

1 **PHILOMATH PLANNING COMMISSION**  
2 **MINUTES**

3 January 22, 2018  
4

5 **WORK SESSION:**

6 Staff provided a summary training on the role of the Planning Commission including:

- 7 • The types of decisions and recommendations they make;  
8 • Requests to keep record open vs continuing a public hearing;  
9 • Required disclosures for conflict of interest, ex-parte contact, site visits and bias;  
10 • Types of annexation applications and issues with criteria;  
11 • SB1573 and the current status of the City's litigation.  
12

13 Work session adjourned at 6:20 p.m.  
14

15 **REGULAR MEETING:**  
16

- 17 1. **CALL TO ORDER.** Mr. Workman called the meeting to order at 7:00 PM in the City Hall  
18 Council Chambers.  
19

20 2. **ROLL CALL:**

21 **Present:** Commissioners Steve Boggs, Gary Conner, Jeannine Gay, Lori Gibbs,  
22 Mark Knutson, and David Stein.  
23

24 **Staff:** Chris Workman, City Manager; Amy Cook, Deputy City Attorney; Jim  
25 Minard, City Planner; and Ruth Post, City Recorder.  
26

27 **Excused:** Commissioner Lusk  
28

29 3. **APPROVAL OF MINUTES:**

30 3.1 **November 6, 2017, Minutes**

31 **MOTION:** Commissioner Gay moved, Commissioner Knutson second, the  
32 November 6, 2017, minutes be accepted as presented. Motion APPROVED 6-0.  
33 (Yes: Boggs, Conner, Gay, Gibbs, Knutson and Stein; No: None.)  
34

35 4. **ELECTION OF OFFICERS:**

36 4.1 **Election of Chairperson** – There was discussion about the different qualities  
37 brought by the different members and several suggestions were made for Chair.  
38

39 **MOTION:** Commissioner Gibbs moved, Commissioner Boggs second to elect Jacque  
40 Lusk as Chair of the Planning Commission. Motion APPROVED 6-0 (Yes: Boggs,  
41 Conner, Gay, Gibbs, Knutson and Stein; No: None.)  
42

43 4.2 **Election of Vice-Chairperson** –  
44

45 **MOTION:** Commissioner Gay moved, Commissioner Knutson second, to elect Lori Gibbs  
46 as Vice-Chair. Motion APPROVED 6-0 (Yes: Boggs, Conner, Gay, Gibbs, Knutson and  
47 Stein; No: None.)  
48

49 5. **PUBLIC HEARINGS:**

50 5.1 **File Number** PC17-09

51 **Applicant:** City of Philomath

52 **Application Type:** Type IV Annexation

53 **Locations/Owners:**

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

Vice-Chair Gibbs opened the public hearing at 7:07 p.m. Ms. Cook read the rules for testimony. Vice-Chair Gibbs requested any declarations of ex-parte contact, conflict of interest, bias or site visits concerning the case file. No declarations were made and there was no rebuttal of the declarations. Vice-Chair Gibbs read the order of testimony.

**Presentation of Staff Report:**

Mr. Minard presented the staff report as included in the agenda packet, noting that the City is the applicant on this annexation request.

**Presentation of Proponents:**

None.

**Presentation of Opponents:**

5.1A – Dean Anderson, Philomath, OR – Mr. Anderson spoke in opposition to 501 Main Street being annexed because of concerns about oak trees on the property that could be endangered. He stated concerns about the increase in his property taxes.

5.1B – Ginger McMurtry, Philomath, OR – Ms. McMurtry spoke in opposition to annexation of 498 Main Street. She stated no need for city services on her property and was concerned about being required to hook up to city water and sewer.

5.1C – Anita Azarenko, Philomath, OR – Ms. Azarenko spoke in opposition to annexation of 500 Pioneer Street. Ms. Azarenko did not oppose paying additional property taxes but stated no need for City services and described issues with City development practices, including easements, street development and stormwater runoff. She stated outreach by City staff prior to submitting the annexation request to the Commission would have been helpful.

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

5.1D – Michael Sprouse, Philomath, OR – Mr. Sprouse questioned where the assessed values were derived from in the staff report. He stated disparity between the assessed value of 500 Pioneer Street compared to his home which abuts it.

**Rebuttal by the Applicant, limited to issues raised by opponents:** Mr. Minard stated the assessed values came from the Benton County Assessor’s office. Mr. Workman clarified that notices were mailed to all property owners and area property owners. He

1 stated there is no ordinance requiring property owners to hook up to City water. He stated  
2 there is a requirement to hook up to City sewer but there are already other properties  
3 within the City that are not hooked up that are not being required to.  
4

5 On behalf of the City, Mr. Minard waived the 7-day period to keep the record open. Vice-  
6 Chair Gibbs closed the public hearing at 7:29 p.m.  
7

8 **5.2 PC17-09 Discussion and Decision** – Commissioner Gay stated concerns about  
9 the three property owners who opposed annexation. She stated appreciation for those  
10 not wanting to pay higher property taxes.  
11

12 Commissioner Stein stated concern about someone being taxed out of their home. Mr.  
13 Workman explained that the individual islands can be separated. He explained the  
14 grouping of properties adjacent to each other into single measures. Commissioner Stein  
15 questioned if there is any effort by the City to provide property tax relief. Mr. Workman  
16 described the 3-year delay on residential island annexations before the effective date of  
17 the annexation, unless the property is sold.  
18

19 Mr. Minard described the effect of the City's approximately \$5 per \$1,000 tax rate on the  
20 assessed value of a property such as Mr. Anderson's at 501 Main Street. Commissioner  
21 Boggs noted that some of these same properties were excluded from annexation the last  
22 time islands were annexed by the City. Commissioner Knutson questioned if there is any  
23 way to reduce the cost of hooking up to City services. Mr. Workman stated that would be  
24 a City Council decision. Mr. Minard stated that a payment plan is an option and described  
25 the process of a failed septic system.  
26

27 **MOTION:** Commissioner Gay moved, Commissioner Knutson second, to adopt the  
28 Findings of Fact as presented in the staff report and this annexation request as presented  
29 in File No. PC17-09 be forwarded to the City Council for consideration and action. Motion  
30 APPROVED 6-0 (Yes: Boggs, Conner, Gay, Gibbs, Knutson, and Stein; No: None).  
31

32 Ms. Post stated this was a recommendation to the Philomath City Council and a new  
33 public hearing is scheduled for February 12, 2018, at 7:00 p.m. and notice was previously  
34 provided for that hearing.  
35

36 **5.3 File Number PC17-10**

37 **Applicant:** City of Philomath

38 **Application Type:** Type IV Annexation

39 **Location:** 12-6-11A Tax Lots 3300, 3400 and 3500 at the north end of North 7th  
40 Street

41 **Owner:** Oregon Sequoia LLC  
42

43 Vice-Chair Gibbs opened the public hearing at 7:49 p.m. Ms. Cook read the rules for  
44 testimony. Vice-Chair Gibbs requested any declarations of ex-parte contact, conflict of  
45 interest, bias or site visits concerning the case file. No declarations were made and there  
46 was no rebuttal of the declarations. Vice-Chair Gibbs read the order of testimony.  
47

48 **Presentation of Staff Report:**

49 Mr. Minard presented the staff report as included in the agenda packet, noting that the  
50 City is the applicant.  
51

52 **Presentation of Proponents:**

53 None.  
54

1 **Presentation of Opponents:**

2 None.

3  
4 **Testimony of Neutral Parties, including Governmental Bodies:**

5 5.3A – Allen Lahey, Owner, Oregon Sequoia LLC, Philomath, OR – Mr. Lahey requested  
6 the record be held open. He stated that the City’s Charter requirement for voter approval  
7 is ex post-facto to the delayed annexation agreement on his property. He described his  
8 issues with the City’s past denial of his request for City services and his concerns about  
9 statements in the staff report. He requested an extension to hold the record open to  
10 enable the Planning Commission to further review the written testimony he was  
11 submitting.

12  
13 Commissioner Gay stated there was a substantial amount of information he had  
14 submitted. Mr. Lahey stated he feels he has been treated unfairly. Commissioner Stein  
15 requested Mr. Lahey provide a single statement of what he wants. Mr. Lahey stated he  
16 wants City services. Commissioner Stein questioned if Mr. Lahey wants his property to be  
17 annexed by the City Council. Mr. Lahey agreed that he does.

18  
19 5.3B – Matt Kellam and Amanda Littke-Kellam, Philomath, OR -- Mr. Kellam stated they  
20 sought to learn more about voter annexation; and if it is annexed what the timeline is for  
21 development of the property. He stated concerns about the impact on property owners on  
22 North 7th Street and questioned the actual feasibility of the number of homes that could  
23 be built. He also questioned connectivity of streets and any water impacts of  
24 development, and how is this annexation request different from the last one that was  
25 voted down.

