



## **CITY OF PHILOMATH**

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

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

# **PLANNING COMMISSION**

## **CITY HALL COUNCIL CHAMBERS**

### **980 Applegate Street**

**August 26, 2019**  
**6:00 p.m.**

## **MEETING AGENDA**

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

### **NEXT MEETING**

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

**PHILOMATH PLANNING COMMISSION  
MINUTES  
July 15, 2019**

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

7  
8 **2. ROLL CALL:**

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

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

14  
15  
16  
17  
18 **3. APPROVAL OF MINUTES:**

19 **3.1 May 20, 2019, Minutes –**

20  
21 **MOTION:** Commissioner Boggs moved/Commissioner Sullivan second, the May 20,  
22 2019, minutes be approved. Motion APPROVED 4-0. (Yes: Sullivan, Boggs, Yoder,  
23 Stein; No: None.)

24  
25 Commissioner Boggs spoke to the passing of former City Planner, Jim Minard. He  
26 asked the public, Commission and City staff for a moment of silence.

27  
28 **Old Business-** Chair Stein suggested making a motion to send the modified Annexation  
29 Criteria to City Council as they did in May.

30  
31 **MOTION:** Commissioner Boggs moved/Commissioner Yoder second, to pass on the  
32 Annexation Criteria to the City Council. Motion APPROVED 4-0. (Yes: Sullivan,  
33 Boggs, Yoder, Stein)

34  
35  
36 **4. PUBLIC HEARING – opened at 6:03pm by Chair David Stein**

37 **4.1 File Number:** PC19-02, PC19-03, PC19-04, PC19-05, PC19-06, PC19-07

38 Applicant: Scott Lepman Company

39 Application Type:

- 40 • Master Plan (PC19-02)  
41 • Industrial Flex Space (PC19-03)  
42 • Indoor Storage/Outdoor Storage – Boat & RV (PC19-04)  
43 • RV Park (PC19-05)  
44 • Conditional Use Permit (PC19-06)  
45 • Lot Coverage Variance (PC19-07)

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

47  
48 Commissioner Yoder stated that she did a site visit.

49  
50 Chair Stein proposed holding the public hearing open to July 29, 2019. He explained that this is  
51 a very complex proposal and that continuing the hearing to July 29, 2019 would allow the public  
52 more time to participate and for preparation for further public testimony.

53 **MOTION:** Commissioner Yoder moved/Commissioner Boggs second, to continue the  
54 Public Hearing to the July 29, 2019 at 7:00 p.m. Motion APPROVED 3-1. (Yes: Boggs,  
55 Yoder, Stein; No: Sullivan)  
56

57 **MOTION AMENDMENT:** Commissioner Yoder moved/Commissioner Sullivan second to  
58 keep the continuation meeting on July 29, 2019 at 6:00 p.m. Motion Approved 3-1. (Yes:  
59 Sullivan, Boggs, Yoder; No: Stein)  
60

61 **Staff Report --** City Planner, Patrick Depa, summarized the Staff Report. He explained that this  
62 is a mixed-use industrial project but has been referred to as a master plan overlay due to the  
63 property being over 10 acres. He explained that the Planning Commission would decide on all  
64 six applications. He further explained that all the property involved is industrial but some of it is  
65 split-zone. He listed the first four cases for review: Master Plan Overlay, Industrial Flex Space,  
66 Indoor Storage, Outdoor Storage, and Boat and RV project. He explained the Master Plan  
67 Overlay and that it is closely related to the comprehensive plan and policies. He explained that  
68 it follows very closely to the impact studies. He addressed the Commissioners regarding  
69 findings and conditions and the removal of some conditions due to them being public facilities,  
70 water and draining, for example. He explained that the type three, Site Design Reviews, are  
71 also looked at very closely in conjunction with the code. He discussed an item that required a  
72 variance, the paving of RV and Boat Storage. He explained that the applicant is requesting that  
73 it not be paved at this time due to demand in question for boat or outdoor storage vs. indoor  
74 storage and possible building expansion. He explained that he recommends the  
75 Commissioners put a time restriction on that variance. He discussed the Conditional Use case  
76 for the viewing platforms that encroach into the riparian corridor. He explained that this is a  
77 private trail that runs into the RV Park. He found that there was little to no effect to the proposal.  
78 He recommended to the Commission that this be a separate approval and motion. He  
79 discussed the design standards and the mixed masonry type materials. He discussed the  
80 vacation of 20<sup>th</sup> street and that the applicant would pursue this with Benton County should their  
81 application be approved.  
82

83 Commissioner Yoder referred to page 7 and stated that the DEQ listed the site as suspect and  
84 in need of more review. She asked if the City should require better ground samples at the  
85 location of the old septic tanks and drain fields under discussion, to verify that there is not  
86 anything harmful since they have been sitting for many years. It is still in question if in fact the  
87 septic tanks and drain fields are still there, however. She further explained that her concern  
88 was the property soil and remaining elements that may or may not be harmful. She suggested  
89 that perhaps there should be more testing. Mr. Depa explained that there is different criteria  
90 under State and Federal Statute for industrial vs. residential sites.  
91

92 Commissioner Yoder addressed the Traffic Impact Analysis on page 9 of the Staff Report and  
93 that it indicates there is 22 trips in the morning and 38 trips at night, however Exhibit B, from the  
94 applicant lists, 78 trips in the morning and 11 trips at night. She asked how does the  
95 Commission know which is accurate. Mr. Depa asked to come back to this question to verify  
96 those numbers. He explained, however that the low numbers are due to the cliental of the RV  
97 park. Since most of the cliental of the RV Park will most likely not be traveling during peak  
98 hours since they are recreational users. They are not going to work and coming home from  
99 work during typical hours each day. He explained that there is a different matrix used to  
100 analyze traffic in RV parks.

101 **Presentation by Applicant-** Scott Lepman introduced himself as a real estate appraiser in  
102 Albany, OR. He explained that he owns the Blue Ox RV Park in Albany, Oregon and the  
103 Storage Depot in Corvallis, Oregon. He invited all public, staff, and Commissioners to please  
104 visit both sites and/or ask him about how either site is managed should there be any questions  
105 or concerns. He explained that he is excited about this project and believes the application that  
106 has been prepared for this project is thorough and significant. He explained that he would like  
107 to enter into the record a letter by Bob and Becky Bazemore, consultants for RV Parks that rate  
108 parks around the State.  
109

110 Mr. Lepman discussed the potential RV and Storage Unit site. He explained that the discussed  
111 property consists of old industrial sites that have been abandoned. He discussed that there is a  
112 significant amount of rock and concrete that still exists and that the area where the Boat and RV  
113 storage will go consists of mostly concrete slabs, currently. He explained that the Northern  
114 parcel is mostly concrete pads. He addressed the question related to environmental studies  
115 and that the Commissioners should have copies of all environmental studies that have been  
116 done on the property. He explained that the consultants used on the project are all present at  
117 this meeting and that the Commission is welcome address them at any time. He introduced  
118 each consultant: Wetland Consultant, Allen Martin, Engineer, Brian Vandetta, Traffic Engineer  
119 Carl Bergy, and Employee Candace Ribera. He stated that he supports findings of the Staff  
120 Report.  
121

122 Commissioner Yoder explained after viewing the Blue Ox RV park website, it states that 70% of  
123 the cliental are long-term and 30% are short term. Mr. Lepman explained that under Good  
124 Samaritan, there must be at least 30% of the park must be available for daily customers. He  
125 explained that there are a good number of people that stay for 2 to 6 months, such as  
126 construction workers, or that perhaps they will have cliental staying for events related to Oregon  
127 State University.  
128

129 Commissioner Boggs asked if he had any time frame limits for cliental to stay at the park. Mr.  
130 Lepman explained that they do not have any time limit restrictions, currently. Chair Stein asked  
131 the applicant if new permanent residents of Philomath might take up a number of the RV  
132 spaces. Mr. Lepman replied that it could happen. He discussed the concern of housing  
133 affordability in Philomath, Benton County and the State of Oregon and that this RV park may be  
134 an option for some cliental. He discussed his screening process and that he does background  
135 checks on all applicants of the RV Park.  
136

137 Mr. Lepman explained that he believes there is a market and sees the need for an RV park in  
138 Benton County. He stated that there is only Benton Woods RV Park. He explained that Benton  
139 Woods is providing a housing need, but that their tenants have to move out once a year for the  
140 Benton County Fair.  
141

142 Chair Stein asked if there are any population estimations of children who would be attending  
143 public school, or the potential amount of residents that may have taxing effects on public  
144 services such as fire and police. Mr. Lepman explained that at the Blue Ox RV park he  
145 currently only has around three or four children staying in the park. He discussed the various  
146 scenarios in which there might be children present in the park for an extended stay. He  
147 discussed further examples of extended stay cliental such as, construction workers and cliental  
148 who may only have a few months' worth of business in town. He stated that although these  
149 cliental may tax the community, he believes they will also participate in the community by  
150 utilizing local businesses. Chair Stein stated that although he appreciates Mr. Lepman trying to  
151 be clear regarding his likely cliental, there are potential effects that he has not seen addressed.  
152

153 Candace Ribera introduced herself as an employee of Mr. Lepman. She spoke to the long-term  
154 stay of cliental being month to month only. She explained that some of the cliental continue to  
155 pay their spots on a monthly basis although they are not currently staying in the park. She  
156 further explained that these cliental are included in the 70% long-term occupants at the Blue Ox.  
157

158 Commissioner Yoder asked if the cost of the spaces at the RV Park would be the same as the  
159 Blue Ox in Albany. Mr. Lepman explained that since the facility is new the cost might be higher  
160 than in Albany. He explained that the capital required might be more because of the quality of  
161 the facility.  
162

163 Commissioner Sullivan addressed Mr. Lepman and thanked him for considering Philomath. He  
164 explained that when reviewing the application he has concerns when comparing it to the City's  
165 comprehensive plan. He cited, Section 2, Economy, number 22, The City should encourage the  
166 development and expansion of business, which serves tourists that travel through and visit the  
167 community. He then cites Section 3, Housing, goal 10, At the extreme end there is  
168 homelessness, and some people do not have any shelter at all. Close behind follows sub-  
169 standard housing with health and safety problems, space problems, the structure is adequate  
170 but overcrowded and economic and social problems. Commissioner Sullivan stated when  
171 discussing the length of stay of cliental at the RV park, based on the prior readings from the  
172 City's Comprehensive Plan, there is not enough information in the application for the  
173 Commission to make a decision about whether or not the park is primarily attracting tourists or  
174 unintentionally offering sub-standard housing. He discussed the Comprehensive Plan in  
175 regards to aiding the local economy. He cited the goal of the Comprehensive Plan, Industrial  
176 Land Use, to maintain protect and expand the City's existing industries. Promote and provide a  
177 diversified industrial base that will provide jobs for both the existing and future labor source. He  
178 explained that when addressing the storage facility proposal, it does not appear that it is justified  
179 based on some sort of an economic value to the City. He discussed a few questions raised  
180 when looking at Mr. Lepman's application: mixed-use that could potentially house incoming  
181 businesses and the RV Park for tourists. He noted that there does not seem to be much  
182 justification for a Storage Park. Mr. Lepman spoke to the industrial flex space and that it will  
183 provide opportunities for employment. He explained that as an appraiser, there does not  
184 appear to be any significant market evidence for such flex space. He explained that if the boat  
185 and RV Park does prove to be of high demand, that there is flex space to expand.  
186

187 Commissioner Yoder clarified that should the demand for space rise, the boat and RV storage  
188 could be used as such. Mr. Lepman replied that the Boat and RV space is of interim use. He  
189 explained that the size of the site is significant and that they are testing different uses to see  
190 which will have more market demand. Mr. Workman addressed the Staff Report and that the  
191 application is being submitted as Boat and RV storage. He explained that if use were to change  
192 it would have to come back to the Planning Commission in a separate application as a Major  
193 Modification.  
194

195 Chair Stein asked the applicant why the RV sites were placed next to the railroad tracks. Mr.  
196 Lepman explained that the two water influences attracted him and that there would be a  
197 masonry wall between the railroad tracts RV's. He explained that he owns and appraises  
198 property that are both next to railroad tracts. He explained that most of the population says that  
199 they get used to the passing of trains and that he would discuss this with his potential  
200 customers.  
201

202 Chair Stein asked if Mr. Lepman would explain the site map display that was brought in for  
203 review.  
204

205 Mr. Lepman described the site map and gave point to directions, physical landmarks and  
206 roadways. He explained that the sign will be down in a hole and that is why it is so tall. He  
207 explained that the RV manager would live on-site at all times. He explained that the walking  
208 path goes all the way around the park and is joined with the bike path for the City without  
209 conflict. He discussed the park amenities that include a pool and patio overlooking the creek,  
210 an enclosable patio space and dog park. He discussed the storage facility that has access from  
211 Highway 20. He explained that there would be a separate manager on site at all times for the  
212 Storage Facility. He explained that they have done a flood study and their own engineer  
213 reviewed FEMA's data regarding a flood event and what would happen to the park and  
214 neighbors should the waters jump Newton Creek.  
215

216 Brian Vandetta introduced himself as the project's Civil Engineer. He pointed out on the display  
217 the undeveloped City Park and discussed that there is an easement being left out and dedicated  
218 to the City. Commissioner Yoder addressed the Traffic Impact Analysis and left hand turns off  
219 Philomath Boulevard. Commissioner Boggs asked about RV waste dumpsites. Mr. Lepman  
220 explained that there would be no dumpsites, but site-to-site hookups. Commissioner Sullivan  
221 asked which paths included on the site display would be public and private. Ms. Ribera  
222 explained that the public paths are on the perimeter of the property. Mr. Lepman explained that  
223 the park also has its own private path.  
224

225 Commissioner Yoder asked for clarification on the encroachment of the viewing area to the 50-  
226 foot riparian areas. She asked how development would be impacted if the viewing area did not  
227 encroach. Mr. Lepman discussed that the perimeter trail would be lost and that the site could  
228 not be developed without affecting wetlands. He discussed that Wetland Mitigation credits will  
229 be purchased. Mr. Lepman introduced Allen Martin, the project's Wetland Consultant. He  
230 discussed the permit application to the Regulatory Agencies for Wetlands. He addressed the  
231 analysis that were made. Commissioner Yoder spoke to the 7.3 wetlands on the property and  
232 that she would like to see all of the wetlands protected. Mr. Martin clarified that although they  
233 have submitted the review to the Wetland Agencies, they have not received a report on the  
234 reviews. He explained that it is about a six to twelve month process. Commissioner Yoder  
235 asked on what grounds the Regulatory Agency for Wetlands would deny the study. Mr. Martin  
236 explained that this encroaches on speculation. Mr. Lepman explained that if the Regulatory  
237 Agency for Wetlands does not accept the analysis report created by Mr. Martin, then the  
238 applicant would have to submit a new Master Plan. Mr. Martin discussed the questions that the  
239 Regulatory Agencies for Wetlands will consider for approval. Mr. Lepman discussed the plan of  
240 execution to fill the wetlands. Mr. Workman clarified that number 11 of conditions for approval  
241 requires that the applicant must provide copies of all environmental studies, assessments  
242 preformed and additional local State or Federal permits required for development.  
243

244 Chair Stein asked to break for 5 minutes at 7:24 and to reconvene at 7:30 p.m.  
245

246 Chair Stein called the Public Hearing back to order at 7:30 p.m.  
247

248 Mr. Lepman announced that the traffic engineer used for this project is present if someone  
249 would like to ask him any questions.  
250

251  
252  
253  
254  
255  
256  
257  
258

259 **Presentation by Proponents-**

260  
261 Tim Wenger - Philomath, OR – Mr. Wenger spoke in favor of the development. He explained  
262 that he lives very close to the development. He explained that he supports the development of  
263 a well-managed RV park. He also explained that he sees a housing need in the City. He  
264 explained that he feels that this will help in the housing shortage in the nation and in Oregon.  
265 He explained that his daughter visited 25 manufactured home parks in Yamhill County and that  
266 there were no spaces available. He explained that these are the only low-cost affordable  
267 housing that is available. He explained that he likes this better than a mill and humanitarianly  
268 that it will provide housing. He explained that in visiting the Self-Storage in Corvallis he feels  
269 that this will be a well ran park.

270  
271 **Presentation by Opponent's-**

272  
273 Jeff Lamb - Philomath, OR – Mr. Lamb spoke in opposition of the Lepman project. He  
274 explained that he does not blame Scott Lamb for wanting to join the Philomath family. He  
275 addressed the fact that three of the Commissioners are gone during the most important land  
276 use decision in Philomath. He discussed a past Finance Committee meeting and indirectly  
277 quoted, Mr. Workman saying that we (the City) encourage development that does not use a lot  
278 of water. He stated that he believes this proposal is equivalent to a small privately owned city.  
279 He expressed his distaste for the Lepman application on the City website that contains 40  
280 different attachments with hundreds of pages. He addressed the May 20, 2019 minutes  
281 regarding a question that Sandy Heath asked. Ms. Heath asked if the City was currently  
282 operating under the new or old development criteria. Mr. Lamb indirectly quoted Mr. Workman  
283 from the May 20, 2019 meeting minutes stating that the City is operating under the current  
284 criteria until the new criteria is approved. He addressed the Staff Report and stated that he has  
285 never seen the criteria on which the Lepman project is being approved. He explained to the  
286 Commission that it is not up to them to give the citizens of Philomath water away. He stated  
287 that this project is going to destroy the community of Philomath's identity. He explained that this  
288 project would simply be just bringing in rich people and would put more cost on the current local  
289 residents. He stated, enough and that Philomath is not for sale.

290  
291 Sandy Heath - Philomath, OR – Ms. Heath spoke in opposition to the Lepman project. She read  
292 her statement into the record (see supplemental agenda item A). She explained that she would  
293 like to discuss infrastructure in the community, hard and soft. She discussed the examples of  
294 hard and soft infrastructure and read their definitions. She explained that she has tried several  
295 times in the past to show her position on growth and development in the community. She  
296 explained that she is not anti-growth but rather that she would like to grow Philomath efficiently.  
297 She explained that Philomath is not ready to sustain the new projects that have been put upon  
298 it. She explained that this project would be a huge draw on the City's current infrastructure and  
299 that it is not affordable housing nor permanent residents. She explained that she believes the  
300 cliental would be transient passers through that would have no sense of ownership in the  
301 livability of Philomath. She asks that the City and the Commission be more creative in finding  
302 additional funding for huge infrastructure projects such as this.

303  
304 Anne Buell - Philomath, OR – Ms. Buell spoke in opposition to the Lepman project. She read  
305 her statement into the record (see supplemental agenda item B). She discussed that she has a  
306 degree Wild Life Science. She explained that this project serves as a threat to the population of  
307 the Checker Mallow plant. She discussed the potential of RV residents picking the flowers.  
308 She explained that she questions how the site is being divided. She discussed various reports  
309 proving the extinction of the Checker Mallow plant. She discussed the need for the City of  
310 Philomath to take more action in preserving the Checker Mallow flower. She asked that the  
311 Commission vote no on this project.

313 Allen Buell - Philomath, OR – Mr. Buell spoke in opposition to the Lepman project. He  
314 explained that the property is listed in the Environmental Clean-up Site data base file number  
315 233. He discussed that in the Phase 1 Environmental Site Assessment, the DEQ learned of a  
316 Petroleum machine that affected Newton Creek. He explained that DEQ claims the site is  
317 medium-low priority requiring further investigation. He discussed two reports of septic systems  
318 with drain fields and that these septic systems were not found after a walk through. He asks the  
319 question, are the septic systems there or not. He asked if 60% of the project is developed now,  
320 would the applicant come back later and develop the remaining 40%. He asked if, the  
321 developers will get half price water or will they pay their fair share. He stated that there is a  
322 traffic problem in Philomath and that this will only add more traffic to our area, for OSU, not  
323 Philomath.

324  
325 May Dasch – Philomath, OR - Ms. Dasch spoke in opposition to the Lepman project. She read  
326 her statement into the record (see supplemental agenda item C). She explained that she is  
327 extremely worried about the large RV Park and what impact it will have on the City's water  
328 supply and already congested traffic. She addressed a report from 2018 by West Tech  
329 Engineering, quoting that the four water sources in Philomath are uncertain. She quoted  
330 excerpts from the report stating the uncertainty of the Mary's River water supply, especially  
331 during August and September. She also quoted the report speaking to the end of the Corvallis  
332 Intertie Agreement in 2027. She spoke to the ninth and 11<sup>th</sup> street wells, their poor water supply  
333 and proposed use. She explained that the staff report does not address the impact on local  
334 property owners and their water supply.

335  
336 Catherine Biscoe - Philomath, OR – Ms. Biscoe spoke in opposition to the Lepman project. She  
337 explained that the Lepman project application consists of nearly 600 pages, the Commissioner's  
338 packets of over 100 pages, and in that, the staff report is around 40. She discussed concerns  
339 about water, and quoted West Tech Engineering's study from the City's Master Plan, suggesting  
340 that the City should try to attract dry or low water users rather than industries that require large  
341 quantities of water. She stated that in the extensive application, she did not find the cost of the  
342 infrastructure in order to serve this industrial complex. She explained that currently the City of  
343 Philomath is the highest tax rate paying City in Benton County. She asked what is the water  
344 unit rate that the client of the RV Park will be paying and will each RV have their own water  
345 meter. She asked about the cost of the landscape and maintenance of the park. She stated  
346 that the phase one assessment is inadequate in regards to the environmental studies. She  
347 addressed the RV age and quality requirements and that the expense of those RV's would not  
348 qualify as affordable housing. She explained that the timing of the staff report release made it  
349 hard to review this packet. She asked that the completion of the environmental and water  
350 assessments be completed and evaluated before the Commission votes on this project. She  
351 asks that the cost to the community be evaluated, as well.

352  
353 Greg Frost – Philomath, OR – Mr. Frost spoke in opposition to the Lepman project. He  
354 explained that he has lived in Philomath since 1977. He explained that around that time he  
355 lived on a gravel road and that Main Street was the only paved road. He stated that although all  
356 citizens were allowed to travel on their road, the residents of his road were required to pay  
357 around \$5,000.00 to pave their street. He explained that he sees local residents that are  
358 stressed out over water unite prices and property tax rates rising. He discussed the congestion  
359 of traffic on Main Street and 19<sup>th</sup> and that it will be even more congested when school is in  
360 session. He addressed the Commissioners that the citizens trust them to do what is right and  
361 not bring in more projects that will raise taxes.

