



## **CITY OF PHILOMATH**

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**Mission:** To promote ethical and responsive municipal government which provides its citizenry with high quality municipal services in an efficient and cost effective manner.

# **PLANNING COMMISSION**

**CITY HALL COUNCIL CHAMBERS**

**980 Applegate Street**

## **MEETING AGENDA**

**January 28, 2019**

**6:00 p.m.**

**(NOTE TIME)**

- 1. CALL TO ORDER**
  - 1.1 2018 Vice-Chair Lori Gibbs
- 2. ROLL CALL**
- 3. ELECTION OF OFFICERS**
  - 3.1 Election of Chair
  - 3.2 Election of Vice Chair
- 4. APPROVAL OF MINUTES**
  - 4.1 Minutes of November 19, 2018
- 5. NEW BUSINESS**
  - 5.1 PMC Chapter 18 Zoning amendments
- 6. ADJOURNMENT**

**NEXT MEETING:**  
**February 19, 2019**  
**6:00 p.m.**

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

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3  
4  
5  
6 **1. CALL TO ORDER.** Vice-Chair Lori Gibbs called the meeting to order at 7:00 PM in the  
7 City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

8  
9 **2. ROLL CALL:**

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

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

15  
16 **Excused:** Commissioners Jeannine Gay and Jacque Lusk.

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

19 **3.1 October 22, 2018, Minutes**

20 **MOTION:** Commissioner Boggs moved, Commissioner Knutson second, the  
21 October 22, 2018, minutes be accepted as presented. Motion APPROVED 5-0.  
22 (Yes: Boggs, Conner, Knutson, Lusk and Stein; No: None.)  
23

24 **4. PUBLIC HEARING:**

25 **4.1 File Number PC18-13**

26 **Applicant:** Ronald and Barbara Hartz

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

28 **Location:** Unaddressed Landmark Drive address, Assessor's map 12-5-07B Tax  
29 Lot #2100  
30

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

35  
36 **Presentation of Staff Report:**

37 Mr. Minard reviewed the staff report, applicable criteria and staff conclusions as included  
38 in the agenda packet.  
39

40 **Presentation by Applicant:**

41 Ronald and Barbara Hartz, Philomath, OR – Ms. Hartz read her testimony into the record  
42 summarizing their attempts to market the property as it has been historically zoned for  
43 Industrial Park. She described the challenges in finding suitable foster care for her elderly  
44 mother and the need for local housing for seniors. She described her vision for a long- or  
45 short-term care facility and the need for the rezoning to attract a developer. Ms. Hartz  
46 noted the maps distributed with her testimony show the floodplain and extensive wetlands  
47 in surrounding properties that will make it difficult for them to be developed for industrial  
48 uses.  
49

50 Mr. Hartz addressed issues in the staff report in his submitted testimony regarding the  
51 development of the surrounding property, provision of services, the need for various  
52 housing types, and the lack of supply of high density vacant or planned residential lands.  
53 He described a loss of industry since the time when he served on the planning

1 commission in the 1980s and the need for the gravel road to be paved. He noted that the  
2 staff report states the city has no high-density residential lands on the land use inventory  
3 map and the lack of suitable housing for Philomath employees.  
4

5 Mr. Hartz summarized the submitted transportation impact analysis and conclusion and  
6 noted a written testimony letter submitted by Alan Wells. Ms. Hartz read the letter from  
7 Alan Wells into the record.  
8

9 Mr. Hartz reviewed the letter submitted by neighboring property owner Dennis Cabatic,  
10 Philomath Rental. Mr. Hartz stated that the only true industrial business on Landmark  
11 Drive is a single machinist and stated the traffic count on the highway has no relevance to  
12 this application. He stated there is no need for more than one access in and out of the  
13 property and there is sufficient acreage to deal with truck traffic congestion.  
14

