

**PHILOMATH PLANNING COMMISSION
MINUTES**

January 28, 2019

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6 **1. CALL TO ORDER.** 2018 Vice-Chair Lori Gibbs called the meeting to order at 6:00 PM in
7 the 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 David Stein, Joseph Sullivan and Peggy Yoder.

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

15
16 Members of the Commission and staff introduced themselves.

17
18 **3. ELECTION OF OFFICERS:**

19 **3.1 Election of Chair** – Commissioner Stein volunteered to serve as Chair.

20 Commissioner Sullivan nominated Commissioner Stein for Chair. Commissioner Stein
21 provided a statement of his reasons for volunteering. He stated the need to do more
22 than react and the need to develop better plans. Commissioner Gibbs stated she
23 was happy to serve as Vice Chair. There was discussion about the duties and powers
24 of the chair. Commissioner Yoder nominated Commissioner Gibbs as Chair.

25 Commissioner Conner seconded the motion to nominate Commissioner Stein. Motion
26 APPROVED 6-1 (Yes: Boggs, Conner, Gibbs, Stein, Sullivan and Yoder; No: Gay)

27
28 **3.2 Election of Vice Chair** – Commissioner Gay moved, Commissioner Yoder second to
29 nominate Commissioner Gibbs as Vice Chair. Motion APPROVED 7-0 (Yes: Boggs,
30 Conner, Gay, Gibbs, Stein, Sullivan and Yoder; No: None.).

31
32 **4. APPROVAL OF MINUTES:**

33 **4.1 November 19, 2018, Minutes** – Ms. Post noted a correction on Page 1, Line 34
34 changing “Lusk” to “Gibbs.” Commissioner Gibb corrected Page 3, Line 20 to replace
35 “Chair Lusk” with “Vice Chair Gibbs.”

36
37 **MOTION:** Commissioner Gay moved, Commissioner Gibbs second, the November
38 19, 2018, minutes be accepted as corrected. Motion APPROVED 7-0. (Yes: Boggs,
39 Conner, Gay, Gibbs, Stein, Sullivan and Yoder; No: None.)

40
41 **5. NEW BUSINESS**

42 **5.1 PMC Chapter 18 Zoning amendments –**

43
44 Letters of Intent (LOI) on all re-occupancies and re-occupancy procedures: Mr. Depa
45 summarized the issues with lack of authority in the code to perform site design
46 reviews on re-occupancy of vacant commercial and industrial properties. Mr.
47 Workman described this as an opportunity to bring a new occupancy up to current
48 City standards. Commissioner Sullivan expressed concerns about creating too
49 onerous of a process that could turn businesses away. Mr. Depa described the use of
50 a surety bond process to achieve temporary occupancy until improvements could be
51 made. Commissioner Gay suggested using the Chamber of Commerce instead to
52 create a fair process agreed upon by the local business community to make it so
53 businesses and property owners want to upgrade. There was discussion about this
54 issue being related to re-occupancy of an existing building and not related to new

1 construction. Commissioner Sullivan suggested providing language that gives the
2 decision-maker sufficient discretion. Staff agreed to bring draft language back to the
3 Commission.

4
5 Plan Approvals: Mr. Depa described the need to add specific timeframes to
6 approvals. There was discussion about the difference between timeframes for
7 planning approvals and building permits. There was discussion about using a
8 development agreement to state more specific timeframes and phasing for master
9 planned developments. Staff was directed to bring back proposed language.

10
11 Mobile Home Parks: Mr. Depa described addition of a 5-acre minimum for mobile
12 home parks, as there currently is no minimum. There was discussion about avoiding
13 an infill lot being used as a mobile home park. Ms. Cook clarified that the code
14 definition of a mobile home park is four or more units. Staff was directed to bring back
15 proposed language.

16
17 Outdoor Storage: Staff described the current code being silent on the use of cargo-
18 type trailers to store goods. Commissioner Sullivan had concerns about small
19 contractors with limited other options storing equipment in trailers. Mr. Workman
20 stated this would also extend to use of recreational trailers being used as storage
21 units. There was discussion about situations and the possible use of timeframes to
22 permit usage. Staff was directed to bring back proposed language that included
23 permitted timeframes.

24
25 Plan Submittals: Mr. Depa described requiring plans to be 24"x36" to give members of
26 the Commission a better visual aid. Commissioner Conner stated that 11"x17" is
27 being used in most transportation projects. There was discussion about the types of
28 applications this would apply to and identifying this requirement on applications.

29
30 Urban Tree Canopy: Staff described this as applying only to undeveloped property to
31 prevent property owners from removing significant trees prior to submitting an
32 application. There was discussion about the present lack of language encouraging a
33 property owner to do just this and avoid having to preserve potentially significant trees
34 during development. Staff was directed to bring back proposed language.

35
36 Food Carts: There was discussion about the current code requiring the same site
37 standards as brick-and-mortar establishments. There was discussion about either not
38 allowing them or making the process a level playing field by adopting permit fees.
39 Consensus was to leave the code as is for now.

40
41 Concurrent Applications Bypassing the Planning Commission: There was consensus
42 about removing the allowance for consolidated applications. Staff was directed to
43 proceed with this recommendation.

44
45 Tiny Homes: There was discussion about these currently occurring and them
46 basically being a recreational vehicle on an axle on wheels. There was clarification
47 about the difference between an Accessory Dwelling Unit (ADU) and a tiny home and
48 that many tiny homes are smaller than the minimum set by the current ADU standard.
49 Mr. Workman described a potential R-4 higher density zone and the benefits and
50 issues related to creating a zone that intentionally allows multiple tiny homes on a lot.
51 Staff was directed to further explore this option.

52
53 Multi-family housing Commercial Zones: Mr. Workman described the current code
54 standard in the Office/Residential zone which requires residential use to be located

1 above or behind buildings as compared to the C-1 and C-2 zones which allow multi-
2 family dwellings. There was discussion about this creating a situation where
3 commercial structures in the C-1 and C-2 zones can be demolished and replaced with
4 triplexes or apartments. Consensus was to direct staff to bring back language that
5 matches C-1 and C-2 to O/R.
6

7 Residential Parking: Mr. Workman described the allowance the current code gives to
8 residential developers in commercial zones that takes away much needed
9 commercial parking spaces. Consensus was for staff to bring back language to
10 address this issue.
11

12 Residential Parking Credit for Garages: Mr. Workman described current issues with
13 one car driveways resulting in too much use of on-street parking. He proposed
14 requiring any 3-bedroom or more home to have a minimum 2-car wide driveway.
15 Commission agreed by consensus and directed staff to bring back proposed
16 language.
17

18 Annexation Criteria: Mr. Workman described the potential use of an annexation
19 agreement that would allow the city to make additional requirements and restrictions
20 on future development. Ms. Cook stated the importance of developing appropriate
21 criteria first because an annexation agreement can only address criteria that isn't met.
22 Staff recommended coming back with more information.
23

24 There was discussion about next meetings. It was agreed that the next meeting be
25 scheduled for Tuesday, February 19, at 6:00 p.m.
26

27 Mr. Workman handed out information submitted by Ron and Barbara Hartz regarding
28 uses in an Industrial Park to be discussed at the next meeting.
29

30 Commissioner Sullivan discussed the need to update the Comprehensive Plan and
31 the need for a vision statement. Further discussion was tabled by consensus until the
32 next meeting.
33

34 **6. ADJOURNMENT:**

35 There being no further business, Chair Stein adjourned the meeting at 8:11 p.m.
36

37 SIGNED:

ATTEST:

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David Stein, Chair

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

3 February 19, 2019
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6 **1. CALL TO ORDER:** Meeting called to order at 6:01
7

8 **2. ROLL CALL:**

9 **Present:** Commissioners Gary Conner, Joseph Sullivan, Steve Boggs, Jeannie
10 Gay, Peggy Yoder, and Chair David Stein.
11

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

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

17 **3.1 January 28, 2019 Minutes –**
18

19 **MOTION:** Chair Stein moved, Commissioner Sullivan second, to approve the
20 January 28, 2019 meeting minutes. Motion APPROVED 6-0. (Yes: Boggs, Conner,
21 Gay, Stein, Sullivan and Yoder; No: None.)
22

23 **4. NEW BUSINESS**
24

25 Chair Stein discussed the changes to the present meeting agenda. Specifically, the addition
26 of public comment.
27

28 Commissioner Conner addressed Commissioner Sullivan's request for agenda item additions
29 at the previous Planning Commission meeting on January 28th, 2019 and asked when that
30 would be discussed as he did not see that on the present agenda. Commissioner Sullivan
31 added that he would like to be on the agenda as soon as possible but is, OK, with it being
32 tabled at this time. There was discussion about the Hartz suggestions for allowable uses in
33 industrial parks. Mr. Workman added that discussion regarding that discussion was
34 postponed until further notice.
35

36 **PUBLIC COMMENTS**

37 Chair Stein discussed procedures for public comment section of the present agenda.
38

39 Catherine Biscoe, Philomath, OR — Ms. Biscoe stated that she is speaking neutrally in
40 reviewing the last meeting minutes and suggested proposed changes to the zoning code.
41 She asked what prompted all of the changes to the zone code. She addressed past
42 proposed applicable criteria to annexations and development that were discussed but never
43 passed. She mentioned that she agrees changes in zoning criteria need to be addressed but
44 asked who prompted the suggestions and questioned the source of suggestions. Ms. Biscoe
45 went through line items that she understands are proposed by City Planner Pat Depa. She
46 explained that it appears that our city staff is steering the new zoning proposals. She
47 expressed her concerns with various proposals and added that some of them seem

1 detrimental to Philomath citizens. She asked why the committee is not talking about
2 annexation criteria as it pertains to water, which she believes is a crisis issue for the city.

3
4 Chair Stein explained that at a prior meeting the committee discussed some of the new
5 proposals suggested by Mr. Depa. Since he was new to the city planner position in
6 Philomath, he saw many issues that needed changed and wanted to present them.

7
8 Mr. Workman explained that there was discussion with the city attorney about issues that
9 needed addressed in the past years pertaining to annexation criteria. He added that these
10 proposals were in fact brought to Planning Commission by city staff based on new
11 development in the past few years. He added that this is the first look that the Planning
12 Commission has had of these codes and the intent is not to adopt any of these codes in
13 tonight's meeting. Mr. Workman added that the committee is in the very preliminary stages
14 of planning and discussion of these new proposed codes. He explained the process of how
15 the review and implementation of the codes would be handled.

16
17 Commissioner Yoder questioned if Ms. Biscoe would have liked to see prioritization of;
18 annexation criteria being first on the list. Ms. Biscoe agreed that annexation should be first
19 priority and yet it seems vague, non-descript, and not written in code language. She
20 explained that if the concerns of the public are what is prompting annexation criteria code
21 development, then this should have been addressed years ago. She added that the citizens
22 of Philomath have been complaining about annexation code and criteria for years. She
23 asked why the other issues on the agenda item summary are a priority over the criteria of
24 annexation. Ms. Biscoe discussed line items in the agenda summary and questioned
25 investment in staff time to these matters.

26
27 Chair Stein stated that Planning Commission will be addressing the criteria for annexation.
28 He explained that however, when Planning Commission first started they had a to-do list that
29 they wanted to check off in order. Chair Stein stated criteria for annexation and water are
30 being addressed but that smaller items need to be addressed first.

31
32 Commissioner Yoder addressed line items such as mobile home plots and high rise
33 apartments on Main Street and expressed that these line items are also very important.

34
35 Mark Weiss, Philomath, OR – Mr. Weiss stated that he believes the agenda item summary of
36 proposed additions in code seems like a gentrification document and expressed his concerns
37 regarding that. He explained he believes the city needs diverse housing. Mr. Weiss
38 expressed his concerns of limitation of gravel and parking, owning trailers and storage units.
39 Mr. Weiss urged the committee to look critically at the agenda item summary. He added that
40 perhaps a good way to handle such a large matter would be a citizen's committee.

41
42 Sandy Heath, Philomath, OR – Ms. Heath explained that her number one issue as a citizen is
43 the livability of Philomath. She explained that she would like to see the criteria for livability to
44 be updated. She explained that she is here so that she can be present at the beginning of
45 the process and not to be surprised at happening at the middle or end of the planning
46 process.

1 Robert Biscoe, Philomath, OR -- Mr. Biscoe noted that he would like to address the
2 temporary storage wording. He added that he appreciated Commissioner Sullivan's
3 advocacy for business owners at the last work session. Mr. Biscoe asked why the city is
4 having to implement something such as temporary storage. He asked if it was prompted by
5 True Value and if there had been complaints from the public and if not what is the driving
6 force for implementing code addressing temporary storage. Mr. Biscoe addressed section
7 18.4 and asked why would that line item be addressed. He expressed what he believes it is
8 for and questioned the effect on local small businesses.

9
10 Commissioner Sullivan explained that the changes came from Philomath's City Planner,
11 Patrick Depa. Commissioner Sullivan explained that the committee was given a long list of
12 changes that Mr. Depa recommended. Commissioner Sullivan explained that the proposed
13 changes are still being discussed and have not yet been approved by the committee. He
14 explained that he intends to meet with Mr. Depa to tour the city of Philomath to see what his
15 vision is and what he would like to see out of the zoning code changes. Commissioner
16 Sullivan explained that the goal is to make decisions that are inclusive for the entire city. He
17 stated that he does not have control over the agenda but is present to discuss and give his
18 opinion on any presented matter.

19 20 21 **4.1 PMC Chapter 18 Zoning Amendments –**

22
23 Mr. Workman apologized for Planner Patrick Depa's absence and explained his
24 schedule conflict with Adair Village.

25
26 Annexation Criteria- Mr. Workman explained that after speaking with Chair Stein, he
27 would like to start with annexation criteria put together by the City Attorney. Mr.
28 Workman explained that he would like the committee to further their discussion on
29 these proposals. He added that specifically the suggestions proposed under
30 annexation criteria were simply up for discussion and it is up to the committee as to
31 what they would like to keep to discuss further and what they want to throw out.

32
33 Commissioner Yoder asked for clarification of new versus existing code regarding the
34 annexation criteria section. Mr. Workman explained that the annexation criteria
35 presented are all new concepts presented by the city attorney and are not necessarily
36 code language. He explained that he would like to present these suggestions or
37 topics, to the committee based on prior concerns from the public in past annexations.

38
39 Commissioner Sullivan requested further clarification from Deputy Attorney Cook in
40 that the city has been encouraged to adopt more code for annexation criteria. Deputy
41 Attorney Cook discussed criteria for annexations that require voter approval versus
42 annexations that are brought to Planning Commission for approval. Commissioner
43 Sullivan asked what kinds of annexations go through the voter approval as opposed
44 to the Planning Commission approval. Deputy Attorney Cook explained what must go
45 to the voters and does not need to go to the voters. Commissioner Sullivan asked a
46 clarification question regarding who the voters are. Deputy Attorney Cook replied
47 property owners within the annexation. She explained that the purpose of the criteria

1 is not to prevent annexation but to put more authority in to the hands of the City
2 Council and Planning Commission to better supervise what happens with each
3 annexation. She explained further that the present criteria of the city is very basic.
4 There was discussion regarding the code language and current process of
5 annexation. There was discussion regarding the basis of the denial of decision to
6 annex.

7
8 Deputy Attorney Cook explained that the annexation criteria is simply a list of what
9 has come up in past meetings in speaking with Jim Brewer, the City Attorney.

10
11 Chair Stein asked about the idea of the city attaching specific requirements on
12 individual annexations. Deputy Attorney Cook discussed the possibility of an
13 annexation agreements. She explained the procedures regarding the stipulations of
14 creating individual annexation agreement. There was discussion regarding
15 theoretical annexations that may fall into this category of individual annexation
16 agreements. Deputy Attorney Cook explained that every annexation will be different
17 but that additional criteria presented will make it easier to deny or approve a certain
18 annexation.

19
20 Commissioner Boggs suggested to start with line item 1 of annexation criteria,
21 regarding Urban Growth Boundary. Mr. Workman explained that line item 1 already
22 exists in current code.

23
24 Chair Stein asked to discuss line item 3 under annexation criteria, regarding land and
25 parcels being contiguous to the city limits, etc. Mr. Workman clarified this line item
26 and gave examples of past annexations that fall within this category. Mr. Workman
27 added that line item 4 is similar to line item 3.

28
29 Mr. Workman introduced line item 5. He explained that this line item addresses how it
30 benefits the city of Philomath along with meeting current annexation criteria. He
31 explained that this line item would require the applicant to turn in a narrative
32 explaining the benefit to the community of such annexation. Mr. Workman noted that
33 this was an item that is not currently have in our code and he believes would be
34 beneficial to add. There was discussion and clarification of the parameters of this line
35 item. There was question from Chair Stein about the re-wording of the line item to be
36 more general. There was further discussion about what would be a benefit to the
37 community and the generality and/or specificity of the language of the line item.

38
39 Commissioner Sullivan asked about line item 5 and the need for other criteria in
40 regards to development. He gave metaphorical examples correlating to annexation
41 criteria and possible restrictions. Commissioner Sullivan asked if we have criteria
42 such as line item 5, does the community really need any other criteria or can line item
43 5 give the city the authority that it needs to deny annexations. He gave a
44 metaphorical example of annexations that satisfies some criteria but not others.
45 Deputy Attorney Cook explained that an agreement to handle such annexation, based
46 on Commissioner Sullivan's example, would have to be very specific. She explained
47 again that the presented list of annexation criteria is simply a list to start conversation

1 and just suggestions. Commissioner Gay added further discussion of what is in the
2 codes versus what is not currently in our code. Commissioner Yoder asked for further
3 clarification that the annexation criteria presented does not currently exist in our code.
4 Mr. Workman explained that some of the suggested criteria are in the cities but may
5 fall under other standards such as subdivisions or development, but not necessarily
6 annexations. He gave examples of applicable criteria under different standards and
7 asked if these criteria would perhaps serve more beneficial to be looked at prior to
8 annexation.

9
10 Chair Stein announced a five-minute recess.

11
12 Chair Stein -- brought the meeting back to order at 7:10 pm.

13
14 The committee agreed to continue talking about annexation criteria.

15
16 Mr. Workman explained that staff would like to know which of the line items the
17 committee would like to address and bring back for discussion in future meetings. He
18 recommends the committee include line items 1 through 4 because they are part of
19 state statute.

20
21 Commissioner Conner asked a question about line item 6, natural features. He asked
22 for further clarification of objective criteria that would pertain to natural features.
23 Deputy Attorney Cook explained the process of how that objective criteria would be
24 created. Commissioner Conner stated that he doesn't see line item 6, natural
25 features, being necessary. Commissioner Sullivan added that he believes line items
26 1 through 5 seem relevant but that line items 6 through 20 do not seem necessary.
27 There was a vote to bring back more language on natural features at the time of
28 annexation. Yes 3; Boggs, Yoder, Stein. No 3; Gay, Conner, Sullivan.

29
30 Mr. Workman addressed line item 7, inventory of known contaminants. There was a
31 vote for to address line item 7 further. Yes 4; Boggs, Gay, Yoder, Stein. No 2;
32 Sullivan, Conner.

33
34 Mr. Workman addressed line item 8. Commissioner Sullivan asked for clarification of
35 what a Phase I Environmental Assessment is. Mr. Workman explained a Phase I
36 Environmental Assessment and gave examples. There was further discussion and
37 clarification of what a Phase 2 Environmental Assessment is. Commissioner Sullivan
38 gave a metaphorical example of a farm within the urban growth boundary.
39 Commissioner Sullivan asked how that would apply to line item 8. Commissioner
40 Sullivan asked for clarification regarding agricultural and industrial sites being
41 applicable to a Phase I Environmental Assessment. Deputy Attorney Cook
42 addressed line item 17 and how that may address any discrepancies with the criteria
43 of line item 8. There was further discussion of examples that may be applicable to
44 line 8. Mr. Workman addressed previous decisions of planning commissions in the
45 past that did not have this criterion, with specific language, available to require such
46 assessment. Mr. Workman requested to bring back line item 8.

1 Commissioner Boggs requested to vote to bring back line items 9 through 11. Yes 5;
2 Conner, Boggs, Gay, Yoder, Stein. No 1; Sullivan.

3
4 Mr. Workman discussed line item 12, impacts of the development on traffic and
5 mitigation. He explained that in every annexation scenario there is some review of
6 traffic and mitigation. There was discussion and clarification of the specificities of this
7 line item. There was discussion around examples that were given of what may or
8 may not fall under this line item. There was further discussion regarding line item
9 12.a. and the terms of meeting with the city and addressing the issue as per current
10 city traffic and mitigation standards. There was a vote on line item 12. Yes 2; Yoder,
11 Sullivan. No 4; Conner, Boggs, Gay, Stein.

12
13 Mr. Workman addressed line item 13, development of annexed land in allotted
14 number of acres. There was discussion regarding line item 12 and 13 already being
15 in the development code. Mr. Workman explained that this would give the committee
16 more clarification of what the intended development is of potentially annexed land.