26  
27 Mr. Minard explained there is no current development plan, and Mr. Lahey has only  
28 partitioned the property up to this point. He described the staff obligation to calculate a  
29 maximum potential density. He described the engineering design involved in streets and  
30 explained that the developer pays for required on- and off-site street improvements. He  
31 summarized the opportunity for additional public input in the subdivision process when a  
32 development application is received.

33  
34 **Rebuttal by the Applicant, limited to issues raised by opponents:**

35 Mr. Minard stated that if this annexation is approved, Mr. Lahey gets access to City water  
36 and sewer.

37  
38 There was discussion about holding the record open. Vice-Chair Gibbs stated that if Mr.  
39 Lahey isn’t opposed to annexation, the file should move forward. Mr. Lahey agreed and  
40 withdrew the request to keep the record open. Commissioner Stein questioned why Mr.  
41 Lahey’s annexation wasn’t subject to the requirements of SB1573 which wouldn’t require  
42 voter approval. Mr. Workman explained that Mr. Lahey could submit an annexation and  
43 pay the annexation fee, which would make the application subject to SB1573. As it is, he  
44 explained, the City has taken the applicant role, making it not subject to SB1573 and  
45 making it subject to the City’s Charter voter approval requirement.

46  
47 Vice-Chair Gibbs closed the public hearing at 8:17 p.m. On behalf of the City, Mr. Minard  
48 waived the 7-day period to submit additional testimony.

49  
50 **5.4 PC17-10 Discussion and Decision**

51 Commissioner Boggs questioned if there were any concerns of the written testimony that  
52 should be addressed. Mr. Workman reviewed off-site development and improvements  
53 and stated there were a variety of scenarios that could result.

1 **MOTION:** Commissioner Boggs moved, Commissioner Gay second, to adopt the  
2 Findings of Fact as presented in the staff report and this annexation request as presented  
3 in File No. PC17-10 be forwarded to the City Council for consideration and action. Motion  
4 APPROVED 6-0 (Yes: Boggs, Conner, Gay, Gibbs, Knutson, and Stein; No: None).  
5

6 **5.5 File Number:** PC17-11  
7 **Applicant:** City of Philomath  
8 **Application Type:** Type IV Annexation  
9 **Locations/Owners:**

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

10  
11 Vice-Chair Gibbs opened the public hearing at 8:22 p.m. Ms. Cook read the rules for  
12 testimony. Vice-Chair Gibbs requested any declarations of ex-parte contact, conflict of  
13 interest, bias or site visits concerning the case file. No declarations were made and there  
14 was no rebuttal of the declarations. Vice-Chair Gibbs read the order of testimony.  
15

16 **Presentation of Staff Report:**

17 Mr. Minard presented the Staff Report as included in the agenda packet, noting that the  
18 City is the applicant.  
19

20 **Presentation of Proponents:**

21 None.  
22

23 **Presentation of Opponents:**

24 Jeff Whittier, Philomath, OR – Mr. Whittier stated his wife purchased the property and has  
25 since passed away. He stated there is a conflict of interest for the City to be the deciding  
26 property in the triple majority. He questioned what encompasses nuisance enforcement.  
27 Mr. Workman described examples of issues that fall under code enforcement and stated  
28 those are typically complaint driven. Mr. Whittier questioned if there are any plans to  
29 address flooding issues on Cooper Lane. Mr. Workman stated there is a Stormwater  
30 Master Plan in place but he was unsure if there were any projects specific to Cooper  
31 Lane. Mr. Workman stated he did not believe it was a conflict of interest for the City to be  
32 the fifth property in support of the annexation. Mr. Whittier stated he disagreed.  
33

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

35 None.  
36

37 **Rebuttal by the Applicant, limited to issues raised by opponents:**

38 None.  
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40 Vice-Chair Gibbs closed the public hearing at 8:40 p.m. On behalf of the City, Mr. Minard  
41 waived the right to submit final written arguments.

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**5.6 PC17-11 Discussion and Decision**

There was brief discussion about historical flooding in the area of South 15th Street and Cooper Lane.

**MOTION:** Commissioner Gay moved, Commissioner Knutson second, to adopt the Findings of Fact as presented in the staff report and this annexation request as presented in File No. PC17-11 be forwarded to the City Council for consideration and action. Motion APPROVED 6-0 (Yes: Boggs, Conner, Gay, Gibbs, Knutson, and Stein; No: None).

As this was Mr. Minard’s last meeting as the Philomath City Planner, Commissioner Boggs stated his appreciation in working with him and wished him well in retirement.

**6. ADJOURNMENT:**

There being no further business adjourned the meeting at 8:43 p.m.

**SIGNED:**  
Lori Gibbs, Vice-Chair

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

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**PHILOMATH PLANNING COMMISSION**  
**MINUTES**

February 26, 2018

1. **CALL TO ORDER.** Chair Jacque Lusk called the meeting to order at 7:00 PM in the City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

2. **ROLL CALL:**

**Present:** Commissioners Jacque Lusk, Steve Boggs, Gary Conner, Jeannine Gay, Lori Gibbs, and Mark Knutson.

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

**Excused:** Commissioner David Stein

3. **APPROVAL OF MINUTES:**

3.1 **January 22, 2018, Minutes**

**MOTION:** Commissioner Gay moved, Commissioner Gibbs second, the January 22, 2018, minutes be accepted as presented. Motion APPROVED 6-0. (Yes: Boggs, Conner, Gay, Gibbs, Knutson and Lusk; No: None.)

4. **PUBLIC HEARING:**

4.1 **File Number** PC17-08

**Applicant:** Millersburg Land & Development LLC

**Application Type:** Type IV Annexation

**Location:** Westerly 9.09 acres of Tax Map 12-5-07 Tax Lot 504, north of Chapel Drive.

Chair Lusk opened the public hearing at 7:02 p.m. Ms. Cook read the rules for testimony. Chair Lusk requested any declarations of ex-parte contact, conflict of interest, bias or site visits concerning the case file. No declarations were made and there was no rebuttal of the declarations. Chair Lusk read the order of testimony.

**Presentation of Staff Report:**

Mr. Workman presented the staff report as included in the agenda packet.

**Presentation of Applicant:**

Mark Grenz, Multi/Tech Engineering, Salem, OR – Mr. Grenz stated he represented Millersburg Land and Development as the engineer for this application. He stated the staff report does a good job of outlining how the proposed annexation fits into the City's Comprehensive Plan and Code. He stated they will be participating in paying for their proportional share of infrastructure impacts of this development. He stated the property is abutted by a significant amount of natural resources and is a natural fit with the other existing parcel that is within the City limits to the west.

Commissioner Boggs questioned the 1.78 acres of required parkland that the staff report references, noting that it didn't appear to be addressed on the conceptual subdivision plan. Mr. Grenz stated their intention is to work with staff to find the best way to provide that, either through connection to the existing park or other methods.

**Presentation of Proponents:**

None.

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2 **Presentation of Opponents:**

3 None.

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

6 None.

7  
8 **Rebuttal by the Applicant, limited to issues raised by opponents:**

9 None.

10  
11 Chair Lusk closed the public hearing at 7:35 p.m.

12  
13 **4.2 PC17-08 Discussion and Decision** – Commissioner Boggs questioned the  
14 status of the North 11th Street well. Mr. Workman stated that the North 11th Street well is  
15 utilized frequently and is treated. He stated that the 9th Street well is not currently utilized  
16 and the new Water Master Plan will examine better ways to utilize that water right.

17  
18 Commissioner Conner questioned the lack of a sidewalk on Chapel Drive. Mr. Workman  
19 described the improvements that Benton County has planned for Chapel Drive and the  
20 current efforts by staff to work with the School District to develop a separated  
21 bike/pedestrian path that would connect to this property. He stated that type of access  
22 issue would be addressed in a subdivision application after annexation. Commissioner  
23 Conner questioned if a legal description was submitted. Ms. Post stated it was. There  
24 was further discussion about issues to be addressed during a development application  
25 review and the fact that the existing parcel located within the City limits already has a  
26 subdivision approval.

27  
28 Mark Grenz – Mr. Grenz further addressed the parkland dedication question and the  
29 need to work with staff during a subdivision application process to determine the most  
30 beneficial way to meet the City's requirements. He noted the conceptual plan that was  
31 submitted was intended to show the absolute maximum density possible, with the  
32 realization that an actual subdivision application would have adjustments to address  
33 issues such as the parks.

34  
35 **MOTION:** Commissioner Boggs moved, Commissioner Gay second, the Planning  
36 Commission adopt the Findings of Fact as presented in the staff report and that this  
37 annexation application as presented in File No. PC17-08 be forwarded to the City Council  
38 for consideration and action. Motion APPROVED 6-0 (Yes: Boggs, Conner, Gay, Gibbs,  
39 Knutson, and Lusk; No: None).