362

363 Marcy Stolpey – Philomath, OR- Ms. Stolpey spoke in opposition to the Lepman project. She  
364 explained that she is surprised to find out that not only are they discussing and RV Park, but a  
365 trailer park is as well. She stated that she commuted for several years as a Mental Health  
366 Specialist with Linn County and commuted from Philomath. She questioned how traffic could be  
367 predicted between 8 a.m. and 5 p.m., especially when school is in session. She challenged the  
368 Commissioners, staff and audience to commute between 8 a.m. and 5 p.m. while school and  
369 Oregon State University is in session to see the extensive traffic congestion. She explained that  
370 due to her experience as a Child and Family Therapist she predicts that there will be a large  
371 number of children that will be living in the RV Park. She stated that in the thousands of families  
372 she worked with, almost half of the children from those families lived in a trailer park  
373 permanently. She asked that we not pattern the City after Albany and South Corvallis. She  
374 discussed her concern for her house value and how much she pays in taxes. She stated that  
375 she likes to garden and her water bill is extremely high. She questions whether people will want  
376 to live in Philomath due to high property taxes and water rates. She explained that even if she  
377 owned a nice RV that she would not want to stay at the RV Park because of the odd location  
378 and close proximity of the railroad tracks. She is concerned about the impact of the project on  
379 the Cities water, sewer, schools and property values. She questioned the voting system of the  
380 Planning Commission, due to the large amount of people she knows that oppose numerous  
381 past annexations.  
382

383 Robert Biscoe – Philomath, OR – Mr. Biscoe spoke in opposition to the Lepman project. He  
384 explained that the flex space proposed in the Lepman project could potentially promote good  
385 business growth and development. He explained that he does not see any studies with the  
386 volume of water that the RV Park will be using with the 175 spaces. He explained that the  
387 engineers in the past encouraged the City to be looking toward water conservation and that the  
388 RV Park does not represent that. He discussed his concerns for traffic and safety. He  
389 discussed his concerns for the triple high storage and the close proximity to Highway 20. He  
390 explained that the Lepman storage in Corvallis is maintained very well. He explained that the  
391 triple high storage would be more desirable if not visible from the road and perhaps should be  
392 located out of sight from the main road, similar to that of the Corvallis Storage Units. He  
393 questions some of the staff report items and identification of criteria that he is not aware of being  
394 in the code.  
395

396 Lawrence Johnson – Philomath, OR – Mr. Johnson spoke in opposition to the Lepman project.  
397 He stated that he conquers with all of the opponents that have spoken thus far. He explained  
398 that although Mr. Lepman prepared a very detailed report and presentation, being a business  
399 owner Mr. Lepman should know how much sewer and water would be used. He expressed  
400 concern on the lack of statistical data concerning water. He addressed the 175 stalls and asked  
401 if they will each be metered. He stated that each property owner present at the meter is paying  
402 ten dollars a month extra for their meters, and asked should the 175 RV spots have their own  
403 meters, will they also be paying and extra ten dollars a month. He stated that water rates would  
404 double. He asked if the cliental in the park would be penalized if they use too much water. He  
405 questioned if this type of development has a sweetheart deal where they do not have to pay as  
406 much as Philomath residents and asked the Commission to review this issue. He stated that  
407 this is not affordable housing, rather a gated community with expensive RV units. He discussed  
408 previous testimony by Marcy Stolpey and that this RV Park would have an impact on Philomath  
409 schools due to the high amount of school age children that will be present in the park. He  
410 explained that the environmental studies and mitigation reports should be completed before the  
411 application be considered. He stated that the water issue is being overlooked and that the  
412 application is incomplete. He claims that Mr. Lepman evaded answers to the questions asked  
413 by Commissioner's. He asked that the record be held open.  
414

415 Machi Nunnemaker Philomath, OR -- Mr. Nunnemaker spoke in opposition to the Lepman  
416 project. He addressed a City of Philomath Water Forum from 2015, and states that the  
417 Regional Water Master had drafted a letter to the City encouraging the restriction of water  
418 usage by residents due to low flow in the Mary's River. He explained that he is a lifelong  
419 resident of Philomath, and is not against growth. He stated that he is concerned that the City  
420 will go past what it can sustain and not sink into a ghost town.

421  
422 Commissioner Sullivan addressed his dislike for traffic, lack of affordable housing, and the rise  
423 of property taxes. He discussed the requirements and decision-making process followed by a  
424 specific set of guidelines written in the comprehensive plan in 1999. He suggested that all  
425 citizens for or against this development get a copy of the Philomath Comprehensive Plan and  
426 the Oregon Department of Land Conservation and Development and parallel their propositions  
427 or oppositions by those guidelines. He explained that for the opposition to be considered it must  
428 fall under the rules and guidelines presented in the Comprehensive Plan.

429  
430 Mr. Lepman explained that some of the issues that he heard from opposing parties he was not  
431 aware of in the community. He stated that he would be seeking more information regarding  
432 water usage from his existing RV Park. He explained that although he senses some hostility  
433 from citizens that any value that this project will bring to the community will actually help to lower  
434 property taxes. He stated that he would try to address all testimony at the next meeting.

435  
436 Chair Stein explained that there is a Development and Annexation Code. He discussed that the  
437 Planning Commission's decision must be based on facts and not positive or negative opinions.  
438 He discussed that the public hearing will be open for another two weeks so that those in  
439 opposition can address the Commission with facts and not opinions. He stated that the Public  
440 Hearing would reopen at 6:00 p.m. on July 29, 2019.

441  
442  
443

444 **Presentation by Neutral Parties- NONE**

445  
446  
447

447 **5. ADJOURNMENT:**

448 There being no further business, Chair Stein adjourned the meeting at 8:32 p.m.

449

450 SIGNED:

ATTEST:

451

452

453 \_\_\_\_\_  
David Stein, Chair

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

**PHILOMATH PLANNING COMMISSION  
MINUTES  
WORK SESSION  
July 22, 2019**

1. **CALL TO ORDER:** Chair Stein called the work session to order at 6:08 pm

2. **ROLL CALL:**

**Present:** Commissioners Garry Conner, Steve Boggs, Peggy Yoder, Chair David Stein, and Lori Gibbs (6:13 p.m.).

**Staff:** Chris Workman, City Manager; Patrick Depa, City Planner.

3. **Presentations**

Laura Buhl introduced herself as a Land Use and Transportation Planner with the Transportation and Growth Management Program. She explained that the Transportation and Growth Management Program stems from two departments, Oregon Department of Transportation and the Department of Land Conservation and Development. She explained that the purpose of their program is to link land use and transportation planning.

4. **ADJOURNMENT:**

There being no further business, Chair Stein adjourned the work session at 7:24 p.m.

SIGNED:

ATTEST:

\_\_\_\_\_  
David Stein, Chair

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

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

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

7  
8 **2. ROLL CALL:**

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

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

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

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

17 Applicant: Scott Lepman Company

18 Application Type:

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

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

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

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

54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102

**Public Testimony**

Lawrence Johnson, Philomath, OR – Mr. Johnson spoke in opposition to the project. He noted that he had reviewed the applicant’s rebuttal. He discussed the Army Corp of Engineers’ report that was just recently released with several findings that raise concerns for him. He believes it may be premature for the Commission to make a decision until that study is closed. He also noted the two wells that are in the applicant’s rebuttal and questioned the use of the two wells. He questioned how the City would measure the use of water in regards to sewage if the two wells on site are used and not metered City water. He stated that in the application and reports there should be a Citizen’s Advisory Report that he has yet to see. He believes that the Staff Report should have taken into account the studies that are still pending. He requested that the record be kept open until some of the significant reports have been resolved.

Ann Buell, Philomath, OR – Ms. Buell spoke in opposition to the project. She read her statement into the record (see supplemental agenda item A). She stated that a five-minute time limit for comment is unreasonable due to the significant amount of material in the application and rebuttal. She requests that the Commission review the public testimonies and hopes that the Commissioners have gone through the Comprehensive Plan and matched where the application is in violation. She stated that the taking of species that are endangered is illegal, questioned why that is not in the Comprehensive Plan, and how the Commission will handle it. She spoke to Rana Foster’s written testimony, noting various traffic concerns, endangered species in the project area and local wildlife. She addressed the 3,500 yards of fill that may be dumped into Newton Creek.

Jeff Lamb, Philomath, OR – Mr. Lamb spoke in opposition to the project. He spoke to Commissioner Sullivan’s previous comments regarding the decision making process in congruence with the 1999 Comprehensive Plan. He questioned why all six cases are being considered under one vote of approval. He explained that the Army Corp of Engineers, the Oregon State Land and Conservation Department and the DEQ are all seeking public comment for their written reports. He stated that he spoke to the DEQ and they replied that it is unusual for applicants to submit applications before such studies are completed. He requested that the record be held open due to the permit requested of the Army Corp of Engineers.

Catherine Biscoe, Philomath, OR – Ms. Biscoe spoke in opposition to the project. She stated that she serves on the Philomath Budget Committee. She would like to review the infrastructure costs of this project to the City and that there are still concerns to the Water Treatment Plant costs. She noted the priority two and three costs that are based on a population increase. She explained that those concerns may or may not include our debt service or inflation. She is concerned about failing sewer lines in the northeast part of town and that there is currently no plan in the budget to replace those lines. She quoted the book titled, “Better not Bigger,” excerpt from page 46, speaking to urban growth and the demand on public resources. She noted that neither the Staff Report nor the application address the cost to the tax paying citizens of Philomath. She discussed that this project will not provide many opportunities of employment, but have high and negative impacts on the City’s water and infrastructure. She believes that the project will be a gated community that only benefits itself and in no way applies to affordable housing. She discussed the Army Corp of Engineers’ environmental impact report. She asked the Commission to hold the record open until the completion of the Army Corp of Engineers’ report be completed.

103 Kathy Hensman, Philomath, OR – Ms. Hensman spoke in favor of the project. She read her  
104 statement into the record (see supplemental agenda item B). She stated that she is pro-growth  
105 and believes that the RV Park would be a sustaining business. She believes that cliental  
106 traveling to the coast would utilize the RV Park and local businesses. She discussed that the  
107 positive impact on local businesses would compensate for the traffic that the RV Park would  
108 bring. She believes growth in the City is not going to stop, nor should it. She discussed that  
109 after reviewing the Staff Report, she does not see any issues with water, sewer, or power that  
110 should stop a development such as this. She stated that the only issue that would affect local  
111 residents would be traffic. She stated that in her experience in various RV Parks, she has yet to  
112 see an overabundance of children living in the parks.

113  
114 Sandy Heath, Philomath, OR – Ms. Heath spoke in neutrality of the project. She read her  
115 statement into the record (see supplemental agenda item C). She stated that she is the current  
116 elected chair of, Grow Philomath Sensibly. She believes that the Comprehensive Plan is out of  
117 date and does not allow the city to grow in a sustainable and sensible way. She showed the  
118 City Organizational chart that has the citizens of Philomath on the top of the chart, meaning their  
119 well-being should be first. She explained that this project is in no way affordable housing. She  
120 stated that any contribution to the community would be limited due to cliental likely shopping in  
121 Corvallis. She stated that the City has said publicly that it would not promote high water use  
122 industries. She noted the City's water report from West Tech Engineering. She stated that the  
123 applicant would be dumping 3,400 square yards of fill on one acre. She noted that any person  
124 may request in writing a public hearing by August 21, 2019 with the Army Corp of Engineers.  
125 She noted ODOT's concerns and believes that the application is incomplete. She requests that  
126 the record be held open until all reports and studies have reached their comment periods  
127 specified by law.

128  
129 Tim Wenger, Philomath, OR – Mr. Wenger spoke in neutrality of the project. He stated that he  
130 lives close to the RV Park. He discussed his property location and that he would be looking  
131 directly at the RV Park from his home. He explained that because of this he may not be in favor  
132 of the RV Park; however, he would be in favor of this park because of its contribution to local  
133 restaurants. He believes this project will in fact provide some affordable housing.

134  
135 Robert Biscoe, Philomath, OR – Mr. Biscoe spoke in opposition to the application. He stated  
136 that he conquers with most of the previous opposition comments. He asked the Commission to  
137 keep the record open due to the issues with the Army Corp of Engineers and to wait until the  
138 findings and possible testimonies are processed. He explained that although traffic studies  
139 have been done, he is unaware of how one studies traffic changes concerning cliental that are  
140 extended stay versus short term. He questioned whether as a community we are offering  
141 affordable housing and that the City should do a better job of making sure they are providing it.  
142 He hopes that the Commission is listening to the public and that the citizens of Philomath will be  
143 taking the brunt of the impact that this project will have on the City's current infrastructure.

144  
145 May Dasch, Philomath, OR -- Ms. Dasch spoke in opposition to the project. She read her  
146 statement into the record (see supplemental agenda item D). She quoted a write up from the  
147 Corvallis Gazette Times discussing the drop in ground water supply. She discussed various  
148 proposed uses of the City's two wells. She asks that the Commission consider the City's  
149 tenuous water supply when considering the Lepman application. She stated that water is the  
150 key to our community being successful and that the City's supply is proving unpredictable.

151  
152 Chair Stein called a break at 6:55pm.

153  
154 Chair Stein called the Public Hearing back to order at 7:05 p.m.

155  
156

157 **Presentation by Applicant**  
158

159 Mr. Scott Lepman spoke in rebuttal to the opposition. He stated that he also submitted a written  
160 rebuttal addressing the concerns of the July 15, 2019 opposition. He explained that there have  
161 been concerns raised at the present meeting, as well as additional written testimony that they  
162 would like the opportunity to rebut. He spoke to the development process of the proposed  
163 Storage Units and RV Park. He explained that that the Army Corp of Engineers and  
164 Department of State Lands are two agencies that address filling in a wetland. Mr. Lepman  
165 addressed a large diagram, also presented at the July 15, 2019 meeting, to further explain to  
166 the public where fill would be placed. He noted that there are two large bridges that are going to  
167 cover the wetlands and will not be affecting two creeks on the industrial property. He noted that  
168 the biggest impact is the storm water quality feature. He stated that they would be creating a  
169 wetland, but that it would be referred to as a, "dry pond." He stated that although the pond is  
170 not technically considered a wetland, it would function as such and treat the storm water before  
171 it enters Newton Creek. He explained that the reason for the dry pond being incorporated into  
172 the project is due to the lack of access to a public road, specifically Highway 20. Furthermore,  
173 he noted that Oregon Department of Transportation determined the location of the public access  
174 road due to specific guidelines. He explained that the decision of public road access by Oregon  
175 Department of Transportation was the reason for determining the location of the dry pond  
176 treatment facility. He stated that this project is only affecting low-value wetlands.  
177

178 Commissioner Yoder asked Mr. Lepman what the term, "low-value wetland," means. Allan  
179 Martin, Wetland Consultant for the Lepman project, explained that wetlands are categorized  
180 based on the functions, values, and services provided. Whether or not the wetland is forested,  
181 the native plants present, and whether it has been degraded or affected by previous  
182 development determine these qualities. He noted that the forested wetland in the riparian zone  
183 provides habitat, water storage and a number of higher wetland services. He further explained  
184 that the wetland affected by the dry pond has a low number of native plants and is not forested.  
185 He noted that there is only about a half of an acre that would be affected by the dry pond.  
186

187 Chair Stein asked for clarification on the storm water treatment facility, or dry pond, and how it  
188 would function. Bryan Vandetta introduced himself as the Project Engineer to address Chair  
189 Stein's question. He explained that the storm water quality pond has a dead zone in the bottom  
190 of it that is around six inches deep that would remain there throughout the changing of seasons.  
191 When the storm water flows into the dry pond, it provides a sump for the settlement carried by  
192 the storm water. He explained that the dry pond also has aquatic vegetation that then treats the  
193 water and helps remove some of the pollutants, as well as an infiltration system. He stated that  
194 the function of the pond is sized based on the impervious area that it is treating. He explained  
195 that the storm water quality pond functions as a wetland, although it is not referred to as such.  
196 He noted that the site owners would pay into mitigation bank for the existing wetland displaced  
197 by the dry pond.  
198

199 Mr. Lepman noted that they have worked very hard to address the issues and concerns that  
200 were presented at the previous meeting, and would like the opportunity to rebut the concerns  
201 presented at this meeting. He asked for clarification of the policy in regards to closure of the  
202 record and final decision.  
203

204 Mr. Workman explained that several members of the public have made a request to hold the  
205 record open. There was discussion and clarification of the municipal code applicable to this  
206 public hearing and holding the record open. He stated that the public hearing could be closed,  
207 but the record held open until a certain date and time selected by the Commission  
208

209 There was discussion of the process that could take place should the application be approved.  
210 Mr. Workman clarified that any appeal process would go through The City Council. He noted  
211 that it is very common that applications are approved with specific conditions of approval before  
212 any decisions from the Department of State Lands or Army Corp of Engineers are determined.  
213 Once approval is received and all conditions are met, the City would then issue any permits for  
214 utilities and building to the applicant. He stated that because The City only has 120 days to  
215 make a local land use decision, and it is very uncommon for the Department of State Lands and  
216 Army Corp of Engineers to make a decision in less than 120 days, most cities and counties  
217 have to approve land use applications with similar conditions of approval.

218  
219 **MOTION:** Commissioner Sullivan moved/Commissioner Boggs second, to hold the record open  
220 until August 13, 2019 at 5:00 p.m. and reconvene on August 26, 2019. Motion APPROVED 6-0.  
221 (Yes: Sullivan, Conner, Gibbs, Boggs, Yoder, Stein. No: None.)

222  
223 The Planning Commission agreed by consensus to close the public hearing.

224  
225 Mr. Workman clarified that the public record will be left open until August 13, 2019 at 5:00 p.m.  
226 The applicant will have until August 20, 2019 at 5:00 p.m. to submit final written rebuttal limited  
227 to new issues raised in the present meeting and any testimony submitted up to August 13,  
228 2019.

229  
230 Chair Stein closed the public hearing at 7:42 p.m.

231  
232  
233 **4. ADJOURNMENT:**  
234 There being no further business, Chair Stein adjourned the meeting at 8:00 p.m.

235  
236 SIGNED: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
237  
238 \_\_\_\_\_  
239 David Stein, Chair Ashley Howell, Building Permit Clerk



## Philomath Planning Commission Agenda Item Summary

---

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

---

Meeting Date: August 26, 2019  
Chair: David Stein  
Staff: Chris Workman, City Manager, Patrick Depa, Associate Planner  
File#: 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:**

This is a summary of the proceedings for the Lepman Mixed-Use Industrial Master Plan Development before Planning Commission and includes recommended motions and suggested direction.

#### **BACKGROUND:**

Chair Stein opened the public hearing for the Lepman Master Plan at Planning Commission on July 15, 2019 to introduce the project to the Commission and the public. It was determined that due to the size and complexity of the development, the Commission would hold the Public Hearing open for a second meeting on July 29, 2019. The Commission and public heard a summary of the Staff Report and its findings, the applicant's presentation, followed by public testimony from proponents, opponents and neutral parties. Input from governmental bodies, including Benton County and ODOT, was provided in written form prior to the hearing and incorporated into the Staff Report. Following the first hearing, the applicant submitted a rebuttal limited to the issues raised at the first hearing.

On July 29, 2019 the Planning Commission met and continued the Public Hearing. The Commission then heard additional public testimony from proponents, opponents and neutral parties, including multiple requests to leave the record open, and the applicant gave a brief rebuttal. The Planning Commission decided to close the Public Hearing but keep the record open for 14 days. Four letters were received from the public which were forwarded to the applicant for review and comment. The applicant was given until August 20<sup>th</sup> to respond to the additional remarks and inquires and submitted a final rebuttal by the deadline. The comprehensive rebuttal from the applicant is included in the meeting packet.

Again, any relevant testimony and evidence must concern the approval criteria described in the staff report or other criteria in the Comprehensive Plan or land use regulations which the person testifying believes to apply to the decision.

**ASSOCIATE PLANNER RECOMMENDATION:**

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

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

**PLANNING COMMISSION OPTIONS:**

The Planning Commission can approve the development in three (3) separate motions approving the Master Plan Development first, followed by the conditional use permit for the observation decks in the riparian corridor and the variance request for point three percent (.3%) over the maximum allowed lot coverage.

**OR**

The Planning Commission can deny the development also in three (3) separate motions denying the Master Plan Development first followed by the conditional use permit for the observation decks in the riparian corridor and the variance request for point three percent (.3%) over the maximum allowed lot coverage. If the Planning Commission chooses to deny the development, the Planning Commission shall establish their own findings and address the criteria the Planning Commission believes supports the motion to deny the development.

**RECOMMENDED MOTIONS**

**Master Plan Development:**

*"I MOVE TO APPROVE the application for the Lepman Industrial Master Plan Overlay proposal based on the findings of fact contained in the Staff Report dated June 26, 2019, for files:*

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

*subject to the conditions of approval in the Staff Report and submitted below."*

**Conditions of Approval:**

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

**OR**

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

**CONDITIONAL USE:**

*"I MOVE TO APPROVE the conditional use to allow for observation decks to encroach into the Newton Creek Riparian Corridor based on the findings of fact contained in the Staff Report dated June 26, 2019, for file*

***PC19-06 Conditional Use Permit"***

**OR**

*"I MOVE TO DENY the conditional use to allow for observation decks to encroach into the Newton Creek Riparian Corridor based on the findings of fact developed by the Planning Commission."*

**Lot Coverage Variance:**

*"I MOVE TO APPROVE the application for a .3% variance to the maximum allowed lot coverage based on the findings of fact contained in the staff report dated June 26, 2019, for files:*

***PC19-07 Lot Coverage Variance"***

**OR**

*"I MOVE TO DENY the application for variance based on the findings of fact developed by the Planning Commission."*

Sandy Heath  
340 N 13th  
Philomath OR 97370

Planning Commission:

I want to address a comment that Commissioner Stein made to community members in the gallery at the end of the July 15th meeting:

Those comments suggested that the testimony made by some citizens is not based on facts.

Mr. Stein, I can assure you and the other Commissioners that there are several community members who contribute countless hours of research and development of facts and information to be used in public testimonies. Any statement stated as fact is indeed gleaned from official documents, records and statements made by city officials and staff. No doubt, some comments are also personal and from the heart.

- To my case and point, this Commission and other entities of our city government has continued to ignore the evaluation of WestTech Engineering and some experts on the Mayors', Water Panel Forum, that Philomath may face water supply difficulties in the future. Difficulties that may lead to shortages and/or restrictions due to water availability and quality. The report advises the City of Philomath to seriously think about restricting high water usage developments in the future. This information has been repeated time after time and yet has been largely avoided when determining any such future development of the future.

*For those of you who were not in attendance*, I am sharing the link to the video produced during the event.

<https://www.facebook.com/cityofphilomath/videos/445935315960321/>

As stated in the 1983, Philomath Comprehensive Plan:

Philomath's Citizen Involvement Program was approved by the Land Conservation and Development Commission (LCDC) in March of 1976. The Philomath Planning Commission was appointed to serve as the Committee of Citizen Involvement (CCI).

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
3. Finally, Philomaths' Comprehensive Plan is decades old and we must begin the process of adopting a new more modern Plan for our city. It's very difficult for all of us to work with a vision that is more than 3 decades old.

Thank you for your time and attention to my testimony.

Planning Commission - Written Testimony to Open Record, Lepman Project 19.02 - 19.07

Aug 8, 2019

Sandy Heath  
340 N 13th St.  
Philomath OR 97370

During the Planning Commission Meeting on July 29, 2019, City Manager, Chris Workman stated that it is standard practice for the Planning Commission to go ahead and give approval on a project that may not have the land use reports in, such as ODOT, Army Corp of Engineers, EPA and so on. My observation is, standard practice is not necessarily best practices.

This is a very large project and I think that it should not be hurried through the processes that have been created to insure that the design and work of the project are done as prescribed by these agencies that have the tools and direction to protect our citizens, local community resources and the biological treasures under protections.

Also, I would like to hear the answer to Commissioner Steve Boggs's question about the storm drainage coming off of the perspective RV Park. It is my understanding that there is a 25' drop in elevation from the RV Park to Mary's River which Newton Creek empties into. This seems like a tremendous amount of water displacement from the RV Park that may sometimes be 4-6" of rain water in a day during wet winter months. I don't see how this is not going to cause a problem.

I am shocked that our City Planner, Patrick Depa had no idea if the water would run into Newton Creek and that it would drain downhill to Mary's river. I would think that the person responsible for seeing that all of the criteria are met from the developers application would understand the project well enough to answer a few very simple questions that most of our citizens can answer.

I have submitted my written comments to the Army Corp of Engineers on the subject of dumping fill into a wetland area and scrutiny of a red flagged former high industrial and agricultural site and other questions. I would urge the Commission to wait until the request for comments expires from each of the local, state and federal agencies to make a well informed decision on this development.

As I have testified to many times before, I am not anti-growth! I only ask that the guidelines set forth are followed to the best of our ability.

By its own guidelines, the state does not expect Philomath to grow substantially unless it has the hard and soft infrastructures to sustain such growth.

Thank you for your time.

## Philomath Planning Commission

Aug 13, 2019 record comment, from July 26, 19.  
PC19-02,03,04,05,06,07

Dear Philomath Planning Commission,

Aug 12, 19 applicant has not presented follow up response to July 26 hearing testimony, possibly this is not required at this time?

Possibly the public will be unable to provide rebuttal comments before Aug 13, five pm written record closes, as a short time period if applicant does provide hearing comment Aug 12 or 13<sup>th</sup> by five pm.

The online City Web Page public announcement for this land use is missing PC19-07 in the title. The pdf of the announcement in the case file has PC19-07 in the title.

The online City Web Page public announcement lists one street address for this application. The site has two street address: 2952 SW Main 12 7 12 Tax lot 100 and 617 N19<sup>th</sup> 12 6 12 Tax lot 200/ Tax Lot 201 12 5 07

PC19-06 Conditional Use Permit application details two impacts to Newton Creek. Applicants discussion in staff report details three impacts to Newton Creek. Conditional Use Permit PC19-06 may be in error or invalid.

There is no written or visible indication there are other materials in the record which support the entire application from what is posted on City web page. Can applications please, in future declare, denote and specifically state that the complete record is available at City Hall to be printed at cost to the public.

A large portion of the record is not available on line for public review. The public has no idea what is physically present or not in the record we see on line, and materials that are referenced, in applicants discussion may be missing from the record at City Hall. We need to go cross reference, photo copy and then hope we have everything.

