

**PHILOMATH PLANNING COMMISSION  
MINUTES  
March 20, 2017**

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5 **1. CALL TO ORDER.** Chair Shon Heern called the meeting to order at 7:02 PM in the City Hall  
6 Council Chambers.

7  
8 **2. ROLL CALL:**

9  
10 **Present:** Commissioners Shon Heern, Jacque Lusk, Jeannine Gay, Mark Knutson, Lori  
11 Gibbs, Caleb Nelson, and David Stein

12  
13 **Staff:** Chris Workman, City Manager; Jim Minard, Planner; Amy Cook, Deputy City  
14 Attorney; and Ruth Post, City Recorder.

15  
16 **3. APPROVAL OF MINUTES:**

17 **3.1 September 19, 2016, Minutes**

18 **MOTION:** Commissioner Lusk moved, Commissioner Gay second, the September 19,  
19 2016, minutes be accepted as presented. Motion APPROVED 7-0.

20  
21 **4. PUBLIC HEARINGS:**

22 **4.1 PC17-01, Living Faith Community Church, application for Conditional Use Permit at**  
23 **458 N 10th Street.** Chair Heern opened the public hearing at 7:02 p.m. and the rules for  
24 participation and testimony were read into the record. There were no ex-parte contacts,  
25 conflicts of interest, bias or site visits declared.

26  
27 **Staff Report:** Mr. Minard presented the staff report dated March 14, 2017, as included in  
28 the agenda packet. He described the relationship of this lot to the Doud Subdivision and  
29 the recommended conditions of approval related to access and parking. He also described  
30 the change of use building permit application and reasoning behind delaying paving  
31 requirements so they could be coordinated with subdivision paving. He reviewed the  
32 recommended conditions of approval as contained in the staff report.

33  
34 Commissioner Stein questioned how the 30 trip maximum per day would be monitored.  
35 Mr. Minard stated that most people want to do what is right; but if there is a problem, the  
36 neighbors will likely report it. He stated if that's the case, the City will follow-up and the  
37 issue will be addressed.

38  
39 **Applicant:**

40 **Jim Hall, Pastor, Living Faith Community Church, Philomath, OR** – Pastor Hall explained  
41 that the house is in need of extensive remodel and it will be months before any meeting  
42 use would occur. He described the meetings held at their prior location with 16 to 18  
43 people for Bible study or prayer meetings. He described potential future plans for a new  
44 church on the property to the west which could possibly be accessed off of North 9<sup>th</sup>  
45 Street. He stated that 30 trips per day maximum is not a problem, and the six month  
46 window for paving seems reasonable. He stated there will be traffic using North 10<sup>th</sup> Street  
47 during the remodel but they anticipate Pippa Lane will be completed from North 11<sup>th</sup> Street  
48 by the time they're ready to use the house for meetings. He stated the primary use of the  
49 house will be for office space for three pastors with occasional small groups.

50  
51 Commissioner Gibbs questioned what the long-term plans are for the house if a church is  
52 constructed. Pastor Hall wasn't sure but thought it might continue to be used for  
53 something church related. Commissioner Nelson questioned if they have specific days  
54 and times for activities. Pastor Hall described the current group gatherings they hold in  
55 other locations that are typically three times per week.

56  
57 **Proponents:**

58 **Mel Whittier, Philomath, OR** – Mr. Whittier stated he is generally in favor of the application  
59 as long as it meets the City's criteria and stated the church has been a good neighbor so

1 far. He stated PMC 18.35.030(F)(2) requires a minimum front yard setback of 15 feet. He  
2 stated there is no way the house will be set back 15 feet from the intended new City  
3 streets created by the Doud subdivision. Mr. Minard clarified that the proximity to the  
4 proposed North 10<sup>th</sup> Street extension is not an issue to this conditional use permit  
5 application.

6  
7 **Opponents:** None.

8  
9 **Neutral Parties including Governmental Bodies:**

10 Marie Oliver, Philomath, OR – Ms. Oliver stated that she did not have a problem with the  
11 church having a meeting space. She requested clarity regarding the timing of construction  
12 and the use of North 10<sup>th</sup> Street. She stated that traffic has already increased on North  
13 10<sup>th</sup> Street and requested clarification about the 30 trips. She questioned if North 10<sup>th</sup>  
14 Street is intended to be extended. Chair Heern stated that the 30 trips allows for 15 trips in  
15 and 15 trips out; and if the church doesn't comply, the City will revisit the conditions of the  
16 permit.

17  
18 Lucas Hart, Philomath, OR – Mr. Hart stated he isn't opposed to the project but has the  
19 same concerns as Mr. Whittier for the setback of the house. He stated it is only a few feet  
20 from the edge of the proposed street right-of-way to the front porch of the house. He also  
21 questioned whether the house is on City sewer or not.

22  
23 **Applicant Rebuttal (limited to issues raised by Opponents):**

24 Steve Oien, Oien Construction, Philomath, OR – Mr. Oien stated the house is on City  
25 sewer. Mr. Oien stated that the house may be under 15 feet to the proposed street but  
26 could be remedied by a variance. He stated that construction on the street will begin  
27 hopefully within a couple of months and that North 10<sup>th</sup> Street will not be used once Pippa  
28 Lane is constructed. In the meanwhile, he stated, the church is using North 10<sup>th</sup> Street as  
29 the only available access. Commissioner Gay questioned when the house was built. Mr.  
30 Oien stated it was built in the 1970s. Commissioner Gay stated it is difficult to make old  
31 houses comply with new regulations.

32  
33 Pastor Jim Hall – Pastor Hall addressed the question regarding trips during the remodel  
34 period. He stated it would be electricians, sheet-rockers and would be similar to a  
35 residence remodel. He stated he has communicated to the neighbors that they should  
36 contact him if they have any concerns.

37  
38 Pastor Hall waived the right to submit final written arguments. Chair Heern closed the  
39 public hearing at 7:55 p.m.

40  
41 **4.2 DISCUSSION & DECISION**

42 Chair Heern reviewed concerns expressed regarding the setback requirements, trips and  
43 access, and connection to the City sewer. Commissioner Stein stated it seemed the  
44 setback requirement is an issue the City would have to address at the time of the  
45 subdivision. Commissioner Lusk stated that after construction of that section of North 10<sup>th</sup>  
46 Street and installation of the barricades, it will be a dead end and should be grandfathered  
47 in.

48  
49 **MOTION:** Commissioner Lusk moved, Commissioner Gay second, to approve the  
50 application for the Conditional Use Permit based on the findings of fact contained in the  
51 staff report and subject to the conditions of approval in the staff report. Motion  
52 APPROVED 7-0.

53  
54 **4.3 PC17-02, Skirvin Farms LLC application to apply city zoning to annexed parcels at**  
55 **12-6-12C Lots 1200 and 500 and 12-6-12CB Lots 3901 and 4200, also known as 402 S**  
56 **13th Street.** Chair Heern opened the public hearing at 8:02 p.m. and the rules for  
57 participation and testimony were read into the record. There were no ex-parte contacts,  
58 conflicts of interest, bias or site visits declared.  
59

1 **Staff Report:** Mr. Minard presented the staff report dated March 14, 2017, as included in  
2 the agenda packet. He stated the property has been planned under the Comprehensive  
3 Plan for low density residential and the application is for the same.  
4

5 **Applicant:**

6 Marlyn Weaver, Applicant's Agent, Willamette West Real Estate, Philomath, OR – Mr.  
7 Weaver stated he thought the issue was resolved when annexation was applied for and  
8 approved. He stated they are just looking to finish the process.  
9

10 **Proponents:** None.