40  
41 Ms. Post stated this was a recommendation to the Philomath City Council and a public  
42 hearing is scheduled for March 12, 2018, at 7:00 p.m. and notice was previously provided  
43 for that hearing.

44  
45 **5. ADJOURNMENT:**

46 There being no further business, Chair Lusk adjourned the meeting at 7:48 p.m.

47  
48 SIGNED:  
49 Jacque Lusk, Chair

ATTEST:  
Ruth Post, MMC, City Recorder



**PHILOMATH PLANNING COMMISSION**  
**MINUTES**  
March 19, 2018

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6 **1. CALL TO ORDER.** Vice Chair Lori Gibbs called the meeting to order at 7:03 PM in the  
7 City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

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9 **2. ROLL CALL:**

10 **Present:** Commissioners Steve Boggs, Gary Conner, Jeannine Gay, Lori Gibbs,  
11 Mark Knutson and David Stein.

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

15  
16 **Excused:** Commissioner Jacque Lusk

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

19 **3.1 February 26, 2018, Minutes**

20 **MOTION:** Commissioner Gay moved, Commissioner Stein second, the February  
21 26, 2018, minutes be accepted as presented. Motion APPROVED 6-0. (Yes:  
22 Boggs, Conner, Gay, Gibbs, Knutson and Stein; No: None.)

23  
24 **4. PUBLIC HEARING:**

25 **4.1 File Number PC18-01**

26 **Applicant:** Benton Habitat for Humanity

27 **Application Type:** Type III 6-Lot Subdivision

28 **Location:** 618 N 9<sup>th</sup> Street; Tax Map 12-6-11A, Tax Lot 100

29  
30 Vice Chair Gibbs opened the public hearing at 7:04 p.m. Ms. Cook read the rules for  
31 testimony. Vice Chair Gibbs requested any declarations of ex-parte contact, conflict of  
32 interest, bias or site visits concerning the case file. Vice Chair Gibbs stated she did visit  
33 the site. No other declarations were made and there was no rebuttal of the declarations.  
34 Vice Chair Gibbs read the order of testimony.

35  
36 **Presentation of Staff Report:**

37 Mr. Workman summarized the staff report as included in the agenda packet. He stated  
38 the application has been reviewed by all public utilities with an interest in the  
39 development. He noted that the street the subdivision will be accessed off of is now  
40 considered to be an extension of Quail Glenn Drive, instead of Fawn Lane. He referred to  
41 the revised tentative plat layouts distributed to the Commission that clarified the lot lines  
42 for Lots #2, 3 and 4 and showed that the mid-block lane is actually an access easement  
43 with a joint maintenance agreement. He noted that the applicant showed two different  
44 configurations for the hammerhead turnaround, including one that lessens the impact on  
45 the lot sizes and noted this will be refined with the final plat.

46  
47 Mr. Workman explained the situation that exists with the extension of Quail Glenn Drive  
48 by the Muir subdivision that either has to be complete at the time of final plat or the  
49 applicant will have to complete it. He described the direction received from Benton  
50 County regarding their preference for the deferral of street improvements on North 9th  
51 Street by having the applicant sign a Waiver of Right of Remonstrance to be recorded  
52 with the property.

1 Mr. Workman described the joint maintenance, joint access, and public utility easements  
2 that will be required to be recorded against the properties prior to finalization of the  
3 subdivision plat. He summarized the infrastructure and easement requirements identified  
4 by the City's engineer.

5  
6 Mr. Workman stated that the Commission can make a specific condition of approval  
7 related to the 9th Street improvements or leave the condition as stated, giving the  
8 applicant the option to sign the Waiver of Right of Remonstrance.

9  
10 Mr. Workman recommended striking the references in the Staff Report to Tract A on  
11 Page 3 as they are not relevant.

12  
13 Commissioner Gay questioned the requirement of tree care for a full year. Mr. Workman  
14 stated the condition gives added protection to the City that the trees will be planted  
15 appropriately and cared for. There was discussion about the tree requirement.

16  
17 Commissioner Conner questioned the use of the lot square footage as part of the shared  
18 driveways. Mr. Workman stated that shared driveways are required by the Public Works  
19 Design Standard to be 20 feet wide. He stated that the value of the lot might be  
20 diminished but any 7,000 square foot lot is going to have driveway taking up part of the  
21 lot. Commissioner Conner questioned the timing of any North 9th Street improvement  
22 plans. Mr. Workman stated that the County is in the process of updating their  
23 Transportation System Plan but he doesn't foresee improvements happening anytime  
24 soon.

25  
26 Vice Chair Gibbs questioned the existing house being required to hook into City sewer.  
27 Mr. Workman confirmed they would be required to and would be required to pay a sewer  
28 System Development Charge.

29  
30 **Presentation of Applicant:**

31 Brian Vandetta, Udell Engineering, and Kevin Groh, Benton Habitat for Humanity – Mr.  
32 Vandetta stated agreement with the staff report. He reviewed the two fire turnaround  
33 configurations in the distributed tentative plat layouts. He stated the applicant's  
34 preference is to use the Option 2 layout because it has less impact on the overall lot  
35 sizes. He stated the existing home will be hooked into the City sewer and pay the SDC  
36 fees. He stated they agree to the tree requirement as identified in the conditions of  
37 approval and they agree with the County's request for the Waiver of Right of  
38 Remonstrance.

39  
40 Commissioner Stein questioned the existing house status. Mr. Vandetta stated the house  
41 will hook up to City sewer and the existing septic system will be decommissioned. He  
42 stated an existing shed will also be demolished because it will not meet setback  
43 requirements. Mr. Groh stated the exterior of the existing house will probably receive  
44 upgrades to make it more compatible with the new homes. Commissioner Gay thanked  
45 Habitat for Humanity for bringing some much-needed lower income housing to Philomath.

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47 **Presentation of Proponents:**

48 None.

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50 **Presentation of Opponents:**

51 None.

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

54 None.

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**Rebuttal by the Applicant, limited to issues raised by opponents:**

None.

The applicant waived the right to submit final written arguments. Vice Chair Gibbs closed the public hearing at 7:37 p.m.

**4.2 PC17-08 Discussion and Decision** – Mr. Workman stated his appreciation for working with Benton Habitat for Humanity on this project. He appreciated the affordable housing that they are bringing to the community and that they have come back again for their largest project here to date.

**MOTION:** Commissioner Knutson moved, Commissioner Stein second, the Planning Commission move to approve the application for the Benton Habitat for Humanity preliminary plat based on the findings of fact contained in the staff report dated March 14, 2018, for file PC18-01 subject to the conditions of approval in the staff report. Motion APPROVED 6-0 (Yes: Boggs, Conner, Gay, Gibbs, Knutson, and Stein; No: None).

Vice Chair Gibbs stated this was a final decision with appeal rights to the Philomath City Council.

**5. ADJOURNMENT:**

There being no further business, Vice Chair Gibbs adjourned the meeting at 7:41 p.m.

SIGNED:  
Lori Gibbs, Vice Chair

ATTEST:  
Ruth Post, MMC, City Recorder

**Philomath City Council and Planning Commission  
Joint Meeting Minutes  
April 30, 2018**

Mayor Sloan called the meeting to order at 7:00 p.m. at the City Hall Council Chambers, 980 Applegate St., Philomath, Oregon.

**ROLL CALL:**

City Council: Mayor Rocky Sloan, City Councilors Doug Edmonds, Candy Koetz, Jerry Jackson Sr., and Charla Koeppel.

Planning Commission: Commissioners David Stein, Jeannie Gay, Steve Boggs, Lori Gibbs and Mark Knutson

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

**TRANSPORTATION SYSTEM PLAN UPDATE:**

Mayor Sloan introduced the City's consultant for the Transportation System Plan (TSP) update, John Bosket, DKS & Associates and Darci Rudzinski, Angelo Planning Group.

Mr. Bosket summarized the TSP project and reviewed the timeline for adoption. He noted that the project is now in the recommend and adopt stage. He reviewed the public involvement outreach that has been conducted. Mr. Bosket described the Citizen Advisory Committee and the role they've served in the process. He reviewed the sections of the draft document: The Process, Philomath 2017, The Vision, Philomath 2040, The Projects, The Standards and Improving Transportation to 2040. He explained the project priorities and methods of funding for Financially Constrained, Tier 2 and Tier 3 projects. In reviewing Standards, he described the updated functional classifications for streets. He described the removal of South 19<sup>th</sup> Street from truck route designation and the addition of Industrial Way.

Councilor Edmonds questioned if the projects within the Financially Constrained list were in any particular order. Mr. Bosket stated they were not.

