or special district does not act in a manner which the requestor believes is adequate to address the issues raised in the request within the time period provided in paragraph (a) of this subsection, a petition may be presented to the Land Conservation and Development Commission under ORS 197.324.

(3) A metropolitan service district may request an enforcement order under ORS 197.320 (12) without first complying with subsections (1) and (2) of this section. [1989 c.761 §4; 1993 c.804 §9; 2007 c.176 §2]

197.320 Power of commission to order compliance with goals and plans. The Land Conservation and Development Commission shall issue an order requiring a local government, state agency or special district to take action necessary to bring its comprehensive plan, land use regulation, limited land use decisions or other land use decisions into compliance with the goals, acknowledged comprehensive plan provisions or land use regulations if the commission has good cause to believe:

(1) A comprehensive plan or land use regulation adopted by a local government not on a compliance schedule is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such compliance;

(2) A plan, program, rule or regulation affecting land use adopted by a state agency or special district is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such compliance;

(3) A local government is not making satisfactory progress toward performance of its compliance schedule;

(4) A state agency is not making satisfactory progress in carrying out its coordination agreement or the requirements of ORS 197.180;

(5) A local government has no comprehensive plan or land use regulation and is not on a compliance schedule directed to developing the plan or regulation;

(6) A local government has engaged in a pattern or practice of decision making that violates an acknowledged comprehensive plan or land use regulation. In making its determination under this subsection, the commission shall determine whether there is evidence in the record to support the decisions made. The commission shall not judge the issue solely upon adequacy of the findings in support of the decisions;

(7) A local government has failed to comply with a commission order entered under ORS 197.644;

(8) A special district has engaged in a pattern or practice of decision-making that violates an acknowledged comprehensive plan or cooperative agreement adopted pursuant to ORS 197.020;

(9) A special district is not making satisfactory progress toward performance of its obligations under ORS chapters 195 and 197;

(10) A local government's approval standards, special conditions on approval of specific development proposals or procedures for approval do not comply with ORS 197.307 (4) or (6);

(11) A local government is not making satisfactory progress toward meeting its obligations under ORS 195.065; or

(12) A local government within the jurisdiction of a metropolitan service district has failed to make changes to the comprehensive plan or land use regulations to comply with the regional framework plan of the district or has engaged in a pattern or practice of decision-making that violates a requirement of the regional framework plan. [1977 c.664 §34; 1979 c.284 §123; 1981 c.748 §32; 1983 c.827 §58; 1987 c.729 §8; 1989 c.761 §2; 1991 c.612 §13; 1991 c.817 §24; 1993 c.804 §10; 1995 c.547 §4; 2003 c.793 §2; 2007 c.176 §3; 2015 c.374 §1]

197.324 Proceedings prior to order of compliance with goals; disclosure notice.

(1) On its own motion, the Land Conservation and Development Commission may initiate a proceeding to carry out the provisions of ORS 197.320. If the commission proceeds on its own motion, it shall proceed as set forth in ORS 197.328.

(2)(a) After a person meets the requirements of ORS 197.319, the person may file a petition to request that the commission consider the matter. Filing occurs upon mailing the petition to the Department of Land Conservation and Development.

(b) The commission shall determine if there is good cause to proceed on the petition.

(c) If the commission determines that there is not good cause to proceed on the petition, the commission shall issue a final order dismissing the petition, stating the reasons therefor.

(d) If the commission determines that there is good cause to proceed on the petition, the commission shall proceed as set forth in ORS 197.328.

(3) Following initiation of a proceeding under subsection (1) of this section or a determination by the commission that there is good cause to proceed on a petition under subsection (2) of this section, the affected local government shall include the following disclosure in any subsequent notice of a land use decision that could be affected by the enforcement order:

NOTICE: THE OREGON LAND CONSERVATION AND DEVELOPMENT COMMISSION HAS FOUND GOOD CAUSE FOR AN ENFORCEMENT PROCEEDING AGAINST _____ (Name of

local government). AN ENFORCEMENT ORDER MAY BE EVENTUALLY ADOPTED THAT COULD LIMIT, PROHIBIT OR REQUIRE APPLICATION OF SPECIFIED CRITERIA TO ANY ACTION AUTHORIZED BY THIS DECISION BUT NOT APPLIED FOR UNTIL AFTER ADOPTION OF THE ENFORCEMENT ORDER. FUTURE APPLICATIONS FOR BUILDING PERMITS OR ANY TIME EXTENSIONS MAY BE AFFECTED.

[1989 c.761 §5; 1995 c.778 §3]

197.325 [1973 c.80 §45; repealed by 1977 c.664 §42]

197.328 Procedures to consider order to comply with goals. If a proceeding is initiated under ORS 197.324, the following procedures apply:

(1) The Land Conservation and Development Commission shall hold a hearing to consider the petition or shall appoint a hearings officer to consider the petition under the provisions of ORS chapter 183 applicable to contested cases, except as otherwise provided in this section.

(2) The commission or hearings officer shall schedule a hearing within 45 days of receipt of the petition.

(3) If the commission appoints a hearings officer, the hearings officer shall prepare a proposed order, including recommended findings and conclusions of law. The proposed order shall be served on the Department of Land Conservation and Development and all parties to the hearing within 30 days of the date the record closed.

(4) If the commission appoints a hearings officer, the commission review of the proposed order shall be limited to the record of proceedings before the hearings officer. In its review of a proposed order, the commission shall not receive new evidence but shall hear arguments as to the proposed order and any exceptions. Any exception to the proposed order shall be filed with the commission no later than 15 days following issuance of the proposed order.

(5) The commission shall adopt a final order relative to a petition no later than 120 days from the date the petition was filed. [1989 c.761 §6]

SITING OF DESTINATION RESORTS

197.435 Definitions for ORS 197.435 to 197.467. As used in ORS 197.435 to 197.467:

(1) “Developed recreational facilities” means improvements constructed for the purpose of recreation and may include but are not limited to golf courses, tennis courts, swimming pools, marinas, ski runs and bicycle paths.

(2) “High value crop area” means an area in which there is a concentration of commercial farms capable of producing crops or products with a minimum gross value of \$1,000 per acre per year. These crops and products include field crops, small fruits, berries, tree fruits, nuts or vegetables, dairying, livestock feedlots or Christmas trees as these terms are used in the 1983 County and State Agricultural Estimates prepared by the Oregon State University Extension Service. The “high value crop area” designation is used for the purpose of minimizing conflicting uses in resort siting and does not revise the requirements of an agricultural land goal or administrative rules interpreting the goal.

(3) “Map of eligible lands” means a map of the county adopted pursuant to ORS 197.455.

(4) “Open space” means any land that is retained in a substantially natural condition or is improved for recreational uses such as golf courses, hiking or nature trails or equestrian or bicycle paths or is specifically required to be protected by a conservation easement. Open spaces may include ponds, lands protected as important natural features, lands preserved for farm or forest use and lands used as buffers. Open space does not include residential lots or yards, streets or parking areas.

(5) “Overnight lodgings” means:

(a) With respect to lands not identified in paragraph (b) of this subsection, permanent, separately rentable accommodations that are not available for residential use, including hotel or motel rooms, cabins and time-share units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, manufactured dwellings, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition.

(b) With respect to lands in eastern Oregon, as defined in ORS 321.805, permanent, separately rentable accommodations that are not available for residential use, including hotel or motel rooms, cabins and time-share units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 38 weeks per calendar year through a central reservation system operated by the destination resort or by a real estate property manager, as defined in ORS 696.010. Tent sites, recreational vehicle parks, manufactured dwellings, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition.

(6) “Self-contained development” means a development for which community sewer and water facilities are provided on-site and are limited to meet the needs of the development or are provided by existing public sewer or water service as long as all costs related to service extension and any capacity increases are borne by the development. A “self-contained development” must have developed recreational facilities provided on-site.

(7) “Tract” means a lot or parcel or more than one contiguous lot or parcel in a single ownership. A tract may include property that is not included in the proposed site for a

destination resort if the property to be excluded is on the boundary of the tract and constitutes less than 30 percent of the total tract.

(8) "Visitor-oriented accommodations" means overnight lodging, restaurants and meeting facilities that are designed to and provide for the needs of visitors rather than year-round residents. [1987 c.886 §3; 1989 c.648 §52; 1993 c.590 §1; 2003 c.812 §1; 2005 c.22 §140]

197.440 Legislative findings. The Legislative Assembly finds that:

(1) It is the policy of this state to promote Oregon as a vacation destination and to encourage tourism as a valuable segment of our state's economy;

(2) There is a growing need to provide year-round destination resort accommodations to attract visitors and encourage them to stay longer. The establishment of destination resorts will provide jobs for Oregonians and contribute to the state's economic development;

(3) It is a difficult and costly process to site and establish destination resorts in rural areas of this state; and

(4) The siting of destination resort facilities is an issue of statewide concern. [1987 c.886 §2]

197.445 Destination resort criteria; phase-in requirements; annual accounting. A destination resort is a self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. To qualify as a destination resort under ORS 30.947, 197.435 to 197.467, 215.213, 215.283 and 215.284, a proposed development must meet the following standards:

(1) The resort must be located on a site of 160 acres or more except within two miles of the ocean shoreline where the site shall be 40 acres or more.

(2) At least 50 percent of the site must be dedicated to permanent open space, excluding streets and parking areas.

(3) At least \$7 million must be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount must be spent on developed recreational facilities.

(4) Visitor-oriented accommodations including meeting rooms, restaurants with seating for 100 persons and 150 separate rentable units for overnight lodging shall be provided. However, the rentable overnight lodging units may be phased in as follows:

(a) On lands not described in paragraph (b) of this subsection:

(A) A total of 150 units of overnight lodging must be provided.

(B) At least 75 units of overnight lodging, not including any individually owned homes, lots or units, must be constructed or guaranteed through surety bonding or equivalent financial assurance prior to the closure of sale of individual lots or units.

(C) The remaining overnight lodging units must be provided as individually owned lots or units subject to deed restrictions that limit their use to use as overnight lodging units. The deed restrictions may be rescinded when the resort has constructed 150 units of permanent overnight lodging as required by this subsection.

(D) The number of units approved for residential sale may not be more than two units for each unit of permanent overnight lodging provided under this paragraph.

(E) The development approval must provide for the construction of other required overnight lodging units within five years of the initial lot sales.

(b) On lands in eastern Oregon, as defined in ORS 321.805:

(A) A total of 150 units of overnight lodging must be provided.

(B) At least 50 units of overnight lodging must be constructed prior to the closure of sale of individual lots or units.

(C) At least 50 of the remaining 100 required overnight lodging units must be constructed or guaranteed through surety bonding or equivalent financial assurance within five years of the initial lot sales.

(D) The remaining required overnight lodging units must be constructed or guaranteed through surety bonding or equivalent financial assurances within 10 years of the initial lot sales.

(E) The number of units approved for residential sale may not be more than 2-1/2 units for each unit of permanent overnight lodging provided under this paragraph.

(F) If the developer of a resort guarantees the overnight lodging units required under subparagraphs (C) and (D) of this paragraph through surety bonding or other equivalent financial assurance, the overnight lodging units must be constructed within four years of the date of execution of the surety bond or other equivalent financial assurance.

(5) Commercial uses allowed are limited to types and levels of use necessary to meet the needs of visitors to the development. Industrial uses of any kind are not permitted.

(6) In lieu of the standards in subsections (1), (3) and (4) of this section, the standards set forth in subsection (7) of this section apply to a destination resort:

(a) On land that is not defined as agricultural or forest land under any statewide planning goal;

(b) On land where there has been an exception to any statewide planning goal on agricultural lands, forestlands, public facilities and services and urbanization; or

(c) On such secondary lands as the Land Conservation and Development Commission deems appropriate.

(7) The following standards apply to the provisions of subsection (6) of this section:

(a) The resort must be located on a site of 20 acres or more.

(b) At least \$2 million must be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount must be spent on developed recreational facilities.

(c) At least 25 units, but not more than 75 units, of overnight lodging must be provided.

(d) Restaurant and meeting room with at least one seat for each unit of overnight lodging must be provided.

(e) Residential uses must be limited to those necessary for the staff and management of the resort.

(f) The governing body of the county or its designee has reviewed the resort proposed under this subsection and has determined that the primary purpose of the resort is to provide lodging and other services oriented to a recreational resource which can only reasonably be enjoyed in a rural area. Such recreational resources include, but are not limited to, a hot spring, a ski slope or a fishing stream.

(g) The resort must be constructed and located so that it is not designed to attract highway traffic. Resorts may not use any manner of outdoor advertising signing except:

(A) Tourist oriented directional signs as provided in ORS 377.715 to 377.830; and

(B) On-site identification and directional signs.

(8) Spending required under subsections (3) and (7) of this section is stated in 1993 dollars. The spending required shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index.

(9) When making a land use decision authorizing construction of a destination resort in eastern Oregon, as defined in ORS 321.805, the governing body of the county or its designee shall require the resort developer to provide an annual accounting to document compliance with the overnight lodging standards of this section. The annual accounting requirement commences one year after the initial lot or unit sales. The annual accounting must contain:

(a) Documentation showing that the resort contains a minimum of 150 permanent units of overnight lodging or, during the phase-in period, documentation showing the resort is not yet required to have constructed 150 units of overnight lodging.

(b) Documentation showing that the resort meets the lodging ratio described in subsection (4) of this section.

(c) For a resort counting individually owned units as qualified overnight lodging units, the number of weeks that each overnight lodging unit is available for rental to the general public as described in ORS 197.435. [1987 c.886 §4; 1993 c.590 §2; 2003 c.812 §2; 2005 c.22 §141; 2007 c.593 §1]

197.450 Siting without taking goal exception. In accordance with the provisions of ORS 30.947, 197.435 to 197.467, 215.213, 215.283 and 215.284, a comprehensive plan may provide for the siting of a destination resort on rural lands without taking an exception to statewide planning goals relating to agricultural lands, forestlands, public facilities and services or urbanization. [1987 c.886 §5]

197.455 Siting of destination resorts; sites from which destination resort excluded. (1) A destination resort may be sited only on lands mapped as eligible for destination resort siting by the affected county. The county may not allow destination resorts approved pursuant to ORS 197.435 to 197.467 to be sited in any of the following areas:

(a) Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more unless residential uses are limited to those necessary for the staff and management of the resort.

(b)(A) On a site with 50 or more contiguous acres of unique or prime farmland identified and mapped by the United States Natural Resources Conservation Service, or its predecessor agency.

(B) On a site within three miles of a high value crop area unless the resort complies with the requirements of ORS 197.445 (6) in which case the resort may not be closer to a high value crop area than one-half mile for each 25 units of overnight lodging or fraction thereof.

(c) On predominantly Cubic Foot Site Class 1 or 2 forestlands as determined by the State Forestry Department, which are not subject to an approved goal exception.

(d) In the Columbia River Gorge National Scenic Area as defined by the Columbia River Gorge National Scenic Act, P.L. 99-663.

(e) In an especially sensitive big game habitat area:

(A) As determined by the State Department of Fish and Wildlife in July 1984, and in additional especially sensitive big game habitat areas designated by a county in an acknowledged comprehensive plan; or

(B) If the State Fish and Wildlife Commission amends the 1984 determination with respect to an entire county and the county amends its comprehensive plan to reflect the commission's subsequent determination, as designated in the acknowledged comprehensive plan.

(f) On a site in which the lands are predominantly classified as being in Fire Regime Condition Class 3, unless the county approves a wildfire protection plan that demonstrates the site can be developed without being at a high overall risk of fire.

(2) In carrying out subsection (1) of this section, a county shall adopt, as part of its comprehensive plan, a map consisting of eligible lands within the county. The map must be based on reasonably available information and may be amended pursuant to ORS 197.610 to 197.625, but not more frequently than once every 30 months. The county shall develop a process for collecting and processing concurrently all map amendments made within a 30-month planning period. A map adopted pursuant to this section shall be the sole basis for determining whether tracts of land are eligible for destination resort siting pursuant to ORS 197.435 to 197.467. [1987 c.886 §6; 1993 c.590 §3; 1997 c.249 §57; 2003 c.812 §3; 2005 c.22 §142; 2005 c.205 §1; 2010 c.32 §1]

197.460 Compatibility with adjacent land uses; county measures; economic impact analysis; traffic impact analysis. A county shall ensure that a destination resort is compatible with the site and adjacent land uses through the following measures:

(1) Important natural features, including habitat of threatened or endangered species, streams, rivers and significant wetlands shall be retained. Riparian vegetation within 100 feet of streams, rivers and significant wetlands shall be retained. Alteration of important natural features, including placement of structures that maintain the overall values of the feature may be allowed.

(2) Improvements and activities shall be located and designed to avoid or minimize adverse effects of the resort on uses on surrounding lands, particularly effects on intensive farming operations in the area. At a minimum, measures to accomplish this shall include:

(a) Establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and where appropriate, fences, berms, landscaped areas and other similar types of buffers.

(b) Setbacks of structures and other improvements from adjacent land uses.

(3) If the site is west of the summit of the Coast Range and within 10 miles of an urban growth boundary, or if the site is east of the summit of the Coast Range and within 25 miles of an urban growth boundary, the county shall require the applicant to submit an economic impact analysis of the proposed development that includes analysis of the projected impacts within the county and within cities whose urban growth boundaries are within the distance specified in this subsection.

(4) If the site is west of the summit of the Coast Range and within 10 miles of an urban growth boundary, or if the site is east of the summit of the Coast Range and within 25 miles

of an urban growth boundary, the county shall require the applicant to submit a traffic impact analysis of the proposed development that includes measures to avoid or mitigate a proportionate share of adverse effects of transportation on state highways and other transportation facilities affected by the proposed development, including transportation facilities in the county and in cities whose urban growth boundaries are within the distance specified in this subsection. [1987 c.886 §7; 2010 c.32 §2]

197.462 Use of land excluded from destination resort. A portion of a tract that is excluded from the site of a destination resort pursuant to ORS 197.435 (7) shall not be used or operated in conjunction with the resort. Subject to this limitation, the use of the excluded property shall be governed by otherwise applicable law. [1993 c.590 §7]

197.465 Comprehensive plan implementing measures. An acknowledged comprehensive plan that allows for siting of a destination resort shall include implementing measures which:

(1) Map areas where a destination resort described in ORS 197.445 (1) to (5) is permitted pursuant to ORS 197.455;

(2) Limit uses and activities to those defined by ORS 197.435 and allowed by ORS 197.445; and

(3) Assure that developed recreational facilities and key facilities intended to serve the entire development and visitor-oriented accommodations are physically provided or are guaranteed through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding. [1987 c.886 §8]

197.467 Conservation easement to protect resource site. (1) If a tract to be used as a destination resort contains a resource site designated for protection in an acknowledged comprehensive plan pursuant to open spaces, scenic and historic areas and natural resource goals in an acknowledged comprehensive plan, that tract of land shall preserve that site by conservation easement sufficient to protect the resource values of the resource site as set forth in ORS 271.715 to 271.795.

(2) A conservation easement under this section shall be recorded with the property records of the tract on which the destination resort is sited. [1993 c.590 §5]

memo

To: Mr. Lepman (c/o Ruth Post)
From: Chas Jones, PhD (Philomath City Councilor)
Date: 10/22/2019
Re: Lepman Development Proposal Public Hearing Submission

Comments: Dear Mr. Lepman (c/o Ruth Post),

It is my understanding that City Councilors will be unable to ask any questions during the next City Council meeting, so I am choosing to submit a few questions in writing as part of the Public Hearing process.

1. I see that traffic surveys were completed in September 2018 and May 2019. According to your contractor's report during the October 15 Council meeting, those surveys did not account for traffic associated with the two apartment complexes that have been constructed and those that are still under construction. My related questions are:
 - a. How are the existing traffic studies relevant given that these two major developments are actively under construction and will impact traffic?
 - b. Is it possible to incorporate the traffic studies performed by the two apartment complexes into your traffic study's conclusions?
 - c. If considering the apartment complexes into a traffic analysis, would the 8 am/5 pm target times on Monday and Friday (in August) still produce the maximum traffic demand? Or would it be better to use a date associated with the school year?
 2. Regarding your analysis of the jobs created with the proposed development (Concern #25 in your rebuttal to Aug. 26 Planning Commission meeting):
 - a. Can you please clarify the types of jobs that are projected to be created (e.g., number of full-time vs. part-time jobs)?
 - b. What is the basis for the estimate of 3 jobs per each Flex space unit? Did you survey other similar facilities?
 3. Regarding your analysis of the water demand associated with the proposed development (Concern #11 in your rebuttal to Aug. 26 Planning Commission meeting):
 - a. According to the City's Water Master Plan (page 4-9), the City of Philomath should not rely upon the intertie as a long-term water supply. Thus, I ask that you revise your assessment of the water demand associated with the proposed development without including the intertie as a water source.
 - b. I have attempted to identify the source of your data regarding the estimated water demand. They do not appear to be from the Water Master Plan though, but they are somewhat similar. Can you please clarify the sources of the data? I am specifically referring to data referenced in your response to Concern #11.
 - c. Similarly, what is the source of your estimate of the 0.22 MGD reserve capacity?
 - d. It is my understanding that we usually utilize the intertie during periods of extreme drought, if the intertie is unable to be used, what is the capacity of our less preferred water options (wells) during that time?
-

Oct 22, 2019

PC19-02 03,04,05,06 and 07

Written comment to record, from Oct. 15, 2019.

I commented in writing to the Oct 15, 2019 Philomath City Council hearing and submitted written comment that was not read into the record for PC10-06 and PC19-7 supporting denial of the Planning Commissions decision. Additionally, I submitted comments on Oct 15 to PC19-02,03,04,05 argument in support of retaining Philomath Planning Commissions denial decision. Further comment to support the record was for The West Bike Path, and Fifty Foot riparian buffer.

PC19-06 and 07 where not discussed on Oct 15, by applicant. These two applications deserve evaluation by Philomath City Council.

Condition of approval:

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.

Staff report does not share that all buried utilities will be placed inside the fifty foot riparian buffer. This adds to this areas disturbance and use square footage inside fifty foot riparian buffer. Several of the items to be put inside the fifty foot riparian buffer have conditional use designation requirements cited in the City of Philomath Municipal Code.

18.80.080 - ... “The city’s standard width for public main line utility easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or city engineer. [Ord. 720§ 7[3.4.6], 2003.]”

Table 18.55.060

Prohibited Use in (NR) Natural Resource Zone

2) Storage or use of chemical pesticides, fertilizers, or other hazardous or toxic materials not associated with an approved use.

3) Within riparian corridors, the placement of structures or impervious surfaces, including grading and the

placement of fill is prohibited, except replacement of existing structures with structures located on the original building footprint that do not disturb additional riparian surface area.

4) Property line adjustments or land divisions, which would result in lots or parcels that cannot be developed in conformance with the underlying and natural resources overlay zone regulations.

18.45.020 Since there are no setbacks

front - 20 feet,

side - none as there are not current a residential districts nearby

rear - none as there are not current a residential districts nearby

18.55.20 Natural Resource Overlay Zone

“The two components of the riparian protection zone are defined as:

1. The area within the channel limits of a water area (from top of one bank to top of the opposite bank.) site bank) identified in subsection (B) of this section. For a given stream, river, or channel the top of bank is the same as the “bankfull stage.” The “bankfull stage” is defined as the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland.

2. The protection zone measured 50 feet horizontally upland from the top of bank along those sections of Newton Creek and Mary’s River and designated as significant riparian corridors on the city of Philomath local riparian inventory map...”

18.55.090 Restoration and enhancement exceptions.

“Permanent alteration of the riparian area by placement of structures or impervious surfaces may be permitted upon demonstration that equal or

better protection for the remaining on-site riparian protection overlay zone area will be ensured through restoration of riparian areas, enhanced buffer treatment or similar measures. In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor.

[Ord. 720§ 7[2.5.207], 2003.]”

PD19-05 RV Park and second Phase of the RV Park do not define how much area is being used inside the fifty foot riparian buffer for buried utilities, sidewalk, water detention and filtration facilities, parking lots, buildings, lighting, trash cans, landscaping, grass, driveways, paths ect.

Total square foot use inside fifty foot riparian buffer for PD19-05 and PD19-04 Storage Facility are undisclosed and may be over fifty percent, or more if all the buried utilities are calculated disturbance width wise for digging and trenching extensively into the Fifty Foot Riparian Buffer.

18.55.090 “... In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor. [Ord. 720§ 7[2.5.207], 2003

Table 18.55.060

Conditioned use in NR Overlay District

4) Trails, boardwalks, viewing platforms, information kiosks, and trail signs.

5) Realignment and reconfigurations of channels and pond banks, including the restoration and enhancement of natural functions and values w

7) Bike ways and other paved pathways.

8) Storm water quality treatment facilities that use filtration methods.

PC19-05 has storm water quality facility within the Natural Resource Overlay District (which are the Marys river and newton creek) and these storm water quality facilities, throughout the site, inside the fifty foot riparian buffer, should be conditioned along with the platforms (Three of them included decking for the “indoor” swimming pool) and trail lengths inside N Overlay District which is the fifty foot riparian buffer.

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.)

HI and I zone is being used for Residential zoning on land formerly used as a mill site at 15th and Willow Lane, to the south of Philomena Public works office. Policy 5 will not apply if RV use is not housing, HB2001 and 2003 will require all cities to develop all zones to allow duplex, middle housing, up to quads in areas that allow for the detached single family dwellings by June 30, 2022. Goal 9 OAR660-009-0025 This development takes away land which could be used for housing under residential zoning, if the HI and I Zone is amended and changed.

The excepted use of HI and I for RV Park may have been developed with the old Municipal code and is no longer expectable to loose more HI and I zoning to RV Park or as residential zone since mill to the south is changed from HI and I to Residential and this acreage for this application is eliminating more HI and I zone, will Philomath have enough HI and I zone if the Planning Dept and deciding bodies continue to allow HI and I zone to be eliminated for housing and RV Park? Is the City out of compliance for the amount of HI and I zone that will remain HI and I zone for industrial uses?

PC19-04 Self Storage and Industrial Flex Space are over 40,000 square feet in area(133, 046 sq feet approx.), so require a block perimeter standard 18.45.050 E. in I and HI zone.

New information to the record: use of Syn turf is noted in rebuttal by the applicant to PC. How does Syn turf in 178 spaces in PC19-05 and in PC19-04 RV and Boat storage to become either RV Spaces or more Storage Depot spaces provide for area drainage of man made materials for 178 stored vehicles which could leak, drip or have long term loss of oil or gas to the ground through the Syn turf plastic ground covering. RV Park Drainage will have plastic particulate from the Syn turf deteriorating and allowing micro plastics to enter Newton Creek, Marys River and Willamette River. The storm water analysis for this site did not include the use of Syn turf on 178 RV pad and 90 more RV pad with expansion to RV and Boat Storage area.

New information to the record include use of three wells on site in rebuttal to PC. Well use on site is not fully detailed and or described. Domestic use of water from a well within a a quarter mile of creeks and rivers is not allowed under Oregon Water Resource Division water regulation the applicant found out and stated Oct. 15, 2019. Water will be extracted for unclear use for what in this facility. In order to keep the Good Sam rating the facility had to be able to have water and sewer connections so water and sewer will be built into this site at Industrial rate charge, so this may be of lower cost to the applicant and the RV Pads are not metered so water use could be higher then for water use in residential single family homes per each RV Park user, and more to come if Boat and RV storage area becomes more RV Park.

New information to the application for the RV Park PC19-06 Viewing Platform application, includes a third deck which is in error, not noted on the three page original application which defined two decks, and application provides no documentation for a portion of a trail/path/sidewalk which is stated needs to have variance condition of approval.

New information to the Staff Report second phase of RV Park could be built in the spare extra acres proposed currently for RV and Boat storage.

Both TIA and any analysis of Water use may not include more RV Park in their data. RV Park in tax lot 100 178 spaces, 90 more spaces could be built, 268 RV Pad could be built. RV storage and boat parking will need to be paved, and roofed to gain paying customers,(dirt, mud, rain, sun on rvs and boats). Asphalt and Roof lines as hardened surfaces may not be incorporated in the area square footage of land use.

Roof lines will collect water and route this to drainage basins, and these roof lines, as unknown square footage area of hardening, may not be calculated into the current, Storm Water Management Plan calculations for storm water amounts over time from RV and Boat Storage Facility.

New information to Staff Report no information on length of stay limitations by the State in RV Parks. This limits workers ability to use this RV Park to support their living nearby their jobs.

New information to the Staff Report complete lack of public use of this site except for bike path to the west and pathway to the north which goes nowhere. The HI and I zone's allowed use for RV park call for public trails and there may only be one trail which goes north on the east side gate/fence/wall system, and dead ends. Access to this trial will be sidewalk as crossing highway 20/34 from west bound, will need a turn lane installed over the barrier between lanes.

New information not in Staff Report, lack of lodging tax in Philomath, and specific accounting to how much revenue will be lost. Developer can charge less because of not having to account for local lodging tax.

Water

Water is not discussed in staff report in enough factual and clear detail. In the Oct 15, 2019 Comment to the record from Mr. Michael Spencer is factual to Philomath Public works data, and this presentation, to the City Council, incites huge concern for possible use allocation of city water to this site and the limitations this site will create to local water supply for future developments.

For 178 RV spaces he established through research attached to his testimony, that 5.8 million gallons or 87% use would occur. If 90 more

RV Park Spaces are created this 5.8 million gallons for 178 spaces can be divided in half and added to the total usage which is industrial rate to HI and I zone, with one meter, and unmeasured at 268 RV Pads, with total use volume of 8.7 million gallons or 130.5% use of the total supply.

More deference is needed for water supply reality to come and cost associated to the city taxpayers from this development for water line installation and water demand for 268 RV Park users who will go unmetered, and conservation of water here may be moot if no one understands how resource is limited. This development could limit other future development which require water and there are less of it because of demand such as from 268 RV park sites.