11 **Opponents:** None.

12 **Neutral Parties including Governmental Bodies:**

13 Mark Weiss, Philomath, OR – Mr. Weiss stated he voted for this annexation and his  
14 understanding in doing so was that this was to formalize the relationship between the  
15 Frolic & Rodeo with Skirvin Farms. He questioned if the Rodeo is going to be moved out  
16 and the property used for a different purpose then the public should be notified. Mr. Minard  
17 explained that what transpires with the property is up to the property owner. He stated that  
18 the original staff report for the annexation was predicated on single family residential use  
19 based on the Urban Growth Boundary designation and the highest practical use.  
20  
21

22 **Applicant Rebuttal (limited to issues raised by Opponents):**

23 Marlyn Weaver – Mr. Weaver stated that the Skirvins made a proposal to the City and the  
24 City rejected that proposal. He stated the Skirvins are now in discussions with the Rodeo  
25 and the question can't be completely answered at this time. He stated it is a work in  
26 progress.  
27

28  
29 Mr. Weaver waived the right to submit final written arguments on behalf of his clients.  
30 Chair Heern closed the public hearing at 8:16 p.m.  
31

32 **4.4 DISCUSSION & DECISION**

33 Chair Heern summarized the concerns expressed about the Rodeo but noted it did not  
34 affect the application before the Commission. Commissioner Stein questioned if a portion  
35 of the property floods. It was confirmed that the property is in the floodplain. Mr. Minard  
36 summarized the development code does provide for methods to build in the flood plain.  
37 There was further discussion about challenges related to developing property in  
38 floodplains.  
39

40 **MOTION:** Commissioner Nelson moved, Commissioner Gay second, the Findings of Fact  
41 in the staff report be adopted and the Planning Commission recommend the City Council  
42 approve amending the Zoning Map to reflect City of Philomath Low Density Residential for  
43 the subject property as presented in File No. PC17-02. Motion APPROVED 7-0.  
44

45 Chair Heern announced this was a recommendation to the City Council and a public  
46 hearing is scheduled for April 10, 2017, at 7:00 p.m. before the City Council on this  
47 application.  
48

49 Ms. Post announced that there are no applications pending which would necessitate a  
50 meeting of the Planning Commission in April, so the April 17 meeting is cancelled.  
51

52 **5. ADJOURNMENT:**

53 There being no further business Chair Heern adjourned the meeting at 8:25 p.m.  
54

55 SIGNED:  
56 Shon Heern, Chair

ATTEST:  
Chris Workman, City Manager

**PHILOMATH PLANNING COMMISSION**  
**MINUTES**  
May 15, 2017

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5 **1. CALL TO ORDER.** Chair Shon Heern called the meeting to order at 7:00 PM in the City Hall  
6 Council Chambers.

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8 **2. ROLL CALL:**

9 **Present:** Commissioners Shon Heern, Jacque Lusk, Jeannine Gay, Mark Knutson, Lori  
10 Gibbs, Caleb Nelson, and David Stein

11  
12 **Staff:** Chris Workman, City Manager; and Jim Minard, Planner.

13  
14 **3. APPROVAL OF MINUTES:**

15 **3.1 March 20, 2017, Minutes**

16 **MOTION:** Commissioner Gay moved, Commissioner Lusk second, the March 20, 2017,  
17 minutes be accepted as presented. Motion APPROVED 7-0.

18  
19 **4. PUBLIC HEARINGS:**

20 **4.1 Proposed land donation by Skirvin Farms LLC** – Chair Heern opened the public  
21 hearing at 7:04 p.m. on the proposed land donation from Skirvin Farms to the City. Mr.  
22 Minard reviewed the staff report as background and the ordinance establishing the  
23 Planning Commission that directs such actions be presented to the Commission. While  
24 there has been some confusion as to the future of the rodeo grounds, this transfer of  
25 ownership was designed to the future continuation of the grounds as historically used.

26  
27 Commissioner Gay asked about the logging operations and the sales clause to remove  
28 the logging and other equipment within two years.

29  
30 Marlyn Weaver, Agent for Skirvin Farms LLC – Mr. Weaver noted the real intent was to  
31 remove the excess equipment that had spread through the grounds and contain it on the  
32 approximate 2.2 acres where the shop sits.

33  
34 Commissioner Stein asked about the location of the contemplated right-of-way. City  
35 Manager Workman explained it would be 11th Street, basically extended along the west  
36 edge of the 5 acres identified as Parcel D on the map.

37  
38 Chair Heern closed the public testimony portion at 7:12, as there was no one wishing to  
39 comment.

40  
41 **5. NEW BUSINESS**

42 **5.1 Multi-family definition and application to PMC Chapter 18** – Mr. Minard noted  
43 that recent interest in multi-family development brought to light a number of contradictory  
44 statements in the code relating to what constitutes multi-family. In some instances three  
45 or more dwellings equated to multi-family; in others it states four or more. The Code  
46 allows for the City Manager to make formal interpretations and on May 9, 2017, City  
47 Manager Workman signed a written interpretation that multi-family dwellings would be  
48 defined as four or more dwelling units (excluding manufactured homes) on a single parcel  
49 of land.

50  
51 Commissioner Stein asked if these units could be separated. Mr. Minard noted that in the  
52 past, staff had been quite liberal in looking at “non-connected” units, given the number of  
53 dwellings had the same impact on local infrastructure. However, this rarely occurred.

54  
55 **6. ADJOURNMENT:**

56 There being no further business Chair Heern adjourned the meeting at 7:26 p.m.

57  
58 **SIGNED:**  
59 Shon Heern, Chair

**ATTEST:**  
Ruth Post, MMC, City Recorder

**PHILOMATH PLANNING COMMISSION**  
**MINUTES**  
June 19, 2017

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5 **1. CALL TO ORDER.** Chair Shon Heern called the meeting to order at 7:16 PM in the City Hall  
6 Council Chambers.

7  
8 **2. ROLL CALL:**

9 **Present:** Commissioners Shon Heern, Jacque Lusk, Jeannine Gay, Lori Gibbs, and David  
10 Stein

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

14  
15 **3. APPROVAL OF MINUTES:**

16 **3.1 May 15, 2017, Minutes**

17 **MOTION:** Commissioner Gay moved, Commissioner Lusk second, the May 15, 2017,  
18 minutes be accepted as presented. Motion APPROVED 5-0.

19  
20 **4. PUBLIC HEARINGS:**

21 **4.1 Application for Comprehensive Plan and Zone Map Amendments**

22 **File Number PC17-03**

23 **Applicant: Mountain West Investments**

24 **Location: 3335 Main Street**

25 **Benton County Assessor's Maps: 12-5-07A Tax Lots 1600 and 2000 and 12-5-07B**  
26 **Tax Lot 2200.**

27  
28 Chair Heern opened the public hearing at 7:17 p.m. on PC17-03, and the rules for  
29 participation and testimony were read into the record. There were no ex-parte  
30 contacts, conflicts of interest, bias or site visits declared.

31  
32 **Staff Report:**

33 Mr. Minard presented the staff report dated June 7, 2017, as included in the  
34 agenda packet. He noted that, during the application review, there is currently no  
35 land inventory within the Urban Growth Boundary for High Density Residential  
36 uses. He stated that staff concludes the amendment from Industrial to High  
37 Density Residential conforms to the applicable statewide goals and that staff  
38 concluded the required findings for the plan amendment support those required by  
39 the rezone and are incorporated in support of the application.

