



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/23/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Philomath Plan Amendment
DLCD File Number 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, January 05, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Jim Minard, City of Philomath
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA

DLCD NOTICE OF ADOPTION

DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

DEC 16 2009

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF PHILOMATH Local File No.: PC09-01 (If no number, use none)

Date of Adoption: 12-14-09 (Must be filled in) Date Mailed: 12-15-09 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 12-15-09 5-19-09

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
Land Use Regulation Amendment Zoning Map Amendment
New Land Use Regulation Other: ANNEXATION (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

ANNEXED THE SUBJECT PROPERTY WITH COMMERCIAL AND HIGH DENSITY DESIGNATIONS

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

N/A

Plan Map Changed from: LOW DENSITY RESIDENTIAL to COMMERCIAL / HIGH DEN RES,

Zone Map Changed from: COUNTY URS to GEN. COMMERCIAL / HIGH DEN RES

Location: WEST END OF PHILOMATH 12-6-11D 100,101 Acres Involved: 27.29

Specify Density: Previous: 5 UNITS/AC 200, 201 New: 12 UNITS/AC

Applicable Statewide Planning Goals: 1, 2, 9, 10, 14

Was an Exception Adopted? Yes: No: X

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: Philomath School

DIST., ODOT, Benton County, Philomath RFD, DSL

Local Contact: Jim Minard Area Code + Phone Number: (541) 929-6148

Address: P.O. Box 400

City: Philomath Zip Code+4: 97370

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

**CITY OF PHILOMATH
ORDINANCE NO. 760**

**AN ORDINANCE PROCLAIMING THE ANNEXATION OF CERTAIN DESCRIBED
REAL PROPERTY TO THE CITY OF PHILOMATH.**

WHEREAS, the question of annexation of the Leon Stratton property was submitted to the electorate at a general election held November 3, 2009, as required by Section 11.1 of the Philomath Charter; and,

WHEREAS, the City Recorder has certified that the annexation was approved by a majority vote;

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

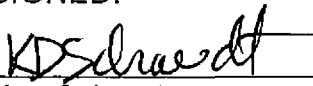
Section 1. The following described real property as identified by Council Resolution 09-10 (Attachment A), located in Benton County, Oregon, is hereby annexed to the City of Philomath:

SEE ATTACHMENT B LEGAL DESCRIPTION AND ATTACHMENT C MAP.

PASSED by the Council this 14th day of December 2009.

APPROVED by the Mayor this 14th day of December 2009.

SIGNED:



Ken Schaudt, Mayor

ATTEST:



Ruth A. Post, MMC, City Recorder

RESOLUTION 09-10

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PHILOMATH, that the findings contained in Exhibit A (which consists of the complete staff report to the City Council, including attachments), and by this reference incorporated herein, are hereby adopted.

THE CITY COUNCIL OF THE CITY OF PHILOMATH FURTHER RESOLVES that the Stratton Annexation, which would annex approximately 27.29 acres, more or less, of property zoned Commercial and High Density Residential and generally located at 500 Applegate Street, all within Benton County, Oregon, is to be submitted to the legal voters of Philomath, Oregon, for their approval or rejection pursuant to Philomath City Charter Section 11.1 at an election to be held November 3, 2009, between the hours of 7:00 AM and 8:00 PM. This election will be conducted by mail-in ballots, with ballot information being sent to voters two to three weeks prior to the election. Citizens may vote by mailing in ballots or dropping off their ballots in a drop zone anytime prior to 8:00 PM on November 3, 2009.

The ballot title of this measure and the form in which it shall be printed on the official ballot is as follows:

CAPTION: (10 words)

A MEASURE PROPOSING ANNEXATION OF STRATTON PROPERTY.

QUESTION: (20 words)

Shall the Leon Stratton property, 27.29 acres located south of Highway 20/34 at 500 Applegate Street, be annexed?

SUMMARY: (175 words max.)

Approval of this measure would annex approximately 27.29 acres of land (approximately 7.28 acres zoned Commercial, with a Master Planned Development Overlay, with the balance zoned High Density Residential with a Master Planned Development Overlay), to the City of Philomath. The property to be annexed is generally located south Highway 20/34 at 500 Applegate Street, Philomath, (T12S-R6W-Section 11D, Tax Lots 100, 101, 200 and 201). The parcel lies entirely within Benton County. The developer's conceptual plan includes a variety of uses consistent with those allowed within the Commercial and High Density Residential zones. The conceptual plan associated with this annexation request may change. Any development proposal on this property shall require review and approval by the Planning Commission at a public hearing. Any future owner of this property who may propose a different development plan must pass through the same plan review process and public hearing. The City takes no position in favor or against this conceptual plan.

Upon a favorable majority vote, the following described real property, all located in Benton County, Oregon, shall be annexed to the City of Philomath:

Benton County Assessor's Map 12-6-11D Tax Lots 100, 101, 200 and 201.

