



## CITY OF PHILOMATH

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Philomath, OR 97370  
541-929-6148  
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[www.ci.philomath.or.us](http://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

## WORK SESSION AGENDA

January 22, 2018  
5:30 pm

1. CALL TO ORDER
2. ROLL CALL
3. Trainings: Amy Cook, City Attorney's Office
  - 3.1 Duties and Responsibilities of the Planning Commission
4. ADJOURNMENT

## REGULAR SESSION AGENDA

7:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
  - 3.1 Minutes of November 6, 2017
4. ELECTION OF OFFICERS
  - 4.1 Election of Chairperson
  - 4.2 Election of Vice-Chairperson

## **5. Public Hearings**

- 5.1 File Number: PC17-09  
Applicant: City of Philomath  
Application Type: Type IV Annexation  
Locations/Owners:

<b>Property Address</b>	<b>Map Tax Lot</b>	<b>Owner</b>
500 Pioneer St.	12611AC05200	Azarenko
501 Main St.	12611AC05500	Anderson
529 Main St.	12611DA02200	Mydouangchanh
615 Main St.	12611DA02300	Koehler
498 N 9TH St.	12611A000100	McMurtry
432 Landmark Dr.	12507B002000	Tomorrows D. Inc
428 Landmark Dr.	12507B001900	Jam Nelson LLC
Landmark Dr.	12507BC13300	Corbin
Landmark Dr.	12507B001301	Phil. Self-Storage
Landmark Dr.	12507BC13200	McConnell
2707-09 Main St.	12507BC13100	McConnell
3157 Main St.	12507A001900	Tilles

- 5.2 PC17-09 Discussion & Decision

- 5.3 File Number: PC17-10  
Applicant: City of Philomath  
Application Type: Type IV Annexation  
Location: 12-6-11A Tax Lots 3300, 3400 and 3500 at the north end of North 7<sup>th</sup> Street  
Owner: Oregon Sequoia LLC

- 5.4 PC17-10 Discussion & Decision

- 5.5 File Number: PC17-11  
Applicant: City of Philomath  
Application Type: Type IV Annexation  
Locations/Owners:

<b>Property Address</b>	<b>Map Tax Lot</b>	<b>Owner</b>
105 Cooper Lane	12612CD01100	Shutta
106/108 Cooper Ln	12612CD00500	Parker
107 Cooper Lane	12612CD01000	Whittier
110 Cooper Lane	12612CD00400	Kohn
Unaddressed Cooper Lane	12612CD00700	City of Phil.
100/102 Cooper Ln	12612CD00600	L7 Rentals
109 Cooper Ln	12612CD00900	Ascherl
Unaddressed Cooper Ln	12612CD01200	Kribs
Unaddressed Cooper Ln	12612CD00800	Sullivan

- 5.6 PC17-11 Discussion & Decision

## **6. ADJOURNMENT**

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NOTICE: Given 2 business days' notice, an interpreter will be made available for the hearing impaired or those with limited English proficiency. Contact person: Ruth Post, (541) 929-6148.

**PHILOMATH PLANNING COMMISSION  
MINUTES  
November 6, 2017**

1. **CALL TO ORDER.** Commissioner Mark Knutson called the meeting to order at 7:00 PM in the City Hall Council Chambers.

## **2. ROLL CALL:**

**Present:** Commissioners Jeannine Gay, Lori Gibbs, Mark Knutson, Jacque Lusk and David Stein.

**Staff:** Chris Workman, City Manager; Amy Cook, Deputy City Attorney; and Ruth Post, City Recorder.

**Excused:** Commissioners Shon Heer and Caleb Nelson.

### **3. APPROVAL OF MINUTES:**

**3.1    October 16, 2017, Minutes**

**MOTION:** Commissioner Lusk moved, Commissioner Gibbs second, the October 16, 2017, minutes be accepted as presented. Motion APPROVED 5-0. (Yes: Gay, Gibbs, Knutson, Lusk and Stein; No: None.)

#### **4. DISCUSSION AND DECISION:**

#### **4.1 Application for Type III Subdivision**

File Number PC17-06

## **Applicant: Muir Development**

**Location:** 783 Fawn Lane

Benton County Assessor's Map: 12-6-11AA TL #2900

Commissioner Knutson recapped the status of the application including the public hearing held on October 16, 2017, the record being held open for additional written testimony for seven days, and the additional seven days for the applicant to provide final written rebuttal to that testimony. He noted there would be no further public testimony allowed as the record is now closed. There were no ex parte contacts, conflicts of interest, bias or site visits declared since the October 16, 2017, public hearing. There was no rebuttal of any disclosure or non-disclosure. Commissioner Jacque Lusk verified that she had listened to and reviewed the entire record for the October 16, 2017, meeting and was qualified to participate in the decision on the application. Commissioner Knutson invited discussion by the Commission on the application. There was no further discussion.