40  
41 Commissioner Stein questioned the extent of the ODOT comments. Mr. Minard  
42 stated they consisted of the content included in the staff report. Commissioner  
43 Gibbs questioned at what time was the property originally zoned industrial. Mr.  
44 Minard stated the property was annexed seven to ten years ago and was zoned  
45 Industrial Park at that time. There was discussion about the ODOT comments and  
46 the narrative submitted by the applicant.

47  
48 **Presentation of Applicant:**

49 **Richard Berger, Project Manager, Mountain West Investment** – Mr. Berger stated  
50 they supported the conclusions in the staff report. He provided an overview of the  
51 makeup of Mountain West Investment. He explained the process of applying for  
52 the rezone and subsequently submitting a site design review application to  
53 construct The Boulevard Apartments. He described Mountain West's history of  
54 building and managing their complexes and described the neighborhood outreach  
55 they have already conducted for this project. He stated they received feedback  
56 during the neighborhood meetings regarding stream protection, buffering, and

1 traffic and felt that many of those same concerns would exist or could be worse if  
2 the property was developed for industrial purposes. He stated developing the  
3 property as residential more closely fits the residential uses on three sides of the  
4 property. He thanked everyone who approached them regarding the project and  
5 looked forward to continuing the dialogue as the process moves forward.  
6

7 Commissioner Stein stated he felt the traffic analysis wasn't realistic and the  
8 applicant needed a new one. He stated that the analysis that only half of the  
9 residents would go to work is ridiculous and there will be a huge traffic jam on the  
10 highway. Mr. Berger stated that the detailed traffic analysis would be submitted  
11 with the site design plan at a future public hearing, and the traffic analysis for the  
12 rezoning takes into account the worst case scenario between an industrial use  
13 versus high density residential.  
14

15 Mike Ard, Senior Transportation Engineer, Lancaster Engineering – Mr. Ard  
16 acknowledged that just about everybody does goes to work, but the data  
17 Commissioner Stein referred to was with regard to the peak traffic hour. He stated  
18 this is the data they are mandated to use. He stated the peak hour is identified as  
19 being from 7:30 to 8:30 a.m. Mr. Ard described the use of the reasonable worst  
20 case scenario based on outright allowed uses for the current zoning and the worst  
21 case scenario allowed in the proposed zone. He stated the change in zoning  
22 creates a reduced worst case scenario but that the subsequent analysis with a  
23 development proposal will result in a specific and detailed analysis comparing the  
24 current use to the proposed use.  
25

26 Commissioner Stein questioned the reference to one and two bedroom units. Mr.  
27 Ard explained the square footage density based on the number of bedrooms and  
28 the related traffic volumes per square foot of land area.  
29

30 Commissioner Gibbs questioned if the project being proposed will provide  
31 affordable housing. Mr. Berger prefaced his comments with their non-applicability  
32 to the zoning request but that they anticipated having a market rate that will beat  
33 the Corvallis market.  
34

35 Mr. Ard provided a trip analysis assumption if all of the units were one-bedroom  
36 that would still be less than the industrial use peak hour analysis.  
37

38 Commission Gay questioned if Mountain West has other projects. Mr. Berger  
39 stated they do and use a mix of the one, two and three bedroom apartments.  
40

41 Commissioner Gay questioned what the applicant's conversations have been with  
42 ODOT related to the apartment complex. Chair Heern directed the Commission to  
43 remain focused on the criteria for the rezone application. Mr. Ard stated that, as a  
44 preview of mitigation related to the development, they do anticipate turn lanes into  
45 the property.  
46

47 Testimony of Proponents:  
48 None.  
49

50 Testimony of Opponents:

51 Mark Weiss, Philomath, OR – Mr. Weiss requested the Commission oppose the  
52 application. He stated there are infrastructure problems in Philomath to be  
53 addressed before adding housing. He stated that OSU is going to get smaller and  
54 not larger because student populations are going down nationally. He stated that

1 jobs are needed before building housing. Mr. Weiss stated that young people are  
2 more concerned about jobs than housing. He urged the Commission to reject the  
3 application. He stated with no jobs and lots of housing, Philomath will be turned  
4 into a slum.

5  
6 May Dasch, Philomath, OR – Ms. Dasch stated the negative impact of such a  
7 large scale development on the City’s water supply should be justification for  
8 denying the application. Ms. Dasch described the City’s water supply sources.  
9 She noted that the water purchase contract with Corvallis for Rock Creek water is  
10 non-binding and can be terminated at any time and is currently under  
11 renegotiation. She stated the City has a responsibility to make sure current  
12 residents and businesses have access to an adequate water supply. Ms. Dasch  
13 also cited concerns with traffic.

14  
15 Jeff Lamb, Philomath, OR – Mr. Lamb asked a series of questions of the planner  
16 regarding the original annexation. He stated there was no plan submitted by the  
17 owner at that time. He stated the applicants today are trying to upzone the  
18 property. He contested Commissioner Heern’s direction for the Commission to  
19 stay focused on the criteria for the rezone. Chair Heern stated that Mr. Lamb  
20 could make any presentation he wishes. Mr. Lamb requested that the  
21 Commission reject the application because of lack of an adequate traffic analysis.

22  
23 Testimony of Neutral Parties, including Governmental Bodies:

24 Ty Nelson, Manager, Ashbrook Village, Philomath, OR – Mr. Nelson stated he  
25 generally supports the idea of the development. He stated concerns that ODOT’s  
26 recommendations are for ODOT’s benefit and not the city of Philomath’s benefit.  
27 He stated the first thing visitors to Philomath are going to see is traffic. He  
28 described his history with the owner of Mountain West Investment and stated he  
29 would rather see him as an investor in such a development than someone from,  
30 say, California.

31  
32 Rebuttal by the Applicant, limited to issues raised by Opponents:

33 Richard Berger – Mr. Berger stated there are serious potential impacts possible if  
34 this property were developed as industrial and their proposal does not constitute  
35 an upzone. He stated there is still a process to go through with regard to  
36 mitigating and public infrastructure. Mr. Berger stated the Public Works Director  
37 has indicated there is capacity available to serve rezoning requested for the  
38 property.

39  
40 Seeing no further testimony, Chair Heern closed the public hearing at 8:21 p.m.  
41 The applicant waived the right to submit final written arguments.

42  
43 **5. NEW BUSINESS**

44 **5.1 Discussion and possible decision on PC17-03** – Chair Heern restated the  
45 concerns that were addressed by opponent testimony. He stated that the Commission  
46 should consider the traffic impact based on the rezone application.

47  
48 Mr. Minard elaborated on the traffic analysis based on the industrial use versus high  
49 density residential. He encouraged the Commission to focus on the big picture of whether  
50 the property should be converted from industrial to high density residential based on the  
51 applicable criteria.

