



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: August 17, 2015
Jurisdiction: City of Philomath
Local file no.: PC 15-01
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/13/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
DEPT OF
File No.:
Received: **AUG 13 2015**

**LAND CONSERVATION
AND DEVELOPMENT**

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: **CITY OF PHILOMATH**

Local file no.: **PC15-01**

Date of adoption: **7.27.15** Date sent: **8.4.15**

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): **4.1.15**
No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Local contact (name and title): **Jim Minard City Planner**

Phone: **541-929-6148**

E-mail: **jim.minard@ci.philomath.or.us**

Street address: **980 APPEGATE**

City: **Philomath** Zip: **97370**

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

NA

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from to Acres:
Change from to Acres:
Change from to Acres:
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

DLCD

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Adopting Ordinance



NOTICE OF CITY COUNCIL DECISION

NATURE OF APPLICATION: Update the City of Philomath Development Code.
APPLICANT: **City of Philomath**
APPLICABLE CRITERIA: Section 18.105.060 of the Philomath Municipal Code (PMC)
PROPERTY LOCATION: City Wide
STAFF CONTACT: City Planner Jim Minard
FILE NUMBER: PC15-01

DECISION:

The proposed updates to Chapter 18 of the PMC (also known as the Philomath Development Code) as presented in the case file noted above is **APPROVED**. These amendments to recognize changing standards within the community predominately related to commercial parking and development standards, address several scrivener's errors on non-existent diagrams, provide a definition for family and boarding houses, clarify the allowance for encroachments into required yards, provide consistency on accessory building height, and include language for securing swimming or wading pools, or ponds deeper than twelve inches are incorporated into the Attached ordinance as approved by the Philomath City Council.

CITY MANAGER: 

Date of Decision: August 4, 2015

This decision may be appealed to the Land Use Board of Appeals (LUBA). The appeal must be filed with LUBA within 21 days of the date of decision. The findings of fact are available for inspection at the City Manager's office and copies will be provided for the cost of copying. Contact LUBA at 550 Capitol Street, NE, Suite 235, Salem, OR 97301-2552 or telephone (503) 373-1265 for information on appeal procedures.

Notice to mortgagee, lien holder, vendor or seller: ORS 215 requires that if you receive this notice it must be promptly forwarded to the purchaser. The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

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

Testifiers

Applicants

**CITY OF PHILOMATH
ORDINANCE #799**

**AN ORDINANCE AMENDING PHILOMATH MUNICIPAL CODE CHAPTER 18,
ZONING.**

WHEREAS, Chapter 18 of the Philomath Municipal Code governs the comprehensive land use and development of the land within the incorporated limits of the city of Philomath and its urban growth boundary; and,

WHEREAS, PMC Chapter 18 was adopted in 2003 as Ordinance #720; and,

WHEREAS, since its adoption, several scrivener errors, conflicts and issues have been identified; and,

WHEREAS, these amendments will correct those errors, conflicts and issues.

NOW, THEREFORE, THE CITY OF PHILOMATH ORDAINS AS FOLLOWS:

Section 1. Section 18.15.010, Definitions, is amended to amend or insert in alphabetical order the following definitions:

“Boarding house” means any structure, other than a “residential facility” or “residential treatment home” as those terms are defined in ORS 443.400, where rooms for sleeping and dwelling, along with common, shared or joint living and/or sanitation and/or eating and/or cooking facilities, are provided for hire or by separate rental agreement or separate lease, sublease or contractual assignment to more than three people. Children and adults are counted to determine whether there are more than three people. A house in which family members jointly share and contribute to the costs of the home under a single tenancy is not a boarding house. A structure with separate sleeping, bathroom and kitchen facilities for each dwelling unit is not a boarding house.

“Dwelling unit” means a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code, for not more than one family or a congregate residence for three or less persons.