The City Recorder is authorized and directed to give notice of the submission of this question to the voters, including a true copy of the complete text and the ballot title for the measure in the form in which it shall be printed on the official ballot and any other information required by law to be published. That notice shall be published in the Corvallis Gazette-Times not less than 14 days before the election.

PASSED by the Council this 10th day of August 2009.

APPROVED by the Mayor this 10th day of August 2009.



Ken Schaudt, Mayor

ATTEST: 

Ruth A. Post, CMC, City Recorder

K & D ENGINEERING, Inc.

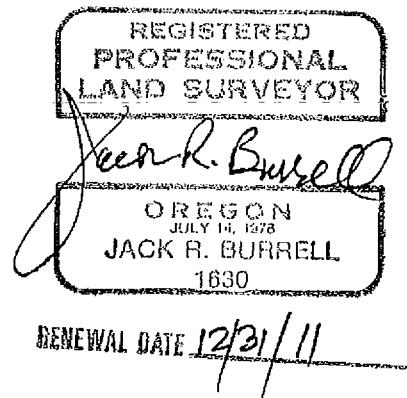
Engineers • Planners • Surveyors

STRATTON PROPERTY ANNEXATION DESCRIPTION

That Stratton Tract of land, being the first described property in M-19577-80 of the Benton County, Oregon Deed Records on August 13, 1980, said tract being located in the William Matzger Donation Land Claim No. 50 in Township 12 South, Range 6 West, Willamette Meridian, Benton County, Oregon and being more particularly described as follows:

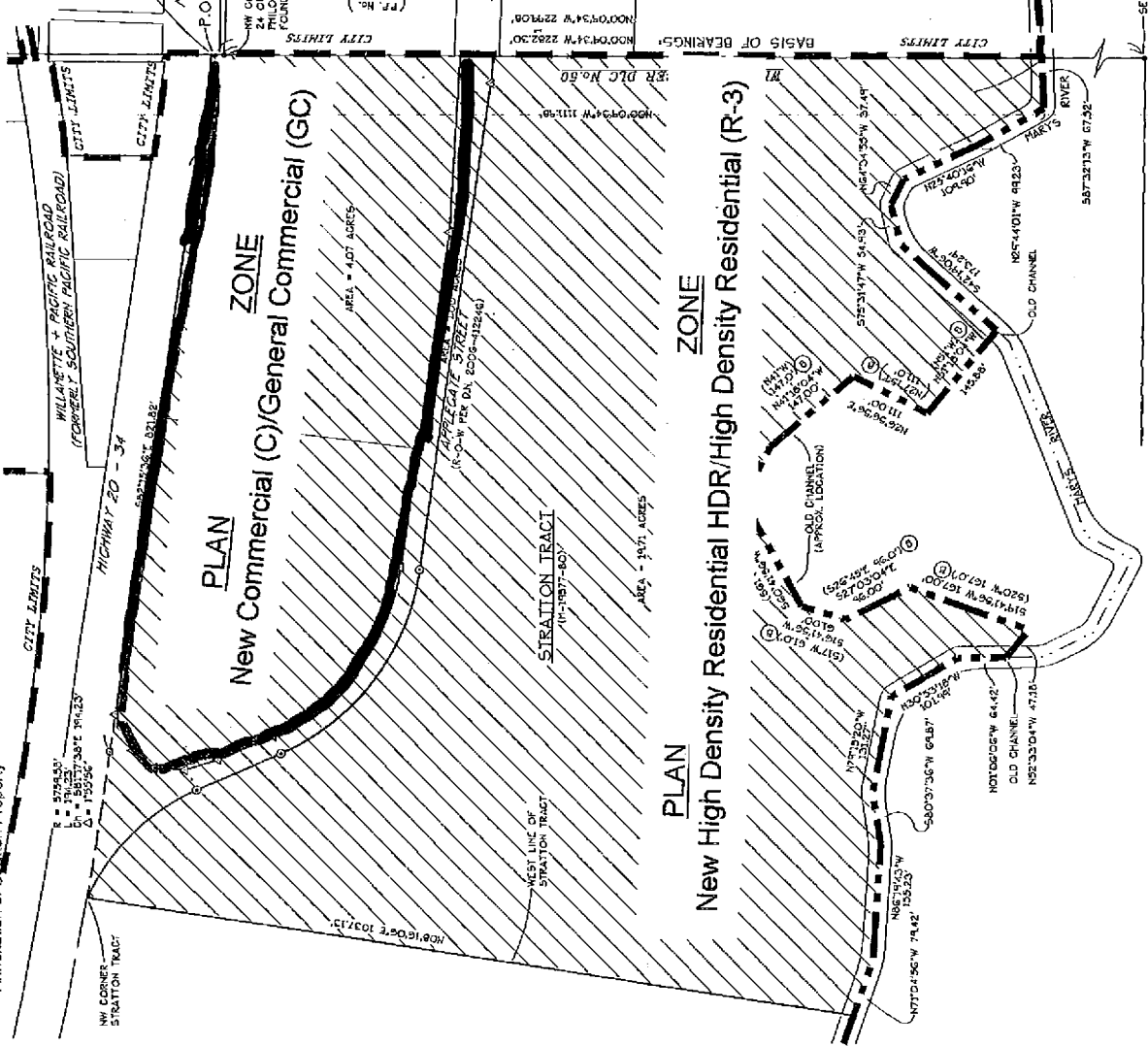
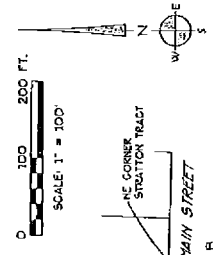
Commencing at a marked stone at the southeast corner of the said William Matzger Donation Land Claim; thence North 00°09'34" West, along the east claim line, 2299.08 feet to a point on the southerly right-of-way line of U.S. Highway No. 20 that is also the northeast corner of said Stratton Tract and which point being the TRUE POINT OF BEGINNING of the hereinafter described tract; thence South 00°09'34" East, along said east claim line, 1111.98 feet, more or less, to the center of Marys River as it now exists; thence following the various meanderings of said center of the river the following seven (7) courses: (1) South 87°32'13" West 67.52 feet; (2) thence North 29°44'01" West 99.23 feet; (3) thence North 25°40'16" West 109.90 feet; (4) thence North 64°34'55" West 37.49 feet; (5) thence South 75°31'47" West 54.93 feet; (6) thence South 42°19'06" West 173.29 feet; (7) thence North 51°18'04" West 145.88 feet, more or less, to the old channel of the Mary's River; thence following the various meanderings of said Old Channel of the Mary's River the following eight (8) courses: (1) North 26°56'56" East 111.0 feet; (2) thence North 41°18'04" West 147.0 feet; (3) thence North 63°18'04" West 79.0 feet; (4) thence South 60°41'56" West 164.0 feet; (5) thence South 16°41'56" West 61.0 feet; (6) thence South 27°03'04" East 96.0 feet; (7) thence South 19°41'56" West 167.0 feet; (8) thence North 52°33'04" West 47.18 feet to the existing channel of the Mary's River; thence along the meanders of the said existing channel the following six (6) courses: (1) North 01°06'06" West 64.42 feet; (2) thence North 30°53'18" West 101.99 feet; (3) thence North 79°15'20" West 131.27 feet; (4) thence South 80°37'36" West 69.87 feet; (5) thence North 86°19'43" West 155.23 feet; (6) thence North 71°04'56" West 79.42 feet to the southerly extension of the west