Ms. Rudzinski reviewed the recommended policy amendments for the Comprehensive Plan. She stated that the current policies are overall good and just need some updating. She also introduced the proposed amendments for PMC Chapter 18 Zoning. She stated these amendments will make the Zoning Code consistent with the TSP. She stated that the proposed Chapter 18.80, Public Facilities Standards, has the most substantial amendments regarding traffic impact analysis. Ms. Rudzinski noted that Technical Memorandum #12b is intended to ensure that the TSP is consistent with the Public Works Standards.

Councilor Edmonds questioned if any of the outreach feedback recommended priority of projects. Mr. Bosket stated, in general, Safe Routes to School was an area of particular interest.

Commissioner Stein questioned when adoption was anticipated. Mayor Sloan stated this summer. Commissioner Stein questioned if current annexations would be subject to the new standards. There was clarification about them being subject to the standards in place at the time of annexation.

Commissioner Gibbs questioned if charging stations were considered. Mayor Sloan stated they are in the Streetscapes Plan, funding contingent.

Councilor Edmonds noted the Streetscapes Project is listed in the constrained list. Mr. Bosket described the process for determining the tier level for projects. He noted that priorities will shift over time. Commissioner Gay questioned if the City should shift to a ten-year update instead of twenty. She stated concerns about the project estimates being outdated by the time you get out twenty years. Mr. Bosket described the big projects that require regional cooperation to ever get funding and the years involved in getting there.

Commissioner Boggs questioned the use of South 13<sup>th</sup> for truck traffic and whether there is an effort by the County to upgrade that street. Mr. Workman described the impact of projects on 53<sup>rd</sup> Street being funded in the most recent STIP cycle and the need to get the South 13<sup>th</sup> Street project into the next STIP cycle. Mayor Sloan stated the Newton to Neer project is an important project but continues to lack funding dedication.

Mr. Workman described the process involved in making a 10-year update. He noted the lack of growth from 2009 to 2018 in which little development occurred. Commissioner Stein agreed and said he felt it put the city behind in planning efforts.

Councilor Edmonds encouraged prioritization of projects within the next five years. Mr. Workman stated the City's Capital Improvement Plan is the source of projects that are pulled into that timeframe. Councilor Edmonds stated the projects need to play well together to avoid conflicts between projects.

There was discussion about future potential streets based on development within the Urban Growth Boundary.

**MOTION:** Councilor Jackson moved, Councilor Edmonds second, to direct staff to present adopting ordinances for the Transportation System Plan (TSP) and proposed changes to the City's Comprehensive Plan and Development Code as presented. Motion APPROVED 10-0 (Yes: Boggs, Stein, Knutson, Gay, Gibbs, Jackson, Koetz, Edmonds, Koeppel and Sloan; No: None.)

Mayor Sloan adjourned the joint meeting at 7:54 p.m.

SIGNED:  
Rocky Sloan, Mayor

ATTEST:  
Ruth Post, MMC, City Recorder

**PHILOMATH PLANNING COMMISSION**  
**MINUTES**  
April 30, 2018

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5  
6 **1. CALL TO ORDER.** Vice Chair Lori Gibbs called the meeting to order at 8:00 PM in the  
7 City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

8  
9 **2. ROLL CALL:**

10 **Present:** Commissioners Steve Boggs, Jeannine Gay, Lori Gibbs, Mark Knutson  
11 and David Stein.

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

15  
16 **Excused:** Commissioners Jacque Lusk and Gary Conner.

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

19 **3.1 March 19, 2018, Minutes**

20 **MOTION:** Commissioner Boggs moved, Commissioner Gay second, the March  
21 19, 2018, minutes be accepted as presented. Motion APPROVED 5-0. (Yes:  
22 Boggs, Gay, Gibbs, Knutson and Stein; No: None.)

23  
24 **4. PUBLIC HEARING:**

25 **4.1 File Number PC18-03**

26 **Applicant:** Robert and Kathi Harwood

27 **Application Type:** Flood Damage Prevention Variance

28 **Location:** 326 S 15<sup>th</sup> Street, 12-6-12CD #102

29  
30 Vice Chair Gibbs opened the public hearing at 8:00 p.m. Ms. Cook read the rules for  
31 testimony. Vice Chair Gibbs requested any declarations of ex-parte contact, conflict of  
32 interest, bias or site visits concerning the case file. No declarations were made and there  
33 was no rebuttal of the declarations. Vice Chair Gibbs read the order for testimony.

34  
35 **Presentation of Staff Report:**

36 Mr. Workman summarized the staff report as included in the agenda packet. He  
37 explained that the current residents have lived in the location for many years and wanted  
38 to replace their old detached garage with a new structure. He explained the process that  
39 led to the new structure not being constructed to the elevation required in the flood plain.  
40 He described the variance allowed in the City's code for a non-residential structure to be  
41 constructed below the base flood elevation with an option for vents to create a flow-  
42 through construction, as opposed to the City's standard for watertight construction. He  
43 noted that the flow-through vents are closer to FEMA requirements and are preferred by  
44 FEMA. He stated the City's current code should be looked out to allow for flow-through  
45 instead of watertight. He stated that staff recommends approval of the variance.

46  
47 **Presentation of Applicant:**

48 The applicants waived testimony.

49  
50 **Presentation of Proponents:**

51 None.

52  
53 **Presentation of Opponents:**

54 None.

1  
2 **Testimony of Neutral Parties, including Governmental Bodies:**

3 None.

4  
5 **Rebuttal by the Applicant, limited to issues raised by opponents:**

6 None.

7  
8 Commissioner Stein questioned what the cost of the vents are and who is paying to fix it.

9  
10 Kathi Harwood, 326 S 15<sup>th</sup> Street, Philomath, OR – Ms. Harwood stated their contractor  
11 will be installing the vents and feels bad about the situation.

12  
13 The applicant waived the right to submit final written arguments. Vice Chair Gibbs closed  
14 the public hearing at 8:09 p.m.

15  
16 **4.2 PC18-03 Discussion and Decision –**

17  
18 **MOTION:** Commissioner Boggs moved, Commissioner Knutson second, the Planning  
19 Commission approve the flood damage prevention variance based on the findings of fact  
20 contained in the staff report dated April 19, 2018, for file PC18-03 subject to the  
21 conditions of approval in the staff report. Motion APPROVED 5-0 (Yes: Boggs, Gay,  
22 Gibbs, Knutson, and Stein; No: None).

23  
24 Ms. Post stated this was a final decision with appeal rights to the Philomath City Council.  
25 There was discussion about the FEMA rules for construction in the floodplain.

26  
27 **4.3 File Number PC18-02**

28 **Applicant:** Chris and Lynnette Shonnard

29 **Application Type:** Annexation

30 **Location:** 890 & 892 N 19<sup>th</sup> Street, 12-6-12A #2100, 2300 and 2301

31  
32 Vice Chair Gibbs opened the public hearing at 8:15 p.m. Ms. Cook read the rules for  
33 testimony. Vice Chair Gibbs requested any declarations of ex-parte contact, conflict of  
34 interest, bias or site visits concerning the case file. No declarations were made and there  
35 was no rebuttal of the declarations. Vice Chair Gibbs read the order for testimony.

36  
37 **Presentation of Staff Report:**

38 Mr. Workman summarized the staff report as included in the agenda packet. He noted the  
39 failing private septic system on two of the three lots. He noted that the Comprehensive  
40 Plan designation upon annexation is Office/Residential which requires staff analysis at  
41 the highest and most intensive potential use which would be up to 68 apartment units;  
42 however, he added that the property is currently leased and has an active tenant. He  
43 stated the primary driver for annexation is to allow for access to City water and sewer. He  
44 noted comments from Benton County Environmental Health Department regarding the  
45 failing septic system.

46  
47 Mr. Workman noted that the section of Industrial Way that is currently under Benton  
48 County jurisdiction from 19<sup>th</sup> Street to the entry of Georgia-Pacific would also be annexed,  
49 making all of Industrial Way under City jurisdiction. He stated that staff recommends the  
50 Planning Commission approve the annexation and forward it to the City Council for  
51 consideration and action.

1 **Presentation of Applicant:**

2 Chris Shonnard, Philomath, OR – Mr. Shonnard stated they purchased the property  
3 approximately four years ago and they had suspected that the septic system was  
4 inadequate. He stated the majority of the property is leased to First Student for bus barns  
5 and there is an existing A-frame house. He stated they have no plans for multi-family  
6 housing on the property.

7  
8 Commissioner Knutson stated the discussion should be conducted under the assumption  
9 that plans change and development including an apartment complex would be allowed.

10  
11 Commissioner Stein questioned why the application wasn't processed under the health  
12 hazard annexation code. Mr. Workman stated that was part of his initial review; however,  
13 the State has been known to reverse some decisions made by local jurisdictions due to a  
14 different definition of health hazard. Mr. Shonnard stated the house has a resident and  
15 there are restrooms in the bus barns and at the landscaping location. He stated the City  
16 Attorney's advice to use the full annexation process also surprised him.