Planner Depa was unable to share copies of or citation to their location of: PDF copies, of: EXB I-1, 2,3 and K-1,2,3 noted in EXB B1 B2 page15.

I found, by asking City Staff that City Hall has all these materials. I asked City Hall – City Manager Staff, if these materials at City Hall could be noted as available, and added to land use application, as a list of materials which state they exist and their exhibit number, which are all not on line. I assumed the record on line was complete, until reviewing and needing more facts, and not finding exhibits that are important to the applicants arguments, and presentations in land use requested.

City Hall City Manager staff did not post up an additional list of what materials are at City Hall that are all not in the City website online packet for this application, as per my request.

Hopefully Planning Commission was able to see the complete record in paper since the public has no digital access to the complete record.

This is a huge application which cross refers in every section, to other parts of this application, and other land use requests. Many other parts as exhibits are not present in the digitized, on line record of materials.

For the conditional use permit, there is no accounting for the amount of lot coverage that I can see.

Should the application contain a factual list of all the lot coverage usage for the RV Park in which the conditional use is being requested?

A question I have, is all the infrastructure inside the Fifty Foot Riparian Buffer between the 100 foot flood zone and the fifty foot buffer, not counted as use area inside the RV Park Tax Lot?

Lot coverage EX J-2 is missing from online files to confirm square footage for RV Park and PC19-06 review. There is not accounting for square foot use as a list of uses and area, to show actual total area involved. Lack of rear setback in HI zone allows this land use to be designed placing all uses at the fifty foot riparian buffer, or in the fifty foot riparian buffer.

In RV Park, all users/guests/space lessee's will go into the fifty foot riparian buffer to use as their open space, back yard, private space, and as long term outdoor spaces. The lack of rear setback allows this developer to use the fifty foot riparian buffer as open space use and this use should be accounted for as square foot usage, and added to percent use allowed in MC

HI zone for this use which is new to Philomath. PC may allow these uses within decreased amount of HI Zone within Philomath Land use allocations.

Conditional use for a path should also look at all the other uses inside the fifty foot riparian buffer here in PC19-06.

Tax lot 201 12 5 07 2178 sq feet land locked. Is this part of RV Park area that is not being used but could be counting toward RV Park none use percent coverage?

Tax lot 100 has 5.46 acres comp plan zoned HI to change to R3 multi family residential, or higher eventually, is this included in total area use calculation for percent use in tax lot 200 RV park and conditional use permit request? Is the future right of way the applicant is paying into escrow account to build a future bike path on the west side of Newton Creek which is connected to tax lot 200 via 20<sup>th</sup>/19<sup>th</sup>street area, is this Right of Way area as square footage added to tax lot 100 use evaluation for area openspace requirements?

#### Newton Creek Greenbelt

PC19-06 involves Newton Creek main stem, East Fork Newton Creek and Fire Pond in tax lot 200. Newton Creek area in MUC is a Special Use 18.55.060 p.51 Natural Resource Overlay

Natural Resource overlay use must apply to DSL 18.55.030

[ORD720 section 7 {2.5.201},203]

18.55.050 Procedure A. The procedure for reviewing any development within natural resource overlay zone. 1. vegetation removal...

District- Newton Creek Greenbelt with specifically defined areas the City has denoted as significant Riparian Corridor in City Riparian Inventory for Newton Creek and Marys River. This information is missing or has not been included in the evaluation PC19-06.

Newton Creek has had multiple State of Oregon OWEB projects completed in this area and has had Philomath High Conservation Biology Classes under instruction of the former Mr. Jeff Mitchell working on this site, in conjunction with the Marys River Watershed Council over multiple years. Policy 1 Greenbelt along Newton Creek Riparian Corridor.

A list of all the conservation plans and grants issued and paid for is available upon request. One study is called 'Newton Creek Wetland Management Plan.' In past Jeff and Marys River Watershed Council and other dedicated volunteers worked to establish this mill site as a natural resource incubator to house multiple local non profits, and to be used all year as a living classroom for all Philomath Schools.

#### PMC18.55.020 Natural Resource Overlay Zone

A. Significant wetlands

B. Riparian corridors- Riparian Protection zone has 2 components  
the area within channel banks to top of bank  
and the protection zone 50 feet horizontal from top of bank

Riparian protective zone is designated Significant Riparian corridor of City Riparian Inventory.

Placement alteration of riparian area by placement of structures or impervious surface may be permitted upon demonstration that equal or better protection for the remaining on site riparian protection overlay zone area will be insured through restoration of riparian areas, enhanced buffer treatment or similar measures. In no case shall such alterations occupy more than 50% of the width of Riparian area measured from the upland edge of the corridor.  
Page 52 MUC {ORD 720 7 [2.5.207],2003}

For the percent use inside the fifty foot riparian buffer for this application, is this under fifty percent for RV Park/plus conditional use area encroachment within the active wetted East Fork Newton Creek channel and over the fire pond in two locations? Plus bridges, culvert replacement, buried trenched utilities, overhead(hanging over water) and buried pipes, trails, pathways which also cross Newton Creek mainstem and Newton Creek East Fork multiple times add to this conditional use evaluation?

And are all these crossings, and borings under the creek considered as part of the lot coverage total for PC19-06?

If the use is over fifty percent inside the Fifty foot riparian buffer, the request for Variance is invalid under PMUC.

Sensitive Lands – Wetlands, significant trees, steep slopes, floodplain and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

All development in designated Sensitive Lands and historic overlay Districts shall be reviewed as Type II application.

[ORG.720 Sec7{4.2.4},2003] Chapter 18 page 122.

18.110.050 Site Design Review application submission requirements

e. Potential natural hazards include 100 year flood plain

f. Resource areas, including marsh wetland stream wildlife habitat identified by City or any natural resource regulatory agency as requiring protection.

Flooding information is missing from the application. 100 year flood plain delineation is not corroborated with FEMA flood plain documentation for use of Newton Creek Main stem, Newton Creek East Fork and Fire Pond for this conditional use permit application PC19-06. Per height is how high, how deep are these areas, how much flood flow occurs in East Fork Newton Creek? How will well use at the Fire Pond impact the way the Fire pond functions as a water body with two decks over it?

The Philomath Scout Lodge has one of the largest populations of Western Pond Turtle in Benton County, how does conditional use for pier construction of decking into East Fork Newton Creek impact Western Pond Turtle use of East Fork of Newton Creek should this section of creek be migratory for Western Pond Turtle from Scout Lodge to mainstem Newton Creek and Marys River?

Marys River Watershed Council worked on rehabilitation of The Philomath Scout Lodge Pond for Western Pond Turtle, so they had to do some evaluation of Western Pond Turtle use and ecology in this area. Do Western Pond Turtle use the Fire Pond? Do turtle use any of the land around East Fork Newton Creek as a nesting area?

How does using East Fork Newton Creek for decking area impact salmonid species Northern Cut throat Trout found to move into this area from Marys River? How does the applicant propose to conserve water quality, water temperature for the conditional use permit?

State Land Use Goal 5 Protective zone 100 foot flood plain floodway 50 foot riparian buffer greenbelt along Newton Creek riparian Corridor. Goal Five may not allow development inside the fifty foot riparian buffer greenbelt.

A. Criteria Pool deck is 98% inside fifty foot riparian buffer out on piers on East Fork Newton Creek 600 feet over Newton Creek.

Fire Pond overhanging Deck in two areas

480 sq feet overhang from west side community center

300 sq feet overhang deck on piers on west side of Fire Pond 780 sq feet over Fire Pond of decking and drilled what type of pier construction is within fifty foot riparian buffer. The application does not share how wide the areas are for use of 780 sq feet of deck, or 600 feet of deck on East Fork Newton Creek.

Lighting

Deck lighting, pool lighting, pond lighting, path lighting are not well defined and only stated as ground lighting.

And lighting in all these areas will change and impact riparian corridor.

LED lighting bright white invades dark areas and creates day in areas that never should be lite 24/7.

There is no provision for protection in MUC from lighting in riparian corridor. Does use inside fifty foot riparian corridor allow lighting?

EX B-4 Cond. Use allow the construction of three overlook platform within Newton Creek Riparian corridor. All other crossings over Newton Creek are not counted as part of this conditional use?

-Bike path, pathways, cart ways, bridges, culvert crossings, waterline, gas, sewer, electric, phone, cable, suspended water pipes all will impact riparian corridor in RV Park tax lot 200. What percent of use for all uses inside the riparian corridor should be addressed under a Conditional Use Permit if there

are more built items other than three decks which will go into the active floodplain and riparian fifty foot buffer of Newton Creek, East Fork Newton Creek, and over the already buried second fork of East Fork Newton Creek?

Noise

The use of decking over active creek areas, and fire pond will negatively impact Newton Creek in this area if these areas of decking are to be used 24/7.

EXB3 page 29 of 59 “More land has been left open than required by minimum set back and lot coverage requirements in HI Zone.”

HI zone for this use requires no rear setbacks, so all RV pad and all other use is put at back of HI zone, up against fifty foot Riparian Buffer Zone. HI use here takes full advantage to be designed with no rear yard setback from Newton Creek Fifty foot riparian buffer. And all infrastructure not making money is in fifty foot riparian buffer.

RV pads will use space inside fifty foot riparian buffer as their own individual, outdoor living area. This use should count toward square footage land coverage use in application PC19-06.

What percent of tax lot 200 is built up against fifty foot riparian buffer? How does this site design supportive of land area left open, if the fifty foot riparian buffer is a sensitive land use area and there is no areas where buffer is being used as an actual, buffer to separate this zone HI use, from Newton Creek’s sensitive riparian corridor which floods and erodes and needs to be shaded, planted, and replanted when it erodes?

Does the city inherit all of the fifty foot riparian corridor as a utility they manage after x time from development?

Will the City take over the operation of all stormwater facility in this tax lots after x time? If so how does this dedication get paid for in the long run, a tax increase to rate payers?

The applicant has not shared how they are using this area minimally. The application appears to have no listing or accounting for the total area, in use, that is planned, which accounts for all the use total square footage but

application notes use square footage area is under 50% MUC limit. One acre = 43,560 sq.feet. Lot coverage RV Park =7.89 acres of 50% of 16.03 acres. Max lot coverage allowed 14.427 acres. EXB3 page 1 of 59.

EXJ2 shows buildings, paved areas and sidewalks to make 7.92 acres. Applicant may not have provided an accounting of all square feet of all uses in tax lot 200. RV pad/spaces which have no set back from the fifty foot riparian buffer, and all area's other infrastructure to be used by humans as designed, within the fifty foot riparian buffer, will be used as outdoor space, this impact may not be called developed square foot use but it is use to this area 365 days a year, all the time.

HI has minimal side set back, RV pads are naturally narrow and long RV and will be supportive of increasing density per foot of land use by more humans in HI Zone. This density increase will impact the areas which are not developed and or to be developed, Greenbelt Land Trust site, and Newton Creek, any remaining openspace in tax lot 100 with T and E species and ancient Oregon White Oak Forest the bike path will go through. Development will eliminate 5.46 acres of Oregon White Oak Forest in the entire area in tax lot 100, with no recourse in law for any protection to declining Oregon White Oak habitat, or threatened and endangered species.

The city can reduce this impact by moving the west side Newton Creek bike path conditioned use to 20<sup>th</sup> Street. If the city inherits this bike path, and builds it they may be up against usfws need to mitigate for the loss of listed species here.

Lack of buffer to Newton Creek because of the entire sites use of fifty foot riparian buffer as a public right of way/openspace and infrastructure location space, places increased overall total site impacts to the area water quality and ecology of these habitats, before they are developed to 100 percent use. Beaver elimination and use of pesticides and herbicides in all landscaping will damage the current level of Newton Creek's ecology and water quality.

Use of fencing in all areas will eliminate wildlife passage over and across these tax lots. Western Pond Turtle may use Newton Creek and East Fork Newton Creek to reach Scout Lodge Ponds from Marys River and this

land use may decrease or stop this turtle passage due to lighting, noise, water level changes, pets attacking wildlife, human construction and interference within the active channel of these waterway. Scout Lodge has the biggest Western Pond Turtle population in Benton County. Scout Lodge is investing in keeping this turtle population for the long term.

Contamination of Fire pond, Newton Creek East Fork, Fire Pond from human use at these overlook decking structures, human dumping cigarettes, trash into these water bodies. Unclear how these constructions will intact with noted significant fire pond vegetation, area flooding, area fish and wildlife. Chapter 18.110 PMC.

Sensitive Lands Chpt 18.55 PMC (B)(2)

Area botany on site: Willow, ash, alder, cedar, wetland edges-cattail, sedge and rushes will not be retained due to no significant bole/tree trunk size/caliper dimensions?

How is this application for conditional use planning on protecting the area significant vegetation?

Policy 5- No wetland disturbed within RV Park. Page 11 of 42 in 7/11/2019 Staff Report. EX I-2 - 3 Decks over creek. Fire pond and active channel and riparian corridor of Newton Creek are wetlands.

Decking construction of pressure treated lumber could add these chemicals to the fire pond and to East Fork Newton Creek as they drain, age, leach pressure treatment chemicals. Plastics decking over time, exposure to elements, may also leach chemicals and plastic materials. Peir construction materials in the active channel and flood plain of East Fork of Newton Creek is not disclosed.

In flood flow events, the landscaping and infrastructure inside fifty foot riparian buffer and on piers may be impacted by erosion, flooding, as creek widths are not clearly defined per how large the decking will be compared to the active channel width and flooded width of East Fork Newton Creek. DSL application imagery shows entrenched, deep channelized mainstem creek and debris lodging higher up in shrub tree canopy above top of bank.

Fire pond is not clearly discussed in application, for how it fills with water, how the well head casing works here and what happens when it floods

at the Fire Pond. Does the Fire pond connect to East Fork of Newton Creek hydrologically, during flooding?

How does piped fork of East Fork of Newton Creek function during flooding? What happens to this buried hydrology here during high flow events? Is this pipe stable? Will it need to be dug up repiped and reburied?

Should a condition be made to daylight this fork of newton creek's east fork newton creek?

3. All required public facilities has adequate capacity to service the proposal.

How does the sanitary sewer lift station function and will it be noisy, and placed inside the fifty foot riparian buffer, impacting this area with smell, noise from pumping? Noise shield to Newton Creek may not be a MC regulated from HI development. Does the applicant share information in the application about the lift station operation?

This utility right of way/lift station and drainage basin construction use in Newton Creek waterway, riparian, flood plain and fifty foot riparian buffer is not clearly described to share how it will impact Newton Creek Greenbelt Over lay District.

Will the pool use be 24/7 with noise, lighting? How does this pool get cleaned out? Chlorination, sanitation and all pool chemical should be directed to the sanitary sewer outfall and no drained to the Newton Creek as storm water outfall will be here.

Page 30 of 59 Condition of approval needed for Private Fire Hydrant design.

Storm Water new private accessways – release rate is the same as no development release rate. EX B3 Page 30 EX L-2 Preliminary Storm Water Report is missing from the on line record.

How is release rate to be the same as no development if RV site hardening could be increased from what it is square footage wise currently? (roads, sidewalk/bikepath/buildings/utilities and the future expansion of RV park into RV/Boat storage facility area.

Application says:

18.110.060 Site design standard B-3 page 58-84

MUC states at:

18.110.060- Approval Criteria not site design standards.

Partition area EX X-1 Newton Creek multi use path as shown in is missing from online document library.

Is the area wetland delineation missing a drainage from the west, 20<sup>th</sup> Street at the new apartments? 'The Boulevard'- water drains to the east under 20<sup>th</sup> and goes downhill, east bound into tax lot 100 Oregon white oak forest.

How is this water drainage interacting with tax lot 100 at this location? In future when this site is developed into housing, this drainage area will be more exposed and denuded and maybe these wetland/floodway/floodplain for Newton Creek, will be all filled as it does flood.

This puts more constraint on the existing fifty foot riparian buffer area, when the Oregon White Oak forest area is developed to R-3 or greater.

It may be good to work on adding this drainage area into DSLs review, if the wetland delineation did not look at this area which will be bulldozed later with a director level request for development to RS-3 or higher. This 5.73 acres in tax lot 100 connects to City Park and could be used as mitigation for land use within riparian buffer area fifty foot zone over 50 % in all parts of these three land uses.

Oregon White oak of significant age in combination with area hydrology and habitat conditions conducive to checkermallow currently is high quality oak prairie habitat, possibly not found on unmanaged landscapes within the Willamette Valley. Area has wetlands as noted in the Philomath Wetland Inventory. Area possibly floods broadly as well from the constrained east side of Newton Creeks filled and concreted edge to the east.

Location of Oregon white oak forest is next to Philomath City park, and maybe from this developer there is a possibility to apply the use of system development fees, from this site, to help support development of this park, with connection to bike path that is to be bulldozed into the riparian corridor/fifty foot riparian buffer and over rare plant area and through cut down significant canopied oregon white oak forest and flood plain of Newton Creek.

Policy 3 need for bike path easement bike path

Policy 4 path location to be determined by City of Philomath

Policy 16 Path connectivity

Policy 6 Pedestrian safety is unexplored, how do all these uses secure the safety of pedestrians?

Does city of Philomath need to update the Transportation Plan and evaluated bike path locations? When will the City use the City Park land at College Street? Will the Multi use path- bike pathway on west side of Newton Creek become the property of the city of Philomath? If this occurs the City will have to deal with ESA requirements to mitigate for the loss of endangered Species in order to develop this bike path from escrowed account.

The X-1 Partitioned plat escrowed multi use path- Bike path to this side of the development should be conditioned to be placed on Twentieths Street to avoid Newton Creek riparian corridor, massive Oregon White Oak's and endangered plants, should this developer consider not bulldozing this area for RS-3 or higher it could stay as high quality wet prairie habitat, a future conservation easement for this developer to use as mitigation area for future build out in this watershed.

Page 52 MUC {ORD 720 7 [2.5.207],2003} use of fifty foot buffer area requires mitigation, trade off if over fifty percent per of this buffer is used in each tax lot?

Flooding into this oregon white oak forest area of tax lot 100 may occur seasonally, normally even without 100 year flood events, so extensive site fill will be needed here. Fill in the Partitioned EX X-1 multi use bike path may be needed here, cutting down 300+ year old oregon white oak will be a large loss to Willamette Valley and area wildlife habitat found in Oregon White Oak Forests.

Conservation of Beaver in this area allow for fish passage for free, beaver support reduction in area erosion and sustained passage of rare fish species up into this large wetland braided stream delta watershed area.

Culvert replacement in this watershed can open up maybe more areas to migratory fish passage seasonally.

Policy 11 -culvert replacement is not clearly discussed, where will this occur

for the buried fork of newton creek on the east fork of newton creek?

Working together with Marys River Watershed Council and Benton County Public Works, area culverts can be removed and replaced adding more stream habitat to this system. I have asked Marys River Watershed Council about are culvert replacement for Newton Creek in conjunction with the historic restoration work on Clements Mill site.

Giving back to area ecology is hugely beneficial, since this area is so rich in biodiversity, rare plants, even rarer insects, all here without human assistance, naturally, and over time sustained under development pressure which is intensifying.

Rare plants and insects are sustained in Newton Creek Watershed. This site hosts rare fish, rare plants and possibly rare insects as Monarch butterfly, and forested habitat with Newton Creek mainstem hydrology flooding seasonally. The drainage is ready to be unlocked from concrete confines to meander, and become less entrenched with beaver working for free to hydrologically restore Newton Creek if given the chance and resources. FEMA map shows waterway meander that currently do not exist on the Clements Mills site due to concrete confines on east side of Newton Creek.

Moving the escrow funded, future city owned? west side multi use partition area bike path out of the flood plain of Newton Creek at tax lot 100, conditioning its location to 20<sup>th</sup> street would be helpful in contributing back to area ecology. City of Philomath directs where this bike paths will go.

Twenty-th street is a few meters to the west and this much concrete to the west will not cost much to get rid of 1000s of feet of concrete and x dump truck loads of fill for this bike path to the future city park at College Street.

Funding for this bike path could be put to other uses from these SDC's in this area. Toward future conservation of the Oregon White Oak and rare checkermallow site perhaps.

PC19-04 Self Store-

How are building heights and orientation to Main Street designed to comply to 18.45.060? Should all 6 , 3 and 2 story buildings be built set back away from Highway 20/34 Main Street to offer welcoming views to the

entrance to Philomath? How does a 6 story wall building x feet long at very south end of tax lot 100 not create a stark unwelcoming wall of cinder block to visitors and residents who have to look at this wall every day?

Currently apartment complex Mill Pond Crossing to the east is a massive wall of unwelcoming buildings massed and placed next to Highway 20/34. The wall of buildings to the north of 20/34 may have been a variance with zero set back.

The Storage Depot/self store PC19-04 will be the same massive wall expanse of unwelcoming construction, shading out highway surface of 20/34 and may be a safety hazard if this area has not sun to melt ice on 20/34, accidents may increase here due to this developments height.

Does City of Philomath or The Philomath Chamber of Commerce, or any nearby neighborhood Association, CityParks Dept. have welcoming policies for the city entrances to Main Street? Will this use PC19-04 Self Store in two buildings which are 6/3 stories at x sq feet, degrade forever any existing ambiance/calming and architecturally welcoming land use policies that could apply to entrances of the city of Philomath? Should these policies be conditioned into the City of Philomath Land use code to decrease the damage this development could have on an entrance to Philomath because of the mass and height of these building at the very south edge of tax lot 100?

What are front side setback requirements for HI frontage on Main Street/Highway 20/34?

“18.45.060 Building height.

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an \ approx. community scale:

A. Base Requirement. Buildings shall be no more than 50 feet in height and shall comply with the building setback/height standards in PMC 18.45.030.

B. Performance Option. The allowable building height may be increased to 80 feet, when approved as part of a conditional use permit. The develop-

ment approval may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between industrial development and adjacent nonindustrial development. Smokestacks, cranes, roof equipment, and other similar features that are necessary to the industrial operation may not exceed 75 feet in height without approval of a conditional use permit. [Ord. 734 § 1, 2005; Ord. 720 § 7[2.3.150],”

Policy 11 - culvert replacement fish passage is not clearly defined to this development. Where are culverts designed?

Will developer have to replace existing site culverts here? Will main entrance to RV Park be a bridge, and failing culvert be removed at RV Park Entrance off of 19<sup>th</sup>?

Does Policy 11 apply to the buried east fork of the east fork of Newton Creek? Do all the crossing internally of Newton Creek, and East Fork Newton Creek are to be culverts? How are all these crossings fish friendly, turtle friendly and functional over the long term? Western Pond Turtle may move from the Marys River up Newton Creek and then move to Scout Lodge somehow, across land or using East Fork of Newton Creek/then overland to pond systems around the Philomath Scout Lodge.

Will these culvert degrade and stop fish passage, turtle passage and who will pay to repair these culverts?

See Oak Creek drive culvert replacement-Skull Creek underway currently by Benton County.

Should this developer be conditioned to have funding for the future, to work at restoring fish passage to culverts and bridges he builds over Newton Creek that fail, for fish passage. To infuture, have the ability to fix these culverts if the City of Philomath has jurisdiction over wetted channel of Newton Creek, East Fork of Newton Creek? When these internal culvert fail, who pays to restore fish passage? Who idenfies there are problems with fish passage inside this development from failing culverts?

Flex Industrial Space Use in Future shall be a condition of approval. Page 23 of 42 in 7/11/2019 Staff Report.

## Safety

How is this land use request dealing with public safety? How safe is this land use from people interested in staying at the RV Park, with no known mailing address or phone number, and who may have the ability to be unlawful?

Should the City of Philomath Police Dept. be aware of all people in the RV park, at all times? This land use will bring in anyone and who can pay the high price to stay at this location, and possibly commit criminal acts from the safety/cover of no known address, of this RV Park on Philomath and Benton County.

How safe are students on College Street/19<sup>th</sup> Street/Green Street, at six thirty in the am, in the dark, with no bus shelter, from this type of person who is maybe able to stay at this RV Park? 'Safe Routes To School' analysis was done for the City of Philomath and is part of Public Works documents on line, but appears to have not been incorporated into a current version of the City of Philomath's Transportation Plan, as 17J does not seem to know of this report, nor do Mid Columbia Bus Company LLC.

Thanks, Rana Foster 980 SE Mason Place, Corvallis, Oregon.

