

**PHILOMATH PLANNING COMMISSION
MINUTES
March 21, 2016**

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5 **1. CALL TO ORDER.** Chair Shon Heern called the meeting to order at 7:10 PM in the City Hall
6 Council Chambers.

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8 **2. ROLL CALL/INTRODUCTIONS:**

9
10 **Present:** Commissioners Shon Heern, Leroy Fenn, Gabe Callaway and Patrick McDonald.

11
12 **Staff:** Chris Workman, City Manager; Dan Miller, Deputy City Attorney; Jim Minard,
13 Planner; and Ruth Post, City Recorder.

14
15 **Excused:** Commissioners Jacque Lusk and Mark Knutson.

16
17 **3. APPROVAL OF MINUTES:**

18 **3.1 February 29, 2016, Minutes**

19 **MOTION:** Commissioner Fenn moved, Commissioner Callaway second, the February 29,
20 2016, minutes be accepted as presented. Motion APPROVED 4-0.

21
22 **4. PUBLIC HEARING:**

23 **4.1 PC16-03; Applicant: Cross Development for Dollar General; Application Type:**

24 **Comprehensive Plan and Zone Map Amendments; Location: 658 Main Street (12-6-**
25 **11DA Lot #2600)** –Chair Heern opened the public hearing at 7:11 p.m. Chair Heern read
26 the statement describing the presentation of testimony and evidence related to the
27 approval criteria.

28
29 He requested any ex parte contacts, conflicts of interest, bias or site visits. No members of
30 the Planning Commission declared any ex parte contacts, conflicts of interest, bias or site
31 visits. Chair Heern announced the order of testimony.

32
33 **Staff Report:**

34 Mr. Minard reviewed the staff report as included in the agenda packet. He distributed an
35 additional handout of the area zoning map highlighting the subject property. He concluded
36 that staff findings are in support of the application.

37
38 Commissioner McDonald questioned if there are many other lots in Philomath that are split
39 zoned. Mr. Minard stated it is fairly common and had more to do with drawing a straight
40 line when the zones were created than with property lines.

41
42 **Applicant:**

43 **Robert Vann, Cross Development, Plano, TX** – Mr. Vann stated Cross Development
44 represents Dollar General in the state of Oregon. He stated he had enjoyed working with
45 staff from Philomath on this project. Chair Heern questioned if the store would carry
46 grocery items. Mr. Vann stated that the common misconception is that Dollar General is a
47 dollar store but instead carries many general name brand consumer items. It will not,
48 though, carry fresh food items.

49
50 Commissioner McDonald questioned how many people the store would employ. Mr. Vann
51 stated they would hire locally with a manager, assistant manager and 8 to 10 employees.

52
53 **Proponents:** None.

54
55 **Opponents:** None.

56
57 **Neutral Parties including Governmental Bodies:** None.

58
59 **Rebuttal by Applicant – Limited to issues raised by Opponents:** None.

1
2 On behalf of the applicant, Mr. Vann waived the right to submit final written arguments.
3 Chair Heern closed the public hearing 7:25 p.m.
4

5 **4.2 PC16-03 Discussion and Decision** – Commissioner McDonald stated it looks like it
6 would be a good development for the community.
7

8 **MOTION:** Commissioner Callaway moved, Commissioner Fenn second, the findings of
9 fact as presented in the staff report be adopted and the Planning Commission recommend
10 approving the requested Comprehensive Map Amendment from Industrial to Commercial
11 and the Zoning Map amendments from Light Industrial to General Commercial as
12 presented in File No. PC16-03. Motion APPROVED 4-0.
13

14 Ms. Post announced that the City Council public hearing on the application will be on April
15 11, 2016.
16

17 **5. DISCUSSION AND DECISION:**

18 **5.1 PC15-09, Appellant: Oregon Sequoia LLC; Application Type: Appeal of Planning**
19 **Official Decision for a Partition; Location: 12-6-11A #3500, Terminus of North 7th**

20 **Street** – Chair Heern opened the appeal for discussion by the Commission. Commissioner
21 McDonald stated he had reviewed the audio of the February 29, 2016, public hearing and
22 written testimony and was qualified to participate in the decision.
23

24 Commissioner McDonald questioned if Mr. Lahey’s property had been annexed at the
25 2005 election, would the water and sewer be an issue today. Mr. Minard confirmed that if
26 the property were annexed, water and sewer services would not be an issue. Mr.
27 Workman clarified that even if the property was annexed, Mr. Lahey would have still had
28 to apply for a partition to divide the property and Condition of Approval #8 would still be a
29 valid condition for the partition approval.
30

31 Commissioner McDonald questioned how long annexation could be delayed on a delayed
32 annexation agreement. Mr. Miller explained that a delayed annexation agreement
33 stipulates conditions in exchange for extension of services but it does not stipulate any
34 specific annexation date nor does it require the City to actually annex.
35

