

**PHILOMATH PLANNING COMMISSION
MINUTES
June 20, 2016**

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5 **1. CALL TO ORDER.** Commissioner Jacque Lusk called the meeting to order at 7:00 PM in the City
6 Hall Council Chambers.

7
8 **2. ROLL CALL/INTRODUCTIONS:**

9
10 **Present:** Commissioners Jacque Lusk, Gabe Callaway Jeannine Gay, Mark Knutson and
11 Patrick McDonald.

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

15
16 **Excused:** Commissioners Shon Heern and Lori Gibbs.

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

19 **3.1 March 21, 2016, Minutes**

20 **MOTION:** Commissioner Gay moved, Commissioner McDonald second, the March 21,
21 2016, minutes be accepted as presented. Motion APPROVED 5-0.

22
23 **4. PUBLIC HEARING #1:**

24 **4.1 PC16-05; Applicant: Chapel Drive LLC; Application Type: Annexation; Location:**
25 **2709 Chapel Drive (12-5-7 #500, 502, 503 & 504) –** Commissioner Lusk opened the
26 public hearing at 7:01 p.m. Mr. Miller read the statement describing the presentation of
27 testimony and evidence related to the approval criteria.

28
29 Commissioner Lusk requested any ex parte contacts, conflicts of interest, bias or site
30 visits. No members of the Planning Commission declared any ex parte contacts, conflicts
31 of interest, bias or site visits. She announced the order of testimony and requested that
32 speakers limit testimony to five minutes.

33
34 **Staff Report:**

35 Mr. Minard reviewed the staff report as included in the agenda packet. He noted that four
36 letters of testimony were received after distribution of the agenda packet and the
37 Commission had received copies of those from Cyr, Bendixen, Ellis and ODOT.

38
39 **Applicant:**

40 Ben Williams, Senior Manager, DOWL, Portland, OR and Mike Agee, Gresham, OR – Mr.
41 Williams presented the general site plan and described the amenities intended for the
42 development. He stated that utility and transportation upgrades are anticipated in the
43 project and would be better defined upon submission of a final subdivision application. He
44 noted the expectation for phasing of the project.

45
46 Mike Agee, Agent for Millersburg Land & Development, Gresham, OR – Mr. Agee agreed
47 with Mr. Williams' testimony regarding phasing of the project.

48
49 Commissioner Gay questioned connectivity of bike paths and traffic concerns with trucks
50 on Chapel Drive. Mr. Williams stated that connectivity is an emphasis in the project.

51
52 **Proponents:**

53 Chris Nusbaum, Philomath, OR – Mr. Nusbaum stated, as a former Mayor, his respect for
54 those who testify. He described his concerns about stagnation in the community and the
55 need for affordable family housing along with the appeal of living in Philomath. He
56 described water sources available to the City and issues associated with illegal users of
57 the Marys River.
58

1 David Low, Philomath, OR – Mr. Low spoke in support of moving the application to the
2 voters. He stated he lives in the Southwood neighborhood and also serves on the City's
3 Budget Committee. He stated he has been impressed with infrastructure that has been
4 prepared to serve the future. He stated concerns about the impact of lack of growth. He
5 stated that the steps of development have to be done in order.
6

7 **Opponents:**

8 May Dasch, Philomath, OR – Ms. Dasch stated her opposition to the development. She
9 described concerns about water availability from Marys River and quality from the City's
10 11th Street well. She noted that the City's contract to purchase water from Corvallis via the
11 intertie expires in 2016 and cited global warming as a potential cause for long term water
12 shortage.
13

14 David Stein, Philomath, OR – Mr. Stein stated this is an identical application that was
15 voted down in 2006 by Philomath voters. He stated the need for industry and jobs and that
16 more homes will increase property taxes. He stated issues with annexing the property
17 without a firm plan from the developers. He requested that the developer be required to
18 present a firm application of development plans prior to annexation and then be required
19 to stick to it.
20

21 Mark Dorr, Philomath, OR – Mr. Dorr described problems with the extension of existing
22 bike paths from East Newton Creek Park into the proposed development past his property.
23 He had concerns about flooding that could either make the path impassible or impact his
24 property, depending on the location. He stated concerns about increased traffic flow and a
25 preference to only have Phase I submitted or complete the previously approved 17-unit
26 subdivision adjacent to the Middle School prior to expansion.
27