**MOTION:** Commissioner Knutson moved to approve the application for the Muir preliminary plat based on the findings of fact contained in the staff report dated October 31, 2017, for file PC17-06 and subject to the conditions of approval in the staff report. Commissioner Gay second. Motion approved 5-0 (Yes: Gay, Gibbs, Knutson, Lusk and Stein).

Ms. Post noted this is the only meeting of the Planning Commission scheduled for November.

1   **5. OTHER DISCUSSION:**

2   Commissioner Knutson questioned what it would take for the City to consider design  
3   recommendations that promote a cohesive design concept for the community. He cited  
4   the restoration of the Soft Star Shoes building with the older natural wood exterior as  
5   desirable. There was discussion about the concept and engaging the Chamber of  
6   Commerce in the effort to encourage design standards with a cohesive concept for  
7   façade improvements and styles.

8   **6. ADJOURNMENT:**

9   There being no further business Commissioner Knutson adjourned the meeting at 7:10  
10 p.m.

11   SIGNED:

12   \_\_\_\_\_  
13   Mark Knutson, Acting Chair

14   ATTEST:

15   \_\_\_\_\_  
16   Ruth Post, MMC, City Recorder

DRAFT



## STAFF REPORT

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APPLICANT:	City of Philomath
NATURE OF APPLICATION:	Annexation of 12 lots totaling approximately 15.44acres.
PROPERTY LOCATION:	Multiple locations (see map)
APPLICABLE CRITERIA:	Chapter 18.135.030(L) – Island Annexations, of the Philomath Municipal Code
PLAN DESIGNATION:	Low Density Residential; Commercial; Industrial
EXPECTED ZONING:	Low Density Residential (R-1) and Industrial Park (IP)
STAFF CONTACT:	Jim Minard, Planner
FILE NUMBER:	PC17-09

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The City is proposing to annex the twelve properties as shown on the attached map. The properties are planned for Low Density Residential and Industrial uses and would be annexed according to the Comprehensive Plan designation. The City's proposal calls for no new development at this time given the existing development on these properties. The purpose of this hearing is to determine if the application conforms to the applicable island annexation requirements and arrive at a recommendation to the City Council. The annexation request must ultimately be approved by the Philomath electorate and City Council. This matter was reviewed by the City Council at its December 11, 2017 meeting, where the Council directed it be forwarded to the Planning Commission for a public hearing and recommendation to the Council.

### Background

Property islands are created when surrounding properties are annexed into the City, leaving one or more unincorporated “county lots” completely surrounded by “city lots”. These islands have access and receive the same benefits as neighboring properties that include: public safety, public library, bus service, nuisance enforcement, public parks and other quality of life benefits. However, they don't help pay for them by way of City of Philomath property taxes. These types of services are “non-excludable”, meaning you can't be excluded from their benefits for nonpayment.

This is a common issue that many cities deal with. All manner of arguments are made by property owners seeking to stay outside city limits, but ultimately it comes down to not wanting their property taxes to increase. Although we can all certainly appreciate not wanting our taxes to go up, is it fair that a handful of property owners in town don't help pay for the various city services like everyone else? Upon annexation, each property's taxes will increase based its assessed value, which in most cases will be very similar to what neighboring property owners are currently paying.

Properties with commercial or industrial zoning and uses would be brought into City limits following a majority vote of the electorate and passage of an approving ordinance by the City Council. To address this issue of new and higher taxes on residential properties, State Law precludes annexing or imposing new taxes on properties with residential zoning and uses for at least three years or when the property is sold, whichever comes first.

### Applicable Criteria

The Philomath Municipal Code sets forth the procedure for annexing island properties in section 18.135.030(L):

"The following policies are adopted for island annexations:

1. The city shall attempt not to create islands of unincorporated territory within the corporate limits of the city. If such an island is created, the city council may set a time for a public hearing for the purpose of determining if the annexation should be submitted to the voters.
2. Written notice to property owners by first class mail will be made prior to annexation to allow for property owner responses. Failure to receive notice shall not in any way invalidate the annexation procedure that may be subsequently undertaken by the city.
3. Annexation of an island shall be by ordinance, subject to approval by the voting majority of the electorate.