“Family” means a group of individuals related by blood, marriage or legal document recognized by the State of Oregon that live in a single-family dwelling; or 4 or more unrelated persons living in a single-family dwelling that can attest to the fact that they all: share the entire house, excluding private sleeping quarters, and; live and cook together as a single housekeeping unit the majority of the time, and; jointly contribute and share expenses for food, rent, utilities or other household expenses, and; do not expect to dissolve the relationship within the next six months, and; have at least one primary person living on site who is responsible for the tenant’s duties under the lease, including paying rent, utilities, etc., and; Jointly have a single tenancy under a single lease, without any separate leases, subleases or contractual assignments of rooms and space within the dwelling.

Section 2. Section 18.35.030, Building setbacks, Subsection D, is amended to read as follows:

D. Setback Exceptions. The following architectural features are allowed to encroach into the setback yards no more than two feet: Eaves, chimneys, bay windows, overhangs, uncovered or unenclosed porches and decks less than 30 inches in height and similar architectural features. Walls and fences may be placed on property lines, subject to the standards in Chapter 18.70 PMC, Landscaping, Street Trees, Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in PMC 18.65.020(N).

Section 3. Section 18.35.040, Lot standards, Table 18.35.040 is amended to read as follows:

Table 18.35.040 – Lot Standards

Land Use District	Lot Area	Lot Width/Depth	Related Standards
R-1 Single-Family Residential	Minimum: 7,000 square feet. 10,000 square feet for duplex dwellings. Maximum: 150 percent of minimum.	Minimum width: 16 feet. Maximum depth: Three times the lot width; except as may be required by this title (e.g., to protect sensitive lands, etc.).	Lot coverage: 35 percent. Building height: 30 feet.
R-2 Duplex-Residential	Minimum: 6,000 square feet. 8,000 square feet for duplex dwellings and 3,600 square feet for each additional dwelling. Maximum: 150 percent of minimum.	Minimum width: 16 feet Maximum depth: Three times the lot width; except as required to protect sensitive lands, etc.	Lot coverage: 40 percent. Building height: 30 feet.
R-3 Multifamily Residential Housing (More than Three Units)	Minimum: 5,000 square feet. 7,200 square feet for duplex dwellings and 2,500 square feet for each additional dwelling. Maximum area: None.	Minimum width: 16 feet Maximum depth: None.	Lot coverage: 80 percent – inclusive of impervious vehicular surfaces. Building height: 40 feet.
Manufactured Home Parks	See PMC 18.35.100 for manufactured home park standards.		

Land Use District	Lot Area	Lot Width/Depth	Related Standards
Allowed Public, Institutional, or Conditional Uses	Minimum area: None.	Minimum width: None.	Lot coverage: Underlying zone.
	Maximum area: None.	Maximum depth: None.	Building height: Underlying zone.

Section 4. Section 18.35.050, Flag lots and lots accessed by mid-block lanes, is amended to add Subsections D and E as follows:

D. Maximum Drive Lane Length. The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared drive, and 400 feet for a shared rear lane.

E. Future Street Plans. Building placement and alignment of shared drives shall be designated so that future street connections can be made as surrounding properties develop.

Section 5. Section 18.35.070, Building height, Subsection C is amended as follows:

C. Building Height Transition. To provide compatible building scale and privacy between developments, taller buildings shall “step down” to create a building height transition to adjacent single-story building(s).

1. This standard applies to new and vertically expanded buildings within 20 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less.

2. The building height transition standard is met when the height of the taller building (“x”) does not exceed (“y”), the distance between the buildings.

Section 6. Section 18.35.100, Special standards for certain uses, Subsection J is amended as follows:

J. Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the residential district include detached garages, sheds, workshops, greenhouses and similar structures. (For standards applicable to accessory dwellings, please refer to subsection (B) of this section.) All accessory structures shall comply with all of the following standards:

1. Primary Use Required. An accessory structure shall not be allowed without another allowed use.

2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way without approval of the city.

3. Compliance with Land Division Standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

4. Floor Area. The maximum floor area of the accessory structure shall not exceed 1,000 square feet; unless otherwise approved via the conditional use permit process.

5. Building Height. The building height of a detached accessory structure shall not exceed 25 feet or the height of the primary structure, whichever is less.

6. Buffering. The city may require a hedge or fence to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided or the distance to adjacent dwelling(s) is greater than 50 feet.

