

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

3 January 22, 2018  
4

5 **WORK SESSION:**

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

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

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

15 **REGULAR MEETING:**  
16

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

20 2. **ROLL CALL:**

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

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

27 **Excused:** Commissioner Lusk  
28

29 3. **APPROVAL OF MINUTES:**

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

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

35 4. **ELECTION OF OFFICERS:**

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

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

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

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

49 5. **PUBLIC HEARINGS:**

50 5.1 **File Number** PC17-09

51 **Applicant:** City of Philomath

52 **Application Type:** Type IV Annexation

53 **Locations/Owners:**

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

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

**Presentation of Staff Report:**

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

**Presentation of Proponents:**

None.

**Presentation of Opponents:**

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

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

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

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

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

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

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

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

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

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

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

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

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

36 **5.3 File Number PC17-10**

37 **Applicant:** City of Philomath

38 **Application Type:** Type IV Annexation

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

41 **Owner:** Oregon Sequoia LLC  
42

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

48 **Presentation of Staff Report:**

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

52 **Presentation of Proponents:**

53 None.  
54

1 **Presentation of Opponents:**

2 None.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **Presentation of Staff Report:**

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

20 **Presentation of Proponents:**

21 None.  
22

23 **Presentation of Opponents:**

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

35 None.  
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37 **Rebuttal by the Applicant, limited to issues raised by opponents:**

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

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**5.6 PC17-11 Discussion and Decision**

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

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

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

**6. ADJOURNMENT:**

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

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

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