17  
18 **Presentation of Proponents:**

19 None.

20  
21 **Presentation of Opponents:**

22 None.

23  
24 **Testimony of Neutral Parties, including Governmental Bodies:**

25 None.

26  
27 **Rebuttal by the Applicant, limited to issues raised by opponents:**

28 None.

29  
30 The applicant waived the right to submit final written arguments. Vice Chair Gibbs closed  
31 the public hearing at 8:33 p.m.

32  
33 **4.4 PC18-02 Discussion and Decision** – Commissioner Boggs questioned if a  
34 development could occur in the future. Mr. Workman stated that an application would be  
35 held to the development standards as for any other development. Commissioner Stein  
36 stated the current use could be torn down but the septic situation would only get worse.

37  
38 **MOTION:** Commissioner Boggs moved, Commissioner Gay second, the Planning  
39 Commission adopt the Findings of Fact as presented in the staff report dated April 23,  
40 2018 and that this annexation application as presented in File No. PC18-02 be forwarded  
41 to the City Council for consideration and action. Motion APPROVED 5-0 (Yes: Boggs,  
42 Gay, Gibbs, Knutson, and Stein; No: None).

43  
44 Ms. Post announced that a public hearing on the application will be held before the City  
45 Council on Monday, May 14, 2018 at 7:00 p.m.

46  
47 Mr. Workman stated the Commission is scheduled for a work session on zoning code  
48 changes on May 21 at 5:15 p.m. He stated no decisions will be made during the work  
49 session but it is an opportunity to review, discuss and provide staff with direction.

50  
51 He stated the City Council will consider the Millpond Crossing application on May 21 at  
52 7:00 p.m. after the Planning Commission work session.



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5

**5. ADJOURNMENT:**

There being no further business, Vice Chair Gibbs adjourned the meeting at 8:41 p.m.

SIGNED:  
Jacque Lusk, Chair

ATTEST:  
Ruth Post, MMC, City Recorder

**PHILOMATH PLANNING COMMISSION**  
**MINUTES**  
July 16, 2018

1  
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6 **1. CALL TO ORDER.** Chair Jacque Lusk called the meeting to order at 7:00 PM in the City  
7 Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

8  
9 **2. ROLL CALL:**

10 **Present:** Commissioners Steve Boggs, Gary Conner, Jeannine Gay, Lori Gibbs,  
11 Jacque Lusk, Mark Knutson and David Stein.

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

15  
16 **Excused:** Commissioners

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

19 **3.1 April 30, 2018, Minutes**

20 **MOTION:** Commissioner Boggs moved, Commissioner Gibbs second, the April  
21 30, 2018, minutes be accepted as presented. Motion APPROVED 7-0. (Yes:  
22 Boggs, Conner, Gay, Gibbs, Knutson, Lusk and Stein; No: None.)

23  
24 **4. PUBLIC HEARING:**

25 **4.1 File Number PC18-07**

26 **Applicant:** City of Philomath

27 **Application Type:** Transportation System Plan adoption and associated  
28 Comprehensive Plan and Zoning Code amendments

29  
30 Chair Lusk opened the public hearing at 7:03 p.m. Ms. Cook read the rules for testimony.  
31 Chair Lusk requested any declarations of ex-parte contact, conflict of interest, or bias  
32 concerning the case file. No declarations were made and there was no rebuttal of the  
33 declarations. Chair Lusk read the order for testimony.

34  
35 **Presentation of Staff Report:**

36 Mr. Workman turned the presentation over to the City's consultants for the TSP update  
37 project: John Bosket, DKS & Associates, and Darci Rudzinski, Angelo Planning Group.

38  
39 Mr. Bosket reviewed the presentation previously given at the joint meeting of the City  
40 Council and Planning Commission held April 30, 2018. He reviewed the reasons for  
41 updating the TSP, including the need to provide long-range direction for future  
42 transportation development, use in grant applications, to coordinate with regional partners  
43 and to reflect current community values. He described the coordinated planning efforts for  
44 the entire Corvallis Area Metropolitan Planning Organization (CAMPO), including  
45 Corvallis, Benton County, Albany and other jurisdictions.

46  
47 Mr. Bosket reviewed the timeline for the TSP update process that has been used over the  
48 three years of the project. He reviewed the public involvement process including outreach  
49 at events, the project website, open houses, news articles, City newsletters, briefings to  
50 the City Council and Planning Commission and meetings with the Citizens Advisory  
51 Committee (CAC). He reviewed the makeup and guidance from the CAC. Mr. Workman  
52 provided the roster of membership for the CAC.  
53

1 Mr. Bosket provided an overview of the contents of the TSP document. He noted that  
2 Volume 2 of the TSP contains the background technical memorandums and the  
3 Commission is only reviewing Volume 1 for approval, which is the TSP itself.  
4

5 Mr. Bosket provided an explanation of the different project tiers listed as Aspirational,  
6 Financially Constrained, Tier 2, and Tier 3. He described the updated functional  
7 classifications for streets and noted there were some streets that changed. He described  
8 the modifications to truck routes, in particular the removal of South 19th Street as a truck  
9 route and inclusion of Industrial Way.  
10

11 Mr. Bosket reviewed the flexibility for street designs and traffic calming devices and  
12 explained the inclusion of a Special Transportation Area (STA) for the highway through  
13 the downtown core.  
14

15 Commissioner Stein stated that the document is already outdated because the  
16 projections for population are already outdated. Mr. Bosket stated there was recognition  
17 of the changes that happened during the development of the document and it may  
18 require an update sooner than the 20-year projection. Commissioner Stein stated that the  
19 document describes the development in different areas than where it will be occurring. He  
20 stated the document should be fixed before adoption. Mr. Bosket stated it wouldn't be  
21 wrong but will have an accelerated need for future update.  
22

23 Mr. Workman stated that the growth will still occur in the areas expected. He noted that  
24 the population data from Portland State University is required to be used. He agreed that  
25 the projections may be reached sooner than anticipated but the new 20-year plan should  
26 still be adopted.  
27

28 Ms. Post noted that developments that have been approved will take years to be  
29 completed and the population increase will take up to a decade to occur. Commissioner  
30 Stein noted that the two apartment complexes that area under construction will have an  
31 immediate impact.  
32

33 Commissioner Gay stated her concerns that the plan is predicated over a 20-year period  
34 instead of a more practical 10-year period; and her issues with ODOT's failure to invest in  
35 the highway.  
36

37 Ms. Rudzinski described the audit performed on the City's current Comprehensive  
38 System Plan and Zoning Code. She reviewed the proposed amendments for the  
39 Comprehensive Plan, including new goals and policies and updated existing policies to  
40 make them consistent with the new TSP.  
41

42 She reviewed proposed new Chapter 18 sections including Chapter 18.75 Vehicle and  
43 Bicycle Parking, Chapter 18.80 Public Facilities Standards, and Chapter 18.105 Types of  
44 Applications and Review Procedures.  
45

46 Ms. Rudzinski reviewed minor code revisions in Chapter 18.35 Residential Districts,  
47 Chapter 18,65 Access and Circulation, Chapter 18,75 Public Facilities Standards,  
48 Chapter 18.135 Annexations, and Chapter 18155 Variances.  
49

50 Commissioner Stein questioned in Chapter 18.75 the minor increases in minimum square  
51 footage requirements. Ms. Rudzinski explained that comparables are used with other  
52 similar sized jurisdictions to make those adjustments.  
53

1 Commissioner Stein questioned the truck route on Chapel Drive past the proposed  
2 Millpond Crossing residential subdivision. Mr. Workman described the analysis that was  
3 used in comparing the highest most intensive use as an Industrial Park zone versus the  
4 residential zoning. Commissioner Gay stated that the City can plan for improvements and  
5 make it livable, but the State has to participate with improvements to the highway.  
6

7 Commissioner Gibbs questioned how to address noise concerns created by the highway  
8 traffic. There was discussion about that being a discussion for a different time.  
9

10 **Presentation of Proponents:**

11 None.

12 **Presentation of Opponents:**

13 None.

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

15 None.

16 **Rebuttal by the Applicant, limited to issues raised by opponents:**

17 None.

18 Mr. Workman waived the right to submit final written arguments on behalf of the City.  
19 Chair Lusk closed the public hearing at 7:56 p.m.  
20

21  
22 **4.2 PC18-07 Discussion and Decision** – Mr. Workman stated agreement with  
23 Commissioner Gay's concerns about the highway running through town but noted that  
24 most of the project in the TSP are for local improvements. He described the projects  
25 listed in the 1999 TSP that were local street improvements that were either  
26 accomplished, carried over, or deleted. He noted that the project for a traffic light at 26<sup>th</sup>  
27 and Main was carried forward because it hasn't yet been warranted. He noted  
28 improvements on South 13<sup>th</sup> Street that are needed but under County jurisdiction. He  
29 stated that many locally controlled street projects in the 1999 plan were completed. He  
30 stated the need for the plan to be in place and the projects to be in the plan in order to  
31 leverage funding. He stated agreement with Commissioner Stein's concerns about the  
32 population forecast and noted those tables were date stamped to acknowledge they were  
33 two years old. Mr. Workman stated he believed the proposed Comprehensive Plan policy  
34 changes were good.  
35