Section 7. Section 18.40.020, Table of Land Uses and Building Types Allowed in the Commercial Districts, is amended as follows:

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

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

** Multifamily dwellings in the O-R Zone are subject to the standards of the R-3 zone in PMC 18.35.

Section 8. Section 18.40.030, Building setbacks, is amended as follows:

In the commercial districts, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for a walkable community.

Building setbacks are measured from the nearest vertical wall or foundation to the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed in this section, apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance, in accordance with Chapter 18.155 PMC.

A. Front Yard Setbacks.

1. Minimum Setback. There is no minimum front yard setback required, except in the O-R zone that shall be a minimum of 10 feet.

2. Maximum Setback. There is no maximum front yard setback required, except in the C-1 zone that shall be a maximum of 20 feet. This standard is met when a minimum of 50 percent of the front building elevation is placed no more than 20 feet back from the front property line. On parcels with more than one building, this standard applies to the building closest to the street. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also pedestrian amenities standards in PMC 18.40.080, and architectural standards in PMC 18.40.070 for related building entrance standards.)

B. Rear Yard Setbacks.

1. Minimum Setback. The minimum rear yard setback for all structures shall be zero feet for street-access lots, and six feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking. However, for those properties abutting a residential zone or separated by only an alley, the setback shall be 25 feet.

2. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in subsection (A) of this section shall apply.

C. Side Yard Setbacks. There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards in Chapter 18.65 PMC and the applicable fire and building codes for attached structures, firewalls, and related requirements. However, for those properties abutting a residential zone, the setback shall be 10 feet.

D. Setback Exceptions. Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than four feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on the property line, subject to the requirements of Chapter 18.70 PMC, Landscaping, Street Trees, Fences and Walls.

Section 9. Section 18.40.050, Block layout and building orientation, is amended as follows:

This section is intended to promote the walkable, storefront character of the commercial districts by forming short blocks and orienting buildings close to streets. Placing buildings close to the street also slows traffic down and provides more “eyes on the street,” increasing the safety of public places. The standards, as listed on the following page complement the front yard setback standards in PMC 18.40.030.

A. Applicability. This section applies to new land divisions and all of the following types of development (i.e., subject to site design review):

1. Three or more single-family row houses on their own lots (i.e., townhomes subject to site design review);

2. Multifamily housing;

3. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

4. Commercial and mixed-use buildings subject to site design review.

Compliance with all of the provisions of subsections (B) through (E) of this section shall be required.

B. Block Layout Standard. New land divisions and developments that are subject to site design review shall be configured to provide an alley or interior parking court. Blocks (areas bound by public street right-of-way) shall have a length not exceeding 400 feet and a depth not exceeding 400 feet. Pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. Exceptions to this standard may be approved when all of the provisions of subsection (C) of this section, Superblock Developments, are met.

C. Superblock Developments. Commercial and mixed-use developments may exceed the block width and depth standards in subsection (B) of this section when the total floor area of those developments (i.e., one or more buildings on one or more lots) exceeds 60,000 square feet on the ground floor. These "superblock developments" require conditional use permit approval and shall conform to all of the standards in subsections (C)(1) and (C)(2) of this section.

1. Create a "Shopping Street." Each development has at least one street or drive designed with the basic elements of a good pedestrian-oriented shopping street: buildings oriented (placed) close to both sides of a "main street," which may be public or private; on-street parking; wide sidewalks (e.g., eight to 12 feet typical), street trees; and pedestrian-scale lighting and other similar enhancements.

2. Provide Usable Pedestrian Space. "Pedestrian space" means a plaza or extra-wide pathway/sidewalk near one or more building entrances. Each development provides street trees or planters, space for outdoor seating, canopies or awnings, and on-street parking (in selected areas) to improve the pedestrian environment along internal private drives.

D. Building Orientation Standard. All of the developments listed in subsection (A) of this section shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. The minimum and maximum setback standards in PMC 18.40.030.

2. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the street right-of-way.

3. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street that is used to comply with subsection (B) of this section. On corner lots, buildings and their entrances shall be oriented to the street corner; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

Section 10. Section 18.40.060, Building height, Subsection B is amended as follows:

B. Maximum Height. Buildings shall be no more than three stories or 40 feet in height, whichever is greater. The maximum height may be increased by 10 feet when housing is provided above the ground floor ("vertical mixed-use"). The building height increase for housing shall apply only to a building that contains housing.