Jeff Lamb

FILED

AUG 13 2019

BY:  TIME: 4:30 pm  
CITY OF PHILOMATH

**From:** [Jeff Lamb](#)  
**To:** [Ruth Post](#)  
**Cc:** [Chris Workman](#)  
**Subject:** Testimony Lepman RV Park application PC19-02 through PC19-07  
**Date:** Tuesday, August 13, 2019 4:30:22 PM  
**Attachments:** [Blvd Appartments.pdf](#)  
[Blvd Apts & Philomath Blvd.pdf](#)  
[New Bus Barn view 1.pdf](#)  
[New Bus Barn view 2.pdf](#)  
[New Bus Barn view 3.pdf](#)

---

Hi Ruth,

This is my testimony on the RV park application with attachments.  
Please forward it to the appropriate parties.

Planning Commission Chair David Stein and Commissioners.  
980 Applegate St.  
Philomath, Or. 97370

Reference; Lepman PC 19-02 through PC 19-07 RV Park Application

I have previously testified in opposition to this development project concerning several issues in relation to the city's lack of infrastructure & the costs associated to the community. This additional testimony concerns a public safety issue;

As you know the city has approved more building permits in the last two years since the city started keeping records. Approximately 700 additional residential and apartment complexes have been approved and more in the pipeline. I am not aware that either the Oregon Department of Transportation (ODOT) or the city of Philomath has adequately addressed the impact analysis concerning already stressed out traffic capacity issues. ODOT is already on the record that there is no funding in the foreseeable future to widen and upgrade Highway 20/34 in the Philomath area.

1/8

Recently STACAREERS has agreed to lease the "Old Mary's River lumber Yard" facing Highway 20 to Newport. NOTE: See attached photos.

When leaving Philomath at the "Y" (Hwy. 20 to Newport or Hwy 34 to Wald Port) you have what is referred to as a bottleneck or chokepoint. If you stay on Highway 20 westbound to Newport approximately a quarter mile from the "Y" you have a blind corner and there is the bus barn on the north side of Highway 20, but what you don't see are the buses entrances and exits.

If your eastbound to Corvallis on Highway 20 as you approach the bridge over the Mary's River on a blind corner there is the bus barn on the north side of Highway 20, but what you don't see are the buses entrances and exits.

With the addition of the Boulevard Apartments facing Highway 20/34 there has been a noticeable increase in traffic congestion in town. Also it was stated by the city manager during the city Council meeting Monday, August 12<sup>th</sup> that the public will only be able to use the crosswalk to Neabeack Hill and the south side of Highway 20, at their own peril. It was also mentioned that this requirement is in conflict with the state of Oregon traffic statutes.

Simply put this development proposal should be denied on the various issues and concerns already raised over the past few months. School starts August 28<sup>th</sup> and that will be when these 70 to 80 buses will be put into service throughout the school days. Making a bad traffic situation even worse.

This is a clear and present public safety issue that will only get worse if the RV park development is approved.

Thank you for the opportunity to comment.

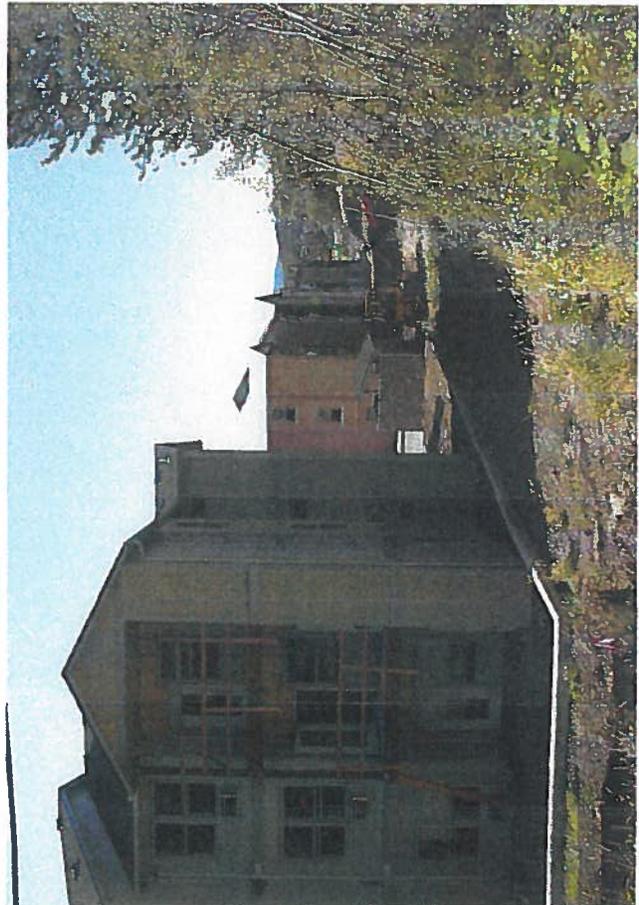
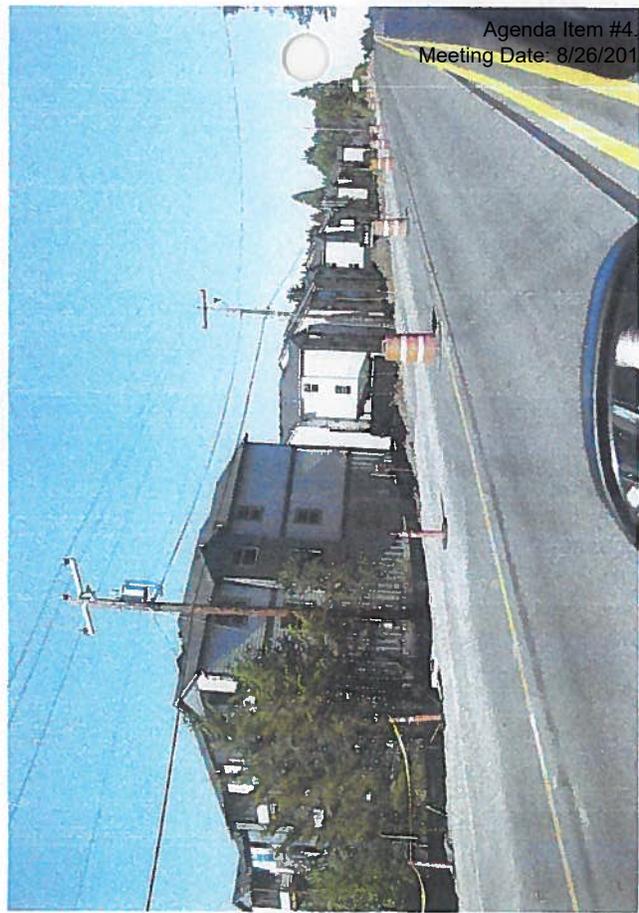
218

Sincerely,  
Jeffrey R. Lamb

C.C. Oregon Department of Transportation.



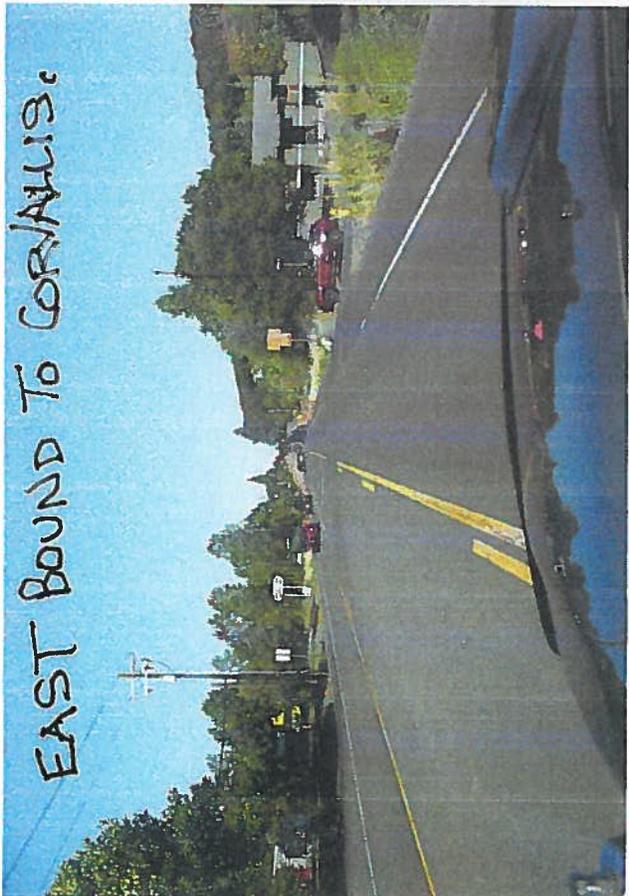
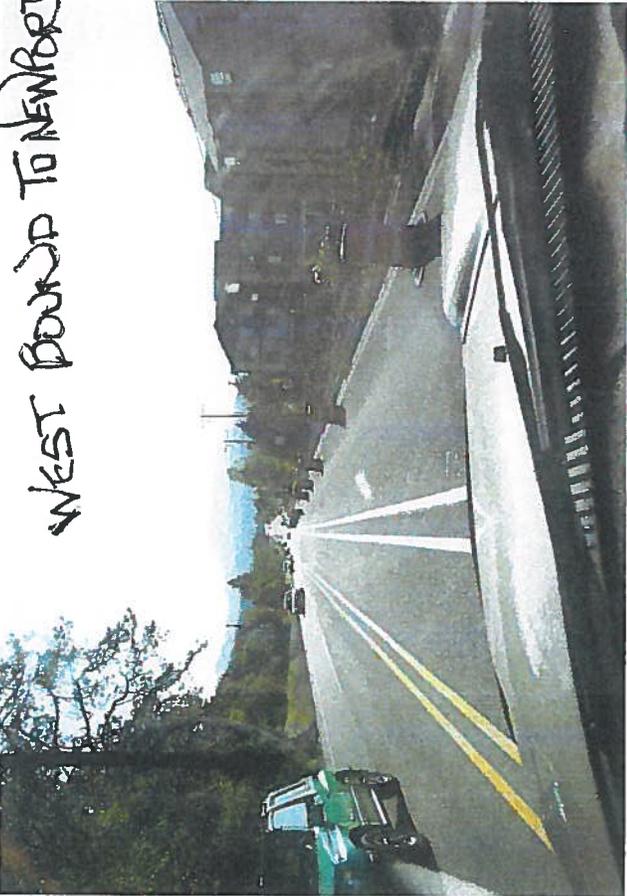
Virus-free. [www.avg.com](http://www.avg.com)





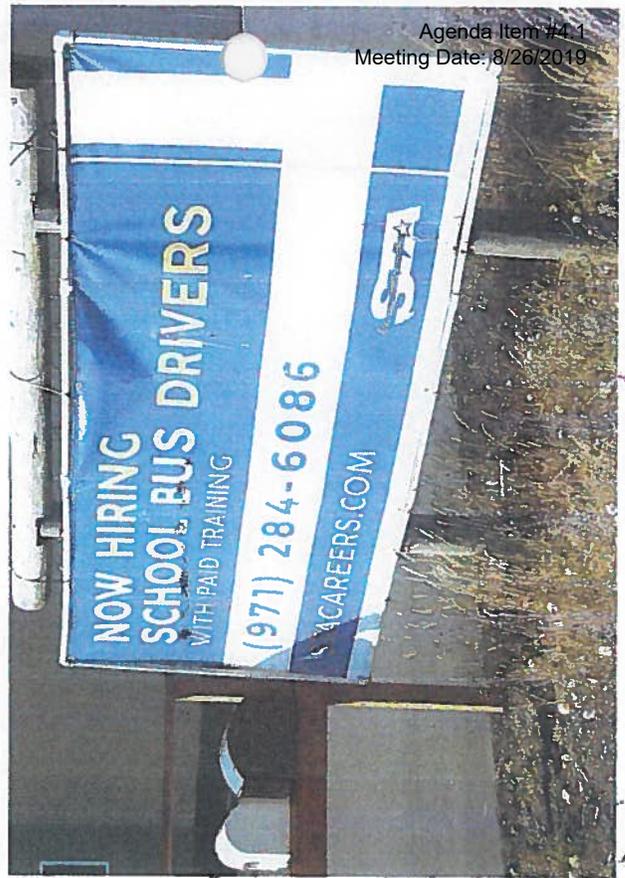
CROSS WALK APPROXIMATELY HERE

WEST BOUND TO NEWPORT.



EAST BOUND TO CORVALLIS.

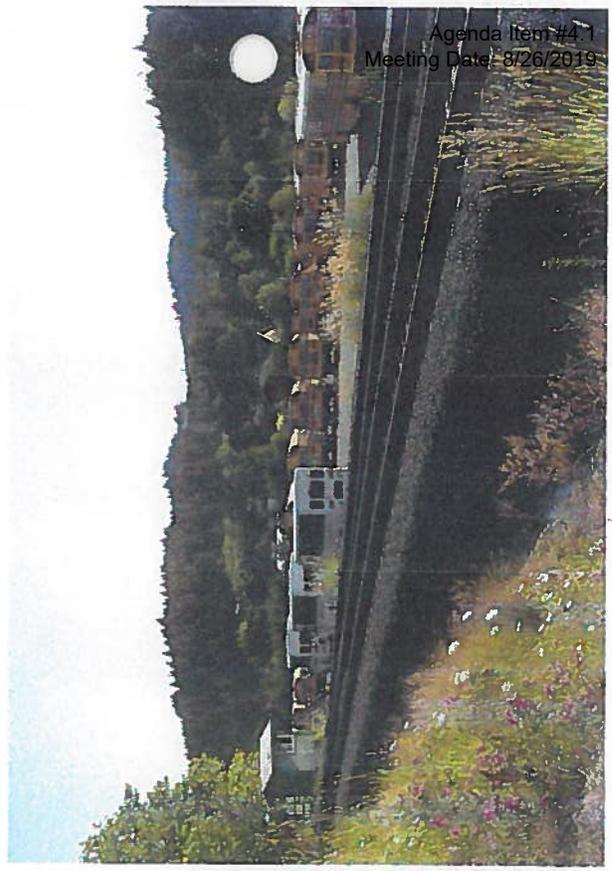
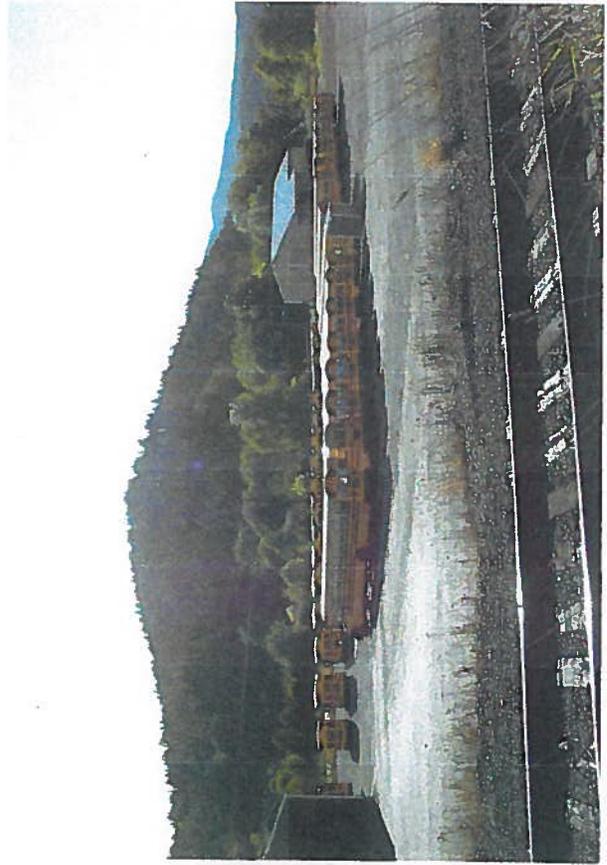
NEW BUS BARN!



Agenda Item #4.1  
Meeting Date: 8/26/2019

SCHOOL STARTS AUGUST 28, 2019

APPROXAM. 40 BUSES WITH MORE NOW 8-12



Agenda Item #4.1  
Meeting Date: 8/26/2019

APPROXIMATELY 60 BUSES AT TIME OF PHOTOS IN JULY 2019



Ann Buell

**Response to Lepmen Rebuttal  
August 13, 2019**

*Page 1, Impact on Community and Sustainable Growth: The intent of the proposed Planned Development is to enhance the community of Philomath....*

*Page 2, Policy 22. The city should encourage the development and expansion of businesses which serve tourists who travel through and visit the community.*

*"The proposed Recreational vehicle Park will be a destination resort."*

If they stay more than two weeks, they are NOT tourists, and I object with the pretense that they are. It's a lie to call this a "destination resort." If they are there to stay at a tourist spot, why would they pick an 'KOA' type RV park next to noisy ugly railroad tracks, just two blocks from downtown Philomath? We have no grocery store or big shopping centers. When I camp at an RV park I expect a grocery store and a camping store—we have neither. If it was located out at the edge of town somewhere that might make it better, but not 2 blocks from a major intersection and Dairy Queen. How is that camping?

All it will do is add to our burden of water, traffic, and eye-sores. Nobody stops and stays in Philomath, according to the rebuttal, so now why would they stop and stay here as a destination now? The destination is the coast, not Philomath.

Furthermore, the RV park is a closed community, not a tourist destination. The residents of Philomath will not be able to use the community center, indoor pool, patios, viewing areas of Newton Creek or the pedestrian/bike path. Plus the dog park is going to add to the dog feces will add to the runoff to Newton Creek.

How is this low-income-housing if they won't let RV people use their space if they don't have a newer RV? To ignore that is discrimination against the poor. So why would our city agree this is good for its low-income citizens? It will raise the tax burden on everyone, too, including the poor.

*So, the conclusion on page 8 of the rebuttal is a false conclusion since we are NOT a current tourist destination and their proposed RV park is mostly for NON-tourists—70%.*

*Housing Goal 10 on page 9 is false as well. Lepmen seems to want it both ways. The Rebuttal says some of the occupants may be longer term tenants who are seeking affordable housing by utilizing their recreational vehicles for longer terms. Again, if they have to have a newer vehicle, and pay for the space, too, how is that low income?*

*On page 10: 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.*

The RV part offers few employment opportunities, except for the on site manager. Same with the storage usage. However, the flex space looks promising and offers opportunity. But, I would object to *microbreweries* and similar water demanding industries in the Flex Space.

Page 12

The 3 story building is too big for Philomath, and it's subjective as to whether or not the proposed examples are eye-pleasing.

Page 13: *"...the traffic Engineer believes the trip generating impact of the proposed development generates less traffic than other reasonable alternatives."*

Other reasonable alternatives to an RV park are what? If it is comparing it to a manufactured home park, I'd prefer the manufactured home park. At least that's honest about it being low income housing. Modern RV parks have become nothing of the sort.

On page 14, *"artificial grass surfaces."* Page 15: *The "grassed-area" within the recreational vehicle park will be an artificial grass. Fire resistant plastic grass.*

Fire resistant grass? They want to add plastics to the land? That won't help erosion, or global warming to put plastic grass on top of our soils and call it grass—it isn't grass. Plastic grass doesn't filter toxins out and it would help increase global warming because the roots aren't holding the water in the soil. It will create more erosion than grass.

I object to Lepmen using our city water for pools and 175 "homes," especially if they get a reduced rate.

Page 18: 2<sup>nd</sup> paragraph: *"The alignment of a future pedestrian/bike trail on the west side of Newton creek is locate in an area where a population of Nelson's checkermallow was identified....The 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 Corp of Engineers would issue a permit.*

*One of the 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...."*

Who is the name of the person that told you that? I was told it's illegal to *take* even on private property by wildlife biologist Paul Hammond.

*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.*

So before a USACOE permit is issued, will Mr. Lepmen need to consult with USFWS to ensure that potential adverse effects to the Nelson's Checkermallow species is addressed?

*Impact on Global Warming on Page 18*

*2. Provide for "green" outdoor activities. The proposed Planned Development will provide opportunities for "green" outdoor activities including camping, swimming, biking, hiking, walking and*

*running for the resident of the Recreational Vehicle Park and will provide for public opportunities for biking, hiking, walking and running on the proposed public pedestrian/bike path.*

How is plastic grass going to help global warming?

Lepmen has filed an application to Army Corp Of Engineers (ACOE) on July 22,2019. The threatened Nelson's checkermallow is living there and it's at a wetland area, Newton Creek watershed. I strongly object to them filling this area and/or moving that rare species somewhere else, as is suggested.

Philomath is a bedroom community which really needs to expand its employment base, not housing base, and this RV project doesn't do that.

Also, according to Rana Foster's written testimony filed July 29, "All trails are inside the fifty foot riparian buffer so they have direct impact to area waterway resources and long term creek and flood plain stability and health." I agree. Please refer to her testimony in detail. It's very thorough and professional.

How is Lepmen protecting the fifty foot riparian buffer zone along Newton Creek?

Also, there is a question about the Western Pond Turtle using Newton Creek and Mary's river. The Western Pond Turtle is moving closer to being listed as endangered in Washington, and threatened here.

Herbicides, soaps for washing RV's & asphalt, sewage spills, oil, dog feces, etc. will drain into the wetlands since it is 25' higher in elevation there.

Also, May Dasch has been speaking about water usage in our town, and I don't know why people are not listening. When I see all those new apartments going up along Philomath BLVD, I worry about it. And they get it at 1/2 the cost as the rest of us, plus no individual meters to make them conserve water, and they have a pool. This will also happen at the RV park. How does Philomath think it can handle this when Ms. Dasch has been arguing against it in meeting after meeting? Water is the 2<sup>nd</sup> most important thing we need besides air. Please don't risk our future water. The people who already live here need first consideration.

**Ann Buell**  
**1511 Willow Lane, Philomath**

**FILED**  
AUG 13 2019  
BY: *RB* TIME: *4:33pm*  
CITY OF PHILOMATH *3/3*

Catherine Biscoe

FILED

AUG 13 2019

BY: AH TIME: 4:54 PM  
CITY OF PHILOMATH

August 13, 2019

Philomath Planning Commission Members

Lepman Master Plan Development

RE: PC19-02, PC19-03, PC19-04, PC19-05, PC19-06, PC19-07

My name is Catherine Biscoe and I am a long time resident of Philomath as well as a current Philomath Budget Committee Member, and my letter is concerning the Lepman Master Plan Development.

There has been hundreds of pages of Lepman Applicant documents, written and oral testimony, rebuttals and a Staff Report issued on this proposal. However, without many questions answered, it seems premature to hold a vote on this proposal without further hearing.

Several of my concerns are listed below:

What are the estimated infrastructure costs (i.e roads or access, sewer, storm drainwater and city water access) associated with this project and who (the City of Philomath or the developer) will bear those costs in what proportion?

Like the last major Planning Commission decision, in Dec. 2018, PC18-08 Beelart Annexation, the Staff Report approves the application, with conditions of extensive and costly infrastructure requirements, but outlines no clear cost assessment or who will pay those costs. For the Beelart annexation, estimates of required road upgrades, place \$4 million of road cost squarely on the pockets of the 12<sup>th</sup> St. Road District and an additional estimated cost for 4 more "required" roads of more than an estimated \$10 million on the City of Philomath and the taxpayers. That annexation was approved with no assignment or budget allocated for those costs. Like the Beelart annexation, where is the assignment of who will pay the Lepman development costs?

If the RV park specifically is to be used largely for long term residents vs. more transient or vacation use, the traffic study numbers required by ODOT are different and higher. It is unclear what the traffic from the proposed RV park will actually create as it is unclear what it's primary client will be. This should be considered before a vote of approval.

If the RV park is to require visitors to own a 2005 or newer vehicle/RV standard (as is the case with other Lepman RV parks), then the likelihood of this RV park serving as "affordable housing" is small and unrealistic. Individuals living in RV's because they cannot afford to rent or own other housing options will not be buying vehicles/towables or driveable RV's in the multiple 10's of thousands of dollars. So selling this private RV park as "affordable housing" is not reasonable or appropriate.

The water availability issue in this application is unclear. Tapping into the City of Philomath water system for a high water usage, private industrial development will be expensive for the City of Philomath and its taxpayers, with heavy usage of Mary's River water for private business. There are estimates that the water usage for just the RV Park could be in the range of **4% of Philomath's current usage**. That does not include water for the storage facility, the flex space users (proposed micro-brew businesses?) or the extensive landscaping of more than 370 trees, sod, shrubbery and irrigation. When we consider

development in Philomath, in regard to water demand, we should be looking for basic housing needs to be met as outlined in the Strategic Plan, not high water usage industry.

West-Tech Engineering in the Water System Master Plan that was adopted in 2018, strongly encourages the City of Philomath to look at conservation efforts and look at low water usage industry, neither of which this application is.