17
18 Commissioner Boggs suggested to vote on line item 14, green sustainable energy.
19 Yes 1; Yoder. No 5; Conner, Sullivan, Boggs, Gay, Stein.

20
21 The committee voted to add lines 13 and 15 together and bring back for discussion.
22 Yes 6; Conner, Sullivan, Boggs, Gay, Yoder, Stein.

23
24 Mr. Workman addressed line item 16, annexations and safe routes to school within a
25 certain amount of days of annexation. There was discussion regarding differences of
26 county and city standards. The committee voted to bring back line item 16. Yes 5;
27 Conner, Boggs, Gay, Yoder, Stein. No 1; Sullivan.

28
29 The committee agreed to combine line item 17 and 8 and unanimously agreed to
30 discuss further.

31
32 Mr. Workman addressed line item 18, restrict rezone of annexed property for 20
33 years. There was discussion of examples and clarification of annexations that may
34 apply to this line item. The committee placed a vote. Yes 4; Conner Boggs, Yoder,
35 Stein. No 2; Sullivan, Gay.

36
37 Mr. Workman addressed line item 19, an application must conform to all requirements
38 of the city's ordinances. There was discussion and clarification of line item 19. The
39 example given was nuisances of properties being abated prior to annexation. Mr.
40 Workman and Deputy Attorney Cook explained that once a property is annexed in,
41 they must then comply with the municipal codes. Mr. Workman and Deputy Attorney
42 Cook asked the committee if they want these issues to be addressed by the applicant
43 prior to annexation. The committee voted not to bring back line item 19. Yes 1;
44 Yoder. No 5; Conner, Sullivan, Boggs, Gay, Stein.

45
46 Deputy Attorney Cook addressed line item 20 for existing islands. She noted that it
47 was not a proposal but just a reminder and clarification of state statute.

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Chair Stein noted that he would like to propose another criteria regarding traffic. He expressed his concern for city traffic and the lack of resources when addressing city traffic. He noted that he would like to see language requiring developers to be financially responsible for traffic studies and that the city can pick the surveyors and oversees management of the study. Commissioner Conner added further the need for objective criteria pertaining to the level of service. There was discussion regarding the similarities of Chair Stein’s proposal mirroring with the end of line item 12.

Mr. Workman explained that at the next meeting staff will bring back code language addressing annexation criteria and Chair Stein’s suggestion.

Motion: Commissioner Boggs moved; Yoder second. Move to direct staff to prepare the changes to the Zoning code as discussed during this meeting and to present these changes to the Planning Commission. Approved 6-0 (Conner, Sullivan, Boggs, Gay, Yoder, Stein).

The committee agreed to discuss the remaining AIS Zone amendment material at the March 4th, 2019 meeting at 6:00 pm.

5. ADJOURNMENT:

There being no further business, Chair Stein adjourned the meeting at 8:01 p.m.

SIGNED:

ATTEST:

David Stein, Chair

Ruth Post, MMC, City Recorder

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PHILOMATH PLANNING COMMISSION
MINUTES
March 4, 2019

1. **CALL TO ORDER:** Meeting called to order at 6:00 p.m.

2. **ROLL CALL:**

Present: Commissioners Gary Conner, Joseph Sullivan, Steve Boggs, Lori Gibbs, Jeannie Gay, Peggy Yoder, and Chair David Stein.

Staff: Chris Workman, City Manager; Patrick Depa, City Planner; Amy Cook, Deputy City Attorney; and Ashley Howell, Building Permit Clerk.

3. **APPROVAL OF MINUTES:**

3.1 February 19th, 2019 Minutes –

MOTION: Commissioner Boggs moved, Commissioner Stein second, to approve the February 19th, 2019 meeting minutes. Motion APPROVED 7-0. (Yes: Boggs, Conner, Gibbs, Gay, Stein, Sullivan and Yoder; No: None.)

4. **NEW BUSINESS**

Commissioner Stein addressed the city website calendar. He discussed that there is normally a star on the calendar indicating that the meeting is still standing. The committee agreed to hold

Motion: Commissioner Yoder moved to hold the meeting. Commissioner Sullivan second. Motion APPROVED 7-0. (Yes; Conner, Sullivan, Gibbs, Boggs, Gay, Yoder, Stein; No: None.)

PUBLIC COMMENTS

Jeff Lamb, Philomath, OR – Mr. Lamb explained that during the last election there was discussion of quality of life, water, and traffic. He discussed impact analysis reports and discussed the need for these reports for potential upcoming projects for the city. He added that 11.48. Mr. Lamb mentioned that he would like the city to adopt adding more criteria for upcoming projects within the city.

Catherine Biscoe, Philomath, OR – Ms. Biscoe explained that she believed the meeting was not posted legally; according to the newsletter and online city calendar. She discussed 17.00 the city and their discussion of municipal codes. She explained staff may not be addressing applicable criteria. 19.00. Ms. Biscoe requested the committee reconsider holding the meeting.

There was discussion between Commissioner Stein and Ms. Biscoe regarding the discussion of the new suggested municipal code.

Mark Weiss, Philomath, OR – Mr. Weiss discussed the city website and that the meeting was not posted on the calendar. He suggested the meeting be called off.

1 Sandy Heath, Philomath, OR – Ms. Heath explained that she would like the meeting called
2 off.

3
4 Robert Biscoe, Philomath, OR – Mr. Biscoe explained that he is disappointed that he has to
5 ask for public comment on each committee meeting agenda. He asked that the meeting be
6 postponed. He again explained that he would like public comment to be mandatory on every
7 meeting agenda. He discussed communicating with city staff multiple times requesting public
8 comment be added to the agenda.

9
10 Mr. Workman addressed public comment being held at meetings. He explained that city staff
11 did not intentionally not add public comment to the planning commission agenda or any other
12 committee meeting. He further explained that ‘public comment’ was on this meeting’s
13 agenda before it was given to committee members.

14
15 Mr. Workman read an email from Ms. Post with statute requirements of notice of this
16 meeting. 43.00.

17
18 Jeff Lamb, Philomath, OR – Mr. Lamb referenced a suggestion made by Commissioner
19 Sullivan to elaborate more on line items in 02/19/2019 meeting minutes. He suggested that if
20 we postpone the meeting.

21
22 MOTION: Commissioner Stein moved that we postpone discussing Chapter 18 Zoning
23 Amendments for one month and continue this meeting to discussion Commissioner Sullivan’s
24 vision. APPROVED 7-0 (Yes; Conner, Sullivan, Gibbs, Boggs, Gay, Yoder, Stein. No; None)

25 26 **5.1 New Business**

27
28 Philomath Vision -- Commissioner Sullivan explained that his family used to tour around the
29 country with his family in an RV. He explained that when taking these family trips that his
30 family had a vision and a plan. He explained that the vision his family projected was their
31 final destination instead of specific directions such as, left or right.

32
33 Commissioner Sullivan explained hypothetical visions for the city. He discussed 1998’s
34 comprehensive plan that is now 20 years old and expired. He explained that there are more
35 details given in Philomath’s visions instead of big picture, end goals. He suggested that
36 eventually the comprehensive plan needs to be rewritten. Commissioner Sullivan asked to
37 form a small sub-committee of three members at most, from the Planning Commission to
38 come up with some visions for the community, visit some neighboring cities that may have
39 some inspiration, and come up with a new vision for Philomath and discuss ways to
40 accomplish those goals. He also mentioned that he would be willing to do research on his
41 own to bring to the committee for a new vision or visions for the city of Philomath. The
42 committee came to the censuses that Commissioner Sullivan should pursue data and
43 research for a new vision on his own. Commissioner Conner suggested to Commissioner
44 Sullivan to keep the committee up to date of specific visions that he is working on. Mr.
45 Workman read duties and 14.00. code of the Planning Commission and wanted to assure
46 that what Commissioner Sullivan is doing is within the scope of the Planning Commission.
47 Deputy City Attorney, Amy Cook discussed what is within the legal scope of what
48 Commissioner Sullivan is pursuing. Commissioner Sullivan agreed to check in with the City
49 Attorney as to the material he will be pursuing.

50
51 Robert Biscoe, Philomath, OR – Mr. Biscoe stated that he would be available to
52 Commissioner Sullivan should he need any help with the project he is pursuing.

1 **5. OLD BUSINESS**

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4 **5.1 AIS PMC Chapter 18 Zoning Amendments –**

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6
7
8 **Motion:** Commissioner moved; Commissioner second. Move to direct staff to prepare
9 the changes to the Zoning code as discussed during this meeting and to present these
10 changes to the Planning Commission. Approved 6-0 (Conner, Sullivan, Boggs, Gay,
11 Yoder, Stein).

12
13 The committee agreed to discuss the remaining AIS Zone amendment material at the
14 March 4th, 2019 meeting at 6:00 pm.

15
16 Commissioner Stein moved to postpone discussing Chapter 18 Zoning Amendments until
17 further notice. Commissioner Boggs second. Yes 7-0

18
19
20 **5. ADJOURNMENT:**

21 There being no further business, Chair Stein adjourned the meeting at 7:17 p.m.

22
23 SIGNED:

ATTEST:

24
25 _____
26 David Stein, Chair

Ruth Post, MMC, City Recorder

**PHILOMATH PLANNING COMMISSION
MINUTES**

March 18, 2019

1. **CALL TO ORDER:** Chair Stein called the meeting to order at 6:00 pm

2. **ROLL CALL:**

Present: Commissioners Garry Conner, Lori Gibbs, Steve Boggs, Jeannine Gay, Peggy Yoder, and Chair David Stein.

Staff: Chris Workman, City Manager; Amy Cook, Deputy City Attorney; Patrick Depa, Planner; and Ashley Howell, Building Permit Clerk.

3. **APPROVAL OF MINUTES:**

3.1 March 4, 2019, Minutes –

3.1.1 Correction- Commissioner Conner requested to replace the word, “meeting” with “public comment section” of the meeting.

MOTION: Chair Stein moved, Commissioner Boggs second, the March 4, 2019, minutes be approved as amended. Motion APPROVED 6-0. (Yes: Conner, Gibbs, Boggs, Gay, Yoder, Stein; No: None.)

3.2 February 19, 2019, Minutes Clarification – Chair Stein

3.2.1 Chair Stein stated a clarification to the February 19, 2019 minutes, page 7, line 2. He explained that he would like developers to provide all funds for all necessary studies the city needs, not just traffic. He listed examples such as water, environment, etc. There was further clarification of Commissioner Conner’s comment on page 7, line 5, objective criteria pertaining to the level of service.

4. **OLD BUSINESS**

4.1 Annexation Criteria – Chair Stein stated that he was sent annexation criteria from Mayor Niemann for Ashland, Hood River and Eugene. All commissioners were given copies of annexation criteria from each city.

The committee reviewed annexation criteria prepared by City Attorney Amy Cook. There was discussion regarding language proposed by Chair Stein as to the placement, within annexation criteria, of his suggested criteria of developers paying for analysis studies that are approved by the city. Ms. Cook noted that after the committee develops annexation criteria language, then a review will be held as to which section(s) the new criteria will be added.

Commissioner Conner spoke to Section II on page 2. He asked for clarification regarding the line, “capacity will be conclusive as to that agency.” Ms. Cook clarified that this criterion applies to entities such as the School District, Library and other outside services that are not part of the city. She clarified that during the annexation process the agency decides their capacity and that no response from the agency means they do not have an issue. She explained that each agency has a certain period of time to respond and if they do not respond, then it will be deemed that such

agency does not have a capacity issue. She explained further that if an agency responds that they do in fact have an issue, then such issue will need to be dealt with between agency and developer. Mr. Workman explained that currently, when an annexation application is received and deemed complete it is sent out to agencies such as the Fire and School Districts, Benton County, Public Works, etc. Comments made by these agencies will then be listed in the staff report. He explained that this criterion allows for a timeline for the process.

Commissioner Conner asked for clarification on Section III, “applicant may contract with the agency,” and what “contract” means in terms of this statement. Ms. Cook explained that it would be an agreement between the applicant and agency as to how they would meet capacity, if that was an issue. Commissioner Gay asked why the application would have to go under contract to achieve capacity. There was discussion about the language of this criteria. Chair Stein suggested that the word, “agreement,” or something similar may be more appropriate than the word, “contract.” Ms. Cook explained section one, two and three. She stated that she can change the language to, “agreement,” or whatever the committee approves of.

Commissioner Yoder asked for clarification regarding the criteria addressing the benefits of an annexation to the city. She asked who determines such benefit and how. Ms. Cook clarified that the Planning Commission would determine if the annexation was in fact beneficial, and if not, then the applicant could then enter into an annexation agreement specifying what they would need to do in order to meet that criteria.

Commissioner Conner asked about the scenario in which the City of Philomath could encounter legal issues if the city denies an annexation application due to it not being beneficial to the city. Ms. Cook explained that it would depend on the circumstance, but that Planning Commission would need to list their reason for denial, objectively. Mr. Workman spoke to clear and objective standards, and that this criterion opens the door for conditions of approval. He explained that all other criteria are ensuring that annexation is not going to harm the city. However, this criterion allows the applicant to explain how such annexation is going to benefit the city. He explained that Planning Commission will need to develop objective criteria to deny or approve an application on these grounds. He explained that this criterion will also be beneficial to the public ensuring that an annexation is not going to inhibit the city in any way.

Commissioner Yoder asked for clarification of the term, “run with the land.” Ms. Cook explained that if a property that was previously annexed in to the city was and then sold, the annexation agreement is applicable to the buyer and stays with the property.

There was discussion around what happens when developers do not meet their annexation agreement criteria, but have already been granted annexation. Mr. Workman gave hypothetical scenarios explaining how each scenario would be handled by the city.

Commissioner Conner asked for clarification as to the one-acre minimum environmental study when a property is changing from industrial to residential. Ms. Cook explained that this was due to Commissioner Sullivan’s suggested minimum.

She further explained that this criterion is a draft and that the minimum can be changed or removed. Mr. Workman explained that perhaps part of the concern was the cost that is being put on the developer. Commissioner Conner stated that he believes there should not be a minimum, due to the severity of the issues and given the cost of a single family lot compared to a phase one environmental study. Mr. Workman added discussion addressing the Commission as to what level would it want such a study done, at the annexation stage or at the development stage. Commissioner Conner stated that he would like the decision to be made at the time of annexation, rather than any later in the process.

There was discussion regarding the 20-year time period that precludes annexed property from applying for a zone change within 20 years of annexation approval. Mr. Workman gave the example of rodeo grounds being recently annexed in to the city as residential, but it is now used as a public park. He explained that after it was annexed in to the city it was then donated to the city. He further explained that if this 20-year time period was implemented, it could not be rezoned as public, even though the use had changed. He explained that if this time period was imposed then the Commission would be tying the hands of future Commissioners. He explained that each annexation goes through a public hearing allowing public comment. Commissioner Conner stated that he believes 20 years is too long, but that he would also be fine with no time length. Mr. Workman gave an example of a developer that may annex a property as low-density residential, but then once annexation is granted, requested a change to high-density residential for financial gain. He further explained that he would be hesitant to implement criteria that tied the hands of future Commissions and Councils. Commissioner Gibbs added that she would also like to remove the time limit. The committee agreed to remove the time limit.

Commissioner Yoder asked for clarification of line item stating, “the city is under no obligation to condemn, exercise eminent domain, or extend services to an annexed property.” Mr. Workman explained that if a property is within city limits that there is a right to city services. He explained further that the city does not have to provide the means to the annexed property to connect with city services, but annexed properties do have the right to access them. He discussed that having such language allows the city to be clear with the applicant as to accessibility and utilization of city services.

Chair Stein adjourned the meeting until 7:05 pm for a short break.

Chair Stein called the meeting back to order at 7:05 pm.

5. PUBLIC HEARING

5.1 Sapp Type III Class C Variance PC19-01 – Chair Stein opened the public hearing and introduced the applicant as Kathleen Sapp.

5.1.1 Staff Report -- City Planner, Patrick Depa read the Staff Report. He explained that with a Class C Variance there are six items of criteria in which the application must meet all six criteria. He explained that based on the Class C Variance criteria, the application did not satisfy all criteria. He stated that his recommendation is to deny the application’s request. However, if the Planning Commission disagrees with his findings, they can choose to approve the variance but would then have to establish approval criteria for

the application. He further explained that the code already allows for a four (4) foot fence and although corner lots do in fact face more noise disruption and head lights from traffic, those complaints may not be sufficient for approval.

Commissioner Yoder asked for clarification of line item A: encouraging the uses of extra wide sidewalks. Mr. Depa explained that a sidewalk may seem more crowded due to the height. He added that it also creates blind spots for the public and perhaps emergency services.

Presentation of Applicant

Kathleen Sapp, Philomath, Oregon -- Ms. Sapp explained that in her experience living in her home that there are a lot of people walking by her house that can see into her home. She also stated that lights from traffic shine in to her home. She explained that she would just like more privacy and safety for her family.

James Lamb, Philomath, Oregon – Mr. Lamb stated that on the main street side of the property, the intent was not to build right up to the sidewalk line but give a buffer for increased space. He explained that with the slope, or change in elevation on the property, that a four (4) foot fence does not necessarily stop or block anything. He explained that with the 45 degree angles on the property, transitioning from main street to 21st street, he believes that there would be enough space for sightline and does not believe there would be any interference in regard to vision.

Commissioner Yoder asked for clarification in regard to fence placement. She clarified with Mr. Lamb that the fence would not be placed right next to the sidewalk but have some space and seem less crowded. Mr. Lamb confirmed that he could set the fence back somewhat allowing for more space.

Chair Stein addressed the applicant and stated that she bought the house knowing that the house was on the highway. Ms. Sapp agreed, but explained that she was hoping to install a higher fence and was not aware that she would have to apply for a variance to do so.

Mr. Depa explained that since 21st Street is the applicant's established front yard, they could build a six (6) foot fence up to Main St., although that may not satisfy their desire for more privacy and shield from traffic lights coming from Main Street.

Commissioner Gibbs asked the applicant if Mr. Depa's suggestion would be helpful. Ms. Sapp explained that it would be helpful but she was hoping to block sight into her living room from pedestrians on Main Street.

Commissioner Boggs read the variance criteria confirming that fences may not exceed a height of four (4) feet. There was discussion around suggestions of planting shrubbery to allow for more privacy.

Chair Stein asked if there were any other questions, proponents, opponents or neutral parties; there were none.

Ms. Sapp chose to waive her seven-day appeal period.

The Public Hearing on Sapp Type III Class C Variance PC19-01 was closed at 7:29pm.

5.2 PC19-01 Discussion & Decision

Commissioner Boggs explained that there was a significant amount of time put in to creating the fence criteria and he cannot go back and vote against such criteria. He recommended to deny the application.

Commissioner Yoder explained that although she feels that on a personal level she understands the motivation behind the application, she cannot find any support in criteria to approve such application.

MOTION: Commissioner Boggs moved, Commissioner Yoder second, to deny the variance finding that none of the approval criteria has been met.

APPROVED: 5-0 (Yes: Conner, Gibbs, Boggs, Yoder, Stein. Abstaining: Gay)

This is the final decision of the Planning Commission.

Chair Stein announced that there will be another meeting to discuss annexation criteria on April 1, 2019. The meeting will be a work session at 6:00 pm. Mr. Workman explained that the meeting scheduled on April 15, 2019 at 6:00 pm, there will not be a quorum discussion, but a time to hear form and speak with the public.

6. ADJOURNMENT:

There being no further business, Chair Stein adjourned the meeting at 7:44 p.m.

SIGNED:

ATTEST:

David Stein, Chair

Ashley Howell, Clerk

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**PHILOMATH PLANNING COMMISSION
MINUTES**

April 1, 2019

1. **CALL TO ORDER:** Chair Stein called the meeting to order at 6:00 pm

2. **ROLL CALL:**

Present: Commissioners Garry Conner, Lori Gibbs, Steve Boggs, Jeannine Gay, Peggy Yoder, and Chair David Stein.

Staff: Chris Workman, City Manager; Amy Cook, Deputy City Attorney; Patrick Depa, Planner; and Ashley Howell, Building Permit Clerk.

3. **APPROVAL OF MINUTES:**

3.1 March 18, 2019, Minutes –

MOTION: Commissioner Gay moved, Commissioner Stein second, the March 18, 2019, minutes be approved. Motion APPROVED 6-0. (Yes: Conner, Gibbs, Boggs, Gay, Yoder, Stein; No: None.)

4. **OLD BUSINESS**

4.1 Annexation Criteria – Chapter 18.135

There was discussion regarding section .030 C, Requirements for Applications, numbers 4 and 5, regarding sufficient information for the city staff to allow for completion of an impact analysis. Discussion focused on the proposed language for 5iii. Mr. Workman clarified that both the agency and applicant would need to address the city regarding the terms of agreement made for capacity. All commissioners accepted the new language.