The Marys River is water quality limited with the State of Oregon Dept. of Water Resources for TMDL- Bacterial and Heat limited at Philomath to Corvallis. Adding 178 plus 90 more users RV, adds more sewer treatment costs and releases of finished, settling sewage water from sewage lagoon system to the Marys River.

Possibly the use of the Marys as a City of Philomath sewage dump should be discontinued as it impact everything in the waterway at the release site to the Willamette River. More sewage volume will have to be finished and outfallen into the Marys River from this RV Park and its future expansion to more RV Park sites in the RV and Boat storage area.

TIA

Both TIA have the same number of pages, where in the second TIA showing analysis of 53rd and West Hills Road and Walnut Blvd? ODOT Traffic overview called for limitation to south entrance: Entrance to Storage Depot/Boat and RV storage or future RV Park, and Flex Warehouse is right in west bound, and left in possibly after the divider is removed in highway 20/34 to be able to turn left from east bound 20/34, then right out onto College Street, to 19th.

Benton County Traffic Engineer noted a turn distance limitation from 19th east bound for RV, so RV turning south onto 19th from College may have to turn west and then go around the block to get back onto highway 20/34 east

bound. Exit from RV Park on 19th will be limited to north bound on Previous Road due to turn length limitation east bound at 19th and Main.

Additionally stored cars on College Street will have to be removed and site distance barrier fence will have to be removed to the se side of 19th Street at College and 19th.

Site overview fails to include history for twelve plus years of connectivity and use of this site as a living classroom and community resource and as a focal point for both communities of Corvallis and Philomena to come and gathering to celebrate science and music and the site.

Clements Mill has been uses as a living classroom by Philomath High through the innovative and loving work of the former Jeff Mitchell and 12 plus years of his working together on this site with countless HS students. Much research, restoration and funding was developed for and within this site by 12 plus years of student projects, and in collaboration with the Marys River Watershed Council, restoration of east fork of Newton Creek occurred by dam removal, site plantings and data collection and monitoring to create documents such as 'The Newton Creek Wetland Management Plan- 2007' in which in tax lot 100 a State Listed Plant was located, thin leaved pea vine. The Rare Plant report did not locate this plant in tax lot 100.

State Listed thin leaved pea vine may be in tax lot 100, and is not listed on the rare plant report. Thin leaved pea vine is an indicator of high quality prairie habitat.

Escrow west bike path:

The dedication of escrow finding for 16 foot bike path with 10 feet is owned/dedicated as right of way by the city already and 6 feet are allocated by the developer, 3 feet either side of the 10 foot row, to built, into floodplain, wetland soils, over rare federally listed endangered plants, over state listed threated plants, and through ancient Oregon White Oak at 100 years plus a bike path to nowhere. Staff time to deal with all the permits and to pay for all the permits could be very unaffordable to the City.

City bike path escrow future development is not discussed by City Planner. What are the costs for this bike path and if it goes to the City Park, will the Philomath Parks Dept. have to build City Park to connect this bike path to it?

A condition of approval to move the bike path to Twentieth place would free up the Cities future responsibilities here, for getting fill and removal permit, filling flood plain, mitigating wetland flood plain off site, mitigating for the loss of Endangered species, mitigating for the loss of State listed species, and cutting down ancient Oregon White Oak which are becoming less common as we develop the WV.

Development in tax lot 100 will eventually have to have a bike path on 20th Place anyway. Openspace requirements of the RV and boat storage area are being moved(placed) virtually, into this future escrow funded, bike path area. If the city Council develops a condition of approval to move the escrow funded west bike path to 20th place, these virtual traded moved openspace requirements will have to be applied elsewhere in the development, like reduction of how much infrastructure is to be built inside the fifty foot riparian buffer, or moving trails out way from the East Fork of Newton Creek, and main stem Newton Creek where trails are within the Fifty Foot Riparian buffer.

Historically this creek floods, every year and worse in the multi year 100 year floods global warming has initiated. Site flooding is not disclosed at all in the Wetland delineation or in the Staff Report hydrology evaluation. Flood debris lodging line is seen well above the bank full 100 year flood plain depth in the Wetland Delineation photos.

Only a 100 year flood plain isoline is mapped out on engineering drawings which are best guess where these areas are in reality.

How will this development impact downstream property owners and infrastructure along Newton Creek which could be eroded away if this site flood at higher volume due to undersized stormwater drainage facility after say, after the RV Park expands and detention pond system is not large enough to accommodate this new hardened surface for Synturf in 90 more RV pad spaces?

The record on line for this application is does not contain multiple documents which are key to evalation of this application. Both the public and the volunteer PC and CC are unable to access all the developments application materials without asking for a digital copy of the complete application perhaps at City Hall, or photo copying or scanning missing exhibits and support findings for each application. The development is so large and so complex that all materials need to be made available to everyone digitally.

To understand the development completely, all materials should be presented to the record on City Web site. Currently, there is a substantial amount of material as exhibits and attachments which are missing from the on line record for this massive application. The lack of complete public record for this application, limits public involvement and participation under State Land Use Goal One and Philomath Comprehensive Land Use Plan Policies that support public involvement in community.

Thanks, Rana Foster 980 SE Mason Pl Corvallis, OR.

Oct 22, 2019

Dear City of Philomath, Attorney Brewer, City Council, City Planning Commission,

I am interested in following up on the confusion created at the Oct.15 CC hearing, which subject one party to a complete loss of participation by at this hearing, announcing these changes.

I spend some days working to present specific comments and assumed I would be commenting at a later, yet to be rescheduled, hearing date, for CP19-06 and 07, or that I would be comment later on, to a second hearing on Oct 15 as noted on city notice to the public of land use action.

The chance to repeat and verbally clarify these changes to what was going on in the opening session of the hearing where not offered to the people who where listed as the appellants to appealed decision made by PPC for: CP19-06 and 07.

Attorney never provided these appellants with a chance to concur with these major changes in the process for them from my hearing and understanding.

Appellants for PC19-06 and 07 had no idea, what the process was changing to, during this opening part of this new hearing. If the PC made a procedural error, this should have been dealt with way before the applicants paid for filing fee for a public hearing.

Public had been assuming there would be two hearings, and with the changes, in reality, since this hearing closed at 11:20 pm, Appellants for PC19-06 and 07 where not fully able to figure out among the three of them, what was going on, in this hearing, at the point before the new hearing opened. So no one spoke up from the public, in question of procedural changes or if they did their questions and concerns where not been fully acknowledged.

The appellant for CP19-06 and 07 where not given the chance, as part of the discussion, or the time as part of the participants in this quick change, to show they understood clearly, what was going on procedurally for hearing changes before the new hearing opened.

Upon these changes, to combine all the hearing issues into one hearing, and disregard what the PC did, (the entire record or just their decision?),

the Mayor took to task stated three minute comment period. In order to undertake the second hearings as advertised/and paid for hearing topic, the three appellants should been given more time to present their comments as testimony, if they had all understood and agreed to these procedural changes.

The appellants for PC19-06 and 07, did not understand the scope, breath or detail of these new hearing changes. The Mayor could have considerably increased the public comment time limit to five minutes to allow the appellants to at least, attempt to cover their issue and all the Lepman LLC issues, PC19-02-05, in comment to PCC for the new single hearing on oct. 15, 7-11:40.

As the appellant group of three applicants, where not given enough time to testify, or given a clear, directed chance, to decide to participate in this hearing with the best results. Additionally, every single person who commented was rushed. See how you do in this situation, poorly at best. This process of three minute comment, fails to provide for effective and factual public participation. What if you can not see well or can not formulate words fast enough, do you get more time to comment? You have to request it on a form perhaps before the hearing.

Written statements to the PCC hopefully are to be reviewed, later, or before the hearing, but with the hearing closed, the process of asking planning or the Cities on contract planner questions from the CC may have been reduced.

PCC can ask staff questions, and this would be, questions of:

Planner Depa. Should the Mayor have asked PCC to do this, send Planner Depa questions in the time the record is open? I did not hear this being done.

I am interested in being allowed to comment to PCC without having to comment at break neck speed and not be able to make sense, this is very difficult to undertake and provide facts.

Lack of effective amount of time to comment is poor business practice and adds to overall weaker ties between City staff and CC and PC volunteers and the public they all serve.

Three minutes comment period may be physically disrespectful of those who participate, when applicant spends as long as they wish, given more time, undeterred by Mayor saying - 'that is enough' to many of the three minute public commentators.

The applicants agreed upon allotted 30 minutes, went an hour and about a half, and so he was given much leeway and did not get told to stop-deference, then his allotted 30 minutes, where public had three minutes each and where cut short with, “that is enough”

Goal one public involvement is being undermined during this hearing.

The appellants for PC19-06 and 07, had not agreed to even disagree because they all were not understanding what these in hearing changes were, without any notice to the people involved, but for telling them the hearing has changed and these are the reasons, and they did not have no time to chime in to agree or disagree, with the hearing procedural and content/subject review changes.

City attorney could have asked the second hearing appellants if they understood his new direction and his decision making process for the changes, since they paid to appeal, and were ready to participate in a second hearing.

The PC so called “mistake” ramified to include all the public who attended, so PC may need an actual certified attorney on hand to not make mistakes procedurally? I assume the change to the new hearing will benefit the applicant as the public was not prepared for this new hearing, the applicant had more time to bring up all his consultants where the other appellants had zero time to share and bring up any of their consultants if they had had more time to present their case for PC19-06, 07.

Do we have to ignore all of the outcome of PC? If this is a new hearing, why did the PC make recommendations to PCC if they PCC do not look at what the PC worked on and passed?

No one talked about PC19-06 and 07, and I noticed that the applicant bypassed this discussion and the public had no idea these topic would be eliminated from the hearing process, since not many people clearly understood the scope of the hearing reboot process. The complete loss of any discussion about PC19-06 and PC19-07.

PC19-06 and 07 appeal was not honored in it’s own hearing, due to combination of all the topics into one hearing.

The Mayor should have read off this is a hearing for PC19-02, 03, 04, 05, 06, and 07 and he did not that I heard.

This new hearing title reading would have make more people wonder what was happening jurisdictionally.

I would enjoy participation if the testimony comment time were extended please to five minutes and also, to have city council and Planning commission be able to ask questions of the commentators.

If the commission and council ask questions of the person testifying, these volunteers will be more fully prepared to consider an application when they have clarified and confirmed their questions for each person sharing testimony.

As it stands, the system appears to be broke as we comment at break neck speed, and are not able to be making sense do to this three minutes from hell, time limit, and no one asks questions and both council and commission possibly remain uninformed by the public due to shortness of the comment time and, with no serrebuttall available and the Mayor cutting us off by saying that is enough is near impossible to deliver effective comments.

Do the PC and CC actually hear what we said or, are they at all times made to be confused due to the comments having to be flung at them, in three minute comment limitation?

I assume we can only connect fully to each PC and CC members through written comment, as the hearing process for time limitation and no q and a time, appears to be failing the public in Philomath, Oregon.

With the hearing changes, at the hearing on oct.15, 2019 possibly PC needs an licensed attorney present so these types of error are not able to ramify and directly impact said hearing process. The confusion the hearing changes generated, and lack of sufficient comment time granted to 99% of the participants to comment, and lengthy and no limit, generous comment period given the applicant by the Mayor.

The other group of appellants may have had a presentation to make, and their specialists to present their case, and they where denied this right to testify, by changing the process of the hearing at the hearing and then failing to seek agreement on these changes as they did not clearly understand them and or, where never asked if they understood them that I understood.

I did not get to comment to PC19-06 and 07 due to the hearing subject and procedural changes, and had to pick and choose what to say in three minutes, out of all the files comments for PC19 -02 through 07.

PC19-06 and PC19-07 where never discussed in this hearing, and this was a loss to the public.

Thank you, Rana Foster 980 se mason pl corvallis.

AMENDED 10/23/2019

10/22/19, 4:30pm

Sandy Heath

340 N 13th St.

Philomath OR 97370

To the Philomath City Council members,

I request a continuance of this public hearing until such time that a presentation and testimony to the City Council by the Appellants, Sandy Heath, Catherine Bisco, Lawrence Johnson and Jeff Lamb has been granted. The aforementioned Appellants followed the process, made payment to the City of Philomath and was thereby granted a hearing.

On October 15, 2019, Two appeals were to be heard by the City Council in regards to decisions made by the Planning Commission on August 26, 2019

1. The Commission denied the Lepman Master Plan on August 26, 2019.
 2. The Commission approved the Lepman PC19.06 - PC19.07 a 3% variance and Riparian Viewing Platforms.
- The appeal filed by officers of Grow Philomath Sensibly, a (PAC who strive in promoting and providing education to citizens in local government processes and rights), Sandy Heath, Catherine Bisco, Lawrence Johnson and Jeff Lamb was not allowed a time to make a presentation during the meeting of October 15, 2019 as noted in Agenda item C1 & C2.
 - Only the Appellant Lepman, was allowed to give a full presentation of the appeal to the Planning Commissions Denial of PC19.02-PC19-05. Agenda item B1 & B2.
 - There was no time allowed for a presentation by the Appellants for 19.06-19.07. Agenda C1 & C2
 - City staff have given the impression of biases during this process. A new extensive and updated Staff Report was created for the City Council meeting. This was not the same Staff Report that the Planning Commission saw.
Erroneously referring to concerned citizens in the community as Special Interest Groups.

Thank you for your time

Sandy Heath

Cc: Record, Mayor Niemann, City Council, Planning Commission

PLEASE VOTE

As if

Your Community's Livability is at stake

**Your Safety and that of your Loved Ones
Depends on it**

**Your Water Supply suddenly stops being
available in your home**

**You had to Move away because you can't
Afford to live in Philomath anymore.**

You want your town to GrowSensibly

From: [Jeff Lamb](#)
To: [Ruth Post](#)
Cc: [Chris Workman](#)
Subject: FW: Lepman RV Park PC19-02,PC19-03,PC19-04,PC19-05,PC19-06,PC19-07
Date: Tuesday, October 22, 2019 4:54:52 PM

From: Jeff Lamb <jefflamb02@peak.org>
Sent: Tuesday, October 22, 2019 4:36 PM
To: Jeff Lamb <jefflamb02@peak.org>
Subject: Lepman RV Park PC19-02,PC19-03,PC19-04,PC19-05,PC19-06,PC19-07

Oct.22 ,2019

City of Philomath
980 Applegate St.
Philomath, Or. 97370

Ref; Oct. 15th scheduled public hearings

Mayor Niemann, City Counselors & Staff

My involvement concerning Scott Lepman's proposed RV Park's development has been detailed & comprehensive from the beginning. I have given public testimony on numerous planning commission hearings and before the city Council.

As a long time community member and resident (50 years) my involvement on various projects is well known and public information. This proposal is yet another example of city government asking citizens to annex property from the Urban Growth Boundary (UGB) into the city limits to create jobs through manufacturing & industry plans.

The city has broken its promise and word on 3 former annex mill sites. The City bypassed the mandated planning commission hearings on the Mill Pond Crossing development application, by up-zoning the mill site too high density residential (166 Homes), approving a development agreement, annexing an adjacent piece of property. These decision were scheduled to take place in a single city Council hearing last year May 21 ,2018. The public had little notice.

The city up-zoned another former mill site too high density residential on the east side of Philomath which is now called “Boulevard Apartments” 250-300 units.

The Developer promised amongst other things that this would be affordable housing for are people working in Philomath. These Apartments are anything but affordable.

The city up-zoned the property on 19th Street to high density residential apartments approximately (85). The developer also promised that these units would be affordable housing for people working in Philomath. These Apartments are anything but affordable.

Now the city is once again considering a former mill site annex into the city limits with a clear understanding by the voters how that property would be used.

Is it any wonder why people feel like their elected officials don't care about their concerns or hardships paying their bills and taxes.

You all were elected last November in part because of the communities concerns over the seemingly un-controllable growth and costs that go with it.

People have put their trust in you. Was that a mistake?

As the city well knows, GPS filed 9-9-19 an appeal on Lepman's RV park concerning 2 items approved by the planning commission at their August 26th meeting.

There are 4 names on that appeal an one is my. The city advertised a public hearing for GPS for 10-15-19 both on its website and the Philomath Express newspaper.

Many GPS and community members attended planning on testifying in supporting our appeal.

It was rude and un-professional of the city to not inform the people that attended and planned on testifying that the hearing had been canceled.

The 4 appellants and public was informed that the hearing was canceled only when the meeting was called order.

Is this the way the city wants to do business and the message it sends?

Respectfully submitted,
Jeffrey R, Lamb

Written Testimony Opposing the Lepman Project/PMC Zoning Updates PC-19-08

I have lived in Philomath since 1976. As a very concerned citizen, and because I am troubled about the Lepman project rising to fruition, I took to the streets as a petitioner as a voice for the people of Philomath, who also oppose the project, and in no uncertain terms.

After garnering 80 or more signatures from property owners, and apartment dwellers, newcomers, and those that have lived here most of their lives, in addition to concerned people from Corvallis, our new "bedroom community," I realized that I wasn't just collecting names, but an overall sense of helplessness and rebellion that is rolling like an undercurrent through this town,

I think Judy Bigmer, of 622 S. 15th St., Philomath, summed it up best when she told me, "I feel like our city fathers are not looking after the entire welfare of Philomath." Judy lives directly across from the single home housing project that was annexed by the city with a non-unanimous triple consent petition in 2018. Since then, the whole neighborhood is very ill-at ease about the construction taking place on the project. They are also extremely worried that run-off water from exposed and saturated ground at the site will infiltrate the ground water and into their property--water that could very well contain contaminants from the mill that once occupied the area.

Furthermore, residents on Cooper Lane and on the south end of 15th St., also expressed distress about the displaced wildlife that as a result of the project now seek shelter in their yards, including foxes, coyotes, rabbits, and two does with fawns that wander aimlessly up and down the street during the day.

The same scenario will play out when, if approved, the Lepman project begins to unearth the sensitive ecosystem and wet land habitat, in the area, while clearing out wild life that have supplanted the area for years where once a mill also stood. And because the project would be so close to the highway, many of these animals will try crossing the road. Not only will they become a traffic hazard, but a tragedy, as well.

The area is one of the last open spaces that Philomath has for wildlife—it is also an obligate wetland, indicative by the narrow leaf and swamp milk weed growing in abundance there; consequently, this area is also a primary habitat for the Monarch butterfly and other butterfly species *that are vital to even our survival.*

Moreover, hard surface run-off from asphalt and cement parking lots, driveways, and roads is the most common form of pollution in riparian areas and ground water, and because I walk my dog at the City Park, I certainly won't want her to drink water from Newton creek when I'm not looking, after it has absorbed gas, oil, and antifreeze that, inevitably, will have leaked from RVs and other vehicles at Leppman's RV Park.

In addition to this, the infrastructure in Philomath is not ready to take on any more than it already has—this town is not ready for the onslaught of growth it already has absorbed. Besides that, morning and afternoon traffic is worrisome enough, and with many school kids, already, more pedestrians, bicycles, cars, and trucks would be a recipe for disaster!

Last of all, the lack of a regular grocery store has caused the area around 14th and Main St., where I live, and the Philomath Market is also located, to become a very high traffic and crime area. This area is already a bedlam, if more people are added to the mix, it would be worse than Watts in Southern California. As it is, I cannot walk across the street without dodging people driving recklessly in extremely loud vehicles, and I never walk my dog around this area.

All in all, Philomath is already over developed and we certainly don't need to add anymore to our taxes and water bills! Please! Don't allow Philomath to grow out of greed from developers! Please—listen to the people and Grow Philomath Sensibly!

Thank you,

Kay Sams, 146 N. 1r4th St., # 7, 541-829-8684

FILED

OCT 22 2019

BY:  TIME: 3:59 pm
CITY OF PHILOMATH

October 22, 2019
Philomath City Council
980 Applegate Street
PO Box 400
Philomath, OR 97370

FILED
OCT 22 2019
BY: *PP* TIME: *4:58 pm*
CITY OF PHILOMATH

Re: Nature of Application: Master Plan Development - Mixed-use Industrial Development
Applicant/Owner: Scott Lepman Company

Property Location: 617 N 19th Street.

Benton County Assessor's Map 12-6-12 Lots 100, 200 and 201

Zone Designation: Industrial Park and Heavy Industrial

File Number: PC19-02, PC19-03, PC19-04, PC19-05, PC19-06 and PC19-07

Staff Contact: Patrick Depa, Associate Planner

To: Philomath City Council and Mayor.

This application **MUST** be Denied for the following the following criteria has not be met.

1. Transportation and Safety

does not meet Transportation Criteria.

Listen to audio testimony of the Traffic Analysis on October 15th City Council meeting clearly not a complete and adequate traffic study in aggregate including Oak Springs Apartments, Blvd. Apartments, Mill Pond Crossing, Forest Meadows new expansion plus the massive amount of bus traffic going through Philomath many times during the day.

According to the Blvd. Apartment Complex Traffic Impact Analysis indicates the intersection at SW 53rd St. & US 20-OR 34 will **not meet mobility standards** during weekday peak pm hour by 2021.

That will drastically impact ALL of City of Philomath with Safety and Livability.

2. Water Supply

Philomath Comprehensive Plan (pg. 45) states under water Supply Policies the following. "The City of Philomath primary water source shall be the Mary's River and the secondary shall be the cities two wells." NOT the Corvallis intertie which is not dependable and should NOT be calculated at all in any of the water sources aggregates. The City of Corvallis is increasing water usage of their upstream water rights from the City of Philomath.

The 9th street well is not functioning as a source and the 11th Street well has poor taste qualities.

The City of Philomath Water Master Plan states that the city of Philomath shall seek out **low water consumption industries**, NOT and an RV PARK with a massive consumption the Philomath Citizens Water. The RV PARK and development of nearly 4 % of our current ANNUAL water use under normal water use, with high water use times almost doubling the consumption. This would be absurd to give our water resources to a RV Park enterprise for **one person's Profit**.

3. Lack of unsustainable Jobs. Testimony by Lepman stated 5 jobs and then a larger number.

Submitted Respectfully



Robert Biscoe

16 year resident

P.O. Box 848

Philomath OR, 97370

Submitted 64 pages

Including comprehensive Plan

PHILOMATH COMPREHENSIVE PLAN

Ordinance #493

As Amended By:

**Ords. #514,526, 566, 588, 601, 615, 720, 728, 746, 747,
749, 759, 762, 763, 775, 777, 800, 807, 815, 816, 825 and 832**

**ADOPTED
March 30, 1983**

**REVISED
December 10, 1990 and
September 22, 2003**

**ACKNOWLEDGED
July 14, 1983, and
December 17, 2003**

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COMPREHENSIVE PLAN GOALS

Residential Land Use

Maintain and improve existing residential areas; develop a variety of housing types in order to meet the City's housing needs.

Commercial Land Use

Develop and maintain the existing business area as a downtown core which is the dominant commercial and service center of Philomath and the surrounding rural area; encourage a variety of commercial activity in convenient locations to serve local residents and tourists.

Industrial Land Use

Maintain, protect, and expand the City's existing industries; promote and provide a diversified industrial base that will supply jobs for both the existing and future labor source.

Public Land Use

Provide the necessary public owned land for a good transportation system, parks, public buildings and utilities as well as to protect and preserve certain natural resource areas.

Community Goal

The City of Philomath's primary goal is to be a self-reliant city which is capable of providing high quality street, sewer, water, police, fire, and administrative services without relying on other governmental agencies.

COMPREHENSIVE PLAN MAP

I. CITIZEN INVOLVEMENT

Citizen involvement has been an important part of the planning process in Philomath since comprehensive planning for the City began in 1974. Since that time, numerous public meetings, workshops and hearings have been held during the development of the comprehensive plan and implementing ordinances. In addition, notices of hearings regarding quasi-judicial planning actions are sent to nearby property owners in order to allow them to be involved in hearings which may affect their property.

Philomath's Citizen Involvement Program was approved by the Land Conservation and Development Commission (LCDDC) in March of 1976. The Philomath Planning Commission was appointed to serve as the Committee of Citizen Involvement (CCI).

Citizen Involvement Policies

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

II. ECONOMY

Introduction

In March 1998 the Oregon Cascade West Council of Governments (OCWCOG) applied for a grant from the Department of Land Conservation and Development (DLCD) to assist with the periodic review of local comprehensive land use plans with an emphasis on housing. The unique aspect of the grant proposal was its emphasis on a regional analysis (in contrast to a typical grant for periodic review to a specific city).

Nine jurisdictions participated in this study: Albany, Corvallis, Harrisburg, Lebanon, Millersburg, Monroe, Sweet Home, Tangent, and Philomath. Other communities in Linn and Benton counties were not in periodic review when this study was initiated and did not participate in this study. The scope of work was later expanded with the participation and funding of the Oregon Economic Development Department and the Department of Housing and Community Service to include an economic analysis. OCWCOG then contracted with ECONorthwest to prepare a regional analysis (RA).

That report addresses, among other things: (1) regional trends and forecasts in population, employment, and housing; (2) housing markets and housing needs data for each city and for the two county area; (3) the amount and characteristics of buildable land for each city and for the two county area; (4) factors affecting household and business location decisions; (5) the regional distribution of jobs and housing; and (6) housing policies and strategies that may assist jurisdictions in meeting housing needs over the next twenty years.

That report assembled facts about the economy and housing, and to make reasonable forecasts of economic and housing conditions for 20 years. It does not recommend policy. Because of the depth and scope of the RA it is incorporated by reference, with the pertinent portions relating to the City of Philomath included within this document. It is the purpose of this document to provide a basis for policy analysis and change as deemed appropriate. Some suggestions are provided at the end of this document and others will be developed as the adoption process unfolds.

Population and Employment Forecasts

All planning processes take into account in one fashion or another employment and population forecasts. The RA presents a regional employment and housing forecast and allocation. The baseline allocation uses the county coordinated population forecasts and employment forecasts developed by the Oregon Office of Economic Analysis (OEA). Because of the regional nature of the RA and the information provided therein, it will occasionally be presented in the regional format. That information is important given the interdependence the region shares and the influence the surrounding cities, particularly Corvallis, have on the City of Philomath.

In 1997, the population of the Linn-Benton region was 177,400. About 30% of the population (50,341 persons) resided in unincorporated areas in 1997. The OEA forecasts that population in Linn and Benton Counties will grow by nearly 45,000 people (about 0.9% annually) between 1995 and 2020 to 218,503 persons. Benton and Linn County have each produced their own population forecast to 2020 and allocated that forecast to incorporated cities. Benton County forecasts 2,700 or 2% more people than OEA, and Linn County forecasts 6,350 or 5% more people than OEA for a two-county total of 227,553 persons. The county coordinated forecasts estimate persons in unincorporated areas will decrease to 28% of the total population (63,977 persons) in 2020.

Linn and Benton counties had 78,548 employees in 1997. To generate an employment forecast for Benton and Linn Counties through 2020, the average annual growth rates for each county in the OEA forecast were applied to 1997 employment reported by the Oregon Employment Department. This revised forecast, projects total employment of 97,691 in the two-county region by 2020, an increase of 6,342 over the OEA forecast for 2020.

Regional economic analysis

Goal 9 requires jurisdictions to provide an adequate supply of buildable lands for a variety of commercial and industrial activities. Oregon Administrative Rule (OAR) 660-009, which implements Goal 9, requires plans to identify the approximate acreage of land needed to accommodate industrial and commercial uses. Land needs can be specified in several broad "site categories" (e.g., light industrial, heavy industrial, commercial office, commercial retail, highway commercial, etc.) that combine compatible uses with similar site requirements (OAR 660-009-0025). The Goal 9 Administrative Rule, however, does not address the issue of "public" employment (government, education, etc), nor does it require communities to designate land for public uses.

Goal 9 and OAR 660-009 require an assessment of land needs to consider state and local economic trends and the comparative advantage of local communities as locations for business activity. These factors are included in this plan—the

statewide and county employment forecasts incorporate state and national trends, and the geographic allocation of employment growth reflects the comparative advantages of local communities.

The methods used provide a reasonable baseline forecast of employment and land needed for employment growth in local communities. Local jurisdictions may use the analysis of economic trends and comparative advantage in Appendix B of the ECO study to adopt an employment and land need forecast in their comprehensive plans that best reflects expected economic conditions in their communities.

Benton and Linn Counties share an economic history as manufacturing and service centers for the forestry and agriculture industries of the central Willamette Valley. Both counties have a larger-than-average share of employment and earnings from Manufacturing compared to Oregon, but the dominant industries in each county are different—Electric & Electronic Equipment in Benton County, Lumber and Wood Products and Primary Metals in Linn County.

The composition and location of employment growth in Benton and Linn Counties will be affected by long-run national and statewide trends, trends and growth in specific industries, and the comparative advantages of locations in Benton and Linn Counties. The key conclusions of the analysis of these factors are:

Transportation access will be a major competitive advantage, and this will particularly benefit communities near I-5: Albany and Millersburg, and communities connected to I-5 by the four-lane portion of Highway 34—Corvallis, Tangent, and Lebanon. This represents a potential liability to Philomath given the traffic congestion currently experienced in Philomath, as well as Highway 20/34 east of town.

All communities appear to have an adequate supply of buildable land designated for commercial and industrial uses, but existing environmental and infrastructure constraints may limit development opportunities in Monroe, Philomath, and Tangent.

Rural communities in Benton and Linn Counties may experience some growth due to in-migrants seeking small-town lifestyles and high-amenity locations.

Existing concentrations of industries are likely to attract similar and related businesses: Primary Metals and Heavy Manufacturing in Millersburg; Food Processing and distribution in Albany; High-tech, Research, and Engineering in Corvallis.