There has been no consideration during the hearing process of the Army Corp of Engineer permit application regarding the Lepman Master Plan Development (NWP-2019-282). That application takes into consideration several things including:

**The Clean Water Act:** The proposal and staff report call for the RV Park stormwater to run off into the Newton Creek Watershed dumping unmitigated RV chemicals, oils, fluids and other waste into the vital Newton Creek watershed and on to the Mary's River as acknowledged publicly at the July 29, 2019 Planning Commission Hearing.

**The Endangered Species Act:** As stated in the permit application, *"the Corps preliminary review indicates the described activity may affect an endangered or threatened species or designated critical habitat"*.

**Essential Fish Habitat:** As stated in the permit application, *"the Corps preliminary review indicates the described activity would adversely affect Essential Fish Habitat at the project location or in the vicinity."*

At the very least, it would be important to consider each PC application on its own merit in the decision process. While it is clear that the final decision is a one-vote Master Plan consideration, the sheer magnitude of this series of applications should warrant a close look and deliberation of each one.

As discussed by the Regional Water Master at the City of Philomath Water Forum in May 2019, a letter to restrict water usage to the City of Philomath had been drafted as the Mary's River water level had run much too low. Only by an early rain event, was that letter suspended and not served on the City of Philomath and the residents depending on it's water. That potential restriction was drafted at our current city population estimate of 4700. With the over 30% increase in water users in Philomath that have been approved by pending and current development, it seems important to consider reserving heavy water usage for actual residents and not high water industry.

Most importantly of all in this consideration in aggregate with several others that have been approved in Philomath in the last 2 years is Philomath's Budget constraints. There are many large investments needed to secure the future of Philomath for it's current residents. Most urgent and on the horizon is the \$12.9 million Water Treatment plant project. But the Water System Master Plan lies out projects that total \$29 million and that plan is good for a real population of 7400, not for the year 2038 when Philomath was at one time projected to reach 7400. That number is fast approaching for Philomath as is the price tag associated with it as outlined by the experts in that plan.

In addition are the Wastewater and Sewer treatment projects that are expected to be in the \$15 million range.

Of equal concern with those numbers is the cost of the debt service and the inflation that does not appear to be built into these numbers. Adding these costs on top of development infrastructure creates an unserviceable debt to the City of Philomath. According to Benton County tax records, Philomath is already paying the highest tax rates in the entire county in one tax district and the average of all our taxing districts puts us well over every City in Benton County including Corvallis and Albany.

Please consider these facts when evaluating the Lepman Master Plan Development. There is a tremendous amount of unknown in this proposal. I would ask for a second public hearing by the Planning Commission before voting on this application and an individual assessment and deliberation of each application proposal before moving forward with a vote on the complete Master Plan Development.

Sincerely,

Catherine Biscoe

Aug. 13, 2019

Philomath, OR 97370

[catherinerae17@yahoo.com](mailto:catherinerae17@yahoo.com)

651-955-2842

Attached: Army Corp of Engineers Application NQP-2019-282 – 7 pages



**US Army Corps  
of Engineers**

**Permit Application**

# **NWP-2019-282**

Published July 23, 2019

## **PUBLIC NOTICE Application for Permit**

**Issue Date:** July 22, 2019

**Expiration Date:** August 21, 2019

**US Army Corps of Engineers No:** NWP-2019-282

**Oregon Department of State Lands No:** 62031

### **30-Day Notice**

Interested parties are hereby notified the U.S. Army Corps of Engineers, Portland District (Corps) has received an application for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plans. The Corps is soliciting comments on the proposed work.

**Applicant:** Glorietta Bay, LLC

Attention: Mr. Scott Lepman

100 Ferry St NW

Albany, OR 97321

E-mail: [candace@slcompany.com](mailto:candace@slcompany.com)

Telephone: (541) 979-9390

**Applicant's Agent:** Geo Resources, LLC

Attention: Mr. Allen Martin

P.O. Box 71852

Springfield, OR 97475

E-mail: [georesources@comcast.net](mailto:georesources@comcast.net)

Telephone: (541) 946-1013

**Location:** The project site is located 0.35 mile east of N 20th Place on Highway 20 and directly north of SW Main Street in Philomath, Benton County, Oregon. The site is in Section

4/10

7, Township 12 South, Range 5 West and Section 12, Township 12 South, Range 6 West.  
Latitude and Longitude: 44.542515 North, 123.354007 West.

**Waterway:** Newton Creek, Wetland A, Wetland B, Wetland Ditch A, Wetland Ditch B, and Wetland "Right of way" are on-site. The wetland boundaries and location of the ordinary high water mark shown on the project drawings have not yet been verified by the Corps. If the Corps determines the boundaries of the wetland and waters are substantially inaccurate a new public notice may be published.

**Project Purpose:** The purpose is to construct an industrial development in Benton County, Oregon.

**Project Description:** The proposed project is the Lepman Philomath Storage Depot. The project would place approximately 3,400 cubic yards of fill within 0.97 acre of wetlands to construct an industrial development. The development would include self-storage and flex space for small to mid-size businesses with dual office and warehouse

space needs, roads, parking lots, sidewalks, landscaping and stormwater treatment facilities. Proposed access during construction would be in the southeastern portion of the site along SW Main Street. The proposed staging area is in the southeastern portion of the site near the proposed access road.

**Mitigation:** The applicant proposes to avoid and minimize impacts from the project by avoiding impacts to mature forested riparian wetlands bordering Newton Creek in the western portion of the site to the maximum extent practicable and then minimizing the remaining proposed impacts, and implementing best management practices. Best management practices include the placement of fencing around remaining wetlands to protect from impact during construction and installation of erosion and sediment control features. Post-construction best management practices include filtration treatment facilities (lined stormwater planters, vegetated swale for stormwater conveyance and detention system) and seeding disturbed areas and stormwater conveyance facilities. The applicant has proposed to purchase wetland compensatory mitigation credits from the Evergreen Wetland Mitigation Bank to offset impacts to aquatic resources. The Corps will determine the type and amount of compensatory mitigation necessary to offset environmental losses from the proposed project.

**Drawings:** Six (6) drawings are attached and labeled Corps No.: NWP-2019-282. Copies of this public notice, which have been mailed or otherwise physically distributed, feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately illustrates the proposed project. To access the electronic version of this public notice, go to the Portland District Regulatory website at

<http://www.nwp.usace.army.mil/Missions/Regulatory> and select Regulatory Public Notices from the list of Regulatory pages.

**Authority:** The proposed project will be evaluated under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

**Clean Water Act Section 404(b)(1) Guidelines:** The described discharge will be evaluated for compliance with guidelines promulgated by the U.S. Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. The 404(b)(1) Guidelines are the substantive criteria used in evaluating discharges of dredged or fill material into waters of the United States. The source of the fill material would be on-site excavations and local rock quarries.

**Water Quality Certification:** Section 401 of the Clean Water Act (33 U.S.C. 1341) requires applicants to obtain a water quality certification for proposed discharges into waters of the United States. A permit for the described work will not be issued until certification has been issued or is waived from the certifying state. Attached is the state's notice for a water quality certification.

**Endangered Species:** Section 7 of the Endangered Species Act (ESA) (16 U.S.C. 1536) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or

that may adversely modify designated critical habitat. The Corps' preliminary review indicates the described activity may affect an endangered or threatened species or designated critical habitat. The Corps will initiate consultation under Section 7 of the ESA. The Corps will complete the required consultation prior to finalizing a permit decision.

**Essential Fish Habitat:** Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as amended (16 U.S.C. 1855), requires Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The Corps' preliminary review indicates the described activity would adversely affect EFH at the project location or in the vicinity. The Corps will initiate consultation under Section 305(b)(2) of the MSA. The Corps will complete the required consultation prior to finalizing a permit decision.

**Historic Properties/Cultural Resources:** Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108), requires Federal agencies to consult with the appropriate State and/or Tribal Historic Preservation Officer to take into account the effects of actions they undertake or permit on historic properties listed in or eligible for listing in the

National Register of Historic Places. The Corps' preliminary review indicates the described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to affect an undisturbed historic property or any other type of cultural resource.

This notice has been provided to the State Historic Preservation Office (SHPO), interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps' project manager identified at the end of this notice to assist in a complete evaluation of potential effects.

**State and Local Authorizations:** The applicant will be applying for the following additional governmental authorizations for the project: Department of Environmental Quality (DEQ) 1200-C permit, Oregon Department of State Lands (DSL) Removal Fill permit, Oregon Department of Transportation (ODOT) permit for highway access, Philomath building permit, Philomath Public and Private Infrastructure permit, Philomath signs permit, Philomath Planning Commission Authorization permit, and local electrical and mechanical permits.

**Public Hearing:** Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to

accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic

properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**Submitting Comments:** Interested parties are invited to provide comments on the proposed project. Comments may be submitted by conventional mail or e-mail. All comments received will be considered in determining whether authorizing the work would be contrary to the public interest.

Either conventional mail or e-mail comments must include the Corps reference number as shown on page 1 and include the commenter's name and address. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the Corps reference number. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

Additional information about the proposed project may be obtained from the Corps Project Manager listed below. All comments, whether by conventional mail or e-mail, must be received no later than the expiration date of this public notice to ensure consideration. Comments should be submitted to the following mailing address or e-mail address:

U.S. Army Corps of Engineers  
Regulatory Branch  
Ms. Jessica M. Menichino  
P.O. 2946  
Portland, Oregon 97208-2946  
E-mail: [jessica.m.menichino@usace.army.mil](mailto:jessica.m.menichino@usace.army.mil)  
Telephone: (503) 808-4632

**PUBLIC NOTICE**  
**Oregon Department of Environmental Quality (DEQ)**  
**Water Quality 401 Certification**

**Notice Issued: July 22, 2019**  
**Written Comments Due: August 21, 2019**

**Corps of Engineers No:** NWP-2019-282  
**Oregon Department of State Lands No:** 62031

**WHO IS THE APPLICANT:** Glorietta Bay, LLC

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice.

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to waters of the state.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**WHERE TO FIND DOCUMENTS:** Documents and materials related to water quality issues as a result of the proposal are available for examination and copying at Oregon Department of Environmental Quality, 401 Water Quality Permit Coordinator, Northwest Region, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232. Other project materials are available by contacting the Corps per the attached public notice.

Scheduling an appointment will ensure that water quality documents are readily accessible during your visit. To schedule an appointment please call DEQ Water Quality at Northwest Region at (503) 229-5623.

Any questions on the water quality certification process may be addressed to the 401 Permit Coordinator at (503) 229-5623 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call the Oregon Telecommunications Relay Service at (800) 735-2900.

### **PUBLIC PARTICIPATION:**

**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0032 (2) states that "The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing."

9/10

**Written comments:**

Written comments on project elements related to water quality must be received at the Oregon Department of Environmental Quality by 5 p.m. on the date specified in the upper right section on page one of this notice. Written comments may be emailed or mailed as described below:

E-mail - [401publiccomments@deq.state.or.us](mailto:401publiccomments@deq.state.or.us)

Mail - Oregon Department of Environmental Quality, Northwest Region  
700 NE Multnomah Street, Suite 600  
Portland, Oregon 97232  
Attn: 401 Water Quality Permit Coordinator

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, certification of the proposal may be issued as proposed, issued with conditions, or denied. You will be notified of DEQ's final decision if you submit comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at (800) 452-4011 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

Related Link: [NWP-2019-282 figures](#)

[http://www.nwp.usace.army.mil/Portals/24/docs/regulatory/publicnotices/NWP-2019-282\\_figures.pdf](http://www.nwp.usace.army.mil/Portals/24/docs/regulatory/publicnotices/NWP-2019-282_figures.pdf)

## Ruth Post

---

**From:** Robert Biscoe <rbiscoe@gmx.com>  
**Sent:** Tuesday, August 13, 2019 5:04 PM  
**To:** Ruth Post  
**Subject:** Lepman  
**Attachments:** To the Planning Commission about the Lepman development 81219.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please submit this to the planning commission Ruth

Thank you

Robert Biscoe

Robert Biscoe

## Lepman: PC19-02

PC19-02, PC19-03, PC19-04, PC19-05 and PC19-06

To the Planning Commission:

I strongly urge you to not approve this development due to lack of proper impact studies to that effect of the development to traffic analysis due to effect of the amount of full time RV residence compared to transient uses projected. Also the traffic issues when a less than experienced operator of sometimes up to 75 ft. rig passes by the RV park and has to turn around on the streets of Philomath or Reservoir Ave. (19<sup>th</sup> St.).

I also strongly urge you not to approve this RV park development due to the environmental impact to Newton Creek and the Riparian corridor. I am amazed that with a RV park with 175 spaces/ pads/ surfaces that will collect oil, antifreeze, toxic chemicals from washing RV's, polishing compounds, sprays, leaking sewer systems and run off from metallic and painted surfaces that will drain into Newton Creek which in turns drains into the Mary's River that Philomath and other cities get there water sources from and fish and other aquatic species would significantly be affected a their habitat.

I would have expected that a development of this size would have taken the critical environment and habitat considerations.

Each of the RV space will require a minimum of 700 sq. ft. that will be Cement or Asphalt. That equals 122,500 square feet of Asphalt or cement not including the drives ways other parking lots and walking paths throughout the RV park. It could be in excess of over 200,00 square feet of surface area the could drain towards Newton Creek and the riparian corridor.

Mr Lepman company went to the extent of creating a dry mitigations pond to filter out sediment and pollutants for the storage facilities and the Flex industrial space but **not** for the RV parks that in many cases could produce more pollutants that flushed down to Newton Creek.

Sincerely

Robert Biscoe

P.O. Box. 848

Philomath OR 97370

1/1

**Philomath Planning Commission August 26, 2019**  
**Rebuttal to Issues Raised at Planned Development**  
**Planning Commission Public Hearings on**  
**July 15 and July 29, 2019**

**Concern 1:** Possibility of two Septic Tanks Located Within Proposed Development.

**Response:** Environmental Science Associates, Inc. (ESA) completed a Phase I Environmental Site Assessment in March 2018. The investigation identified the historic use of two septic tanks and related drain fields on Tax Lot 100 (location of proposed Self-Storage and Recreational Vehicle and Boat Storage Facilities). One septic system was associated with the administrative office and the other was for employees at the cutting mill. The septic tanks and drain fields were for domestic sewage related to bathroom facilities. No septic systems were identified for certain on Tax Lot 200 (location of Recreational Vehicle Park).

The locations of any septic tank(s) and drain field(s) on Tax Lot 100 is not known. In the event septic tanks and/or related drain fields are exposed during site construction activities on either Tax Lot 100 or 200, ESA recommends an environmental consultant be retained to inspect the area and collect samples if required as indicated by soil staining or odor related to petroleum hydrocarbons. This would assure proper disposition of excavated materials related to the former septic systems. The inspection would also determine that no further action was necessary in the vicinity of the construction activity near the former septic tank(s).

**Proposed Condition of Approval:** If septic tanks and/or related drain fields are exposed during site construction activities, an environmental consultant must be retained to inspect the area and collect samples if required as indicated by soil staining or odor related to petroleum hydrocarbons. Proper disposition of excavated materials in accordance with DEQ regulations related to the former septic systems is required and documentation submitted to the City of Philomath.

**Concern 2:** *Economy Goal 2, Policy 1, Commercial and industrial development shall be encouraged as a means of expanding the Tax Base.*

**Responses:**

**Impact on Community and Sustainable Growth:** 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 proposed Planned Development will provide more economic diversity in the community.

**Recreational Vehicle Park:** Approximately 13,300 vehicles drive through the city on Highway 20 (Main Street). Many of these trips are generated by people on their way to and from Newport, approximately 45 minutes away on the coast with most hardly stopping in town but continuing on to Corvallis and beyond. 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. The Recreational Vehicle Park has been designed with resort amenities to attract visitors to Philomath and Benton County.

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

Developing light industrial uses are a goal of the City of Philomath, Benton County and the State of Oregon. Manufacturing jobs historically have paid family-wage salaries. The proposed industrial flex-space development will create more employment opportunities as many of the businesses located on the site will be labor intensive providing opportunities for both skilled and unskilled workers.

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

Businesses can use flex space for both inventory storage and office space. Because of the clean design of a flex-space, businesses can remove and add features to make it their own. For example, they can place machinery and turn a flex space into a manufacturing factory. Alternatively, they can decorate the area into a showroom to display their products to prospective customers. They can also turn it into a laboratory or an assembly area. The buildings have been designed with no interior partitioning to support the structured to allow a creative and flexible work space.

**Self-Storage Facility:** 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 the next ten years and into the future. It is important that the storage facility is as large as proposed to access necessary bank financing for both the on-site and off-site development costs. Self-storage has a variety of users, from residential customers to commercial customers. Residential users, by vast majority, make up the largest percentage of users of self-storage. In 2016, the proportion of residential users was 70.0%, whereas commercial users of self-storage facilities were 30% of the total. Commercial users include large and small commercial and industrial businesses that need storage space. The construction of the industrial flex-spaces within the development will also enjoy the opportunity to have nearby storage.

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

**Concern 3:** *Economy Goal 2, Policy 22, The City should encourage the development and expansion of businesses which serve tourists who travel through and visit the community.*

**Response:** Attractions are a core component of tourism such as natural and cultural sites, historical places, museums and art galleries, sport facilities, festivals and events, restaurants and shopping. The city of Philomath is within 45 miles of the Oregon coast and 4.4 miles from the Oregon State University campus in the City of Corvallis. Successful tourism is dependent upon year-round and diverse appeal.

Location, location, location. The three most important characteristic of successful development. For a variety of reasons, tourism can be an attractive alternative for improving the economy of a small community. People travel more today than ever. Tourism provides an opportunity to serve the needs of the community and capture a share of traveler spending for the following reasons: (1) By bringing in outside dollars, the community can benefit from a need for a larger and more diverse mix of retail uses. (2) Outside revenue brought in by the tourists will stimulate the local community in the form of wages, purchases of goods, supplies and services. (3) Tourism can provide new entrepreneurial opportunities for both the existing and future community residents. (4) Visitors with high disposable incomes are likely to purchase retail goods that can yield higher profits for the business owners within the City of Philomath. (5) Although some of the revenue will be needed for the community's infrastructures,

residents in general will benefit from the capital improvements required as part of the development of the proposed RV Park and the Self-storage and Industrial Flex-Space components of the proposed Planned Development.

The proposed Recreational Vehicle Park will be a destination resort. The Resort will provide for an on-site manager’s quarter with an attached office/gathering place, a community center with an indoor pool and attached 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. We have compiled the following list of competitors in Benton, Linn, Polk and Marion Counties:

RV PARK RENT COMPARABLES						
Name	Address	City	Spaces	County	Year Opened	Distance from Philomath
KOA	33775 Oakville Road S	Albany	105	Linn	1987	11.2
Benton Oak	110 SW 53rd Street	Corvallis	28 paved, 9 gravelled, 105 overflow with electricity and water only	Benton	2008	4.1
Knox Butte	125 Expo Pkwy NE	Albany	65	Linn	1997	22.6
Emerald Valley	11223 Hochspeier Road SE	Jefferson	51	Marion	2009	32.6
Blue Ox	4000 Blue Ox Drive SE	Albany	149	Linn	1999	21.8
Premier	4700 Salem-Dallas Hwy. 2	Salem	180	Polk	1997	37.6
Silver Spur	12622 Silverton Road NE	Silverton	194	Marion	1999	55.4
Hee Hee Illahee	4751 Astoria Street NE	Salem	139	Marion	2005	42.5
Phoenix RV	4130 Silverton Road NE	Salem	107	Marion	1989	47.1

The above table identifies the direct competitors to this project. However, we will be the first privately owned RV Park in Benton County. There are currently no privately-owned RV parks in Benton County, Oregon. Our only competition in Benton County is the Benton Oaks RV Park, which is owned by Benton County and located on the Benton County Fairgrounds. They have 28 paved RV sites and 9 graveled RV sites. The driveways in the park are graveled. This facility has limited amenities and requires that all RV park occupants vacate the park for one month during July of each year to make room for the Benton County Fair. The above competing parks are located in Linn, Benton, Polk and Marion Counties. The total number of spaces of all competing parks is 990 spaces in an area with a combined county wide population of 641,000. Additionally, there have been no new RV parks developed in the past ten years in Benton, Linn, Polk and Marion Counties.

All of the parks listed are in generally good proximity to a state or interstate highway. All of the parks listed are situated within a 10-60 minute drive of Philomath. The parks are rated average to good in quality, condition, and appeal. Each park (except Knox Butte and Benton Oaks) offers recreational amenities; however, the actual amenity features differ. While some parks offer full-service spaces, partial-service spaces, cabins, and tent sites, only the full-service RV parks are used for this analysis since the subject proposed Recreational Vehicle Park will only contain full-service spaces. The parks are rated by Sam’s Club with the first rating being for completeness, quality and amenities of the park. The second rating is for cleanliness and physical characteristics of restrooms and showers. The third rating is for site layout, park setting, appearance of grounds, and overall maintenance.

The following is a summary of the previously mentioned competitors:



**Benton Oaks RV Park**, located at the base of Bald Hill in Corvallis, is just 1.5 miles to downtown Corvallis. It has 28 full hookup spaces that are paved and 9 full hookup sites that are small and graveled. There are showers, restrooms, and coin-operated laundry facilities. There are overflow spaces with just electricity and water. This facility has no amenities and is not rated by the Good Sam Club.



**Emerald Valley RV Park** located at the Hochspeier Road and Interstate 5 interchange between Albany and Salem. This park was developed in 2009 and is rated average in quality, condition, and appeal. The park contains 52 full-service spaces, minimal amenities, paved interior roads, gravel RV pads, and a building housing the office, manager's apartment, laundry, and recreation/meeting room. The RV Park has a grassy barbecue spot and dog park. The park has a good proximity to Interstate 5 but lacks nearby shopping or services. There is no Good Sam rating for this park.



**Corvallis-Albany KOA Campground** located in southwest Albany east of Interstate 5. This park offers a mix of recreational amenities including frontage along the Calapooia River. There are 62 full-service spaces within this park. The park also offers partial-service spaces, tent sites, and cabins, this park has gravel interior roads and RV pads. Good Sam rates this park at 8.5/8/8.



**Knox Butte RV Park** located in northeast Albany near to the Linn County Fairgrounds. This 78-space park was built in phases, is rated slightly below-average in quality, condition, and appeal, and caters mostly to monthly patrons. The park offers full-service spaces, paved interior roads, and no recreation amenities. Good Sam rates this park at 8.5/9/9.



**Silver Spur RV Park** is located about 20 minutes off of I-5 in Salem. According to the Marion County Assessor, the park contains 194 RV spaces, 60 of them new sites from a 2018 expansion. This park offers a well-stocked fishing pond, a game room, heated pool, nature trails, a main lodge, a playground, summer breakfasts and movie nights, and several group rooms and patios available for group activities or meetings. Good Sam rates this park at 9/9.5/10.



**The Blue Ox RV** is owned by the applicant. The property was purchased from a financial institution as a result of foreclosure. The property was mismanaged. We have remodeled all of the buildings and repaired the water, sewer and broadband systems. The property enjoys a waiting list and we have increased rents in the last five years. The park is located just off of I-5 at the 233 Albany Exit. The Blue Ox RV Park has 150 spaces, 120 of them dedicated to long-term tenants. Amenities include: a coin-operated laundry room; a community center with a kitchen, pool table, television, couches and tables; an indoor heated swimming pool; restrooms and showers; manager's quarters and welcome center; paved interior roads and RV pads; and next-door access to a large park. Good Sam has given this park a rating of 10/9.5/9.



**Phoenix RV Park** located along Silverton Road near Interstate 5 in northeast Salem. It is noted that the I-5 access is circuitous. This park was originally constructed in the late 1980s but remodeled since 2000. The park contains 107 full-service spaces, a small store, laundry and restroom facilities, a second building housing a recreation room and additional laundry, and an outdoor recreation/child's play area. Interior roads are paved and the RV spaces have concrete pads. This park is rated good in quality, condition and appeal. This park is also well located at the Oregon State Fairgrounds and captures much tenancy during the State Fair and numerous other events occurring at the fairgrounds. Good Sam rates this park at 9/10/10.