There was discussion regarding section .030 F, number 4, Review Criteria, annexation of the property must be of benefit to the City and community of Philomath. All Commissioners accepted the new language.

There was discussion regarding section .030 G, if any studies are required at the time an annexation application is filed, the City shall contract for the study and the cost of the study shall be added to the application fee paid by the applicant at the time of submittal. Mr. Workman explained that this criterion requires potential applicants to have a pre-application meeting to discuss possible studies that may be required. He discussed the possibility of this criterion exposing the city to financial burdens should the application be withdrawn. Mr. Workman explained that there is a 30-day limit that the State imposes in which the City must deem an application complete. Ms. Cook explained that the committee could coordinate with the City to make a list of pre-approved developers that the applicant could decide to hire. She explained that this would shift the financial burden to the applicant rather than on the City. Mr. Workman explained that there is a chance that the study required of the applicant may run past the 30-day application completion period, in which case the application would have to be deemed incomplete.

51 Ms. Cook asked for clarification as to requested language for criteria G. The committee
52 agreed on the following language for section .030 G: If any studies are required the city
53 shall contract for the study and the cost of the study or studies should be added as a
54 deposit to the application fee paid by the applicant before the application is deemed
55 complete.

56
57 Mr. Workman expressed concerns regarding requesting additional studies from
58 applicants after an application is deemed complete. The committee accepted the new
59 language requested.

60
61 There was discussion regarding section .030 F, number 8, Properties that include
62 existing development must have a safe pedestrian route to school within 18 months of
63 annexation. Commissioner Gay expressed dissatisfaction with the length of time for
64 completion. She asked for clarification as to why the time limit is so long. Mr. Workman
65 explained the normal time limit in which designing, bidding, and execution takes.

66
67 There was discussion regarding section .030 C, number 8, A conceptual development
68 plan shall be provided by the applicant and shall include the following. Commissioner
69 Gibbs discussed the possibility of requesting three-dimensional studies for larger scale
70 projects.

71
72 There was discussion regarding section .030 F, number 4, Review Criteria, annexation
73 of the property must be of benefit to the City and the community of Philomath.

74
75 The committee discussed section .030 T, The City is under no obligation to condemn,
76 exercise eminent domain, or pay for the extension of services to an annexed property.
77 All Commissioners accepted the revised language.

78
79 Chair Stein addressed the annexation criteria from Ashland, Eugene, and Hood River.
80 He asked if anyone on the commission had any ideas from any of the three cities that
81 they would like to incorporate into Philomath's annexation criteria. No additions were
82 made.

83
84 Chair Stein discussed the city of Ashland's criteria for affordable housing. He discussed
85 that there is some confusion in defining affordable housing. Ms. Cook explained that the
86 City just recently adopted the State's definition of affordable housing into their code. Mr.
87 Workman discussed affordable housing relative to subsidized housing and market driven
88 housing.

89
90 Mr. Depa discussed concerns with the criteria pertaining to an annexation being
91 beneficial to the city. He explained that some criteria could seem too subjective and put
92 the City at potential risk.

93
94 Mr. Workman explained the format for the public comment and open house meeting on
95 April 15, 2019.

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5. ADJOURNMENT:

There being no further business, Chair Stein adjourned the meeting at 7:37 p.m.

SIGNED:

ATTEST:

David Stein, Chair

Ashley Howell, Building Permit Clerk

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**PHILOMATH PLANNING COMMISSION
MINUTES**

May 20, 2019

1. **CALL TO ORDER:** Chair Stein called the meeting to order at 6:00 pm

2. **ROLL CALL:**

Present: Commissioners Garry Conner, Joseph Sullivan, Lori Gibbs, Steve Boggs, Jeannine Gay, Peggy Yoder, and Chair David Stein.

Staff: Chris Workman, City Manager; Patrick Depa, Planner; and Ashley Howell, Building Permit Clerk.

3. **APPROVAL OF MINUTES:**

3.1 **April 1, 2019, Minutes –**

MOTION: Commissioner Boggs moved/Commissioner Gay second, the April 1, 2019, minutes be approved. Motion APPROVED 6-0. (Yes: Conner, Gibbs, Boggs, Gay, Yoder, Stein. Abstained: Sullivan)

4. **OLD BUSINESS**

4.1 Annexation Criteria and Open House Discussion– Commissioner Yoder asked for clarification on 18.135.030 and C4, Sufficient information for city staff to allow for the completion of an impact analysis. She explained that there was a comment made by the public expressing concern for the City’s water supply. She asked if the concern was addressed by criterion T, The City is under no obligation to condemn, exercise eminent domain, or pay for the extension of services to an annexed property. Mr. Workman explained criterion T, that the city would make services available to the annexed property, but that it would be up to the property owner to provide access to such services.

The public commenter, at the open house meeting on April 15, 2019, suggested that, “and future,” be added to criterion 18.135.030 C4, Sufficient information for city staff to allow for the completion of an impact analysis on existing *and future* City services including, etc.

Mr. Workman discussed current and future supply and treatment of the City’s water. He explained that this information comes from continual studies done by the City Engineer who then creates a report that is sent to Public Works. These reports consist of information that shows current water supply and treatment and an impact analysis of future developments.

MOTION: Commissioner Conner moved/Commissioner Yoder second, to accept the annexation criteria as written and amended previously in this meeting. APPROVED 6-1. (Yes: Conner, Sullivan, Gibbs, Boggs, Yoder, Stein. No: Gay)

4.2 Public Hearing for Annexation Criteria Schedule Discussion- Mr. Workman discussed the process for the Public Hearing for Annexation Criteria. He explained that the Department of Land Conservation and Development requires the city to give a 35-day notice before any changes are made to the City’s development code (Chapter 18-

52 Zoning & Land Use). He explained that a date would need to be set for a formal Public
53 Hearing discussing all the changes, take public comment, close the hearing and then
54 the committee would vote on final criteria to send to City Council for approval. The City
55 Council would also hold a Public Hearing, which would be advertised at the same time
56 as the Planning Commission Public Hearing. City Council would then vote on final code
57 revisions. He explained that the public would have vast opportunities to provide public
58 comment.

59
60 Mr. Workman asked the committee if they would like to hold one Public Hearing for
61 Annexation Criteria and Zoning, or hold a Public Hearing per topic. The decision was
62 made to review the recommended code changes and then decide on the previous
63 question.

64
65 **4.3 Review of Development Code Updates under Consideration-** Mr. Depa discussed
66 the revised development code language that was presented to the commission. He
67 explained that these criterion are the most likely to be approved and have had the
68 most discussion.

69
70 Plan Approvals - Mr. Depa discussed Plan Approvals and the expiration process. He
71 explained that this process was brought to attention due to a project that was started
72 25 years prior and is now closing and current staff have no say in conditions of
73 approval due to code.

74
75 Commissioner Stein asked to address the grammar on line 3 under Plan Approvals,
76 Expiration of Site Plan Approval. The correction, "Is not complete," was agreed upon.

77
78 Manufactured Home Parks - Mr. Depa discussed Manufactured Home Parks. He
79 explained that he wanted to increase parcels from one acre to five acres. He
80 discussed the requirements that the development code lists as of now and is hoping
81 to add additional requirements that would be more fitting to today's atmosphere. He
82 discussed that it is mostly aesthetics, buffering, and separation from low-density
83 residential. Commissioner Yoder asked for clarification as to why the 720 sq. ft.
84 requirement is listed. There was discussion regarding minimum size of lots and how
85 many homes could potentially be on the five acres. There was discussion regarding
86 Tiny Homes versus Manufacture Homes. There was discussion regarding whether or
87 not there would be a variance for homes on foundations that are smaller than 720 sq.
88 ft. The committee decided to remove the minimum square footage.

89
90 Multi-Family Commercial Zones - There was discussion regarding Multi-Family
91 Commercial Zones. Mr. Depa discussed that this topic is being addressed to
92 eliminate developers from focusing on commercial property for multi-tenant and
93 higher density residential. The intention is to streamline street frontage in the
94 downtown area for commercial use only. Current residential street frontage would be
95 grandfathered in. Mr. Workman explained that this code addition would allow the City
96 to protect and preserve retail space and commercial use buildings.

97
98 Temporary Storage - There was discussion regarding Temporary Storage. Mr. Depa
99 discussed the proposed addition of this criteria and how temporary storage affects
100 property value and possibly that of surrounding properties. There was discussion of
101 commercial properties in town that are using tractor trailers for additional storage.
102 There was discussion regarding the temporary storage zoning code being too

103 stringent. There was discussion of established/on-going use being grandfathered in.
104 There was discussion regarding the financial impact on the public and local
105 businesses that currently use tractor trailers for storage if not allowed to continue to
106 do so.

107
108 Mr. Workman discussed existing tractor/trailer temporary storage areas that have
109 been established and on-going. He discussed the impact of existing tractor/trailer
110 temporary storage and whether or not current practices will prove to be a repeated
111 habit in new development. He explained that business owners using temporary
112 storage would most likely have to build for extra storage if restrictions were put on
113 tractor/trailer storage.

114
115 Robert Biscoe - Philomath, OR – Mr. Biscoe explained that he believes criteria
116 Temporary Storage criteria H, which prohibits temporary storage of semi-trucks or
117 tractor/trailers, is overreaching. He also believes that it is not necessary to have a
118 permit to store tractor/trailers in an industrial zone area temporarily. He explained
119 that he agrees that some areas may need to be screened from the public if it is an
120 eye sore. He discussed that he agrees there needs to be some regulation in retail
121 spaces.

122
123 Gary White - Philomath, OR – Mr. White explained that the screening would look
124 better if at least covering the undercarriage part of the trailers. He discussed having
125 more affordable options for lessees.

126
127 Catherine Biscoe - Philomath, OR – Ms. Biscoe discussed that from a visibility
128 standpoint, it makes no difference if the tractor/trailer is full or empty. She asked the
129 commission who would be regulating the temporary storage throughout the City. She
130 asked what is acceptable and what is not and what storage is allowed in Commercial
131 versus Industrial zoning.

132
133 There was discussion regarding regulating temporary storage in industrial and
134 commercial zones and pre-approval by the City for storage. There was discussion
135 regarding allowing temporary storage in industrial areas and storage in commercial
136 zones being screened.

137
138 The committee decided on the following proposed language for Temporary Storage:
139 Remove provisions of empty or full trailers, remove requirements of screen in
140 industrial zones, add screening requirement in commercial zones.

141
142 Urban Tree Canopy - There was discussion regarding Urban Tree Canopy. Mr.
143 Workman explained that City Council and previous Planning Commission committees
144 have reviewed this criteria in efforts to preserve the existing urban tree canopy in the
145 city. He explained that there were some provisions regarding private land owners that
146 City Council did not like and ultimately voted it down. He clarified that this code
147 pertains to new development only, although there is existing language regarding
148 residential land owners.

149
150 There was discussion regarding the existing large commercial and industrial
151 properties within city limits that have vast amounts of trees on them currently, and that
152 this criteria would be to protect against or regulate the removal of those. He
153 explained that as of now developers can remove them at any time. Mr. Workman

154 asked the committee if there was an interest to protect stands of trees in undeveloped
155 commercial, industrial or residential zone property prior to an application being
156 submitted. If so, then language can be re-written to be geared specifically toward that
157 requirement. Mr. Workman explained that in the current development code it does
158 state that there is requirement that a tree preservation plan be presented and agreed
159 upon by the city.

160
161 Catherine Biscoe - Philomath, OR – Ms. Biscoe explained that she has a number of
162 dying trees on her property. She explained that she does not want to have to go
163 before Planning Commission to get approval to cut down a tree on her own property
164 that could be hazardous to her home. She discussed newer developments
165 throughout the city that did not get prior approval from the City to remove a number of
166 trees and have already done so.

167
168 The committee agreed on the street tree language. The committee agreed that
169 existing single-family, private residential properties do not need a permit to cut down a
170 tree.

171
172 There was discussion regarding a size requirement, or amount of land that is exempt
173 from City approval should they wish to remove a tree or trees. The Committee asked
174 that proposed language include an acreage requirement that would be exempt from
175 City approval for any tree removal.

176
177 Parking - There was discussion regarding Parking. Mr. Depa explained that the
178 parking recommendations are designed to keep streets less congested and parking
179 be limited to land owners. Commissioners asked for clarification regarding the
180 amount of bedrooms and how that pertains to the amount of parking spaces allowed.
181 The Committee agreed to the following proposal; reduce ii from 4 to 3 spaces. The
182 committee agreed on the rest of the language.

183
184 **MOTION:** Commissioner Sullivan moved/Commissioner Conner second to approve
185 the proposed changes as presented and discussed and direct staff to prepare for a
186 public hearing before the Planning Commission. APPROVED 7-0 (Yes: Conner,
187 Sullivan, Gibbs, Boggs, Gay, Yoder, Stein. No: None)

188
189 Jeff Lamb - Philomath, OR – Mr. Lamb explained that he attended the open house on,
190 April 15, 2019, and suggested to add the words, “and the appropriate licensing
191 officials.” He also explained that instead of having the words should or could, to use
192 the word, “shall.”

193
194 Sandy Heath – Philomath, OR – Ms. Heath asked if the City is currently operating
195 with the old criteria. Mr. Workman explained that the City is still operating under
196 current criteria until the new criteria is voted and approved by City Council.

197
198 **5. ADJOURNMENT:**

199 There being no further business, Chair Stein adjourned the meeting at 8:17 p.m.

200
201 SIGNED:

ATTEST:

202
203 _____
204 David Stein, Chair

Ashley Howell, Building Permit Clerk

**PHILOMATH PLANNING COMMISSION
MINUTES
July 15, 2019**

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6 **1. CALL TO ORDER:** Chair Stein called the meeting to order at 6:00 pm

7
8 **2. ROLL CALL:**

9 **Present:** Commissioners Joseph Sullivan, Steve Boggs, Peggy Yoder, and Chair
10 David Stein.

11
12 **Staff:** Chris Workman, City Manager; Patrick Depa, Planner; and Ashley
13 Howell, Building Permit Clerk, Ruth Post, City Recorder.

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

16 **3.1 May 20, 2019, Minutes –**

17
18 **MOTION:** Commissioner Boggs moved/Commissioner Sullivan second, the May 20,
19 2019, minutes be approved. Motion APPROVED 4-0. (Yes: Sullivan, Boggs, Yoder,
20 Stein; No: None.)

21
22 Commissioner Boggs spoke to the passing of former City Planner, Jim Minard. He
23 asked the public, Commission and City staff for a moment of silence.

24
25 **Old Business-** Chair Stein suggested making a motion to send the modified Annexation
26 Criteria to City Council as they did in May.

27
28 **MOTION:** Commissioner Boggs moved/Commissioner Yoder second, to pass on the
29 Annexation Criteria to the City Council. Motion APPROVED 4-0. (Yes: Sullivan,
30 Boggs, Yoder, Stein)

31
32 **4. PUBLIC HEARING – opened at 6:03pm by Chair David Stein**

33 **4.1 File Number:** PC19-02, PC19-03, PC19-04, PC19-05, PC19-06, PC19-07

34 Applicant: Scott Lepman Company

35 Application Type:

- 36
 - Master Plan (PC19-02)
 - Industrial Flex Space (PC19-03)
 - Indoor Storage/Outdoor Storage – Boat & RV (PC19-04)
 - RV Park (PC19-05)
 - Conditional Use Permit (PC19-06)
 - Lot Coverage Variance (PC19-07)

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42 Location: 617 N 19th St., Assessor's Map 12612, Tax Lot 100, 200 & 201

43
44 Commissioner Yoder stated that she did a site visit.

45
46 Chair Stein proposed holding the public hearing open to July 29, 2019. He explained that this is
47 a very complex proposal and that continuing the hearing to July 29, 2019 would allow the public
48 more time to participate and for preparation for further public testimony.

49
50 **MOTION:** Commissioner Yoder moved/Commissioner Boggs second, to continue the
51 Public Hearing to the July 29, 2019 at 7:00 p.m. Motion APPROVED 3-1. (Yes: Boggs,
52 Yoder, Stein; No: Sullivan)

53
54 **MOTION AMENDMENT:** Commissioner Yoder moved/Commissioner Sullivan second to
55 keep the continuation meeting on July 29, 2019 at 6:00 p.m. Motion Approved 3-1. (Yes:
56 Sullivan, Boggs, Yoder; No: Stein)
57

58 **Staff Report --** City Planner, Patrick Depa, summarized the Staff Report. He explained that this
59 is a mixed-use industrial project but has been referred to as a master plan overlay due to the
60 property being over 10 acres. He explained that the Planning Commission would decide on all
61 six applications. He further explained that all the property involved is industrial but some of it is
62 split-zone. He listed the first four cases for review: Master Plan Overlay, Industrial Flex Space,
63 Indoor Storage, Outdoor Storage, and Boat and RV project. He explained the Master Plan
64 Overlay and that it is closely related to the comprehensive plan and policies. He explained that
65 it follows very closely to the impact studies. He addressed the Commissioners regarding
66 findings and conditions and the removal of some conditions due to them being public facilities,
67 water and draining, for example. He explained that the type three, Site Design Reviews, are
68 also looked at very closely in conjunction with the code. He discussed an item that required a
69 variance, the paving of RV and Boat Storage. He explained that the applicant is requesting that
70 it not be paved at this time due to demand in question for boat or outdoor storage vs. indoor
71 storage and possible building expansion. He explained that he recommends the
72 Commissioners put a time restriction on that variance. He discussed the Conditional Use case
73 for the viewing platforms that encroach into the riparian corridor. He explained that this is a
74 private trail that runs into the RV Park. He found that there was little to no effect to the proposal.
75 He recommended to the Commission that this be a separate approval and motion. He
76 discussed the design standards and the mixed masonry type materials. He discussed the
77 vacation of 20th street and that the applicant would pursue this with Benton County should their
78 application be approved.
79

80 Commissioner Yoder referred to page 7 and stated that the DEQ listed the site as suspect and
81 in need of more review. She asked if the City should require better ground samples at the
82 location of the old septic tanks and drain fields under discussion, to verify that there is not
83 anything harmful since they have been sitting for many years. It is still in question if in fact the
84 septic tanks and drain fields are still there, however. She further explained that her concern
85 was the property soil and remaining elements that may or may not be harmful. She suggested
86 that perhaps there should be more testing. Mr. Depa explained that there is different criteria
87 under State and Federal Statute for industrial vs. residential sites.
88

89 Commissioner Yoder addressed the Traffic Impact Analysis on page 9 of the Staff Report and
90 that it indicates there is 22 trips in the morning and 38 trips at night, however Exhibit B, from the
91 applicant lists, 78 trips in the morning and 11 trips at night. She asked how does the
92 Commission know which is accurate. Mr. Depa asked to come back to this question to verify
93 those numbers. He explained, however that the low numbers are due to the clientele of the RV
94 park. Since most of the clientele of the RV Park will most likely not be traveling during peak
95 hours since they are recreational users. They are not going to work and coming home from
96 work during typical hours each day. He explained that there is a different matrix used to
97 analyze traffic in RV parks.
98

99 **Presentation by Applicant-** Scott Lepman introduced himself as a real estate appraiser in
100 Albany, OR. He explained that he owns the Blue Ox RV Park in Albany, Oregon and the
101 Storage Depot in Corvallis, Oregon. He invited all public, staff, and Commissioners to please
102 visit both sites and/or ask him about how either site is managed should there be any questions
103 or concerns. He explained that he is excited about this project and believes the application that
104 has been prepared for this project is thorough and significant. He explained that he would like
105 to enter into the record a letter by Bob and Becky Bazemore, consultants for RV Parks that rate
106 parks around the State.