36 Chair Heern reviewed the City Attorney’s memorandum of March 17, 2016, with the
37 findings of fact. By consensus, the Commission was in agreement with those findings.
38

39 **MOTION:** Commissioner Fenn moved, Commissioner McDonald second, the Philomath
40 Planning Commission deny the appeal of the approval of the application to partition a
41 parcel in case P15-09 based on the Findings of Fact and deliberations of the Commission.
42 Motion APPROVED 4-0.
43

44 Mr. Lahey requested clarification of what the Commission was denying. Mr. Minard and
45 Chair Heern clarified that the appeal of the original decision is being denied and the
46 original partition application and conditions of approval were being upheld.
47

48 Mr. Minard stated that a notice of decision with appeal rights to the City Council would be
49 issued tomorrow to all parties with standing.
50

51 **6. PUBLIC HEARING:**

52 **6.1 PC16-01, Applicant: City of Philomath; Application Type: Zoning Code Amendment**

53 **– Urban Forest; Location: City wide** – Chair Heern opened the public hearing at 7:45
54 p.m. and read the statement describing the presentation of testimony and evidence related
55 to the approval criteria.
56

57 He requested any ex parte contacts, conflicts of interest, bias or site visits. No members of
58 the Planning Commission declared any ex parte contacts, conflicts of interest, bias or site
59 visits. Chair Heern announced the order of testimony.

1
2 **Staff Report:**

3 Mr. Workman stated this proposed amendment is intended to help protect the City's urban
4 canopy by encouraging citizens to protect their trees. He described the free permit
5 process to be instituted regarding removal of trees from private property. He stated the
6 goal was to create a balance between homeowners and protecting trees and staff has
7 prepared findings of fact that support the amendment.
8

9 Commissioner McDonald questioned if any survey of tree counts has been performed to
10 create a baseline inventory. Mr. Workman stated that Public Works does have satellite
11 imagery but has plans to perform a ground inventory.
12

13 There was discussion about trees greater than six inches at breast height being subject to
14 replacement. Commissioner McDonald questioned if your neighbor was willing to plant a
15 new tree in their yard would that qualify as replacement. Mr. Workman stated this is
16 intended to be an educational piece and he wouldn't see a problem with that although the
17 code language does not spell it out as an option.
18

19 Commissioner Fenn questioned the inclusion of the list of acceptable trees. Mr. Workman
20 stated it would be included with the permit. There was discussion about using City
21 resources such as the newsletter and website for education.
22

23 **Applicant:** Nothing additional.
24

25 **Proponents:** None.
26

27 **Opponents:** None.
28

29 **Neutral Parties including Governmental Bodies:**

30 Al Lahey, Philomath, OR – Mr. Lahey questioned if his property outside the city limits
31 would be subject to this ordinance because the delayed annexation agreement makes him
32 subject to City development code requirements. He questioned if a person who originally
33 plants the trees should be subject to the ordinance. He believed that an owner should get
34 credit for trees they've planted themselves. His concern was that he has planted timber
35 trees that are intended for commercial harvest.
36

37 **Rebuttal by Applicant – Limited to issues raised by Opponents:** Mr. Minard stated
38 that Mr. Lahey's property is something of an anomaly because the City doesn't otherwise
39 have tracts with harvestable timber. Mr. Workman stated that property in the Urban
40 Growth Boundary is intended to ultimately become part of the City and should also be
41 similarly covered by the ordinance. He stated that 18.70.020F does provide provisions for
42 agriculture and commercial tree farms. Mr. Lahey questioned if a hired arborist's opinion is
43 required. Mr. Workman stated the City has a certified arborist on staff who could provide
44 consultation.
45

46 Chair Heern closed the public hearing at 8:19 p.m. Mr. Workman waived the seven day
47 right to submit final written arguments.
48

49 Commissioner Callahan questioned if a tree planted a year ago qualifies as a replacement
50 tree. There was discussion about this.
51

52 **6.2 PC16-01 Discussion and Decision** – Commissioner McDonald stated he believed it was
53 a good, objective approach particularly focusing on education. Chair Heern stated there
54 appeared to be adequate exemptions for appropriate circumstances.
55

56 **MOTION:** Commissioner Heern moved, Commissioner Callaway second, to accept the
57 amendments and findings of fact as presented and direct the amending ordinance to be
58 presented to the City Council for a public hearing. Motion APPROVED 4-0.
59

1 Ms. Post announced that the City Council public hearing on PC16-01 would be held April
2 11, 2016.

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4 **MOTION:** Commissioner Heern moved, Commissioner McDonald second, to include the
5 edits in Chapter 2.40 in the previous motion. Motion APPROVED 4-0.
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8 **7. ADJOURNMENT:**

9 There being no further business Chair Heern adjourned the regular meeting at 8:26 p.m.
10

11 **SIGNED:**
12 Jacquie Lusk, Vice Chair

ATTEST:
Ruth Post, MMC, City Recorder