**Salem Premier RV Resort** located along Highway 22 in West Salem and in proximity to the Willamette River. This park sold to the current owners in 2004 and the park has witnessed significant upgrades subsequent to the sale. The park contains 165 full-service spaces, an outdoor pool/spa, an outdoor sport's court, a shop building, laundry/restroom/shower building, paved interior roads, good landscaping, and a 2-story main building with offices, recreation rooms, meeting rooms, laundry, and a store. The RV spaces contain concrete pads, nice landscaping, and lighting. The park is rated good quality, condition, and appeal. Good Sam rates this part at 10/10/9.5.



**Hee Hee Illahee RV Resort** is located just off of I-5 in Salem. The park has 139 RV sites; back-in and pull-through sites. The park has a seasonal pool, year-round hot tub, 'clubhouse' tv and projector, coin operated laundry facility, grass dog runs, exercise room, private mailboxes for long-term tenancy, and a 'clubhouse' kitchen for private events. Good Sam rates this park at 10/10/10.

**Conclusion:** In general, the development of a hospitality facility that attract tourists will enhance the infrastructure, the viability and visibility of the 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.

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

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

**Concern 4:** Housing Goal 10, *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.*

**Response:** Housing Goal is not really 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 the Industrial zones within the City of Philomath 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 home base close to family or medical services.

**Demographic Information of Month to Month Residents in Blue Ox RV Park:**

REASONS FOR BEING MONTHLY		BLUE OX RV PARK STATICS	
Work	28.32%	Number of Daily Sites	34
Retired	18.58%	Number of Monthly Sites	116
Between/Selling Houses	6.19%	Average Age	51.3
Recently Single	6.03%	Number of Adults in Monthly Sites	186
Being Close to Family	5.31%	Number of Children in Monthly Sites	9
REASONS FOR BEING MONTHLY		BLUE OX RV PARK STATICS	
Just Wanted Change	2.65%	Children Age Range	4 to 16
Downsizing	4.42%	Number of Adults in Daily Sites	32
RV Traveler	4.42%	Average Monthly Income Per Site for Monthly Spaces	\$4,422.76
Rent was too high	17.90%	Average Monthly Per Person Income for Monthly Spaces	\$2,823.77
Medical Convenience	0.88%	Total Annual Monthly Customer Income	\$6,156,489
Enjoy the Blue Ox	0.88%	Average Length of Tenancy	2.25 years
Didn't Like Previous Landlord	0.88%	Number of Monthlies Who Moved in This Year	43
Lease Ended	3.54%		

We have made the assumption that the profile of our customers within the proposed RV Park will be similar to the Blue Ox RV Park located in Albany. The above information provides the following helpful information: 1) The typical customer in our existing park in Albany is not low income. The above analysis indicates that the average customer income will exceed the average household income in Philomath. 2) Customers with children in the park are there temporary while waiting for housing. 3) About 30% of our monthly customers are on temporary work assignment. 4) Most of the customers prefer a Recreational Vehicle Park as a life style choice.

**Concern 5: No Sense of Ownership and Recreational Vehicle Park vs. "Trailer Park."**

**Response:** In comparing Recreational Vehicle Parks to the typical mobile home park constructed prior to the early 1980 or as sometimes referred to as "Trailer Parks," management is probably one of the most significant differences. In most cases, it takes less time and manpower to run a mobile home park than a Recreational Vehicle park. There are several factors for this:

- Within a mobile home park, the manager will typically see the residents of each space only once per month when the rent is paid and anytime that there is a problem. However, with a Recreational Vehicle Park, a new camper may occupy a space every day or few days. They will have to be acquainted with the park, the facilities and in many cases the area. The RV Park will have showers and restrooms that need to be cleaned several times during the day. In mobile home parks, the park manager usually only maintains the common areas and the residents maintain their own space. The manager of the RV park is not only responsible for the maintenance of the common areas, the office

and gathering room, the community center and satellite restrooms but must check each space area to make sure it is the space and adjoining spaces are clean before renting to a new tenant.

- The proposed RV Park will have five or six employees. 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. The park is staffed every day of the year just as a hotel. The management at the park will be living onsite to be maintain constant management of the facility.
- A Transient Lodging Tax (TLT) is also paid by RV park visitors staying less than 30 days. The residents of a mobile home park are not subject to this tax but are subject to the yearly mobile home taxes to the county treasurer. The owner of an RV park or a mobile home park will pay the taxes on the land and improvements. To illustrate, the Blue Ox RV Park, also owned by the applicant, paid a Transient Lodging Tax (TLT) to the City of Albany in the amount of \$23,253.68 in 2018.

**Concern 6:** Impact of Children Staying in the Park.

**Response:** The number of children that reside in the 150 space Blue Ox Recreational Vehicle Park in space units that are rented month to month consist of 9 children between the ages of 4 and 16 (two 4-year olds, two 5-year olds, one 10-, 13-, 14-, and 16-year old). The majority of the school aged children are there with their parents waiting to get into homes that are under-construction or being remodeled. The children are not in the park permanently but while the families are waiting for housing that is being constructed or being remodeled.

**Concern 7:** Impact of Recreational Vehicle Park on Fire and Police Services.

**Response:** Based on information provided by the Albany Fire Department and the Albany Police Department for the past 4½ years (January 1, 2014 – June 8, 2019, the average yearly number of calls for the Blue Ox RV Park was 9.5 responses for the Fire Department and 44 responses for the Police Department. Forty-one of the Fire Department calls were medical calls for various reasons and 2 fire calls (one for an alarm activation and the other for a structure fire). According to the information provided by the Albany Police Department there were typically about 9 police calls a month. All gates will have a KnoxBox to provide entry to both Departments. A condition of approval can ensure that the needs of both the Fire and Police Departments will be met.

**Concern 8:** 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.*

**Response:** 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 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. 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 Facility could be a viable use for the next 50 years and then 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 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.

The proposed Planned Development will utilize 15.87 acres of the subject properties for the proposed Recreational Vehicle Park. The Recreational Vehicle Park will provide 175 Recreational Vehicle 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 and 3 viewing platform adjacent to Newton Creek. 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.

The proposed Planned Development also includes 1.62 acres of 22,023 square feet of Industrial Flex Space. The purpose of the industrial flex space units is to provide for small to medium sized business spaces. 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. 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.

**Conclusion:** 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.

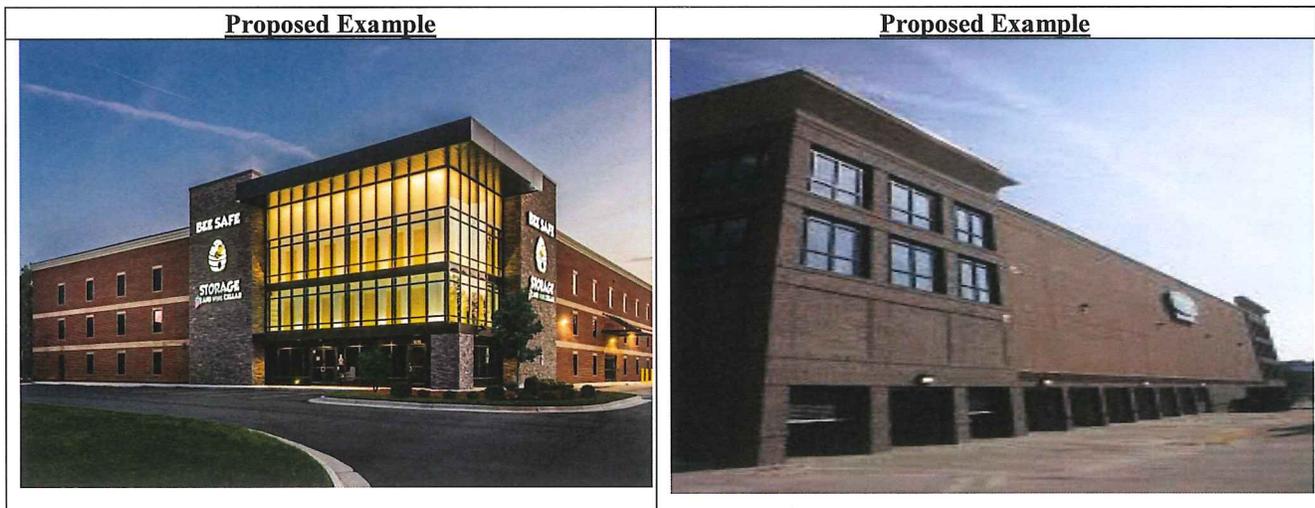
At buildout, the proposed Recreational Vehicle Park could have an approximate market value of \$8,200,000 for the buildings, RV spaces and the land and an assessed value of \$5,034,800 and an estimated property tax of \$100,711.

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.

The proposed Planned Development will generate an estimated tax base to the City of Philomath and Benton County in the estimated total assessed value of \$12,525,400 perhaps placing the project within the top 20 taxpayers in Benton County and generating \$250,549 in property taxes (see Exhibit 'B').

**Concern 9:** Location of 3-Story Self-Storage Building

**Response:** 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 following examples are for an idea of the style of the proposed 3-story building with windows facing Main Street and the examples do not depict the number of stories of the proposed building as the proposed building will be 3 stories and approximately 35 feet in height. 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.





**Corvallis Storage Depot – Three Story Building**

**Concern 10:** Traffic Impact of Proposed Planned Development.

**Response:** The Transportation Engineer for the proposed Planned Development provided the following information about trip generation impacts and traffic impacts of the proposed Planned Development. Looking further into the traffic impacts of the community, the Traffic Engineer believes the trip generating impact of the proposed development generates less traffic than other reasonable alternatives. The Transportation Engineer has provided updated comments below:

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 of 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 414ksf 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.

**Concern 11:** Infrastructure Impact on the residents of Philomath.

**Response:** 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.

**Water System Capacity Analysis:**

- City’s water production capacity (*Plant, Well, Intertie*):.....2.18 MGD
  - City’s current peak day demand:.....1.47 MGD
  - Planned Projects projected peak day demand.....0.49 MGD
- Oak Springs Apts:..... 0.053 MGD (Million Gallons per Day)
  - Boulevard Apts:.....0.162 MGD
  - Mill Pond Crossing (168 lot):..... 0.105 MGD
  - Beelart Annexation..... 0.136 MGD
  - Newton Creek Subdivision..... 0.034 MGD
- Reserve peak day water production capacity.....0.22 MGD

**Lepman Planned Development Water Demand:**

**RV Park:** The applicant owns and operates a similar RV Park in Albany, Oregon named The Blue Ox RV Park. The Blue Ox RV Park has very similar facilities as proposed for this project including 150 RV spaces, manager’s residence, laundry rooms, restrooms with showers, indoor swimming pool, and a recreation center. Water usage data collected over the past 18 months (see data attached as Exhibit “A”) suggests an RV Park’s average water usage is 91.3 gallons per day per space (gpd) and its peak water usage is 202.6 gpd. The proposed RV Park will include 175 RV spaces, a manager’s residence, laundry rooms, restrooms with showers, swimming pool, and a recreation center. The proposed RV Park will be landscaped with drought resistant landscaping and artificial grass surfaces to limit water usages. All irrigation water and filling of the swimming pool will be provided for by an onsite well.

Therefore, the anticipated peak demand on the City of Philomath if city water is used to serve the domestic water needs is as follows:

Peak Demand:      175 RV spaces x 202.6 gpd x 2.34      =      0.083 MGD

However, 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 proposed 12-inch water line running north through the proposed Planned Development will be connected to the 12-inch line in Main Street in order to provide a public looped water line through the Planned Development connecting to the 12-inch water line in North 19<sup>th</sup> Street. This looped public water line will provide better fire protection to an area beyond the proposed Planned Development as well as providing water for the fire hydrants throughout the development.

The use of Public water will include the City’s System Development Charges which will go towards infrastructure improvements within the City.

**Self-Storage Facility:** The Self-Storage facility will include onsite self-storage buildings and the office/manager’s residence. This development will have a very limited daily water usage. The manager’s residence and public restrooms will be the only daily water demand on the City’s water system. The

landscaping is planned to be drought resistant plantings, artificial grass surfaces and any irrigation water needs are planned to be provided by an existing onsite well.

Therefore, the anticipated demand on the City of Philomath is as follows:

Residential dwellings for 2 and fewer bedrooms typically use 300 gallons of water per day. The office space with public restrooms that will have very limited use will add approximately 45 gallons of water per day.

Peak Demand:  $(300 \text{ gallons} + 45 \text{ gallons}) \times 2.34$  (suggested City Master Plan peaking factor) = 0.0008 MGD

(2.34 is the suggested peaking factor in City Water Master Plan.)

**Industrial Flex Space:** The Industrial Flex Space buildings are being constructed as shell spaces that will be further improved by the tenants. The fact that they are flex spaces dictates a potential range of users with varying potential water demands. The flex spaces are envisioned to vary from offices with very low water usage to microbreweries with fairly high water usages. For the computation of anticipated water usage of the 9 proposed flex spaces 7 were taken to be offices and 2 to be microbreweries.

Therefore, the anticipated demand on the City of Philomath is as follows:

Each of the offices are estimated to have 3 full time employees. This will compute to a water usage of approximately 45 gallons per day for each of 7 office spaces.

Peak Demand Offices:  $45 \text{ gallons} \times 7 \times 2.34 = 0.0007 \text{ MGD}$

A bit of research on other similar microbreweries revealed a range of water uses as follows:

Barsideous Brewing (Lebanon):	0.0007 MGD Peak Demand
Conversion Brewing (Lebanon):	0.0012 MGD Peak Demand
Dirt Road Brewing (Future Philomath):	0.00056 MGD Peak Demand
Average Peak Demand Microbreweries:	= 0.0008 MGD each
Total Peak Demand Flex Space:	= 0.0023 MGD
Total Peak Demand Flex Space:	= .0023 MGD x 2.34 = 0.0054 MGD

(2.34 is the suggested peaking factor in the City Master Plan)

**Conclusion:** Based on the above numbers, the water system has a current reserve peak day capacity of 0.22 MGD. The proposed development of a Recreational Vehicle Park of 175 spaces at full capacity year round would require 0.083 MGD. The proposed storage unit development would require an additional 0.0008 MGD. The proposed Industrial Flex Space development would require an additional 0.0054 MGD. The total peak demand for this planned development is 0.089 MGD. Therefore, the City's current water system has adequate capacity to serve the proposed development. The new city water treatment plant, currently in the engineering and design phase, will substantially increase the City's reserve peak demand capacity. Based on conversation with the current City Engineer, Westech Engineering, the new plant is planned for construction in the next several years.

**Concern 12:** Water for Landscaping.

**Response:** The proposed landscaped areas within the project will consist of a combination of drought resistant deciduous and evergreen trees, shrubs, hedges, ground covers or native riparian mix seeding. The "grassed area" within the Recreational Vehicle Park will be an artificial grass by SYNLaw. The product allows for rain water

to drain right through at a rate of 90 inches per hour so there is no standing water. The product is fire resistant with a Class A fire rating.

The proposed storm water dry pond and other storm water facilities within the Planned Development will be landscaped with water tolerant and native plants. All landscape material is to be irrigated with an automatic underground irrigation system with existing wells on the property as the source of water. The plant selection will maximize the use of drought tolerant plants. Native trees, shrubs and seed mixes will be used in the riparian buffer and around the wetlands and stormwater facilities. Watering will be done by a drip irrigation system for 2 years after planting for the drought resistant plantings and longer for areas that don't contain drought resistant material.

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. 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 area within the Planned Development that contains the 50' riparian setback corridors will contain a mix of native deciduous and coniferous trees that include ash, firs, maples, oak, dogwood and cedars. Native shrubs will be clustered in groups of 3-9 and include dogwood, ninebark, snowberry, red flowering currant, roses, ocean spray, Oregon grape, serviceberry, and elderberry.

All areas within the riparian corridors will be seeded with a native mix of grasses and perennials that are quick to establish and deeply rooted to help stabilize slopes. Seed mixes are from ProTime Seed and will include #402 Native Riparian Mix and #404 Native Upland Mix with Color. PT 408 Native Wetland Mix or similar may be used as needed in very wet areas around existing wetlands. It is also very effective at erosion control and quick to establish.

Existing private well water will be used for irrigation. We are hoping that these proposed landscape techniques will reduce landscape water use by 35 to 75 percent while providing for a year round attractive development.

**Concern 13:** Impact on other City Services (water, sanitary sewer, storm sewer).

**Response:**

**Sanitary Sewer:** The proposed 10-inch public sanitary sewer line will need to be provided from the 15-inch line located in the Main Street right-of-way in order to service the entire Planned Development. The sanitary sewer lines serving the buildings will be private lines which will be maintained by the owner of the Planned Development and not the City of Philomath.

**Sewer Discharge:** The amount of sewer discharge from the entire project will be very similar to the amount of water usage computed with the variation in peaking factor per City of Philomath Design Standards of 3.9 and the addition of Infiltration and Inflow (I/I) and is approximately as follows:

**RV Park Peak Flow:**

**Design Flow:**

35,455 gallons per day x 3.0 = 106,365 gallons per day

(Peaking Factor is 3.0 per City design standards)

**Infiltration/Inflow (I/I):** (I/I = 1,600 gpad)

15.87 acres x 1,600 gpad (I/I) = 25,392 gallons per day

The peak flow rate is determined by distributing the volumes over a period of time. The design flows are distributed over a period of 12 hours as most waste flows occur in the 12 hour period while the I/I flows are continuous and distributed over 24 hours.

Thus the peak flow is the sum of the 106,365 gallons per day distributed over 12 hours and the 25,392 gallons per day distributed over 24 hours.

$$\text{RV Park Peak Flow Rate} = 165.3 \text{ gpm}$$

The applicant intends to use existing wells on the site to provide for water to the individual spaces, Community Center with indoor pool, laundry facilities, showers and kitchen, the satellite restrooms, and the office/manager's quarters.

**Self-Storage and Flex Space Peak Flow:**

Design Flow:

$$45 \text{ gallons per day} \times 7.0 \text{ offices} \times 3.0 = 945 \text{ gallons per day}$$

$$800 \text{ gallons per day} \times 2.0 \text{ breweries} \times 3.0 = 4,800 \text{ gallons per day}$$

(Peaking Factor is 3.0 per City design standards)

Infiltration/Inflow (I/I): (I/I = 1,600 gpad)

$$16.03 \text{ acres} \times 1,600 \text{ gpad (I/I)} = 25,648 \text{ gallons per day}$$

The peak flow rate is determined by distributing the volumes over a period of time. The design flows are distributed over a period of 12 hours as most waste flows occur in the 12 hour period while the I/I flows are continuous and distributed over 24 hours.

Thus the peak flow is the sum of the 5,745 gallons per day distributed over 12 hours and the 25,648 gallons per day distributed over 24 hours.

$$\text{Self-Storage and Flex Space Peak Flow Rate} = 25.8 \text{ gpm}$$

$$\text{Total Project Peak Flow Rate:} = 191.10 \text{ gpm}$$

The existing 15-inch public mainline along Main Street has capacity for 1,205 gpm. The city staff informed us that the existing city wastewater treatment plant has the capacity to accommodate the additional flow.

**Estimation of Storm Drainage, Water, and Sewer SDC Fee Calculations:**

**Estimate of Storm Drainage SDC Fees:**

RV Park

$$\text{Impervious Area} = 347,609 \text{ square feet}$$

$$\text{EDU} = 347,609 \text{ square feet} / 3,000 = 115.87$$

$$\text{Estimated SD SDC Fee} = \text{EDU} \times \$ 1,684 = \$ 195,125.08$$

Self-Storage and Flex Space:

$$\text{Impervious Area} = 495,713 \text{ square feet}$$

$$\text{EDU} = 495,713 / 3,000 = 165.24$$

$$\text{Estimated SD SDC Fee} = \text{EDU} \times \$ 1,684 = \$ 278,264.16$$

**Estimate of Water and Sewer SDC Fees:**

RV Park:

The RV Park is planned to be served by a well so the Sewer SDC will be estimated based on a calculated water meter size. It is estimated that a 4-inch water meter would be required to serve the 175 space RV Park.

Estimate Sewer SDC Fee: = \$ 114,136.00 Per Philomath SDC Fee Table

Self-Storage and Flex Space:

The Self-Storage and Flex Space developments are planning to have individual water meters. The Flex Space is anticipated to be offices and potentially microbreweries. For this calculation it is assumed that 7 of the flex space tenants will be offices and the self-storage office will all require a ¾-inch meter and that 2 of the flex space tenants will be microbreweries and require a 1.5-inch meter.

Estimated Offices Water SDC Fee:	=	\$ 9,373 x 8	=	\$ 74,984
Estimated Microbreweries Water SDC Fee	=	\$ 22,496 x 2	=	\$ 44,992
Total Estimated Water SDC Fee			=	\$ 119,976
Estimated Offices Sewer SDC Fee	=	\$ 8,606 x 8	=	\$ 68,848
Estimated Microbreweries Sewer SDC Fee	=	\$ 20,654 x 2	=	\$ 41,308
Total Estimated Sewer SDC Fee			=	\$ 110,156
<b>Total Estimated Storm Drainage, Water and Sewer SDC Fees:</b>			=	<b>\$ 817,657.24</b>

**Concern 14:** Impacts on Endangered Plants, Bike/Pedestrian Path, and Wildlife: The conclusion of the Sensitive Vegetation Report was that a relatively large population of Nelson’s checkermallow (federally listed Threatened) was documented in the southwest corner of the study area in a mostly native, wetland, ash-oak forest. Although growing under a closed canopy is not ideal for this species, the generally open understory allows the plants to persist. This area is not currently part of the proposed Planned Development.

**Response:** 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. 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 pedestrian/bike trail easement is subject to change.

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.

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.

**Concern 15:** Impact on Fish Habitat.

**Response:** 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.

**Concern 16:** Impact on Global Warming. When people use fossil fuels like coal and oil, this adds carbon dioxide in the air. When people cut down many trees (deforestation), this means less carbon dioxide is taken out of the atmosphere by those plants. As the Earth's surface temperature becomes hotter the sea level becomes higher.

**Response:** These are the ways that the proposed Planned Development is proposing to have a positive impact on global warming:

1. Plant a tree! Trees filter the air and provide shade.
  - a. 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.
  - b. The proposed landscaping within the Planned Development outside of the Newton Creek Riparian Corridor will consist of a combination of deciduous and evergreen trees, shrubs, hedges, ground covers or native riparian mix seeding.
2. Provide for "green" outdoor activities. The proposed Planned Development will provide opportunities for "green" outdoor activities including camping, swimming, biking, hiking, walking and running for the residents of the Recreational Vehicle Park and will provide public opportunities for biking, hiking, walking and running on the proposed public pedestrian/bike path.
3. Install water-saving devices in your garden. The plant selection will maximize the use of drought tolerant plants native to this area. The proposed storm water dry pond and other storm water facilities within the Planned Development will be landscaped with water tolerant and native plants. The existing wells on the properties will be used as the source of water for the automatic underground irrigation system. We are hoping that these proposed landscape techniques will reduce landscape water use by 35 to 75 percent.