107
108 Mr. Lepman discussed the potential RV and Storage Unit site. He explained that the discussed
109 property consists of old industrial sites that have been abandoned. He discussed that there is a
110 significant amount of rock and concrete that still exists and that the area where the Boat and RV
111 storage will go consists of mostly concrete slabs, currently. He explained that the Northern
112 parcel is mostly concrete pads. He addressed the question related to environmental studies
113 and that the Commissioners should have copies of all environmental studies that have been
114 done on the property. He explained that the consultants used on the project are all present at
115 this meeting and that the Commission is welcome address them at any time. He introduced
116 each consultant: Wetland Consultant, Allen Martin, Engineer, Brian Vandetta, Traffic Engineer
117 Carl Bergy, and Employee Candace Ribera. He stated that he supports findings of the Staff
118 Report.
119

120 Commissioner Yoder explained after viewing the Blue Ox RV park website, it states that 70% of
121 the clientele are long-term and 30% are short term. Mr. Lepman explained that under Good
122 Samaritan, there must be at least 30% of the park must be available for daily customers. He
123 explained that there are a good number of people that stay for 2 to 6 months, such as
124 construction workers, or that perhaps they will have clientele staying for events related to
125 Oregon State University.
126

127 Commissioner Boggs asked if he had any time frame limits for clientele to stay at the park. Mr.
128 Lepman explained that they do not have any time limit restrictions, currently. Chair Stein asked
129 the applicant if new permanent residents of Philomath might take up a number of the RV
130 spaces. Mr. Lepman replied that it could happen. He discussed the concern of housing
131 affordability in Philomath, Benton County and the State of Oregon and that this RV park may be
132 an option for some clientele. He discussed his screening process and that he does background
133 checks on all applicants of the RV Park.
134

135 Mr. Lepman explained that he believes there is a market and sees the need for an RV park in
136 Benton County. He stated that there is only Benton Woods RV Park. He explained that Benton
137 Woods is providing a housing need, but that their tenants have to move out once a year for the
138 Benton County Fair.
139

140 Chair Stein asked if there are any population estimations of children who would be attending
141 public school, or the potential amount of residents that may have taxing effects on public
142 services such as fire and police. Mr. Lepman explained that at the Blue Ox RV park he
143 currently only has around three or four children staying in the park. He discussed the various
144 scenarios in which there might be children present in the park for an extended stay. He
145 discussed further examples of extended stay clientele such as, construction workers and
146 clientele who may only have a few months' worth of business in town. He stated that although
147 these clientele may tax the community, he believes they will also participate in the community
148 by utilizing local businesses. Chair Stein stated that although he appreciates Mr. Lepman trying
149 to be clear regarding his likely clientele, there are potential effects that he has not seen
150 addressed.
151

152 Candace Ribera introduced herself as an employee of Mr. Lepman. She spoke to the long-term
153 stay of clientele being month to month only. She explained that some of the clientele continue
154 to pay their spots on a monthly basis although they are not currently staying in the park. She
155 further explained that these clientele are included in the 70% long-term occupants at the Blue
156 Ox.
157

158 Commissioner Yoder asked if the cost of the spaces at the RV Park would be the same as the
159 Blue Ox in Albany. Mr. Lepman explained that since the facility is new the cost might be higher
160 than in Albany. He explained that the capital required might be more because of the quality of
161 the facility.

162
163 Commissioner Sullivan addressed Mr. Lepman and thanked him for considering Philomath. He
164 explained that when reviewing the application he has concerns when comparing it to the City's
165 comprehensive plan. He cited, Section 2, Economy, number 22, The City should encourage the
166 development and expansion of business, which serves tourists that travel through and visit the
167 community. He then cites Section 3, Housing, goal 10, At the extreme end there is
168 homelessness, and some people do not have any shelter at all. Close behind follows sub-
169 standard housing with health and safety problems, space problems, the structure is adequate
170 but overcrowded and economic and social problems. Commissioner Sullivan stated when
171 discussing the length of stay of clientele at the RV park, based on the prior readings from the
172 City's Comprehensive Plan, there is not enough information in the application for the
173 Commission to make a decision about whether or not the park is primarily attracting tourists or
174 unintentionally offering sub-standard housing. He discussed the Comprehensive Plan in
175 regards to aiding the local economy. He cited the goal of the Comprehensive Plan, Industrial
176 Land Use, to maintain protect and expand the City's existing industries. Promote and provide a
177 diversified industrial base that will provide jobs for both the existing and future labor source. He
178 explained that when addressing the storage facility proposal, it does not appear that it is justified
179 based on some sort of an economic value to the City. He discussed a few questions raised
180 when looking at Mr. Lepman's application: mixed-use that could potentially house incoming
181 businesses and the RV Park for tourists. He noted that there does not seem to be much
182 justification for a Storage Park. Mr. Lepman spoke to the industrial flex space and that it will
183 provide opportunities for employment. He explained that as an appraiser, there does not
184 appear to be any significant market evidence for such flex space. He explained that if the boat
185 and RV Park does prove to be of high demand, that there is flex space to expand.

186
187 Commissioner Yoder clarified that should the demand for space rise, the boat and RV storage
188 could be used as such. Mr. Lepman replied that the Boat and RV space is of interim use. He
189 explained that the size of the site is significant and that they are testing different uses to see
190 which will have more market demand. Mr. Workman addressed the Staff Report and that the
191 application is being submitted as Boat and RV storage. He explained that if use were to change
192 it would have to come back to the Planning Commission in a separate application as a Major
193 Modification.

194
195 Chair Stein asked the applicant why the RV sites were placed next to the railroad tracks. Mr.
196 Lepman explained that the two water influences attracted him and that there would be a
197 masonry wall between the railroad tracts RV's. He explained that he owns and appraises
198 property that are both next to railroad tracks. He explained that most of the population says that
199 they get used to the passing of trains and that he would discuss this with his potential
200 customers.

201
202 Chair Stein asked if Mr. Lepman would explain the site map display that was brought in for
203 review.

204
205 Mr. Lepman described the site map and gave point to directions, physical landmarks and
206 roadways. He explained that the sign will be down in a hole and that is why it is so tall. He
207 explained that the RV manager would live on-site at all times. He explained that the walking
208 path goes all the way around the park and is joined with the bike path for the City without
209 conflict. He discussed the park amenities that include a pool and patio overlooking the creek,
210 an enclosable patio space and dog park. He discussed the storage facility that has access from
211 Highway 20. He explained that there would be a separate manager on site at all times for the

212 Storage Facility. He explained that they have done a flood study and their own engineer
213 reviewed FEMA's data regarding a flood event and what would happen to the park and
214 neighbors should the waters jump Newton Creek.
215

216 Brian Vandetta introduced himself as the project's Civil Engineer. He pointed out on the display
217 the undeveloped City Park and discussed that there is an easement being left out and dedicated
218 to the City. Commissioner Yoder addressed the Traffic Impact Analysis and left hand turns off
219 Philomath Boulevard. Commissioner Boggs asked about RV waste dumpsites. Mr. Lepman
220 explained that there would be no dumpsites, but site-to-site hookups. Commissioner Sullivan
221 asked which paths included on the site display would be public and private. Ms. Ribera
222 explained that the public paths are on the perimeter of the property. Mr. Lepman explained that
223 the park also has its own private path.
224

225 Commissioner Yoder asked for clarification on the encroachment of the viewing area to the 50-
226 foot riparian areas. She asked how development would be impacted if the viewing area did not
227 encroach. Mr. Lepman discussed that the perimeter trail would be lost and that the site could
228 not be developed without affecting wetlands. He discussed that Wetland Mitigation credits will
229 be purchased. Mr. Lepman introduced Allen Martin, the project's Wetland Consultant. He
230 discussed the permit application to the Regulatory Agencies for Wetlands. He addressed the
231 analysis that were made. Commissioner Yoder spoke to the 7.3 wetlands on the property and
232 that she would like to see all of the wetlands protected. Mr. Martin clarified that although they
233 have submitted the review to the Wetland Agencies, they have not received a report on the
234 reviews. He explained that it is about a six to twelve month process. Commissioner Yoder
235 asked on what grounds the Regulatory Agency for Wetlands would deny the study. Mr. Martin
236 explained that this encroaches on speculation. Mr. Lepman explained that if the Regulatory
237 Agency for Wetlands does not accept the analysis report created by Mr. Martin, then the
238 applicant would have to submit a new Master Plan. Mr. Martin discussed the questions that the
239 Regulatory Agencies for Wetlands will consider for approval. Mr. Lepman discussed the plan of
240 execution to fill the wetlands. Mr. Workman clarified that number 11 of conditions for approval
241 requires that the applicant must provide copies of all environmental studies, assessments
242 performed and additional local State or Federal permits required for development.
243

244 Chair Stein asked to break for 5 minutes at 7:24 and to reconvene at 7:30 p.m.
245

246 Chair Stein called the Public Hearing back to order at 7:30 p.m.
247

248 Mr. Lepman announced that the traffic engineer used for this project is present if someone
249 would like to ask him any questions.
250

251 **Presentation by Proponents-**

252 Tim Wenger - Philomath, OR – Mr. Wenger spoke in favor of the development. He explained
253 that he lives very close to the development. He explained that he supports the development of
254 a well-managed RV park. He also explained that he sees a housing need in the City. He
255 explained that he feels that this will help in the housing shortage in the nation and in Oregon.
256 He explained that his daughter visited 25 manufactured home parks in Yamhill County and that
257 there were no spaces available. He explained that these are the only low-cost affordable
258 housing that is available. He explained that he likes this better than a mill and humanitarianly
259 that it will provide housing. He explained that in visiting the Self-Storage in Corvallis he feels
260 that this will be a well ran park.
261

262 **Presentation by Opponent's-**

263 Jeff Lamb - Philomath, OR – Mr. Lamb spoke in opposition of the Lepman project. He
264 explained that he does not blame Scott Lamb for wanting to join the Philomath family. He
265 addressed the fact that three of the Commissioners are gone during the most important land

266 use decision in Philomath. He discussed a past Finance Committee meeting and indirectly
267 quoted, Mr. Workman saying that we (the City) encourage development that does not use a lot
268 of water. He stated that he believes this proposal is equivalent to a small privately owned city.
269 He expressed his distaste for the Lepman application on the City website that contains 40
270 different attachments with hundreds of pages. He addressed the May 20, 2019 minutes
271 regarding a question that Sandy Heath asked. Ms. Heath asked if the City was currently
272 operating under the new or old development criteria. Mr. Lamb indirectly quoted Mr. Workman
273 from the May 20, 2019 meeting minutes stating that the City is operating under the current
274 criteria until the new criteria is approved. He addressed the Staff Report and stated that he has
275 never seen the criteria on which the Lepman project is being approved. He explained to the
276 Commission that it is not up to them to give the citizens of Philomath water away. He stated
277 that this project is going to destroy the community of Philomath's identity. He explained that this
278 project would simply be just bringing in rich people and would put more cost on the current local
279 residents. He stated, enough and that Philomath is not for sale.

280
281 Sandy Heath - Philomath, OR – Ms. Heath spoke in opposition to the Lepman project. She read
282 her statement into the record (see supplemental agenda item A). She explained that she would
283 like to discuss infrastructure in the community, hard and soft. She discussed the examples of
284 hard and soft infrastructure and read their definitions. She explained that she has tried several
285 times in the past to show her position on growth and development in the community. She
286 explained that she is not anti-growth but rather that she would like to grow Philomath efficiently.
287 She explained that Philomath is not ready to sustain the new projects that have been put upon
288 it. She explained that this project would be a huge draw on the City's current infrastructure and
289 that it is not affordable housing nor permanent residents. She explained that she believes the
290 clientele would be transient passers through that would have no sense of ownership in the
291 livability of Philomath. She asks that the City and the Commission be more creative in finding
292 additional funding for huge infrastructure projects such as this.

293
294 Anne Buell - Philomath, OR – Ms. Buell spoke in opposition to the Lepman project. She read
295 her statement into the record (see supplemental agenda item B). She discussed that she has a
296 degree Wild Life Science. She explained that this project serves as a threat to the population of
297 the Checker Mallow plant. She discussed the potential of RV residents picking the flowers.
298 She explained that she questions how the site is being divided. She discussed various reports
299 proving the extinction of the Checker Mallow plant. She discussed the need for the City of
300 Philomath to take more action in preserving the Checker Mallow flower. She asked that the
301 Commission vote no on this project.

302
303 Allen Buell - Philomath, OR – Mr. Buell spoke in opposition to the Lepman project. He
304 explained that the property is listed in the Environmental Clean-up Site data base file number
305 233. He discussed that in the Phase 1 Environmental Site Assessment, the DEQ learned of a
306 Petroleum machine that affected Newton Creek. He explained that DEQ claims the site is
307 medium-low priority requiring further investigation. He discussed two reports of septic systems
308 with drain fields and that these septic systems were not found after a walk through. He asks the
309 question, are the septic systems there or not. He asked if 60% of the project is developed now,
310 would the applicant come back later and develop the remaining 40%. He asked if, the
311 developers will get half price water or will they pay their fair share. He stated that there is a
312 traffic problem in Philomath and that this will only add more traffic to our area, for OSU, not just
313 Philomath.

314
315 May Dasch – Philomath, OR - Ms. Dasch spoke in opposition to the Lepman project. She read
316 her statement into the record (see supplemental agenda item C). She explained that she is
317 extremely worried about the large RV Park and what impact it will have on the City's water
318 supply and already congested traffic. She addressed a report from 2018 by West Tech
319 Engineering, quoting that the four water sources in Philomath are uncertain. She quoted

320 excerpts from the report stating the uncertainty of the Mary's River water supply, especially
321 during August and September. She also quoted the report speaking to the end of the Corvallis
322 Intertie Agreement in 2027. She spoke to the ninth and 11th street wells, their poor water supply
323 and proposed use. She explained that the staff report does not address the impact on local
324 property owners and their water supply.
325

326 Catherine Biscoe - Philomath, OR – Ms. Biscoe spoke in opposition to the Lepman project. She
327 explained that the Lepman project application consists of nearly 600 pages, the Commissioner's
328 packets of over 100 pages, and in that, the staff report is around 40. She discussed concerns
329 about water, and quoted West Tech Engineering's study from the City's Master Plan, suggesting
330 that the City should try to attract dry or low water users rather than industries that require large
331 quantities of water. She stated that in the extensive application, she did not find the cost of the
332 infrastructure in order to serve this industrial complex. She explained that currently the City of
333 Philomath is the highest tax rate paying City in Benton County. She asked what is the water
334 unit rate that the clientele of the RV Park will be paying and will each RV have their own water
335 meter. She asked about the cost of the landscape and maintenance of the park. She stated
336 that the phase one assessment is inadequate in regards to the environmental studies. She
337 addressed the RV age and quality requirements and that the expense of those RV's would not
338 qualify as affordable housing. She explained that the timing of the staff report release made it
339 hard to review this packet. She asked that the completion of the environmental and water
340 assessments be completed and evaluated before the Commission votes on this project. She
341 asks that the cost to the community be evaluated, as well.
342

343 Greg Frost – Philomath, OR – Mr. Frost spoke in opposition to the Lepman project. He
344 explained that he has lived in Philomath since 1977. He explained that around that time he
345 lived on a gravel road and that Main Street was the only paved road. He stated that although all
346 citizens were allowed to travel on their road, the residents of his road were required to pay
347 around \$5,000.00 to pave their street. He explained that he sees local residents that are
348 stressed out over water unite prices and property tax rates rising. He discussed the congestion
349 of traffic on Main Street and 19th and that it will be even more congested when school is in
350 session. He addressed the Commissioners that the citizens trust them to do what is right and
351 not bring in more projects that will raise taxes.
352

353 Marcy Stolpey – Philomath, OR- Ms. Stolpey spoke in opposition to the Lepman project. She
354 explained that she is surprised to find out that not only are they discussing and RV Park, but a
355 trailer park is as well. She stated that she commuted for several years as a Mental Health
356 Specialist with Linn County and commuted from Philomath. She questioned how traffic could be
357 predicted between 8 a.m. and 5 p.m., especially when school is in session. She challenged the
358 Commissioners, staff and audience to commute between 8 a.m. and 5 p.m. while school and
359 Oregon State University is in session to see the extensive traffic congestion. She explained that
360 due to her experience as a Child and Family Therapist she predicts that there will be a large
361 number of children that will be living in the RV Park. She stated that in the thousands of families
362 she worked with, almost half of the children from those families lived in a trailer park
363 permanently. She asked that we not pattern the City after Albany and South Corvallis. She
364 discussed her concern for her house value and how much she pays in taxes. She stated that
365 she likes to garden and her water bill is extremely high. She questions whether people will want
366 to live in Philomath due to high property taxes and water rates. She explained that even if she
367 owned a nice RV that she would not want to stay at the RV Park because of the odd location
368 and close proximity of the railroad tracks. She is concerned about the impact of the project on
369 the Cities water, sewer, schools and property values. She questioned the voting system of the
370 Planning Commission, due to the large amount of people she knows that oppose numerous
371 past annexations.
372

373 Robert Biscoe – Philomath, OR – Mr. Biscoe spoke in opposition to the Lepman project. He
374 explained that the flex space proposed in the Lepman project could potentially promote good
375 business growth and development. He explained that he does not see any studies with the
376 volume of water that the RV Park will be using with the 175 spaces. He explained that the
377 engineers in the past encouraged the City to be looking toward water conservation and that the
378 RV Park does not represent that. He discussed his concerns for traffic and safety. He
379 discussed his concerns for the triple high storage and the close proximity to Highway 20. He
380 explained that the Lepman storage in Corvallis is maintained very well. He explained that the
381 triple high storage would be more desirable if not visible from the road and perhaps should be
382 located out of sight from the main road, similar to that of the Corvallis Storage Units. He
383 questions some of the staff report items and identification of criteria that he is not aware of being
384 in the code.

385
386 Lawrence Johnson – Philomath, OR – Mr. Johnson spoke in opposition to the Lepman project.
387 He stated that he concurs with all of the opponents that have spoken thus far. He explained
388 that although Mr. Lepman prepared a very detailed report and presentation, being a business
389 owner Mr. Lepman should know how much sewer and water would be used. He expressed
390 concern on the lack of statistical data concerning water. He addressed the 175 stalls and asked
391 if they will each be metered. He stated that each property owner present at the meter is paying
392 ten dollars a month extra for their meters, and asked should the 175 RV spots have their own
393 meters, will they also be paying and extra ten dollars a month. He stated that water rates would
394 double. He asked if the clientele in the park would be penalized if they use too much water. He
395 questioned if this type of development has a sweetheart deal where they do not have to pay as
396 much as Philomath residents and asked the Commission to review this issue. He stated that
397 this is not affordable housing, rather a gated community with expensive RV units. He discussed
398 previous testimony by Marcy Stolpey and that this RV Park would have an impact on Philomath
399 schools due to the high amount of school age children that will be present in the park. He
400 explained that the environmental studies and mitigation reports should be completed before the
401 application be considered. He stated that the water issue is being overlooked and that the
402 application is incomplete. He claims that Mr. Lepman evaded answers to the questions asked
403 by Commissioner's. He asked that the record be held open.

404
405 Machi Nunnemaker Philomath, OR -- Mr. Nunnemaker spoke in opposition to the Lepman
406 project. He addressed a City of Philomath Water Forum from 2015, and states that the
407 Regional Water Master had drafted a letter to the City encouraging the restriction of water
408 usage by residents due to low flow in the Mary's River. He explained that he is a lifelong
409 resident of Philomath, and is not against growth. He stated that he is concerned that the City
410 will go past what it can sustain and not sink into a ghost town.

411
412 Commissioner Sullivan addressed his dislike for traffic, lack of affordable housing, and the rise
413 of property taxes. He discussed the requirements and decision-making process followed by a
414 specific set of guidelines written in the comprehensive plan in 1999. He suggested that all
415 citizens for or against this development get a copy of the Philomath Comprehensive Plan and
416 the Oregon Department of Land Conservation and Development and parallel their propositions
417 or oppositions by those guidelines. He explained that for the opposition to be considered it must
418 fall under the rules and guidelines presented in the Comprehensive Plan.

419
420 Mr. Lepman explained that some of the issues that he heard from opposing parties he was not
421 aware of in the community. He stated that he would be seeking more information regarding
422 water usage from his existing RV Park. He explained that although he senses some hostility
423 from citizens that any value that this project will bring to the community will actually help to lower
424 property taxes. He stated that he would try to address all testimony at the next meeting.

425

426 Chair Stein explained that there is a Development and Annexation Code. He discussed that the
427 Planning Commission's decision must be based on facts and not positive or negative opinions.
428 He discussed that the public hearing will be open for another two weeks so that those in
429 opposition can address the Commission with facts and not opinions. He stated that the Public
430 Hearing would reopen at 6:00 p.m. on July 29, 2019.

431

432 **Presentation by Neutral Parties-** None.

433

434 **5. ADJOURNMENT:**

435 There being no further business, Chair Stein adjourned the meeting at 8:32 p.m.

436

437 Minutes recorded by Ashley Howell, Building Permits Clerk.

438

439 **SIGNED:**

440 Lori Gibbs, Vice Chair

ATTEST:

Ruth Post, MMC, City Recorder

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**PHILOMATH PLANNING COMMISSION
MINUTES
WORK SESSION
July 22, 2019**

1. **CALL TO ORDER:** Chair Stein called the work session to order at 6:08 pm

2. **ROLL CALL:**

Present: Commissioners Garry Conner, Steve Boggs, Peggy Yoder, Chair David Stein, and Lori Gibbs (6:13 p.m.).

Staff: Chris Workman, City Manager; Patrick Depa, City Planner.

3. **Presentations**

Laura Buhl introduced herself as a Land Use and Transportation Planner with the Transportation and Growth Management Program. She explained that the Transportation and Growth Management Program stems from two departments, Oregon Department of Transportation and the Department of Land Conservation and Development. She explained that the purpose of their program is to link land use and transportation planning.

4. **ADJOURNMENT:**

There being no further business, Chair Stein adjourned the work session at 7:24 p.m.