52  
53 Commissioner Stein questioned when the right time is to determine whether these issues  
54 are relevant. Mr. Minard stated the appropriate time is when a development proposal is  
55 submitted. Mr. Minard stated the same comments have been made about water for many

1 years. He noted that ODOT has had the application for a substantial period and made  
2 minimal comments based on the rezone application. Commissioner Gibbs questioned if it  
3 has to be high density residential. Mr. Minard explained that is what the applicant has  
4 applied for so that is what is to be determined.  
5

6 Commissioner Lusk noted that there is still a substantial area within the city limits zoned  
7 for Industrial Park. She stated the need for housing is of value to the City and it would be  
8 more attractive entering town to see residential use than industrial.  
9

10 Commissioner Stein noted under Section V General Policies #9 that facilities are to be  
11 planned in advance. Mr. Minard stated that plans do exist and those existing master plans  
12 are currently being updated. Commissioner Stein stated that the problem is traffic that  
13 exists now.  
14

15 Chair Heern stated the balance needed for residential and industrial and the lack of high  
16 density residential within the Urban Growth Boundary as significant points in his analysis.  
17

18 Mr. Workman stated the Transportation System Plan is currently being updated and is  
19 about six months away from being completed. He noted the technical memorandum that  
20 addresses growth and the analysis of intersections showed that congestion does exist but  
21 that the intersections still aren't considered to be at the failing level. He stated concerns  
22 about justifying not growing because of growth in areas around Philomath and that growth  
23 could result in ODOT finally taking action on the highway conditions.  
24

25 Mr. Workman stated that a development application is going to require a detailed traffic  
26 impact analysis.  
27

28 Chair Heern stated that water supply was presented as an objection to the application but  
29 that the Public Works Director had addressed that.  
30

31 **MOTION:** Commissioner Gay moved, Commissioner Lusk second, the findings of fact as  
32 presented in the staff report dated June 7, 2017 be adopted and the Planning Commission  
33 recommend the City Council approve the requested Comprehensive Plan amendment  
34 from Industrial to High Density Residential and the Zoning Map amendment from Industrial  
35 Park to High Density Residential as presented in File No. PC 17-03. Motion APPROVED  
36 5-0 (Yes: Gibbs, Stein, Lusk, Gay and Heern, No: None).  
37

38 Ms. Gay requested that a committee be reformed to lobby ODOT for improvements to  
39 Highway 20 between Philomath and Corvallis. Mr. Workman stated that Mayor Sloan  
40 currently serves on the Corvallis Area Metropolitan Planning Organization on  
41 transportation but he is in his last term of office. He encouraged interested parties in  
42 becoming active in CAMPO. He stated that Benton County and Corvallis are using the  
43 same consultant to update transportation system plans and they are hearing a common  
44 theme about the traffic issues.  
45

46 Ms. Post announced that this is a recommendation to the Philomath City Council. A public  
47 hearing will be scheduled for July 10, 2017, at 7:00 p.m. before the City Council on the  
48 application.  
49

50 Mr. Workman stated the consultant working on the TSP Update would like to participate in  
51 a joint meeting with the City Council on June 27 to hear his update presentation. The  
52 Commission agreed that they could provide a quorum for that meeting.  
53

54 **6. ADJOURNMENT:**

55 There being no further business Chair Heern adjourned the meeting at 8:51 p.m.  
56

57 SIGNED:  
58 Shon Heern, Chair

ATTEST:  
Ruth Post, MMC, City Recorder



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**PHILOMATH PLANNING COMMISSION**  
**MINUTES**  
August 28, 2017

1. **CALL TO ORDER.** Chair Shon Heern called the meeting to order at 7:09 PM in the City Hall Council Chambers.

2. **ROLL CALL:**

**Present:** Commissioners Shon Heern, Jacque Lusk, Jeannine Gay, Lori Gibbs, Mark Knutson, Caleb Nelson and David Stein

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

3. **APPROVAL OF MINUTES:**

3.1 **June 19, 2017, Minutes**

**MOTION:** Commissioner Gay moved, Commissioner Gibbs second, the June 19, 2017, minutes be accepted as presented. Motion APPROVED 7-0. (Yes: Gay, Gibbs, Heern, Knutson, Lusk, Nelson and Stein; No: None.)

4. **PUBLIC HEARINGS:**

4.1 **Application for Type III Site Design Review**

**File Number PC17-04**

**Applicant: Mountain West Investments**

**Location: 3335 Main Street**

**Benton County Assessor's Maps: 12-5-07A Tax Lots 1600 and 2000 and 12-5-07B Tax Lot 2200.**

Chair Heern opened the public hearing at 7:09 p.m. on PC17-04, and the rules for participation and testimony were read into the record. Commissioner Knutson declared he is building multi-family dwellings himself but declared his ability to be impartial. There were no other ex-parte contacts, conflicts of interest, bias or site visits declared. There was no rebuttal of any disclosure or non-disclosure. Chair Heern limited testimony by the public to four minutes.

**Staff Report:**

Mr. Minard explained that a supplemental meeting was held on August 25, 2017, with the applicant regarding the proposed conditions of approval; and subsequent to that meeting, proposed revised conditions of approval have been submitted by the applicant. Mr. Minard stated that Mr. Workman would address those after presentation of the staff report. Mr. Minard presented the staff report dated August 21, 2017. He noted those criteria that required a condition of approval to be met. He explained that the revised information submitted by the applicant now meets the common open space standard and trash receptacle screening and sizing. He added that additional information received addressing pedestrian access and circulation has been reviewed by the city engineer and the sidewalk issue will be further addressed.

Mr. Minard reviewed the staff recommendation for a fence barrier adjacent to the highway to prevent residents from attempting to cross the highway at locations other than the designated crosswalk. He stated that the city engineer has provided an exhaustive list of requirements that did receive further review in the August 25 meeting with the applicant. He explained the staff thought process behind requiring any pedestrian crossing on the highway to be west of the

1 development to ensure sufficient site-line distance for westbound drivers cresting  
2 the hill. He explained that Pages 15 and 16 of the August 21 staff report are  
3 conditions of approval drafted prior to the August 25 meeting with the applicant.  
4

5 Mr. Workman reviewed the proposed revised conditions of approval dated August  
6 28, 2017. He explained the recommendation to strike Condition #3 based on  
7 additional information from the Department of State Lands regarding undisturbed  
8 wetlands and Condition #4 that has been sufficiently clarified by the applicant. He  
9 reviewed the remaining proposed changes to the conditions, particularly the  
10 infrastructure requirements. Mr. Minard noted the requirement that the secondary  
11 access be located in a place acceptable to the Fire department should be  
12 included as a condition.  
13

14 Commissioner Stein requested the breakdown of the water production capacity  
15 without the Corvallis intertie contract. Mr. Workman stated that information was  
16 not in front of staff tonight. Mr. Minard stated that the engineer had combined all of  
17 the available sources in their report. Staff stated they would provide that  
18 information to the Commission.  
19

20 Commissioner Heern requested further clarification of the open space  
21 requirement. Mr. Minard stated they received subsequent material that provided  
22 more extensive calculations showing that the requirement was met.  
23

24 **Presentation of Applicant:**

25 Richard Berger, Project Manager, Mountain West Investment – Mr. Berger  
26 explained they are a family organization that is Salem based. He thanked the  
27 Philomath community members who have helped mold the proposal, referring to  
28 the community meetings held and interactions with neighbors. He stated the  
29 applicant supports the conditions dated August 28, 2017, and noted that the major  
30 amendment was to incorporate the specific city engineer's conditions of approval.  
31 He clarified the issue with the pdf map that provided the open space calculations.  
32

33 Mr. Berger described the pedestrian connectivity throughout the development and  
34 the abundance of bike parking. He described the extension of a bike path to the  
35 west to a location that would be approved by ODOT for a crosswalk.  
36

37 Mr. Berger explained the interactions with ODOT regarding the traffic impact  
38 analysis and mitigation measures required by ODOT. He referenced the public  
39 infrastructure that the development will construct for the community's benefit.  
40

41 Commissioner Gay stated concerns about the turn-lane ingress and egress  
42 requirements. Mr. Berger stated that it is their responsibility to design the ingress  
43 and egress and ODOT's responsibility to approve it.  
44

45 There was discussion about the types and price ranges of the apartments to be  
46 constructed. Commissioner Lusk questioned the location of ADA accessible  
47 apartments. Mr. Berger stated that those will be dictated by building code  
48 requirements. There was additional discussion regarding the federal fair housing  
49 standards and handicapped accessible requirements.  
50

51 Commissioner Stein questioned the traffic impact analysis stating that the data  
52 indicates a car would be passing by the entrance during the morning peak hour  
53 every five seconds and questioned if that was sufficient space for cars to get out.  
54

1 Mike Ard, Senior Transportation Engineer, Lancaster Engineering – Mr. Ard  
2 reviewed the output data related to that period and described the dynamics of  
3 traffic with clumps of vehicles that proceed with two-second gaps, creating larger  
4 gaps sufficient for cars to merge into. He described the use of the left-turn lane to  
5 merge traffic. He stated ODOT does have intent to eventually add that merge lane  
6 between Philomath and Corvallis but not within the timeline of their project. As a  
7 result, the improvement falls on the developer and they will extend the  
8 improvements beyond their development.

