

**PHILOMATH PLANNING COMMISSION
MINUTES**

January 21, 2020

1
2
3
4
5
6 **1. CALL TO ORDER:** Chair Stein called the meeting to order at 6:03 p.m. at the City Hall
7 Council Chambers, 980 Applegate Street, Philomath, Oregon.

8
9 **1. ROLL CALL:**

10 **Present:** Commissioners Joseph Sullivan, Gary Conner, Steve Boggs, Giana
11 Bernardini, Peggy Yoder, David Stein.

12 **Absent:** Jeannie Gay

13
14 **Staff:** City Manager Chris Workman, Deputy City Attorney David Coulombe (7:30 p.m.)
15 Deputy City Attorney Carrie Greenshields, City Planner Pat Depa and Building Permit
16 Clerk Ashley Howell.

17
18 **2. APPROVAL OF MINUTES**

19 **2.1 Minutes of December 16, 2019** – Commissioner Yoder referenced line item 203, “Mr.
20 Coulombe stated that the Commission’s review authority does not extend to whether an
21 administrative decision-maker exceeded authority.” She asked for clarification as to Mr.
22 Coulombe’s statement pertaining to agenda item 5.2 (B) Major/Minor Modifications. There was
23 additional discussion about Mr. Coulombe’s comment.

24
25 **MOTION:** Commissioner Boggs moved, Commissioner Yoder second, to approve the
26 December 16, 2019 minutes as presented. Motion APPROVED 6-0 (Yes: Sullivan, Conner,
27 Boggs, Bernardini, Yoder, Stein; No: None).

28
29 **4. NEW BUSINESS**

30 **4.1 Election of Chair and Vice Chair-** Chair Stein stated that he would like to remain the
31 Chair. He discussed ongoing goals that he would like the opportunity to continue to work on as
32 Chair. This includes improving communication with City Council and to increase the Planning
33 Commission involvement with City Planning. Commissioner Sullivan thanked Chair Stein for
34 being the Chair for the past year. He asked the Commission for their consideration as he would
35 also like to petition for Chair of the Planning Commission. He discussed that he would like to
36 make sure all Commissioners have a voice and would like to continue to guide the vision for
37 Philomath. Commissioner Yoder asked if Commissioner Sullivan felt as if he could accomplish
38 what he wanted to for the Commission as a Co-Chair. Commissioner Sullivan explained that
39 with a small membered Commission this would be difficult to do.

40
41 Commissioners were given ballots to vote on one member as Planning Commission Chair.
42 Building Permit Clerk Ashley Howell collected the ballots and tallied the votes. The Planning
43 Commission Chair vote resulted in a tie. Three votes for David Stein and three votes for Joseph
44 Sullivan.

45
46 There was discussion to table the vote until the next meeting scheduled for February 18, 2020
47 due to the absence of one commissioner. There was additional discussion about tabling the
48 decision until the next meeting, and Chair Stein noted he is scheduled to be out of town.

49
50 **MOTION:** Commissioner Conner moved, Commissioner Boggs second, that the vote be tabled
51 until the February meeting. Motion APPROVED 6-0 (Yes: Sullivan, Conner, Boggs, Bernardini,
52 Yoder, Stein; No: None).

53 Chair Stein invited City Council member Ruth Causey to sit at the bench. Ms. Causey
54 introduced herself and explained that she is present as a liaison for City Council. She stated
55 that City Council would like to know whether the Commission would like to have a consistent
56 liaison or revolving members.

57
58 **5. OLD BUSINESS**

59 **5.1 Urban Fringe Agreement-** Chair Stein asked Mr. Depa about the memo in the meeting
60 packet and how it is different from the memo in the prior meeting. Mr. Depa explained that he
61 simply added new wording. Commissioner Yoder explained that it would be nice to have
62 revised stated on the memo, which would indicate a wording change.

63
64 Mr. Depa gave a brief explanation of the Urban Fringe Agreement. He discussed zoning
65 districts that worked as a holding place. He stated that he added in mention of building permits.
66 He explained that the Urban Fringe Agreement pertains to delayed annexations within the
67 Urban Growth Boundary.

68
69 Commissioner Boggs asked if there are any delayed annexations pending with the City. Mr.
70 Workman confirmed that currently there are two delayed annexations. There was discussion
71 about "PR-1" and that on older maps used by the City and Benton County, "P" referenced
72 Philomath.

73
74 Commissioner Sullivan asked what group of people that this affects. He questioned any factual
75 or standardized differences that people would have to go through if they were to apply for
76 annexation. Mr. Depa explained that the Urban Fringe Agreement only governs delayed
77 annexations under contract with the City and everything else in the Urban Growth Boundary is
78 governed by Benton County. Commissioner Sullivan asked if there were any property owners
79 within the Urban Growth Boundary that had an agreement with the City prior to the
80 implementation of the Urban Fringe Agreement. He asked if those property owners then have
81 to follow current amendments to the Urban Fringe Agreements made after they entered
82 contracts for a delayed annexation.

