



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

12/19/2011

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 001-11

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 03, 2012

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jim Minard, City of Philomath
Angela Lazarean, DLCD Urban Planner
Ed Moore, DLCD Regional Representative

<paa> Y/email



PROP **2**

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

DEC 14 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: *City of Philomath*

Local file number: *PC11-01*

Date of Adoption: *12-12-2011*

Date Mailed: *12-13-2011*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: *3-1-2011*

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

INCREASE MINIMUM FRONTAGE FROM 12' TO 16'

Does the Adoption differ from proposal? Please select one

WE ALSO ELIMINATED REDUNDANCIES OR CONFLICTS ON ^{DRIVEWAY} ~~STREET~~ STANDARDS THAT ARE LOCATED IN DESIGN SPECIFICATIONS MANUAL

Plan Map Changed from: *N/A*

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-11 (18737) [16866]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Philomath Fire District

Local Contact: Jim Minard

Phone: 501 929-6148 Extension: _____

Address: P.O. Box 400

Fax Number: - -

City: Philomath

Zip: 97370

E-mail Address: _____

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

**CITY OF PHILOMATH
ORDINANCE 778**

**AN ORDINANCE AMENDING CHAPTERS 18.35.050, 18.35.100, 18.65.020
AND 18.80.020 OF THE PHILOMATH MUNICIPAL CODE REGARDING FLAG
LOTS AND DRIVEWAYS.**

WHEREAS, the City periodically finds it necessary to amend its regulations to promote public safety; and,

WHEREAS, the Fire Marshall and City planning staff have identified certain lot access standards that required modification to better accommodate emergency service vehicles;

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

Section 1. Amendment of Section 18.35.050. Section 18.35.050 of the Philomath Municipal Code shall be amended to read as follows:

18.35.050

Flag lots and lots accessed by mid-block lanes.

Some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as "flag lots" or "mid-block developments" as defined below:

A. Mid-Block Lanes. Lots may be developed without frontage onto a public street when lot access is provided by a series of mid-block lanes. Mid-block lanes shall be required whenever practicable as an alternative to approving flag lots.

B. Flag Lots. Flag lots may be created only when mid-block lanes or alleys cannot be extended to serve future development. A flag lot must have at least 16 feet of frontage on a public way and may serve no more than two dwelling units, including accessory dwellings and dwellings on individual lots or other commercial or industrial uses. A minimum width of 12-feet of frontage for each lot shall be required when 3 or more flag lots are using a shared access. In no instance may more than 4 parcels utilize a joint access; in such instances the properties shall be served by a public or private street as the case may dictate.

C. Dedication of Shared Drive Lane. A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. The owner shall record an easement from each property sharing a drive for vehicle access similar to an alley. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

Section 2. Amendment of Section 18.35.100. Subsection (E)(3)(b) of Section 18.35.100 of the Philomath Municipal Code shall be amended to read as follows:

18.35.100E(3)(b)

The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot-wide unit may have one 12-foot-wide recessed garage facing the street.

Section 3. Amendment of Section 18.65.020. Subsections (K) and (O) of Section 18.65.020 of the Philomath Municipal Code shall be repealed.

Section 4. Amendment of Section 18.80.020. Subsection (K) of Section 18.80.020 of the Philomath Municipal Code shall be repealed.

PASSED by the Council this 12th day of December 2011.

APPROVED by the Mayor this 12th day of December 2011.



Ken Schaudt, Mayor

ATTEST:



Ruth A. Post, MMC, City Recorder



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

MEMORANDUM

DATE: October 18, 2011
TO: Mayor and City Council
FROM: Jim Minard, City Planner
RE: Flag Lots and Driveways

Executive Summary: Earlier this year, Fire Marshall Ray Hubble approached the City with concerns over the 12-foot minimum frontage required for residential properties. As part of those conversations Mr. Hubble also noted concerns with the driveway standards, some of which are in the Development Code and some of which also appear in our Public Works Design Standards. After considerable review and discussion with the City Manager and Public Works Director the City staff recommended the following changes to the Development Code and City Design Specifications to address the Fire District's concerns with flag lots and driveways.

The Commission concurred with these changes and directed they be forwarded to the City Council for its review and action. The issue before the Council is to conduct a public hearing on this matter and if this language is acceptable direct an amending ordinance be prepared for the Council's consideration and action.

Lot Width:

The minimum lot width and flag lot language would be amended as provided for on the following page. This language basically calls for a 16-foot wide flag access for 1 or 2 dwellings (*up from the current 12 foot minimum for a single parcel*); and a minimum lot width of 12-feet of frontage for 3 or more flag lots using a shared access as required by the Code.

Driveways:

All language relating to street and driveways would be stricken from the Code to eliminate either duplicated or contradictory standards. The Public Works Design Standards would then provide for a minimum 10-foot drive for 1 dwelling; a 16-foot drive for 2 dwellings; and a 20-foot drive for 3 dwellings, with a maximum driveway width of 24-feet.

The following reflects the needed amendments to effect these changes to our Development Code and includes the minimum lot width as shown in Table 18.35.040 – Lot Standards:

18.35.050

Flag lots and lots accessed by mid-block lanes.

~~As shown below,~~ Some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as “flag lots” or “mid-block developments” as defined below:

A. Mid-Block Lanes. Lots may be developed without frontage onto a public street when lot access is provided by a series of mid-block lanes, ~~as shown above~~. Mid-block lanes shall be required whenever practicable as an alternative to approving flag lots. ~~The lanes shall meet the standards for alleys, per PMC 18.80.020, and subsections (C) through (F) of this section.~~

B. Flag Lots. Flag lots may be created only when mid-block lanes or alleys cannot be extended to serve future development. A flag lot must have a ~~driveway with~~ at least 12 16 feet of frontage on a public way and may serve no more than two dwelling units, including accessory dwellings and dwellings on individual lots or other commercial or industrial uses. A minimum width of 12-feet of frontage for each lot shall be required when 3 or more flag lots are using a shared access. In no instance may more than 4 parcels utilize a joint access; in such instances the properties shall be served by a public or private street as the case may dictate.

~~C. Driveway and Lane Width. The minimum width of all shared drives and lanes shall be 12 feet; the maximum width is 24 feet, except as required by the Uniform Fire Code.~~

D. Dedication of Shared Drive Lane. A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. The owner shall record an easement from each property sharing a drive for vehicle access similar to an alley. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

18.35.100 *{Note: these are proposed to be deleted as covered under the public works design standards}*

E(3).

~~b. The maximum allowable driveway width facing the street is 12 feet per dwelling unit.~~

~~18.35.100(D) 3b. The maximum allowable driveway width facing the street is 12 feet per dwelling unit. (Manufactured Home Parks)~~

City of Philomath
Administration
P. O. Box 400
Philomath, Oregon 97370-0400

SALEM OR 973
19 FEB 2011 PM 2 L



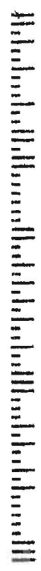
Plan Amendment Specialist

DLED

635 CAPITOL ST NE, STE 150

SALEM OR 97301-2540

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