9  
10 Commissioner Lusk requested additional detail regarding the pedestrian crossing  
11 improvements. Mr. Ard described the pedestrian-activated lighting mechanism  
12 that they anticipate installing but noted the final requirements will be directed by  
13 ODOT.

14  
15 Commissioner Heern questioned the type of bike path amenity to be extended to  
16 the west. Mr. Berger stated it will be dictated by the condition of approval.

17  
18 Mr. Ard described the traffic analysis methodologies used as required by ODOT.  
19 Chair Heern requested analysis conducted for traffic signal warrants. Mr. Ard  
20 reviewed the requirements and standards used by ODOT for addition of signals.  
21 He stated the standards are a little higher than even he would recommend.

22  
23 Commissioner Stein stated that using the left-turn merge lane slows traffic down.  
24 He questioned why the 2020 analysis and the 2021 analysis shows a decrease in  
25 traffic a year later despite the construction of the apartments.

26  
27 Mr. Ard provided additional analysis regarding the trip generation during the  
28 morning peak hour. He described differences between single family dwelling trip  
29 generation and apartment complexes. He stated the same data source required  
30 by ODOT was also used by the applicant for the Conser public hearing that is also  
31 on the agenda. He described parking generation analysis compared to trip  
32 generation during the peak hours and noted that they generally match up.  
33 Commissioner Stein stated he would be more inclined to believe Mr. Ard's data if  
34 it were based on actual local data instead of averages. Mr. Ard stated there are  
35 very few opportunities to perform comparable studies in a community of this size.  
36 He described the need to use averages to avoid over-engineering.

37  
38 **Testimony of Proponents:**

39 None.

40  
41 **Testimony of Opponents:**

42 Janice Stanger, Philomath, OR – Ms. Stanger stated her concerns with lack of a  
43 study on water availability that addressed climate change and drought. She  
44 described the impact of Hurricane Harvey on Houston, Texas, and the lack of  
45 planning by the Houston government. She stated need for a drought water plan  
46 because nature is unpredictable.

47  
48 May Dasch, Philomath, OR – Ms. Dasch stated opposition because of the  
49 negative impact of such a development on the City's long-term water availability.  
50 She described comments from the City's engineer 30 years ago regarding the  
51 water supply. She described the two-year notice in the termination section of the  
52 City's contract with the City of Corvallis for purchase of water. Ms. Dasch stated  
53 10 years ago the City declined to participate in an independent scientific water  
54 analysis and should do so now.

1  
2 Elizabeth Elliott, Philomath, OR – Ms. Elliott stated the importance of keeping the  
3 vision of what the town wants to be. She stated concerns about the volume of  
4 traffic and described a traffic count she personally took last week. She stated  
5 concerns with the left-turn merge lane, the pedestrian crossing, and traffic cresting  
6 the hill. She described concerns about trucks trying to slow down for the  
7 pedestrian light. She stated the developer's figures are unrealistic.  
8

9 Jeff Cohen, Philomath, OR – Mr. Cohen stated concerns about insufficient water  
10 supply and that Philomath is at the mercy of Corvallis' goodwill. He stated that the  
11 Corvallis contract is based on the supposition that they have sufficient water to  
12 sell to Philomath. He also stated concerns about the traffic load and, in his  
13 opinion, the statistics cited are not relevant to Philomath. He suggested the  
14 developers should sit on Philomath Boulevard and observe traffic. He noted truck  
15 traffic has increased and compression braking noise on the highway could result  
16 in high turnover in their complex. He stated the trucks are creating logjams in  
17 traffic.  
18

19 **Testimony of Neutral Parties, including Governmental Bodies:**

20 Melissa Goff, Superintendent, Philomath School District: Ms. Goff provided  
21 current, historical and potential enrollment numbers. She stated there is currently  
22 space for an additional 350 students across the district. She distributed a report  
23 on school enrollments.  
24

25 **Rebuttal by the Applicant, limited to issues raised by Opponents:**

26 Richard Berger – Mr. Berger stated they have used the information provided by  
27 the city's engineer regarding water availability.  
28

29 Mr. Ard stated that the data that was collected for use in their analysis was  
30 collected in May when school was in session. He described actual measurements  
31 taken regarding sight distance in the subject area and the standards used in  
32 analysis. He stated they found that there is sufficient sight distance in both  
33 directions for the proposed highway improvements. He stated the pedestrian  
34 crossing was requested by ODOT to be located to the west to allow additional  
35 sight distance.  
36

37 Mr. Ard addressed Commissioner Stein's question regarding the 2020 and 2021  
38 intersection numbers. He stated there was an analysis error but the subsequent  
39 analysis is correct. He stated the numbers used in the analysis were correct.  
40 Commissioner Stein stated he still didn't accept the analysis.  
41

42 Seeing no further testimony, Chair Heern closed the public hearing at 8:54 p.m.  
43 The applicant waived the right to submit final written arguments.  
44

45 **4.2 Discussion and possible decision on PC17-04** – Chair Heern opened  
46 discussion for the Commission. Commissioner Lusk questioned the design of the  
47 pedestrian crosswalk. Mr. Workman reviewed the wording of the condition of  
48 approval, contingent on ODOT approval. He stated the location has to be  
49 determined prior to determination of design and amenities. Commissioner Heern  
50 reviewed concerns stated during public testimony. Commissioner Lusk requested  
51 further clarification of available water rights. Mr. Workman stated the City's water  
52 rights far exceed current production capacity. He described the need for a new  
53 water treatment plant and the draft Water Master Plan about to be reviewed by  
54 the City Council. He stated the engineer's analysis is a conservative analysis of

1 how much water can be produced currently.

2  
3 **MOTION:** Commissioner Heern moved, Commissioner Lusk second, the  
4 application for site plan review for Type III land use action submitted by Mountain  
5 West Investments, file number PC17-04 be approved with the conditions of  
6 approval provided in the staff report dated August 21, 2017, and modified in the  
7 amendment dated August 28, 2017, with the revised conditions of approval.  
8 Motion APPROVED 6-1 (Yes: Gay, Gibbs, Lusk, Knutson, Nelson and Heern, No:  
9 Stein).

10  
11 Chair Heern called a recess at 9:04 p.m. The Commission reconvened at 9:11  
12 p.m.