The City has initiated the annexation of the following properties (see map):

<b>Property Address</b>	<b>Map Tax Lot</b>	<b>Owner</b>	<b>Current Planning*</b>	<b>Current Use</b>	<b>Proposed Zoning**</b>	<b>Acres</b>	<b>Assessed Value</b>
1. 500 Pioneer St.	12611AC05200	Azarenko	LDR	Residential	R-1	2.75	\$201,512
2. 501 Main St.	12611AC05500	Anderson	LDR	Residential	R-1	2.64	\$108,310
3. 529 Main St.	12611DA02200	Mydouangchanh	LDR	Commercial	C-2	0.33	\$158,563
4. 615 Main St.	12611DA02300	Koehler	LDR	Residential	C-2	0.30	\$ 95,320
5. 498 N 9TH St.	12611A000100	McMurtry	LDR	Residential	R-1	1.30	\$265,429
6. 432 Landmark Dr.	12507B002000	Tomorrows D. Inc	I	Industrial	IP	1.72	\$313,926
7. 428 Landmark Dr.	12507B001900	Jam Nelson LLC	I	Industrial	IP	1.12	\$519,184
8. Landmark Dr.	12507BC13300	Corbin	I	Industrial	IP	1.19	\$558,622
9. Landmark Dr.	12507B001301	Phil. Self-Storage	I	Industrial	IP	1.78	\$375,341
10. Landmark Dr.	12507BC13200	McConnell	I	Industrial	IP	1.00	\$ 65,340
11. 2707-09 Main St.	12507BC13100	McConnell	I	Industrial	IP	0.75	\$300,453
12. 3157 Main St.	12507A001900	Tilles	I	Residential	IP	0.56	\$126,597

\*LDR=low density residential; C=commercial; I=industrial\*\*R1=low density residential; C2=general commercial; IP=industrial park

The City Council has also expressed its interest in addressing the equity issue, which is embodied in its adopted Strategic Plan. Objective 1.2.4 of the 2017-2021 Philomath Strategic Plan is to, "Identify and eliminate unincorporated territories within City limits. Action: Identify and annex unincorporated territory within the corporate limits of the city through the island annexation procedures.

#### Timeline

The City will follow the following timeframe for presenting this issue to the public and placing these annexations on the May 2018 Primary Election ballot:

- Jan. 2 Mail notice of scheduled public hearing(s) to property owners and surrounding properties
- Jan. 22 Public Hearing at Planning Commission meeting
- Feb. 12 Public Hearing at City Council meeting
- Feb. 12 Resolution by City Council approving ballot title(s)
- Feb. 23 Last day to submit ballot titles to the City Recorder
- May 15 Primary Election held {Note: SB1573, which specifically prohibits cities from sending annexations to a vote of the people prior to approval does not apply to island annexations.}
- Jun. 11 Adopting Ordinance (depending on the outcome of the election)

## **FINDINGS OF FACT**

1. The City has slated the property for urban development since acknowledgement of its Comprehensive Plan.
2. The subject properties total approximately 14.55 acres of mostly residentially developed land with some industrial properties.
3. The Comprehensive Plan designation will dictate the city zoning of the property once annexed into the City.
4. The property is located throughout the community and encircled by lands that are within the corporate boundaries of the City of Philomath.
5. The subject property is proximate to improved city facilities, which include city streets, water and sewer serve that serve the subject properties.
6. The proposal conforms to the Island Annexation standards as identified in PMC 18.135.030(l).
7. The proposal conforms to the Island Annexation standards as identified in ORS 222.750 Annexation of unincorporated territory surrounded by city:
  - (2) When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5, the city may annex the territory pursuant to this section after holding at least one public hearing on the subject for which notice has been mailed to each record owner of real property in the territory proposed to be annexed.
8. Many of the properties within the boundaries of this annexation already receive City water and/or sewer services or are low demand users; annexation of these properties will not have any significant impact on the City services.

## **CONCLUSION**

The subject properties are encircled by land within the corporate boundaries of the City of Philomath. Public facilities are located in proximity to the subject properties and designed to serve the subject property and surrounding lands. The Comprehensive Plan fully anticipates developing the subject properties for urban development. The city zoning to be placed on each parcel shall comply with the Comprehensive Plan Map for Single-Family Residential (R-1) or Industrial Park (IP); no plan amendments are required. Staff concludes this annexation meets the applicable criteria.