Key regional economic development and housing issues

The previous sections provide a base of facts about the economy and housing in the Linn-Benton region. Describing what has happened is relatively easy. Describing what will happen is obviously more difficult: there are many possible futures. Market forces over which governments and businesses in Linn and Benton Counties have little control influence those futures. They are also influenced by public policies that local governments can control, but which are difficult to predict.

Some key regional issues, that governmental policies may need to address are the regional distribution of growth (employment and population; jobs and housing), transportation patterns, land supply and demand, and housing affordability. These issues clearly overlap. For example, a large disparity between jobs and housing units for workers will affect the distribution of growth, transportation patterns, and housing affordability for many households. Key findings include:

- Smaller jurisdictions moved closer to a jobs-to-housing ratio of 1.0 between 1990 and 1997. Albany and Corvallis added more jobs than housing during the same period.
- The baseline forecast anticipates a continuation of trends observed between 1990 and 1997—employment will grow faster than housing in Corvallis; population and housing will grow faster than employment in most other communities.
- No universal standard exists for a “jobs-housing” balance. Moreover, providing housing near employment does not guarantee that people will live near jobs. Having a better relationship between jobs and housing, however, can provide households with more housing choice.
- Commute times do not appear to be the dominant factor in households’ location decisions in the region.
- Housing became less affordable in all communities of the region between 1990 and 1997. Corvallis and North Albany have the highest housing costs in the region.
- All communities in the region have a surplus of buildable land for the 20-year planning horizon required by state law, if all lands within UGBs are considered available for development.

Specific policy questions include:

- ❖ Do local jurisdictions accept the baseline forecast of population and employment, and the implication they must adopt policies consistent with accommodating that level of growth?

- ❖ What are the regional implications of the distribution of jobs and housing?
- ❖ If that distribution is undesirable, what can be done to change it?
- ❖ What impacts will that distribution have on the regional transportation system?

Comparative advantages in the communities of Benton and Linn Counties

This document includes an employment forecast by community in Benton and Linn Counties. This forecast is based on the 1997 distribution of employment, and so it implicitly assumes that employment by site category grows at the same rate in every community. This method provides a reasonable first approximation of employment by community. But reality will be different—it is likely that employment will grow at different rates in different communities. To estimate different growth rates for each community requires consideration of many factors, including the expansion plans of major employers in each community, the industry mix in each community and the outlook for those industries, national and state trends in employment and development, recent trends in Benton and Linn Counties, and local policies. Growth in local communities will also depend on their comparative advantages as locations for existing and potential business activity. These business location factors include access to transportation and labor markets, existing mix of industries, public policy relating to economic development, and the supply of buildable land. Appendix B of the RA describes the relative conditions of these factors. The comparative advantages for Philomath is:

Philomath: Its relatively out-of-the-way location and small size would ordinarily suggest that Philomath would grow more slowly than other communities in the region. However, Philomath is near Corvallis, and it has attracted some firms in high-tech manufacturing and service industries. Philomath's adopted policies are supportive of economic development. The City has a large inventory of buildable industrial land, but indicated that wetlands may constrain development on sites that currently have services available. The City also indicated that a lack of infrastructure to serve other industrially zoned property within the UGB might limit development opportunities.

Employment forecast and implications for demand and supply of buildable lands

The base forecast of the RA of the 2020 total employment in Benton and Linn Counties is taken as a given. This section breaks down that employment forecast by local community and land use type, and translates the estimated employment growth in local communities to demand for buildable land. That demand is then compared to the supply to identify a surplus or deficit of buildable land.

Employment forecast by type and community

Table 3-4 shows the distribution of employment by land use type in Benton and Linn Counties. The four land use categories in this analysis are groups of employment sectors that generally have similar types of land use:

Commercial: Retail Trade.

Office: Finance/Insurance/Real Estate and Services.

Industrial: Agricultural Services/Forestry/Fishing, Mining, Construction, Manufacturing, Transportation/Communications/ Utilities, and Wholesale Trade.

Public: Federal, State, and Local Government.

Table 3-4 shows employment in Benton County by land use type between 1990 and 1997. The revised forecast of total employment in 2020 was allocated to land use types using assumptions about the future distribution of employment in each county. These assumptions are based on the 1990–1997 trend in employment growth and long-run trends in employment growth at the state and national level. Assumptions about the share of total employment by land use type are applied to the 2020 forecast of total employment to forecast 2020 employment by type.

Table 3-4: Distribution of Employment in Benton County by Site Category, 1990–2020

	1990		1997		2020		1997-2020	
	Emp.	Share	Emp.	Share	Emp.	Share	Growth	%Growth
Benton County	27,504	100%	36,201	100%	43,764	100%	7,563	21%
Commercial	4,609	17%	5,367	15%	6,127	14%	760	14%
Office	7,030	26%	10,178	28%	13,129	30%	2,951	29%
Industrial	7,928	29%	12,599	35%	14,004	32%	1,405	11%
Public	7,937	29%	8,057	22%	10,503	24%	2,446	30%

Table 3-5 shows the baseline assumptions for distribution of employment by site category and community. Employment by land use type was allocated to individual communities based on each community’s 1997 share of county employment by land use type. For example, if a city had 12.9% of Benton County’s Industrial employment in 1997, it was allocated 12.9% of Benton County’s expected Industrial employment growth through 2020. The 1997 share of employment by community and land use type is shown in Table 3-3. These shares were calculated from a summary of employment by zip code in Benton County. Therefore, the geographic areas represented in Table 3-5 (and in the remainder of the employment forecast) include the named communities and the surrounding area outside the UGB that shares the same zip code. The data for the Corvallis area includes the incorporated city of Adair Village.

Table 3-5 represents the baseline distribution. Many factors could affect the regional distribution of employment including transportation improvements (e.g., the Highway 34 widening from I-5 to Lebanon), infrastructure investments, public policies concerning economic development, and many others. \

Table 3-5: Distribution of Employment by Site Category and Community, 1997

	Commercial	Office	Industrial	Public
Benton County	100%	100%	100%	100%
Corvallis	92.7%	97.6%	85.1%	94.3%
Monroe	0.6%	0.3%	2.6%	1.4%
Philomath	6.3%	1.8%	11.9%	3.7%
Remaining Areas	0.4%	0.2%	0.4%	0.6%

The 2020 level of employment by land use type shown in Table 3-4 was applied to the distribution of employment shown in Table 3-5 to estimate total employment by community and land use type in 2020. This method assumes that the geographic distribution of 2020 employment by land use type is the same as for 1997 employment. The resulting level of employment in 2020 was compared to employment in 1997 to measure the level of employment growth by site category and community in this period. Employment growth in the 1997–2020 period by community and land use type is shown in Table 3-6.

Table 3-6: Employment Growth by Community and Land Use Type, 1997–2020

	Commercial	Office	Industrial	Public	Total	% of Total	
						Growth	AAGR*
Benton County	760	2,951	1,405	2,447	7,563	100%	0.83%
Corvallis	705	2,881	1,196	2,306	7,088	94%	0.84%
Monroe	5	10	36	34	85	1%	0.68%
Philomath	48	53	167	91	359	5%	0.63%
Remaining Areas	2	7	6	16	31	0%	0.83%

* AAGR = Average Annual Growth Rate

The resulting employment growth rates vary by community due to differences in the composition of employment. For example, employment in the Office land use type is expected to grow faster than other types, so total employment increases

more in communities with a relatively larger share of 1997 Office employment. However, the resulting 2020 share of total employment by community does not vary significantly from the 1997 distribution.

Demand and supply of buildable land

The demand for buildable land in local communities is based on expected employment growth in each community. Employment growth was converted to demand for land in acres using employee-per-acre ratios for each land use type and community. Employee-per-acre ratios in this analysis are assumptions based on ratios used for a Land Needs Analysis in Corvallis, with adjustments to reflect the existing employment pattern in each community. These assumptions are shown in Table 3-7.

Table 3-7: Employee per Acre Assumptions by Land Use Type and Community

	Commercial/Office	Industrial	Public
Corvallis	22.0	17.4	20.0
Monroe	22.6	9.6	20.0
Philomath	23.4	10.9	20.0

The resulting estimate of demand for land to support employment growth was compared to the supply of buildable land reported by local jurisdictions. The method for determining the amount of buildable land is described in Chapter 4 of the RA as part of the residential analysis. Table 3-8 summarizes demand and supply conditions for buildable land in each community. This table shows the following general patterns:

- All communities have a surplus of Commercial/Office and Industrial land inside their UGB. ECONorthwest’s preliminary land inventories did not, however, consider the size and configuration of parcels. For example, though Philomath appears to have a surplus of commercial land, a closer review of land designated for commercial uses in Philomath suggests that the parcel sizes and locations may not be conducive to many types of commercial development.
- Most communities have a deficit of Public land: i.e., land designated specifically for parks, schools, fire stations, and so on. Some Commercial/Office or Industrial land may need to be used for governmental activities, though the bulk will probably come from land currently designated residential.

Appendix E of the RA worksheets shows the detailed estimate of demand and supply of buildable land to support employment growth in local jurisdictions.

The estimated supply of buildable land is based on an inventory of vacant and redevelopable land that could be developed. A number of factors can affect the amount of land that is available in the market at any one time:

- Property owners may be holding property for planned development (including the expansion of existing businesses) or in anticipation of higher profits in the future. This factor probably limits the amount of land currently on the market in every community in Benton and Linn Counties.
- Environmental constraints such as wetlands, steep slopes, and contamination can make land undevelopable, limit its use, or increase the costs of development. Philomath indicated that wetlands constrain development on sites that currently have services available.
- A lack of water, sewer, and other utility service can prevent development. While the buildable land included in Table 3-8 is within the UGB of each community, the cost to provide services to some of this land may be prohibitive. Philomath indicated that a lack of utility capacity might limit development.
- The size of parcels limits the types of development. This constraint is most often faced by uses that need large parcels of land. If several available parcels are adjacent, it may be possible for a purchaser to consolidate the parcels to make a larger area of land available. However, in Philomath the parcels are small and dispersed geographically and by ownership

Local jurisdictions will need to assess these and other relevant factors when assessing the supply of land for economic development in their community.

Table 3-8: Summary of Demand and Supply Conditions by Land Use Type and Community (in acres)

	Commercial/Office		Industrial		Public		Total	
	Demand	Supply	Demand	Supply	Demand	Supply	Demand	Supply
Corvallis	296.00	605.30	152.00	1,182.30	657.00	94.30	1,105.00	1,881.90
Monroe	0.83	7.80	4.69	24.00	2.13	0.00	7.64	31.80
Philomath	5.40	15.80	18.23	368.20	5.69	6.50	29.32	390.50
Total	302.22	628.90	174.92	1,574.50	664.81	100.80	1,141.96	2,304.20

Business location choice

This report makes the important distinction between inter- and intra-regional location choice. For most businesses it is logical to think that they make the inter-regional choice first (What state or metropolitan area best meets the specifications?) and then make the intra-regional decisions (What community in

that chosen metropolitan area, and what site in that community, best meets the specifications?). Though the focus in this study is intra-regional choice, we briefly summarize the key components of an inter-regional location choice.

Most businesses make location decisions based on the objective of maximizing profit; that is, the difference between total revenue and total cost. For some businesses, such as manufacturers that export most of their product to other regions, the choice of a location within a metropolitan region has little influence on revenue. These firms choose locations that minimize total costs. Location affects total cost through its influence on the costs of transporting inputs and output. For other firms, such as retailers, location within a metropolitan area can profoundly influence the volume of sales through its influence on the cost to consumers of transporting themselves and the goods they buy to and from the site.

What bearing does that discussion of how businesses make location decisions have on that study?

- For inter-regional location decisions, Linn and Benton County will be desirable to expanding, non-local firms to the extent that those firms value most highly the location factors in which the Counties have a comparative advantage.
- Most of the employment growth that will occur in the next 20 years in the two Counties will come from the expansion of existing businesses and the start-up of small local businesses. That conclusion is consistent with the employment forecasts that do not show a major shift in employment composition.
- Expansions to new site in a new community is usually the last choice of a small, growing firm. Thus, one should expect, as a first approximation, employment growth to occur roughly in proportion to where it exists now.
- Local policies that help firms in their efforts to minimize costs will encourage more employment growth in the short run. In the long run, however, such policies can have the opposite result if the incentives (in tax or fee abatement, or relaxed regulations) lead to a situation where the jurisdiction lacks the resources to maintain the quality of services and life that were instrumental in attracting business to begin with.

Employment and business patterns

Table B-4 shows the largest industries in Benton and Linn Counties, ranked by 1997 employment level. The industries shown together account for at least 50% of employment in each county. The distribution of employment by sector and industry for 1990 and 1997 is shown in Tables B-29 and B-30.

Education is a large employer in each county. Local Government is one of the largest industries in both counties, and the largest component of employment in

this industry is in local school districts. State Government is a large employer in Benton County, reflecting the presence of Oregon State University in Corvallis. Health Services and Business Services appear in the rankings for both counties, reflecting the increasing importance of employment in Services and the growth of Albany and Corvallis as urban service centers for the region. Manufacturing industries in Table B-4 show the different structure of that sector in the two-county region, with Electronic & Electric Equipment appearing for Benton County and Lumber & Wood Products and Primary Metals appearing for Linn County. Table B-4 indicates that Linn County has a more diverse economy than Benton County—seven industries compose 50% of total employment in Linn County compared to only five industries in Benton County.

The top five industries in each county, ranked by employment growth, are shown in Table B-5. That table shows most of the largest industries were also those with the largest amount of employment growth between 1990 and 1997. High-growth industries that are not among the largest employers are Eating & Drinking Places and Social Services in Benton County and Transportation Equipment manufacturing in Linn County.

Examining high-growth industries also indicates the greater diversity of Linn County's economy. The top five growth industries in Benton County together accounted for 84% of total employment growth in Benton County, but for only 53% of total employment growth in Linn County.

Table B-4: Largest Industries in Benton and Linn County by Employment, 1997

County/Industry	Estab.	Employment	% Total Employment
Benton County			
Electronic & Electric Equipment	12	5,817	16%
State Government	21	4,804	13%
Business Services	136	2,770	8%
Local Government	17	2,580	7%
Health Services	119	2,474	7%
Linn County			
Local Government	42	6,209	15%
Lumber & Wood Products	130	4,188	10%
Primary Metal	9	2,551	6%
Health Services	139	2,487	6%
Eating & Drinking Places	184	2,360	6%
Business Services	101	2,016	5%
Special Trade Contractors	245	1,622	4%

Source: State of Oregon, Department of Employment. 1998. *ES-202 Tapes*. Confidential data provided to ECONorthwest.

Table B-5: Five Industries With the Largest Employment Growth in Benton and Linn County, 1990–1997

County/Industry	Employment Growth	% Total Growth
Benton County	8,697	100%
Electronic & Electric Equipment	3,917	45%
Business Services	1,985	23%
Health Services	497	6%
Eating & Drinking Places	465	5%
Social Services	434	5%
Linn County	9,319	100%
Local Government	1,697	18%
Business Services	1,233	13%
Special Trade Contractors	823	9%
Primary Metal	596	6%
Transportation Equipment	564	6%

Source: State of Oregon, Department of Employment. 1998. *ES-202 Tapes*. Confidential data provided to ECONorthwest.

Data provided by the Oregon Employment Department allow an analysis of employment by community. That data contains the names of individual firms and their address, monthly employment, annual payroll, and SIC code. That data is derived from confidential unemployment insurance information provided to the Employment Department by individual firms. To maintain the confidentiality of that information, that analysis cannot reveal any information that could indicate employment or payroll characteristics of individual firms. Employment data was sorted by community using zip codes, so the resulting data includes incorporated cities and surrounding rural areas that use the same zip code.

The descriptions in this section focus on zip code areas for cities in Benton and Linn County that are involved in a periodic review of their comprehensive plan. Total employment for every zip code area in the two-county region, including unincorporated areas.

The sections below describe the 1997 structure of employment, the change in total employment between 1990 and 1997, and growing or declining industries in that period. To maintain confidentiality, the following discussion will focus on general trends rather than specific information, particularly in cases where industries consist of one or a few firms.

Total employment in Philomath was 2,277 in 1997, 6% of total employment in Benton County. Employment in Philomath is concentrated in Manufacturing, Retail Trade, and Government, which together employ 62% of total employment. Lumber & Wood Products is the largest industry in Philomath, with 682 jobs. Eating & Drinking Places is the largest industry in the Retail Trade sector, with 144 employees. Most of the jobs in Government, which employs 298, are in local K-12 education. Other major industries in Philomath include **Special Trade Contractors**, with 101 jobs.

Total employment in Philomath grew from 1,855 in 1990 to 2,277 in 1997, an increase of 422 or 23%. Employment growth was led by Eating & Drinking Places, which gained 93 jobs or 22% of net employment growth. Lumber & Wood Products in Philomath lost 220 jobs in this period. (see Table B-38)

Table B-6 shows the Oregon Employment Department forecast of employment by industry in Workforce Region 4 (which includes Benton, Lincoln, and Linn County) over the 1996–2006 period. Patterns of forecast employment growth were examined both within Region 4 and between Region 4 and Oregon. (see Table B-41) That analysis revealed several key points about expected employment growth in Region 4:

- The Services, Trade, Manufacturing, and Government sectors will lead employment growth.
- Employment growth in Machinery & Electronic Equipment will compose 68% of manufacturing growth.
- The only industry expected to lose employment is Lumber and Wood Products, which is expected to lose 240 employees over the ten year forecast period.
- Total employment is expected to grow by 20.5%, slightly slower than the 21.0% rate forecast for Oregon. Sectors and industries that are forecast to grow faster in Workforce Region 4 than in Oregon include Construction & Mining, Finance, Insurance, and Real Estate (FIRE), Food Products, and Primary Metals. Other sectors and industries in Region 4 are expected to grow at rates slightly higher or lower than the statewide rate.
- Employment growth is expected to compose 6.3% of employment growth statewide. Sectors and industries with a much larger share of statewide employment growth include Primary Metals (27.0%), Food Products (22.5%), Machinery & Electronic Equipment (11.4%), and Government (8.3%). Other sectors and industries are expected to grow at rates close to the Region 4 average.

Table B-6: Employment Growth by Industry in Workforce Region 4 (Benton, Lincoln, and Linn Counties), 1996–2006

	1996	2006	1996-2006	
			Change	% Change
Total Nonfarm Payroll Employment	95,200	114,700	19,500	20.5%
Construction & Mining	4,000	5,070	1,070	26.8%
Manufacturing	21,250	24,270	3,020	14.2%
Durable Goods	16,610	19,250	2,640	15.9%
Lumber & Wood	5,140	4,900	(240)	-4.7%
Primary Metals	2,300	2,570	270	11.7%
Machinery & Electronic Equipment	7,060	9,110	2,050	29.0%
Other Durable Goods	2,110	2,670	560	26.5%
Nondurable Goods	4,640	5,020	380	8.2%
Food Products	1,470	1,560	90	6.1%
Paper & Allied Products	1,830	1,880	50	2.7%
Other Nondurable Goods	1,340	1,580	240	17.9%
Trans., Comm. & Utilities	3,170	3,580	410	12.9%
Trade	19,820	24,030	4,210	21.2%
Finance, Ins., & Real Estate	3,540	4,290	750	21.2%
Services	20,770	28,410	7,640	36.8%
Government	22,650	25,050	2,400	10.6%

The Oregon Department of Employment forecasts Lumber and Wood Products employment to decline by 3,300 in Oregon and by 240 in Workforce Region 4. The Bureau of Economic Analysis forecasts a decline of 7,400 jobs in this industry in the 1993–2015 period.

Oregon’s lumber manufacturers have discarded older mills, turned to mechanization, and lowered wages to reduce production costs. The result has been a 40% reduction in the number of workers required for a given level of production (from 1979 to 1987). Despite near-record timber harvest levels and surging production from 1986 to 1988, employment in lumber and wood products in 1988 still lagged behind 1979 levels. Reduced supplies and higher raw timber prices prompted another round of mill closures throughout the state starting in 1988.

A listing of closures/cutbacks affecting Lumber & Wood Products facilities since July 1, 1988 shows that 15 closure/cutbacks have resulted in 1,376 lost jobs in Linn County and 5 closure/cutbacks have resulted in 308 lost jobs in Benton County. Most of the closure/cutbacks in Benton County occurred in 1998. This is evidenced in the recent closures and pending sale of the Tree Source properties in Philomath.

Table B-8: Buildable Land by Community in Benton County (acres)

	Commercial/ Office	Industrial	Public
Corvallis	605.3	1,182.3	94.3
Monroe	7.8	24.0	
Philomath	15.8	368.2	6.5
Total	628.9	1,574.5	100.0

Summary of comparative advantages in Benton and Linn Counties

The existing pattern of development in Benton and Linn Counties reflects the influence of locational factors and comparative advantages in the two-county region, and this pattern is unlikely to change in the future. Albany and Corvallis were originally located for access to water transportation on the Willamette. As these communities grew around water-borne commerce, subsequent investments in railroad and roadway infrastructure reinforced the status of Albany and Corvallis as the population centers of the two-county region. Businesses and government agencies decided to locate in these communities for their access to the transportation network, laborers, and customers. This economic momentum will carry on in the future, so that Albany and Corvallis will capture most of the employment growth and remain the centers of economic activity in Benton and Linn Counties.

Several key locational factors may attract businesses to Benton and Linn Counties and will affect the location of new or expanding businesses within the counties. Table B-9 summarizes these key locational factors, their advantage for Benton and Linn Counties, and how they may affect the location of economic development within the two-county region.

Table B-9: Summary of Comparative Advantages in Benton and Linn Counties

Locational Factor	Advantage for Benton and Linn Counties	Affect Within Benton and Linn Counties
Transportation and Access to Markets	Centrally located to West Coast (Seattle–L.A.) and Willamette Valley (Portland–Eugene) markets, with access provided by I-5, Hwy 99 and railroads.	Favors Albany/Millersburg, Corvallis, and communities near I-5. Hwy 34 improvements may be catalyst for growth in Lebanon. Transportation access may be economic development issue for other communities.
Supply of Raw Materials	The supply of Timber, Fruits, Vegetables, Grass	While rural communities are generally closest to the supply of

	Seed, and other agricultural products has made Benton and Linn Counties a center of Lumber and Paper Manufacturing, Food Processing, and Agriculture.	timber and agricultural products, the economics of Lumber and Food Processing favors locations with access to transportation networks and a large labor market.
Labor Market Conditions	Availability of labor in Linn County may attract employers to region.	Unemployment is highest in Linn County and in rural communities, but employers are likely to locate in larger & centrally located communities and draw workers from high unemployment areas.
Existing Economic Activity (Economies of Agglomeration)	Center for activities that may attract similar or related firms: High-Tech, Primary Metals, Lumber, Research & Engineering, Secondary Wood Products (Furniture, Cabinets, Manufactured Housing), Recreational Vehicles, and Industrial Machinery related to these industries and Agriculture.	For some industries this primarily favors communities where they are already located: Albany/Millersburg (Primary Metals and heavy industry), Corvallis (High-Tech, Research, & Engineering). The economic character of Benton and Linn Counties help makes all communities an attractive location for manufacturing and distribution firms.
Public Policy	Policies in every community are generally supportive of economic development while seeking to reduce adverse financial and environmental impacts.	Millersburg has adopted the most explicitly pro-industry policies. Community attitudes favor moderate growth in “clean” industries and discourage the use of locally-funded financial incentives.
Buildable Land	Benton and Linn Counties appear to have an abundance of buildable land for employment growth.	In general, larger communities have more buildable land. Industrial land may need to be designated for other uses in some communities. Low inventory may constrain development opportunities in Monroe.
Water & Sewer Service	Central issue is infrastructure and not constraints on supply of	Monroe, Philomath, and Tangent reported potential water and sewer constraints.

	water or ability to treat sewage.	
Quality of Life	Benton and Linn Counties offer small town and rural character and their location near the coast and mountain ranges offer a wide range of recreational opportunities.	Generally favors all communities but varies depending on individual tastes. Corvallis offers educational and cultural amenities. High-amenity locations may attract entrepreneurs and small firms escaping larger metropolitan areas.

Source: ECONorthwest.

RECOMMENDED ACTIONS:

The analysis conducted by ECONorthwest provides a basis for policy analysis at both the local and regional levels. It also requires consideration of existing local policies and amendments as deemed necessary. The “Economy” portion of the Philomath Comprehensive Plan contains numerous assumptions and policies that were founded on data and attitudes in place over a decade ago.

Countywide employment is expected to increase by a total of 7563 jobs over the next twenty years. This includes approximately 760 commercial jobs, 2951 office jobs, 1405 industrial jobs, and 2556 public jobs. For the City of Philomath this translates to approximately 359 new jobs to be accommodated within the City. This breakdown is anticipated to include: 48 commercial jobs, 53 office jobs, 167 industrial jobs, and 91 public jobs.

The land use inventories developed above indicate that City has adequate land supply to meet the demands for industrial development. However, there is justifiable concern that the commercial inventories are inadequate to meet the anticipated demand for commercial lands. The existing inventories document that all of the commercial sites are severely constrained by size and ownership and reflect smaller parcels of less than ½ acre and multiple ownership. Only one parcel exceeds two acres of developable land and all commercial lands are located along the Highway 20/34 corridor. The economic well being of the community dictates that additional lands be added to the commercial inventory and that locations outside the highway corridor be evaluated to meet local needs.

As a result of this new information, new industries, transportation, housing issues, and global economy modification to the existing Philomath Comprehensive Plan are appropriate. The evidence is clear that Philomath should become more aggressive in promoting job creation to meet the theoretical job/housing imbalance.

However, as pointed out in the RA Philomath has reasonably sound policies already in place and only minor modifications to current policies are required.

The following policies identify guidelines for City and County economic development efforts:

1. The retention and possible expansion of lumber and wood product employment within the Philomath area shall be encouraged by providing for an adequate supply of appropriately zoned land with necessary public facilities and services to meet the needs of current and potential new lumber manufacturers and associated businesses.
2. Economic diversification shall be encouraged by promoting suitable serviced sites for development by non-timber dependent industries and secondary wood product manufacturing industries.
3. Benton County and the City of Philomath shall cooperate with Economic Development Partnership, utility companies and other federal, state and regional agencies in coordination resources and activities toward promoting economic development and attaining economic development objectives.
4. Compatibility between future land uses surrounding designated industrial areas and existing and future industrial uses shall be attained through the use of setbacks, vegetative screening requirements and tiered zoning techniques which would isolate low density residential uses from heavy industrial uses.
5. The review of applications for industrial development shall be coordinated with the Department of Environmental Quality in order to assure compliance with DEQ environmental protection standards.
6. Public facility improvement projects shall be programmed for development in areas targeted and needed for industrial and commercial development.
7. Commercial and industrial development shall be encouraged as a means of expanding the tax base.
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.)
9. The 237 acre industrial site north of the Southern Pacific Railroad, south of West Hills Road, and east of 19th Street, shall be reserved in large tracts for future industrial development projects which require the attributes of a large site.

10. Areas designated for industrial development are also appropriate for low-intensity commercial uses, offices, warehousing, and other similar non-manufacturing uses.
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.
12. The City of Philomath shall promote the viability of the downtown area by providing for the development of off-street parking to offset the loss of on-street parking caused by the restriping of Main Street.
13. The City of Philomath shall support the efforts of the County Historical Society to improve the grounds of the historic Philomath College building in order to enhance the property as a focal point of the downtown area.
14. The City of Philomath shall support the efforts of the Philomath “200” project to acquire and develop riverfront property in an effort to link the downtown area with the Mary’s River.
15. Traffic congestion on Main Street is reaching undesirable levels. The City favors the development of a one-way couplet utilizing college, Main, and Applegate Streets as the preferred alternative over a bypass or a single Main Street as alternative for alleviating traffic problems. *(Amended by Ord. 615, June, 14, 1993)*
 - (a) The City shall support improvements to Highway system that addresses and results in improving the City’s locational disadvantages relating to transportation and access to markets from U.S. Highway 101 and Interstate 5. *(15a Added by Ord. #720 on 9/22/03.)*
16. The City of Philomath shall support the continued viability of the Main Street core area as the community’s shopping area by retaining appropriate public uses including the post office, city hall, and library within the core area.
17. The City shall require any new commercial development to provide sufficient off-street parking and improvements (or a covenant consenting to participate in the improvements) of adjoining substandard streets.
18. The City shall limit commercial development of properties along College Street between 12th and 19th Streets prior to the programming and

construction of couplet road improvements in order to preserve the residential character of the area, minimize the damage to and maintenance requirements for the existing roadway, and enhance the utility of existing commercial properties along Main Street.