13  
14 **4.3 Application for Type III Site Design Review**  
15 **File Number PC17-05**

16 **Applicant: J Conser & Sons LLC**

17 **Location: 200 Block N 19th Street**

18 **Benton County Assessor's Maps: 12-6-12AC #3900 and a portion of 12-6-12**  
19 **#501.**

20  
21 Chair Heern opened the public hearing at 9:12 p.m. on PC17-05, and the rules for  
22 participation and testimony were read into the record. Commissioner Knutson  
23 made the same declaration as earlier regarding his construction of multi-family  
24 dwellings and ability to make an unbiased decision. There were no other ex-parte  
25 contacts, conflicts of interest, bias or site visits declared. There was no rebuttal of  
26 declarations or non-disclosure.

27  
28 **Staff Report:**

29 Mr. Minard presented the staff report dated August 21, 2017, as included in the  
30 agenda packet. He noted comments from Hannah Trampaz regarding  
31 jurisdictional wetlands. In reviewing the City engineer's conditions of approval, he  
32 noted the requirement to provide pedestrian access and sidewalks on College  
33 Street in lieu of sidewalks conflicting with the presence of two large trees on 19th  
34 Street.

35  
36 Commissioner Gibbs questioned if there were any conversations about the speed  
37 limit changing on North 19th Street to reduce speeds approaching the city limits.  
38 Mr. Minard stated there is a process for reducing speed limits. Commissioner  
39 Heern stated he understands that anyone can petition for a speed limit reduction  
40 but it is a final determination made by the State Traffic Engineer.

41  
42 **Presentation of Applicant:**

43 Matthew Conser, J Conser and Sons LLC, Albany, OR – Mr. Conser provided a  
44 summary of his family's history in the mid-Valley area. He stated they build  
45 market-rate apartments, particularly one and two bedroom units, and they do not  
46 build to sell. He described the Conser family's plans to acquire and develop a  
47 project in Philomath, with plans to break ground this fall and construct over the  
48 winter. He stated they support staff's findings, with two potential modifications. Mr.  
49 Conser distributed a copy of the site plan.

50  
51 Dave Dodson, Willamette Valley Planners, Corvallis, OR – Mr. Dodson reviewed  
52 the amenities planned and agreed to the addition of playground equipment as  
53 requested by staff. He noted the proposed relocation of the northbound 45 mph  
54 sign to be adjacent with the southbound 25 mph sign. He noted the locations of

1 the white oak trees that they seek to preserve and reviewed the proposed  
2 amendment to the condition of approval for significant tree protection. He  
3 described the proposed amendment to the fencing condition of approval to create  
4 less separation of the development from the street but still fence the sport court  
5 and abutting residential uses to the south.  
6

7 Commissioner Gay questioned if any neighborhood meetings were conducted.  
8 Mr. Conser stated they did not conduct any neighborhood meetings as they were  
9 not required, but they did have conversations with the neighbors and received no  
10 objections to the project.  
11

12 Commissioner Stein questioned the limited scope of the traffic impact analysis  
13 that was performed. Mr. Conser stated the scope was primarily dictated by Benton  
14 County's requirements. Commissioner Stein questioned who their target tenants  
15 are. Mr. Conser stated they don't target or discriminate with regard to tenants. He  
16 described the accessible ground floor apartments they build. He stated they do  
17 their own tenant screenings. He stated they will not have specific rental rates until  
18 they have final project costs but they do not typically charge top rates. He stated  
19 they like to call it achievable housing.  
20

21 Commissioner Lusk questioned the ADA parking layout. Mr. Dodson described  
22 the effort to align the ADA ramp onto the sidewalk with the entrance to a building.  
23

24 Commissioner Heern requested elaboration regarding the modification to fencing.  
25 Mr. Dodson stated the request is intended to allow for other types of fencing and  
26 sight distance from the driveway. Mr. Minard clarified that the condition was  
27 somewhat of a carryover from the other development and staff has no problem  
28 with the proposed modification. Mr. Workman described the 5-foot planter strip  
29 between the curb and sidewalk which creates a different situation in this  
30 development.  
31

32 **Testimony of Proponents:**

33 None.  
34

35 **Testimony of Opponents:**

36 Janet Osborn, Philomath, OR – Ms. Osborn lives adjacent to the property and  
37 stated concerns about flooding on that lot every winter. She questioned if the  
38 storm drain improvements will prevent the field from flooding worse or towards her  
39 property. She stated concerns about the lack of traffic complying with the 25 mph  
40 speed limit and the presence of a fence that prevents sufficient sight distance to  
41 Main Street. She questioned if there is fencing proposed on the east side of the  
42 property that abuts the Nazarene Church field. She stated concerns about the  
43 need for resources such as police for a lot of new people moving into town.  
44

45 May Dasch, Philomath, OR – Ms. Dasch submitted written testimony regarding  
46 water supply and her opposition to the development. She encouraged the  
47 financing of an outside independent study on water resources. She stated  
48 concerns about increased traffic on North 19<sup>th</sup> Street because it's an escape route  
49 around the traffic on Philomath Boulevard and current residents could lose that  
50 benefit.  
51

52 **Testimony of Neutral Parties, including Governmental Bodies:**

53 Chair Heern noted that School Superintendent Melissa Goff did provide written  
54 testimony regarding school capacity at the earlier public hearing.

1  
2 **Rebuttal by the Applicant, limited to issues raised by Opponents:**

3 Mr. Conser stated he wanted to have Melissa Goff's earlier written testimony  
4 regarding school capacity admitted as testimony in this hearing.  
5

6 **Brian Vandetta** – Mr. Vandetta stated he is the engineer of record for the project.  
7 He reviewed the storm drainage issues and anticipated drainage improvements.  
8 He stated the elevation of the site is to be raised two to four feet and will allow for  
9 creation of storm detention facilities.  
10

11 Mr. Conser stated they do have plans to make improvements at North 20<sup>th</sup> Street.  
12 Mr. Vandetta stated they will be upsizing the culverts across North 20<sup>th</sup> Street and  
13 may also be required to upsize culverts across the church's property.  
14

15 Mr. Conser stated that the right turn out of the complex towards Corvallis will be  
16 very popular but this is an urban complex with close access to food, retail, and  
17 bus services just a block away on Main Street. He described sidewalk  
18 improvements to be provided to connect with Alyrica and on College Street in  
19 front of the neighboring properties on the corner.  
20

21 Commissioner Heern questioned the height of the sports court fence to ensure  
22 that basketballs don't escape. Mr. Dodson noted the proposed condition of  
23 approval is for a minimum six foot fence. Mr. Conser stated the court is  
24 intentionally located on the north end of the property to not create a nuisance for  
25 the existing property owners on the south side.  
26

27 Seeing no further testimony, Chair Heern closed the public hearing at 10:13 p.m.  
28 The applicant waived the right to submit final written arguments.  
29

30 **4.4 Discussion and possible decision on PC17-05** – Chair Heern opened  
31 discussion to the Commission.  
32

33 **MOTION:** Commissioner Gibbs moved, Commissioner Gay second, the  
34 application for site plan review for Type III land use action submitted by J Conser  
35 & Sons LLC, file number PC17-05 be approved with the conditions of approval  
36 dated August 21, 2017.  
37

38 **MOTION TO AMEND:** Commissioner Gay moved, Commissioner Heern second,  
39 to amend the main motion to amend conditions of approval #5 and #7 as  
40 submitted by the applicant for PC17-05. Motion APPROVED 7-0. (Yes: Gay,  
41 Gibbs, Heern, Knutson, Lusk, Nelson and Stein; No: None.)  
42

43 **VOTE ON AMENDED MAIN MOTION:** Motion APPROVED 7-0. (Yes: Gay,  
44 Gibbs, Heern, Knutson, Lusk, Nelson and Stein; No: None.)  
45

46 **5. ADJOURNMENT:**

47 There being no further business Chair Heern adjourned the meeting at 10:25 p.m.  
48

49 SIGNED:  
50 Caleb Nelson, Planning Commissioner

ATTEST:  
Ruth Post, MMC, City Recorder

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**PHILOMATH PLANNING COMMISSION  
MINUTES**

October 16, 2017

1. **CALL TO ORDER.** Commissioner Caleb Nelson 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, Caleb Nelson and David Stein.