## **RECOMMENDED MOTION**

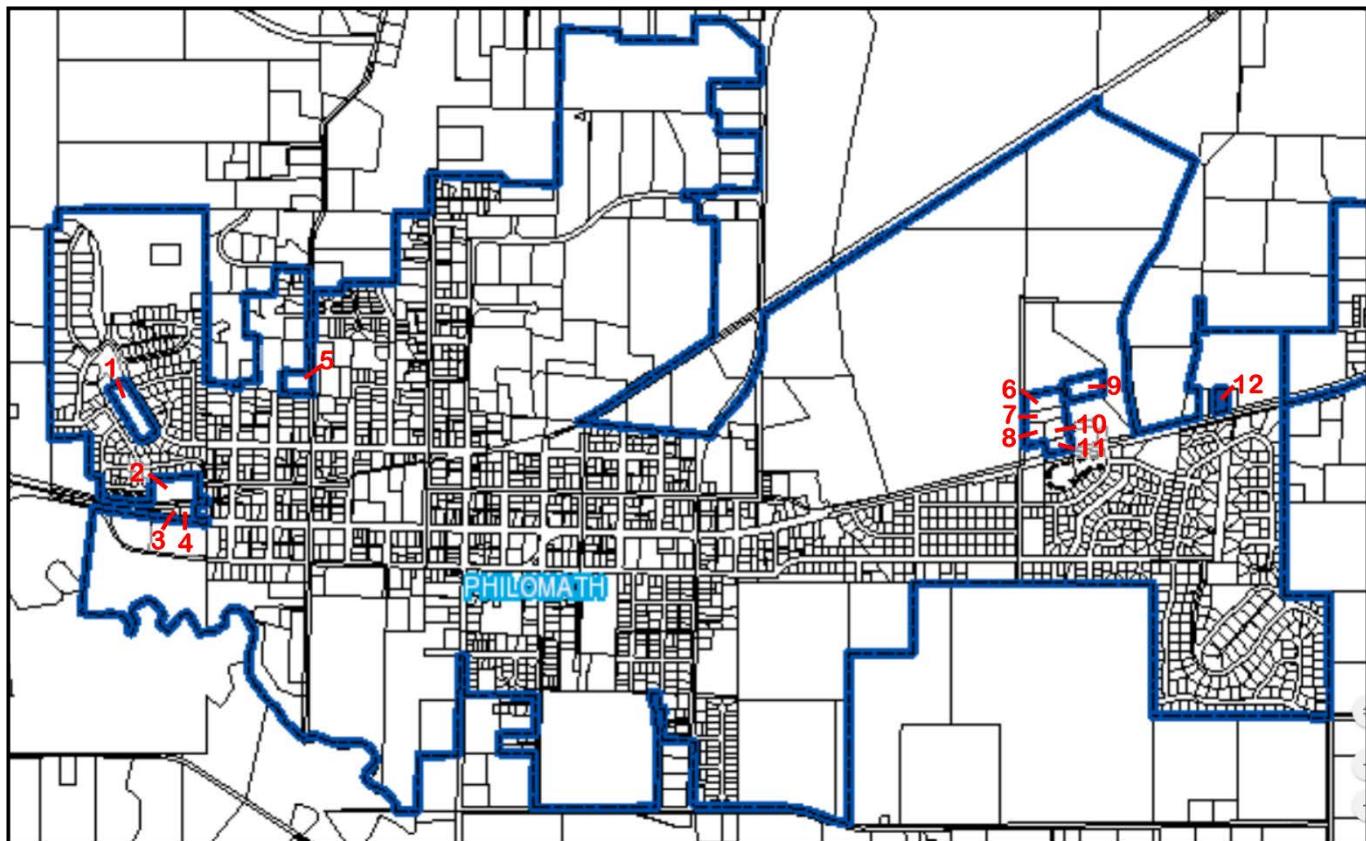
### **I MOVE THE:**

Planning Commission adopt the Findings of Fact as presented in the staff report (*or modified by the Planning Commission*) and this annexation request as presented in File No. PC17-09 be forwarded to the City Council for consideration and action.

OR

*Planning Commission adopt the Findings of Fact as modified in opposition to the applicable criteria and that the application for annexation of the subject property as presented in File No. PC17-09 be denied.*

### Map of Identified Island Annexation Properties



- |                     |                              |
|---------------------|------------------------------|
| 1. 500 Pioneer St.  | 7. 428 Landmark Dr.          |
| 2. 501 Main St.     | 8. Landmark Dr. (lot 13300)  |
| 3. 529 Main St.     | 9. Landmark Dr. (lot 1301)   |
| 4. 615 Main St.     | 10. Landmark Dr. (lot 13200) |
| 5. 498 N 9TH St.    | 11. 2707 and 2709 Main St.   |
| 6. 432 Landmark Dr. | 12. 3157 Main St.            |

## Ruth Post

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**From:** Please Do Not Click Reply <support@govoffice.com>  
**Sent:** Monday, January 08, 2018 1:06 PM  
**To:** Ruth Post  
**Subject:** Contact Us (form) has been filled out on your site.