**Issue 17:** No Grading Plans.

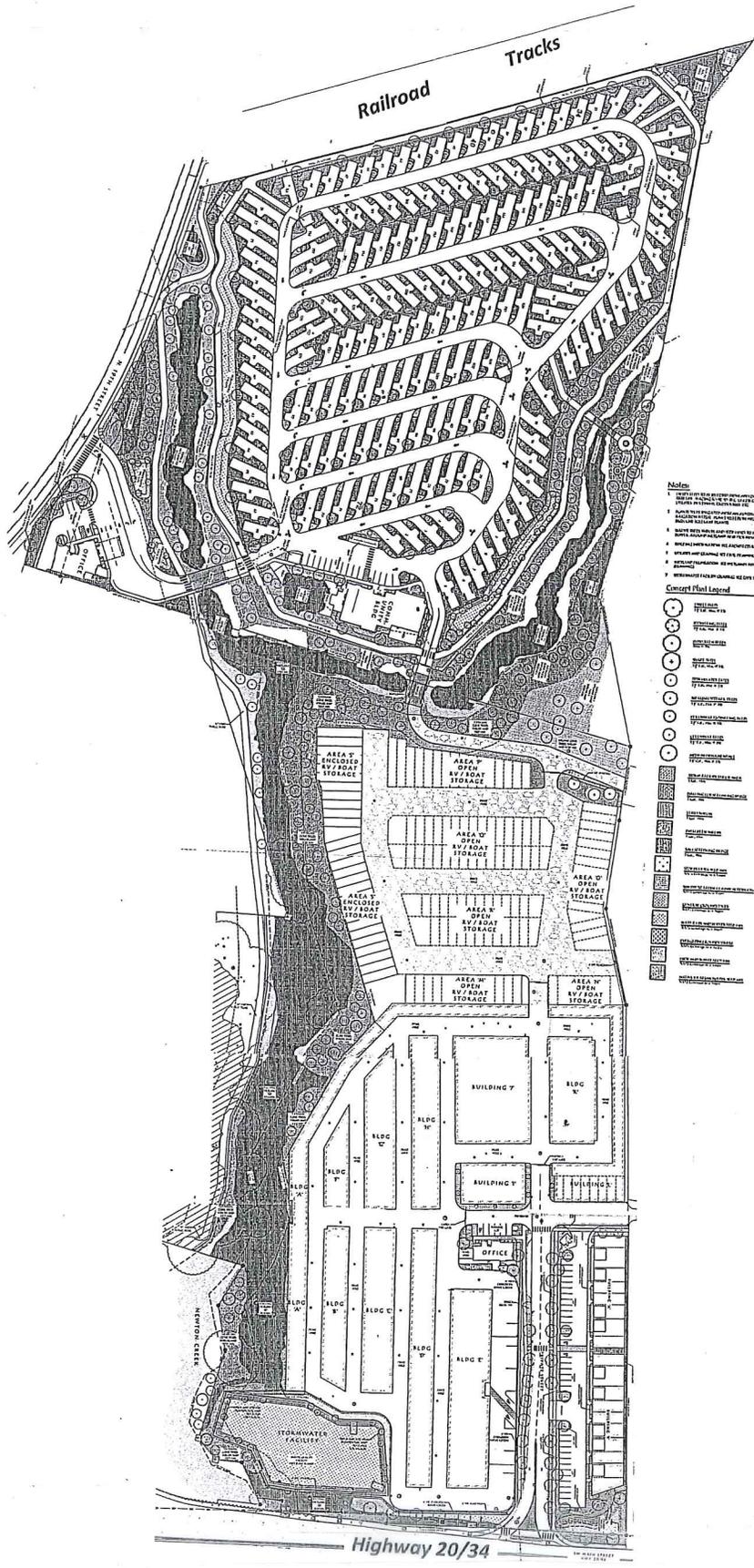
**Response:** Preliminary Site Grading Plans for the proposed Planned Development were submitted with the overall Findings Document as required in the City of Philomath Zoning Code [see Exhibit 'K-1' Composite Site Grading Plan for Self-storage and Recreational Vehicle and Boat Storage Facilities (Civil Drawing K-1) Exhibit 'K-2'- Site Grading Plan for Self-Storage and Recreational Vehicle and Boat Storage Facilities and Industrial Flex-Space Development (Civil Drawing K-2) and Exhibit 'K-3' - Site Grading Plan for Recreational Vehicle Park (Civil Drawing K-3)]. The Preliminary Grading Plan is not intended to provide detailed grading information.

Most of the Riparian Corridor throughout the entire Planned Development has been disturbed or destroyed by the previous mill use on the site. The proposal includes a pedestrian/bicycle path to be constructed within the riparian protections corridor. The grading required to construct said path will be minimal and limit the amount of fill material.

The proposed development will be improving or enhancing the entire Riparian Corridor located within the proposed Planned Development. As far as general concerns about adverse effects to wildlife, the project is proposing extensive plantings of native 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 its 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.



EXISTING SITE



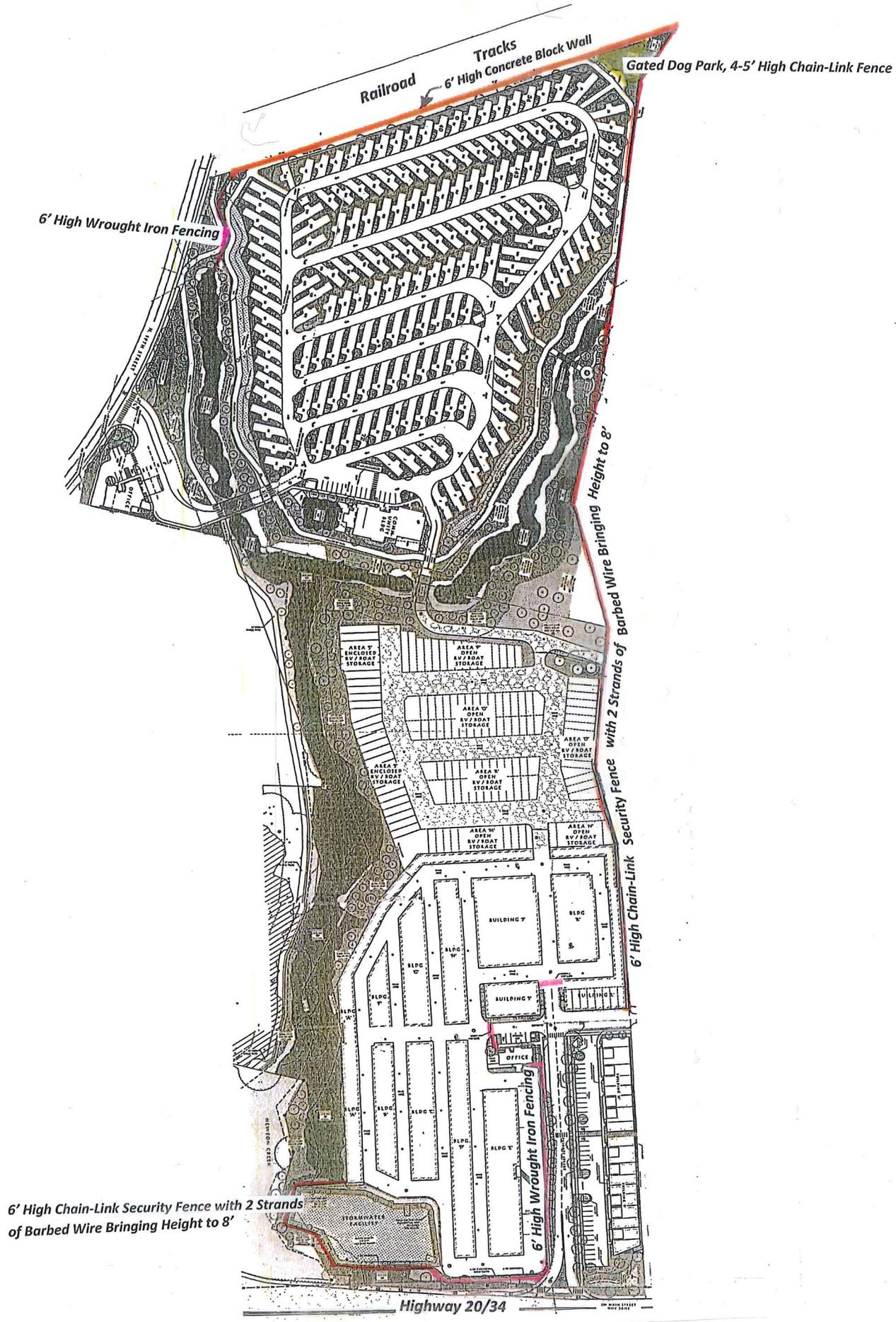
**Notes:**

1. ALL PLANTINGS ARE TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DENVER LANDSCAPE DESIGN MANUAL.
2. ALL PLANTINGS ARE TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DENVER LANDSCAPE DESIGN MANUAL.
3. ALL PLANTINGS ARE TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DENVER LANDSCAPE DESIGN MANUAL.
4. ALL PLANTINGS ARE TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DENVER LANDSCAPE DESIGN MANUAL.
5. ALL PLANTINGS ARE TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DENVER LANDSCAPE DESIGN MANUAL.
6. ALL PLANTINGS ARE TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DENVER LANDSCAPE DESIGN MANUAL.
7. ALL PLANTINGS ARE TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DENVER LANDSCAPE DESIGN MANUAL.

**Concept Plan Legend**

[Symbol]	PROPOSED PLANTING
[Symbol]	EXISTING PLANTING
[Symbol]	PROPOSED PAVEMENT
[Symbol]	EXISTING PAVEMENT
[Symbol]	PROPOSED DRIVEWAYS
[Symbol]	EXISTING DRIVEWAYS
[Symbol]	PROPOSED SIDEWALKS
[Symbol]	EXISTING SIDEWALKS
[Symbol]	PROPOSED BIKEWAYS
[Symbol]	EXISTING BIKEWAYS
[Symbol]	PROPOSED UTILITIES
[Symbol]	EXISTING UTILITIES
[Symbol]	PROPOSED FENCES
[Symbol]	EXISTING FENCES
[Symbol]	PROPOSED SIGNAGE
[Symbol]	EXISTING SIGNAGE
[Symbol]	PROPOSED LIGHTING
[Symbol]	EXISTING LIGHTING
[Symbol]	PROPOSED SEATING
[Symbol]	EXISTING SEATING
[Symbol]	PROPOSED ART
[Symbol]	EXISTING ART
[Symbol]	PROPOSED WATER FEATURES
[Symbol]	EXISTING WATER FEATURES
[Symbol]	PROPOSED LANDSCAPE ARCHITECTURE
[Symbol]	EXISTING LANDSCAPE ARCHITECTURE

**PROPOSED LANDSCAPE IMPROVEMENTS**



6' High Chain-Link Security Fence with 2 Strands of Barbed Wire Bringing Height to 8'

Fencing Locations

**Concern 18:** Archeology survey done on Tax Lot 100 only. Subsurface historic and prehistoric cultural materials may exist under concrete/asphalt. How much of area will be bulldozed, graded and filled?

**Response:** Historically the site was the location of a planing mill, with Newton Creek being sourced for flumes and log ponds. The northern portion of the properties (Tax Lot 200) contained buildings that housed the machinery for the mill and a railroad spur. The southern portion (Tax Lot 100) was used for rough timber/log storage. Remnants of the northern planing mill site include Portland Cement concrete foundations in the northern and center sections of the site, rail tracks, and a crossing over Newton Creek near the center of the site. The southern area of the site (Tax Lot 100) which contained the former barker and cutting mill and a log yard for staging logs prior to reduction to lumber was located immediately south of the cutting mill. This area is currently covered by an aggregate/stone surface with Scotch broom and Himalayan Blackberry growth. A well-house, a cinder-blocked sided fire well/pumphouse and a three-sided open shed near the former office location remain onsite.

Tax Lot 100 was surveyed by Heritage Research Associates, Inc, and the report was submitted to SHPO, and SHPO sent a clearance letter. Tax Lot 200 to the north of Tax Lot 100, just south of the RR, was not surveyed as Heritage Research Associates felt that a field survey may not be required due to extensive disturbance from the mill, its removal, and remediation. If the Corps decided that a survey was needed, Heritage would go back and survey the Tax Lot. We received a letter from SHPO on April 19, 2018 (SHPO Case 18-0540) stating that they had received the report of the archaeological investigations for the project and that SHPO report #29708 was added to the SHPO Library. SHPO “concurred that a good faith effort has been implemented and the project will likely have no effect on any significant archaeological objects or sites. Based upon the information provided, additional archaeological research is not anticipated for this project.”

Received from Corp of Engineers Review, August 12, 2019: Please note, we received a comment from the Warm Springs Tribe regarding the proposed work.

In order to protect cultural resources that may not have been previously identified, the Warm Springs Tribe office recommends that an explicit Inadvertent Discovery Plan (IDP) for human remains, items of cultural patrimony, and intact archaeological deposits in place in advance of Project implementation; construction crews should be trained/briefed on the contents and importance of the IDP.

**Condition of Approval:** In the unlikely event an archaeological object or site (i.e., historic or prehistoric) is encountered during project implementation, all ground disturbance at the location should cease immediately until a professional archaeologist can be contacted to evaluate the discovery. Construction Crews must be trained/briefed on the content of the Inadvertent Discovery Plan.

**Concern 19:** East Fork of Newton Creek has a possible buried/pipe bound branch as noted in Rare Plant and Hydrology overview reports, how is this treated in grading and filling Tax Lot 200?

**Response:** The East Fork of Newton Creek is an open channel stream for its entire length through Tax Lot 200 with the exception of one 72-inch diameter culvert that is planned to be removed with this project. All grading filling activities will occur outside of the incised channel as defined by the tops of the banks. The grading and filling of Tax Lot 200 will not impact the limits of the East Fork of Newton Creek.

**Concern 20:** ACOE July 22, 2019 permit application for Tax Lot 100 only, RV Park will not be filled or removed from?

**Response:** 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, site of the proposed RV Park.

**Concern 21:** Wetland loss in Tax Lot 100?

**Response:** The proposed wetland loss in Tax Lot 100 is 0.97 acres. 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 (see Exhibit 'E-2' – Preliminary Wetland Impacts Tax Lot 100). The majority of the delineated wetlands within the Planned Development will be protected.

**Concern 22:** Western Oregon White Oak and Nelson checkermallow site on west side of Newton Creek. City Parcel south of Tax Lot 100, possible city park, could have Oregon White Oak and checkermallow area.

**Response:** The conclusion of the Sensitive Vegetation Report was that a relatively large population of Nelson's checkermallow (federally listed Threatened) was documented in the southwest corner of the study area in a mostly native, wetland, ash-oak forest. Although growing under a closed canopy is not ideal for this species, the generally open understory allows the plants to persist. This area is adjacent to the City Parcel but it is not currently part of the proposed Planned Development.

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. The location of the walking trail is not a part of the current Planned Development but an easement will be 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 through a Section 7 Consultation with USFWS before the US Army of Engineers would issue a permit. The exact location of the proposed pedestrian/bike trail easement is subject to change.

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 affected. We contacted a USFWS biologist to discuss ways to save the plant or at least to collect seeds to preserve the genetic material. 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 Section 7 Consultation with USFWS to ensure that potential adverse effects to the checkermallow species is addressed.

**Concern 23:** Evergreen mitigation bank is mentioned. This bank could be full.

**Response:** The owner of the Evergreen Mitigation Bank, Ray Fiori, has told the applicant that he has adequate wetland mitigation credits in his bank to accommodate the proposed 0.97 acre of wetland mitigation needed for the proposed Planned Development.

**Concern 24:** Development offers not much public benefit. Tax Lot 200 trails are private. Bike Path within Tax Lot 100 goes nowhere.

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

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

- A. The redevelopment of the property will provide for the upgrade of the site to meet current industrially zoning district standards and this can be ensured by conditions of approval where necessary.

- B. 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.

Upon completion, the Industrial 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.

The proposed Planned Development will generate an estimated tax base to the City of Philomath and Benton County in the estimated total assessed value of \$12,525,400 perhaps placing the project within the top 20 taxpayers in Benton County and generating \$250,549 in property taxes. 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

In addition, the City's System Development Charges for the proposed uses within the Planned Development will go towards infrastructure improvements, reducing or delaying the need to raise taxes for such improvements. There are two types of SDCs fees:

Reimbursement fee: Is the portion of the specific system SDC charged to recoup the community's investment in extra capacity in anticipation of future growth. The reimbursement fee will promote the objective that the future system user contributes no more than an equitable share to the cost of reserve capacity in the existing facilities.

Improvement fee: Is the portion of the system-specific SDC charged to cover an equitable share of the capital improvements required to increase capacity of the system to accommodate new development and to protect the health, safety and well-being of the community.

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.

- C. Yes, this public pedestrian/bikeway goes "nowhere" as part of this proposed Planned Development but it meets the Comprehensive Plan Map location for a future pedestrian/bike path connecting the City of Philomath with the City of Corvallis. As is typical for goals of this sort, easements for future construction are obtained as development occurs on vacant parcels or as development on the property expands. If the property has previously been developed and the City is wanting to proceed with the easement to the public, there is no opportunity to extract an easement and the easement must be purchased by the City. If the City determines that the applicant should participate in the construction of the public pedestrian walkway/bikeway, a condition of approval will ensure such participation.

**Concern 25**: Number of jobs undisclosed.

**Response**: The subject industrial property has been vacant for approximately 30 years. The proposed Self-Storage and Recreational Vehicle and Boat Storage Facility will provide for the employment of 10 people. The proposed Industrial Flex Space development has been estimated at a minimum of 3 employees per unit which equates to 27 jobs. The proposed Recreational Vehicle Park will employ a minimum of 6 employees. The total minimum estimated permanent jobs created is 43.

Construction of the development including offsite infrastructure and onsite infrastructure is anticipated to take up to 5 years. During the construction 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.

**Concern 26:** Pending long term and increasing impacts to air, water, sewer will increase as developer changes land use within Tax Lot 100 and develops surrounding properties.

**Response:** 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.

**Uses Allowed within the Industrial Park Zoning District:** (A) Uses allowed in the IP zone when conducted within a building. (B) Commercial uses incidental to and directly related to allowed or conditional uses. (C) Indoor and outdoor recreation facilities. (D) Offices. (E) RV park facilities. (Uses allowed in the LI zone within a building: Light manufacture (e.g. electronic equipment, printing, bindery, furniture, and similar goods, Mini warehouse and storage, repair services, research facilities, RV park facilities, utility facilities, vocational schools, warehousing and distribution, wholesale trade and services. Industrial uses shall require a conditional use permit when they generate significant noise, light/glare, dust and vibration impact or traffic.

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

**Toxic Materials:** Businesses renting the flex-space units that utilize toxic or hazardous materials will be required to meet OSHA standards. This can be ensured through a condition of approval resulting from the review process.

**Conclusion:** The City of Philomath has regulations in place to review a change in land use and condition appropriately (Section 18.110.020 of the Philomath Zone Code). Each of the industrial flex space unit users will be required to submit a Site Plan Review or Conditional Use application that will be reviewed for compliance with Philomath's Zone Code design standards and approved by the City planning official (Site Plan Review) or Planning Commission (Conditional Use) and conditioned accordingly in regards to design standard requirements and public improvement and connection standards.

**Issue 27:** Wetland Delineation for some reason only contains four test pits in or near Tax Lot 200, approximately 2/3rds of Tax Lot 200 is without test wetland soil survey/botany.

**Response:** The level of detail and documentation required for making a jurisdictional determination will vary depending on the site. Sufficient data and additional information is required to enable the Oregon Department of State Lands to make a jurisdictional determination. The fact that 2/3rds of the site is without wetland sampling is directly related to the fact than more than 2/3rds of the site is covered with gravel or concrete.

**Concern 28:** All trails are inside the 50' Riparian Corridor so they have direct impact to waterway resources and long term creek and flood plain stability and health.

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

The mill was first constructed and operated by Hobin Lumber in the early-mid 1970's. In 1983 the mill was purchased and operated by WTD Industries/Tree Source. The mill closed for the final time in April 1998. Concrete structures (pads, footings, and containments), a wellhouse, a cinder-blocked sided fire well/pumphouse and a three-sided open shed near the former office location remain onsite. A few debris piles from mill demolition remain scattered over the property. A great portion of the areas on the properties that are located within the 50' Riparian Corridor has been significantly impacted or destroyed.

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.

**Concern 29:** Global Warming is not addressed in this application or in the Municipal Code, and 28.55.02B Riparian Corridor. Over the short term, more plantings will need to be installed. . .

**Response:** Global warming is not addressed in the Municipal Code. However, the proposed development provides the following aides to addressing global warming.

- A. Plant a tree! Trees filter the air and provide shade. There are currently 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 maintained and will be protected during construction. Additional trees and shrubs will be planted as part of the development of the riparian corridor to provide for additional aesthetics, wildlife habitat and shade along Newton Creek. This material mix seeding.
- B. Provide for "green" outdoor activities. Opportunities for "green" outdoor activities have been provided in the Recreational Vehicle Park including camping and swimming. In addition, a private biking, hiking, walking, and running pathway will be provided for the for the residents of the Park. A public pedestrian/bike path easement will be given to the City for future public opportunities for biking, hiking, walking and running on the proposed the public pedestrian/bike path. The public pathway will be built once all of the easements for the trail have been obtained from other developed or developing properties that lie within the designated trailway on the Philomath Comprehensive Plan map.
- C. Install water-saving devices in your garden. All landscape material is to be irrigated with an automatic underground irrigation system. The plant selection will maximize the use of drought tolerant plants. The proposed storm water dry pond and other storm water facilities within the Planned Development will be landscaped with water tolerant and native plants. All landscape material is to be irrigated with an automatic underground irrigation system with existing wells on the property as the source of water. We are hoping that these proposed landscape techniques will reduce landscape water use by 35 to 75 percent while providing shading for the cooling of the water in Newton Creek and providing habitat for wildlife.

**Concern 30:** Placing bike path, sidewalks, all applicant undefined future buried utilities, storm drains, picnic area dog park, storage units, RV storage, RV Park Pads in Fifty foot riparian buffer reduces this buffer's effectiveness for Newton Creek and East Fork Newton Creek

**Response:** The proposed Recreational Vehicle Park development 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 50 foot-riparian zone along Newton Creek includes: the private trail; the public trail; stormwater detention ponds; view decks elevated on piers; picnic area, vehicle access crossings, bridges and an 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. 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 area within the Planned Development that contains the 50' riparian setback corridors will contain a mix of native deciduous and coniferous trees that include ash, firs, maples, oak, dogwood and cedars. Native shrubs will be clustered in groups of 3-9 and include dogwood, ninebark, snowberry, red flowering currant, roses, ocean spray, Oregon grape, serviceberry, and elderberry.

All areas within the riparian corridors will be seeded with a native mix of grasses and perennials that are quick to establish and deeply rooted to help stabilize slopes. Seed mixes are from ProTime Seed and will include #402 Native Riparian Mix and #404 Native Upland Mix with Color. PT 408 Native Wetland Mix or similar may be used as needed in very wet areas around existing wetlands. It is also very effective at erosion control and quick to establish.

**Concern 31:** The adjacent Philomath Scout Lodge has one of Benton County's largest populations of Western Pond Turtles. Do Western Pond Turtles use the east fork of Newton Creek's wide water expanse or Fire Pond or Newton Creek to move to and from to Marys River?

**Response:** Studies of Western Pond Turtle movement in 2007 (Vesely, D & Rosenburg, D. 2007, Population Demography and Movement Patterns of the Northwestern Pond Turtle in the Willamette Valley, Oregon: 2007 Pilot Study) included the subject properties within the proposed Planned Development. Radio telemetry and a wildlife detector dog were used for tracking turtle movement, nesting and basking sites. Western pond turtle movement was not detected on the subject properties within the proposed Planned Development.

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.

**Concern 32:** Fencing on exterior of Planned Development. What type of fencing will be used? How do area wildlife interact with these land uses and fencing?

**Response:** See page 22 of this document to see proposed locations of fencing. The proposed Self-Storage Facility will have a 6-foot chain link security fence with 2 strands of barbed wire in areas not adjacent to Southwest Main Street and the private accessway. The security fencing adjacent to Southwest Main Street and the private accessway will be a six-foot high wrought-iron fence. The 6-foot high wrought iron security fencing provided

along the south side of the Self-Storage Facility will be located approximately 20 feet to 40 feet from the Southwest Main Street right-of-way line. At the southeast corner of the Proposed Extended Dry Water Pond Water Quality and Detention Basin the fencing will change to a 6-foot high chain link fence with 2 strands of barbed-wire.

The proposed fencing within the Recreational Vehicle Park will consist of a 6-foot high concrete block wall adjacent to the railroad tracks, a 6-foot high wrought iron security fence facing 19<sup>th</sup> Avenue, and a 6-foot high cyclone security fence along the exterior property boundary of the Recreational Vehicle Park. The dog park will be a gated enclosed area with a 5-foot high chain link fence that keeps the area enclosed from the wetland area adjacent to the east. The wetland and riparian areas themselves within the proposed Planned Development will not be enclosed and wildlife will be able to move about freely in those areas.



Wrought Iron Fencing Adjacent to Street at Corvallis Facility



Chain Link Fencing with 2 Strands of Barbed Wire at Corvallis Facility



Typical Concrete Block Wall Proposed Adjacent to Railroad Tracks

**Concern 33:** Fifty-foot riparian buffer in the Municipal Code does not state what can and cannot be done inside this buffer. Is this a Benton County land use requirement?

**Response:** Section 18.55.060 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.

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.

**Concern 34:** State of Oregon wetland use . . .The procedure has not been demonstrated in Master Plan PC19-03 for all uses inside Fifty Foot riparian buffer if these uses are permitted outright, as x percentage of area per each development site.

**Response:** The applicant will be required by Oregon DSL and USACOE to provide full compensatory wetland mitigation for all direct and indirect wetland impacts.