28 Mark Weiss, Philomath, OR – Mr. Weiss stated some of the points he intended to make
29 have been made. He stated that, as an educator, small is better. He stated that schools
30 should stay small and other City services should stay small. He stated concerns about the
31 developers being from outside the community and shouldn't be trusted. He spoke in
32 support of democracy and that voters have turned this down twice.
33

34 Jeff Lamb, Blodgett, OR – Mr. Lamb stated that he helped write the annexation ordinance
35 and described the history of the annexation of the Lakeside industrial property. He related
36 this to the reject jail proposal that was voted down by Benton County voters. He stated the
37 City needs more up-front information prior to annexation. He stated that houses are being
38 demolished and replaced with hi-rises and they aren't affordable.
39

40 Terry Weiss, Philomath, OR – Ms. Weiss stated there has to be a plan. She described
41 annexation of the Witham Oaks property in Corvallis. She stated that the population
42 estimates don't seem to make sense and should be based on an average of 4 people per
43 house. She stated the school district does have space for more students but who is going
44 to pay for expanding those schools when they are full. She stated concerns about
45 drainage on the property.
46

47 Rick Flacco, Philomath, OR – Mr. Flacco echoed concerns previously stated. He stated he
48 wasn't opposed to development but doesn't feel that the information presented is factual
49 or a solid plan. He stated that considering annexing a development of this size should be
50 rejected. He stated opposition to the census numbers provided.
51

52 Marion Dark, Philomath, OR – Ms. Dark stated that the density is too high and the
53 development will ruin resale value of her home because she would lose her view.
54

55 Mitzi Young, Philomath, OR – Ms. Young questioned how the citizens' best interest should
56 be in the developers' hands. She stated opposition and questioned what benefit the
57 development would provide to the community. She questioned the population statistics.
58 She questioned the benefits to the schools because they already have full classrooms.
59

1 **Neutral Parties including Governmental Bodies:**

2 George Loving, Philomath, OR – Mr. Loving stated his concern about the number of
3 people who will come out onto the highway via 26th Street. He stated concerns about
4 trucks emerging from the ODOT weigh station.

5
6 John Mergl, Philomath, OR – Mr. Mergl questioned if the streets would be installed all at
7 one time or if they will be phased in.

8
9 Gordon Kurtz, Benton County Public Works, Corvallis, OR – Mr. Kurtz stated the County
10 has concerns about the traffic impact analysis that was submitted with the application. He
11 stated there has been communication with ODOT regarding that analysis and the fact that
12 it is from 2005. He noted that ODOT has submitted a letter to request that the City require
13 an updated traffic impact analysis.

14
15 Mr. Minard noted the letters submitted in opposition from John and Holly Bendixen,
16 Patricia Ellis, ODOT, and Steven Cyr.

17
18 **Rebuttal by Applicant – Limited to issues raised by Opponents:**

19 Ben Williams, DOWL – Mr. Williams stated that the fundamentals of a plan are in place.
20 He related it to the City's Comprehensive Plan requirements including the specifications
21 for the R-1 zone. He stated this plan utilizes the streets that have already been stubbed
22 into the property and pedestrian amenities. He stated the intent is to work with neighbors
23 regarding locations of trails.

24
25 With regard to population estimates used, some houses will have 2 to 3 children and
26 others will have none.

27
28 With regard to infrastructure, Mr. Williams stated the intent is to conform to the City's
29 master plans for water, sewer, stormwater, and transportation. He stated the intent would
30 be to build streets as phases are completed; however, some streets will need to be
31 extended through the development and will be addressed through subdivision conditions
32 of approval.

33
34 Mike Agee – Mr. Agee stated that a 10 to 12 year project will result in local jobs during
35 construction. He stated the property is zoned for residential use and that's the intent. He
36 noted that the City is not currently growing and costs for infrastructure will be borne by
37 citizens without growth. He noted that some businesses have left town, including the
38 grocery store.

39
40 Mr. Agee stated the developer has an option to purchase the property over 10 years' time
41 from the family that owns it and the intent is to purchase the property over phases. He
42 stated the estimate to construct 60 homes per year could be fairly accurate but only if the
43 market can absorb them. He stated that the 17-unit subdivision that has been approved is
44 expected to begin construction this summer.