36 Commissioner Lusk questioned if ODOT ever looks at the Philomath Plan and when the  
37 two jurisdictions come together. Mr. Workman stated that ODOT staff has been part of  
38 the Technical Advisory Committee all along and they work with CAMPO on regional  
39 projects.  
40

41 Commissioner Stein stated he would not vote for approval unless it's a 10-year plan. Mr.  
42 Workman explained that the State requires a 20-year plan but agreed it should be  
43 reviewed within 10 years. He noted that ODOT has paid for the current update to put  
44 Philomath in the same cycle with other regional partners. He noted that, other than the  
45 couplet, the City hasn't had a lot of transportation changes over the past 10 years.  
46

47 Commissioner Lusk questioned who would pay for an update in 10 years if the City  
48 decided it was needed. Mr. Workman stated it was unusual for the State to pay for this  
49 update but anticipated other grant funding could be acquired in the future if needed. He  
50 noted the approval of development but the delay in actual construction.  
51  
52  
53  
54

1 Commissioner Stein questioned if an additional motion could be made to strongly  
2 recommend more frequent review. Mr. Workman stated concerns about binding the  
3 actions of future Commissions but that the plan should be updated as soon as it is no  
4 longer relevant.

5  
6 Mr. Workman described the frequent use of Master Plans for budgeting purposes and  
7 planning. He stated that staff's frequent use of the plan would drive the need for a new  
8 review. There was discussion about the process for warranting traffic lights and the  
9 control of that process by ODOT.

10  
11 Mr. Conner noted that everything that can be done is in this TSP and questioned if  
12 anyone on the Commission felt any relevant projects had been omitted.

13  
14 **MOTION:** Commissioner Conner moved, Commissioner Knutson second, the Planning  
15 Commission adopt the Findings of Fact as presented in the staff report dated May 23,  
16 2018 and that the Philomath Transportation System Plan: Volume 1, the Comprehensive  
17 Plan Text Amendments, and the Municipal Code Text Amendments as presented in File  
18 No. PC 18-07 be forwarded to the City Council with the recommendation that City Council  
19 adopt them. Motion APPROVED 4-3 (Yes: Conner, Gibbs, Knutson, and Lusk; No:  
20 Boggs, Gay and Stein).

21  
22 Ms. Post announced that a public hearing on the application will be held before the City  
23 Council on Monday, August 13, 2018 at 7:00 p.m.

24  
25 **5. ADJOURNMENT:**

26 There being no further business, Chair Lusk adjourned the meeting at 8:18 p.m.

27  
28 SIGNED:  
29 Lori Gibbs, Vice-Chair

ATTEST:  
Ruth Post, MMC, City Recorder

**PHILOMATH PLANNING COMMISSION**  
**MINUTES**  
August 20, 2018

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6 **1. CALL TO ORDER.** Vice-Chair Lori Gibbs called the meeting to order at 7:05 PM in the  
7 City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

8  
9 **2. ROLL CALL:**

10 **Present:** Commissioners Steve Boggs, Gary Conner, Jeannine Gay, Lori Gibbs,  
11 and Mark Knutson.

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

15  
16 **Excused:** Commissioners David Stein and Jacque Lusk

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

19 **3.1 July 16, 2018, Minutes**

20 **MOTION:** Commissioner Boggs moved, Commissioner Gay second, the July 16,  
21 2018, minutes be accepted as presented. Motion APPROVED 5-0. (Yes: Boggs,  
22 Conner, Gay, Gibbs, and Knutson; No: None.)

23  
24 **4. PUBLIC HEARING:**

25 **4.1 File Number PC18-09**

26 **Applicant:** City of Philomath

27 **Application Type:** Zoning Code amendments to address accessory dwelling  
28 units, applicable criteria regarding impact analysis requirements for environmental  
29 assessments and updates to the Type III and IV application process.

30  
31 Vice-Chair Gibbs opened the public hearing at 7:06 p.m. Ms. Cook read the rules for  
32 testimony. Vice-Chair Gibbs requested any declarations of conflict of interest or bias  
33 concerning the case file. No declarations were made and there was no rebuttal of the  
34 declarations. Vice-Chair Gibbs read the order for testimony.

35  
36 **Presentation of Staff Report:**

37 Mr. Workman explained that all of the amendments are under one planning file number  
38 although the amendments are in two sections: 1) Accessory Dwelling Units (ADUs) and  
39 impact statements, and 2) Notification requirements.

40  
41 Accessory Dwelling Units: He stated the discussions from the recent Planning  
42 Commission work sessions have been adapted into the proposed amendments. He  
43 reviewed the recent State of Oregon statute changes that require the city to allow ADUs  
44 in all residential zones. He summarized the provisions for allowance and regulation of the  
45 ADUs that have been proposed to bring the City into compliance. He reviewed the  
46 comments received from Commissioner David Stein that he submitted in his absence. He  
47 explained that the primary requirement of the State statute is to allow ADUs in all  
48 residential zones. He stated the asterisk section referred to in Table 18.35.020 by  
49 Commissioner Stein has been added to provide clarity.

50  
51 Mr. Workman reviewed the amendments proposed regarding religious uses as required  
52 by the State statute. There was discussion about the non-taxable nature of religious  
53 properties and the potential use allowed by the amendments.

1 Commissioner Gay questioned the proposed variance allowance under 18.35.100(B)(11).  
2 Mr. Workman stated there may be an instance where infrastructure requirements would  
3 make it necessary to allow a variance on a case-by-case basis to meet the spirit of the  
4 code.

5  
6 Application Submission Requirements – Impact Statements: Mr. Workman reviewed the  
7 types of applications the Code identifies as described in the handout “Summary of  
8 Proposed Amendments for PMC Chapter 18.105, Types of Applications and Review  
9 Procedures”. He reviewed the proposed amendments to address properties that may  
10 have an environmental impact issue. He explained that the applications that would  
11 require a Phase I Environmental Assessment would only require a Phase II Assessment  
12 if warranted by the Phase I results.

13  
14 Commissioner Gibbs noted concerns about fill dirt that has been relocated in some areas.  
15 There was discussion about areas that have known soil relocation that do require soil  
16 compaction reports and the better tracking of that type of activity in recent decades.

17  
18 Mr. Workman continued to review the proposed amendments for PMC 18.35.100,  
19 18.110.050, and 18.115.040. He stated that although the Comprehensive Plan does have  
20 some provisions for environmental issues but no specific goals identified, the Zoning Map  
21 amendment criteria will capture the requirements in the application. He described the  
22 over-arching goals that drive the Comprehensive Plan with the more specific  
23 requirements being identified in the Zoning Code.

24  
25 Type III and Type IV Application & Notification Requirements: Ms. Post reviewed the  
26 summary of proposed amendments to the Type III and Type IV application and review  
27 procedures. She emphasized that the proposed amendments were primarily additions to  
28 the code to bring the two types of applications into agreement and noted the addition of  
29 requirements to use the city’s website for notifications and reduction in the amount of text  
30 required to be published in the newspaper. Ms. Post noted the proposed amendments for  
31 PMC Chapter 18.135, Annexations, are to primarily make the notification requirements  
32 consistent with other Type IV applications. She also noted that one minor amendment is  
33 required to PMC 18.105.070 to provide an updated reference.

34  
35 There was discussion about the use of the website for posting notices and the staff time  
36 involved. Ms. Post explained the advantages of using the website to post public  
37 information and the reduction in the number of public records requests for copies.

38  
39 Mr. Workman cited recent public hearings in which requests were received for expanded  
40 mailed notification areas and staff’s decision to look at those on a case-by-case basis to  
41 determine if a larger area of residents would be impacted by an application and  
42 warranted notice.