19. The City shall apply commercial zoning designation to areas not designated commercial only when an applicant provides an adequate market analysis which demonstrates that the convenience shopping and service establishments are needed and cannot be located in other areas zoned for commercial use.
20. The City shall encourage the concentration of commercial uses within and adjoining the developed commercial areas of the City In order to preserve the viability of commerce within the City.
21. In order to provide visual breaks along Main Street and minimize the character of the community as a commercial strip, the City shall provide for a variety of commercial development styles by requiring landscaped front yards in the newer shopping areas (Main Street between 14th to 19th Streets), permitting zero setback development in the historic downtown area (Main Street between 12th and 14th Streets) and requiring planned development of designated shopping centers.
22. The City should encourage the development and expansion of businesses which serve tourists who travel through and visit the community.
23. The City should encourage the design of proposed new commercial buildings and remodeling projects be compatible with other surrounding commercial structures.
24. The City and the County should support community events, festivals, and activities and exhibits at the County Museum which attract visitors to Philomath.
25. The City will amend the Comprehensive Plan map as part of its Periodic Review process to resolve deficiencies in its commercial inventories, to meet local needs, and diminish the reliance on automobiles. This includes adopting planning efforts associated with the North Philomath Plan to provide for commercial nodes outside the highway corridor and downtown commercial area and amending the comprehensive plan and zoning maps as appropriate. *(Added by Ord. #720 on 9/22/03.)*

III. HOUSING

Overview

In March 1998 the Oregon Cascade West Council of Governments (OCWCOG) applied for a grant from the Department of Land Conservation and Development (DLCD) to assist with the periodic review of local comprehensive land use plans with an emphasis on housing. The unique aspect of the grant proposal was its emphasis on a regional analysis (in contrast to a typical grant for periodic review to a specific city). Nine jurisdictions participated in that study: Albany, Corvallis, Harrisburg, Lebanon, Millersburg, Monroe, Sweet Home, Tangent, and Philomath. Other communities in Linn and Benton counties were not in periodic review when that study was initiated and did not participate in that study. The scope of work was later expanded with the participation and funding of the Oregon Economic Development Department and the Department of Housing and Community Service

That report addresses, among other things: (1) regional trends and forecasts in population, employment, and housing; (2) housing markets and housing needs data for each city and for the two county area; (3) the amount and characteristics of buildable land for each city and for the two county area; (4) factors affecting household and business location decisions; (5) the regional distribution of jobs and housing; and (6) housing policies and strategies that may assist jurisdictions in meeting housing needs over the next twenty years.

That report attempts to assemble facts about the economy and housing, and to make reasonable forecasts of housing conditions for 20 years. It does not recommend policy. Rather, it provides a base of information for a policy discussion among state agencies and local governments that is scheduled for the next phase of that project. The purpose of this document is to glean the applicable provisions from that Regional Analysis (RA) for consideration by the City of Philomath for modifications to its Comprehensive Plan.

Synopsis

Housing need cannot be considered in a vacuum with each community independent of the other. Instead the global perspective in the RA (Regional Analysis Study) provides a framework from which to develop local policies and implementing strategies from a more holistic perspective. Be that as it may, local policies must still be derived based on local situations. To get to the local issues and policy discussion more detailed information was required. This was utilizing the state developed housing templates, which combined several cohorts and assumptions to arrive at the detailed analysis of the what Philomath has in the way of housing stock and what it requires to meet future “needs”.

The Philomath Housing Needs Analysis identified several weaknesses, but it also identifies some strengths. In essence the City has a surplus of housing to meet

its needs in the year 2020 for low-to-moderate and high-end rental housing and moderate priced owner occupied units. There will be a need, however, for very low and rental units, as well as moderate priced units. The owner occupied generally demonstrates a need for low-to-moderate priced homes, but is also demonstrates a need for higher end homes. The needs templates generally reflect the needs and demands for housing will parallel general market forces for housing across the spectrum of ownership and price.

What objectives do housing policies typically try to achieve?

The *Practice of State and Local Planning* classifies goals that most government housing programs address four categories:

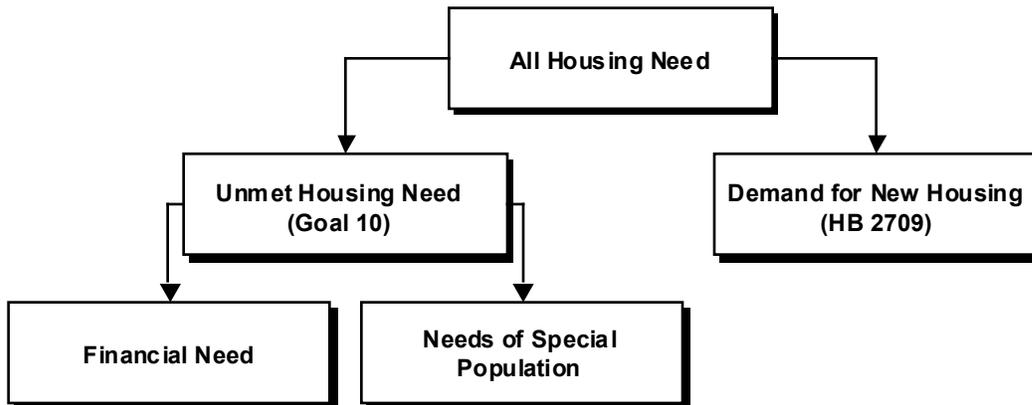
- *Community life.* From a community perspective, housing policy is intended to provide and maintain safe, sanitary, and satisfactory housing with efficiently and economically organized community facilities to service it. In other words, housing should be coordinated with other community and public services. Although local policies do not always articulate this, they are implicit in most local government operations. Comprehensive plans, zoning, subdivision ordinances, building codes, and capital improvement programs are techniques most cities use to manage housing and its development. Local public facilities such as schools, fire and police stations, parks, and roads are usually designed and coordinated to meet housing needs.
- *Social and equity concerns.* The key objective of social goals is to reduce or eliminate housing inadequacies affecting the poor, those unable to find suitable housing, and those discriminated against. In other words, communities have an obligation to provide safe, satisfactory housing opportunities to all households, at costs they can afford, without regard to income, race, religion, national origin, family structure, or disability.
- *Design and environmental quality.* The location and design of housing affect the natural environment, residents' quality of life, and the nature of community life. The objectives of policies that address design and environmental quality include neighborhood and housing designs that meet: household needs, maintain quality of life, provide efficient use of land and resources, reduce environmental impacts, and allow for the establishment of social and civic life and institutions. Most communities address these issues through local building codes, comprehensive land use plans, and development codes.
- *Stability of production.* Housing is a factor in every community's economy. The cyclical nature of housing markets, however, creates uncertainties for investment, labor, and builders. The International City Manager's Association suggests that local government policies should address this issue—most do not. Moreover, external factors (e.g. interest rates, cost of

building materials, etc.) that bear upon local housing markets tend to undermine the effectiveness of such policies.

Demand versus need

The language of Goal 10 and ORS 197.296 usually refers to housing need: it requires communities to provide needed housing types for households at all income levels. Goal 10's broad definition of need covers all households: from those with no home to those with second homes. Many people would not consider those in the latter category as having a housing need or that their housing should be a big concern of public policy. Figure 4-2 shows our way of distinguishing between housing needs that are unmet, those that are met via market transactions, and statewide housing policy.

Figure 4-2. Relationship Between Housing Need, Housing Demand, and Statewide Land Use Policy



In developing such an estimate, however, it is necessary to make a distinction between housing that people might need (housing needs) and what the market will produce (housing market demand).

Most housing market analyses and housing elements of comprehensive plans in Oregon make forecasts of new demand (what housing units will get built in response to market forces). Work by housing authorities is more likely to talk about housing need for special classes, especially low-income. It is the role of cities under Goal 10 to adopt and implement policies that will encourage provision of housing units that meet the needs of all residents.

It is unlikely that housing markets in any metropolitan area in the US provide housing to meet the needs of every household. Even many upper-income households probably believe they "need" (want) more housing than their wealth and income allows them to afford. Goal 10 does not require communities address the housing "want" of residents.

More important, however, are more basic housing needs. At the extreme there is homelessness: some people do not have any shelter at all. Close behind follows substandard housing (with health and safety problems), space problems (the structure is adequate but overcrowded), and economic and social problems (the structure is adequate in quality and size, but a household has to devote so much of its income to housing payments that other aspects of its quality of life suffer). Moreover, while some new housing is government-assisted housing, public agencies do not have the financial resources to meet but a small fraction of that need. New housing does not, and is not likely to fully address all these needs because housing developers, like any other business, typically try to maximize their profits.

In fact, many of those needs are much more likely to be satisfied by existing housing: the older, used stock of structures that is usually less expensive per square foot than new housing. Thus, forecasting the type of new units that might be built in a region (by type, size, price) is unlikely to bear any relationship to the type of housing to which most people with acute housing needs will turn to solve their housing problems.

Viewed in the light of those definitions, the requirements of Goal 10 need clarification. Goal 10 mandates that communities plan for housing that meets the needs of households at all income levels. Thus, Goal 10 implies that everyone has a housing need. As we have noted, however, it is hard to justify spending public resources on the needs of high-income households: they have the income to purchase (demand) adequate housing services in the housing market. The housing they can afford may not be everything they want, but most policymakers would agree that the difference does not classify as the same kind of need that burdens very-low-income households.

This study is not the place to resolve debates about definitions of housing need and the purposes of Goal 10. Here is how we handle the distinction between demand and need in the rest of this study:

- Our base forecast is for demand for new housing: what kind of housing of what type is likely to get built in the region over the next 20 years.
- Our analysis of need addresses the Goal 10 requirements regarding financial need and to those whose circumstances suggest that they will have special problems in finding adequate and affordable housing services. That analysis occurs after and largely independent of the forecast of new housing that is likely to be built to supply effective demand.

Assumptions

Any forecast is based on a set of assumptions. For this study, the baseline-housing forecast assumes:

- The county coordinated population forecasts will be a reasonable approximation of the distribution of population in 2020. The baseline projection uses the county coordinated forecasts for the housing need calculations.
- Persons in group-quarters will increase by 2% in the region between 1998 and 2020.
- Household size will decrease slightly in most jurisdictions.
- Vacancy rates will be cyclical, but will average 3%-5% between 1998 and 2020.

Regional housing analysis

According to the Linn and Benton County coordinated population forecasts, population in the two counties is expected to increase by more than 50,000 people between 1998 and 2020. This translates into need for more than 21,500 new dwelling units in the two counties or about 940 new units per year. Based on the county coordinated population forecasts, about two-thirds of new housing will occur in Linn County.

Several demographic trends will impact the type of housing needed in the region over the next 20 years:

- About 70% of population increase will come from net migration;
- Household size is expected to continue declining, but at a slower rate;
- The region will add more than 5,000 residents age 65 and over between 1995 and 2020;
- Baby boomers in their 50s are about to reach the “empty nest” stage; these households have different housing needs than families; and
- The rate of formation of single-parent households is slowing, as is the rate of formation of households of married couple families with children.

Despite the projected increase in population, comparison of land needed for housing with land supplies reveals that all eight participating jurisdictions, including Philomath, have a surplus of buildable residential land within their UGBs. For example, applying the methods and standards now typical for land-use planning in Oregon, these jurisdictions have a supply of buildable land equal to or greater than the estimated 20-year demand for consumption of that land within their UGB.

Housing affordability is a key issue in the region. Housing costs grew at rates nearly double incomes in the region between 1990 and 1997. More than 8,000 new households created in the region between 1998 and 2020 will be considered “low-income” based on HUD Section 8 program income guidelines.

The primary question for this section is: Given the estimated number of households (population) and businesses (employment) that are forecast to come to the two counties in the next 20 years, what locations will they choose within the two counties? Table 5-1 gives the baseline answer to that question. At the regional level, housing is expected to increase slightly faster than employment.

Table 5-1. Population, Employment, and Dwelling Units, Benton County, 1997 and 2020 Baseline Forecast

Area	Population			Employment			Dwelling Units		
	1997	2020	Change 1997-2020	1997	2020	Change 1997-2020	1997	2020	Change 1997-2020
Benton Co.	76,700	94,045	17,345	36,201	43,764	7,563	30,979	38,434	7,455
N. Albany ^a	4,540	6,250	1,710	na	na	Na	1,991	2,741	750
Corvallis	51,145	61,029	9,884	33,235	40,323	7,088	20,287	24,720	4,433
Monroe	530	913	383	504	589	85	218	390	172
Philomath	3,380	4,844	1,464	2,313	2,672	359	1,292	1,921	629
Benton Co.	17,105	21,009	3,904	149	180	31	7,191	8,662	1,471

Table 5-2 converts the absolute numbers from Table 5-1 into percentages to show how the relative share of population, employment, and housing changes among jurisdictions in the region between now and 2020.

Table 5-2. Distribution of Population, Employment, and Dwelling Units by Area, 1997 and 2020 Baseline Forecast (% of Regional Total)

Table 5-2. Distribution of Population, Employment, and Dwelling Units by Area, 1997 and 2020 Baseline Forecast (% of Regional Total)

Area	Population			Employment ^a			Dwelling Units		
	1997	2020	Differ.	1997	2020	Differ.	1997	2020	Differ.
Benton Co.	43.2%	41.3%	-1.9%	46.%	44.%	-1.3%	41.8%	40.2%	-1.6%
N. Albany ^b	2.6%	2.7%	0.2%	Na	na	Na	2.7%	2.9%	0.2%
Corvallis	28.8%	26.8%	-2.0%	42.3%	41.3%	-1.0%	27.4%	25.8%	-1.5%
Monroe	0.3%	0.4%	0.1%	0.6%	0.6%	0.0%	0.3%	0.4%	0.1%
Philomath	1.9%	2.1%	0.2%	2.9%	2.7%	-0.2%	1.7%	2.0%	0.3%
Benton Co.	9.6%	9.2%	-0.4%	0.2%	0.2%	0.0%	9.7%	9.1%	-0.6%
Linn Co.	56.8%	58.7%	1.9%	53.9%	55.2%	1.3%	58.2%	59.8%	1.6%
Albany ^b	18.8%	20.6%	1.9%	na	na	na	19.5%	21.2%	1.7%
Harrisburg	1.3%	1.7%	0.4%	2.0%	1.9%	-0.1%	1.3%	1.6%	0.4%
Lebanon	6.9%	7.9%	1.0%	8.2%	8.5%	0.3%	6.9%	8.0%	1.1%
Millersburg ^b	0.4%	0.5%	0.1%	na	na	na	0.4%	0.5%	0.1%
Albany/ Millersburg ^{bc}	na	na	na	33.8%	34.9%	1.1%	20.0%	21.8%	1.8%
Sweet Home	4.3%	4.2%	-0.1%	3.2%	3.2%	0.0%	4.4%	4.3%	-0.1%
Tangent	0.5%	0.7%	0.2%	1.5%	1.5%	0.0%	0.5%	0.6%	0.1%
Linn County	24.6%	23.0%	-1.6%	5.3%	5.2%	-0.1%	25.2%	23.5%	-1.7%
Region Tot.	100%	100%	0.0%	100%	100%	0.0%	100%	100%	-1.6%

Source: Linn and Benton Counties (population forecasts), BEA ES-202 data (1997 Employment), ECONorthwest (2020 employment, dwelling unit estimates).

^a Employment is based on zip code regions; the base assumption is that all employment added between 1998 and 2020 will occur within Urban Growth Boundaries.

^b Albany Note: The Albany population and housing data are separated into the Linn County and Benton County components. The employment data from the 97321 zip code include North Albany and Millersburg as well as Albany.

^c Albany/Millersburg is the sum of the Albany and Millersburg.

Because typical forecasting methods assume that the future will look a lot like the present or recent trends (which is a reasonable base assumption, given the alternatives), it is not surprising that the changes in the relative percentages among jurisdictions are small. The main trends are that (1) Linn County is expected to grow at a slightly greater rate than Benton County (so its share of the regional totals for population, employment, and dwelling units grows slightly), and (2) and Albany leads the growth in the region.

Tables 5-1 and 5-2 are descriptive, not normative: in other words, they describe what distribution of growth is likely, but do not judge whether it is good or bad. When planners, policymakers, and citizens make judgments about the distribution, they often do so with reference to a *jobs/housing balance*.

Though the term "jobs-housing balance" implies that one would measure a relationship between housing units and number of jobs, it is more commonly measured as a ratio between the number of jobs in an area and the number of employed residents, the assumption being that a working resident needs (or at least, should have the opportunity to acquire) a job in the jurisdiction in which he or she lives. A ratio of 1.0 implies some theoretical balance in the sense that there is a job for every working resident, or, alternatively, that there is a residence for every worker. A ratio greater than 1.0 implies a net in-commute (more jobs than resident workers); less than 1.0 implies a net out-commute.

The basic idea of a jobs/housing balance is intuitively reasonable. It is relatively easy to get agreement that in a major metropolitan area it is desirable to have enough housing units for all the people that want to live there. Since most of the households living in a metropolitan area have at least one household member working to provide income for the housing, it is also easy to posit a relationship between jobs and housing: there must be enough houses for all the workers filling the jobs.

The RA provides several indicators of the relationship between jobs and housing: population/employment ratios, population/housing ratios, and employment/housing ratios. Factors that affect the jobs-housing balance are:

- *Housing factors* include housing stock; limitations on residential growth; new construction; projected buildout; vacancy status; overcrowding; overpayment for housing; special needs groups; median house price; and total units sold.
- *Employment and economic factors* include total jobs; total workers living and working in planning areas; total workers; civilian labor force; workers per household; place of work; workers by occupation; workers by industry; and household and family income.
- *Transportation factors* include origin/destination; travel time to work; means of transportation; and vehicle occupancy.

Table 5-4 shows the relationship between population, employment, and housing by zip code area in 1990. The table shows three relationships: population/employment, population/dwelling units, and employment/dwelling units. Several conclusions may be derived from the data:

- Several communities had large population/employment ratios in 1990. This fact implies those communities are either bedroom communities or have a large portion of the population that does not participate in the labor

pool (e.g., retirees). Philomath and other communities have population/employment ratios of 3.5 or higher.

Table 5-4. Population, Employment, and Housing Ratios by Benton County Zip Code Area, 1990

Zip Code(s)	City	Pop.	Emp.	Dwelling Units	Pop/ Emp	Pop/DU	Emp/ DU
Multiple	Corvallis	54,489	21,860	20,901	2.5	2.6	1.0
97456	Monroe	2,406	355	962	6.8	2.5	0.4
97370	Philomath	6,693	1,818	2,583	3.7	2.6	0.7
Multiple	County	7,223	3,395	2,578	2.1	2.8	1.3
	Total	70,811	27,428	27,024	2.6	2.6	1.0

- The ratio of population to dwelling units was relatively consistent across communities in 1990. This is not a surprising finding; people need housing to reside in a community. None of the participating communities can be considered a resort community (e.g., a community that has a large number of seasonal or recreational dwellings).
- Monroe and Philomath had jobs/housing ratios of under 1.0 indicating they have a net out-commute. A ratio over more than 1.0 indicates a net in-commute. Corvallis had jobs/housing ratios of near 1.0. If one takes a ratio of 1.0 as a hypothetical measure of balance, then Corvallis was balanced in 1990. This is despite preliminary assumptions that there was a job/housing imbalance for Corvallis. That conclusion has to be squared with the fact that Corvallis has one of the highest sales prices for housing in the Willamette Valley and that a substantial percentage of people who work in Corvallis commute from other cities in the region (for various reasons, including differentials in the price of housing).

Table 5-4 provided a historical baseline for 1990 from the U.S. Census. A key issue is how ratios changed between 1990 and 1997 in the participating jurisdictions. Table 5-5 shows change in population, employment, and housing units, and their corresponding ratios. The data show some notable differences from the 1990 data. The ratios are presented for comparative purposes and have limitations due to the coarseness of the data used to calculate them.

Table 5-5. Change in Population/Employment, Population/Dwelling Units, and Employment/Dwelling Unit Ratios, 1990-1997

Area	Population/Employment			Population/Dwelling Units			Employment/Dwelling Units		
	1990	1997	Change	1990	1997	Change	1990	1997	Change
Benton Co.	2.6	2.1	-18.5%	2.6	2.5	-5.5%	1.0	1.2	15.1%

Corvallis	2.5	1.7	-31.6%	2.6	2.5	-2.7%	1.0	1.5	42.1%
Monroe	6.8	5.9	-12.8%	2.5	2.5	1.7%	0.4	0.4	16.7%
Philomath	3.7	3.7	1.1%	2.6	2.6	2.2%	0.7	0.7	1.1%

Some insight into the issue can be gained by looking not just at the expected new amounts of population in 2020, but at the *change* between now and 2020 (Table 5-6).

Table 5-6. New Population, Employment, and Housing Ratios by Benton County Cities, 1998-2020

City	New Population, Employment and Housing, 1998-2020			Ratios for New Population, Employment and Housing, 1998-2020		
	Pop	Emp ^a	Dwellings	Pop./emp.	Pop/DU	Emp/DU
Benton County						
N. Albany	1,710	na	750	na	2.3	na
Corvallis	9,884	7,088	4,433	1.4	2.2	1.6
Monroe	383	85	172	4.5	2.2	0.5
Philomath	1,464	359	629	4.1	2.3	0.6
Rest of County	3,904	31	1,471	125.9	2.7	0.0
County Total	17,345	7,563	7,455	2.3	2.3	1.0

The data show that the population/employment ratio for growth in Benton County will be slightly lower than it was in 1990, implying faster job growth than in the past. This is in part due expected continuation of rapid employment growth in the 1990s. With a few key exceptions, the employment/dwelling unit ratios will follow 1990 trends. Corvallis is expected to have an employment/dwelling unit ratio of 1.6 over the long run, indicating that employment will increase at a rate faster than housing units.

One can use the data in Table 5-1 to describe the jobs/housing issue another way. The changes in population, employment, and housing between 1997 and 2020 can be presented not only as an absolute amount or a percentage change, but also as an average annual rate of growth (Table 5-7). One can then calculate a ratio of growth rates. For example if employment for a city is growing at an average annual rate of 2% per year, and dwelling units are forecast to grow an annual rate of 2.5% per year, than the job/housing ratio of growth rates is 0.8 (2.0% over 2.5%). The simple interpretation of that ratio is that jobs are not growing as fast as housing.

Table 5-7: Growth Rates and Job-to-Housing Ratios

Area	Population		Employment		Dwelling Units		Ratios of Growth Rates	
	Change 1997-2020	Avg. Annual Growth Rate	Change 1997-2020	Avg. Annual Growth Rate	Change 1997-2020	Avg. Annual Growth Rate	Jobs to Population	Jobs to Dwelling Units
Benton Co.	17,345	0.9%	7,563	0.9%	7,455	1.0%	0.93	0.87
N. Albany	1,710	1.5%	na	na	750	1.5%	na	na
Corvallis	9,884	0.8%	7,088	0.9%	4,433	0.9%	1.09	0.96
Monroe	383	2.5%	85	0.7%	172	2.7%	0.28	0.27
Philomath	1,464	1.6%	359	0.7%	629	1.8%	0.40	0.36
County	3,904	0.9%	31	0.9%	1,471	0.8%	0.92	1.02

By themselves, the ratios are hard to interpret. But when combined with the existing job-housing ratios, they are more useful. If, for example, one believes that the existing ratio is too heavily tilted to jobs, then the growth rate ratio immediately shows whether that situation is going to get worse or better. Table 5-7 shows that only Corvallis has a growth rate ratio approximately equal to 1.0: in other words, if the forecasts are correct, their jobs-housing ratio will be about what it is right now. Almost every jurisdiction has a ratio less than 1.0: they will have more growth in dwelling units than jobs.

As elsewhere, one must interpret these numbers with caution. Our biggest concerns are that the employment and housing forecasts are done independently, and that the sub-area allocations of these forecasts is speculative and could lead to extreme values in the ratios. The second problem, however, does not exist at the aggregated regional level, where the ratio is 0.86—thus, the general picture for the region is one of more growth in housing units than jobs. That is good if one believes the current job-housing ratio to be too low; bad if one believes it to be too high.

Land supply

One of the key objectives of the regional analysis was to develop estimates of buildable lands and land demand for each of the participating jurisdictions. The land demand estimates are from the employment and housing land demand simulators described in Appendix E.

Table 5-10 shows a comparison of land demand and land supply by category and jurisdiction. The results show that all of the participating jurisdictions have a sufficient supply of buildable land to meet demand for the next 20-years within their UGBs (given the methods and assumptions that have become standard for these types of calculations in Oregon). The results also show that some

communities have deficits of land for public employment; many of these communities do not have a public lands zone. These communities accommodate public uses in residential zones. The data, however, do not address the issue of short-term supply or serviceability of lands, or the supply of land within city limits.

Table 5-10. Comparison of Buildable Land Supply and Demand (in acres), Baseline Projections, Benton County, 1998-2020¹

Location	Residential	Comm /Office	Industrial	Public	Total
Corvallis					
Land Need	763.5	296.0	152.0	657.0	1,868.5
Land Supply	4,573.0	605.3	1,182.3	94.3	6,454.9
Surplus (deficit)	3,809.5	309.3	1,030.3	(562.7)	4,586.4
Monroe					
Land Need	46.8	0.8	4.7	2.1	54.5
Land Supply	189.3	7.8	24.0	-	221.1
Surplus (deficit)	142.5	7.0	19.3	(2.1)	166.6
Philomath					
Land Need	115.9	5.4	18.2	5.7	145.2
Land Supply	788.2	15.8	368.2	6.5	1,178.7
Surplus (deficit)	672.3	10.4	350.0	0.8	1,033.5

Housing Affordability

Goal 10 requires communities to provide needed housing types for residents of all income levels. Chapter 4 and Appendix C of the RA provide a detailed review of housing in the participating communities. One of the key conclusions of that review was that housing is becoming less affordable in the region. Housing affordability, however, has not decreased equally among all of the communities: housing in Linn County has remained more affordable than housing in Benton County.

Table 5-11 shows change in average sales price of single-family residences and average household income between 1991 and 1998 in Linn and Benton County communities. The results underscore the rapid increase in housing value compared to household incomes.

Table 5-11. Change in Average Sales Price and Average Household Income Between 1991 and 1998

Area	Sales of Single Family Housing Units			Average Household Income		
	1991	1998	Change 1991-1998	1991	1998	Change 1991-1998
Benton County	\$79,862	\$153,405	92%	\$36,210	\$52,952	46%
North Albany	\$86,858	\$169,278	95%	n/a	n/a	-
Corvallis	\$82,611	\$153,442	86%	\$31,852	\$45,904	44%
Monroe	\$36,847	\$95,416	159%	\$28,469	\$41,684	46%
Philomath	\$52,200	\$130,699	150%	\$32,121	\$45,546	42%
Rest of Benton County	\$49,298	\$139,258	182%	n/a	n/a	-
Linn County	\$56,975	\$110,513	94%	\$30,952	\$41,336	34%
Albany	\$64,438	\$116,875	81%	\$29,420	\$38,797	32%
Harrisburg	\$53,527	\$96,192	80%	\$28,643	\$38,042	33%
Lebanon	\$52,174	\$109,351	110%	\$24,676	\$32,185	30%
Millersburg	\$43,800	\$63,657	45%	\$37,310	\$48,161	29%
Sweet Home	\$41,992	\$94,226	124%	\$26,937	\$37,990	41%
Tangent	\$98,480	\$117,000	19%	\$30,345	\$41,138	36%
Rest of Linn County	\$56,929	\$104,581	84%	n/a	n/a	-

Source: Linn and Benton County Assessors (housing sales data), Claritas, Inc. (income data), calculations by ECONorthwest, 1999.

Note: Table 5-10 shows average values for sales of single family residences and household income. Median values are generally used for housing sales and income because a few high values tend to increase the overall average. Median values, however, were unavailable. The average values shown in Table 5-10 are probably somewhat higher than the medians.

Average household income for Albany includes North Albany.

Framework for conducting a housing needs analysis

Economists view housing as a bundle of services for which people are willing to pay: shelter certainly, but also proximity to other attractions (job, shopping, and recreation), amenity (type and quality of fixtures and appliances, landscaping, views), prestige, and access to public services (quality of schools). Because it is impossible to maximize all these services and simultaneously minimize costs, households must, and do, make tradeoffs. Both economic forces and government policy influence what they can get for their money. Moreover, different households will value what they can get differently. They will have different preferences, which in turn are a function of many factors like income, age of household head, number of people and children in the household, number of workers and job locations, number of automobiles, and so on.

Thus, it is no less true for being trite: housing choices of individual households are influenced in complex ways by dozens of factors; and the housing market in

Linn and Benton Counties is the artifact of the individual decisions of thousands of households. These points should underscore the complexity of projecting what types of housing will be built between 1998 and 2020.

The complexity of a housing market is a reality, but it does not obviate the need for some type of forecast of future housing demand, and its implications for land demand and consumption. Such forecasts are inherently uncertain. Their usefulness for public policy often derives more from the explanation of their underlying assumptions about the dynamics of markets and policies than from the specific estimates of future demand. Thus, we start our housing analysis with a framework for thinking about housing and residential markets, and how public policy affects those markets.

Needs Analysis

The purpose of this report however, remains to develop a “needs analysis” for housing within the City of Philomath over the 20 year planning period. The State of Oregon has provided models for local jurisdictions to utilize in determining “need”, which takes into consideration anticipated demands and current inventories. These housing models are attached as Appendix A, Pages 1-10.

In summary, the needs models reflect:

- The City’s population will grow to approximately 4844 persons, demanding 412 new dwelling units by the year 2020.
- That Philomath has a surplus of rental units in relationship to demand, though lower and moderate will be in demand
- Philomath has a surplus of owner occupied units in the \$75,000 to \$12,000 range. This results in a conclusion that the City should do what it can to enhance home ownership in both the lower and upper cost brackets. .

THE REGIONAL ASPECT:

This RA does not end with recommendations about policy: such recommendations. It concludes, rather, with recommendations about process: what steps should jurisdictions in the Linn-Benton region take to discuss and agree on policies to address (if necessary) the issues raised in this report?

There is nothing new in the steps we recommend. They are typical of most long-run regional planning processes with which we are familiar.

1. Reach regional agreement that there are regional problems worth addressing collectively

This chapter discusses issues relating to the economy and housing that are of potential regional concern, in the sense that independent local solutions might be unlikely to address the issues effectively. It also notes that how forecasted employment and housing get distributed in Linn and Benton Counties will affect not just the economy and housing, but all aspects of quality of life. It falls to local policymakers to decide whether these issues are significant enough to merit coordinated regional, rather than independent local, action.

2. Decide on the level of coordination required to address the problems satisfactorily

If step 1 leads to the conclusion that collective action is merited, a next step is to make decisions about the forms of collective action that will be investigated. These could encompass a range of options including:

- informal communication among staff and policymakers regarding the problems and intended local actions;
- formal communications through new committees and ad hoc decision-making bodies;
- formal agreements on collective action, including simultaneous adoption of regional policies or the creation of new regional institutions.