Minutes recorded by Ashley Howell, Building Permits Clerk.

SIGNED:
Lori Gibbs, Vice Chair

ATTEST:
Ruth Post, MMC, City Recorder

**PHILOMATH PLANNING COMMISSION
MINUTES
July 29, 2019**

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5
6 **1. CALL TO ORDER:** Chair Stein called the Public Hearing to order at 6:00 pm

7
8 **2. ROLL CALL:**

9 **Present:** Commissioners Gary Conner, Joseph Sullivan, Lori Gibbs, Steve Boggs,
10 Peggy Yoder, and Chair David Stein.

11
12 **Staff:** Chris Workman, City Manager; Patrick Depa, Planner; and Ashley
13 Howell, Building Permit Clerk.

14
15 **3. CONTINUATION OF PUBLIC HEARING**

16 **3.1** File Number: PC19-02, PC19-03, PC19-04, PC19-05, PC19-06, PC19-07

17 Applicant: Scott Lepman Company

18 Application Type:

- 19 • Master Plan (PC19-02)
- 20 • Industrial Flex Space (PC19-03)
- 21 • Indoor Storage/Outdoor Storage – Boat & RV (PC19-04)
- 22 • RV Park (PC19-05)
- 23 • Conditional Use Permit (PC19-06)
- 24 • Lot Coverage Variance (PC19-07)

25 Location: 617 N 19th St., Assessor's Map 12612, Tax Lot 100, 200 & 201

26
27 Commissioner Gibbs and Commissioner Conner confirmed they listened to the audio from the
28 previous hearing on July 15, 2019, and familiarized themselves with the record.

29
30 **Staff Report-** City Planner, Patrick Depa summarized the Staff Report. He explained that this is
31 a Master Plan Development industrial mixed-use. He stated that this project has three specific
32 proposed uses; indoor/outdoor storage and boat storage, and an RV Park. He stated that all of
33 these uses are permitted and allowed in the industrial districts that they reside in. He explained
34 that this development has been reviewed under Master Plan Development, which has more
35 scrutiny and direction toward the Comprehensive Master Plan. He stated that none of the uses
36 can be separated and must be reviewed together. He discussed the six cases to review and
37 that some of these require Site Design Review. He stated that Master Plan Overlay is
38 considered heavily on the comprehensive policies, which include very detailed studies. All three
39 uses support the policies of the Comprehensive Plan. He discussed the Site Design Review
40 and that it focuses on design, layout, paving, building materials, signage, parking, and
41 connectivity to the surrounding community. All conditions were met or exceed in review. He
42 explained the Conditional Use for the allowance of the two viewing platforms within the riparian
43 corridor, and a Variance of 0.3% total lot coverage over the allowed amount. He stated again
44 that all six cases could be voted on together because of the application being a Master Plan
45 Development. He suggests that the conditions be read off with approval, and be specific to The
46 Conditional Use and The Variance.

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Public Testimony

Lawrence Johnson, Philomath, OR – Mr. Johnson spoke in opposition to the project. He noted that he had reviewed the applicant’s rebuttal. He discussed the Army Corp of Engineers’ report that was just recently released with several findings that raise concerns for him. He believes it may be premature for the Commission to make a decision until that study is closed. He also noted the two wells that are in the applicant’s rebuttal and questioned the use of the two wells. He questioned how the City would measure the use of water in regards to sewage if the two wells on site are used and not metered City water. He stated that in the application and reports there should be a Citizen’s Advisory Report that he has yet to see. He believes that the Staff Report should have taken into account the studies that are still pending. He requested that the record be kept open until some of the significant reports have been resolved.

Ann Buell, Philomath, OR – Ms. Buell spoke in opposition to the project. She read her statement into the record (see supplemental agenda item A). She stated that a five-minute time limit for comment is unreasonable due to the significant amount of material in the application and rebuttal. She requests that the Commission review the public testimonies and hopes that the Commissioners have gone through the Comprehensive Plan and matched where the application is in violation. She stated that the taking of species that are endangered is illegal, questioned why that is not in the Comprehensive Plan, and how the Commission will handle it. She spoke to Rana Foster’s written testimony, noting various traffic concerns, endangered species in the project area and local wildlife. She addressed the 3,500 yards of fill that may be dumped into Newton Creek.

Jeff Lamb, Philomath, OR – Mr. Lamb spoke in opposition to the project. He spoke to Commissioner Sullivan’s previous comments regarding the decision making process in congruence with the 1999 Comprehensive Plan. He questioned why all six cases are being considered under one vote of approval. He explained that the Army Corp of Engineers, the Oregon State Land and Conservation Department and the DEQ are all seeking public comment for their written reports. He stated that he spoke to the DEQ and they replied that it is unusual for applicants to submit applications before such studies are completed. He requested that the record be held open due to the permit requested of the Army Corp of Engineers.

Catherine Biscoe, Philomath, OR – Ms. Biscoe spoke in opposition to the project. She stated that she serves on the Philomath Budget Committee. She would like to review the infrastructure costs of this project to the City and that there are still concerns to the Water Treatment Plant costs. She noted the priority two and three costs that are based on a population increase. She explained that those concerns may or may not include our debt service or inflation. She is concerned about failing sewer lines in the northeast part of town and that there is currently no plan in the budget to replace those lines. She quoted the book titled, “Better not Bigger,” excerpt from page 46, speaking to urban growth and the demand on public resources. She noted that neither the Staff Report nor the application address the cost to the tax paying citizens of Philomath. She discussed that this project will not provide many opportunities of employment, but have high and negative impacts on the City’s water and infrastructure. She believes that the project will be a gated community that only benefits itself and in no way applies to affordable housing. She discussed the Army Corp of Engineers’ environmental impact report. She asked the Commission to hold the record open until the completion of the Army Corp of Engineers’ report be completed.

103 Kathy Hensman, Philomath, OR – Ms. Hensman spoke in favor of the project. She read her
104 statement into the record (see supplemental agenda item B). She stated that she is pro-growth
105 and believes that the RV Park would be a sustaining business. She believes that cliental
106 traveling to the coast would utilize the RV Park and local businesses. She discussed that the
107 positive impact on local businesses would compensate for the traffic that the RV Park would
108 bring. She believes growth in the City is not going to stop, nor should it. She discussed that
109 after reviewing the Staff Report, she does not see any issues with water, sewer, or power that
110 should stop a development such as this. She stated that the only issue that would affect local
111 residents would be traffic. She stated that in her experience in various RV Parks, she has yet to
112 see an overabundance of children living in the parks.

113
114 Sandy Heath, Philomath, OR – Ms. Heath spoke in neutrality of the project. She read her
115 statement into the record (see supplemental agenda item C). She stated that she is the current
116 elected chair of, Grow Philomath Sensibly. She believes that the Comprehensive Plan is out of
117 date and does not allow the city to grow in a sustainable and sensible way. She showed the
118 City Organizational chart that has the citizens of Philomath on the top of the chart, meaning their
119 well-being should be first. She explained that this project is in no way affordable housing. She
120 stated that any contribution to the community would be limited due to cliental likely shopping in
121 Corvallis. She stated that the City has said publicly that it would not promote high water use
122 industries. She noted the City’s water report from West Tech Engineering. She stated that the
123 applicant would be dumping 3,400 square yards of fill on one acre. She noted that any person
124 may request in writing a public hearing by August 21, 2019 with the Army Corp of Engineers.
125 She noted ODOT’s concerns and believes that the application is incomplete. She requests that
126 the record be held open until all reports and studies have reached their comment periods
127 specified by law.

128
129 Tim Wenger, Philomath, OR – Mr. Wenger spoke in neutrality of the project. He stated that he
130 lives close to the RV Park. He discussed his property location and that he would be looking
131 directly at the RV Park from his home. He explained that because of this he may not be in favor
132 of the RV Park; however, he would be in favor of this park because of its contribution to local
133 restaurants. He believes this project will in fact provide some affordable housing.

134
135 Robert Biscoe, Philomath, OR – Mr. Biscoe spoke in opposition to the application. He stated
136 that he conquers with most of the previous opposition comments. He asked the Commission to
137 keep the record open due to the issues with the Army Corp of Engineers and to wait until the
138 findings and possible testimonies are processed. He explained that although traffic studies
139 have been done, he is unaware of how one studies traffic changes concerning cliental that are
140 extended stay versus short term. He questioned whether as a community we are offering
141 affordable housing and that the City should do a better job of making sure they are providing it.
142 He hopes that the Commission is listening to the public and that the citizens of Philomath will be
143 taking the brunt of the impact that this project will have on the City’s current infrastructure.

144
145 May Dasch, Philomath, OR -- Ms. Dasch spoke in opposition to the project. She read her
146 statement into the record (see supplemental agenda item D). She quoted a write up from the
147 Corvallis Gazette Times discussing the drop in ground water supply. She discussed various
148 proposed uses of the City’s two wells. She asks that the Commission consider the City’s
149 tenuous water supply when considering the Lepman application. She stated that water is the
150 key to our community being successful and that the City’s supply is proving unpredictable.

151
152 Chair Stein called a break at 6:55pm.

153
154 Chair Stein called the Public Hearing back to order at 7:05 p.m.

155
156

157 **Presentation by Applicant**
158

159 Mr. Scott Lepman spoke in rebuttal to the opposition. He stated that he also submitted a written
160 rebuttal addressing the concerns of the July 15, 2019 opposition. He explained that there have
161 been concerns raised at the present meeting, as well as additional written testimony that they
162 would like the opportunity to rebut. He spoke to the development process of the proposed
163 Storage Units and RV Park. He explained that that the Army Corp of Engineers and
164 Department of State Lands are two agencies that address filling in a wetland. Mr. Lepman
165 addressed a large diagram, also presented at the July 15, 2019 meeting, to further explain to
166 the public where fill would be placed. He noted that there are two large bridges that are going to
167 cover the wetlands and will not be affecting two creeks on the industrial property. He noted that
168 the biggest impact is the storm water quality feature. He stated that they would be creating a
169 wetland, but that it would be referred to as a, "dry pond." He stated that although the pond is
170 not technically considered a wetland, it would function as such and treat the storm water before
171 it enters Newton Creek. He explained that the reason for the dry pond being incorporated into
172 the project is due to the lack of access to a public road, specifically Highway 20. Furthermore,
173 he noted that Oregon Department of Transportation determined the location of the public access
174 road due to specific guidelines. He explained that the decision of public road access by Oregon
175 Department of Transportation was the reason for determining the location of the dry pond
176 treatment facility. He stated that this project is only affecting low-value wetlands.
177

178 Commissioner Yoder asked Mr. Lepman what the term, "low-value wetland," means. Allan
179 Martin, Wetland Consultant for the Lepman project, explained that wetlands are categorized
180 based on the functions, values, and services provided. Whether or not the wetland is forested,
181 the native plants present, and whether it has been degraded or affected by previous
182 development determine these qualities. He noted that the forested wetland in the riparian zone
183 provides habitat, water storage and a number of higher wetland services. He further explained
184 that the wetland affected by the dry pond has a low number of native plants and is not forested.
185 He noted that there is only about a half of an acre that would be affected by the dry pond.
186

187 Chair Stein asked for clarification on the storm water treatment facility, or dry pond, and how it
188 would function. Bryan Vandetta introduced himself as the Project Engineer to address Chair
189 Stein's question. He explained that the storm water quality pond has a dead zone in the bottom
190 of it that is around six inches deep that would remain there throughout the changing of seasons.
191 When the storm water flows into the dry pond, it provides a sump for the settlement carried by
192 the storm water. He explained that the dry pond also has aquatic vegetation that then treats the
193 water and helps remove some of the pollutants, as well as an infiltration system. He stated that
194 the function of the pond is sized based on the impervious area that it is treating. He explained
195 that the storm water quality pond functions as a wetland, although it is not referred to as such.
196 He noted that the site owners would pay into mitigation bank for the existing wetland displaced
197 by the dry pond.
198

199 Mr. Lepman noted that they have worked very hard to address the issues and concerns that
200 were presented at the previous meeting, and would like the opportunity to rebut the concerns
201 presented at this meeting. He asked for clarification of the policy in regards to closure of the
202 record and final decision.
203

204 Mr. Workman explained that several members of the public have made a request to hold the
205 record open. There was discussion and clarification of the municipal code applicable to this
206 public hearing and holding the record open. He stated that the public hearing could be closed,
207 but the record held open until a certain date and time selected by the Commission
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**PHILOMATH PLANNING COMMISSION
MINUTES**

August 26, 2019

1. **CALL TO ORDER:** Vice Chair Gibbs called the meeting to order at 6:00 pm.

2. **ROLL CALL:**

Present: Commissioners Gary Conner, Joseph Sullivan, Lori Gibbs, Steve Boggs, and Peggy Yoder.

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

Excused: Commissioners Stein and Gay.

3. **APPROVAL OF MINUTES**

3.1 **Minutes of July 15, 2019 –**

Page 7, Line 322: Commissioner Yoder requested addition of the word “just” to read “not just Philomath.”

Commissioner Sullivan requested correction of the spelling of clientele in all occurrences; Page 4, Line 198: correct “tracts” to “tracks;” and Page 8, Line 397: correct “conquers” to “concur.”

MOTION: Commissioner Conner moved, Commissioner Boggs second, to approve the minutes of July 15, 2019, as amended. Motion APPROVED 5-0 (Yes: Boggs, Conner, Gibbs, Sullivan, and Yoder; No: None).

3.2 **Minutes of July 22, 2019 Work Session –**

MOTION: Commissioner Yoder moved, Commissioner Boggs second, to approve the minutes of July 22, 2019, work session as presented. Motion APPROVED 4-0 (Yes: Boggs, Conner, Gibbs and Yoder; No: None; Abstained: Sullivan).

3.3 **Minutes of July 29, 2019 –**

3.4 MOTION: Commissioner Yoder moved, Commissioner Conner second, to approve the minutes of July 29, 2019, as presented. Motion APPROVED 5-0 (Yes: Boggs, Conner, Gibbs, Sullivan and Yoder; No: None).

4. **DISCUSSION & DECISION**

4.1 **File Number: PC19-02, PC19-03, PC19-04, PC19-05, PC19-06, PC19-07**

Applicant: Scott Lepman Company

Application Type:

- Master Plan (PC19-02)
- Industrial Flex Space (PC19-03)
- Indoor Storage/Outdoor Storage – Boat & RV (PC19-04)
- RV Park (PC19-05)
- Conditional Use Permit (PC19-06)
- Lot Coverage Variance (PC19-07)
- Location: 617 N 19th St., Assessor’s Map 12612, Tax Lot 100, 200 & 201

52
53 Mr. Workman summarized the staff recommendations for conditions of approval, including
54 several new conditions added after the July 29 meeting. He stated that the applicant is aware of
55 all of those conditions and has stated no issues with them. He reviewed the optional motions
56 provided with several variations provided dependent upon the Commission's decision.

57
58 Commissioner Conner questioned the language of Conditions #7 and #8 regarding the
59 accompanying applications for a variance and riparian setback requirements. Mr. Workman
60 reviewed the options available. He summarized a minor or major modification application that
61 might be required should the state or federal regulatory agencies make a decision impacting the
62 riparian zone. There was discussion about the 0.3% variance.

63
64 Commissioner Yoder questioned if all of the conditions of approval suggested in the applicant's
65 rebuttal are included or not in the staff recommended conditions. As an example, she gave the
66 condition described on Page 27 of applicant's rebuttal under Concern 28 Response for a 50%
67 survival rate requirement for wetland plantings. There was discussion about the rebuttal and the
68 potential conditions of approval described by the applicant in their responses. Mr. Workman
69 stated that the applicant offered those conditions but staff was leaving those decisions up to the
70 Planning Commission.

71
72 Commissioner Yoder requested confirmation that the recreational vehicles (RV's) at the RV park
73 would be required to be 2005 model year or newer. Mr. Lepman confirmed that was correct.

74
75 Commissioner Yoder requested additional information about the police calls at the Blue Ox
76 Albany RV Park described on Rebuttal Page 10, Concern 7. Applicant's Planner Candace
77 Ribera summarized the call history, noting that some of the calls were for outside factors and
78 not actually related to the residents of the park.

79
80 Commissioner Yoder, stated she didn't consider the Rebuttal Page 13, Concern 10 Response:
81 "So more trips means more money to the City" as a positive statement. She noted in talking to
82 people around town that she had received negative feedback about the application.
83 Commissioner Sullivan raised the question of ex parte contact declarations. Ms. Cook reviewed
84 ex parte contact and the need to disclose any new information that any member of the
85 Commission had received from an outside source that the remainder of the Commission
86 wouldn't know. Commissioner Yoder stated she had not received any new information in her
87 conversations with community members.

88
89 Commissioner Yoder questioned a difference between the Applicant's Rebuttal dated 7/26/2019
90 and the Rebuttal dated 8/26/19 in the Million Gallons per Day (MGD) calculations estimated for
91 the RV Park. Applicant's engineer, Brian Vandetta, Udell Engineering stated the first rebuttal
92 response had an incorrect figure and the final rebuttal response contains the final calculations.

93
94 Commissioner Yoder questioned if the easement to the City for a future bike/pedestrian path is
95 not utilized by the City in the future, what would happen to that segment of the property. Mr.
96 Workman explained that the easement is not a requirement to construct the path; and if it is
97 never constructed, it would remain as is, without disturbance of the associated wetlands.

98
99 Commissioner Yoder questioned if the 50% survival rate of wetlands plantings referred to on
100 Rebuttal Page 27, Concern 28, could be increased. Mr. Lepman described his experiences in
101 working with regulatory agencies regarding wetlands habitat restoration and enhancement. He
102 described having an independent monitor perform an annual review. Applicant's wetlands
103 specialist, Allen Martin, provided more detail regarding wetlands criteria set out by state and
104 federal regulators. He stated there are already existing native wetlands plants that would be
105 enhanced by additional plantings and there would be no problem meeting a 50% or higher

106 survival rate. He further explained concerns, however, with an extended monitoring period, such
107 as 5 years, due to unpredictability of drought or other conditions that could have an impact on
108 survival long-term. He stated the goal is to demonstrate an improvement in the function of the
109 wetlands.
110

111 Commissioner Boggs questioned who would require the annual reports. Mr. Martin stated it
112 wouldn't be the State because their intent is to voluntarily enhance the existing wetlands and not
113 as a part of a mitigation credit. He stated it could be an agreement between the City and Mr.
114 Lepman and the inspection would be by a qualified botanist. Mr. Lepman stated that, in those
115 instances where they needed to do monitoring, they have historically hired a wetlands
116 consultant to provide it. Mr. Martin stated there is no requirement by the State to do this and any
117 monitoring would be at the City's request. He stated it would typically begin after the plantings
118 are installed.
119

120 Commissioner Sullivan stated he would like the applicant to address the question in Sandy
121 Heath's testimony, page 2, regarding storm water drainage of the RV park. He questioned if this
122 was being addressed in Applicant's Rebuttal Page 36, Concern 48 regarding surface hardening
123 and runoff. Mr. Vandetta verified the design for storm water management on the two sites are
124 independent of each other and further described the infrastructure requirements for the RV
125 park's Stormwater.
126

127 Commissioner Yoder questioned the use of barbed wire fence described in Applicant's Rebuttal
128 Page 29, noting that there are prohibitions against barbed wire in the municipal code. Mr.
129 Workman stated this type of design issue would typically be addressed in the Public Works
130 infrastructure pre-design meetings.
131

132 Commissioner Yoder questioned if the six additional conditions of approval offered by the
133 applicant will be automatically added if the application is approved. Mr. Workman restated that
134 staff did not make any assumptions regarding those conditions and they would need to be
135 added separately if desired by the Commission. There was discussion about addressing each of
136 the six conditions separately.
137

138 Commissioner Yoder questioned if the condition of approval suggested by the applicant on
139 Rebuttal Page 23, Concern 18 regarding inadvertent archaeological discovery should be added.
140 Consensus of the Commission was that it did not need to be added.
141

142 Discussion returned to Applicant Rebuttal Page 27, Concern 28 regarding yearly inspection of
143 voluntary wetlands plantings. Mr. Martin reviewed the process for initial plantings and making
144 sure they survive. The intent is to improve the native plant diversity and have some survival
145 success. Commissioner Gibbs noted the applicant intends to do the plantings anyway. She
146 questioned if the Commission wanted to make it a condition. Commissioner Conner
147 recommended letting the professionals who deal with those types of issues do those things. Mr.
148 Martin questioned what the intended goal was. He stated they are trying to enhance the riparian
149 area and tip the scales. Ms. Ribera stated they have done this same thing at other projects.
150 Commissioner Sullivan emphasized the need for a specific reason to justify a condition of
151 approval. Mr. Workman suggested the Commission might want to require proof of survival of
152 installed wetlands plants for one year. There was additional discussion about unintended
153 consequences for requiring it. Mr. Workman noted the developer is still subject to DSL Wetlands
154 requirements and the City can report them to the Wetlands Division, who are diligent about
155 following up.
156

157 Commissioner Yoder requested discussion about Applicant's Rebuttal Page 32, Concern 37,
158 regarding protection of the 50-foot buffer area along the creek. Mr. Vendetta stated the applicant

159 is willing to go above and beyond to ensure protection of the riparian corridor. Mr. Workman
160 offered to draft language for a condition of approval.