Your Site has received new information through a form.

Form: Contact Us

Site URL: [www.ci.philomath.or.us](http://www.ci.philomath.or.us)

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First and Last Name: Mike and Jodi Nelson E-mail Address: [wcm@peak.org](mailto:wcm@peak.org) Phone Number: (541)929-7711 Address (if applicable): 428 Lanmark Dr.

Comment or Question: 01/22/18 meeting for annexation of 15.44 acres.

We do not agree with this annexation.

The City of Philomath has high taxes. Benton County has high taxes. Businesses are burdened with taxes, healthcare, providing jobs and stress.

JAM Nelson LLC will be unable to pay for the city water and sewer requirements.

Do not annex this property.

Would you like to be contacted? Please provide your preferred form of contact (phone or e-mail): Mike or Jodi 541-929-7711

Do Not Click Reply - This e-mail has been generated from a super form.



## STAFF REPORT

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APPLICANT:	City of Philomath
NATURE OF APPLICATION:	Delayed Annexation of 3 lots totaling approximately 7.36 acres.
PROPERTY LOCATION:	Generally, that property identified as at the north end of N 7 <sup>th</sup> Street and east of Fawn Lane denoted as T12S-R6W-Sec 11, Tax Lots 3300, 3400 and 3500 of the Benton County Assessor Maps
APPLICABLE CRITERIA:	Chapter 18.135.030 of the Philomath Municipal Code
PLAN DESIGNATION:	Low Density Residential
EXPECTED ZONING:	Low Density Residential (R-1)
STAFF CONTACT:	Jim Minard, Planner
FILE NUMBER:	PC17-10

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The City is proposing to annex the above-described property also shown on the attached map with a Philomath Low Density Residential zone designation, as designated by the City's Comprehensive Plan Map. The proposal calls for no new development at this time. The purpose of the hearing is to determine if the application conforms to the applicable annexation requirements and arrive at a recommendation to the City Council. The annexation request must ultimately be approved by the Philomath electorate and City Council. This matter was reviewed by the City Council at its December 11, 2017 meeting, where the Council directed it be forwarded to the Planning Commission for a public hearing and recommendation to the Council.

### Background

Delayed annexation agreements were used before the City's current code provisions, adopted in 1998, required voter approval to extend City services outside city limits. Prior to that time, when a property outside city limits had need for City water and/or sewer services, but was not able to annex into the City, a delayed annexation agreement was entered into by the property owner and the City. The agreements often granted the extension of water and/or sewer to the property in exchange for the property owner agreeing to annex into the City upon the City's request.

The City entered into a contractual agreement with the prior property owner for the delayed annexation. The identified property contains three separate, undeveloped lots, all of which have a delayed annexation agreement in place and under the same ownership. Given the property owner's repeated expressed interest in receiving municipal services, the City believes now is an appropriate time to annex these properties into the City so all City utilities can be extended to the property.

Theoretically the property could be developed with 37 homes, though significant slopes on the property may limit that number. The City Engineer has stated that the City has the capacity to serve this number of homes, even with other pending residential developments.

### Applicable Criteria

Per PMC 18.135.030(A) "Process. The process of annexation of land to the city allows for orderly expansion of the city and for the adequate provision of public facilities and services."

The City has initiated the annexation of the following properties.

Property Address	Map Tax Lot (12611A00)	Owner	City Water	City Sewer	Current Zoning*	Current Use	Proposed Zoning**	Acres	Assessed Value
N 7 <sup>th</sup> St	3300	Oregon Sequoia	N	N	PR-1	Vacant	R-1	0.85	\$ 24,427
N 7 <sup>th</sup> St	3400	Oregon Sequoia	N	N	PR-1	Vacant	R-1	5.87	\$137,164
N 7 <sup>th</sup> St	3500	Oregon Sequoia	N	N	PR-1	Vacant	R-1	0.64	\$ 14,956

\*PR-1= Benton County: Philomath Residential

\*\*R-1=Philomath: Low Density Residential

#### Timeline

The City will follow the following timeframe for presenting this issue to the public and placing these annexations on the May 2018 Primary Election ballot:

- Jan. 2 Mail notice of scheduled public hearing(s) to property owners and surrounding properties
- Jan. 22 Public Hearing at Planning Commission meeting
- Feb. 12 Public Hearing at City Council meeting
- Feb. 12 Resolution by City Council approving ballot title(s)
- Feb. 23 Last day to submit ballot titles to the City Recorder
- May 15 Primary Election held
- Jun. 11 Adopting Ordinance (depending on the outcome of the election)

#### **FINDINGS OF FACT**

1. The City has slated this property for urban development for low density residential since acknowledgement of its Comprehensive Plan.
2. The subject property is approximately 7.5 acres of vacant land, which could accommodate roughly 37 additional residences.
3. The current Comprehensive Plan designation of the property is Low Density Residential (LDR).
4. The property is located in the northeasterly section of the City's Urban Growth Boundary (UGB) and abuts the city limits along the east, south and west boundaries.
5. The subject property is proximate to improved city facilities, which include city streets, water and sewer that would serve the subject properties.
6. The proposal conforms to the delayed annexation provisions that run with the subject property.

#### **CONCLUSION**

The subject property abuts the City limits on three sides. Public facilities are located in proximity to the subject property and designed to serve the subject property and surrounding lands. The Comprehensive Plan fully anticipates developing the subject property for low-density urban residential development. The only city zoning appropriate to this plan designation is Single-Family Residential (R-1). Staff concludes this annexation meets the applicable criteria.

## RECOMMENDED MOTION

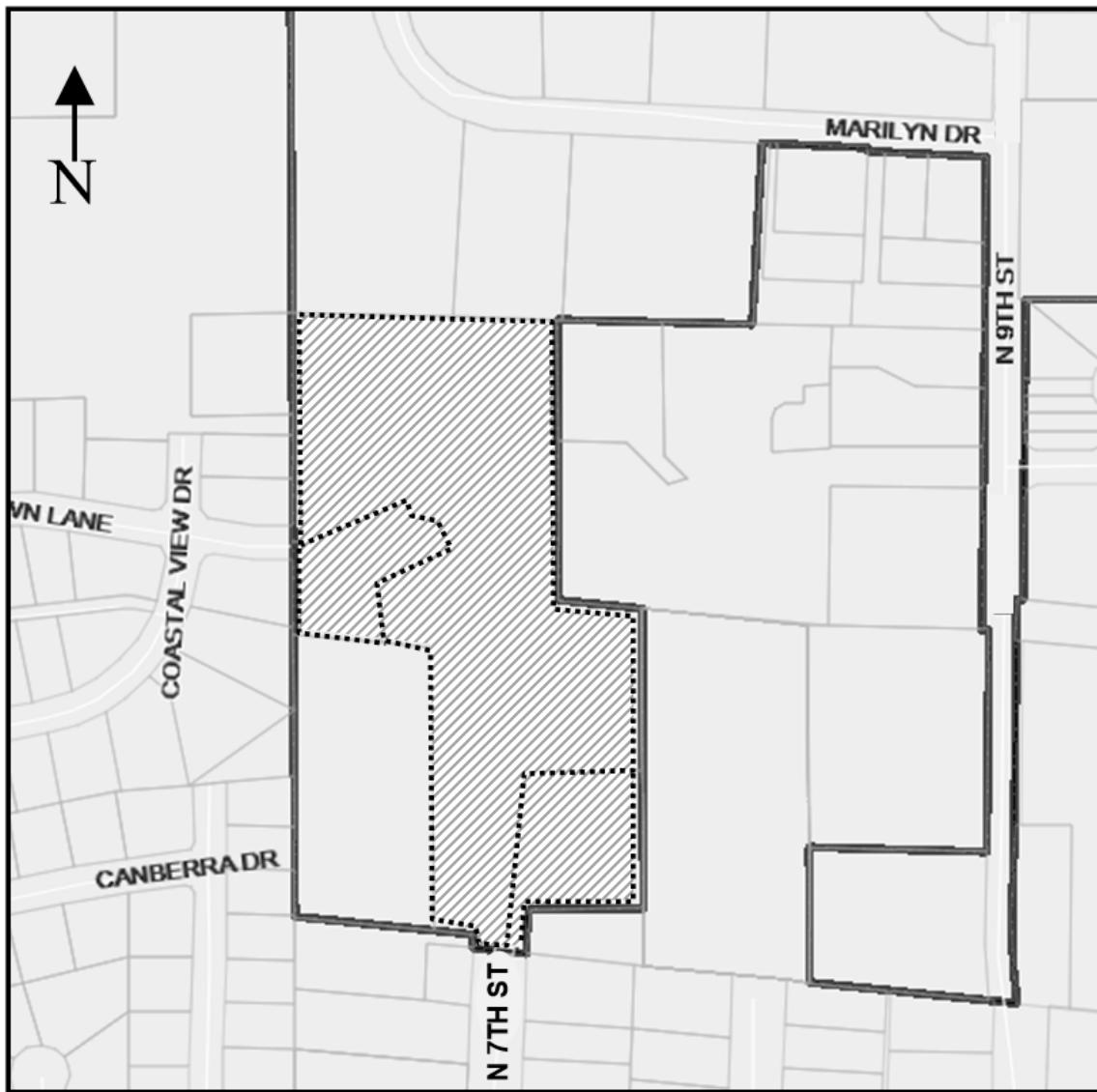
I MOVE THE:

