



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

09/26/2011

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 002-11

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, October 11, 2011

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: Randy Kugler, City of Philomath
Angela Lazarean, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

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

In person electronic mailed

DATE STAMP

DEPT OF

SEP 21 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: *City of Philomath*

Local file number: *PC11-02*

Date of Adoption: *SEPT. 12, 2011*

Date Mailed: *SEPT 20, 2011*

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

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".

INCORPORATE SAFE ROUTES TO SCHOOL LANGUAGE.

Does the Adoption differ from proposal? Please select one

NO

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<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"/>	<input 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"/>

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. 002-11 (18815) [16768]

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

Local Contact: Phone: () - Extension:
Address: Fax Number: - -
City: Zip: 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 NO. 777**

AN ORDINANCE AMENDING CHAPTER 18.75.040 OF THE PHILOMATH MUNICIPAL CODE AND SELECTED POLICIES OF THE PHILOMATH COMPREHENSIVE PLAN.

WHEREAS, the City wishes to incorporate the recommendations contained in the June 30, 2011, Philomath Safe Routes to School Plan; and

WHEREAS, the Planning Commission of the City of Philomath held a duly noticed public hearing and recommended that the City Council approve the proposed text amendments to the Comprehensive Plan and Development Code; and

WHEREAS, the City Council of the City of Philomath held a duly noticed public hearing on the proposed amendments; and

WHEREAS, following the public hearing, the City Council deliberated and approved the proposed changes; now therefore:

THE CITY OF PHILOMATH ORDAINS AS FOLLOWS:

Section 1: Section 18.75.040, Bicycle Parking Requirements, of the Philomath Municipal Code is amended to read as follows:

All uses which are subject to site design review shall provide bicycle parking, in conformance with the following standards, which are evaluated during site design review:

A. Number of Bicycle Parking Spaces. A minimum of two bicycle parking spaces per use for all uses with greater than 10 vehicle parking spaces. The following additional standards apply to specific types of development:

1. Multifamily Residences. Every residential use of three or more dwelling units provides at least one accessible, sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

2. Parking Lots. All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.

3. Schools. Elementary and middle schools, both private and public, provide one bicycle parking space for every 10 students and employees. High schools provide one

bicycle parking space for every five students and employees. At least one-half of the spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

4. Colleges and trade schools shall provide one bicycle parking space for every 10 motor vehicle spaces, plus one space for every dormitory unit. At least one-half of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

5. Commercial Districts. Within the commercial districts, bicycle parking for customers shall be provided at a rate of at least one space per use. Individual uses may provide their own parking, or spaces may be clustered to serve up to six bicycles. Bicycle parking spaces should be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 48 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) should be provided at a rate of one space per 10 employees, with a minimum of one space per store.

6. Multiple Uses. For buildings with multiple uses (such as a commercial or mixed-use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.

B. Exemptions. This section does not apply to single-family and two-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces.

C. Location. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, streetlights, planters and other pedestrian amenities.

D. Design. "Inverted U" or "staple" style racks are recommended. Bicycle racks shall provide a secure point of contact so that both the frame and wheel of a bicycle may be locked to the rack using a standard U lock. Bicycle racks are recommended to provide two points of contact between the rack and the bicycle in order to hold the bicycle securely and prevent pivoting or tipping. Individual "inverted U" or "staple" style racks shall be placed to encourage bicycles to be parked parallel to the rack and achieve maximum capacity. Where multiple racks are placed together, racks shall be placed parallel to each other spaced on four foot centers to allow access to both sides of each rack. Racks shall be placed so that a six foot bicycle may be parked without interference from nearby walls or fixed objects.

E. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

F. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.

G. Lighting. Bicycle parking should be as well lit as vehicle parking for security.

H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located to not conflict with vision clearance standards (Chapter 18.65 PMC, Access and Circulation). [Ord. 720 § 7[3.3.4], 2003.]

Section 2: The following sections of the Philomath Comprehensive Plan are amended to read as follows:

Parks & Recreation Policies

2. The City of Philomath shall consider the needs of children, the elderly, the handicapped, the low-income, and the transportation-disadvantaged when developing recreational programs and facilities.
4. The types of recreation space which shall be provided to meet the City's recreation needs are community/district parks, neighborhood parks, and linear recreation corridors such as multi-use paths.
7. The City of Philomath will consider the development of multi-use paths in and through city parks, and between residential areas and parks.

Transportation Policies

3. Sidewalks shall be developed along streets in all new residential and commercial developments in the City. Where sidewalks have not been developed along streets in existing residential and commercial developments, the City shall prioritize development of sidewalks in locations recommended in the Philomath Safe Routes to Schools Plan.
4. The City of Philomath shall determine appropriate locations for future multi-use paths, bike lanes and other on-street bicycle facilities. Three appropriate locations may be the entire length of Applegate Street, Green Road/West Hills Road between Philomath and Corvallis, and along the Newton Creek drainageway. Additional appropriate locations for multi-use paths, bike lanes and other on-street bicycle facilities are recommended in the Philomath Safe Routes to School Plan.
13. The City shall encourage bicycle and pedestrian travel and shall consider the connectivity of multi-use paths in logical areas where roads are impractical. Three appropriate locations may be through Mary's River Park, across the Philomath Rodeo

Grounds, and through the Philomath Public Works Grounds between 15th Street and Willow Lane and 17th Street and Cedar Street.

16. Development proposals shall be reviewed to assure the continuity of sidewalks, trails, multi-use paths, bike lanes, and other bicycle and pedestrian facilities.

Bicycle Policies

1. Bikeways shall be conveniently located, be adequately constructed, have minimal stops and obstructions, and have safe crossing on major streets.
2. Bikeways shall provide safe, efficient corridors that encourage bicycle use. Bicycle use of major streets shall be considered as improvements are made to major transportation corridors.
3. Acquisition of land and/or easements for bikeways, trails and multi-use paths shall be evaluated along with the need of land for parks and open space.
4. All new collector and arterial streets shall be designed to accommodate bicycle facilities.
5. Where no bicycle facilities exist on collector and arterial streets, the addition of bicycle facilities shall be considered in the event of any major retrofit, redesign, reconstruction, or repaving project.
6. When economically feasible, bicycle facilities shall be physically separated from pedestrian facilities.
7. Where minimizing travel distance has the potential for increasing bicycle use, direct bicycle facilities shall be provided by new development.
8. The City shall pursue completion of bicycle facilities identified in the Philomath Safe Routes to Schools Plan.

Pedestrian Ways

3. All paved streets shall have sidewalks constructed in conjunction with street improvement as appropriate to encourage pedestrian use.
4. Safe and convenient pedestrian facilities that minimize travel distance shall be provided by new development within and between new subdivisions, planned developments, shopping centers, industrial parks, residential areas, transit stops and neighborhood activity centers such as schools, parks and community and government buildings.
8. The City shall pursue completion of pedestrian facilities identified in the Philomath Safe Routes to Schools Plan.

9. The City shall prioritize completion of the sidewalk infill and repair projects identified in Philomath Safe Routes to Schools Plan as part of the City's sidewalk program.

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

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

SIGNED: 
Ken Schaudt, Mayor

ATTEST: 
Ruth Post, MMC, City Recorder

CITY OF PHILOMATH
PLANNING DEPARTMENT
PO BOX 400
PHILOMATH OR 97370-0400

SALEM OR 97

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DEPT OF

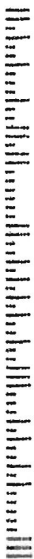
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SEP 21 2011

LAND CONSERVATION
AND DEVELOPMENT

DLCD
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