83
84 Mr. Depa explained that there is no grandfathering of the agreement and property owners in
85 delayed annexation contracts will be expected to comply with the current Urban Fringe
86 Agreement at the time of their development.

87
88 Commissioner Sullivan asked if it would be appropriate to ask the two delayed annexations if
89 they are okay with the changes being made to the Urban Fringe Agreement. Mr. Depa
90 explained that he did not believe it was necessary to contact the property owners due to the lack
91 of substantial changes being made.

92
93 Commissioner Sullivan stated that he would not be able to vote on the updates to the Urban
94 Fringe Agreement if the property owners that this is affecting are not contacted and notified of
95 the changes. Commissioner Conner stated that his interpretation of the discussion regarding
96 the Urban Fringe Agreement is that there are not any changes being made to the agreement,
97 only specific line items being further clarified.

98
99 Commissioner Sullivan again stated that he would feel much more comfortable with this
100 agreement if those property owners were notified. Mr. Depa stated that property owners of
101 delayed annexations are making an agreement at the time to follow whatever the current
102 agreement might be.

103

104 Commissioner Boggs asked about the 12 delayed annexation agreements brought in a few
105 years ago. There was discussion about those delayed annexations. There was discussion
106 about the leniency of the County versus the City. Mr. Depa explained that the County is much
107 more strict than the City. He explained that delayed annexation is an agreement between the
108 City and the land owner and is initiated by the land owner.

109
110 Mr. Workman explained that if the property owner would like to do any developments to their
111 property, the Urban Fringe Agreement clarifies whether the property owner goes to the City or
112 Benton County. Mr. Workman discussed various reasons for delayed annexations. He
113 explained that this agreement clarifies to the property owner that any development to their
114 property would need to be approved by the City. There was discussion about whether or not
115 the clarification to certain line items of the Urban Fringe Agreement needed to be decided on
116 tonight. Mr. Depa explained that there is no reason for delaying the decision.

117
118 Chair Stein explained that the changes to the Urban Fringe Agreement only clarify the existing
119 line items.

120
121 Commissioner Sullivan explained that he would like the Commission to be overabundant
122 communicators and share this with the two existing property owners currently in delayed
123 annexation agreements with the City.

124
125 Commissioner Conner explained that this is an intergovernmental agreement and that he finds it
126 problematic to start a precedent such as contacting property owners when situations such as
127 the current, arise. Mr. Workman explained that one of the only possibilities for a delayed
128 annexation would be an island situation. There was discussion regarding possible properties
129 that may create an island situation.

130
131 There was discussion about the possibility of future delayed annexations that the City would
132 consider.

133
134 **MOTION:** Commissioner Yoder moved, Commissioner Conner second to approve the Urban
135 Fringe Agreement. Mr. Workman explained that he would be happy to contact the two property
136 owners currently in delayed annexation agreements and update them on the changes to the
137 Urban Fringe Agreement. APPROVED: 6-0 (Yes: Sullivan, Conner, Boggs, Bernardini, Yoder,
138 Stein; No: None).

139
140 **5.2 Development Code Discussion**

141 **A) Major/Minor modifications: PMC 18.130** – Commissioner Yoder discussed her concern
142 about the major/minor modifications code language. She discussed a letter she wrote to the
143 City regarding the Boulevard Apartments and the conditions of approval. She also discussed
144 the Mill Pond Crossing development. She asked if there should be a discussion to further clarify
145 a major and minor modification. She also asked what the role of the City Manager is when it
146 comes to decision making regarding major and minor modifications. There was discussion
147 about the reinstatement of the Park Advisory Board. Mr. Workman clarified that the Park
148 Advisory Board was re-established by City Council in 2014. Commissioner Yoder explained
149 that she believed the reinstatement of the board was driven by the City Manager and not the
150 City Council, and that it should not have been so heavily influenced by the City Manager. Mr.
151 Workman explained that because there was a new Park Master Plan in place he suggested to
152 reinstate the Board in 2014. There was discussion about the creation of the Tech Advisory
153 Committee. Commissioner Yoder asked about the role of the Planning Commission in
154 relationship to the Parks Advisory Board.

155

156 Chair Stein asked the Commission if they would like to have a work-session to discuss major
157 and minor modifications. The Commission agreed by consensus to have a work session
158 discussing major and minor modifications. Mr. Workman explained that the Commission could
159 hold a short meeting for the vote of Chair and Vice Chair and then transition to a work session.
160

161 **B) Recreational Vehicle Park code considerations: PMC 18.50.010, 9.15.025 & 18.45-**