Planning Commission adopt the Findings of Fact as presented in the staff report (or modified by the Planning Commission) and this annexation request as presented in File No. PC17-10 be forwarded to the City Council for consideration and action.

OR

Planning Commission adopt the Findings of Fact as modified in opposition to the applicable criteria and that the application for annexation of the subject property as presented in File No. PC17-10 be denied.

**Map of Identified Properties to be Annexed (shaded area)**



4358 Maeve Court, Rancho Cordova, CA 95742

January 2, 2018

City of Philomath, Administration

PO Box 400, Philomath, OR 97370-0400

Re: Annexation of 3 lots totally 7.36 acres at the No end of 7<sup>th</sup> Street, east of Fawn Lane

Dear Staff,

I am the owner of Lots 10 and 11 on Coastal View Drive and Fawn Lane which are adjacent to the property described above as Tax Lots 3300, 3400, and 3500 of the Benton County Assessor Maps.

If these lots are annexed, please insure that the utility development fees are paid entirely by the lot owners of tax lots 3300, 3400, and 3500 and not by the exiting neighboring lots' owners.

I do not want to pay additional utility connection fees if these 3 neighboring lots are annexed.

Thank you and good day.



Roxana Rhodes

**FILED**  
JAN , 8 2018  
By: *RR* TIME: *10:15am*  
**CITY OF PHILOMATH**



## STAFF REPORT

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APPLICANT:	City of Philomath
NATURE OF APPLICATION:	Annexation of 9 lots totaling approximately 1.72 acres.
PROPERTY LOCATION:	Generally, that property identified as adjacent to the north and south sides of Cooper Lane and addressed as 100/102, 109, 105, 106/108, 107, and 110 Copper Lane or identified as T12S-R6W-Sec. 12CD, Tax Lots 1200, 800, and 700 of the Benton County Assessor Maps
APPLICABLE CRITERIA:	Chapter 18.135.030(I) - Annexation by Non-Unanimous Triple Majority Consent Petition, of the Philomath Municipal Code
PLAN DESIGNATION:	Low Density Residential
EXPECTED ZONING:	Low Density Residential (R-1)
STAFF CONTACT:	Jim Minard, Planner
FILE NUMBER:	PC17-11

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The City is proposing to annex the above-described property also shown on the attached map with a Philomath Low Density Residential zone designation, as designated by the City's Comprehensive Plan Map. The proposal calls for no new development at this time. The purpose of the hearing is to determine if the application conforms to the applicable annexation requirements and arrive at a recommendation to the City Council. The annexation request must ultimately be approved by the Philomath electorate and City Council. This matter was reviewed by the City Council at its December 11, 2017 meeting, where the Council directed it be forwarded to the Planning Commission for a public hearing and recommendation to the Council.

### Background

In specific circumstances, it is beneficial for the City to initiate annexation of a street or group of properties, even when not all the property owners want to be annexed. This is the case with the properties on Cooper Lane. In 1992, the City was asked by the property owners on Cooper Lane to provide water and sewer service to the area due to health concerns with the private water and septic systems serving the area at the time. The City did so, and was given a utility easement by Benton County for the road area. Eventually, the area of the easement became a separate tax lot and was given to the City by Benton County. By 1996, the City had acquired delayed annexation agreements from four of the property owners. City records don't indicate why the other four properties were not required to sign delayed annexation agreements when they hooked up to City water and sewer as well.