45
46 Mr. Williams stated the infrastructure that will be constructed in the 17-unit subdivision will
47 be sized to accommodate the larger development.

48
49 Commissioner Gay stated concerns that opponents have not addressed the
50 Comprehensive Plan requirements and goals that address affordable housing for all
51 citizens.

52
53 Commissioner Calloway questioned if the developer had any examples of projects they
54 have completed that could be viewed. Mr. Agee described a project in Fairview they have
55 worked on. Mr. Williams stated part of the appeal of this project is that the size of the
56 acreage allows for more creativity in developing the amenities such as parks, paths and
57 neighborhoods.

1 May Meredith, Philomath, OR – Ms. Meredith questioned what the price range of homes
2 would be.

3
4 Mr. Agee stated the desire is to offer a variety of products that will appeal to a range of
5 buyers and create variety in the neighborhoods.

6
7 Commissioner Calloway questioned what the developer is bringing to benefit the
8 community. Mr. Agee stated that a lack of buildable lots creates a lack of growth and a
9 lack of businesses to support them. He described the development happening in Corvallis
10 by demolishing existing homes to build higher density housing due to lack of buildable lots.

11
12 On behalf of the applicant, Mr. Williams and Mr. Agee waived the right to submit final
13 written arguments. Commissioner Lusk closed the public hearing 8:46 p.m.

14
15 **4.2 PC16-05 Discussion and Decision** – Mr. Minard described the additional public hearings
16 process involved in actual application for subdivisions and the conditions of approval that
17 relate to infrastructure and other issues. He noted that the conceptual plan submitted is as
18 required by the annexation ordinance. He stated that the State requires that the City plan
19 for growth and the result is the properties included in the Urban Growth Boundary. He
20 addressed the contract for purchase of water from the City of Corvallis that is being
21 renewed.

22
23 Mr. Minard noted that the existing Water and Sewer Master Plans are in the process of
24 being updated and address the cost of building facilities. He described the advantage of
25 having the property within the city which then requires any development to be subject to
26 City standards and property outside of the city limits is not.

27
28 Mr. Minard addressed the ODOT and Benton County request for an updated traffic impact
29 analysis and stated that the City's own Transportation System Plan is currently being
30 updated. He stated that the developer has been advised to provide an updated traffic
31 impact analysis.

32
33 **MOTION:** Commissioner Gay moved, Commissioner Callaway second, the findings of fact
34 as presented in the staff report and this annexation request as presented in File No.
35 PC16-05 be forwarded to the City Council for consideration and action. Motion
36 APPROVED 5-0.

37
38 Ms. Post announced that the City Council public hearing on the application will be on July
39 11, 2016, as previously noticed and published. Commissioner Lusk recessed the
40 Commission for a brief break at 8:59 p.m. The meeting was called back to order at 9:06
41 p.m.

42
43 **5. PUBLIC HEARING #2:**

44 **5.1 PC16-04, Appellant: Skirvin Farms LLC; Application Type: Annexation; Location:**
45 **402 S 13th Street (12-6-12C #200 & 500 and 12-6-12CB #3901 & 4200)**– Commissioner
46 Lusk opened the public hearing at 9:06 p.m. Mr. Miller read the statement describing the
47 presentation of testimony and evidence related to the approval criteria.

48
49 Commissioner Lusk requested any ex parte contacts, conflicts of interest, bias or site
50 visits. No members of the Planning Commission declared any ex parte contacts, conflicts
51 of interest, bias or site visits. She announced the order of testimony.

52
53 **Staff Report:**

54 Mr. Minard reviewed the staff report as included in the agenda packet. Commissioner Lusk
55 questioned the zoning that the applicant has submitted that is in conflict with the low
56 density zoning indicated on the Comprehensive Plan map. Mr. Minard stated that the
57 property would be annexed using the Comprehensive Plan zoning and any change would
58 have to be addressed after annexation.