Section 11. Section 18.40.080, Pedestrian and transit amenities, Subsection B is amended as follows:

B. Guidelines and Standards. Every development shall provide pedestrian amenities such as but not limited to the following listed in subsections (B)(1) through (B)(5) of this section. Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance with a minimum width of 10 feet.
2. Sitting space (i.e., dining area, benches or ledges) between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width).
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space).
4. Public art that incorporates seating (e.g., fountain, sculpture, etc.).
5. Transit amenity, such as bus shelter or pullout, in accordance with the city's transportation plan.

Section 12. Section 18.70.020, Landscape conservation, Subsection B is amended as follows:

B. Significant Vegetation. "Significant vegetation" means:

1. Significant Trees and Shrubs. Individual trees and shrubs with a trunk diameter of six inches or greater, as measured four feet above the ground (DBH), and all plants within the drip-line of such trees and shrubs, shall be deemed significant. Other trees may be deemed significant, when nominated by the property owner and designated by the city council as heritage trees (i.e., by virtue of site, rarity, historical significance, etc.).
2. Sensitive Lands. Trees and shrubs on sites that have been designated as sensitive lands, in accordance with Chapter 18.55 PMC (e.g., due to slope, natural resource areas, wildlife habitat, etc.) and Chapter 18.85 PMC (hillside and erosion control) shall be protected.
3. Exception. Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Benton County.

Section 13. Section 18.72.030, General provisions, Subsection G is amended as follows:

G. Other Provisions.

1. In no event shall any gate, door or portion of said fencing be allowed to open outward across any sidewalk, curb, street or other public right-of-way.
2. Fences, walls or hedges on the back of through lots, except corner lots, that would otherwise be considered back yard features shall be treated in accordance with front yard provisions for portions of the lot 10 feet or closer to any sidewalk, curb, street or other public right-of-way.
3. Where fencing is adjacent to any street or sidewalk, the exposed framing side of the fence shall face inward toward the lot.
4. Where fencing or wall designs use pickets or points as ornamental or architectural features, said features shall be rounded or otherwise blunted to provide for public safety.
5. Swimming pools, hot tubs, ponds and similar water features greater than 1 foot deep shall be surrounded and screened with a minimum four foot high secured fence or wall or be equipped with a functional latching cover. The fence or wall must have a self-latching gate in accordance with Chapter 15.15 PMC.

Section 14. Section 18.75.030, Vehicle parking standards, the section introduction is amended as follows:

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

In the C-1, Central Commercial zone, any building or structure constructed prior to January 1, 2015 shall be exempt from the off-street parking standards if the owner signs and records on the property a non-remonstrance agreement against the formation of a future parking district. Such buildings or structures may be modified internally, allow for a change of use, or expand the use provided the gross building volume is not increased. If an increase in gross building floor area is requested, off-street parking will only be required for that incremental increase.

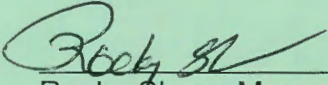
Section 15. Section 18.105.060, Type IV procedure (legislative), Subsection D, Number 2d is amended as follows:

d. The Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received.

PASSED by the Council this 27th day of July 2015.

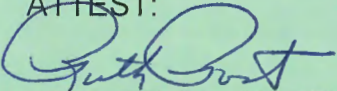
APPROVED by the Mayor this 27th day of July 2015.

SIGNED:



Rocky Sloan, Mayor

ATTEST:

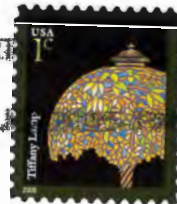


Ruth Post, MMC, City Recorder

City of Philomath
Administration
PO Box 400
Philomath OR 97370-0400

DEPT OF
AUG 13 2015
LAND CONSERVATION
AND DEVELOPMENT

ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION & DEVELOPMENT
635 CAPITOL ST NE SUITE 150
SALEM OR 97301-2540



97301254099