Questions about coordination include who should be involved (what jurisdictions and agencies), and the appropriate level of integration across disciplines, issues, and agencies.

Though decisions about the level and institutional form of regional coordination are logically discussed in this second step, our experience with regional policy compels us to note that policy rarely follows textbook logic. It is likely, for example, that many policymakers will not want to make decisions on coordination mechanisms until late in the process when the benefits and costs of policies have been evaluated. If, for example, no policy on a particular topic seems to have benefits greater than cost, then there would have been little point in determining acceptable institutional arrangements for policies that will never be adopted. Similarly, one of the costs of a policy is the procedural cost of monitoring, enforcement, implementation, and coordination. It may not make sense to choose a specific coordination technique before evaluating those costs (Task 4, following).

Thus, the task here is probably preliminary. Local governments meet to see what institutional arrangements might be mutually acceptable and to either set boundaries on or clear obstacles for such future arrangement.

3. Set clear and achievable milestones and performance standards

If local jurisdictions collectively agree that there is a need for better regional solutions to some subset of economic and housing problems, then they should be able to specify what aspect of those problems they want solved and on what schedule.

4. Evaluate the benefits and costs of the policies

There are always many ways to address problems of public policy: the range of possible solutions is broad. Choosing among the possible options entails some type of evaluation of the absolute and relative benefits and costs of the policy options.

5. Adopt policies

If there is agreement among jurisdictions that some regional problems of economics and housing are so bad that some type of regional solution is likely to be cost effective (i.e., have more benefits than costs), then new policy will have to be adopted and implemented. Such policies could be regulations, incentives, fees, investment plans, or organizational structures.

However, in the interim there are local policies that can be implemented or modified to address known issues within the City based on the data presented in the RA. There are basic conclusions that the City can accept, such as the City has an adequate supply of buildable land to meet all housing needs. As such it is suggested the following be incorporated into the existing Housing policies:

CONCLUSIONS AND POLICIES:

Based on the data within the Regional Analysis there are several conclusions that can be developed.

1. The City of Philomath has an adequate inventory of all categories of residential land to meet the housing demand through the year 2020.
2. Regional actions will have an impact on the economy and housing of the City of Philomath.
3. Housing costs have risen dramatically higher in relation to incomes over the past decade creating an issue with affordable housing.
4. The City will require approximately 629 new dwelling units over the next twenty years to accommodate the anticipated demand

Housing Policies

1. The City of Philomath shall include an adequate supply for buildable residential land within the Urban Growth Boundary in order to accommodate the anticipated housing needs of the planning period.
2. Residential land shall be designated for either low, medium or high density housing on the plan map.
3. Housing trends within the city and Urban Growth Boundary shall be monitored and evaluated in order to modify policy when necessary.
4. The City of Philomath shall continue to utilize the Uniform Building Code in order to provide health and safety standards for new housing units.
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.
6. Either annexation or delayed annexation must occur in order for City zoning to apply to residential lands currently in the urban fringe.
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.)*
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.)*
9. The City will encourage the utilization through incentives for mixed-use zoning to allow people to reside in closer proximity to employment opportunities. *(Added by Ord. #720 on 9/22/03.)*

IV. URBANIZATION

The Urbanization element includes Residential Lands Needs analysis and the discussion of Goal 14 requirements, which are included in the Data Base; the Urban Growth Management Agreement, which has been adopted by the City and Benton County; and the policies, which provide a framework for these components in the Comprehensive Plan.

The Residential Lands Needs analysis includes both an inventory of all vacant buildable lands within the City and Urban Growth Boundary, and a calculation of the amount of land needed to accommodate the projected population during the planning period. The conclusion of this analysis is that 547 acres of residential land are provided to meet a calculated need of 497 acres.

The Urban Growth Management Agreement provides the City review of County actions and County review of City actions pertaining to the Urban fringe. Notification requirements, types of actions, and other provisions are described in the Agreement.

Urbanization Policies

1. The City of Philomath shall evaluate its need for urbanizable land during each land update, and amend the Urban Growth Boundary if necessary, in order to maintain an adequate supply for land for future growth.
2. Land allocations for various uses designated on the Comprehensive Plan map shall be based on anticipated needs for development.
3. The City of Philomath shall rely upon the Residential Lands Needs analysis and the discussion of the Goal 14 requirements, both of which are included in the Philomath Data Base, as the justification for the size and location of the Urban Growth Boundary.
4. The City of Philomath shall cooperate with Benton County in the management of lands within the Urban Growth Boundary and outside the City limits, as specified in the Urban Fringe Management Agreement between Philomath and Benton County.
5. The plan review area shall consist of areas outside the Urban Growth Boundary as shown on the map on page 10. The City of Philomath shall cooperate with Benton County regarding the plan review area by commenting on proposals for planning actions in this area, as specified in the Urban Fringe Manage Agreement between Philomath and Benton County. *(Policy no longer applicable. Map does not exist. 9/13/04 City Recorder)*

6. Land designated Residential outside the City and within the Urban Growth Boundary shall be zoned Urban Residential-5 acre minimum lots size (UR-5) so redevelopment at urban densities may occur more efficiently in the future. Where delayed annexations have occurred, City zoning shall apply.
7. The approval of urban development proposals within the urban fringe shall be based upon the availability of City services, contiguity to the City, and approval of delayed annexation.
8. The City of Philomath shall continue to use the delayed annexation procedure as a means of increasing the City's tax base.
9. When considering annexation requests, the City of Philomath should evaluate its ability to provide services to areas proposed for annexation.
10. When considering annexation requests, the City of Philomath shall notify Benton County (as specified in the Urban Fringe Management Agreement between Philomath and Benton County) in order to allow the Count to comment on the request.
11. The City of Philomath shall cooperate with Benton County regarding development standards for roads in the urban fringe, as specified in the Urban Fringe Management Agreement between Philomath and Benton County.

V. PUBLIC FACILITIES AND SERVICES

In order to accommodate future growth and development in Philomath, public facilities and services will need to be provided. Some of these facilities and services are the responsibility of the City; others, such as schools, postal service, electrical power, telephone service, natural gas, and garbage collection are the responsibilities of other public or private entities.

This plan element is intended to provide policy direction for the provision of public facilities and services by the City, as well as to encourage City cooperation with other providers of facilities and services.

General Policies

1. Public facilities should be designed with sufficient capacity to meet the City's future needs.
2. Public buildings should be designed and landscaped in order to enhance the areas in which they are located.
3. Long-term maintenance costs shall be considered when public facilities are being planned, designed, and constructed.
4. Public facilities and services (including sewage facilities) will be provided to residential areas concurrent with demand generated by industrial development.
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.
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.
7. The City will consider financial mechanisms to provide for an equitable distribution for the improvement cost that benefits surrounding properties.
8. Public facilities shall be installed "to and through" developing property as appropriate so as to be readily available for adjacent development.
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.

10. City facilities will not be extended to areas beyond the Philomath city limits, unless the State of Oregon declares a health hazard for that area or the Philomath electorate approves the utility extension.
11. A Capital Improvement Program is a planning document that integrates capital improvements from all funding sources into one comprehensive program.
12. The formation of private service districts within the planning area for water, sanitary sewer, and drainage systems as well as transportation facilities could create land management problems, unless their systems are built to City standards.
13. It is necessary that facilities be planned in advance of need so that water, sewer, drainage and transportation facilities can be provided for urbanization.
14. Developers shall be required to participate in providing the facilities to serve their projects as a condition of approval.
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.
16. The City shall consider the level of key facilities that can be provided when planning for various densities and types of urban land uses.
17. The City and County shall develop regulations and procedures, which will encourage the appropriate development of facilities within the urban growth boundary. The cost of which shall be borne by the benefiting properties.
18. Development within the Philomath Urban Growth Boundary shall be subsequent to or concurrent with the provision of an adequate level of public facilities and services.
19. The City shall prepare, adopt, and periodically update a long-term capital improvement plan for the entire planning period. This plan shall meet the requirements of statewide planning goals.
20. The City shall be the principal provider of sewer, water and public facilities and services within the Urban Growth Boundary.

(Policies 6-20 Added by Ord. #720 on 9/22/03.)

Sewage Disposal Policies

1. The analysis of Philomath's sewage collection system shall continue in order to further determine the nature and extent of infiltration problems and how they might be corrected.
2. City sewer facilities will not be extended beyond the Philomath Urban Growth Boundary except in cases of a health hazard as declared by the State of Oregon.
3. City sewer facilities will not be extended to areas beyond the Philomath City limits, unless a delayed annexation agreement is in effect for that area or a health hazard for that area is declared by the State of Oregon
4. The City of Philomath shall continue to upgrade its sewage collection system, including interceptor, collector, and lateral lines, in order to reduce inflow and infiltration and comply with the Environmental Quality Commission's policy on Sewage Works Planning and Construction.
(Amended by Ord. #720 on 9/22/03.)
5. The City of Philomath shall continue to require new development to help finance the construction of sewage disposal facilities through systems development fees, connection fees, and sewage user fees.
6. Prior to approval of a commitment of urban services to any development within the Urban Growth Boundary, an engineering analysis must demonstrate that the capacity of sewage treatment facilities is adequate or will be made adequate to accommodate the additional load anticipated as a result of the new development.
7. The City will periodically assess the design capacity of the stabilization ponds and evaluate options to expand the treatment process to meet on-going demands.
8. The City shall increase its efforts to improve the sewer collection system through the capital improvement program and development process.

(Previously numbered Policy 12 deleted and Policies 7-8 Added by Ord. #720 on 9/22/03.)

Water Supply Policies

1. The City of Philomath's primary water source shall be the Mary's River. Secondary water sources shall be the City's two wells.
2. In the event of a dam or dams are located on the Mary's River or any of its tributaries upstream from Philomath the City of Philomath shall investigate the feasibility of utilizing the reservoir as a source of water.

3. In order to provide and meet fire protection requirements in the southeastern part of the City, the present 8-inch water line from the reservoir should be supplement with an additional line of at least 16 inches in diameter.
4. City water facilities will not be extended beyond the Philomath Urban Growth Boundary except in cases of public health or safety hazard as declared by the State of Oregon.
5. The City will continue to negotiate to procure pre-1964 rights water rights on the Mary's River.
6. The City shall continue to work with the Mary's River Watershed Council, Benton County and other appropriate agencies toward maintaining and enhancing the water quality of the Mary's River, the principal municipal water source.
7. The City will continue to work towards looping the City's distribution lines to improve flows throughout the system.
8. The City shall take necessary steps to ensure that water supply sources are adequate for future community needs.
9. The City shall evaluate methods to improve the water supply sufficient to meet projected domestic and fire suppression demands in the event of the loss of the treatment plant for a period of two days.
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.

(Previously numbered Policy 17 deleted and Policies 5-10 Added by Ord. #720 on 9/22/03.)

Storm Drainage Policies

1. In conjunction with an 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.

2. The City of Philomath should periodically update its storm drainage study and plan which would include an analysis of the existing system and recommendations for improvements.
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.
4. The City shall increase its efforts to improve the drainage system through the capital improvement program and development process.

(Previously numbered Policy 22 deleted and Policies 2-4 Added by Ord. #720 on 9/22/03.)

Parks and Recreation Policies

1. The City of Philomath shall coordinate its development of recreational facilities and programs with other governmental agencies (state, county, school district) to assure community needs are met and avoid duplication of effort.
2. The City of Philomath shall consider the needs of children, the elderly, the handicapped, the low-income, and the transportation-disadvantaged when developing recreational programs and facilities.
3. The City of Philomath shall utilize the Oregon State Comprehensive Outdoor Recreation Plan (SCORP) and the National Park and Recreation Association (NPRA) standards as guidelines for allocating park land in the future.
4. The types of recreation space which shall be provided to meet the City's recreation needs are community/district parks, neighborhood parks, and linear recreation corridors such as multi-use paths.
5. The City of Philomath shall continue to provide funds for park acquisition and development through the present City ordinance establishing an assessment for this purpose as a part of building permit fees.
6. Parks and recreation needs of residential areas in the urban fringe shall be analyzed during plan update.
7. The City of Philomath will consider the development of multi-use paths in and through city parks, and between residential areas and parks.

8. The City of Philomath will continue to encourage the school district to allow the public to use its recreational facilities through the Community Services Program.
9. The City will continue to update and refine the City's 1998 Parks Master Plan to meet the on-going needs of the City for passive and active recreational needs.
10. The City will consider sponsoring recreation programs when fully supported by user fees.
11. The City will encourage and recognize volunteers to minimize the operating expenses associated with park maintenance.

(Previously numbered Policy 32 deleted and Policies 9-11 Added by Ord. #720 on 9/22/03.)

(Policies 2, 4 and 7 amended by Ord. #777 on 9/12/11.)

Police and Fire Protection Policies

1. When the need arises, the area immediately north of the present fire station will be considered as a location for a new police station.
2. Additional police and fire protection services will be provided as the need for these services increases as funds are available to pay for them.

Library Policy

1. The City of Philomath shall continue to provide library service in accordance with the City's needs and ability to finance this service.

Schools Policy

1. The City of Philomath shall continue to cooperate with the school district in planning for, locating, or relocating schools in the City or urban fringe.

Solid Waste Policies

1. The City of Philomath shall continue to rely on the private sector for solid waste collection service.
2. The City of Philomath shall coordinate future planning for solid waste disposal with Benton County.

Postal Service Policy

1. The City of Philomath shall cooperate with the postal service in planning for expansion or relocation of post office facilities.

Other Utilities Policies

1. The City of Philomath shall continue to cooperate with the public and private companies supplying telephone service, electrical power, natural gas, and cable in order to efficiently provide these services to City residents.
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 works projects.

VI. TRANSPORTATION

A good transportation system is essential for transporting people and goods. The provision of many services also depends on a good transportation network. Philomath's transportation system is multi-modal – it provides facilities for freight, passenger vehicles, transit, bicyclists, and pedestrians. It also provides access to air travel via the Corvallis Airport.

The Transportation element includes policies directed toward improving Philomath's transportation system. These policies are consistent with the goals and objectives of the adopted 2018 Transportation System Plan (TSP), which is the transportation element of the Comprehensive Plan. The TSP is a long-range document that guides the expansion and operation of our transportation network for all modes of travel.

Goal 1: Maintain efficient motor vehicle travel along the street network and through US20/OR34.

Goal 2: Develop a transportation system that provides mobility and accessibility for all members of the community and reduces reliance on motor vehicle travel.

Goal 3: Enhance transportation safety.

Goal 4: Develop and maintain a transportation system that supports economic vitality.

Goal 5: Provide a sustainable transportation system through responsible stewardship of financial and environmental resources.

Goal 6: Maintain coordination with local and state agencies and plans.

Efficient Street Network Policies

1. The City shall preserve corridors for future street locations, especially in north Philomath and the Newton Creek industrial area, consistent with the Local Street Connectivity Plan in the adopted Transportation System Plan.
2. The City shall work to develop and implement an arterial and collector street system to improve cross-town (both north-south and east-west) circulation and connectivity, consistent with the adopted Transportation System Plan.
3. The City shall maintain acceptable roadway and intersection operations where feasible considering environmental, land use, and topographical factors. The acceptability of roadway and intersection operations is defined by the City's mobility standard requiring operation at a level of service D or better.
4. The City shall continue to work with the Oregon Department of Transportation (ODOT) and regional partners to reduce congestion along US 20/OR 34 between Philomath and Corvallis. The City supports widening the corridor to four lanes from Newton Creek to SW Country Club Drive, consistent with the Regional Transportation Plan, and enhancing overall corridor travel efficiency through transportation demand management measures that could reduce peak hour demand.
5. The City shall use transportation impact analysis guidelines to determine an appropriate level of required analysis to ensure that land use and development proposals are consistent with the identified function, capacity and performance standards of impacted transportation facilities.
6. The City will work to maintain sufficient parking in the downtown to support businesses and patrons. When warranted, the City will undertake a parking study to evaluate parking supply and demand and explore near- and longer-term improvements.

Mobility and Accessibility Policies

1. The City shall plan for and develop a network of streets, accessways, and other improvements, including bikeways, sidewalks, and safe street crossings to promote safe and convenient bicycle, pedestrian, and transit circulation within the community.
2. The City will seek to improve pedestrian and bicycle circulation within and between major activity generators such as neighborhoods, parks, schools, and commercial centers.
3. The City will continue to work with the school district and citizens to improve and maintain safe routes to school, consistent with the recommendations of the Safe Routes to School Plan and the planned projects in the Transportation System Plan.
4. The City shall ensure that new development and redevelopment provide pedestrian connections within the site and to adjacent sidewalks, existing and planned developments, and transit streets and facilities, consistent with and proportionate to the needs and impacts of the proposed development.
5. The City shall prioritize enhanced pedestrian safety at roadway crossings, including improvements at intersections and key mid-block locations.
6. The City will seek to continuously improve existing transportation facilities to meet applicable City of Philomath and Americans with Disabilities Act (ADA) standards.
7. The City shall maintain maximum block length standards to minimize travel distances.
8. The City shall work to ensure that pedestrian and bike throughways are clear of obstacles and obstructions (e.g., utility poles, grates).
9. The City shall require that existing streets are improved to City standards and that they provide complete pedestrian and bicycle facilities, consistent with cross-section standards in the Transportation System Plan.
10. The City shall continue to work with Corvallis Transit System and through development permitting with private property owners to provide for transit user needs beyond basic provision of service (e.g., by providing sidewalk and bicycle connections, landing pads, easements or dedications for shelters and benches) to encourage higher levels of use.
11. The City will continue to explore the potential for a park-and-ride location within the city, either through an agreement with private property owner(s) or property acquisition.
12. The City supports expanded service hours for transit.
13. The City will assess potential of the railroad system for commuter rail, commercial rail, and excursion uses. The City may consider future opportunities for the railroad system, including the potential for commuter rail, commercial rail, and excursion uses.
14. The City will work to improve pedestrian and bicycle access across US 20/OR 34, especially in locations where better access would support safer travel to schools, parks, and public buildings.

Safety Policies

1. The City will continue to assess options to reduce traffic volumes and speeds near schools.

2. The City shall establish and maintain designated Truck Routes that facilitate goods movement through and to the City and that minimize and avoid conflicts with schools, residential areas, and the downtown core.
3. The City shall work to implement improvements to address high collision locations, improve safety at railroad crossings, and improve safety for walking, biking, and driving in the City.
4. The City shall work to reduce traffic-related fatalities and serious injury collisions, especially those involving vulnerable users (e.g., elderly, children, pedestrians, and cyclists).
5. The City shall preserve the function and prioritize investments on routes and transportation facilities critical for emergency response and evacuation.
6. The City shall evaluate the need for improved street lighting, specifically on US20/OR34 at the 13th Street and 14th Street intersections.
7. The City shall improve multi-modal mobility, safety, and comfort through the implementation of the Downtown Safety and Streetscape Project, including sidewalks, bike lanes, and intersection bulb-out crosswalks with improved signing, striping, pedestrian-scale lighting, charging stations, and landscaping.

Economic Vitality Policies

1. The City shall balance the need for efficient travel with business visibility and accessibility in the downtown.
2. The City shall provide access to local businesses and business districts by all modes of transportation.
3. The City shall implement, through state and local funding, and encourage private investment in streetscape improvements in the downtown to make it aesthetically pleasing and signify it as a destination.
4. The City shall encourage employment opportunities and enhance economic development through safe and efficient access to major employment centers.

Sustainability Policies

1. The City shall work to preserve and protect the safe and efficient function of locally and regionally significant transportation corridors through access management and implementing improvements, consistent with their functional classification.
2. The City shall prioritize preserving and maintaining the existing transportation system assets to extend their useful life and improving travel reliability and efficiently of existing major travel routes before adding capacity.
3. The City shall pursue grants/programs or collaboration with other agencies to efficiently fund transportation improvements and supporting programs.
4. The City shall seek to maintain stable and diverse revenue sources to meet the need for transportation investments in the city.
5. The City shall implement, where cost-effective, environmentally friendly materials and design approaches (water reduction, protect waterways, solar infrastructure, impervious materials).
6. The City shall avoid or minimize impacts to natural resources, which may include alternative transportation facility designs in constrained areas.

7. The City shall support technology applications that improve travel mobility and safety with less financial and environmental impact than traditional infrastructure projects.

Coordination Policies

1. The City shall work with the Cascades West Area Commission on Transportation and the South Valley Regional Solutions Center to promote projects that improve regional linkages.
2. The City shall coordinate transportation projects, policy issues, and development actions with all affected government agencies in the area, including Benton County, the City of Corvallis, the Corvallis Area Metropolitan Planning Organization, and ODOT.
3. The City shall seek funding for and develop shared-use paths identified in the adopted Transportation System Plan to improve non-motorized connections, including connections between Philomath and Corvallis, to and through the Rodeo Grounds, and on the Willow Street/Cedar Street Path.
4. The City and developers shall protect residential neighborhoods from excessive through traffic and travel speeds. When required, the application of traffic calming measures will be proportional to the identified need and appropriate for the facility on which it is located, based on street functional classification.
5. The City shall ensure that the transportation system provides equitable access to underserved and vulnerable populations as well as users with a range of ages.
6. Require that proposed land developments mitigate adverse traffic impacts and ensure that all new development contributes a fair and proportionate share toward on-site and off-site transportation system improvements.

(Transportation policies amended with revised Transportation System Plan on 8/27/2018 by Ordinance #832.)

VII. RESOURCES AND HAZARDS

This plan element includes policies covering a wide variety of resources and hazards which are addressed by LCDC Goal 5 (Open Spaces, Scenic, and Historic Areas, Natural Historic Resources), Goal 6 (Air, Water, and Land Resources Quality), and Goal 7 (Areas Subject to Natural Disasters and Hazards).

Open Space

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.
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.
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 the Mary's River and Newton Creek.
4. The City shall coordinate with the Oregon Department of Transportation on the use and development of the portion of the Corvallis-to-the-Sea Trail that is within the City and UGB.
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.
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.
7. The city will encourage notification to the community and adjacent property owners via personal mailings, local newspapers, or city newsletter of all development and area planned or zoned for public use.
8. All City owned property shall be reviewed for potential park or open space use before it is declared to be surplus.
9. The City shall continue efforts to enhance the Mary's River Park in recognition of its role in providing open space.

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 tree and their canopies.
11. The City shall evaluate and update its Sign Ordinance in order to minimize impacts and promote the sense of open space within the City.

Historic Resources

1. The City will maintain the Philomath Historic Resources Commission, and will support the Commission’s efforts to create community awareness of Philomath’s historic structures and sites. The City will investigate the feasibility of applying for approval as a Certified Local Government.
2. The City will establish a Philomath Register of Historic Resources. The City will develop the criteria required of an historic structure or site for placement on the Philomath Register of Historic Resources, using, as a guideline, the criteria required for placement in the National Register of Historic Places.
3. The City will encourage the owners of historic properties to apply for placement of those structure and sites on the Philomath Register of Historic Resources. The City shall also encourage the owners of eligible historic properties to apply for placement on the National Register of Historic Places.
4. The City will develop procedures and criteria for reviewing the proposed alteration or demolition of historic resources.
5. The City will apply for funding to conduct a survey of Philomath’s historic sites and structures.
6. The City will work with Benton County to identify and encourage the protection of important historic resources within the Philomath Urban Growth Boundary.
7. The City will encourage the owners of historic structures in areas zoned as commercial or office-residential to preserve those historic resources in a state as close to the original construction as possible, at the same time allowing the structures to be adapted and used in an economically viable manner.
8. The City will encourage the owners of properties in areas zoned as commercial or office-residential to follow the “Philomath Design Guidelines”, thereby maintaining the historic ambiance of the City’s downtown.

9. The City will encourage property owners who are planning new construction or new additions to older structures in Philomath's historic residential areas to design facades that are compatible with the surrounding neighborhood.
10. The City will remove significant public trees in historic areas of Philomath only when the trees endanger life or property, or prevent the installation of necessary infrastructure.
11. The City will identify incentives for preserving historic properties, including, but not limited to, financial incentives, preservation easements, and modified building codes or building permit fees. The City will support Oregon's Special Assessment for certain properties listed in the National Register of Historic Places that require restoration or rehabilitation, and shall educate local owners of historic properties about the Special Assessment.

Scenic Views

1. The City encourages Benton County to protect the Mount Union Cemetery from relocation and development that would encroach on the scenic views from the Cemetery.
2. The City shall evaluate and consider all areas above 300 feet Mean Sea Level in an effort to maintain and preserve existing viewsheds and viewpoints. All development where natural vistas may exist should take into consideration means to preserve these vistas through design and location of streets, parks or open space, and lot layout.
3. The City shall encourage and coordinate with Benton County, to maintain connectivity and public access between open areas within the City as well those open space and scenic view areas outside the UGB.

(Open Space, Historic Resources and Scenic Views Amended by Ord. #720 on 9/22/03.)

Air, Water, and Land Quality Policies

1. The impact of septic systems on groundwater shall be considered in areas outside the City which are not served by municipal water and sewer service.
2. All development in Philomath shall comply with applicable state and federal environmental quality standards.
3. Industrial development must comply with state and federal air and water quality standards.

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 pollution where practical.
5. The City shall encourage the local solid waste hauler to facilitate information to educate the public on programs to reduce non-point source pollutants. Such educational programs will include information on how to dispose of hazardous and toxic chemicals, pet waste, soaps, paint for households as well as explaining what options exist for various commercial and industrial sectors.

(Policies 4-5 Added by Ord, #720 on 9/22/03.)

Aggregate Resource Policies

1. Identified aggregate resource sites shall be protected with industrial zoning against conflicting uses.
2. Aggregate resource sites which are depleted should be rehabilitated.
3. The mineral extraction site shown on the Goal 5 map and known as the Mid-Valley Gravel site (T12S-R5W, Section 6, Tax Lot 1202) shall be protected with the Industrial Plan and with a similar zoning designation.

Natural Hazards Policies

1. The City of Philomath shall continue to participate in the National Flood Insurance Program.
2. The City of Philomath shall regulate development in areas subject to periodic flooding through the Flood Hazard Overlay District.
3. Foundations for buildings located on expansive soils shall require special design considerations as specified in the Uniform Building Code.

Energy Conservation Policies

1. The City shall request assistance from the Oregon Department of Energy, when necessary, to evaluate the energy considerations of proposed development.
2. Common wall construction for single-family dwellings shall be allowed in residential zones as a means of retaining heat.

Goal 5 Resources

1. The Marys River shall be protected as important fish habitat by maintaining the natural stream channel, and by limiting the clearing of the riparian vegetation.
2. The City of Philomath recognizes natural resources as community assets providing environmental, educational, recreational and aesthetic values, while contributing to the City's long-term sustainable development.
3. The City of Philomath will meet state and federal requirements related to wetland-resource protection.
4. The City of Philomath will develop land use standards to protect and enhance water quality, wildlife habitat, flood storage, sediment and toxicant removal, and other wetland-functions and values.
5. The City of Philomath will protect significant wetlands through restrictions on grading, excavation, placement of fill, and most forms of vegetation removal.
6. The City of Philomath will minimize economic hardship on private property owners due to protection of significant wetland-resources by adopting procedures to consider hardship variances and claims of map error verified by the Division of State Lands, and reducing or removing restrictions for lots or parcels that have been rendered unbuildable from the adoption of new development requirements.
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.

(Previously numbered Policies 22-24 Deleted and Policies 2-7 Added by Ord, #720 on 9/22/03.)

VIII. PLAN IMPLEMENTATION

The Comprehensive Plan is implemented in several ways. One of these ways is through the Zoning Ordinance, which carries out the intent of the Comprehensive Plan policies by specifying which uses are allowed in each zone, along with property development standards. The chart below shows which zones may be used to implement each Comprehensive Plan designation.

Zones*	Low-Density Residential	Medium-Density Residential	High-Density Residential	Commercial	Public Area	Light Industrial	Heavy Industrial	Industrial Park
R-1 Low Density Residential	X							
R-2 Medium-Density Residential		X						
R-3 High-Density Residential			X					
C-1 Downtown Commercial				X				
C-2 General Commercial				X				
O/R Office Residential				X				
Public					X			
LI Light Industrial						X		
HI Heavy Industrial							X	
IP Industrial Park								X
OVERLAY ZONES								
/FH Flood Hazard	X	X	X	X	X	X	X	X
/NR Natural Resources	X	X	X	X	X	X	X	X

(Table Amended by Adoption of new Zones in Development Code by Ord. #720 on 9/22/03.)

* Only City of Philomath zones are listed here. Benton County zones are applied to City Comprehensive Plan designations in the urban fringe.

Another way the plan is implemented is through the plan update process. For example, several plan policies state that the City will include new information in

the plan or reflect other changes which have taken place since the plan was adopted in order to keep pace with the City's changing needs and priorities. More specific information regarding the plan update process is included in the next chapter, "Plan Amendment and Update Procedures".

In some cases the Plan may be implemented through working with other agencies. Sever Plan policies state that the City will cooperate with local, state, or federal governmental responsibility. Subdivision regulations, which govern all land divisions activity in the City, also implement the Plan in some respects.

If the City decides to have a capital improvements program in the future, this would serve as a means of implementing many of the policies in the Public Facilities and Transportation the most part, worded generally, whereas a capital improvements program includes very specific strategies for the expansion and improvement of City facilities.

Plan Implementation Policies

1. Zones may be applied to Comprehensive Plan designations only as shown on the above chart.
2. During future plan updates, the City of Philomath shall evaluate its Plan implementation mechanisms and revise them if necessary.