1 **Applicant:**

2 Marlyn Weaver, Willamette West Real Estate, Corvallis, OR – Mr. Weaver stated concerns
3 about the theoretical number of homes shown on the staff report due to the fact it is wholly
4 in the floodplain. He had concerns that voters would perceive that as a negative aspect.
5 He stated that the 5 acre parcel is the portion they would like to have zoned higher
6 density. He described the conflict between the City Manager’s statements in the
7 newspaper that the property couldn’t be developed for residential use and the staff report
8 stating it could theoretically accommodate 113 homes.
9

10 Mr. Weaver requested the staff report be amended on Page 7 by deleting the second
11 paragraph referring to retaining the existing rodeo grounds because it is not accurate and
12 creates confusion over the referenced map.
13

14 There was discussion about the map submitted by the Frolic & Rodeo Association
15 compared to the map submitted with the application. Mr. Minard agreed that the second
16 paragraph in the staff report on Page 7 could be deleted.
17

18 Mr. Minard clarified that the 113 theoretical homes is a mathematical equation based on
19 acreage and 7,000 square foot lot minimums, and the applicant is welcome to submit
20 additional information prior to a City Council public hearing to show extenuating
21 circumstances that would limit that number. There was additional discussion about the
22 property being in the floodplain. Mr. Minard stated the applicant can submit a request for a
23 zoning change in the future. Mr. Minard reviewed the benefit of waiting to apply for the
24 zone change as opposed to paying the fees for a zone change and then being
25 unsuccessful in the annexation.
26

27 **Proponents:**

28 Carol Leach, Philomath, OR – Ms. Leach stated support of the annexation request but had
29 concerns about any changes or development that could result in the floodplain affecting
30 properties downstream such as her family property.
31

32 **Opponents:**

33 None.
34

35 **Neutral Parties including Governmental Bodies:**

36 None.
37

38 **Rebuttal by Applicant – Limited to issues raised by Opponents:**

39 None.
40

41 On behalf of the applicant, Mr. Weaver waived the right to submit final written arguments.
42 Commissioner Lusk closed the public hearing 9:41 p.m.
43

44 **5.2 PC16-04 Discussion and Decision** – Commissioner Lusk clarified that Page 7 Paragraph
45 2 should be struck from the Staff Report.
46

47 **MOTION:** Commissioner McDonald moved, Commissioner Gay second, the findings of
48 fact as presented in the staff report as amended and this annexation request as presented
49 in File No. PC16-04 be forwarded to the City Council for consideration and action. Motion
50 APPROVED 5-0.
51

52 Ms. Post announced that the City Council public hearing on the application will be on July
53 11, 2016, as previously noticed and published.
54

55 **6. PUBLIC HEARING #3:**

56 **6.1 PC16-02, Applicant: City of Philomath; Application Type: Zoning Code Amendment**
57 **– Chapter 18.10 regarding Jail or Correction Facility** – Commissioner Lusk opened the
58 public hearing at 9:45 p.m. Mr. Miller read the statement describing the presentation of
59 testimony and evidence related to the approval criteria.

1
2 Commissioner Lusk requested any ex parte contacts, conflicts of interest, bias or site
3 visits. No members of the Planning Commission declared any ex parte contacts, conflicts
4 of interest, bias or site visits. She announced the order of testimony.

5
6 **Staff Report:**

7 Mr. Minard reviewed the staff report as included in the agenda packet. He stated this
8 language was developed in cooperation with the chief petitioners who had sought a
9 change after the recent Benton County Jail proposal. He stated that staff is recommending
10 forwarding of the proposed language to the City Council for consideration.

11
12 **Proponents:**

13 None.

14 **Opponents:**

15 None.

16
17 **Neutral Parties including Governmental Bodies:**

18 None.

19
20 **Rebuttal by Applicant – Limited to issues raised by Opponents:**

21 None.

22
23 On behalf of the applicant, Mr. Minard waived the right to submit final written arguments.
24 Commissioner Lusk closed the public hearing 9:53 p.m.

25
26 **6.2 PC16-02 Discussion and Decision** – Commissioner Gay requested further clarification of
27 the effect of the language. Ms. Post provided a brief summary.

28
29 **MOTION:** Commissioner Callaway moved, Commissioner Gay second, to accept the
30 findings of fact as presented and direct the amending language be presented to the City
31 Council for consideration and action. Motion APPROVED 5-0.

32
33 Ms. Post announced that the City Council public hearing on the application will be on July
34 11, 2016, as previously noticed and published.

35
36 **7. ADJOURNMENT:**

37 There being no further business Commissioner Lusk adjourned the regular meeting at 9:54 p.m.

38
39 SIGNED:
40 Jacque Lusk, Commissioner

ATTEST:
Ruth Post, MMC, City Recorder