161
162 **RECESS:** Chair Gibbs called a 5 minute break at 6:56 p.m. and reconvened at 7:01 p.m.

163
164 Based on the Commission's discussion, Mr. Workman suggested addition of Condition of
165 Approval #13: Must install within the 50-foot wide riparian corridor a vegetated filter strip along
166 the creek side of the trail.

167
168 Commissioner Yoder noted the applicant's response to protecting the riparian corridor from
169 runoff at the RV pads as outlined in their Tenant agreement requirements regarding mechanical
170 work and storage of personal items. She questioned if it should be an additional condition of
171 approval.

172
173 Continuing to review the potential conditions of approval offered in the Applicant's Rebuttal,
174 Commissioner Yoder addressed Page 37, Concern 55, regarding placement of animal waste
175 bag stations along the private trail. Commissioner Gibbs suggested if the applicant wants to do
176 it, let them do it. Commissioner Yoder noted the applicant offered to accept a condition of
177 approval requiring it.

178
179 Commissioner Yoder questioned if the City engineer's concerns had been addressed
180 somewhere. Mr. Workman identified staff proposed condition of approval #2e as addressing
181 those concerns.

182
183 There was discussion about the City process for business or industrial occupancy or re-
184 occupancy of space to ensure compliance with current code requirements. Mr. Workman
185 confirmed that any change of occupancy now results in a site design review to address any
186 deficiencies that may exist in a site. Commissioner Sullivan recommended striking staff
187 proposed condition of approval #9.

188
189 **MOTION:** Commissioner Sullivan moved, Commissioner Conner second, to strike staff
190 proposed condition of approval #9 and add #13 (regarding the 50-foot wide riparian corridor
191 vegetated filter strip). Motion APPROVED 5-0 (Yes: Boggs, Conner, Gibbs, Sullivan and Yoder;
192 No: None).

193
194 Commissioner Sullivan questioned staff condition #6 regarding payment in lieu of construction
195 of the public bike/pedestrian path, particularly why the City would want cash instead of actual
196 construction of the path. Mr. Workman explained that the applicant will be required to install
197 sidewalk on 19th Street; but, under the current circumstances, if they construct the path it will
198 lead to nowhere. He explained the section of potential path to the south of the applicant's
199 property that is not City owned, which would result in the applicant-constructed path dead-
200 ending at the property line. He explained future opportunities to construct the path, dependent
201 upon development of the adjacent property. Mr. Sullivan questioned if, down the road,
202 construction costs increase and the payment would be insufficient to cover the cost. Mr. Sullivan
203 questioned if the Commission felt construction of the path should be required.

204
205 Mr. Martin pointed out that state and federal regulatory agencies require any path going through
206 a wetland to have independent utility and they wouldn't likely approve construction for a path
207 that leads to nowhere. Mr. Lepman offered that a path to nowhere could be a policing issue and
208 an attractive nuisance. Mr. Workman explained that the Park Master Plan encourages bike &
209 pedestrian paths and it's one of the few things that can be done in a riparian zone. Mr. Martin
210 stated that the regulatory agencies are there to protect the wetlands and would recommend
211 sending the path out to 19th Street anyway, even though it wouldn't be as aesthetically pleasing.

212

213 Commissioner Sullivan stated his concern with Applicant's Rebuttal Page 8, Concern 4:
214 Housing Goal 10. He stated the case could be made that the park does provide low-income
215 housing based on the 17% in the table on Page 9 who give "rent was too high" as their reason
216 for being monthly residents at the Albany Blue Ox RV Park. He stated the City's Comprehensive
217 Plans points out there is such a thing as sub-standard housing and it seems that an RV park, if
218 used as a permanent residence, is sub-standard because it's small and doesn't have access to
219 the same sort of facilities that a normal house would. The people that live in temporary housing
220 can pull up and leave at a moment's notice, so their investment in the community and the
221 lifestyle that they get from that are diminished. He saw a problem with 70% of their RV park
222 residents being long-term. He stated the Comprehensive Plan also encourages tourism and he
223 completely agrees with that; however, as proposed, this wouldn't be as much tourism as it
224 would be a massive opportunity for sub-standard housing. He didn't see how this proposal could
225 align with the Comprehensive Plan unless there was a maximum length-of-stay required, which
226 would probably undermine all of the economic reasons for doing this in the first place.

227
228 Commissioner Conner stated that the City zoning and codes do things to encourage certain
229 things so the most that we can do with Goal 10 is to manage the zoning and the rules to
230 encourage and to discourage. He added that this being an RV park, it's not really a housing
231 facility, it's a commercial development and personal rights. If somebody owns an RV and wants
232 to live in it, they can. He didn't see that the City code gives the Commission a mandate to
233 dictate where someone can live and for how long, provided it meets certain standards; and if we
234 have certain standards for an RV park, we ought to allow them. Commissioner Sullivan
235 countered that if we have an RV park, there is nothing in the City code that would prevent them
236 from living there long term; however we have an obligation to our Comprehensive Plan to only
237 build things that are in keeping with our goals. Commissioner Conner disagreed that we are not
238 building it; we are encouraging or discouraging it based on our zoning. Commissioner Sullivan
239 stated the Comprehensive Plan is out of date but, regrettably, this is what we have to go on; and
240 Goal 10 they make a valid point that we have to make an accurate interpretation of what Goal
241 10 is trying to promote. He cited Supreme Court case Siporen v. City of Medford regarding Wal-
242 mart, in which the Supreme Court rules that when any local government plausibly interprets its
243 own land use regulations by considering and then choosing between harmonizing or conflicting
244 provisions, that interpretation must be affirmed. He added that when he looks at the
245 Comprehensive Plan, he sees conflicting provisions such as promoting tourism but not
246 promoting sub-standard housing; and the only way he could make sense of these two was if
247 there was a restriction saying this was only to be built to short-term residents then we'd be
248 meeting both goals. He added if it was approved as presented, it explicitly states that 70% of the
249 people are there for long term.

250
251 Commissioner Gibbs stated she knows people who have lived for quite a while in RV's and they
252 wouldn't necessarily say it was a bad situation. She added that the applicant has indicated a
253 limitation to 2005 RV's. She didn't feel it has to be considered sub-standard. Commissioner
254 Sullivan agreed this was a good point; however, one of the reasons he is concerned about it
255 being sub-standard is because of the number of people who said they don't have any choice,
256 the rent was too high, because they have to downsize, because they're recently single. These
257 didn't sound like positive reasons for making lifestyle choices. He stated no problem with
258 workers living in an RV so they don't have to drive back and forth but it does some like some
259 people are there because they have no place else to live. He related it to living under a bridge.
260 Commissioner Conner noted that Commissioner Sullivan was referring to the almost 18% who
261 said that rent was too high. Commissioner Sullivan agreed and added that it was also the 6%
262 who were recently single.

263
264 Commissioner Gibbs stated that it was similar to those who live in a tiny house that may be
265 small but has everything that they need to be happy. Commissioner Sullivan stated he was a
266 proponent of tiny housing as a good way for people to have a lesser impact; and if someone

267 wants to, it's a great lifestyle. He stated these are fine-tuned knobs and there could be
268 unintended consequences. Commissioner Sullivan stated the tiny houses he has seen on
269 private property have an ownership attitude, are well built and well maintained; but people, living
270 in an RV for financial reasons, will pick up and drive from here to there and everywhere they
271 stay is just a parking lot. He stated he has camped and stayed in a Wal-Mart parking lot but it's
272 not home and he doesn't treat it like it is home. He stated it looks like a fantastic park; but if
273 we're trying to promote ownership and healthy housing, there are concerns there.
274 Commissioner Conner stated that is what is to be promoted in a residential area, and this is not
275 a residential area. Mr. Workman suggested it would be hard to argue that this is sub-standard
276 housing in an industrial zone. He stated it might be different if it was residential housing trying to
277 meet the Comprehensive Plan residential housing goals. He noted this an industrial location and
278 is the only Philomath zone that allows an RV park. He added that when the Comprehensive
279 Plan was adopted, there was an understanding that in an industrial zone and RV park was seen
280 as a business and industry, not housing. Commissioner Sullivan stated he would make the
281 argument that the location isn't desirable specifically because it is an industrial zone. He stated
282 that weekend campers would want a nice location to stay, not an industrial facility next to boat
283 storage, mixed-use industrial facility with railroad tracks. He added if it was smaller to cater to
284 weekend travels to come visit Oregon it would hit all the buttons; but it's really quite large and
285 70% of it will be used for as temporary shelter for a significant portion of people who can't afford
286 anything better. He stated this is not meeting Oregon's Goal 10 standards and provides an
287 opportunity for sub-standard housing. Commissioner Yoder stated that works out to be 152
288 RV's.

289
290 Commissioner Sullivan continued that his second concern is that the goal of industrial land,
291 citing the Comprehensive Plan Goal for industrial land and agreeing that the mixed-use portion
292 of the application does do that. He stated, however, that using the space to store boats and
293 allow people to camp doesn't meet that goal. He stated he likes the mixed-use and tourism but
294 doesn't like the rest of it; adding that he is flattered that Philomath was chosen but only sees
295 20% of the project meeting the City's goals and 80% of it not. Commissioner Gibbs stated that
296 we live in a place where people are allowed to buy land and, if they've met the criteria, we don't
297 get to pick what someone else puts on their place. Commissioner Yoder stated if it doesn't fit
298 with the Comprehensive Plan, it doesn't meet the criteria. Commissioner Sullivan reiterated that
299 the Comprehensive Plan rewrite should have been done a long time ago; but when this was
300 written, they didn't say we want a giant RV park. Commissioner Conner disagreed, stating the
301 Zoning Code says an RV park and storage units are allowed in an industrial area. He added f it
302 was a conditional use, then we could have that discussion; but these are allowed uses. He
303 noted that this is a quasi-judicial proceeding; so they still have to come to the Commission even
304 if it's completely allowed. If it meets the code requirements then it should be approved.
305 Commissioner Sullivan stated just because it's in the code doesn't make it in agreement with
306 the Comprehensive Plan.

307
308 Commissioner Sullivan stated that just because something is permitted by the law, it can still
309 seem to be unconstitutional; and that's why courts decide how the law is to be interpreted. He
310 cited that the term quasi-judicial means the question is whether it's in compliance with our code
311 and with our Comprehensive Plan and are those two things in line with each other.
312 Commissioner Gibbs questioned if the process was to go by the Comprehensive Plan or by the
313 code. Mr. Workman stated where the Comprehensive Plan has conflicting interests, such as
314 tourism, housing, and types of industries, the interpretation is up to the Planning Commission as
315 to whether one is going to outweigh the other. He added that the number of jobs to be created
316 should be compared to what other types of uses this industrial site could be used for. The
317 Commission needs to mindful of all of the aspects of the Comprehensive Plan but cautioned
318 looking at housing requirements and goals when looking at industrial sites. Commissioner
319 Sullivan stated he has a problem with that. He recounted a conversation with Mr. Workman
320 when the development was first unveiled and that Mr. Workman had concerns whether the

321 industrial use would materialize or not. He stated that Mr. Workman stated it was going to
322 provide zero jobs as a storage facility but that the Commission was free to shoot it down. He
323 stated, at the time, he questioned why Mr. Workman was talking to the applicant as if it were a
324 good thing; and Mr. Workman stated that Philomath is open for business, and it's the
325 Commission's job to shoot it down. Mr. Sullivan stated it is the Commission's place to make
326 sure the application is in conformance with the Comprehensive Plan and it's Mr. Workman's job
327 to hold his hand out to anybody. Mr. Workman stated if the Planning Commission doesn't feel
328 like this provides enough jobs, that would be an issue you can take up. He added that the
329 Commission still needs to make findings relative to the Comprehensive Plan that it was a criteria
330 to deny on that basis. He noted that there is no specific number of new employees per acre
331 given as a criteria and added that there are also spinoff jobs created. He stated that,
332 hypothetically, Commissioner Sullivan's statement is accurate but there are a lot of other things
333 to consider. Commissioner Sullivan agreed and noted there are two sides to the issue. Mr.
334 Workman stated the focus of this application was on tourism, and commercial and industrial
335 development.

336
337 Commissioner Yoder stated she sides with Commissioner Sullivan that the flex space is so
338 small and the large size of the RV park with 70% of the people living there long-term, even
339 though it's allowed, doesn't seem to be the best use for the town. She suggested taking it in
340 pieces would be better. She stated she has gotten a lot of really good feedback from people
341 who live here. She noted upcoming code revision project with Transportation Growth
342 Management. Commissioner Sullivan stated that based on Comprehensive Plan vision that was
343 developed, he sees some of the development that meets the goals and a big section that
344 doesn't. He stated he would love to approve the parts that do good things for Philomath and not
345 approve those that don't.

346
347 Commissioner Yoder questioned if the different applications have to be voted on together. Mr.
348 Workman explained the over-arching master planned development application and the
349 individual applications that are under that. He added that the variance and conditional use
350 permit are the only two separated out. Mr. Sullivan stated no problems with the variance.

351
352 Commissioner Boggs stated he was conflicted. He stated he has been complaining about
353 vacant industrial spaces for 25 years and there are a lot of people concerned about water usage
354 with all of the development coming. He stated if this development comes in it would probably
355 use the least amount of water of any industrial use. He noted that any heavy industrial use is
356 going to use a lot of water. He cited more jobs as also creating more traffic. He stated if the RV
357 space was half the size he'd think it was the best thing ever. He stated concerns with
358 Stormwater runoff making flooding worse on the Marys River and the south side of town where
359 he lives.

360
361 Commissioner Yoder stated citizens haven't even seen the effects of the development that has
362 been approved and maybe Philomath needs to close for a bit and cool down and absorb what
363 has been approved. She stated she understands that nothing happened during the recession.
364 Mr. Workman stated that each of those developments has reviewed the impacts and the checks
365 have been done. These developments take a long time to come in; and at some point you have
366 to rely on the impact studies that have been completed. He added that for every project the
367 Commission has reviewed there have been five that didn't make it through the staff review to
368 reach the Commission. He noted the state doesn't allow cities to just stop growing; they are
369 protecting forests and farms by expecting cities to develop criteria and make decisions based on
370 them. Commissioner Conner stated that one of the checks is the zoning that has been in put in
371 place, along with the Comprehensive Plan and Zoning Code. Commissioner Sullivan stated the
372 controlling land use document is the Comprehensive Plan; and even if the application meets the
373 Zoning Code, the Comprehensive Plan is the controlling document. Commissioner Conner
374 agreed, noting that the property is zoned industrial, per the Comprehensive Plan. Commissioner

375 Sullivan stated he didn't take issue with the zoning, but the goals state that industrial land is for
376 creating jobs and the reference to sub-standard housing creates doubts. Commissioner Conner
377 stated that RV parks are allowed in the industrial zone.

378
379 Commissioner Gibbs questioned if the applicant had considered any other configurations. Mr.
380 Lepman stated they are testing the waters with the flex space versus the storage. He stated the
381 RV park is located in a beautiful space for a park. He stated they have tenants that have varied
382 income levels and this is not low-income housing. Commissioner Sullivan stated it's just the
383 large scale of the RV park; and if it was a third of the size, he'd be very happy. He questioned if
384 Mr. Lepman would be willing to go to a smaller RV park. Mr. Lepman stated this is not a trailer
385 park. They will have full-time on-site managers and groundskeepers. Ms. Cook redirected the
386 Commission to the application and criteria.

387
388 Commissioner Yoder stated she would vote no on a motion for the full application. There was
389 discussion about options related to approval or denial. Ms. Cook noted that the definition of a
390 campground would need to be identified due to the City code prohibiting overnight use of an RV
391 for more than 72 hours unless it is in a campground. There was discussion about the definition
392 of a campground. Mr. Workman pointed out that any decision of the Planning Commission can
393 be appealed to the City Council by any party or the applicant could come back with a new
394 application. There was discussion about creation of a definition of a campground. Commissioner
395 Sullivan questioned if there are any other provisions in the code related to campgrounds. Mr.
396 Workman stated the code identified earlier by Ms. Cook is the only one.

397
398 **MOTION:** Commissioner Sullivan moved to deny the application based on findings that the use
399 of the industrial land does not provide sufficient jobs as defined by the Comprehensive Plan
400 goal and because the extremely large size of the RV park calls into question the question of
401 substandard housing as discussed in Section III of the Comprehensive Plan.

402
403 Commissioner Conner restated that the code allows RV parks, and this is an RV park. Mr.
404 Workman stated that the applicant has been up front that they intend to allow long-term stays.
405 He stated it doesn't do the applicant justice by changing the definition of a campground.

406
407 There was discussion surrounding the wording of the motion. Ms. Post restated the motion.

408
409 **MOTION SECOND:** Commissioner Yoder seconded the motion on the table.

410
411 Commissioner Conner restated that an RV park is listed as an allowable use. He stated that
412 judging the application on the basis of the code, he doesn't see how they've failed to meet the
413 criteria. Commissioner Boggs questioned if any of the issues raised by Commissioner Sullivan
414 goes against the applicable criteria. Mr. Workman stated that Commissioner has identified
415 where they do conflict. He stated that the code calls for employment centers. He questioned if
416 we want a much larger employer or would it create more traffic and use more water. He stated
417 Commissioner Sullivan is correct there are conflicting goals in the Comprehensive Plan and the
418 question is if one outweighs the other. There was discussion about the potential number of jobs
419 to be created. Commissioner Gibbs stated you don't know when you start a business how it's
420 going to turn out.

421
422 Mr. Workman stated that one of the concerns being raised is the age of the 2003
423 Comprehensive Plan. He noted that in 2008 development dropped off and planning documents
424 aren't so much dated by time as they are by growth. He identified updates to the
425 Comprehensive Plan along the way including zone changes and the new transportation section
426 updated last year. He stated that part of what's approved in the Comprehensive Plan is the
427 Comprehensive Plan Map and it designates where the industrial uses go and at the same time it
428 designates the types of use. Mr. Workman stated if you look back twenty years, there hasn't

429 been a lot of change in the use and there's still a lot of available industrial property that the City
430 has on the zoning map. Sullivan: Comp Plan doesn't give the option of approving something out
431 of desperation just because nobody has developed the land. He added that even though the
432 code allows for RV parks on industrial lands, the Comprehensive Plan doesn't say we really
433 want this, it says we really want jobs. Commissioner Sullivan stated if this is denied and the RV
434 park goes away, he would be very sad.

435
436 **VOTE:** Motion APPROVED 3-2 (Yes: Boggs, Sullivan, Yoder; No: Conner and Gibbs).

437
438 Ms. Cook stated this was a final decision of the Planning Commission with appeal rights to the
439 City Council.

440
441 **MOTION:** Commissioner Yoder moved, Commissioner Sullivan second, to deny the conditional
442 use (PC19-06) to allow for observation decks to encroach into the Newton Creek Riparian
443 Corridor based on the findings of fact adopted by the Planning Commission. Motion FAILED 1-4
444 (Yes: Yoder; No: Boggs, Conner, Gibbs and Sullivan).

445
446 **MOTION:** Commissioner Sullivan moved, Commissioner Boggs second, to approve the
447 conditional use to allow for observation decks to encroach into the Newton Creek Riparian
448 Corridor based on the findings of fact contained in the Staff Report dated June 26, 2019, for file
449 PC19-06, Conditional Use Permit. Motion APPROVED 4-1 (Yes: Boggs, Conner, Gibbs and
450 Sullivan; No: Yoder).

451
452 **MOTION:** Commissioner Sullivan moved, Commissioner Boggs second, to approve the
453 application for a 0.3% variance to the maximum allowed lot coverage based on the findings of
454 fact contained in the staff report dated June 26, 2019, for file PC19-07, Lot Coverage Variance.
455 Motion APPROVED 4-1 (Yes: Boggs, Conner, Gibbs and Sullivan; No: Yoder).

456
457 **5. ADJOURNMENT:**

458 There being no further business, Vice Chair Gibbs adjourned the meeting at 8:42 p.m.

459
460 **SIGNED:**
461 David Stein, Chair

ATTEST:
Ruth Post, MMC, City Recorder

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**PHILOMATH PLANNING COMMISSION
MINUTES**

September 16, 2019

1. **CALL TO ORDER:** Chair Stein called the meeting to order at 6:00 pm. at the City Hall Council Chambers, 980 Applegate, Philomath, Oregon.

2. **ROLL CALL:**

Present: Commissioners Gary Conner, Jeannine Gay, Lori Gibbs, David Stein, and Peggy Yoder.