IX. PLAN AMENDMENT AND UPDATE

There are three ways the Comprehensive Plan can be changed:

1. Comprehensive Plan map amendment initiated by a property owner or the City.

This type of amendment can be initiated by a property owner or the City at any time. The property owner must submit a filing fee and completed application form, and public hearings before the Planning Commission and the City Council, are required. In the case of map amendments initiated by either a property owner or the City, the criteria below must be address. The filing fee is \$100.

The criteria are:

- a. Demonstration that the proposed plan designation is more appropriate than the current plan designation, taking into consideration public needs, alternative locations, or changes in land use since the current designation was applied.
 - b. Adverse impacts on adjacent land will be minimal.
 - c. Services which will be required as a result of the amendment can be provided by the City.
 - d. Conformance with Plan policies.
 - e. Conformance with applicable statewide goals and, if an exception to the statewide goals is required, conformance with ORS 197.762 is required.
2. Comprehensive Plan text amendment initiated by the City.

A text amendment may be initiated by the Planning Commission or City Council at any time. A text amendment initiated by the City Council must be referred to the Planning Commission for a recommendation before the City Council can take action.

3. Plan update.

Plan updates will occur every five years. This process involves updating the Data Base to include new information that might be available and possible changes to the Plan map and text in order to reflect the City's changing needs.

Plan Amendment and Update Policies

1. The City of Philomath shall conduct a plan update every five years, beginning from the time the Plan is adopted.
2. All Comprehensive Plan map or text amendments will take place in accordance with the City's public hearing procedures.
3. The Planning Commission shall hold a public hearing on all proposed Comprehensive Plan amendments before making a recommendation to the City Council. Plan amendments initiated by the City Council shall first be referred to the Planning Commission for a public hearing and recommendation

Hobin Lumber Site Redevelopment

Good Evening. I am Scott Lepman. My office is located at 100 Ferry Street, Albany, Oregon. I am the owner/developer of the Planned Development tonight. My testimony this evening is to provide the Council with a summary of the history of this site, its benefits and how my development complies with the intent of the Goals and Policies of Philomath's Comprehensive Plan as outlined by the Philomath Development Code.

To respect everyone's time, I will not provide a detailed description of our Planned Development since it was submitted and available for the community and public to review. All the documents, findings, and rebuttals to public testimony from the Planning Commission Hearings are included in your packet and are already part of the record.

My goal tonight is to be brief but also to provide additional helpful testimony to the Council and the community. I have invited our development team here also to help clarify our proposal and address any remaining concerns.

History

Our project site was previously developed with a wood products mill. The mill was first constructed and operated by Hobin Lumber in the early 1970's. The mill closed for the final time in 1998. It has been sitting vacant and abandoned for decades. This project will repurpose a site with attractive entrances at the east and north gateways to Philomath.

I have a history of repurposing abandoned and neglected residential, commercial and industrial properties. Our Corvallis project was previously Benton County's only contaminated Environmental Protection Agency Superfund Site. Our Brownsville Project was an abandoned railroad storage yard. Our Dallas project was an abandoned gravel quarry in the center of town. I have also successfully repurposed vacant buildings in downtown Albany: A seed cleaning warehouse was repurposed for apartments, as well as a funeral home and office building that we repurposed to offices and apartments. We are in the process of getting the necessary approvals to renovate a neglected apartment building and the Old Albany City Hall in downtown Albany. My office in downtown Albany is a repurposed Swift and Company turkey processing plant.

These projects are challenging, but with my team's determination and patience, these projects have proven successful and a benefit to the community. It is with resolve that I am before you tonight, that you may give our team the opportunity to change Philomath for the better with our planned development.

I know this site well. I was a commercial and industrial appraiser working for the Linn County Assessor's Office. In 1982, I was responsible for valuing wood products mills in Linn County for tax purposes. However, my visit to this site was to observe the price of mill equipment being sold at auction when the mill went bankrupt. Mill bankruptcies have been devastating

to the small communities in Oregon with the loss of family wage jobs and the loss of industrial tax base. I would like the opportunity to repurpose the site to reflect the current goals of Philomath as reflected in the Philomath Development Code. This is why the proposed RV Park's name and theme will continue the site's timber heritage.

Development Proposal

Our plan is to develop the site with three uses which I believe will be successful based upon current market conditions: A Self-Storage Facility, Industrial Flex Space and an RV Park. The site also has surplus land we propose to use in the interim for open boat and RV Storage. This area will be reserved for the future expansion of either the Storage Facility, Industrial Flex Space or the RV Park depending on market demand.

The intent of these projects is to enhance the community of Philomath. These projects will contribute to tourism, expand retail, and develop employment opportunities while repurposing an abandoned industrial site. The proposed Planned Development will provide more diversity to Philomath's economy.

Self-Storage

The Self-Storage Facility will consist of four phases for a total of approximately 205,000 square feet of self-storage space with a two-story Office/Manager's Quarters.

The size of the Self-Storage Facility as proposed, is necessary to meet the shortage of storage units in today's market and to accommodate the future need for storage units in the Philomath area. It is important that the storage facility is as large as proposed to attract necessary bank financing for both the on-site and off-site development costs.

Recreational Vehicle Park

The proposed Recreational Vehicle Park will be constructed in one Phase and will consist of 175 RV spaces.

The proposed Recreational Vehicle Park will be a vacation resort. The Resort will provide for an on-site manager's residence with an attached office/gathering place, a community center with an indoor pool and attached covered and uncovered patios and viewing areas of Newton Creek, a pedestrian/bike path that encircles the entire park with satellite restroom facilities, a picnic area, and a dog park. It will have amenities that no other hospitality facility in Benton County currently provides. The site will be attractively landscaped with native drought tolerant plants. It is important that the RV Park is as large as proposed to attract necessary bank financing for both the on-site and off-site development costs.

We will be the first privately owned RV Park in Benton County. Our only local competition is the Benton Oaks RV Park, which is owned by Benton County and located on the Benton County Fairgrounds.

A 16-foot wide public easement will be dedicated to the City for the future construction of a public bicycle and pedestrian trail that has been identified on the City's Comprehensive Plan map.

Approximately 13,300 vehicles drive through the city on Highway 20 (Main Street). 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 will have the opportunity to discover Philomath and Benton County.

People travel more today than ever. 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. Philomath is within 45 miles of the Oregon coast and 4 miles from the Oregon State University campus. Successful tourism is dependent upon year-round and diverse tourist appeal.

The park is staffed every day of the year just as a hotel. We screen all guests who plan on staying more than 30 days. We verify income, conduct a criminal background check, and run a credit check. We do not discriminate since occupants staying over 30 days are subject to Oregon landlord tenant law and Federal fair housing laws. The RV Park will have five or six employees. The managers at the park will be living onsite to maintain constant management of the facility. The employees' responsibility will not only be to provide excellent service to customers but to manage and maintain the park and to enforce the park rules and policies.

Industrial Flex Space

The proposed Industrial Flex-Space portion of the Planned Development is intended to provide businesses with warehouse and manufacturing space to thrive that is currently served by city water, sanitary sewer, and storm water facilities with access to Main Street, a designated principal arterial street and truck route. The Flex-Space units will create employment opportunities for new or expanding businesses. Most of Philomath's industrial zoned land is not served by sewer and/or is impacted by significant wetlands.

Developing light industrial space is 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 opportunities to diversify the industrial job base of the community.

At this point, I would like you to hear from my development team on issues of planning, site development and infrastructure, traffic, wetlands, and environmental issues:

Brian Vandetta, PE, Udell Engineering

Karl Birky, PE, PTOE, ATEP, Inc.

Allen Martin, Geo Resources, LLC

Steven LaFranchi; Environmental Science Associates, Inc.

Candace Ribera, Planner, Scott Lepman Company

In Summary: This industrial property has been vacant for decades. I have proposed a mixed-use development because I believe that each of these uses will be successful and contribute to the community. I understand that these projects are significant and change is often difficult to understand and embrace. However, I believe that any business can be successful if they provide a superior product and provide good value to their customers.

Planning Commission Concerns

Employment: There were concerns raised by the Planning Commissioner that this Development will not create a sufficient employment. The Storage Facilities will employ approximately 10 people. The Industrial Flex Space development has been estimated to provide 27 jobs. The Recreational Vehicle Park will employ a minimum of 6 employees. The total minimum estimated permanent jobs created is 43. However, the current Development Code does not provide clear and objective standards for the number of jobs that must be created when approving any development within an industrial zoning district.

Housing: At the Planning Commission Hearings concerns were raised about substandard housing. The proposed RV Park is an allowed use in the Industrial zones within the City of Philomath but is not an allowed use in any residential zoning district. While not providing traditional housing, the proposed Recreational Vehicle Park will provide housing for vacationing families, temporary housing for construction workers who may be in the area for a few months, and retirees who like to spend their summers in the northwest and their winters in the south. The proposed RV Park is located in an industrial zone and **not** a residential zone. We are making significant investments in amenities to create vacation resort. We are not developing a "trailer park." We are developing a resort that will operate like a hotel with more amenities than any other lodging facility in Benton County.

Public Comment Concerns

Demographics of Park Occupants: The public was also concerned about the occupants of the RV Park. Some people testified that the RV Park would be exclusive to wealthy vacationers with expensive land yachts. Some people testified that the RV Park would be substandard low-income housing. Observing our experience with the Blue Ox RV Park in Albany, the occupants vary significantly in income characteristics, life-style choices, mobile job responsibilities, retirement status and their affinity for Oregon's winter weather. The average household income in our RV Park in Albany exceeds the average household income

for the City of Philomath. We must follow fair housing law and landlord tenant law to operate any RV park in Oregon. We do not discriminate.

Open RV and Boat Storage: A concern was raised at the Planning Commission hearings about seeing the Open RV and Boat Storage from the road. Upon development, the Open RV and Boat Storage cannot be seen from Main Street or 19th Street.

Traffic: The public was concerned about traffic. We have approvals from the Oregon Department of Transportation and the Benton County Road Departments based upon the Traffic Analysis prepared by our consultant.

Water: The public was concerned about the availability of water. The Storage Facility will use minimal water. The Industrial Flex Space water use depends upon the occupant of each space. The RV Park will use city water for domestic uses only. The City of Philomath Public Works Department has confirmed that the city has sufficient water for our proposed uses. There are existing wells on the property that were previously used for fire protection for the wood products mill. We will be using these wells for irrigation. This will lessen the demand for public water.

Wetlands, Endangered Plants, Animals and Fish Habitat: The public was concerned about wetlands, endangered plants, animals and fish habitat. We are replacing two culverts with bridges spanning Newton Creek to enhance the habitat of the fish and animals. We have stayed clear of the flood plain and riparian corridor to the extent possible with limited impact. We have designed the entire project to minimize the impact to the wetlands on the site. Seventy-seven percent of the wetland impact for the entire project is the creation of a dry pond to filter storm water before it enters Newton Creek.

There was a concern about the Western Oregon White Oak and Nelson checkermallow site on the west side of Newton Creek. "City Parcel south of Tax Lot 100, possible city park, could have Oregon White Oak and checkermallow area." 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 continue to exist. This area is adjacent to the future city park but it is not part of the proposed Planned Development.

Global Warming: There were concerns about global warming. The entire site and most of the riparian area has been disturbed and covered with gravel or concrete. We are planning to address global warming by enhancing the entire site by planting a combination of deciduous and evergreen trees, shrubs, hedges, ground covers or native riparian mix seeding.

Archeological Heritage: There was a concern that an archeological report had not been done for Tax Lot 200. Tax Lot 100 was surveyed by Heritage Research Associates and the report was submitted to SHPO, and SHPO sent a clearance letter which is included in your packet. Tax Lot 200 to the north of Tax Lot 100, just south of the railroad tracts was not

surveyed as Heritage Research Associates felt that a field survey may not be required due to the extensive disturbance from the prior mill. If the Corps of Engineers decides that a survey is needed, Heritage will go back and survey this tax lot. SHPO "concurred that a good faith effort has been implemented and the project will likely have no effect on any significant archaeological objects. Based upon the information provided, additional archaeological research is not anticipated for this project."

City Of Philomath Subsidizing Project: There were also concerns that the City of Philomath would be subsidizing the proposed project. I have not requested any money or subsidy from the City of Philomath. At the city's request I am installing a looped public water line through the development that will enhance fire protection for the area to the west of our project. I am also dedicating an easement for a community bike trail and walking path along the west side of Newton Creek and installing a public bus stop on North 19th Street adjacent to the RV Park.

The proposed uses within the Planned Development will pay monthly water and sewer utility bills. This will help the City of Philomath finance additional capacity for the water and sewer system.

The substantial anticipated System Development Charges for storm water, sanitary sewer, and water for this development will help finance the development or upgrading of the City's sewer and water treatment plants and parks.

We will be paying sufficient property taxes which will support the City of Philomath, the Philomath School District and Benton County by expanding the tax base by a substantial amount.

The RV Park will operate as a hotel and collect Benton Counties Transient Lodging Tax. The City of Philomath does not have a Transient Lodging Tax at this time.

These fees and taxes will support the community of Philomath and Benton County. It is our desire and belief that our proposed Planned Development will contribute to the viability and sustainability of the City of Philomath.

Philomath Development Code Is Outdated:

Members of the Planning Commission and the public stated that the current Development Code is outdated. Members of the Planning Commission and the public may be upset with the current Development Code. However, the Development Code is the document that refines and legally formalizes the Goals and Policies of the Comprehensive Plan. I have purchased this land relying on the text of the Development Code as written. I have relied upon discussions with city staff and legal counsel to be sure that we were preparing a Planned Development which conforms to the current City of Philomath Development Code.

Our Planned Development meets the intent of the Goals and Policies of Philomath's Comprehensive Plan and the standards for development as outlined by the Philomath Development Code. I can understand when citizens are upset with uncertain change, upset with the development process, upset with any proposed development.

However, if members of the Planning Commission or any citizens of Philomath are unhappy with the current Development Code, they have the opportunity to pursue changing or revising the Development Code in accordance with Sections 18.135.020 and 18.135.030 of the existing Code. Until the Development Code is updated or revised, the public and developers must rely upon the current development requirements as related to each zoning district.

Staff has reviewed our project and confirmed that it meets the criteria for approval and the development standards of the Development Code for industrially zoned properties. The Development Code may be outdated but it is the legal path that my development team and I have relied upon to make the decision to invest and contribute to this community.

Closing:

I have appreciated receiving support from the City staff, the Philomath Chamber of Commerce and local businesses in Philomath and the public on redeveloping the abandoned Hobin Mill site. Thank you all for your time and thoughtfulness.

We concur with the staff report and conditions of approval and we request that you support our Planned Development. We are excited about our project and how it will benefit Philomath. We look forward to being a part of your community.

FILED

OCT 15 2019

BY: CW
CITY OF PHILOMATH
TIME: 4:45pm

PC19-05 Appeal of Planning Commission Decision

I view myself as a Neutral Party as I am not against the proposal nor am I a proponent. However I do have a concern regarding the statements of the applicant about the use of the RV Park. They indicated to the Planning Commission that they would allow long term parking if there is space to do so. This is completely unacceptable, inappropriate and should not be allowed.

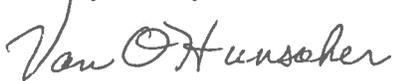
According to code Definitions below it is clear that in Philomath code "Recreational vehicles" are not considered permanent residences and are not considered "Manufactured Homes" as the applicant would like to use them. In addition, even if that was allowed, "Manufactured Home Parks" are not allowed in the "Industrial Zone".

Although there doesn't appear to be a definition of RV Park, it is perfectly reasonable for the City Council to determine that an RV Park does not allow use of "recreational vehicles" for permanent residence. If the applicant appeals on this issue, the state will determine that your conclusion is reasonable as it is.

If you approve the project otherwise I would suggest a Condition of Approval stating that the RV Park cannot be used for long term use limiting it to three months by any one person and vehicle in a year.

I would also encourage the City to add a definition of PV Park in municipal code that includes the fact that they are not for permanent residence.

Thank you for your consideration.



Van O Hunsaker

18.15.010 Definitions

"Recreational vehicle" means a vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

"Manufactured home" means a transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the U.S. Department of Housing and Urban Development, but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations and is intended for permanent occupancy. "Manufactured home park" means any tract, lot, or parcel of land maintained, offered or used for the purpose of parking four or more mobile homes as dwelling units.

"Dwelling unit" means a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code, for not more than one family or a congregate residence for three or less persons.

Use” means the purpose for which land or structure is designed, arranged or intended, or for which it is occupied or maintained.

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

1. Allowed Uses. Single-family residences, manufactured home park manager’s office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance).
2. Space. The minimum size pad or space for each home is 2,500 square feet; provided, that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS446.100(1)(c).
3. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 10 feet. The minimum set-back between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than five feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than six feet to any other structure or dwelling, except that a double carport or garage may be built which serves two dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least three feet.
4. Perimeter Landscaping. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the city may require installation of fencing and planting of a six-foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the street-scape.
5. House Design (Parks Smaller Than Three Acres). Manufactured homes in parks smaller than 3 acres shall meet the following design standards, consistent with ORS 197.314(6):
 - a. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees); and
 - b. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered superior to metal siding and roofing).

October 15, 2019

Hearing Testimony opposing the Lepman Development based on irregular procedural process and incomplete application regarding decision criteria.

It would be unrealistic to summarize these deficiencies of application and errors in procedure in the short time allotted to speak before the Council. Therefore, my testimony this evening will be a summary of a more complete explanation of the procedural challenges and considerations of criteria that are better detailed in the written report that I have submitted to the Council for the record tonight.

As this application decision is required to be made based on compliance with Philomath's land development criteria, and State Land Use Law, I encourage the City Council to consider the following:

Procedural Challenges to the Lepman Application:

Decision to separate PC19-06 and PC19-07 from the Master Planned Development: This application was presented at the beginning of the Hearing Process as a Master Planned Development identified as PC19-02 through PC19-07 and was directed by City Staff to be decided on in one decision, not as individual applications. At the August 26, 2019 Planning Commission Hearing, after the denial of the full Master Planned Development and as the meeting was to be adjourned, City Staff re-presented PC19-06 and PC19-07 to the Commission and directed the Commission to make Independent decisions which were then made on these two applications. These applications have no relevance when separated from the entire Master Planned Development. Clarity of this procedural irregularity was requested from the audience and was not allowed.

Change to the Staff Report: A revised Staff Report on the Lepman application was first made public on Thursday, October 10, 2019 just five days before this Hearing. This revised Staff Report revision does not appear to be unbiased, nor was a staff report supporting this application publicly directed to be created by Planning Commission or City Council.

Chamber of Commerce Presentation by Applicant of Denied Proposal: On September 19, 2019, Mr. Lepman presented his development proposal before the Philomath Chamber of Commerce. No opportunity was made for an opposing view or testimony challenging a denied land use decision before the Chamber members. The Chamber is not officially on record as taking a position on this application before this date. A letter of support "on behalf of the Chamber Board" dated September 30, 2019 was then submitted and presented in the Lepman appeal packet. Many Chamber Members do not support the Lepman project. This series of events has caused many questions. Please see attached 11.17 full color flyer that was distributed throughout the Chamber membership.

Consideration of these Criteria Factors:

Water Source and Availability: The application while extensive is still unclear as to the actual water source intended to be used for the 3 proposed businesses. Our own Water System Master Plan specifically points out the need to look for low-water usage development and look for ways to conserve water. The high-water usage of this development will greatly impact Philomath's availability of water for current residents and future home development whether it taps into local wells and the aquifer or the Mary's River sources of water. Either way, giving away an estimated 4-9% of Philomath's current water usage for a high-water use industry that creates no permanent housing to support real growth needs seems irresponsible.

Limited Job Development: The RV park may produce short term jobs as it is developed as would all other kinds of building and growth, but the long-term employment creation by this development will be limited. The RV park will have a few park staff members who likely will reside in the park. The self-storage space produces limited jobs also with only basic staff to support rental needs and to maintain the site as a matter of their daily duties. The flex space job creation will be largely dependent on what kinds of business will inhabit the space, and those businesses will be conditional on the type of industry that use those spaces. Looking at flex space in western Corvallis, self-storage properties in Philomath and similar RV parks would give a better sense of actual job creation. and how limited it will be.

Infrastructure Costs: Philomath is under significant pressure to develop its current infrastructure needs. With the water treatment plant and water infrastructure approaching \$30 million and the needed Sewer upgrades estimated at more than \$15 million, along with rising PERS obligations, there is no funds in our current budget to support the kind of infrastructure needs for this project at this time. Philomath should not approve an application for a development that our funding cannot provide the infrastructure for. State law allows for moratorium when the city services of an annexation or development cannot be met.

Mitigation of Pollutants to the Newton Creek Watershed and the Mary's River: Admittedly, by the Planning Department, the toxins and pollutants from the extensive RV park will be washed directly into the Newton Creek watershed, an Essential Fish Habitat and a vital water source that feeds directly into the Mary's River. High phosphate soaps, chemicals, vehicle oils and fluids and other toxic chemicals will make their way to this precious resource. Additionally an Army Corp of Engineers application is under review for this development for significant wetland disturbance and an estimated 3000 yards of backfill for the applicants' property. Approval of this application will permanently and negatively affect the Newton Creek watershed.

Exclusivity of the RV Park Development. The amenities of the park, (community center, indoor swimming pool, viewing decks and trails near Newton Creek, dog park and more) sound appealing as this proposal is presented but will be available only to residents of the RV park. This does little to serve the community directly, unless citizens want to park their RV down the street at a cost to enjoy those amenities. The walking paths outside the fence will lead to nowhere. The viewing platform to the Newton Creek riparian corridor will be within the fenced and gated park. This does not support or serve the local community.

Height and Size of Buildings Proposed are out of Character with Philomath. Massive three-story indoor storage complexes and what appear to be three-story complexes for flex space are unnecessarily large for this rural community and are proposed as a matter of profitability, not consideration of the neighborhood that this development is looking to be a part of. The buildings will obscure more hillside and mountain views much like Boulevard apartments has done on the East side of town.

Substandard Housing: Site visits to the Blue Ox in Albany to review livability of this development would support this concern brought by the Planning Commission. The RV park proposal brings the question of "substandard living" within our community. Living in trailers or motorized units is not real housing, no matter the spin, and will have significant impacts on Philomath's infrastructure and public service capacity.

Housing Development on Industrial Property: Within this application proposal is the potential creation of substandard housing but also a defined future housing development on additional acres of prime Industrial Land. Housing development should be reserved for residential areas of Philomath, not planned or even proposed within Industrial zones.

Open Ended Application: The Lepman application is a very Open-ended proposal with unclear parameters of each portion of development. This proposed application will allow additional lot coverage and the development of more self-storage or additional RV park space as well as potential residential housing. Second phase development impacts and how they meet criteria should be considered in review of this application. Conditional approvals can be waived with variances at lower level Land Use decision processes as was done recently with Boulevard Apartments.

Traffic Impacts: Traffic analysis submitted with this application have varied throughout the hearing process. Long term living vs. more tourism-based usability of the RV park has a very different traffic impact on the community of Philomath. Impacts of other nearby development and how it will affect Philomath's traffic has not been included with this application. The approval of more than 1000 units of new housing on the edge of Corvallis should be considered when evaluating traffic on main corridors Highway 20/OR 34 and Benton County roads between Corvallis and Philomath that will be used by the Lepman development. Special attention should be given to the possible right turn exit from the RV park that will most certainly discourage traffic from coming to Philomath for basic amenities and casual tourism. Forcing traffic to head to Corvallis with little to no opportunity to return safely before the stoplight at 53rd Street in Corvallis all but ensures that the majority of traffic will end up in Corvallis and not Philomath for groceries, supplies and casual dining.

Conclusion

While there is some local support for parts of this applications, especially flex space development, as this application currently stands, it does not meet all the Criteria for approval.

The Council should support the decision of our Planning Commission who after extensive review of the application through the Hearing Process voted to deny the proposal as it did not meet the criteria as outlined in the Philomath Comprehensive Plan, Municipal Code and as defined in State Land Use Law.

If the Council feels there has been enough reason to consider this application, I would request for a continuation of the Hearing process to include a second hearing and/or to hold the record open. This will allow the opportunity for further public testimony both written and in person as well as more time for Council to more closely review the application and testimony that has been given this evening.

Submitted Respectfully,

**Catherine Biscoe
PO Box 848
Philomath, OR 97370**

**Appointee of the Philomath Budget Committee
Chamber of Commerce Member
Philomath Resident for 16 years**

Lepman Appeal
City Council, 10/15,19

2005 or newer
33 1/2 acres
2 wells will use to max rate
not use for potable water or
mitigation credits

I want to clarify my position up front.....I do NOT promote anti-growth in Philomath. I simply do not agree with ~~with~~ an RV Park, and what it may or may not bring to our community.

I think that the RV/Boat, storage units and flex-space would be a good fit for Philomath aside from a (3) story storage buildings .

On Aug 26th, 2019 the Planning Commission decided 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.

These kinds of developments have the need to only employ a handful of workers. And, who says that these workers will be coming from Philomath.

(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).

Mr Lepman has testified that he could expect up to 70% of his renters to be longer term residents of the RV Park. This makes the average stay at the "Park" around 2.25 years and does not comply with Goal #2 of the Philomath Comprehensive Plan regarding tourism. *THIS IN NO WAY MEETS ANY KIND OF AFFORDABLE HOUSING GOALS*

As you see in your packet

An email sent to the Mayor on August 31, 2019 from Commissioner Joe Sullivan brought to light again a comment made by Deputy City Attorney Amy Cook that Philomath Municipal Code 9.15.025 prohibits camping for more than five days outside of a campground. State of Oregon restricts stays in any state campground to 14 nights.

Seems we are in between the desire for a Park or permanent housing. In either use, they would not qualify under our current Comprehensive Plan *residential*

Without a Master Planned Development, there is no need for an approval of PC19-06 & PC19-07.

I believe there is sufficient evidence here to rule in our favor and reverse the decision made by the Planning Commission.

- Request
Hold the record open to allow additional testimony due to the 3 min. time allotted to the public

Sandy Heath
340 N 13th St.
Philomath OR 97370

October 15, 2019

TO: Philomath City Council
FROM: May D. Dasch (P.O. Box 1116, Philomath, OR 97370)
SUBJECT: Public Hearing for Appeal of Planning Commission Denial of
PC 19-02, 19-03, 19-04, and 19-05 by Lepman Development LLC

I oppose the Lepman Development LLC Appeal of the Planning Commission's Denial of Lepman Master Plan Development (PC 19-02), and associated site plan applications (PC 19-03, 19-04, & 19-05). However, although I support the Commission's Denial, my reason for doing so is not the same. The Commission stated two concerns: the use of industrial land does not provide sufficient jobs; and, the large size of the RV Park raises the question of substandard housing.

My sole concern is WATER-- the lifeblood of our City and its future! An adequate supply of water, both in the near term and subsequent decades, is the most important issue that the City Council and the Planning Commission should address every time Philomath is asked to approve yet another development.

I was absolutely astonished that the issue of water was NEVER even mentioned by the Planning Commission during its lengthy public hearing on July 15, 2019. To survive, Philomath simply must address the long-term fragility of its sources of water, when asked to approve new developments and the resulting addition of long-term consumers of our limited resource. That the Planning Commission didn't even include the word "water" in its deliberations is appalling!

I assume that, as members of the City Council, you must have read the lengthy "Philomath, Oregon Water System Master Plan", completed in September 2018 by Westech Engineering, Inc.-- the City's longtime consulting firm. As you know, we have four sources of water, each with long-term reliability concerns: 1) Marys River (water rights); 2) Corvallis Intertie Agreement; 3) 9th Street Well; and, 4) 11th Street Well.

Please require that, not only the members of the City Council, but also of the Planning Commission must deal in depth with our long-term water supply every time they, as our representatives, are asked to make a decision that increases population or industrial water uses in Philomath. With huge increases in demand, such as that which will occur when the "blvd" apartments open on Main Street, the City must not ignore its already limited water supply.

Thank you for hearing my concerns.

May D. Dasch

October 15, 2019

City of Philomath Planning Commission
Reference - Lepman: PC19-02 through PC19-07
Written testimony in opposition to RV Park application

Dear City of Philomath Planning Commission,

I'm a software engineer by trade, own my own small business, and have been living in the area for about a year. Immediately prior to my arrival here, I spent 5 years traveling the United States with my wife in our motorhome, and subsequently have stayed in hundreds of RV parks around the country.

As a full time traveler and small business owner, I have an appreciation for the utility provided by RV parks—both to their guests and to their surrounding community—so I harbor no resentment to the notion of the proposed RV Park project, from either a business or personal perspective.

However, I feel the proposed water requirements on the City of Philomath have been scantily discussed and regularly side-stepped, avoiding both hard and relatable numbers. Notably, the consistent proposition that the park may somehow avoid tying into the Marys River or Corvallis Inter-tie supplies and instead rely on available ground water, while continually imparting the phrase "*if* city water is used" at nearly every turn.

To put it in hard, relatable numbers—all of which are available on the summary page of the data sheets I've attached to my testimony:

According to last year's Philomath Annual Water Quality Report, the city uses 174 million gallons of water a year.

According to the applicant's proposal, for all three projects, a conservative total of 6.6 million additional gallons of water are required based on daily estimated usage.

That's an **additional 4%** on top of current city usage.

And that's **as much as Philomath buys from Corvallis annually via the Inter-tie**, which is already a tenuous relationship.

By my calculation, at least 5.8 million gallons (or 87%) of the proposed usage is allotted specifically to the RV Park—which *may or may not* tie into city water.

If it *does* use city water, that's **3.4%** on top of the city's current usage.

But if it doesn't use city water, that's well over **3 times** what Philomath officially pulls annually in ground water (from the 11th St. well) and the equivalent of over 15,000 additional residential ground water users based on current averages.