boundary line of said Stratton Tract; thence North 08°16'06" East 1037.13 feet to a point on the said southerly right-of-way line of U.S. Highway 20, which point is the northwest corner of said Stratton Tract; thence along said right-of-way line on the arc of a 5759.58 foot radius curve to the left (chord bears South 81°17'38" East 194.23 feet) a distance of 194.23 feet to the point of tangency on said right-of-way line; thence South 82°15'36" East, along said right-of-way line, 821.82 feet to the point of curvature of a curve; thence along said right-of-way line on the arc of a 2894.79 foot radius curve left (chord bears South 83°34'55" East 133.57 feet) a distance of 133.58 feet to the TRUE POINT OF BEGINNING.



ANNEXATION MAP
FOR
STRATTON FAMILY LLC.

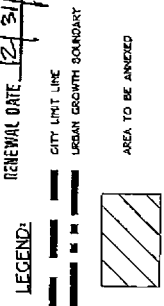
LOCATED IN
WILLIAM MATZGER D.L.C. No. 50
SE 1/4 SEC. 11, T. 12S., R. 6 W., W.M.,
IN
BENTON COUNTY, OREGON
DECEMBER 2, 2009



OWNER:
STRATTON FAMILY LLC
12100 W. MARINE STRATION
P.O. BOX 337
PHILOMATH, OREGON

TAX LOT:
300, 101, 200 AND 201 (23-6-112)

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Jack R. Burrell
OREGON
JULY 12, 1978
JACK R. BURRELL
1630
RENEWAL DATE: 12/31/11



NOTES:
LOCATION OF OLD CHANNEL OF HART'S RIVER IS BASED ON DOCUMENTS OF RECORD. TELE LOCATION MUST BE ESTABLISHED UPON FIELD SURVEY.
2.1 PRESENT LOCATION OF RIVER IS BASED ON RECENT AERIAL PHOTOGRAPHY.

K&D
K & D ENGINEERING, INC.
277 N.W. Highway Street, P.O. Box 752
Philomath, Oregon 97137
(503) 888-2580

SE CORNER
WILLIAM MATZGER
D.L.C. No. 50
FOUND MONUMENT

WILLIAM MATZGER D.L.C. No. 50

CITY OF PHILOMATH
PLANNING DEPARTMENT
P. O. BOX 400
PHILOMATH, OR 97370-0400

Plan Amendment Specialist

DLCD

635 CAPITOL ST NE SUITE 150

SALEM OR 97301-2570