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

Absent: Commissioners Steve Boggs and Joseph Sullivan.

3. **APPROVAL OF MINUTES**

3.1 **Minutes of August 26, 2019**

MOTION: Commissioner Gay moved, Commissioner Yoder second, to approve the minutes of August 26, 2019, as presented. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein, and Yoder; No: None).

4. **FILE PC19-08 – ZONING AMENDMENTS**

4.1 **Public Hearing**

Applicant: City of Philomath

Application Type:

- Type IV
- Location: Citywide

Chair Stein opened the public hearing at 6:01 p.m. The rules for testimony were ready by Ms. Cook. There were no conflicts of interest or bias issues reported by the Commission. Chair Stein reminded the Commission that they had been working on these amendments for some time and now is the opportunity for public input. There was discussion about the Commission making additional comments during their discussion period.

Presentation of Staff Report/Applicant: Mr. Depa summarized the review process prior to this public hearing, including feedback from the open house held in April. Commissioner Yoder questioned the term “stop gap” in the summary of the staff report. Mr. Depa explained that these are issues that have been identified as gaps that lead to enforcement issues in the current code.

Testimony by Proponents: None.

Testimony by Opponents: None.

Testimony by Neutral Parties, including Governmental Bodies: None.

Rebuttal by Applicant, limited to issues raised by Opponents: Waived.

Seeing no requests to keep the record open, Chair Stein closed the public hearing at 6:09 p.m. On behalf of the City, Mr. Workman waived the right to submit final written comments.

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4.2 Discussion and Decision

Chair Stein opened the floor for discussion by the Commission. Commissioner Yoder questioned dictating the color of siding or a metal roof under 18.35.100(D)(5)(b). Ms. Post noted that this is the current code and not a proposed amendment. She added that a placement permit for a manufactured dwelling does not include any information regarding the color of siding or roof. There was additional discussion about the text and whether it was outdated language.

MOTION: Commissioner Yoder moved, Commissioner Gay second, to delete section 18.35.100(D)(5)(b). Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein and Yoder; No: None).

Commissioner Conner questioned a 24-hour parking restriction under 18.40.090(H), stated this seemed like too-short of a timeframe. He recommended a week as more reasonable. Commissioner Yoder suggested amending it to five days. Mr. Depa defined “accessory parking” as a defined space as approved by a site plan review. Commissioner Conner also recommended deleting (H)(2) regarding screening.

MOTION: Commissioner Conner moved, Commissioner Gibbs second to strike the first sentence of 18.40.090(H), “Long term or temporary storage of semi-truck and/or tractor/trailers is prohibited” and strike the word “Accessory” and amend “24 hours” to “five calendar” days. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein and Yoder; No: None).

There was discussion about this applying to all zoning districts. Mr. Depa pointed out that this allows for enforcement of screening from adjacent residentially zoned properties. He stated this strengthens the ability to enforce screening. There was additional discussion about this text. Mr. Workman described the intent to protect residentially zoned properties from having to view parked trucks. Commissioner Conner suggested if there is a five day limit on parking, then there is no need for screening.

Commissioner Conner suggested 18.40.090(H)(1) be amended to read: “Long-term storage of tractor/trailers is allowed in industrial zoned districts and shall be screened from public view and adjacent residentially zoned properties with a fence no less than six (6) feet tall.” Discussion continued about whether screening was needed or not. Mr. Depa reminded the Commission that the City does not have code enforcement but an obvious issue could be addressed. He described the attempt to write code that can address issues that affect the City as a whole.

MOTION: Commissioner Stein moved, Commissioner Conner second to amend 18.40.090(H)(2) to read: “All parking or storage of tractor/trailers for more than five days shall be screened from public view and adjacent residentially zoned properties with a fence no less than six (6) feet tall. Motion APPROVED 4-1 (Yes: Conner, Gay, Gibbs and Stein; No: Yoder).

Commissioner Yoder questioned the language under 18.40.090(A), Multi-family in Commercial Zones regarding higher density being encouraged near employment, shopping and services. She questioned if that was needed until the City reaches a point of higher employment and shopping in the rea. She recommended removing the text. There was discussion about the text being in place for future development. Commissioner Yoder stated she would hate to see this be used to put in a bunch of row houses. Mr. Depa described the application of this text in the Office-Residential Zone.

105 Commissioner Yoder questioned 18.75.030, Parking, regarding three parking spaces for a four-
106 bedroom dwelling. Mr. Workman stated this was discussed at the last Planning Commission
107 session on the proposed amendments and three parking spaces was agreed to.
108

109 Commissioner Yoder questioned whether 18.75.030(C)(2)(b) would require improvements on
110 existing driveways. Mr. Depa stated that an improvement application would trigger this
111 requirement. There was discussion about gravel driveways versus hard surface. Mr. Workman
112 stated that the Public Works Design Standards identify the current driveway standards; and an
113 improvement that requires site design review would be reviewed for this.
114

115 **MOTION:** Commissioner Yoder moved, Commissioner Gibbs second, the Findings of Fact as
116 amended in the staff report be adopted and the Planning Commission recommend approval to
117 the City Council the proposed development code amendments as presented in File No. PC19-
118 08. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein and Yoder; No: None).
119

120 Mr. Workman thanked the Commission for the extensive hours devoted to these amendments.
121 Ms. Post stated this is a recommendation to the City Council and a public hearing will be
122 posted and noticed for October 14, 2019, at 7:00 p.m.
123

124 Chair Stein called a 5 minute recess at 6:55 p.m. The meeting reconvened at 7:00 p.m.
125

126 **5. FILE PC19-09 – ANNEXATION CODE AMENDMENTS**

127 **5.1 Public Hearing**

128 Applicant: City of Philomath

129 Application Type:

- 130 • Type IV
- 131 • Location: Citywide

132 Chair Stein opened the public hearing at 7:00 p.m. The rules for testimony were ready by Ms.
133 Cook. There were no conflicts of interest or bias issues reported by the Commission.
134

135 Presentation of Staff Report/Applicant: Mr. Depa stated he had nothing more to add at this
136 time.
137

138 Testimony by Proponents: None.
139

140 Testimony by Opponents: None.
141

142 Testimony by Neutral Parties, including Governmental Bodies: None.
143

144 Rebuttal by Applicant, limited to issues raised by Opponents: None.
145

146 Seeing no requests to keep the record open, Chair Stein closed the public hearing at 7:02 p.m.
147 On behalf of the City, Mr. Workman waived the right to submit final written comments.
148

149 **5.2 Discussion and Decision**

150 Chair Stein opened the floor for discussion by the Commission.
151

152
153 Commissioner Yoder questioned 18.135.030 (A) as to who defines “orderly expansion.” Mr.
154 Workman explained that the State’s definition of “orderly expansion” is to not create islands
155 and that they be adjacent to existing city boundaries. Commissioner Yoder suggested adding
156 language regarding a certain percentage of growth per year and put a cap on it. There was
157 discussion regarding the question. Mr. Workman stated that the State has circumstances

158 where a moratorium may be placed due to lack of infrastructure but will require plans to come
159 into compliance that ensures lifting of the moratorium.
160

161 Commissioner Yoder questioned what would constitute the “benefit” of the City and community
162 in 18.35.030(F)(4). Commissioner Stein stated it was intentionally left undefined to create a
163 value statement. Commissioner Gibbs recalled that it was included because it sounded good.
164 There was additional discussion regarding the text.
165

166 Commissioner Yoder requested clarification of 18.135.030(C)(5)(i) regarding capacity. Chair
167 Stein explained that agencies are given an opportunity to comment and if they choose not to,
168 then the assumption is that they have capacity available. Mr. Workman agreed and noted that,
169 if the agency identifies lack of capacity, then subsection “iii” becomes applicable.
170

171 Chair Stein suggested a contradiction exists between 18.35.030(F)(6) and 18.35.030(G)
172 regarding who is responsible for selecting expert consultants to develop required impact
173 analyses. He recommended removal of the last sentence of (F)(6), thereby requiring the
174 applicant to use the City’s chosen company. There was discussion about the question of who
175 would hire a consultant to complete any required studies. Ms. Cook explained that (6) requires
176 any company to be approved by the City.
177

178 **MOTION:** Commissioner Stein moved, Commissioner Yoder second, to delete the last
179 sentence of 18.35.030(F)(6) “The company selected by the applicant to perform this study must
180 be approved by the city.” Chair Stein stated he doesn’t want the developer to have any say
181 over who is chosen to perform studies. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs,
182 Stein and Yoder; No: None).
183

184 **MOTION:** Commissioner Conner moved, Commissioner Gibbs second, the Findings of Fact as
185 amended in the staff report be adopted and the Planning Commission recommend approval to
186 the City Council the proposed development code amendments as presented in File No. PC19-
187 09. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein and Yoder; No: None).
188

189 **6. ADJOURNMENT:**

190 There being no further business, Chair Stein adjourned the meeting at 7:18 p.m.
191

192 SIGNED:
193 David Stein, Chair

ATTEST:
Ruth Post, MMC, City Recorder

**CITY OF PHILOMATH
PLANNING COMMISSION
SPECIAL MEETING
November 12, 2019**

Philomath Fire & Rescue Meeting Room
1035 Main Street

CALL TO ORDER:

The special meeting was called to order at 5:00 p.m. by Vice-Chair Lori Gibbs at Philomath Fire & Rescue Meeting Room, 1035 Main Street, Philomath, Oregon.

ROLL CALL:

Planning Commission: Lori Gibbs, Jeannine Gay, Joseph Sullivan, Steve Boggs, Peggy Yoder, and David Stein (5:02 p.m. via teleconference).

Staff: City Manager Chris Workman and City Recorder Ruth Post.

Absent: Commissioner Gary Conner.

NEW BUSINESS:

City Council formation of 2040 Comprehensive Plan Advisory Group -- Vice-Chair Gibbs requested that Mr. Workman provide an overview of the agenda item. Mr. Workman explained that, on his recommendation, the City Council formed the committee at their last meeting. He noted there is a memorandum in the current council agenda packet regarding specifics of the committee. He stated the memorandum explains the process and role that the technical advisory committee will have in the Comprehensive Plan update process. He reviewed the technical advisory grant that the city applied for through DLCD in October. The intent of the grant is to pay for a consultant to compile the four reports needed for a Comprehensive Plan update: housing needs analysis, buildable land inventory, economic opportunity analysis and Main Street plan. He estimated it would take up to three months to compile those. Once the technical data is collected, he added, the process approved by the City Council is for the completed analysis to go to the Planning Commission and City Council for public hearings, round tables, and town halls for public outreach. The results of the outreach discussion would lead to the new Comprehensive Plan policies for approval by the Planning Commission and City Council. He stated the advisory group would primarily review the reports compiled by the consultant. Mr. Workman stated the City Council directed him to reach out to individuals about serving and he collected the names of nine people for the City Council to consider. He added that his thought was for the technical advisory committee to include more people in the overall process.

Vice Chair Gibbs related the process to the Transportation Plan that was just completed using a consultant with a technical advisory committee review before it came to the Planning Commission for review and approval.

Commissioner Yoder questioned if this was the same grant that they had met with Laura Buell about earlier this year. Mr. Workman explained that was a different grant and process for update of the Development Code document, while this grant would be for the Comprehensive Plan update. He noted the grant hasn't been awarded yet, but wanted to be ready to move forward if it is awarded. Commissioner Yoder thought this would have been a good topic for the Planning Commission to discuss at the October meeting that was cancelled. She questioned that some of the proposed committee appointees don't even live in Philomath and she'd hope that was taken

into account before the City Council approves the list. Mr. Workman noted that the City Council memorandum for the November 12 meeting had been updated to complete the missing names.

Commissioner Sullivan stated, whether the Planning Commission agrees or not, the City Council did approve the formation of the advisory group and questioned what, if anything, the Planning Commission wanted to do in the form of a recommendation to the Council. He cited ORS 227.090 Powers and duties of commission. He stated there was nothing wrong or illegal about the city manager making recommendations to the City Council but felt the best outcome was for the Planning Commission to be appointed as the advisory committee. Commissioner Boggs suggested taking a couple of appointees from the Planning Commission to the advisory group. Commissioner Sullivan reviewed Section I. Citizen Involvement in the Comprehensive Plan and the requirement to have a Committee of Citizen Involvement (CCI). He noted that, in small communities, the city is allowed to make the CCI out of another committee and was surprised to discover that the Planning Commission also acts as Philomath's CCI. He stated his biggest issue was with the list of people to be appointed and felt that action should be stopped. He stated it is the Planning Commission's job to say that this should be an open process with applications, advertisement, and selection. He stated the Planning Commission should have that input.

Commissioner Yoder likened the process to applying for a position on the Planning Commission. There was discussion about applicants having to be interviewed and the feeling that a member of the Planning Commission would have some input on the City's future growth. She felt that interested people should apply for the advisory group. Commissioner Sullivan noted that during the Planning Commission interview process he had emphasized that the Comprehensive Plan is out of date and would take steps to help update it. He felt this was why he was appointed.

Commissioner Gibbs supported the committee consisting of people who live within the city but agreed that involving more people broadens the number of people that touch it. Chair Stein stated this issue wasn't on his radar when he made the decision to cancel the October meeting and agreed that the Planning Commission should have some representation on the advisory group. He agreed that the Planning Commission could function as the advisory group but it would increase the amount of work the Planning Commission has to do, which could have disadvantages. He noted that the Planning Commission could be considered not entirely representative of Philomath and establishing a technical advisory group could do a better job.

Commissioner Gay questioned if a technical advisory committee would have an advantage over the Planning Commission. She felt things were pushed very fast and it was unknown to some what was being done. She suggested the committee needs representation from the Planning Commission, citizens and a couple of business people but didn't think an application process would be the best way to go.

Commissioner Sullivan suggested the Planning Commission conduct a well-publicized process and select three appointees with one Planning Commission representative.

Mr. Workman explained that the thinking was for the advisory committee to involve more people in the process. He noted the goal of having some of the people on the proposed list become more involved in city planning. He added that, aside from the school district, Georgia Pacific is the largest employer in the city and the goal would be to have them at the table to help develop policies related to industrial property, with similar reasons for involving the school district and Chamber business community. Commissioner Sullivan stated he hadn't looked at the list and

wouldn't mind if they were chosen to appoint. He added he doesn't object to the people on the proposed list, just the way they were chosen.

Commissioner Gibbs questioned how long this committee would be active. Mr. Workman reminded the Commission that the grant hasn't actually been awarded yet but would anticipate a six to nine month process. He stated the general outline per DLCD is for an initial meeting with the consultant who then completes each report, the technical advisory committee reviews each report and provides input, repeating the process as each of the four required analysis reports is completed. Commissioner Yoder felt this was work the Planning Commission should be doing.

Commissioner Sullivan reviewed Section IX of the Comprehensive Plan that covers plan amendment and update. Commissioner Yoder questioned the process if the grant isn't awarded. Mr. Workman explained that the current budget does include \$20,000 to begin the Comprehensive Plan update. He reviewed the city's master plans that have now been updated and the Comprehensive Plan is on the city's radar to update next. He stated even if the grant isn't awarded, the process will be able to begin, just possibly with only one analysis report this year. He noted the grant would be nice because it would make it possible to complete all four reports in the coming year.

Commissioner Yoder stated she hadn't had an opportunity to read the City Council memorandum because she'd only just found out about the committee. Commissioner Gibbs questioned how much time appointees would be expected to devote. Mr. Workman estimated four to six meeting over a six to nine month period would be involved. He added that his intent in the recommendations was to get a cross-section of representatives invested in Philomath's future. He added that his intent was never to exclude the Planning Commission. He likened this to staff level work; but rather than just have staff review the analysis, he thought it was better to have a small technical advisory committee perform the analysis review.

Commissioner Sullivan proposed congratulating the City Council on thinking about this and applying for the grant and requesting that they please either appoint the Planning Commission or let the Commission select the appointees. Commissioner Yoder suggested asking the Council to hold off on the appointments and allow the Planning Commission further time for review.

Chair Stein felt the best option was to request the Council take no action until their next meeting in December, which would allow the Planning Commission time to consider the options and frame their recommendation. He felt there should be a Commission representative on the technical committee and agreed that not everyone on the committee needs to be a city resident. He agreed that a Georgia Pacific manager could have a lot to add. He added that a lot of people who speak to the Council don't live within the city limits but have a lot to offer. He suggested if the Council won't delay their decision to request at least one member of the Planning Commission be appointed.

Commissioner Sullivan distributed a proposed memorandum to the Council that he had previously drafted for the Commission to review (Supplemental Agenda Item). Commissioner Boggs stated he approved with requesting the Council delay their decision. Commissioner Yoder stated she liked Option 2 offered in the handout. Commissioner Gibbs stated she saw nothing wrong with the representatives from the different types of groups on the list. There was additional discussion about the work to be performed and the impact of the representatives. Mr. Workman stated there was no specific number of committee members to be appointed and all of the proposed members on the list have agreed to serve. Chair Stein didn't feel that four people

was a sufficient number. Commissioner Sullivan reasoned that he had suggested four because he's been working on ways to get traction on the Comprehensive Plan update and had come up with four after a conversation with the city attorney.

There was discussion about next steps, the upcoming City Council meetings schedule, and scheduling a Planning Commission meeting. There was discussion about rescheduling the regular November 18 meeting that had been previously cancelled and submitting something to the City Council for their November 25 meeting.

Mr. Workman offered potential options for addressing the November 12 City Council discussion on the agenda item, including suggesting to the Mayor for the Council to table their discussion until the November 25 meeting. Versions of a proposed motion were discussed.

MOTION: Commissioner Sullivan moved, Commissioner Boggs second, the Planning Commission deliver the proposed memorandum, amending the final paragraph to request the City Council postpone a decision on Agenda #H.01 until the Planning Commission is able to make a recommendation at the November 25 City Council meeting. Motion APPROVED 6-0 (Yes: Boggs, Gay, Gibbs, Stein, Sullivan and Yoder; No: None.)

ADJOURNMENT:

Vice Chair Gibbs adjourned the meeting at 5:58 p.m.

SIGNED: Lori Gibbs, Vice Chair

ATTEST: Ruth Post, MMC, City Recorder

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**PHILOMATH PLANNING COMMISSION
MINUTES**

November 18, 2019

1. **CALL TO ORDER:** Chair Stein called the meeting to order at 6:00 pm. at the City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

2. **ROLL CALL:**

Present: Chair David Stein, Commissioners Steve Boggs, Gary Conner (via teleconference at 6:03 p.m.), Jeannine Gay, Lori Gibbs, Joseph Sullivan, and Peggy Yoder.

Staff: Chris Workman City Manager; Deputy City Attorney David Coulombe; and City Recorder Ruth Post.

Guest: City Councilor Doug Edmonds.

Absent: None.

3. **APPROVAL OF MINUTES**

3.1 **Minutes of September 16, 2019**

MOTION: Commissioner Yoder moved, Commissioner Gibbs second, to approve the minutes of September 16, 2019, as presented. Motion APPROVED 5-0 (Yes: Boggs, Gay, Gibbs, Stein, and Yoder; No: None; Abstained: Sullivan).

(Commissioner Conner joined the meeting at 6:03 p.m.)

4. **BUSINESS**

4.1 **2040 Comprehensive Plan Advisory Group involvement** – Commissioner Yoder stated her belief of the outcome of the Planning Commission's (PC) meeting on November 12 was that the Commission should be an integral part of the advisory committee. After discussion, it was agreed that having the entire Commission plus the proposed appointees would create too large of a committee at 16 members. Commissioner Yoder proposed any members of the PC who want to serve on the committee should be allowed but it shouldn't be a total of more than 7 members.

Chair Stein suggested reducing the nine proposed appointees and add a couple of PC members for a mix of PC and the proposed members. Commissioner Yoder stated she would prefer to see the committee consist of more citizens, and it should be a mix.

Commissioner Sullivan noted they are making a recommendation to the City Council, but the root issue is that it is unclear what the deliverable expectations are for the committee. It would be helpful to know specifically what they are going to be doing. Chair Stein summarized his understanding, including if City gets the grant, a consultant will be hired who will prepare the reports and report back to the advisory committee with the consultant's findings and the advisory committee will provide feedback. The consultant will adjust accordingly and the reports will move on for approval. Commissioner Sullivan stated he understands what the consultant will do but doesn't understand the role of the committee. Chair Stein explained the use of citizens in helping to direct the study because they know the town. There was discussion about the time commitment of the advisory committee members. Commissioner Sullivan stated there are lots of rules for the PC but how this committee will work doesn't seem to be defined.

53 Chair Stein stated it seems pretty clear that the committee will meet anywhere from four to six
54 times and will then be disbanded.

55
56 Commissioner Yoder questioned if this committee will have the same constraints as the PC
57 regarding ex parte contact. Mr. Workman stated the committee will not be setting policy or
58 making a land use decision, so ex parte contact won't apply. He stated it will, however, be
59 subject to public meetings law.