43  
44 **Presentation of Proponents:**

45 None.

46  
47 **Presentation of Opponents:**

48 None.

49  
50 **Testimony of Neutral Parties, including Governmental Bodies:**

51 None.

52  
53 **Rebuttal by the Applicant, limited to issues raised by opponents:**

54 None.

1  
2 Mr. Workman waived the right to submit final written arguments on behalf of the City. Vice  
3 Chair Gibbs closed the public hearing at 7:50 p.m.  
4

5 **4.2 PC18-09 Discussion and Decision –**  
6

7 **MOTION:** Commissioner Gay moved, Commissioner Boggs second, the Planning  
8 Commission accept the proposed revisions to PMC Chapters 18.10, 18.35, 18,110, and  
9 18.115 as identified in the amending documented dated August 15, 2018, and forward  
10 them to the City Council for a public hearing and consideration. Motion APPROVED 5-0  
11 (Yes: Boggs, Conner, Gay, Gibbs, and Knutson; No: None).  
12

13 **MOTION:** Commissioner Boggs moved, Commissioner Gay second, the Planning  
14 Commission accept the proposed revisions to PMC Chapter 18.105.050, 18.105.060,  
15 18.105.070 for Type III and Type IV application procedures and Chapter 18.135 for  
16 Annexations as presented in the amending documents dated August 15, 2018, and  
17 forward them to the City Council for a public hearing and consideration. Motion  
18 APPROVED 5-0 (Yes: Boggs, Conner, Gay, Gibbs, and Knutson; No: None).  
19

20 Ms. Post announced that a public hearing on this application file will be scheduled before  
21 the City Council for the Monday, September 10, 2018 meeting at 7:00 p.m.  
22

23 Commissioner Gay stated she would not be at the September and October Planning  
24 Commission meetings. She noted issues with the map provided for the September public  
25 hearing on the Beelart application.  
26

27 Mr. Workman provided an update on the recruitment for a new Planner and also  
28 recommended members of the Commission consider attending the training offered by the  
29 League of Oregon Cities on September 27 in conjunction with the LOC Annual  
30 Conference.  
31

32 **5. ADJOURNMENT:**

33 There being no further business, Vice-Chair Gibbs adjourned the meeting at 8:02 p.m.  
34

35 **SIGNED:**  
36 Lori Gibbs, Vice-Chair

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



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**PHILOMATH PLANNING COMMISSION  
MINUTES**

November 19, 2018

1. **CALL TO ORDER.** Vice-Chair Lori Gibbs called the meeting to order at 7:00 PM in the City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

2. **ROLL CALL:**

**Present:** Commissioners Steve Boggs, Gary Conner, Mark Knutson, Lori Gibbs, and David Stein.

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

**Excused:** Commissioners Jeannine Gay and Jacque Lusk.

3. **APPROVAL OF MINUTES:**

3.1 **October 22, 2018, Minutes**

**MOTION:** Commissioner Boggs moved, Commissioner Knutson second, the October 22, 2018, minutes be accepted as presented. Motion APPROVED 5-0. (Yes: Boggs, Conner, Knutson, Lusk and Stein; No: None.)

4. **PUBLIC HEARING:**

4.1 **File Number** PC18-13

**Applicant:** Ronald and Barbara Hartz

**Application Type:** Type IV – Comprehensive Plan and Zone Map Amendments

**Location:** Unaddressed Landmark Drive address, Assessor's map 12-5-07B Tax Lot #2100

Vice-Chair Gibbs opened the public hearing at 7:03 p.m. Ms. Cook read the rules for testimony. Vice-Chair Gibbs requested any declarations of ex-parte contact, conflict of interest or bias concerning the case file. No declarations were made and there was no rebuttal of the declarations. Vice-Chair Gibbs read the order for testimony.

**Presentation of Staff Report:**

Mr. Minard reviewed the staff report, applicable criteria and staff conclusions as included in the agenda packet.

**Presentation by Applicant:**

Ronald and Barbara Hartz, Philomath, OR – Ms. Hartz read her testimony into the record summarizing their attempts to market the property as it has been historically zoned for Industrial Park. She described the challenges in finding suitable foster care for her elderly mother and the need for local housing for seniors. She described her vision for a long- or short-term care facility and the need for the rezoning to attract a developer. Ms. Hartz noted the maps distributed with her testimony show the floodplain and extensive wetlands in surrounding properties that will make it difficult for them to be developed for industrial uses.

Mr. Hartz addressed issues in the staff report in his submitted testimony regarding the development of the surrounding property, provision of services, the need for various housing types, and the lack of supply of high density vacant or planned residential lands. He described a loss of industry since the time when he served on the planning commission in the 1980s and the need for the gravel road to be paved. He noted that the

1 staff report states the city has no high-density residential lands on the land use inventory  
2 map and the lack of suitable housing for Philomath employees.  
3

4 Mr. Hartz summarized the submitted transportation impact analysis and conclusion and  
5 noted a written testimony letter submitted by Alan Wells. Ms. Hartz read the letter from  
6 Alan Wells into the record.  
7

8 Mr. Hartz reviewed the letter submitted by neighboring property owner Dennis Cabatic,  
9 Philomath Rental. Mr. Hartz stated that the only true industrial business on Landmark  
10 Drive is a single machinist and stated the traffic count on the highway has no relevance to  
11 this application. He stated there is no need for more than one access in and out of the  
12 property and there is sufficient acreage to deal with truck traffic congestion.  
13

14 **Presentation of Proponents:**

15 None.  
16

17 **Presentation of Opponents:**

18 Dennis Cabatic, Philomath Rental, Philomath, OR – Mr. Cabatic noted the Commission  
19 already has received his written testimony. He stated it is well documented that there are  
20 conflicts between industrial use and residential such as the need for lighting for security  
21 at industrial sites. He described issues eleven years ago with ODOT ordering him to  
22 widen Philomath Boulevard and, as part of the resolution of that issue, he was notified  
23 that the next developer of property on Landmark Drive would have to widen the highway.  
24 He stated that making left turns off of Landmark Drive became particularly problematic  
25 over the past summer, primarily due to the increased truck traffic through Philomath.  
26

27 Jodi Nelson, Philomath, OR – Ms. Nelson stated she is the owner of the machine shop on  
28 Landmark Drive and described the business activities of their operation. She stated they  
29 do not have adequate spacing to drive around the building. She requested the application  
30 be denied for the reasons stated in the staff report. She supported Mr. Cabatic's  
31 comments regarding the dangerous condition of attempting left-hand turns onto the  
32 highway. She stated Mr. Hartz is known for riding his bike in the area and telling people to  
33 slow down. She stated she does agree with the need for housing but this is not the  
34 correct place for it. She stated Landmark Drive does need improvements and there are  
35 too many safety issues. She stated she has not had the opportunity to review all of the  
36 reports referenced at the hearing.  
37

38 May Dasch, Philomath, OR – Ms. Dasch stated opposition to the application due to water  
39 supply issues. She stated concerns about the supply of water from the Marys River, the  
40 ability of Corvallis to discontinue the intertie access to Rock Creek water, the 9<sup>th</sup> Street  
41 well water quality, and the 11<sup>th</sup> Street well reliability. She stated concerns with water  
42 supply due to global warming and the impact of water supply with the construction of new  
43 developments.  
44

45 Terry Weiss, Philomath, OR – Ms. Weiss stated there must be two ways to access  
46 property because it is required by the Fire Department and maneuverability for fire trucks  
47 must be ensured. She also stated that industrial parks don't necessarily mean steam  
48 pipes and Philomath needs to do more work to attract businesses. She stated this is a  
49 good goal for the city. She questioned the staff report reference that there is no high  
50 density residential property available. Mr. Minard pointed out the areas in the Urban  
51 Growth Boundary that are identified for either low or medium density residential or  
52 industrial uses, but that there is no high density residential in the UGB inventory.  
53

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

2 Robert Biscoe, Philomath, OR – Mr. Biscoe stated he has personally used the  
3 businesses on Landmark Drive many times and at least two of the businesses would like  
4 to expand. He stated he would like to see it stay industrial so those businesses can grow.  
5 He stated he works for a company that came to Philomath because it was more cost  
6 effective to locate here.

7  
8 Mark Weiss, Philomath, OR – Mr. Weiss stated concerns that traffic engineering reports  
9 on currently vacant property can base their conclusions as if it is fully developed under  
10 the existing zoning. He requested that criteria be developed to address that situation.

11 **Rebuttal by the Applicant, limited to issues raised by opponents:**

12 Waived by the applicant.

13  
14  
15 Seeing no requests to keep the record open to address new evidence, Vice-Chair Gibbs  
16 closed the public hearing at 8:09 p.m. The applicants waived the 7-day period to submit  
17 final written comments.

18  
19 **4.2 PC18-13 Discussion and Decision** – Vice Chair Gibbs opened the application  
20 for discussion by the Commission.

21  
22 **MOTION:** Commissioner Knutson moved, Commissioner Stein second, the Findings of  
23 Fact as presented in the staff report dated November 1, 2018, be adopted and the  
24 Planning Commission recommend the City Council deny the requested Comprehensive  
25 Map amendment from Industrial to High Density Residential and the Zoning Map  
26 amendment from Industrial Park to High Density Residential as presented in File No.  
27 PC18-13. Motion APPROVED 5-0 (Yes: Boggs, Conner, Knutson, Stein and Gibbs; No:  
28 None).

29  
30 Ms. Post announced that a public hearing on this application file will be scheduled before  
31 the City Council for the Monday, December 10, 2018 meeting at 7:00 p.m. as previously  
32 advertised and noticed and stated the Council will receive copies of the full proceedings  
33 of this hearing.