**Concern 35:** Will the fifty foot riparian buffer be dug out, bermed up, planted to grass, non-native vegetation which can handle human traffic and animal use inside the RV Park where the fifty foot riparian buffer is on the back side of parking pad, hook up picnic table area?

**Response:** The riparian buffer area will not be dug out except for the proposed detention ponding area or significantly bermed up. The private trail may be slightly elevated to promote positive drainage. The plantings

proposed within the 50-foot wide "protective zones" will consist of a mixture of native trees, shrubs, forbs and grasses that includes Oregon ash, firs, maples, oak, dogwood and cedars. Shrubs will be clustered in groups of 3-9 and include dogwood, ninebark, snowberry, red flowering currant, roses, ocean spray, Oregon grape, serviceberry, and elderberry.

All areas will be seeded with a native mix of grasses and perennials that are quick to establish and deeply rooted to help stabilize slopes. Seed mixes are from ProTime Seed and will include #402 Native Riparian Mix and #404 Native Upland Mix with Color. PT 408 Native Wetland Mix or similar may be used as needed in very wet areas around existing wetlands. It is also very effective at erosion control and quick to establish.

The "grassed area" within the Recreational Vehicle Park will be an artificial grass by SYNlawn. The product allows for rain water to drain right through at a rate of 90 inches per hour so there is no standing water. The product is fire resistant with a Class A fire rating.



Use of SYNlawn at Recently Completed Dallas Storage Depot

The proposed storm water dry pond and other storm water facilities within the Planned Development will be landscaped with water tolerant and native plants. All landscape material is to be irrigated with an automatic underground irrigation system with existing wells on the properties as the source of water. The plant selection will maximize the use of drought tolerant plants. Native trees, shrubs and seed mixes will be used in the riparian buffer and around the wetlands and stormwater facilities. Watering will be done by a drip irrigation system for 2 years after planting for the drought resistant plantings and longer for areas that don't contain drought resistant material.

**Concern 36:** *Policy 4 – City strive to recognize non point source pollution points.* What is total impact calculation for all impacts which are planned/mapped to be placed/built/buried and installed inside and on top of the fifty foot riparian buffer area.

**Response:** 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.

**Concern 37:** The fifty foot buffer area could be subject to herbicide applications, soaps from pressure washing asphalt, asphalt decay/direct RV sewage spill/oils/gas leaks from trucks, golf carts, motor bikes, oil changing on RV pad sites.

**Response:** Section 18.55.060 lists the regulated uses within natural resource overlay areas. Table 18.55060 lists the allowed uses that are applicable to the proposed Planned Development as Conditional Uses in the Natural Resource NR Overlay District. The table defines prohibited uses that prohibit the use of chemical pesticides, fertilizer, or other hazardous or toxic materials. The project is not proposing to use any materials that are prohibited. The approval of a conditional use allows the Planning Commission to grant approval when the use will have minimal impacts or to allow the use but impose conditions to address identified concerns.

The proposed trail within the 50-foot wide riparian corridor will be designed with a vegetated filter strip along the creek side of the trail. This vegetated filter strip will be design in conformance with DEQ and NOAA Fisheries recognized standards. It will remove non-point source pollutants from the surface storm waters prior to the storm waters entering into Newton Creek and/or the East Branch of Newton Creek. The application of herbicides and pesticides will be in conformance with Federal, State and the City of Philomath regulations. This can be ensured by a condition of approval.

In addition, the Tenant agreement for the rental of the RV pads include the following requirements which also can be ensured by a condition of approval:

- A. 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.
- B. 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.

**Concern 38:** Mr. Lepman Company went to the extent of creating a dry mitigations pond to filter out sediment and pollutants for the storage facilities and the flex industrial space but not the RV Park that in many cases could produce more pollutants that flush down to Newton Creek.

**Response:** The application included Preliminary Storm Water Management Plans and Preliminary Stormwater Reports for both the Recreational Vehicle Park and the Self-Storage and Recreational Vehicle and Boat Storage Facilities and Flex Space Development. The Preliminary Stormwater Management Plan for the Recreational Vehicle Park included storm water quantity flow control and detention to limit discharge flow rates to be at or below the peak run-off rate for a pre-development 5-year storm event as required by the current City of Philomath

Design Standards. Storm water quality was not originally included as the current City of Philomath Design Standards do not require it. As a result of the concerns raised, the developer will revise this plan to exceed the current City of Philomath Design Standards by including pollution control manholes that comply with the current State of Oregon Standard Construction Specifications prior to each discharge point for the Recreational Vehicle Park. This can be ensured by a condition of approval.

**Concern 39:** Additional future impact into the fifty foot riparian buffer include: pending/escrow fund – bike path in Tax Lot 201, and all buried utility corridors additionally, will add further long term impacts within the fifty foot riparian buffer.

**Response:** 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. 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.

**Concern 40:** Impact to 50-foot riparian buffer as a result of bike path, all buried utility corridors, decking over waterway/pond, future bikeway, and RV pads.

**Response:** 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. 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.

- 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.
- 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. 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.

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.

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 pond on piers. This area of the existing fire pond is not within the Newton Creek Riparian Corridor.

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

D. Future Public Bikeway: The alignment of a future public pedestrian/bike trail on the west side of Newton Creek is located in an area where a population of Nelson's checkermallow was identified. The location of the walking trail is not a part of the current Planned Development but an easement will be 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 wetland and 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 pedestrian/bike trail easement is subject to change.

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

**Concern 41**: For use permit conditioned to impact 1380 square feet of water surface, will the fire pond have riparian overstory or none native landscape as none of the existing Fire Pond trees have a diameter which is Significant to save under the Municipal Code?

**Response**: The fire pond will be enhanced with native landscape planting above the ordinary high water level of the pond to re-establish a native plant community. Alterations are not proposed below the ordinary high water level of the pond other than to remove non-native or invasive plant species using approved methods.

**Concern 42**: This fire pond may contain Western Pond Turtle, and may retain water all year for some reason, which is not clearly defined in the hydrology report. Why does Fire Pond have water in it all year long?

**Response**: The historic Fire Pond may have a liner in it as water would be required in it all year long in order to provide the necessary amount of water for fire suppression purposes. There have been no sightings of the Western Pond Turtle in the Fire Pond and this may be due to the steep sides of the pond making the pond inaccessible to pond turtles.

**Concern 43:** Fifty foot riparian buffer in the RV Park, Tax Lot 200 is planned to have picnic tables, bridge pathway system, detention ponds which are not numbered clearly but on one engineering drawing which is not readable from PDF image we have to use our reviewing locations.

**Response:** 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 lies within 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; view decks elevated on piers; a picnic area; vehicular access crossings; bridges; and a Recreational Vehicle pull-out. Section 18.55.060 defines the regulated uses within natural resource overlay areas and Table 18.55060 lists the allowed uses. The Proposed Planned Development complies with the allowed use and activities.

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."

**Concern 44:** In Sub-basin 2, Tax Lot 200, what is the structure in the NW corner by RV Pad 51/52? I assume this is open water of Mainstem Newton Creek which has extreme impact from all sides by RR track, 19<sup>th</sup> Street, and this development sidewalks dead ending here.

**Response:** The structure is a satellite restroom facility for the use of pedestrians and bicyclists who are utilizing the pathway within the interior of the park. The building is entirely outside of the 50-foot Riparian Corridor and the 100-year flood plain. The development's sidewalks do not end at this point but rather encircle the entire 175 parking pads of the proposed Recreational Vehicle Park.

**Concern 45:** The mainstem of Newton Creek needs to retain all riparian vegetation and flood plan surface area.

**Response:** 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.

**Concern 46:** *Policy 3 Flood Hazard Overlay and Policy 2 Regulate development in area subject to flooding.* How much of all three developments are inside the fifty foot riparian buffer and or inside the 100 foot flood plain?

**Response:** None of the development within the proposed Planned Development is located within the FEMA 100-year Flood Plain and only accessory uses such as portions of the 3 viewing decks, the pedestrian/bike path, the picnic area, the detention ponds, access crossings, bridges, and the Recreational Vehicle turn-out are located within the Fifty Foot Riparian Corridor.

**Concern 47:** Application contains no fill and removal plan and no FEMA report. Will the applicant create a berm at key areas which are in or near the 100 foot flood plan? Does the culvert or box culvert flood at Highway 20/34 currently during high flow events?

**Response:** This portion of Newton Creek is located within a FEMA detailed study area. As such FEMA performed a detailed Flood Insurance Study (FIS). The FIS included the bridge at Highway 20/34 in its calculations that determine the 100-year floodplain boundary. FEMA mapped the limits of the 100-year floodplain based on the FIS and the proposed Planned Development in not within any part of it.

**Concern 48:** Total surface hardening for the three developments may be very large and are all these surfaces included in the storm water area hydrology assessment? Extensive sidewalks inside the Fifty Foot Riparian Buffer all may not be included in the hydrology assessment.

**Response:** The storm water management plan and report takes into account all of the impervious surfaces that are proposed within the Planned Development.

**Concern 49:** Will all the storm water detention facilities be deeded to the City of Philomath in x years for the City of Philomath Public Works Dept. staff to manage, and maintain using Tax payers funding?

**Response:** No, all of the storm water detention facilities will be privately owned and privately maintained. "Permanent Access Easement & Stormwater Detention System Easement and Detention System Maintenance Agreement" will be executed and recorded to ensure proper maintenance of the privately-owned system.

**Concern 50:** *Polity 1 – Greenbelt along Newton Creek.* Green reserved Newton Creek and tributary to protect channel, maintain their effectiveness in handling storm drainage. Riparian area – Riparian area – area transition area adjacent to water body. Riparian Corridor Goal 5 – Resource overlay zone – are undefined in Municipal Code. Protective Zone – not defined in Municipal Code.

**Response:** Section 18.15.010 of the Philomath Zone Code provides definitions for the Natural Resource Overlay zone. Chapter 18.55 includes discussion and code standards for a 50-foot riparian protection zone along Newton Creek. The proposed development has demonstrated compliance with these standards.

**Concern 51:** 18.45 Industrial Districts – nothing which specifically addresses this zone and Riparian Zone Fifty Foot Buffer. The proposed development has demonstrated compliance with these standards?

**Response:** All regulations regarding the Riparian Protection Area is addressed in Chapter 18.55 of the Philomath Zone Code and have been addressed in the findings document submitted with the Planned Development application.

**Concern 52:** The application contains no FEMA 100 Foot Flood Map and area flood photos, to clearly define how the Fifty Foot riparian buffer and FEMA 100 year flood plan interact.

**Response:** The location of the 100 year Flood Plain and the Fifty Foot Riparian Corridor are identified on all Civil Engineering Exhibits where applicable.

**Concern 53:** Flooding occurs on Newton Creek as seen in wetland delineation images of grass and debris lodged in trees above active channel of the mainstem Newton Creek, in the DSL Delineation WD2019-0326.

**Response:** The portion of Newton Creek located within the proposed Planned Development is located within a FEMA detailed study area. As such, FEMA performed a detailed Flood Insurance Study (FIS). FEMA mapped the limits of the 100-year floodplain based on the FIS. The proposed developed portion of the Planned Development is not within the FEMA mapped 100-year floodplain.

**Concern 54:** Culvert at College Street off Ramp and Highway 20/34 for Newton Creek may flood and this data is not included in the application.

**Response:** This portion of Newton Creek is located within a FEMA detailed study area. As such FEMA performed a detailed Flood Insurance Study (FIS). The FIS included the bridge at Highway 10/34 in its calculations that determine the 100-year floodplain boundary. FEMA mapped the limits of the 100-year floodplain based on the FIS and the proposed Planned Development is not within any part of it.

**Concern 55:** Fifty Foot riparian buffer may be used by this applicant, as personal green spaces for a portion of the 178 RV pads and may be planted to grass and used by dogs/picnic area and for dog use broadly across the entire RV park site.

**Response:** The City of Philomath has an advisory document posted on its website that informs the public how to deal with animal waste to prevent it from negatively impacting the storm waters. This advisory document will be implemented into the RV park operation and maintenance plan. Animal waste bag stations will be placed periodically along the private trail to provide tenants a means to clean up after their pets. This can be ensured by a condition of approval.

**Concern 56:** There is a lack of overall clarity and accounting for what will be placed in the fifty foot buffer area as missing information to the Planning Commission for PC19-06 Conditional Use request and this application should be denied.

**Response:** The submitted plans clearly identify the proposed features within the 50-foot riparian setback boundary on both sides of Newton Creek and the East Fork of the creek. Trails are allowed outright through Site Plan Review within the Riparian Corridor overlay zone while viewing platforms are allowed by Conditional Use within the Riparian Corridor overlay zone.

The 50-foot wide protective zone currently 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. 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.

**Concern 57:** Heavy Industrial Zone (HI) for the RV Park has no rear setback required, so 178 RV pads are at the Fifty foot riparian buffer where it occurs.

**Response:** There are no setbacks for interior property lines required in the HI zoning district. However, none of the 175 RV pads directly abut the Fifty-Foot Corridor setback line. All of the pads are placed a minimum of 5 feet to 15 feet from the Fifty-Foot Corridor setback line as the spaces are at a 60 degree angle to the access drive. The “grassed area” within the Recreational Vehicle Park will be an artificial grass by SYNLawN. SYNLawN Pet Platinum will be used for the RV spaces and the Dog Park. The product allows for rain water to drain right through at a rate of 90 inches per hour so there is no standing water. The product is fire resistant with a Class A fire rating.

**Concern 58:** This is a city of people and their pets transitioning all the time into this area, 365 days a year. This use type is not a building, with a few dozen full time employees who park away from the creek to work in a building. Since this permitted use, RV Park is planned can more setback be designed for each of the RV Park pads to not come into close contact with the Fifty Foot Riparian buffer since this will be a heavy human use area instead of heavy industry which may have less impact from 178 pads with 3 people and pets coming and going

365 days a year to impact Newton Creek and East Fork Newton Creek using Fifty Foot Riparian buffer area as their own personal green space?

**Response:** 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.

**Concern 59:** Will each of the RV pads drain contaminants from these pads to East fork Newton Creek and Newton Creek through the Fifty Foot Riparian Buffer?

**Response:** The storm waters generated by the impervious surfaces of the Recreational Vehicle pads will drain through a treatment train that will provide for non-point source storm water pollutants to be removed prior to discharging into Newton Creek or the East Branch of Newton Creek. The treatment train includes trapped catch basins, pollution control manholes and flow control manholes. The treatment train provides for a series of pollutant removal devices. Storm waters from the Recreational Vehicle Park pads will not shed drain into and across the 50-foot riparian setback corridor.

**Concern 60:** A unifying site drainage master plan is needed to show how the entire tax lot 100, 200, and 201 drain currently and after fill and removal.

**Response:** Preliminary storm water management plans and preliminary storm water reports were submitted that included all of the Tax Lots involved in the proposed Planned Development. Prior to issuance of construction permits, the preliminary plans and reports will be updated and expanded into final plans and reports. The City of Philomath staff and the City Engineer will review said documents to ensure they are in compliance with the City of Philomath Codes and Standards prior to issuing building permits.

**Concern 61:** Both Traffic Impact Analysis in the packet to the PPC, do not include looking at the northern region of the County/city of Corvallis impact from traffic right in and right out onto 19<sup>th</sup> from RV Park. RV Park may expand to the site which is currently planned as RV-Boat Storage area in the future increasing traffic volume on 19<sup>th</sup>.

**Response:** A supplemental TIA was completed for the intersections of 53<sup>rd</sup> and Reservoir Road and Reservoir Road at West Hills Road in response to Benton County's request. The supplemental TIA was approved by Benton County's engineering staff.

**Concern 62:** County Traffic Engineer noted he okayed a revised TIA but stated if RV traffic on 19<sup>th</sup> South bound has problems turning east onto Highway 20/34, that that Right in/Right out should be considered. TIA for 53<sup>rd</sup> and Westhills will need to be updated due to two annexation requests for City of Corvallis inside these road corridors in City of Corvallis UBG.

**Response:** The Traffic analysis was provided for all the affected and responding agencies. All the intersections that the 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 from the proposed planned development.

**Concern 63:** Overall drainage impact statement showing how much run off will be in total.

**Response:** There were preliminary drainage reports submitted for both the RV Park Development and the Self-Storage/Flex Space Development. In the reports the overall impervious areas were summarized, the calculated

storm water discharge prior to development and the calculated storm water discharges post-development. The reports clearly demonstrated that the City of Philomath storm drainage standards were being met or exceeded.

**Concern 64:** Proposed Lift Station

**Response:** The only portion of the proposed development that will be served by a pumping sanitary sewer will be the Office/Manager’s Quarters for the RV Park which is located between Newton Creek and 19<sup>th</sup> Street. The sewer lift station will be self-contained and of similar size for a residential dwelling. It will not be located within the 50-foot Riparian Setback. It will not be noisy and will not generate noxious odors.

**Concern 65:** Culvert replacement in this watershed.

**Response:** The project will include the removal of two existing culverts. Both culvert removals will occur in the location of the proposed bridges. One will be in the main stream of Newton Creek and the other will be in the East Branch of Newton Creek. The removal of the culverts will allow the streams to be restored to very near their native state in these locations. The removal of the culverts will be an amenity to the streams and will remove two potential fish passage barriers.

The bridges that will replace the culverts to allow necessary access across the streams will span from top of bank to top of bank. No portion of the bridges will be within the main channel of the streams. The construction of the two bridges will allow fish and wildlife to pass without obstruction.

**Concern 66:** For the percent use inside the fifty foot riparian buffer for this application is this under fifty percent for RV Park/plus conditional use are encroachment within the active wetted East Fork Newton Creek Channel and over the fire pond in two location? Plus bridges, culvert replacement, buried trenched utilities, overhead (hanging over water) and buried pipes, trails, pathways which also cross Newton Creek mainstem and Netwton Creek East Fork multiple times add to this conditional use evaluation?

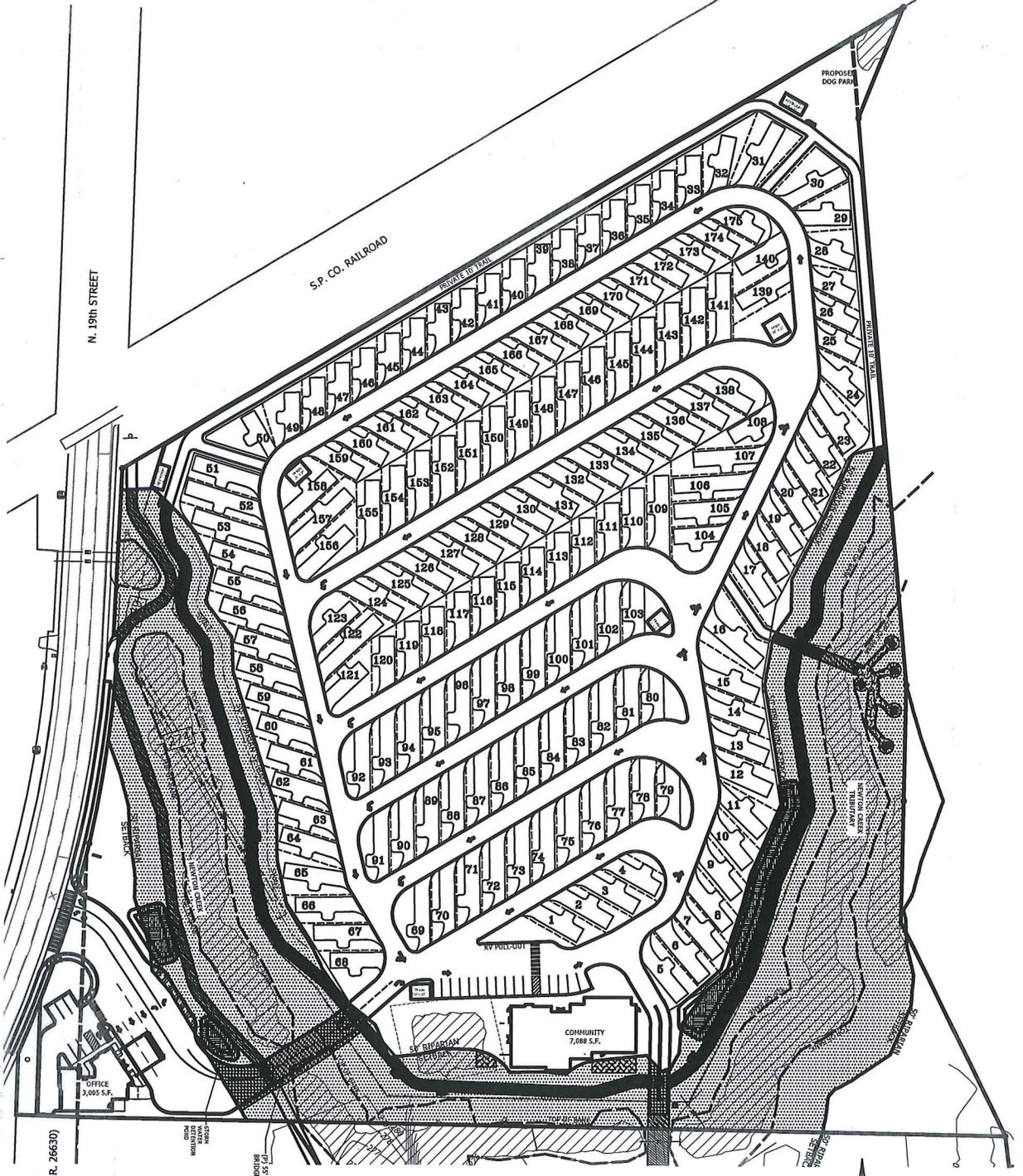
**Response:** A summary of the development areas within the 50-foot Riparian Setback is provided below and as depicted in a drawing on the following page. The total area of improvement within the 50-foot Riparian Setback is 0.89 acres, which amounts to a percentage of the overall setback area of 20%.

<b>RIPARIAN AREA SUMMARY</b>	
<b>Use</b>	<b>Area</b>
Private Trails	15,882 Sq. Ft.
Public Trails	5,960 Sq. Ft.
View Deck	867 Sq. Ft.
RV Pull Out	492 Sq. Ft.
Detention Ponds	7,350 Sq. Ft.
Bridges	2,423 Sq. Ft.
Picnic Area	1,866 Sq. Ft.
Paved Access Ways	4,124 Sq. Ft.
<b>Total Use Area</b>	<b>38,982 Sq. Ft. (0.89 Acre)</b>
<b>Existing Riparian Area</b>	<b>193,727 Sq. Ft. (4.45 Acres)</b>
<b>% of Riparian Area</b>	<b>20</b>

# Recreational Vehicle Park Areas Within Riparian Corridor Overlay Zone

-  EXISTING WETLAND
-  EXISTING RIPARIAN ZONE
-  PROPOSED PRIVATE TRAILS
-  PROPOSED PUBLIC TRAILS
-  PROPOSED VIEW DECK
-  PROPOSED RV PULL-OUT
-  PROPOSED DETENTION POND
-  PROPOSED BRIDGES
-  PROPOSED PICNIC AREA
-  PROPOSED PAVED ACCESS WAYS

RIPARIAN AREA SUMMARY	
AREA	
PRIVATE TRAILS	15,882 S.F.
PUBLIC TRAILS	5,960 S.F.
VIEW DECK	867 S.F.
RV PULL-OUT	492 S.F.
DETENTION PONDS	7,350 S.F.
BRIDGES	2,423 S.F.
PICNIC AREA	1,866 S.F.
PAVED ACCESS WAYS	4,142 S.F.
TOTALS	38,992 S.F. 0.89 ACRES
EXISTING RIPARIAN AREA	194,727 S.F. 4.45 ACRES



<p>DATE: AUGUST 19, 2019          PROJECT: 17-236 LEPMAN PHILOMATH CD          DRAWN BY: RP, HJM          CHECKED BY: BJV</p>	<p><b>RV PARK AREAS WITHIN RIPARIAN ZONE</b>  <b>SCOTT LEPMAN COMPANY</b>  <b>MIXED USE DEVELOPMENT</b>  <b>SANITARY SEWER BACKBONE</b>  <b>PHILOMATH, OREGON</b></p>	<p><b>UDELL ENGINEERING AND LAND SURVEYING, LLC</b>          63 EAST ASH ST.          LEBANON, OREGON 97355          (541) 451-5125 PH.          (541) 451-1366 FAX</p>	<p><b>CLIENT:</b>          THE SCOTT LEPMAN COMPANY          100 FERRY ST. NW          ALBANY, OREGON 97321</p> 
---	---	---	---