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

**Excused:** Commissioners Shon Heer and Jacque Lusk.

3. **APPROVAL OF MINUTES:**

3.1 **August 28, 2017, Minutes**

**MOTION:** Commissioner Gay moved, Commissioner Gibbs second, the August 28, 2017, minutes be accepted as presented. Motion APPROVED 5-0. (Yes: Gay, Gibbs, Knutson, Nelson and Stein; No: None.)

4. **PUBLIC HEARINGS:**

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 Nelson opened the public hearing at 7:01 p.m. on PC17-06, and the rules for participation and testimony were read into the record. There were no ex-parte contacts, conflicts of interest, bias or site visits declared. There was no rebuttal of any disclosure or non-disclosure.

**Staff Report:**

Mr. Minard presented the staff report dated October 10, 2017. Commissioner Stein questioned why Mr. Lahey's comments dated October 9, 2017, were not acknowledged in the staff report. Ms. Post noted that the staff report was under final review at the same time that Mr. Lahey's comments were received. Mr. Minard noted the 31 proposed conditions of approval that must be adhered to and checked off prior to recording of any final plat.

Commissioner Gibbs questioned the purpose of the cross-hatched mid-block lane. Mr. Minard explained that the intent is a mid-block lane that eliminates the need for multiple flag-lots and shared driveways.

**Presentation of Applicant:**

Shane Ottosen, J.D. McGee Engineering, Philomath, OR – Mr. Ottosen introduced his presentation by saying this is a development by local people on a lot that has been considered for development for many years to provide Philomath families with homes. He reviewed the partition that was approved in 2016 with the mid-block lane access. He addressed the connectivity of the mid-block lane to Mr. Al Lahey's adjoining property to the west. He stated the Partition Condition of Approval #9 required them to show the connectivity could be accomplished from



1 North 9th Street to Fawn Lane and meet all of the Public Works Design  
2 Standards. He described the data received from Mr. Lahey in 2009 regarding the  
3 topography of his property using 10 foot contours. He stated that standard  
4 engineering practice in gauging contour accuracy is plus or minus 50%, making  
5 10 foot contour accuracy plus or minus 5 feet. He compared the accuracy of the  
6 data provided by Mr. Lahey from an aerial topographic map compared to the  
7 LIDAR data obtained from the Oregon Department of Geology and Mineral  
8 Industry that uses one foot contours, plus or minus half a foot.

9  
10 John McGee, J.D. McGee Engineering, Philomath, OR – Mr. McGee stated that  
11 the LIDAR data-based contours were verified on-site with GPS and they matched  
12 up very well and they have confidence in their data set.

13  
14 Based on their data, Mr. Ottosen reviewed the 3D computer models they  
15 developed showing cut and fill areas for the street connectivity of Fawn Lane from  
16 North 9th Street through to the current stub out at Starlight Village.

17  
18 Mr. Ottosen addressed the staff recommendations and conditions of approval,  
19 specifically:

- 20 • Condition #17 regarding the three lots exceeding the maximum allowed lot  
21 size could be adjusted via moving lot lines or creation of additional tracts.
- 22 • Conditions #22 and 23 regarding the use of a cul-de-sac with an  
23 undeveloped tract being more desirable than a dead-end barrier. He noted  
24 a subdivision in Albany with a temporary roadway easement and  
25 undeveloped tract such as they have proposed. He stated that the  
26 development beyond the cul-de-sac never occurred and the cul-de-sac  
27 was ultimately made permanent. He stated that barricades are unsightly  
28 and encourage private illegal parking which is an issue.
- 29 • Condition #31 regarding the private septic easement held by the adjoining  
30 neighbor to the east. He stated they are engaged in conversations with  
31 that neighbor and believe the easement concern will be resolved.

32  
33 Commissioner Gay questioned if they have engaged conversations with the  
34 neighboring property owners. Mr. Ottosen stated that they have had  
35 conversations with some of the neighboring property owners, including Mr. Lahey.

36  
37 Commissioner Nelson questioned the use of flag lots to the south instead of a  
38 shared driveway like the one to the north. Mr. McGee stated he didn't recall the  
39 original reasoning, but the conditions of approval require them to be a shared  
40 driveway so they will make that happen.

41  
42 Commissioner Stein questioned how the private septic easement effects the  
43 subdivision. Mr. Minard explained that most easements preclude building on top  
44 of them. He stated that the lots were evaluated for the ability to build in the  
45 available area outside of the easement. He stated the two property owners have  
46 an agreement, and this is a civil issue that the City wouldn't normally be involved  
47 in.

48  
49 Commissioner Stein questioned if the septic easement is the drainfield for the  
50 neighbor. Mr. Ottosen stated that the easement is the drainfield and there are  
51 talks between the two parties to extend sewer service to the Hruska house and  
52 remove the easement. Mr. Minard stated that as long as there is a buildable  
53 envelope on each lot, the easement doesn't affect the preliminary plat.

1  
2 **Testimony of Proponents:**

3 None.

4  
5 **Testimony of Opponents:**

6 Al Lahey, 565 N 7<sup>th</sup> Street, Philomath, OR – Mr. Lahey requested a continuance  
7 until the engineer provides earthwork calculations that show cuts and fill as he has  
8 requested from them. He stated he has a degree in civil engineering and has  
9 done a lot of big projects. He stated he doesn't find the location of the proposed  
10 street acceptable and he hasn't been invited to participate in any meetings to  
11 design the street locations. He stated the street centerline is unacceptable to him.  
12 He requested that all written testimony submitted to date from December 2016 for  
13 the previous partition be included in the record. He requested that the street be  
14 designed per Public Works Design Standards to and through with no cul-de-sac  
15 and no Tract A. He stated it was unacceptable that he wasn't invited to participate  
16 in any of the design. He stated he has estimated this design causes him \$250,000  
17 in earthwork to be able to connect the two ends of Fawn Lane as proposed. He  
18 requested that all previous testimony he has submitted on the partition be  
19 included in the record.

20  
21 Mr. Lahey stated that this is classified as a local street; but as Starlight Village is  
22 built out, there will be more traffic. He described issues he has with the design as  
23 shown on Sheet C2 from the approved Public Works plans. He stated that the  
24 Public Works Design Standards state they are not supposed to impact other  
25 properties and the design impacts his property. He stated he is substantially  
26 aggrieved.

27  
28 Commissioner Gay questioned if the street was relocated, would he object to the  
29 development. Mr. Lahey stated he does not object to the development, just the  
30 location of the street. He stated he is not opposed to annexation of his own  
31 property and he has a delayed annexation agreement with the City, so the City  
32 could annex it at any time.

33  
34 Commissioner Stein requested a copy of the Sheet C2 that Mr. Lahey was  
35 referencing. Mr. Lahey stated that the sheet is from Public Works. He stated the  
36 design is not in conformance with the Public Works Design Standards because of  
37 the transfer of cost onto him. He stated he is opposed to the development unless  
38 the road is relocated.