34  
35 **4.3 File Number PC18-11**

36 **Applicant:** H&R Development

37 **Application Type:** Type III -- Subdivision

38 **Location:** Generally that property immediately north of Chapel Drive and  
39 southeast of the Philomath Middle School, identified as Map 12-6-12D, Tax Lot  
40 #500, including the 9.17 acres transferred by lot line adjustment from 12-5-07 Tax  
41 Lot #504.

42  
43 Vice Chair Gibbs opened the public hearing at 8:12 p.m. Ms. Cook read the rules for  
44 testimony. Vice Chair Gibbs requested any declarations of ex-parte contact, conflict of  
45 interest or bias concerning the case file. No declarations were made and there was no  
46 rebuttal of the declarations. She read the order for testimony.

47  
48 **Presentation of Staff Report:**

49 Mr. Minard reviewed the staff report, applicable criteria and staff conclusions as included  
50 in the agenda packet. He added comments about ongoing discussions with the developer  
51 regarding parkland requirements and recommended the addition of an additional  
52 condition of approval to address meeting the park requirements either through dedication  
53 of space or payment of in lieu of fees to the City for use in developing off-site paths and

1 parks. Mr. Minard described proposed connectivity of pathways as described in the Park  
2 Master Plan.

3  
4 **Presentation by Applicant:**

5 Mike Agee, H&R Homes Development, Clackamas, OR and Mark Grenz, Multi/Tech  
6 Engineering, Salem, OR – Mr. Grenz stated the staff report does a good job of  
7 encompassing the requirements and conditions of approval for the subdivision and they  
8 do not have any issues with the proposed conditions. He noted the ongoing discussions  
9 with the school district regarding access and easements. Mr. Agee stated his firm has  
10 worked diligently with the city to develop a proposal that is acceptable to the community.

11  
12 Commission Stein questioned whether the analysis in the transportation impact analysis  
13 takes into account approved developments. Mr. Grenz stated he believed the traffic  
14 engineer worked with the City's engineer to develop the analysis based on the available  
15 data. He stated he was unable to specifically identify that in the report but noted the  
16 intersections studied on Chapel Drive. Mr. Agee stated that the traffic engineer completed  
17 the analysis as required by the criteria and standards. Commissioner Stein stated the  
18 study was worthless if it doesn't take into account the expected traffic generation by the  
19 approved Millpond Crossing subdivision. Mr. Grenz noted the use of traffic growth at  
20 1.5% each year through 2020. Commissioner Stein stated that much of the traffic  
21 generated by the existing approved subdivision won't be built until after 2020. He stated  
22 concerns about that long-term situation. Mr. Agee noted that the analysis shows that  
23 even with the projected growth through 2020 the studied intersections still function within  
24 the acceptable level of service. Commissioner Stein requested the record be kept open  
25 so he can see the data before the vote.

26  
27 Commissioner Boggs questioned the design of the storm detention facility located east of  
28 Lot 47, and Mr. Grenz stated the final design was yet to be confirmed with city staff but  
29 anticipated it being earthen.

30  
31 Commissioner Conner questioned the purpose of the pathway going northwards and  
32 terminating at the northern boundary of the subdivision. Mr. Agee stated the pathway is  
33 intended to connect to the park property to the north but the property in between is under  
34 other ownership and not available for connection at this time. Mr. Workman stated that  
35 this is part of the parks discussions staff is engaging in with the applicant to eventually  
36 get the pathway all the way to City Park. Mr. Agee described the off-site improvements  
37 intended to connect the pedestrian path to the Middle School. Vice Chair Gibbs  
38 questioned the comments by the school superintendent regarding the 20-foot easement  
39 across the school property north of Chapel Drive. Mr. Agee stated that easement is not  
40 part of their subdivision. Mr. Workman addressed the comment regarding the easement,  
41 noting the possible alternative to redirect the sewer line using the pathway access  
42 created by the subdivision and, therefore, preserving the trees and cross country trail  
43 adjacent to Chapel Drive.

44  
45 **Presentation of Proponents:**

46 None.

47  
48 **Presentation of Opponents:**

49 May Dasch, Philomath, OR – Ms. Dasch stated opposition to the approval of the  
50 subdivision due to increased traffic on South 19<sup>th</sup> Street and water supplies. She  
51 described pedestrian uses in the area due to the concentrated area of school facilities.  
52 She stated the addition of the subdivision would greatly increase automotive traffic in the  
53 area and would subsequently endanger students. She described long-term water supply  
54 concerns for the community.

1  
2 **Testimony of Neutral Parties, including Governmental Bodies:**

3 Gordon Kurtz, Benton County Engineering Associate, Corvallis, OR – Mr. Kurtz stated he  
4 did not have any contact with the traffic engineer who prepared the TIA. He stated he  
5 would expect the analysis to extend ten years out as suggested by Commissioner Stein.  
6 He stated that both Millpond Crossing and this subdivision cause multi-jurisdictional traffic  
7 issues. He suggested that Plymouth Drive should also be included in the analysis ten  
8 years out. He stated additional analysis is warranted, however the current Benton County  
9 code does not require it. Mr. Kurtz stated he has conversed with the City's engineer and  
10 suggested that a center turn lane may be needed somewhere someday. He stated the  
11 County has secured design funds for a multi-use path along the northerly right-of-way line  
12 of Chapel Drive from Bellfountain to 13<sup>th</sup> Streets but they have not secured right-of-way  
13 acquisition or construction funds. He stated the need to ensure that the frontages on  
14 Chapel Drive are preserved for this path. Commission Boggs questioned if Mr. Kurtz  
15 testified on the Millpond Crossing subdivision. He explained that he did not and described  
16 the conditions regarding the design of the Millpond Crossing that were presented.  
17

18 **Rebuttal by the Applicant, limited to issues raised by opponents:**

19 Mr. Grenz stated that the condition has been addressed regarding the Chapel Drive  
20 frontage. He stated that an expanded traffic impact analysis can be provided but would  
21 expect that as long as the intersections studied were not subsequently considered  
22 insufficient, the Commission would be satisfied that the criteria was met. Commissioner  
23 Stein stated he would like to see an analysis that is ten years out and would like to see it  
24 specifically stated how much traffic is being generated by each of the two developments.  
25 Mr. Grenz stated he can request the TIAs for the Millpond Crossing development and it  
26 can be taken that into account using a projection to 2030. Mr. Workman stated that the  
27 analysis should fully take into account traffic that may be generated by undeveloped  
28 properties in addition to the approved developments. Mr. Grenz described the method for  
29 using traffic projections through 2030.  
30

31 Mr. Workman suggested two options for the Commission to consider: that the updated  
32 TIA could be added as a condition of approval requiring that the analysis not indicate any  
33 triggers for additional improvements or the Commission could withhold a decision until  
34 after submission of the updated analysis.  
35

36 Commissioner Stein stated he would prefer to keep the record open. Mr. Grenz stated the  
37 updated report could be available prior to the next scheduled Planning Commission  
38 meeting. Mr. Workman stated that the 120-day deadline is January 2, 2019, for  
39 completion of the decision and appeal period. There was discussion about whether to  
40 hold the record open or to make an updated TIA a condition of approval. Commissioner  
41 Conner questioned if the additional data would have any impact on Commissioner Stein's  
42 final decision regarding the application. Commissioner Stein agreed to proceed with  
43 closing the hearing.  
44

45 Vice Chair Gibbs closed the public hearing at 9:16 p.m. The applicant waived the 7-day  
46 period to submit final written comments.  
47

48 **4.2 PC18-13 Discussion and Decision –**

49 **MOTION:** Commissioner Boggs moved, Commissioner Conner second, to approve the  
50 application for the Newton Creek Subdivision preliminary plat based on the findings of  
51 fact contained in the staff report dated November 11, 2018, for file PC18-11 and subject  
52 to the conditions of approval in the staff report with the addition of conditions of approval  
53

1 for the additional transportation impact analysis and determination of park amenities.  
2 Motion APPROVED 4-1 (Yes: Boggs, Conner, Knutson and Gibbs; No: Stein).  
3  
4

5 Ms. Post announced this was a final decision of the Planning Commission with appeal  
6 rights to the Philomath City Council.  
7

8 Mr. Workman invited the members of the Planning Commission to attend a brief reception  
9 on December 10 at the City Council Chambers to recognize outgoing members of the  
10 Commission, including Commissioner Lusk, members of the Budget and Park Advisory  
11 Boards and outgoing members of the City Council, including Mayor Rocky Sloan.  
12

13 Ms. Post announced there would be no Planning Commission meeting in December.  
14

15 **5. ADJOURNMENT:**

16 There being no further business, Vice Chair Gibbs adjourned the meeting at 9:20 p.m.  
17

18 SIGNED:  
19 Lori Gibbs, 2018 Vice Chair

ATTEST:  
Ruth Post, MMC, City Recorder