Now, those numbers don't factor in peak usage, which, according to the proposal, is over twice the average usage. And from first-hand experience, I can tell you that casual—as opposed to full-time—RVers use significantly more water than average; particularly in the summer time when Philomath already has a water shortage issue.

Additionally, the shared aquifer the on-site wells tie into are also used by other residents for agriculture and other purposes. Neither the US Geological Survey or Oregon State records contain any solid data for the capacity or flow of aquifers in that area.

Without a formal survey there's no way to know the potential impact on other residents, nor is there any reason to think the dissolved solid concentrations are suitable for human consumption, effectively negating use of the on-site wells for anything other than grounds maintenance.

Based on the information available, I don't see the RV Park realistically avoiding a large addition to the city's water requirements as was promised in previous hearings, and would like to see further review, with survey data, on the proposed implementation.

Thank you,

Michael Spencer, 200 NW 53rd St. #53, Corvallis

Philomath, OR Water Information - Referenced Sources

Source Name	Date Info	URL
Philomath Water System Master Plan	2018 Final Draft (through 3028)	https://www.ci.philomath.or.us/vertical/sites/%7B2CFF016E-1592-4DB3-9E2B-444FA3EFC736%7D/uploads/2018_Adopted_WMP.pdf
Philomath Annual Water Quality Report	2018 (2017 statistics)	https://www.ci.philomath.or.us/vertical/sites/%7B2CFF016E-1592-4DB3-9E2B-444FA3EFC736%7D/uploads/2018_Water_Quality_Report(1).pdf
Philomath Source Water Assessment	June 2019	https://www.ci.philomath.or.us/vertical/sites/%7B2CFF016E-1592-4DB3-9E2B-444FA3EFC736%7D/uploads/Updated_Source_Water_Assessment-2019.pdf
Philomath Utility Fees Residential/Duplex	July 1, 2019 (Effective Date)	https://www.ci.philomath.or.us/vertical/sites/%7B2CFF016E-1592-4DB3-9E2B-444FA3EFC736%7D/uploads/Water__Sewer_Schedules_2019_Schedule_A.pdf
Philomath Utility Fees Multi-Residential/Commercial/Industrial	July 1, 2019 (Effective Date)	https://www.ci.philomath.or.us/vertical/sites/%7B2CFF016E-1592-4DB3-9E2B-444FA3EFC736%7D/uploads/Water__Sewer_Schedules_2019_Schedule_B.pdf
Philomath Planning Commission Staff Report on Applicant Project	June 26, 2019	https://www.ci.philomath.or.us/vertical/sites/%7B2CFF016E-1592-4DB3-9E2B-444FA3EFC736%7D/uploads/Staff_Report__Exhibits_Updated_070119.pdf
Applicant Rebuttal to July 15 Hearing	July 26, 2019	ORIGINAL - No Longer Available https://www.ci.philomath.or.us/vertical/sites/%7B2CFF016E-1592-4DB3-9E2B-444FA3EFC736%7D/uploads/Applicant_Rebuttal_Response_072619.pdf UPDATED https://www.ci.philomath.or.us/vertical/sites/%7B2CFF016E-1592-4DB3-9E2B-444FA3EFC736%7D/uploads/Applicant_Rebuttal_Response_-_072919__082619.pdf
Applicant Rebuttal to July 15 and July 29	August 26, 2019	https://www.ci.philomath.or.us/vertical/sites/%7B2CFF016E-1592-4DB3-9E2B-444FA3EFC736%7D/uploads/Applicant_Rebuttal_0826191.pdf
US Geological Survey Marys River Discharge (Graph)	July 22, 2018 through July 29, 2018	https://nwis.waterdata.usgs.gov/or/nwis/uv/?cb_all=on&cb_00060=on&cb_00065=on&format=gif_stats&site_no=14171000&period=&begin_date=2018-07-22&end_date=2019-07-29
US Geological Survey Marys River Discharge (Table)	July 22, 2018 through July 29, 2018	https://nwis.waterdata.usgs.gov/or/nwis/uv/?cb_all=on&cb_00060=on&cb_00065=on&format=html&site_no=14171000&period=&begin_date=2018-07-22&end_date=2019-07-29
Groundwater Atlas of the US (Idaho, Oregon, Washington)	1994	https://pubs.usgs.gov/ha/730h/report.pdf

Marys River Streamflow (Discharge Sample Mid-2018 Through Mid-2019)

Constants			
Note: Philomath has four water rights to divert a total of 3,680,000 gallons per day from the Marys River.			
Note: Marys River treatment plant maximum production capacity is approximately 950,000 gallons per day.			
Note: The state of Oregon reserves a 10 cubic feet per second flow rate (6,461,904 gallons per day) to maintain aquatic life.			
Units of Time			
Seconds Per Minute	60		
Seconds Per Day	86400		
Units of Measure			
Cubic Feet (ft³) Per "Unit" of Water	100		
Gallons Per Cubic Foot	7.480543		
Gallons Per Unit	748.0543		

Approximate Flow (Per Second)	Cubic Feet Per Second	Gallons Per Second	Approx. Gage Height (Feet)
Estimated Minimum (August)	9	67	2.0
Low (August-September)	16	120	2.1
High (December-April)	900	6,732	9.4
Estimated Maximum (April)	3,000	22,442	18.0
Approximate Flow (Per Minute)	Cubic Feet Per Minute	Gallons Per Minute	Approx. Gage Height (Feet)
Estimated Minimum (August)	540	4,039	2.0
Low (August-September)	960	7,181	2.1
High (December-April)	54,000	403,949	9.4
Estimated Maximum (April)	180,000	1,346,498	18.0
Approximate Flow (Per Day)	Cubic Feet Per Day	Gallons Per Day	Approx. Gage Height (Feet)
Estimated Minimum (August)	777,600	5,816,870	2.0
Low (August-September)	1,382,400	10,341,103	2.1
High (December-April)	77,760,000	581,687,024	9.4
Estimated Maximum (April)	259,200,000	1,938,956,746	18.0

Philomath, OR 2017 Water Usage

Constants				
Note: Philomath has four water rights to divert a total of 3,680,000 gallons per day from the Marys River.				
Note: The Marys River treatment plant maximum production capacity is approximately 950,000 gallons per day.				
Note: The 11th St. Well has a continuous potential draw of 300 gallons per minute (432,000 gallons per day).				
Residents	4,710			
Units of Time				
Days in Year (2017)	365			
Units of Measure				
Cubic Feet (ft³) Per "Unit" of Water	100			
Gallons Per Cubic Foot	7.480543			
Gallons Per Unit	748.0543			

Water Source Distribution	Total	Marys River (Surface Water)	Corvallis (Inter-tie)	11th St. Well (Groundwater)
Water Consumed (~Percentage)	100%	95%	4%	1%
Water Per Resident (~Percentage)	0.021%	0.020%	0.00085%	0.00021%
Annual Totals				
Water Consumed (Gallons)	174,000,000	165,300,000	6,960,000	1,740,000
Water Consumed (Units)	232,603	220,973	9,304	2,326
Annual Per Resident				
Water Per Resident (Gallons)	36,943	35,096	1,478	369
Water Per Resident (Units)	49.39	46.92	1.98	0.49
Daily Totals				
Water Consumed (Gallons)	476,712	452,877	19,068	4,767
Water Consumed (Units)	637	605	25	6
Daily Per Resident				
Water Per Resident (Gallons)	101.21	96.15	4.05	1.01
Water Per Resident (Units)	0.135	0.129	0.00541	0.001353

Lepman Project Proposed Water Usage

	Constants		
Note: Proposed usage does not specify RV Park swimming pool or community center water usage.			
RV Park Spaces	175		
Flex Space Office Spaces	7		
Flex Space Micro-Breweries	2		
Self-Storage Office Spaces	1		
Self-Storage Residential Apartments	1		
Estimated Average: RV Park Per Space Per Day (Gallons)	91.3		
Estimated Peak: RV Park Per Space Per Day (Gallons)	202.6		
Estimated Average: Residential (~2bd) Per Day (Gallons)	300		
Estimated Average: Office Space Per Day (Gallons)	45		
Estimated Average: Micro-Brewery Per Day (Gallons)	800		
City Master Plan Peaking Factor	2.34		
Units of Time			
Days in Year (Average)	365		
Minutes Per Day	1440		
Units of Measure			
Cubic Feet (ft³) Per "Unit" of Water	100		
Gallons Per Cubic Foot	7.480543		
Gallons Per Unit	748.0543		

Lepman Project Proposed Water Usage (Continued)

Water Source Distribution	Total	Marys River (Surface Water)	On-site Wells (Groundwater)
RV Park	100%	0%	100%
Industrial Flex Space	100%	100%	0%
Self-Storage Facility	100%	100%	0%
RV Park (Annual)			
Gallons Per Year	5,831,788		5,831,788
Units Per Year	7,796		7,796
RV Park (Daily)			
Gallons Per Day	15,978		15,978
Units Per Day	21		21
RV Park (Peak)			
Gallons Per Minute	25		25
Gallons Per Minute	0.033		0.033
Industrial Flex Space (Annual)			
Gallons Per Year	698,975	698,975	
Units Per Year	934	934	
Industrial Flex Space (Daily)			
Gallons Per Day	1,915	1,915	
Units Per Day	2.56	2.56	
Self-Storage (Annual)			
Gallons Per Year	125,925	125,925	
Units Per Year	168	168	
Self Storage (Daily)			
Gallons Per Day	345	345	
Units Per Day	0.461	0.461	
All Project Totals (Annual)			
Gallons Per Year	6,656,688	824,900	5,831,788
Units Per Year	8,899	1,103	7,796
All Project Totals (Daily)			
Gallons Per Day	18,238	2,260	15,978
Units Per Day	24	3	21

Summary - Proposed Increased % Total Usage

Usage (Gallons)	Marys River (Surface Water)	Corvallis (Inter-tie)	11th St. Well (Ground Water)	Proposal Wells (Ground Water)	Total	% of Current
Philomath Residents	165,300,000	6,960,000	1,740,000		174,000,000	100%
Proposed RV Park				5,831,788	5,831,788	3.4%
Proposed Flex	698,975				698,975	0.4%
Proposed Storage	125,925				125,925	0.1%
Proposed Total	824,900	0	0	5,831,788	6,656,688	3.8%

Summary - Proposed Impact By Source Type

Average Usage (Gallons)	Surface Water		Inter-tie		Ground Water		
Current Annual	165,300,000		6,960,000		1,740,000		
Total Daily	452,877		19,068		4,767		
Resident Daily	96.15		4.05		1.01		
	%		%		%		
RV Park Annual	0.0%		0.0%		335.2%	5,831,788	
Flex Annual	0.4%	698,975	0.0%		0.0%		
Storage Annual	0.1%	125,925	0.0%		0.0%		
							Residential Equivalent
RV Park Daily						15,978	15,786
Flex Daily		1,915					20
Storage Daily		345					4



Philomath City Council
Agenda Item Summary

Title/Topic: Philomath Family Housing Stability Fund

Meeting Date: November 12, 2019
Department: Administration
Staff Contact: Chris Workman

ISSUE STATEMENT:

Shall the Council approve payment of \$900 to the Philomath Family Housing Stability Fund at Philomath Community Services?

BACKGROUND:

The city manager has been working with the Philomath School District and Philomath Community Services (PCS) on behalf of the City to establish a fund dedicated to assisting Philomath households with getting out of or staying out homelessness situations.

In July 2019, the Council approved social service contributions for the fiscal year 2019-20 as recommended by the Finance & Administration Committee with the exception of the \$900 for the Philomath Family Housing Stability Fund, which was to be held until the City received further direction from that organization. Since then, the City has entered into a memorandum of Understanding with the District and PCS which identifies that the fund will be held by PCS.

Staff is seeking direction from the Council to pay \$900 to the Stability Fund at this time.

COUNCIL OPTIONS:

1. Approve payment of \$900 to the Philomath Family Housing Stability Fund at Philomath Community Services.
2. Do not approve payment of \$900 to the Philomath Family Housing Stability Fund at Philomath Community Services and direct staff on how to proceed.

RECOMMENDED MOTION:

"I move to approve payment of \$900 to the Philomath Family Housing Stability Fund at Philomath Community Services."

ATTACHMENTS

None



Philomath City Council
Agenda Item Summary

Title/Topic: Formation of 2040 Comprehensive Plan Technical Advisory Committee

Meeting Date: November 12, 2019
Department: Planning
Staff Contact: Chris Workman

ISSUE STATEMENT:

Shall the Council approve the slate of volunteer community members to serve on the 2040 Comprehensive Plan Technical Advisory Committee, to assist with reviewing the analysis completed by the planning consultant?

BACKGROUND:

At last month's City Council meeting, the Council formed the special advisory committee and agreed to have the city manager recommend community members willing to serve on a small committee tasked with reviewing the technical reports completed by the planning consultant.

If awarded, the City will hire a consultant to complete the following reports:

- Economic Opportunities Analysis
- Buildable Lands Inventory
- Housing Needs Analysis
- Main Street Plan

It is expected to take six to nine months to complete all the reports. As the reports are completed, they will be posted to the City's website along with an opportunity for citizens to provide feedback. Once all the reports are complete, the City will begin the process of reaching out to all community stakeholders and interested parties to review the reports and work together on establishing policies to be included in an update of the comprehensive plan.

The City will host multiple meetings, including hearings, open houses, town halls, round tables, and other outreach to minority and underrepresented segments of the population to ensure everyone has an opportunity to participate in forming the policies that will make up the bulk of the update.

Once approved, the reports and updated policies will be sent to the Department of Land Conservation and Development (DLCD) for review. If they are compliant with the State Land-Use Goals, DLCD will provide notice of approval and the City Council can move forward with approving the updated Comprehensive Plan by way of ordinance.

To assist in reviewing the analysis provided by the consultant, it would benefit the City to establish a technical advisory committee made up of cross-section of community stakeholders.

Recognizing the need for a smaller, more nimble committee that works well together, and the fact that hundreds of individuals are likely capable to participate on such a committee, the following criteria was used to come up with recommendations:

- Objective
- Critical Thinking
- Vested in the City/Community
- Willingness to Serve

I've made contact with each of the following individuals and they are all willing to serve:

Helen Bennett	Rotary President / Local Business Owner
Mike Bussard	High School Principal
Craig Hendricks	Resident, 2017 Citizens' Academy Participant
Alyssa Lewis	Chamber of Commerce President / Citizens Bank
Bethany	Local Business Manager, Puroclean
Bill Mayer	Industrial Property Owner, American Investment
Sandy McHenry	Local Business Owner, Eats and Treat Café Plant Manager, Georgia Pacific
Troy Muir	Local Business Owner, True Value / Developer

COUNCIL OPTIONS:

1. Approve the slate of volunteer community members to serve on the 2040 Comprehensive Plan Technical Advisory Committee as presented.
2. Approve the slate of volunteer community members for the 2040 Comprehensive Plan Technical Advisory Committee with specific changes
3. Do not approve the slate of volunteer community members for the Committee

RECOMMENDED MOTION:

"I move to approve the slate of volunteer community members to serve on the 2040 Comprehensive Plan Technical Advisory Committee as presented."

ATTACHMENTS

None



Title/Topic: IGA Forming Mid-Valley Partnerships (MVP) and Approving the Action Plan

Meeting Date: November 12, 2019
Department: Administration
Staff Contact: Chris Workman

ISSUE STATEMENT:

Shall the Council approve the intergovernmental agreement forming the Mid-Valley Partnership group and approve the 2019 Action Plan?

BACKGROUND:

As noted within the agreement, the rural cities of Adair Village, Lebanon, Brownsville, Monroe, Halsey, Philomath, Harrisburg and Sweet Home are desirous to enhance economic development activities that better serve the public. The cities will utilize resources such as personnel time, capacities, facilities and funding to promote the vision, strategy and goals set forth in the agreement.

About 18 months ago, the City partnered with these same cities, then affectionately referred to as "The Great Eight," to apply for a state grant to help fund entrepreneurial efforts within rural Linn and Benton Counties. The state-recognized and award-winning combined efforts have been fruitful and garnered encouragement from Business Oregon. We recognize that although entrepreneurialism is an important aspect of economic and community development, it is not everything. Other opportunities to combine efforts and address additional challenges are also believed to have great potential.

The city managers of each city have served as the technical advisory committee of the group since its inception, which will continue to be the case with the approval of the agreement by all participating cities.

Attached to the agreement is an Economic Strategy and Action Plan developed by the technical advisory committee over the past several months with the assistance of consultant John Morgan of MorganPCS Group, and a list of deliverables anticipated to be produced.

This is a three-year agreement to continue to monitor the work of Oregon RAIN and leverage additional benefits of working together on economic development related issues identified in the Action plan. There is no direct cost associated with signing the agreement. Any desired expenditures of the group would come back to the various city councils for consideration.

Upon acceptance, the city manager and mayor are directed to sign the agreement on behalf of the City.

COUNCIL OPTIONS:

1. Approve the intergovernmental agreement forming the Mid-Valley Partnership group and approve the 2019 Action Plan.
2. Do not approve the intergovernmental agreement forming the Mid-Valley Partnership group and approve the 2019 Action Plan.

RECOMMENDED MOTION:

"I move to approve the intergovernmental agreement forming the Mid-Valley Partnership group and approve the 2019 Action Plan and direct the city manager and mayor to sign the agreement on behalf of the City."

ATTACHMENTS

- A. Intergovernmental Agreement between Various Municipal Corporations of the State of Oregon



INTERGOVERNMENTAL AGREEMENT BETWEEN VARIOUS MUNICIPAL CORPORATIONS OF THE STATE OF OREGON

PARTIES TO THE AGREEMENT

This agreement made and entered into this ____ day of November 2019, by and between the following municipalities:

Adair Village	Lebanon
Brownsville	Monroe
Halsey	Philomath
Harrisburg	Sweet Home

All listed cities are municipal corporations of the State of Oregon, hereinafter called CITIES, and hereby partner for the formation of the Mid-Valley Partnership, hereinafter called MVP, for the purpose of building economic development capacities for the region. This will be accomplished by creating a joint economic development organization as identified in Exhibit A – “Mid-Valley Prosperity Partnership Economic Strategy and Action Plan – 2019” and by creating the deliverables listed in Exhibit B.

PURPOSE

The CITIES are desirous of enhancing economic development activities that better serve the public. The CITIES will utilize resources such as personnel time, capacities, facilities and funding to promote the vision, strategy and goals set forth herein. This agreement is authorized and provided for by the provisions of ORS 190.010.

IN CONSIDERATION OF THE MUTUAL CONVENANTS CONTAINED HEREIN, THE PARTIES AGREE TO THE FOLLOWING TERMS, PROVISIONS AND CONDITIONS:

1. **Financial Obligations by CITIES.** CITIES shall cost share expenses on mutually agreed to terms allowed and authorized by each CITIES governing body

through the CITIES manager, administrator or authorized designee. Responsibility to meet financial obligations will be the sole responsibility of every political subdivision who is a party to this agreement.

During FY 19-20, expenditures by each City shall be within existing appropriate budgeted funds. A work program and budget will be developed by the Operations Group and proposed to each City in the FY 20-21 and subsequent budget processes.

2. **Service to be Performed by Third-Party Agents.** CITIES shall ensure performance of any services rendered on behalf of CITIES.
3. **Term.** This agreement shall be from November 1st, 2019 through and including June 30, 2022. However, the CITIES shall continue until all agents and third-party obligations are met once officially authorized by this agreement. The CITIES shall review the terms of the agreement and mutually determine if any amendments are desired. For any modification(s) to be effective, any amendment, modification or otherwise shall be in writing and approved by all parties and placed as an attachment or appendices to this agreement.
4. **Indemnification.** To the fullest extent permitted by law, and in accordance with the Oregon Constitution and the Oregon Tort Claims Act, each party to this Agreement shall indemnify, defend, save, and hold harmless the other party and its officers, employees and agents from and against all claims, actions, liabilities, damages, losses, or expenses, arising from actions derived for the purpose of this agreement:

Failure or refusal of one party to perform or fulfill its responsibilities under this Contract or any law, through no fault of the other party. The obligations or rights under this section may not be delegated or assigned without the express consent of the other parties.

The obligations contained in this section shall survive the termination of this Agreement.
5. **Entire Agreement.** This Agreement signed by all parties is the parties' final and entire Agreement and supersedes all prior and contemporaneous oral or written communications between the parties, their agent and representatives. There are no representations, promises, terms, conditions or obligations other than those contained herein.
6. **Venue.** Resolution of any disputes arising out of the performance of this contract shall be maintained in the Circuit Court of Linn County and/or Benton County as a last resort.
7. **Intent.** The intent of this Agreement is to cooperatively create a working relationship that will be mutually beneficial.

IN WITNESS WHEREOF, the CITIES by resolution duly adopted by its respective CITIES Council cause this agreement to be signed by its Mayor and attested by the CITIES Recorder, all on the day and year first above written.

**[Signature Pages to be added individually
to the agreement upon execution.]**

Mid-Valley Partnership Economic Strategy and Action Plan

Introduction

Linn and Benton Counties are the heart of the southern part of Oregon's Willamette Valley, stretching east and west from the top of the Cascades to the top of the Coast Range. It is a region with long Native American history and heritage, and the history of pioneers from the eastern United States traveling on the Oregon Trail to reach this land which was and is rich in natural resources and opportunity. The two counties historically have been central to Oregon's agriculture and timber economies. This has included not only raising and harvesting crops and timber, it has included industries for processing, packaging, and shipping finished timber and agriculture products. These industries historically have been the foundation of employment, culture, and society in the two counties.

But, the economic foundation of the region was greatly shaken with the significant reduction of timber harvesting starting in the early 1980's. This eliminated jobs in the woods, jobs in the mills, and jobs in the supporting business community. It created a stagnant and diminishing population and economic base in the cities in the region, especially the smaller cities.

Agriculture remained strong, but the nature of the agriculture industry changed with growing commoditization, technology impacts, and global trade.

During the last two decades, high-technology businesses have located in the region bringing new dimensions to the economy with new employment, capital investment, and assessed valuation. The bulk of the high-tech growth has been in the large cities in the region, specifically Corvallis and Albany. However, the promise of becoming a high-tech hub was tempered with the Hewlett-Packard facility in Corvallis starting strong with employment to major reductions in jobs over time. This is a symptom of the global market and changing technologies encouraging large corporate businesses to rethink their systems, processes, and locations.

Competitive advantage is key to attracting and retaining businesses such as HP, and just as critical in attracting and retaining businesses and investment of all sizes and in all locations.

Starting with the "Rural Linn County Economic Development Proposal" created by leaders from rural cities in Linn County in 2015, leaders from several rural Linn communities continued to meet to discuss economic development strategies for the region. In the fall of 2017, eight cities from rural Linn and Benton Counties applied for a Rural Opportunities Initiative Grant through Business Oregon to partner with RAIN to bring a Venture Catalyst to the region to work with local entrepreneurs. These cities seek to continue the intra-city effort to create efficient and effective structures for furthering the economic objectives of the region beyond the Rural Opportunities Initiative grant and the work done through RAIN.

The initial eight-city collaborative consists of Sweet Home, Lebanon, Brownsville, Halsey, Harrisburg, Monroe, Adair Village, and Philomath. Together they take the name "Mid-Valley Partnership, or MVP. This Strategic Action Plan is the framework for the cities to work together to accomplish common economic goals and respond to common economic opportunities.

Mid-Valley Partnership Economic Strategy and Action Plan

The eight-city initial collaborative reviewed the Rural Linn County Economic Development proposal created in 2016. This strategy document is based on that work, seeking to update and expand its scope to meet needs of the broader Linn-Benton region beyond the RAIN project.

Assessment of the Environment, Opportunity, and Needs

- Economic growth is happening throughout Oregon with historically high employment rates, high business investment, high levels of export, and high revenue and profit. However, this growth is primarily happening in larger cities which have the capacity to attract and support this level of economic development. Oregon's rural communities continue to not share this high level of economic prosperity.
- In the Linn-Benton region, Corvallis and Albany have great capacity for supporting economic development in dedicated city staff and active economic development organizations. This capacity allows these larger cities to effectively respond to queries from potential businesses and investors, to respond to Business Oregon and other organizations when they disseminate requests for information on behalf of potential businesses, and to facilitate the siting, development, operation, and growth of new businesses.
- None of the cities in this partnership have the same capacity to participate in these high-level economic development activities. There is no framework to cooperate with or even complement the efforts of Albany and Corvallis in attracting new business investment into the region. The smaller communities get left behind.
- There is significant opportunity for bringing economic investment to the eight cities in the partnership if the cities understand how to position and leverage their individual and joint assets, and how to respond to opportunities.

The best opportunity for economic investment in these communities may lie in working collaboratively, recognizing several things:

- The economic, housing, and services markets no longer focus on individual communities, but instead on systems tying together regions with multiple communities.
- Smaller cities can now compete with any larger city as a location for business investment due to the advent and growing availability of high-speed and high-capacity internet connections.
- Smaller cities have the competitive advantage of small-town livability.
- Each of the partners has assets and opportunities unique to themselves, but potentially stronger when tied together and leveraged.

This strategy is a commitment by each of the cities to work toward a partnership agreement to act as a coordinated economic development entity to accomplish three primary goals:

- To develop a coordinated story about the assets and opportunities available in each of the partner cities, and in the network of the cities working together.
- To research, identify, and pursue economic opportunities created by looking at the partner cities and region as a single economic, housing, and services system.

Mid-Valley Partnership Economic Strategy and Action Plan

- To be able to respond to requests for information, invitations to respond to opportunities, create and implement regional economic development strategies, and advocacy for the region's interests.

Assets to Promote and Leverage

The managers and administrators of the Mid-Valley Prosperity Partnership met in August 2019 to build the foundation for the update of prior strategic planning. In that meeting, the leaders identified several assets of the region that create significant economic opportunity. These are in addition to assets identified in earlier work. These are:

- Higher Education – Two major research universities and one technology focused community college are in the immediate region. This presents great opportunity for using land and resources in the eight cities to help the education institutions pursue and expand their research and development programs.
- Traded Sector – While agriculture and timber economies were historically based on growing and harvesting, the expectation in today's economic world is traded sector where the raw materials created by farm and forest activities are processed locally in manufacturing, food processing, and creation of finished products and distribution of those products globally. The cities each have land and resources to expand traded sector businesses.
- Agriculture Businesses – The Willamette Valley, along with all of Oregon, is marked by family farms rather than large scale corporate farming. These farms compete well relying on the power of co-ops to create competitive abilities. However, these systems can be fragile. Strengthening family farms by creating traded sector vertical integration is highly important to the future. As well, providing farmers with additional income streams to diversify their business models will help preserve the family farm foundation of the region. These additional income streams may include produce and meat sales on-site, restaurant services on-site, farm-stays, and other activities.
- Telecommuters and Home-Based Businesses – With the advent of high-speed internet access to all communities, the opportunity exists to attract telecommuters and homebased businesses that can operate completely remotely. These foot-loose entrepreneurs may find livability opportunities in the eight cities where they can operate and succeed on a global scale to be highly attractive.
- Micro-businesses – Generally cannot afford the startup costs necessary in a larger city. The eight cities can provide incubator and micro-business support infrastructure, possible in conduction with the higher institution institutions, and likely at lower costs.
- Available Infrastructure – The Mid-Valley is poised for economic success for many reasons including extensive infrastructure. Not only is the area laced with surface trucking and automobile links including I-5 and several major highways, it has two major rail lines, pipelines, and a regional and several general aviation airports. Each of the cities has sewer, water, and storm systems with capacity to meet development needs. Broadband internet services are widely available. Energy including natural gas and electricity are available at

Mid-Valley Partnership Economic Strategy and Action Plan

highly competitive rates. Now under development is a very large containerized freight transfer facility linking trucking to rail amplifying the efficiency of freight movement in the mid-Willamette Valley.

- Physical Alignment – The cities are close together and aligned on a general east/west axis across the Valley. They are connected by state highways. The I-5 corridor is crossed by similar city alignments east and west of Salem and east and west of Eugene. The fact these alignments to the north and south are anchored by large cities gives those aligned regions greater economic opportunity. The Linn-Benton aligned cities have not rallied in the past around common interests and opportunities but have great potential to thrive if the east/west physical alignment is amplified by an east/west economic alignment especially recognizing the north/south links offered by I-5 including easy access to commercial aviation at Mahlon Sweet Field in Eugene.
- Affordability and Ease of Development – The rural communities have more streamlined and less extensive codes than the surrounding larger cities coupled with a “How can we get to yes?” attitude. Land and development costs and fees are generally less than in larger communities. The communities support economic development and, working together, can be a formidable competitor for investment in retention, expansion, and creation of businesses.

Strategy

1. **Establish a rural-focused primary point of contact collaborating with all existing services and organizations to align, focus, and leverage resources and connect entrepreneurs to resources**

Existing, relocating, or start-up businesses can all benefit from assistance to successfully implement their growth strategies. A plethora of services and support organizations currently exist at state and local levels to help, but it is difficult for owners of businesses of any size to easily tap into these critical resources. By creating an entity to focus on these rural Linn County interests and represent them to other organizations, the Partnership will ensure those resources are better aligned, leveraged, and accessed in our communities.

As a result of fostering collaboration and helping align and focus resources for the eight rural cities:

- The Partnership will collect, catalog, and share relevant information, organizations, and services, and will help enable businesses to access and utilize needed resources. This will include an asset map to discover and understand the potential available in the region.
- The services to be cataloged shall be broad based including workforce development, finance, small business management assistance, and other important resources to help businesses succeed.
- By connecting existing and potential businesses to these resources, the Partnership will facilitate economic growth and employment opportunities.
- Where resources do not exist, or are not at the needed scale, MVP will identify those needs and work to see they are addressed.

Mid-Valley Partnership Economic Strategy and Action Plan

- MVP will be a voice for businesses in rural Linn and Benton counties when working with regional, state, and global entities.
- MVP will plan for realizing the economic potential of the region looking for those places to connect needs and opportunities.