39  
40 **Testimony of Neutral Parties, including Governmental Bodies:**

41 Michael Gannis, 758 Marilyn Drive, Philomath, OR – Mr. Gannis stated he has  
42 concerns about buildable lots and storm drains. He stated his property adjoins lots  
43 10 and 11 and he has concerns about water runoff from his property that has  
44 historically drained towards those proposed lots. He also stated he purchased the  
45 lot 12 years ago and questioned where the exact location of the property line is.  
46 He requested that the final survey clearly define the adjoining property line. Mr.  
47 Gannis questioned if the new home that has already been constructed is actually  
48 on Lot 9. Ms. Post stated the home is on Parcel 8 from the prior partition. Mr.  
49 Workman also confirmed that the house is on Parcel 8. Mr. Minard addressed the  
50 stormwater discharge requirements and the survey requirements in the conditions  
51 of approval.

52  
53 Commissioner Gay questioned if his concerns are addressed, did Mr. Gannis  
54 have other objections to the development. Mr. Gannis stated he did not.

1  
2 Jeremy Hruska, 680 N 9<sup>th</sup> Street, Philomath, OR – Mr. Hruska stated that they are  
3 working with the developer to come to a resolution regarding their private utility  
4 easement and they just wanted to ensure that those lots didn't impact their  
5 easement as it currently stands. Mr. Workman stated Condition #31 is there to  
6 ensure transparency with regard to the private easement.  
7

8 **Rebuttal by the Applicant, limited to issues raised by Opponents:**

9 Shane Ottosen, McGee Engineering – Mr. Ottosen stated that Sheet C2 was  
10 approved by the City's Engineer as meeting the requirements of the Public Works  
11 Design Standards, including radius, grades, and curves. He stated sewer has  
12 already been installed in that alignment that was approved in the partition  
13 process. He stated moving the road now would create a hardship for Mr. Muir.  
14

15 John McGee, McGee Engineering – Mr. McGee stated that he and Mr. Ottosen  
16 are professional licensed engineers and they are serious about doing the right  
17 thing. He stated their number one responsibility is to the health and welfare of the  
18 public. He stated that their plans were taken to the City Engineer and Public  
19 Works Director for review and nothing has been done under the table. He stated  
20 they are a professional organization. He stated concerns about Mr. Lahey's  
21 definition of what is fair as it seemed to be only if he gets what he wants.  
22

23 Mr. McGee stated concerns about the generalized nature of Mr. Lahey's  
24 assertions. He stated they have created real models based on mathematical data  
25 and presented them to the Planning Commission. He stated that it appears the  
26 only way to make Mr. Lahey happy is to make it his way.  
27

28 Mr. McGee described the boundary survey that has been conducted and he would  
29 be happy to walk Mr. Gannis around the property. He stated that Oregon statute  
30 requires them to address drainage concerns like those described by Mr. Gannis.  
31

32 Commissioner Stein requested an explanation for the process that goes into  
33 planning a road across someone's property. Mr. Workman explained that the  
34 City's requirement is to ensure that future connectivity is possible. He stated the  
35 requirement is to show 250 feet of connectivity with no negative impact onto  
36 adjoining property. He stated that due to topography involved in this particular  
37 situation, that requirement was extended over 400 feet all the way to the other  
38 property line where the existing Fawn Lane stubs out to ensure that the  
39 connectivity could take place.  
40

41 He stated that the language Mr. Lahey is quoting regarding causing no harm is  
42 drawn from the section of Public Works Design Standards 1.1(e) addressing a  
43 variance by an applicant. He stated that is not the case here. He stated the  
44 applicant has shown that they can meet the requirements of connectivity. He  
45 stated that Mr. Lahey is free to design the street through his property however he  
46 sees fit. Commissioner Stein noted that the location the applicant chooses does  
47 affect Mr. Lahey's property. Mr. Minard stated there is no subdivision plat on Mr.  
48 Lahey's property that the applicant is trying to connect to. He explained that the  
49 issue is whether this street configuration conforms to the applicable criteria as far  
50 as the design specifications for which there is no variance requested by the  
51 applicant. He stated that the City has gone above and beyond the criteria to  
52 ensure the connectivity.  
53

1 Mr. Lahey requested the opportunity to rebut. Ms. Cook explained that the public  
2 hearing process does not allow for that. Commissioner Nelson stated it seems if  
3 the goal is to ensure connectivity, there should be a mechanism that doesn't place  
4 the burden of cost onto an adjacent property owner. Mr. Workman stated that  
5 Public Works did look at one other option and it was more expensive with more  
6 cut and more fill. He stated it was felt that this was a reasonable design.

7  
8 Mr. Lahey made comments off microphone. Mr. Workman explained that the  
9 applicant is not applying for any variance.

10  
11 Commissioner Stein moved for a continuance until the rest of the information  
12 referred to by Mr. Lahey from December or January is made available to the  
13 Planning Commission for study of the results he has presented. Commissioner  
14 Gay seconded the motion.

15  
16 Commissioner Stein restated his motion for a continuance to a date in the future  
17 so the Planning Commission can receive all of the information and be given  
18 enough time to consider it.

19  
20 Ms. Post requested clarification of the motion.

21  
22 MOTION: Commissioner Stein moved the Planning Commission postpone  
23 consideration of this development until the questions raised by OSLLC and  
24 problems raised have been resolved and all the available information has been  
25 provided to the Planning Commission. Commissioner Gay seconded.

26  
27 Mr. Minard stated that the email submitted by Mr. Lahey on October 16, 2017,  
28 references testimony submitted on December 26, 2016, for the Muir partition file  
29 of P16-09. He stated these documents were not entered into the record for this  
30 application and questioned if the documents from the partition application can be  
31 added to this record at this point in the hearing.

32  
33 There was discussion about the difference between a continuance and leaving the  
34 record open. Ms. Post suggested the record could be left open for seven days  
35 with the applicant allowed an additional seven days for final written response,  
36 after which, the Planning Commission would reconvene for deliberation and  
37 decision. She questioned if Commissioner Stein wanted to request a continuance  
38 or to leave the record open.

39  
40 Commissioner Gibbs questioned why Mr. Lahey didn't seek out more input  
41 between December and now. Mr. Lahey made inaudible comments off  
42 microphone. Ms. Post pointed out the need for a completely recorded record. Mr.  
43 Workman requested that any future comments be spoken into the microphone.  
44 Commissioner Nelson questioned if Mr. Lahey still has an opportunity to make  
45 oral comments. Ms. Cook stated the answer was still no.

46  
47 VOTE on motion: 1-4 (Yes: Stein; No: Gay, Gibbs, Knutson and Nelson).

48  
49 MOTION: Commissioner Stein moved to keep the record open until 5:00 p.m. on  
50 October 23, with an additional 7 days for the applicant to provide final written  
51 comments, with a Planning Commission meeting on November 6 at 7:00 p.m.  
52 Commissioner Gibbs second. Motion approved 5-0 (Yes: Gay, Gibbs, Knutson,  
53 Nelson and Stein).

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**5. ADJOURNMENT:**

There being no further business Commissioner Nelson adjourned the meeting at 8:40 p.m.

SIGNED:  
Mark Knutson, Planning Commission

ATTEST:  
Ruth Post, MMC, City Recorder

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**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 Heern 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.

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**5. OTHER DISCUSSION:**

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

**6. ADJOURNMENT:**

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

SIGNED:

ATTEST:

\_\_\_\_\_  
Mark Knutson, Acting Chair

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Ruth Post, MMC, City Recorder