60
61 Commissioner Gay questioned if the consultants would be paid by the report. Mr. Workman
62 explained he hasn't previously hired this particular type of consultant before but his expectation
63 is that it will be a matter of hiring a firm to gather the data and write each report. Commissioner
64 Gay had concerns that consultants don't know the city or the history. There was additional
65 discussion about the expectations of the consultant and the cost. Mr. Workman noted that if
66 staff has to do the work, it will take much longer. Commissioner Gay expressed her concern for
67 having to pay money to a consultant when all of that work was performed for the current
68 comprehensive plan and now someone has to be paid to do it all again. There was discussion
69 about the funds the City has budgeted to begin this process. Commissioner Conner stated he
70 has familiarity with this type of work and explained the process is to select a consultant and
71 negotiate a price. Commissioner Boggs stated the PC should be involved in this process just
72 the same as the standing committees that the City Council serve on.

73
74 Mr. Workman suggested adding a couple more names from the PC to make 11 on the
75 committee. Chair Stein commented that the problem with the draft list is there are nine people
76 and seven are business people. He felt this was too many business people. Commissioner
77 Sullivan stated the desirability as a business person to be on the committee and impact
78 business policies. He felt this should be a more democratic process.

79
80 There was discussion about the likelihood of receiving the grant. Mr. Workman stated the
81 information he has received is promising but not a sure thing. He was doubtful that the City
82 would get the full \$50,000 requested, but noted the City does have \$20,000 budgeted this year
83 towards the project. He expects to receive a final decision within a couple of weeks and would
84 like to get the project kicked off in January. He further explained the need to have discussions
85 with the consultant to determine which reports are a priority to get done first and this may be
86 somewhat dependent on what types of funding may be available now and in the future.

87
88 Chair Stein requested a timeline. Mr. Workman explained the timetables aren't necessarily set
89 and will be impacted by the consultant. Chair Stein questioned if there was a need to rush into
90 establishing a committee. Mr. Workman described a timeline of a couple of weeks to receive
91 the grant response, two to four weeks to get the consultant on board, and the committee
92 beginning meetings after that.

93
94 Commissioner Yoder stated she would like to see an application process for committee
95 members. Mr. Workman explained this process was based on the City Council's direction.
96 Commissioner Yoder questioned if other options were considered by the Council. Councilor
97 Edmonds stated the Council did consider other options and decided to use this one. He
98 suggested the PC put their recommendation together for the Council to consider.

99
100 Chair Stein questioned how many members of the PC were interested in serving on the
101 committee and how many other types of people they would recommend. Commissioner
102 Sullivan stated he only knew one name on the list, Troy Muir; and with an open process, he
103 could feel good about the list. He suggested the process should start over. Councilor Edmonds
104 encouraged the PC to make that recommendation to the Council. He added that the Council is
105 responsible for directing the City Manager to complete the comprehensive plan and this is their
106 committee.

107
108 Commissioner Gibbs felt there is no perfect mix. She did think it was worthwhile to have a
109 couple of PC members on the committee but also saw the benefit of having the different
110 representation from the community. Commissioner Sullivan stated this was the cornerstone of
111 the comprehensive plan and this committee would decide where we're going to start.
112 Commissioner Gibbs stated she does think this commission should have a role.
113

114 Commissioner Sullivan recommended asking the Council to use some type of open process.
115 Commissioner Yoder stated it sounded like the Council had already had that discussion and
116 chose not to go that way. Commissioner Sullivan emphasized going to the Council with their
117 recommendation.
118

119 Mr. Coulombe explained the Council has the power of the City Charter to determine process
120 and it's not the PC's job to direct them. He stated appointment power is not within the PC's
121 purview and they appear to be getting bogged down on a piece of the process that they have
122 no authority over. Commissioner Sullivan confirmed that the PC understands they have no
123 authority. Mr. Coulombe noted the PC and citizens can make suggestions regarding process
124 but it's up to the Council to make the decision.
125

126 **MOTION:** Commissioner Boggs moved, Commissioner Gibbs second, to recommend to the
127 City Council to add a minimum of two Planning Commission members to the Comprehensive
128 Plan Advisory Group. Commissioner Yoder explained she would vote no because she wants to
129 add more than two. There was additional discussion about the motion stating a minimum.
130 Motion APPROVED 5-1 (Yes: Sullivan, Boggs, Gibbs, Yoder and Stein; No: Gay, Abstain:
131 Conner.)
132

133 There was discussion about having two people who wanted to participate. Chair Stein,
134 Commissioner Yoder and Commissioner Sullivan said they would be willing to participate in the
135 committee. Mr. Workman suggested he could just add the information about the Planning
136 Commission's meeting to the Council memorandum along with the three names or that the
137 Commission could draft a separate document with its own recommendation. There was
138 consensus for him to include it in his memorandum.
139

140 *Chair Stein called a recess at 6:46 p.m. and reconvened at 6:54 p.m.*
141

142 **4.2 Planning Commission rights, responsibilities and functions** – Chair Stein noted the
143 agenda packet contains state statute and city code directions on what the PC does and doesn't
144 do. He added that the name, Planning Commission, suggests they do a lot of planning but that
145 isn't what they really do.
146

147 In response to a question from Commissioner Boggs, Mr. Workman explained that the City
148 does not presently have a Traffic & Safety Committee. He stated although the code provides
149 for one, there hasn't been one established since he's been with the City. Commissioner Yoder
150 stated she was surprised to see the assignments in PMC 2.30.080 Public Facilities. She stated
151 the City has parks that have never come before the PC. Commissioners Sullivan and Boggs
152 stated agreement. Commissioner Sullivan added there were a number of things the PC is
153 supposed to be doing that they're not. There was discussion about parks and any that have
154 been created. Mr. Workman noted the Parks Master Plan was reviewed by the PC before it
155 was sent to the Council for adoption. There was discussion about the ODOT medians in the
156 highway.
157

158 Commissioner Sullivan suggested the PC should remind the Council that these things are in
159 the code and the PC would like to be involved. There was additional discussion about the
160 recent property donation for use as a memorial park in memory of Paul Cochran. Mr. Workman
161 stated the process was only beginning and the Parks Advisory Board would likely be
162 responsible for a lot of the design and planning. Commission Sullivan stated the PC needs to
163 respectfully remind the Council that it is their job to make plans for the City on future growth,
164 parks, and buildings. Chair Stein noted that Section 2.30.090 says the Council may call on the
165 PC, not shall. Ms. Post pointed out that Chapter 2.30 of the code was adopted in 1987 and the
166 Parks Advisory Board has been added since that time. She suggested it may be as simple as
167 the code needs to be amended to correct which body is responsible for certain activities.
168

169 **MOTION:** Commissioner Sullivan moved, Commissioner Yoder second, that the City Council
170 should consider whether the Planning Commission should be consulted when starting actions
171 that could lie within the Planning Commission’s scope of responsibility. Motion APPROVED 7-0
172 (Yes: Boggs, Conner, Gay, Gibbs, Stein, Sullivan and Yoder. No: None).
173

174 Commissioner Sullivan reported he had a discussion with the City Attorney, City Manager and
175 Mayor regarding the comprehensive plan kickoff and there is obviously some steam behind it.
176 He believes there should be work on a vision to come up with a picture of what the community
177 wants for the next 20-plus years and that the PC should get together and begin work on that.
178 Chair Stein suggested that during the public discussions surrounding the 2040 plan would be a
179 good time to discuss that.
180

181 Chair Stein recommended that all members of the PC should have a copy of the Oregon
182 Planning Commission Handbook and Mr. Workman offered to get copies distributed.
183

184 **5. ADJOURNMENT:**

185 There being no further business, Chair Stein adjourned the meeting at 7:20 p.m.
186

187 SIGNED:
188 David Stein, Chair

ATTEST:
Ruth Post, MMC, City Recorder

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**PHILOMATH PLANNING COMMISSION
MINUTES**

December 16, 2019

1. **CALL TO ORDER:** Chair Stein called the meeting to order at 6:00 pm. at the City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

2. **ROLL CALL:**

Present: Commissioners Steve Boggs, Gary Conner, Jeannine Gay, Lori Gibbs, David Stein, Joseph Sullivan and Peggy Yoder.

Staff: Deputy City Attorney David Coulombe, City Planner Pat Depa and City Recorder Ruth Post.

3. **APPROVAL OF MINUTES**

3.1 Minutes of November 12, 2019 – Commissioner Sullivan requested two corrections:
Page 3, first paragraph: strike “without Planning Commission involvement.”
Page 3, last paragraph: add reference to the distributed memorandum. Ms. Post suggested adding “(Supplemental Agenda Item)” and the memorandum would be filed with the agenda packet.

MOTION: Commissioner Gay moved, Commissioner Yoder second, to approve the November 12, 2019 minutes as amended. Motion APPROVED 7-0 (Yes: Boggs, Conner, Gay, Gibbs, Stein, Sullivan and Yoder; No: None).

3.2 Minutes of November 18, 2019 – Commissioner Gibbs requested the following correction:

Page 3, Line 111: Replace “Chair” with “Commissioner.”

Commissioner Sullivan requested the Page 1, Line 25, approval of the minutes, show that he abstained because he was not in attendance at the September 16 meeting.

MOTION: Commissioner Gay moved, Commissioner Yoder second, to approve the November 18, 2019 minutes as amended. Motion APPROVED 7-0 (Yes: Boggs, Conner, Gay, Gibbs, Stein, Sullivan and Yoder; No: None).

4. **NEW BUSINESS**

4.1 **Public Hearing on PC19-10**

382 N 7th Street / 12-6-11AD #1900

Applicant: Kevin Sullivan

Application Type: Class C Variance for rear yard setback

Chair Stein opened the public hearing at 6:08 p.m. The rules for testimony were read by Mr. Coulombe. Commissioner Joseph Sullivan declared an actual conflict of interest as the applicant is his brother.

Commissioner Joseph Sullivan recused himself at 6:09 p.m. and left the room.

48 Presentation of Staff Report: Mr. Depa summarized the staff report as included in the agenda
49 packet and reviewed the findings of fact. He stated that staff determined that the application did
50 not meet any of the six approval criteria and recommended denial of the application. He
51 suggested a variance request from the front of the property would possibly result in better
52 findings and be more in line with the other homes on the street. There was discussion about
53 potential circulation issues with only a five foot setback on both the rear and south side yards,
54 the footprint of the original house with the lot slope, and the definition of human scale
55 development. Commissioner Yoder questioned if there were other homes with variances in the
56 area and concern for the potential for drainage issues. Mr. Depa stated none of the other
57 homes in the area had variances.

58
59 Presentation of Applicant: Kevin Sullivan, Philomath, OR – Mr. Sullivan described the footprint
60 of the original home, retaining wall issues and the desire to avoid building a house that looked
61 into the backyard of the home behind it. He suggested J.D. McGee engineering did not think
62 ponding was an issue. Mr. Sullivan described the current water drainage from the lot and the
63 driveway grade plans. Mr. Sullivan described occupancy plans for the new house. Mr. Depa
64 explained that lot coverage limitations would only allow for the one car garage. Mr. Sullivan
65 explained the reasoning for selecting the floor plan and footprint that was selected for the lot
66 and the desire to keep the project inexpensive. He stated it is a fairly small house. There was
67 discussion about the reduced rear setback and the location of the current house to the west
68 and possible future development to the west. Mr. Sullivan stated that close doesn't matter as
69 much as visibility and their intent was to reduce that issue. He stated the neighbor doesn't have
70 an issue with the proposed setback.

71
72 Mr. Depa reviewed some options that staff had proposed to the applicant in lieu of the rear-
73 yard setback variance. He explained that the North 7th Street right-of-way is 80 feet wide but
74 would more likely only ever be developed to a 50-foot right-of-way. Mr. Sullivan stated that the
75 neighbor is not interested in an access easement. He described the driveway situation.
76 Commissioner Yoder noted there are no opponents to the request and it is plainly posted. Mr.
77 Depa pointed out the Commission would have to develop new findings that supported approval
78 of a variance to replace the findings in the staff report. Mr. Coulombe reminded the
79 Commission that the decision should be fact driven based on the criteria, not based on
80 opponents or proponents.

81
82 Mr. Sullivan described the information he has received that there is no pooling of water. Mr.
83 Depa described the effect of downspouts draining water away from the house and the need for
84 sufficient area for the drainage to permeate before shedding onto the neighbor's property. Mr.
85 Sullivan stated he could work with an engineer to resolve any issues and suggested a
86 condition of approval to that effect.

87
88 Commissioner Conner suggested working through each of the findings. On Criteria (a), he
89 requested clarification about the five foot setback creating a safety issue. He questioned what
90 type of circumstance would allow a variance under Criteria (a). There was discussion about
91 North 7th Street not being a through street and questioning the criteria to slow traffic down. Mr.
92 Depa explained if the side yard was a larger setback it might not be an issue but it is also a five
93 foot setback.

94
95 Commissioner Conner stated he believed the steep grade is a hardship. Commissioner Gay
96 described steep slope runoff issues on Southwood that don't create adverse impacts. Chair
97 Stein stated his observation is that the runoff from adjacent properties will go right where the
98 house is intended to sit. There was further discussion about slope and runoff. Mr. Sullivan
99 described the driveway issues that result in even a smaller footprint having to be placed in the
100 back of the lot. He stated the engineering opinion he had received didn't think the runoff was an
101 issue. He stated if the variance were approved, they would then review the engineering needs.

102
103 Commissioner Conner stated he felt findings could be developed, with the exception of Criteria
104 (f), questioning if this was the minimum variance that would alleviate the hardship. He stated
105 there may be other possible solutions.

106
107 Chair Stein suggested that an approval to this request could have consequences from a future
108 application. Mr. Coulombe stated it is the applicant's burden to provide the information needed
109 for the Commission to reach an approval. He suggested completing the public hearing process.

110
111 Testimony by Proponents: None.

112
113 Testimony by Opponents: None.

114
115 Testimony by Neutral Parties, including Governmental Bodies: None.

116
117 Rebuttal by Applicant, limited to issues raised by Opponents: None.

118
119 Mr. Coulombe explained there has been no request for a continuance by either the applicant or
120 any other party.

121
122 Commissioner Conner stated he did not believe the Commission was required to completely
123 alleviate the issues. He stated he did not believe sufficient information had been provided to
124 show the variance was the minimum required.

125
126 Chair Stein closed the public hearing at 7:04 p.m. Mr. Sullivan waived the right to submit final
127 written arguments.

128
129 **4.2 PC19-10 Discussion and Possible Decision** – Commissioner Yoder questioned if the
130 only issue is the setback. Mr. Depa explained the lot coverage is not an issue. He explained
131 that cost is not a qualified hardship. Commissioner Conner stated it may not qualify but it is
132 problematic. There was additional discussion. Mr. Depa stated it would probably be easier to
133 make a justification for a front yard setback variance based on the location of the original house
134 and the neighboring houses.

135
136 **MOTION:** Commissioner Boggs moved to table the discussion and consider a front yard
137 setback variance. No second. Mr. Depa stated that would be a major material modification and
138 would require re-notification.

139
140 At 7:15 p.m. Chair Stein reopened the hearing to hear from Mr. Sullivan again. There was no
141 other testimony added. There was further discussion about possible alternatives and the need
142 to revise the findings.

143
144 **MOTION:** Commissioner Gibbs moved, Commissioner Boggs second, to deny the application
145 as proposed. Motion APPROVED 4-2 (Yes: Conner, Boggs, Gibbs, and Stein; No: Gay and
146 Yoder.)

147
148 *Commissioner Stein called a recess at 7:23 p.m. and reconvened at 7:30 p.m. Commissioner*
149 *Joseph Sullivan rejoined the meeting.*

150
151 **4.3 Urban Fringe Agreement discussion** – Mr. Depa distributed a memorandum and draft
152 Urban Growth Management Agreement documents (Supplemental Agenda Item #4.3). He
153 explained that Benton County was conducting a review of their code and there were zoning
154 districts that had been specifically created to address delayed annexation agreements that
155 exist within the Philomath Urban Growth Boundary. He described how those properties were

156 being treated as subject to the Philomath Zoning Code due to future expectation they would be
157 annexed. He stated the revisions were intended to address those delayed annexations and to
158 spell out the process between the two jurisdictions that is already being used. He stated the
159 Benton County Commissioners have reviewed and approved the revisions. He requested the
160 Planning Commission review the revisions and come back with any potential concerns before
161 sending it to the Council for final approval. There was discussion about this formalizing the
162 actual process that has been used.

163
164 Ms. Post provided a history of delayed annexation agreements in Philomath. Commissioner
165 Yoder stated she would like an opportunity to read the document before making a
166 recommendation. It was agreed by consensus to place the agreement on the January Planning
167 Commission agenda.

168 **5. OLD BUSINESS**

169 **5.1 2040 Comprehensive Plan Advisory Group update** – Mr. Depa summarized that the
170 City Council did accept the Planning Commission’s recommendation and added two members
171 of the Commission to the Advisory Group. Ms. Post explained that the City Council approved
172 the nine proposed members and added Commissioners Yoder and Stein.

173 **5.2 Development Code & Annexation Amendments (PC19-08 & PC19-09)**

174
175 **A) City Council decision review** – Chair Stein explained that Mr. Workman was
176 unavailable tonight. Mr. Coulombe reviewed the legislative process, including the public
177 hearing and decision process at the City Council level. Ms. Post reviewed the City Council
178 minutes of November 25 related to the removal of Section “G” from PMC 18.135.030 in the
179 annexation code. Chair Stein stated there is a communication issue because the Council didn’t
180 understand why the Commission put section “G” in, and he was disappointed in the action. Mr.
181 Coulombe suggested in the future adopting a statement to submit with text amendments
182 providing an explanatory statement. Commissioner Yoder questioned if the Planning
183 Commission could have requested the Council respond back if they made any changes. Mr.
184 Coulombe described the lengthening of the process that scenario could create. He stated the
185 goal of code drafting is for it to be clear and concise and doesn’t require further explanation.
186 Commissioner Sullivan described the possibility of having a City Councilor in attendance at
187 future Planning Commission meetings.

188
189 **B) Major/Minor modifications: PMC 18.130** – Chair Stein stated the issue of a major
190 versus minor modification had been raised. Commissioner Yoder stated she and
191 Commissioner Boggs had submitted a letter of objection to the minor modification application
192 for Millpond Crossing. There was discussion about the Commission having an opportunity to
193 review the letter they submitted. There was discussion about the decision being within City
194 Manager Workman’s authority based on the code definition of a minor modification. Mr. Depa
195 stated the staff report on that application is posted on the City’s website and addressed the
196 three issues that were raised by Commissioners Boggs and Yoder. There was discussion
197 about the issues related to the change in phasing for the development and the timing of
198 construction of the extension of South 17th Street. Mr. Depa explained the review of the trips
199 generated showed they were still within the threshold with the change in the phasing.
200 Commissioner Yoder questioned if the language in 18.130.030 should be amended to add
201 changes in phasing. Commissioner Sullivan questioned what the Planning Commission’s
202 response would be if it was felt that the City Manager had overstepped in approving a
203 modification. Mr. Coulombe stated that the Commission’s review authority does not extend to
204 whether an administrative decision-maker exceeded authority. There was further discussion
205 about an appeal process for a modification decision. Mr. Coulombe explained ramifications
206 related to the discussion of a specific case such as the Millpond modification before the appeal
207 period has expired. It was agreed to put further discussion on the January agenda.

208 **C) Recreational Vehicle Park code considerations: PMC 18.50.010, 9.15.025 & 18.45 –**
209 Mr. Depa explained this was a request from a member of the City Council to consider adopting
210 changes related to the specific code sections. He stated this was something that the
211 Commission could consider in further code amendment discussions. There was discussion
212 about the definition for a Recreational Vehicle Park for Section 18.15.010. Commissioner
213 Sullivan stated this appears to be an example of the City Council sending information to the
214 Planning Commission for consideration. There was discussion about this potential language
215 not impacting the existing Lepman project because of the goalpost rules.
216

217 Robert Biscoe, Philomath, OR – Mr. Biscoe described the intentions of the Councilor who had
218 submitted the proposed language. He stated it was a result of the concern from public
219 testimony that was concerned about RV Parks.
220

221 **6. OTHER BUSINESS**

222 **6.1 Communication expectations between Commission, Council & Staff –**

223 Commissioner Stein stated this topic had been sufficiently addressed through earlier
224 discussions in the meeting.
225

226 **6.2 Setting meeting dates: January and February 2020 holiday conflicts –** After
227 discussion about availability, it was agreed to move the January meeting to Tuesday, January
228 21, 2020, and the February meeting to Tuesday, February 18, 2020.
229

230 **7. ADJOURNMENT:**

231 There being no further business, Chair Stein adjourned the meeting at 8:30 p.m.
232

233 SIGNED:

234 *David Stein*
235
236

ATTEST:

Ashley Howell

Commit Clerk