Outcomes

- A complete inventory of local land use and zoning laws and mapping with the means to keep it updated.
- A complete and constantly updated database of land and buildings available for new business development.
- A catalog of business services including banks, accounting, legal, commercial real estate firms, and other professional services available to business owners and entrepreneurs, as well as the government service of Business Oregon, Worksource Oregon, the Small Business Administration, and other economic development organizations.
- Assistance in knowledge of, understanding, and navigating state, county, and local rules and regulations.
- MVP becomes a behind-the-scenes partner helping new or existing businesses make the decisions to locate or expand locally and to increase their success.
- A recognizable organization and regional point of contact to provide advocacy and leadership in regional economic development efforts, serving as a credible entity to work with businesses, the Regional Solutions Team, other state and federal agencies, institutions of higher education, and the Legislature and Congress. Advocacy through the Cascade West Council of Governments and the League of Oregon Cities is currently underway.

2. Connect new entrepreneurs with learning opportunities and start-up support.

A prominent commercial real estate broker recently commented, “I see lots of potential entrepreneurs with great ideas and nothing else.” The “nothing else” these potential businesses lack is financial support for initial purchases, technical assistance, management support, legal training and support, and market research.

- MVP will use its developed network of existing contacts, organizations, and services to assist current and emerging entrepreneurs with accessing the tools and resources they need to bring their ideas to fruition. For example, understanding market rents for vacant storefronts in various communities, guidance or help in developing business plans, or referrals for legal and professional advice on organizational structures and business practices.

Outcomes

- MVP is employing a rural business accelerator approach using the business incubator model developed by RAIN and services such as those provided by Senior Corps of Retired Executives (SCORE).

Mid-Valley Partnership Economic Strategy and Action Plan

- The entrepreneur development work is critical to the region and the partnership will continue to sponsor and carry out this work and the program's recommendations.

3. Help link existing and potential employers with a skilled and trained workforce

A reliable source of trained people is critical to attracting new business and retaining existing businesses. Educational programs are underway through other organizations in the county to develop basic work skills. Linn Benton Community College, the City of Albany, Linn County and several local high schools have various programs to assist people of all ages to upgrade their skills, thus enhancing their employability. Worksource Oregon provides extensive information on training and employment opportunities. In addition, employers frequently have job specific training programs. However, existing employers also have made clear the need for basic or soft skills, i.e. timeliness, personal reliability, grooming.

- MVP will support the efforts of all these trainers to produce a skilled workforce to meet current and future needs.
- MVP will cooperate with Worksource Oregon and local workforce development entities to identify needs, opportunities, and systems for creating a larger and better prepared workforce.
- MVP will include training and employment information in both its asset mapping and its publicly available information database.
- MVP will advocate as needed for rural training programs matching the needs of existing and potential rural employers.

Outcomes

- Businesses are matched with trained workforce.
- Businesses are attracted to the region due to an existing, skilled workforce.

4. Advocate for the rural communities and the goals of this partnership for improved market conditions, and improved legislative, regulatory, or government laws, policies, and programs, particularly those directed at workforce readiness and development.

Rural areas generally lack a voice or a seat at the negotiating table. They may not be aware of government programs funding or facilitating economic development efforts, or may lack the capacity to access them. Having a voice, particularly one connected to existing economic development service organizations, is critical to participating in these efforts. Further, ensuring small, rural oriented employers can be heard when legislative or regulatory changes are proposed is also important in maintaining employment and job growth.

- MVP will work with state, county and local governments to ensure regulations and legislation are designed to stimulate rather than stifle local rural business growth including land use regulations, local fees and charges, building permit processes, and civil engineering requirements.

Mid-Valley Partnership Economic Strategy and Action Plan

- MVP will work to simplify this task by developing knowledge and contacts within existing organizations.
- Oregon Cascade West Council of Governments is a regional resource for community and economic development efforts. MVP will work with OCWCOG to help leverage economic development programs and services. Oregon Cascade West Council of Governments also provides an advocacy platform to advance policy recommendations to better equip rural settings for economic development. Creating effective relationships with State officials is crucial for effective State involvement.

Action Plan

In order to pursue and accomplish the four goals of the Mid-Valley Partnership, a common structure for working together and getting things done is critical to create. It is evident a formal agreement must be created to establish a formal entity to carry out this work. This entity needs to be funded, housed, and staffed appropriately to meet these needs:

- Facilitate and lead the ongoing work of the partnership.
- Staff resources to pursue the four goals above working with the leaders of the Partnership to set priorities for specific actions and a detailed work plan to achieve them.
- Continue to plan and pursue a detailed and specific economic strategy based on what the partner cities can accomplish working together leveraging the resources and assets of the region.
- Seek outside funding when appropriate to support the work.
- Develop the materials, narrative, and story to be universally used by the Partnership to effectively communicate what is needed to have an entrepreneur understand the assets, resources, and opportunities of the partner communities both individually and together.
- Serve as the primary point of contact for inquiries from Oregon agencies, other economic development organizations, local governments, and existing and potential business entities.

To create this entity, a joint effort and structure will be created by an Intergovernmental Agreement between the partner cities. As the joint effort finds success, the structure of the entity might need to change, but is determined to be appropriate at this time to use an IGA to create agreement on the structure and direction of the economic development entity, to create a system of governance, and to create the financial structure defining each city's contribution.

It is also determined the initial organization needs to be streamlined and focused on creating the required structure and achieving the initial identified goals.

The Intergovernmental Agreement will be drafted with these elements:

- Operational Group to Pursue the Outcomes and Strategies of this Plan
 - ▶ The City Manager or Administrator from each city.
 - ▶ Other staff as needed.

Mid-Valley Partnership Economic Strategy and Action Plan

- Administration
 - ▶ The Cities of Lebanon and Sweet Home will jointly be the conveners and managers of the logistics and records of the meetings and activities.
 - ▶ The City of Lebanon will be the fiscal agent for the new entity.
 - ▶ The Operational Group will determine the need for staff and capital resources to carry out the work of the new entity after the first year.
- Finance
 - ▶ The existing working group will determine the needed structure of staffing and resources to carry out the first year of the regional entity. This to be reflected in the IGA.
 - ▶ The existing working group will determine the needed budget to carry out the first year of the regional entity with this to be reflected in the IGA.
 - ▶ The existing working group will determine the contribution needed from each of the partner cities, proportioned in an equitable manner. This will be incorporated into the IGA.

**Mid-Valley Partnership
 Economic Strategy and Action Plan**

Next Steps

ACTION	RESPONSIBILITY	TIMEFRAME
Draft the Intergovernmental Agreement (IGA)	Subcommittee	Completed by November 1 st , 2019
Develop a presentation summarizing this Plan to be presented to the City Councils of the eight cities with the recommendation to approve the IGA. The presentations will be made by members of the working group including the city managers and administrators.	Subcommittee to develop presentation	Ready to use by November 15 th , 2019
Enter into a three-year IGA based on the Goals, Outcomes, and structure outlined above	Advocacy and Council support by each City Manager and Administrator	Target for IGA approval is December 31 st , 2019
Deliver the presentation to other cities as requested with an invitation to consider joining the partnership	Entire Group	As requested
Define the Scope of Work and Staffing Needs to carry out the Plan	Operation Committee	March 2020
Develop a financial plan for on-going operations to submit as part of each City's 20-21 and subsequent budget processes	Operations Committee	March 2020 and subsequent years
Revise this strategy as needed and update the IGA	Operation committee	Completed within three years of adoption of the initial IGA.

**Mid-Valley Partnership
Economic Strategy and Action Plan**

EXHIBIT B

EXHIBIT 'B'

Deliverables

(Projected over the life of the agreement)

Marketing

- ★ The creation of a professional logo.
- ★ Branding: packaging the story of the region for the general public; specifically geared to the clientele the collective is attempting to attract and retain.
- ★ The creation of a professional website.

Asset Mapping

- ★ Develop a comprehensive list of resources to meet the purpose of this partnership including but not limited to:
 - The State of Oregon
 - Non-profit
 - Financial Resources
 - Angel Investors
 - Market Sectors
 - Higher Education Assets
 - Rural Advantages
 - Natural Aspects
 - Amenities
- ★ Oregon Prospector
 - Populate available property with uniformity.
 - Devote resources to maintain this important data base.
 - Identify all relevant information.

Contract Management & Personnel

- ★ Determine how to accomplish necessary objectives.
 - Create work requirements
 - Develop budgetary needs.
 - Agree to means of execution.

**Mid-Valley Partnership
Economic Strategy and Action Plan**

EXHIBIT B

- ★ RAIN Entrepreneurship
 - Continue to monitor efforts.
 - Ensure objectives are met per State agreements and obligations.
- ★ Personnel
 - Discuss advantages of hiring personnel.
 - Identify the capacities of existing personnel.
 - Determine housing and equipment needs.



Philomath City Council Agenda Item Summary

Title/Topic: Willamette Valley Visitors Association Grant Application

Meeting Date: November 12, 2019
Department: Administration
Staff Contact: Chris Workman

ISSUE STATEMENT

Shall the City Council direct the City Manager to apply to Willamette Valley Visitors Association for a grant in cooperation with the Philomath Frolic & Rodeo?

BACKGROUND

The City applied for a Travel Oregon Competitive Grant in 2018 but was unsuccessful. This is a different grant provided by Willamette Valley Visitors Association (WVVA). The grant awards eligible applicants for projects that contribute to the development and improvement of local communities throughout the state. To be eligible for funding, projects must be for tourism purposes and demonstrate a direct tie to the mission of WVVA.

The Philomath Frolic & Rodeo, Inc. is requesting the City submit an application for \$40,000 to help pay for a strategic plan for Skirvin Park. Now that the City owns the property and the Frolic & Rodeo is in a position to manage the grounds and events throughout the year, a professional strategic plan is desired to identify needed improvements to existing facilities and new facilities that will attract more events throughout the months of operation. The Frolic & Rodeo will provide the needed match for the grant (10%) and, once the strategic plan is complete, begin a capital campaign to raise money for the recommended improvements.

The top two key initiatives of the grant program are (1) Maximize the economic return on public and private investments in Oregon, and (2) Drive year-round destination-oriented travel from Oregon's key domestic and international markets¹ by aligning and optimizing local opportunities. The Philomath Frolic & Rodeo believes that Skirvin Park is underutilized. If the right facilities are put in place to meet the needs of the community, it will become an increasingly valuable asset to the community.

The Philomath Frolic & Rodeo has already reached out to the planning consultant that recently completed the strategic plan for the Tillamook County Fairgrounds, 3J Consulting. This consultant subcontracts with an architectural firm to provide mapping and modeling as well as a marketing firm to complete a needs analysis. 3J Consulting's proposal for a complete strategic plan for Skirvin Park is attached. It is also looking at the consultant that

recently completed the master plan project at Benton County Fairgrounds, but no final selection has been made yet

COUNCIL OPTIONS

1. Direct the City Manager to submit the grant application to WVVA
2. Direct the City Manager not to submit the grant application to WVVA

CITY MANAGER RECOMMENDATION

Approve the application to the WVVA grant on behalf of the Philomath Frolic & Rodeo for \$40,000 toward a strategic plan for Skirvin Park.

RECOMMENDED MOTION

“I move to direct the City Manager to apply to Willamette Valley Visitors Association Grant in cooperation with the Philomath Frolic & Rodeo.”

ATTACHMENTS

- A. 3J Consulting Proposal

3J CONSULTING

9600 SW NIMBUS AVENUE, SUITE 100
BEAVERTON, OREGON 97008
PH: (503) 946.9365
WWW.3JCONSULTING.COM

October 31, 2019

Chris Workman, President
Philomath Frolic & Rodeo
P.O. Box 522
Philomath, OR 97370
Pfr.president@gmail.com

Mr. Workman and the Philomath Frolic & Rodeo Board:

3J Consulting is pleased to submit this proposal to assist the Philomath Frolic & Rodeo with a master plan to identify needed improvements to existing facilities and new facilities needed to attract more events throughout the months of operation. 3J Consulting will manage the planning process, lead stakeholder engagement activities and provide expert civil engineering and land use services. LRS Architects will lead the site plan design, assessing existing facilities and recommending needed improvements. ECONorthwest will conduct research related to past and current events hosted at the Frolic & Rodeo, project future demand, and recommend program and marketing priorities.

I will manage the project and serve as the primary contact for the consultant team. We look forward to discussing this opportunity with you. Thank you!

Sincerely,
3J CONSULTING, INC.



Steve Faust, Project Manager
9600 SW Nimbus Avenue, Suite 100
Beaverton, OR 97008
O: (503) 946-9365 x207
steve.faust@3j-consulting.com



Proposed Scope of Work

Task 1. Project Kick-off

Prior to visiting the site, we will review existing zoning to fully understand allowed uses and standards under the code. Our team will visit the Philomath Frolic & Rodeo to participate in a site tour of facilities and observe existing conditions. During the tour or at a kick-off meeting with Board members immediately following the tour, the team will discuss key issues and opportunities for the site. We also will define project tasks, deliverables, timelines and identify key stakeholders. On the same trip, we will conduct interviews with additional stakeholders or follow up with phone interviews to gain a full understanding of what works well at the Frolic & Rodeo and what could be improved. If desirable, we also may administer an online survey to reach a broader audience.

Following the kick-off meeting, we will review any relevant plans and documents related to the site.

Documents may include (as available):

- Survey (boundary and topographic)
- Site plan (building location)
- Utility plan
- Environmental (hazardous materials)
- Wetlands survey
- Geotechnical report
- Title Report (encumbrances, easements, and restrictions)
- Building documents (plans, elevations)
- Site documents for adjacent right-of-way improvements

We will use the information gathered to create a shared vision for the future of the site and prepare base documents for planning.

Task 2. Existing Conditions

We will prepare a report that documents current conditions of the site and facilities: site zoning and features; building layout, condition and architecture; infrastructure condition and capacity; traffic circulation and parking; and pedestrian circulation and safety. The report also will identify opportunities for future improvements. We will assess information related to events and activities in the context of other competing facilities, including recent events and fees charged at the venue. The analysis will look at the historical and current uses of Frolic & Rodeo facilities, documenting the number and type of events that occurred at the venue in the recent past. The analysis will include the following information about events, where data is available: type of event, event organizers, number of attendees, facilities used, date and duration of the event, event frequency, and revenues from the events (e.g. rent and other payment for use of grounds and facilities). The outcomes of this analysis will be high-level recommendations about opportunities to increase revenues from Frolic & Rodeo activities in the context of other competing facilities.

Task 3. Site Master Plan

Based on the information gathered in previous tasks, we will prepare a preliminary land use, facility and circulation site plan. The preliminary site plan will identify needed improvements to the site and facilities and propose new facilities required to accommodate desired uses. The report may include a 3D massing, views and highlights study. We will present the preliminary master plan to the Board and key stakeholders at a meeting to discuss plan options and gather comments. We will incorporate Board comments into a revised site master plan and final 3D massing views. Once the Board approves the revised site plan, we will prepare the Master Plan Report, incorporating the site plan, 3D massing views and narrative. The Master Plan will include concept level cost estimates for proposed improvements and a brief description of potential funding tools.

The tables below illustrate our process for completing the Master Plan within a five-month time frame and \$39,000 budget.

Master Plan Timeline

Philomath Frolic & Rodeo Master Plan Timeline		Month 1	Month 2	Month 3	Month 4	Month 5
Tasks						
Task 1. Project Kick-off	■					
Task 2. Existing Conditions						
Task 3. Site Master Plan				■		
■ Stakeholder Outreach						

Master Plan Budget

Philomath Frolic & Rodeo Master Plan Cost Estimate	3J Consulting					LRS Architects				ECONorthwest					TOTAL
	SF	AM	AJ	Expense	3J Subtotal	SM	GS	Expense	LRS Subtotal	BG	EP	Analyst	Expense	ECO Subtotal	
Tasks	\$154	\$140	\$84			\$225	\$150			\$165	\$150	\$100			
Task 1. Project Kick-off	16	22	4	\$100	\$5,980	4	16	\$100	\$3,400	2	10		\$100	\$1,930	\$11,310
Task 2. Existing Conditions	6	14			\$2,884	6	26		\$5,250	2	12	22		\$4,330	\$12,464
Task 3. Site Plan	16	32		\$152	\$7,096	6	36	\$150	\$6,900	2	6			\$1,230	\$15,226
Total Hours	38	68	4	-----	110	16	78	-----	94	6	28	22	-----	56	-----
Total Fees	\$5,852	\$9,520	\$336	\$252	\$15,960	\$3,600	\$11,700	\$250	\$15,550	\$990	\$4,200	\$2,200	\$100	\$7,490	\$39,000

PHILOMATH CONNECTION RIDERSHIP SUMMARY

2019-2020 SUMMARY TOTAL RIDES -	5,745	DAYS OF SERVICE-	104	AVG RIDE/DAY-	55
2018-2019 SUMMARY TOTAL RIDES -	16,323	DAYS OF SERVICE-	306	AVG RIDE/DAY-	53
2017-2018 SUMMARY TOTAL RIDES -	17,953	DAYS OF SERVICE-	279	AVG RIDE/DAY-	64
2016-2017 SUMMARY TOTAL RIDES -	18,859	DAYS OF SERVICE-	257	AVG RIDE/DAY-	73
2015-2016 SUMMARY TOTAL RIDES -	17,387	DAYS OF SERVICE-	237	AVG RIDE/DAY-	73

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

JULY	26	1,381	53
AUGUST	27	1,337	50
SEPTEMBER	24	1,191	50
OCTOBER	27	1,836	68
NOVEMBER	25		0
DECEMBER	25		0
JANUARY	26		0
FEBRUARY	25		0
MARCH	26		0
APRIL	26		0
MAY	25		0
JUNE	26		0

2018-2019

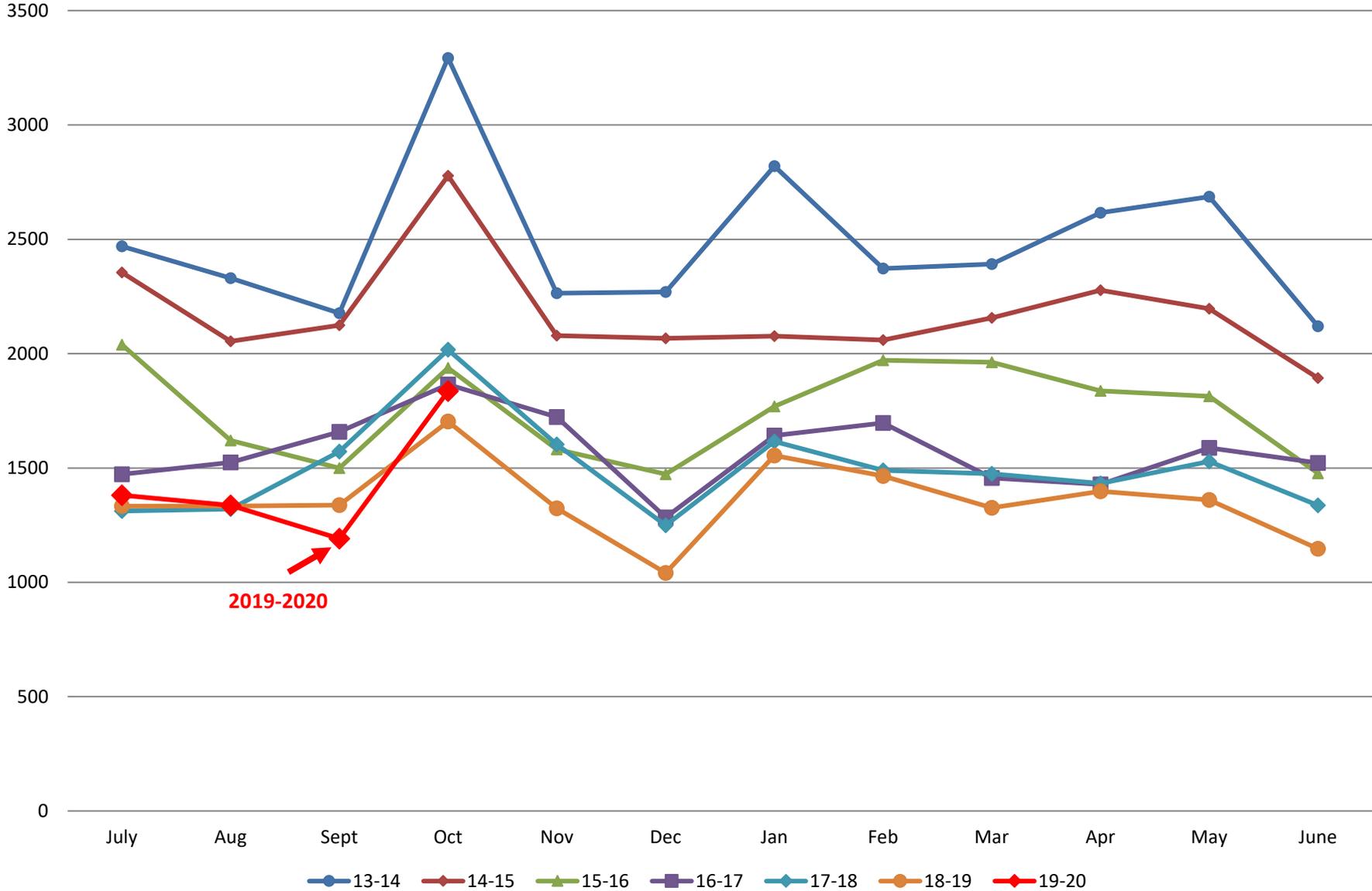
JULY	27	1,333	49
AUGUST	24	1,338	56
SEPTEMBER	27	1,703	63
OCTOBER	25	1,324	53
NOVEMBER	25	1,041	42
DECEMBER	26	1,555	60
JANUARY	24	1,465	61
FEBRUARY	26	1,326	51
MARCH	26	1,398	54
APRIL	26	1,360	52
MAY	25	1,147	46
JUNE			

RIDERSHIP BY WEEK FOR THE MONTH

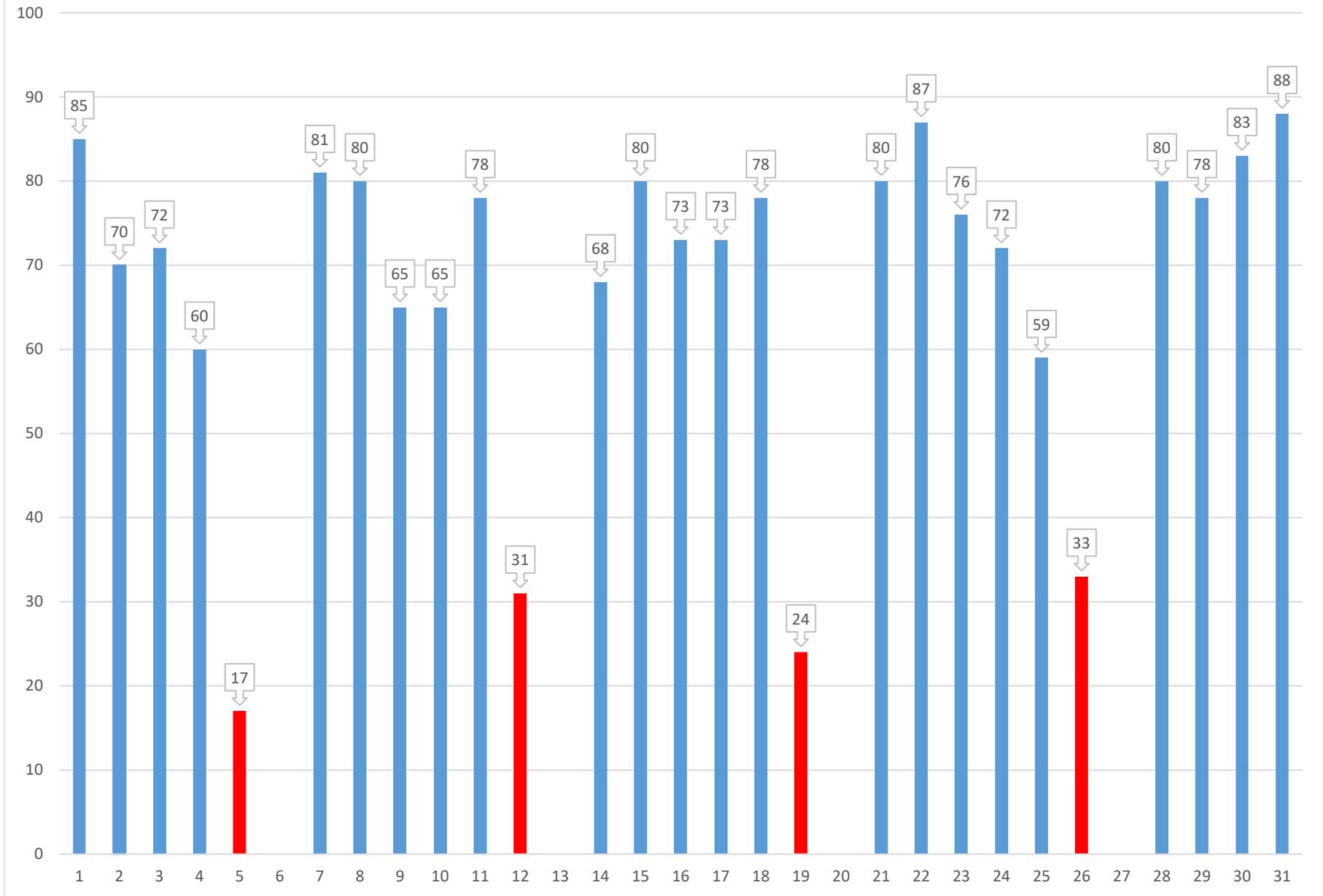
PC ROUTE	*10/1-5	*10/7-12	*10/14-19	*10/21-26	*10/28-31
	304	400	396	407	329

MONTHLY TOTAL 1,836

Philomath Connection Bus Ridership Monthly Totals



Daily Philomath Connection Riders: October 2019



Audience Overview ✓

SAVE EXPORT SHARE INSIGHTS

Oct 1, 2019 - Oct 31, 2019

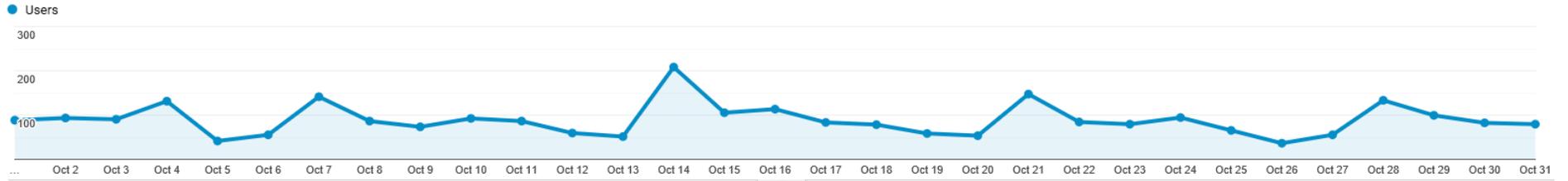
All Users
100.00% Users

+ Add Segment

Overview

Users vs. Select a metric

Hourly Day Week Month



Users 2,108	New Users 1,790	Sessions 3,416	Number of Sessions per User 1.62	Pageviews 8,968	Pages / Session 2.63
Avg. Session Duration 00:02:44	Bounce Rate 50.94%				



Data from Google Analytics

PHILOMATH PARK ADVSORY BOARD

Minutes

Thursday, October 10, 2019
City Hall, 980 Applegate St., Philomath OR
5:00 PM

1. ROLL CALL:

Present: Committee Chair: Dale Collins; Committee Secretary: Izzie Elliott; Committee Members: Carol Leach, Mal Miner, Lindy Young, Caleb Unema.
Community Guests: Robert Biscoe and Michael Sprouse.

2. APPROVAL OF MINUTES:

2.1 Minutes of August 8, 2019 – Minutes approved with one slight comment by Carol. She pointed out that the Music in the Park 2020 date of May 23 is a very early “Memorial Day”, and we should check with the schools to make sure this works for them to participate. Dale will check with school personnel.

3. BUSINESS:

3.1 Flossie Overman Discovery Park update – The rock is going in at the Flossie Overman Park. Dale says it is looking good. Lindy asked about planting shrubs and volunteered to help. Caleb said his wife would also volunteer, and he said he would check with OSU Garden Club regarding assistance with planting.

3.2 Park Master Plan update – Chris Workman is not present so we will held off on this report.

3.3 Skate park discussion – Izzie would like to explore the idea of raising funds to improve the skate park. She will wait for further discussion and ask Spencer what information he has gathered regarding the subject. Izzie did comment that she called the Mannis Family twice (to ask if they were still interested in leading this campaign) but no response.

3.4 Dog park discussion – Izzie would like to explore the idea of funding a dog park in honor of her sister Mary Elliott. She wanted to gather conversation from the group about the where and whys of dog parks in Philomath. Lindy commented that she has seen residents use the Mary River Park as a dog park. Caleb mentioned that he has noticed dog poops while Frisbee playing. Mal mentioned that he did remember that the door to door survey included a question and many people were interested in a dog park on the other side of the highway. More discussion about use and mis-use of dog parks here and elsewhere occurred with more discussion to resume after research is gathered.

3.5 Other business – Dale passed out information about a Fitness Feature at parks. Some questions came up about the Photo Contest and when winning photos will be hung up in the Board Room.

3.6 Questions/concerns from guests – Robert asked about Flossie Park and if plant stock was pre-determined. Yes, was the answer. Lindy offered to go to Shonnards to check on their stock. Comment that the Skirvin Memorial Park on 13th is looking good.

ADJOURNMENT

Minutes submitted by Izzie Elliott.