162 Ms. Causey explained that she listed to the Planning Commission audio regarding whether or
163 not the new campground is an RV park. She explained that the last portion of her memo was
164 an indirect response to the comments in the public hearing that Philomath would become an RV
165 town. She explained that she drafted the language to limit the number of RV spots to 175, thus
166 limiting the number of RV parks within the City. She explained that she sent the drafted
167 language to City Attorney Jim Brewer for review. She explained that this would prevent Mr.
168 Lepman from making more spaces for the RV park if in fact his boat storage units are not as
169 utilized as planned. Mr. Workman explained that if Mr. Lepman were to make more RV spaces
170 rather than boat storage, it would be classified as a change of use which is a Major Modification,
171 require an application and would go before the Planning Commission. There was discussion
172 about the potential for the Lepman project to have a monopoly on RV spaces.
173

174 Chair Stein explained that this discussion is a question of how many spaces the Commission
175 agrees on for the City of Philomath as a whole, not just the Lepman RV park.
176

177 Mr. Workman explained that he would like to make sure that the Commission is speaking
178 legislatively and not just about one project. He explained that he would recommend staying
179 away from putting in a hard number when it comes to writing code. He explained that he would
180 recommend replacing a hard number with a ratio as this would better accommodate City growth.
181 He stated the Commission could more strongly defend the code if there was such language as,
182 per capita, or a ratio to housing. There was discussion about capping the amount of RV spots
183 at a lower amount than what the City has already approved.
184

185 Ms. Greenshields explained that Mr. Workman's suggestion of a ratio or percentage as opposed
186 to a hard number is the best way to proceed. Ms. Causey suggested adding both a percentage,
187 as well as a number of spaces to the code language. Commissioner Sullivan suggested looking
188 into various comparable cities as to their percentage of allowed RV spaces.

189 Ms. Causey explained that she would research comparable cities and bring additional
190 information to the next work session.
191

192 There was discussion about distinguishing the difference in allowed property uses, heavy
193 industrial versus light industrial or conditional use. Mr. Depa explained that most of Philomath's
194 heavy industrial land is already developed.
195

196 Mr. Coulombe arrived (7:30 p.m.).
197

198 Catherine Biscoe- Philomath, OR – Ms. Biscoe explained that she was one of the parties that
199 filed the LUBA appeal on 11 arguments for the Beelart development. She discussed that the
200 Supreme Court denied to hear the appeal due to receiving the appeal late. She explained that
201 the F Street District property owners will be active when the subdivision application is heard to
202 speak about the impact on their quality of life.
203

204 Ms. Greenshields explained that the vote to appoint the Chair or Vice Chair must be done on
205 the first meeting of the year. Mr. Coulombe and Ms. Greenshields recommended that the
206 Commission hold another vote for Chair. Mr. Coulombe explained that a Planning Commission
207 member who is not present can be contacted telephonically. Chair Stein suggested that the
208 Commission vote again.
209

210 Commissioners were given ballots to vote on one member as Planning Commission Chair.
211 Building Permit Clerk Ashley Howell collected the ballots and tallied the votes. The Planning
212 Commission Chair vote resulted once again in a tie, three votes for David Stein and three votes
213 for Joseph Sullivan. Chair Stein explained that he would step down from his position as Chair so
214 that appointment of Chair could go to Commissioner Joseph Sullivan. There was discussion of
215 Commissioner Stein resuming as Vice Chair.

216
217 Chair Stein called for a vote to appoint Commissioner Sullivan as Planning Commission Chair.
218 All Commissioners voted in favor 6-0.

219
220 Chair Stein called for a vote to appoint himself as Vice Chair. All Commissioners voted in favor
221 6-0.

222
223 Ms. Greenshields and Mr. Coulombe passed out a training booklet to the Planning Commission.
224 Mr. Coulombe discussed ex-parte communication, citing comments made by a member of the
225 public just prior to his speaking that discussed details about a forthcoming application. He
226 further explained that decisions could only be made with information that comes to the Planning
227 Commission in a public forum as part of the record. He explained that the information Planning
228 Commission members obtain outside of the public hearing must be noted at the public hearing
229 so as to become part of the public record. He recommended minutes from this meeting be
230 printed out and included in the record should an application be submitted for the subdivision
231 discussed. He also explained that information obtained by public record pertaining to a
232 particular hearing still needs to be declared.

233
234 Mr. Coulombe went through the training packet presented by him and Ms. Greenshields. He
235 explained that this packet focuses on potential and actual conflicts of interest and the
236 differences. He discussed the extensive definition of the word "family" pertaining to conflicts of
237 interest. He explained how to declare a potential conflict of interest. He explained that in the
238 case of an actual conflict of interest, it is best if the Planning Commissioner leave the room as to
239 not influence the Commission with non-verbal cues. Mr. Coulombe recommended adding a
240 Land Conservation and Development Commission training module as well as other desired
241 trainings on the City's website for the Commissioners to review. He recommended they watch
242 the training and then schedule a Q and A to discuss the trainings.

243
244 **6. ADJOURNMENT:**

245 There being no further business, Chair Stein adjourned the meeting at 8:12 p.m.

246
247 SIGNED:

ATTEST:

248
249

250 _____
Joseph Sullivan, 2020 Chair

Ashley Howell, Building Permit Clerk