Today, Cooper Lane has seven developed lots, one vacant lot, and one City-owned lot. All of the developed lots receive City water and sewer service, as well as all the other non-excludable benefits as neighboring properties such as: public safety, public library, bus service, nuisance enforcement, public parks and other quality of life benefits, but they don't help pay for them by way of property taxes. These types of services are non-excludable, meaning you can't be excluded from their benefits for nonpayment even though they don't live in City. The City believes this is a fairness issue, properties receiving city water, sewer and other benefits should share in such costs and that the entire Cooper Lane areas should be annexed into City limits.

Applicable Criteria

Per PMC 18.135.030(I), "When more than half, but not all, of the owners of land in the territory to be annexed who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory, the City may take steps to annex the properties."

The City has initiated the annexation of the following properties. The first five have delayed annexation agreements or are owned by the City and are deemed to be "in favor" of annexation. The last four do not have delayed annexation agreements in place and are presumed to be "opposed" to annexation.

Property Address	Map Tax Lot (12612CD)	Owner	City Water	City Sewer	Current Planning*	Current Use	Proposed Zoning**	Acres	Assessed Value
20. 105 Cooper Lane	1100	Shutta	Y	Y	LDR	Residential	R-1	.23	\$118,902
21. 106/108 Cooper Ln	0500	Parker	Y	Y	LDR	Residential	R-1	.21	\$122,078
22. 107 Cooper Lane	1000	Whittier	Y	Y	LDR	Residential	R-1	.13	\$106,167
23. 110 Cooper Lane	0400	Kohn	Y	Y	LDR	Residential	R-1	.2	\$130,229
24. Cooper Lane	0700	City of Philomath	N	N	LDR	Road	R-1	.15	\$ 4,394
TOTALS								.92	\$481,770

16. 100/102 Cooper Ln	0600	L7 Rentals	N	Y	LDR	Residential	R-1	.2	\$169,472
17. 109 Cooper Ln	0900	Ascherl	Y	Y	LDR	Residential	R-1	.23	\$113,899
18. Cooper Ln	1200	Kribs	N	N	LDR	Vacant	R-1	.23	\$ 34,135
19. Cooper Ln	0800	Sullivan	N	N	LDR	Vacant	R-1	.14	\$ 39,956
TOTALS								.8	\$357,462

\*LDR=County low density residential

\*\*R1=Philomath: low density residential

Timeline

The City will follow the following timeframe for presenting this issue to the public and placing these annexations on the May 2018 Primary Election ballot:

- Jan. 2 Mail notice of scheduled public hearing(s) to property owners and surrounding properties
- Jan. 22 Public Hearing at Planning Commission meeting
- Feb. 12 Public Hearing at City Council meeting
- Feb. 12 Resolution by City Council approving ballot title(s)
- Feb. 23 Last day to submit ballot titles to the City Recorder
- May 15 Primary Election held
- Jun. 11 Adopting Ordinance (depending on the outcome of the election)

**FINDINGS OF FACT**

- 1) The City has slated the property for urban development for low density residential since acknowledgement of its Comprehensive Plan.
- 2) The subject properties encompass 1.0 acre of mostly developed residential land.

- 3) The vacant properties could accommodate three additional residences (one home and one duplex).
- 4) The current Comprehensive Plan designation of the property is Low Density Residential (LDR).
- 5) The property is located in the southerly section of the City's Urban Growth Boundary (UGB) and abuts the city limits along the east and north boundaries.
- 6) The subject property is proximate to improved city facilities, which include city streets, water and sewer serve that serve the subject properties. The developed properties within the boundaries of this annexation receive City water and sewer. Therefore, annexing these properties will not have any significant impact on the City services.
- 7) The proposal conforms to the Triple Majority standards as identified in PMC 18.135.030(I), to wit: more than half of the owners of land in the territory to be annexed also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory.

## **CONCLUSION**

The subject property abuts the City limits on two sides. Public facilities are located within the subject property and designed to serve the subject property and surrounding lands. The Comprehensive Plan fully anticipates developing the subject property for low-density urban development. The only city zoning to the Comprehensive Plan Map is Single-Family Residential (R-1). Staff concludes this annexation meets the applicable criteria.

## **RECOMMENDED MOTION**

### **I MOVE THE:**

Planning Commission adopt the Findings of Fact as presented in the staff report (*or modified by the Planning Commission*) and this annexation request as presented in File No. PC17-11 be forwarded to the City Council for consideration and action.

### **OR**

Planning Commission adopt the Findings of Fact as modified in opposition to the applicable criteria and that the application for annexation of the subject property as presented in File No. PC17-11 be denied.

## Map of Identified Triple Majority Annexation Properties