15 **Presentation of Proponents:**

16 None.  
17

18 **Presentation of Opponents:**

19 Dennis Cabatic, Philomath Rental, Philomath, OR – Mr. Cabatic noted the Commission  
20 already has received his written testimony. He stated it is well documented that there are  
21 conflicts between industrial use and residential such as the need for lighting for security  
22 at industrial sites. He described issues eleven years ago with ODOT ordering him to  
23 widen Philomath Boulevard and, as part of the resolution of that issue, he was notified  
24 that the next developer of property on Landmark Drive would have to widen the highway.  
25 He stated that making left turns off of Landmark Drive became particularly problematic  
26 over the past summer, primarily due to the increased truck traffic through Philomath.  
27

28 Jodi Nelson, Philomath, OR – Ms. Nelson stated she is the owner of the machine shop on  
29 Landmark Drive and described the business activities of their operation. She stated they  
30 do not have adequate spacing to drive around the building. She requested the application  
31 be denied for the reasons stated in the staff report. She supported Mr. Cabatic's  
32 comments regarding the dangerous condition of attempting left-hand turns onto the  
33 highway. She stated Mr. Hartz is known for riding his bike in the area and telling people to  
34 slow down. She stated she does agree with the need for housing but this is not the  
35 correct place for it. She stated Landmark Drive does need improvements and there are  
36 too many safety issues. She stated she has not had the opportunity to review all of the  
37 reports referenced at the hearing.  
38

39 May Dasch, Philomath, OR – Ms. Dasch stated opposition to the application due to water  
40 supply issues. She stated concerns about the supply of water from the Marys River, the  
41 ability of Corvallis to discontinue the intertie access to Rock Creek water, the 9<sup>th</sup> Street  
42 well water quality, and the 11<sup>th</sup> Street well reliability. She stated concerns with water  
43 supply due to global warming and the impact of water supply with the construction of new  
44 developments.  
45

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

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

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

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

12  
13 **Rebuttal by the Applicant, limited to issues raised by opponents:**

14 Waived by the applicant.

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

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

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

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

35  
36 **4.3 File Number PC18-11**

37 **Applicant:** H&R Development

38 **Application Type:** Type III -- Subdivision

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

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

48  
49 **Presentation of Staff Report:**

50 Mr. Minard reviewed the staff report, applicable criteria and staff conclusions as included  
51 in the agenda packet. He added comments about ongoing discussions with the developer  
52 regarding parkland requirements and recommended the addition of an additional  
53 condition of approval to address meeting the park requirements either through dedication

1 of space or payment of in lieu of fees to the City for use in developing off-site paths and  
2 parks. Mr. Minard described proposed connectivity of pathways as described in the Park  
3 Master Plan.

4  
5 **Presentation by Applicant:**

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

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

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

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

45  
46 **Presentation of Proponents:**

47 None.

48  
49 **Presentation of Opponents:**

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

1 area and would subsequently endanger students. She described long-term water supply  
2 concerns for the community.  
3

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

5 Gordon Kurtz, Benton County Engineering Associate, Corvallis, OR – Mr. Kurtz stated he  
6 did not have any contact with the traffic engineer who prepared the TIA. He stated he  
7 would expect the analysis to extend ten years out as suggested by Commissioner Stein.  
8 He stated that both Millpond Crossing and this subdivision cause multi-jurisdictional traffic  
9 issues. He suggested that Plymouth Drive should also be included in the analysis ten  
10 years out. He stated additional analysis is warranted, however the current Benton County  
11 code does not require it. Mr. Kurtz stated he has conversed with the City's engineer and  
12 suggested that a center turn lane may be needed somewhere someday. He stated the  
13 County has secured design funds for a multi-use path along the northerly right-of-way line  
14 of Chapel Drive from Bellfountain to 13<sup>th</sup> Streets but they have not secured right-of-way  
15 acquisition or construction funds. He stated the need to ensure that the frontages on  
16 Chapel Drive are preserved for this path. Commission Boggs questioned if Mr. Kurtz  
17 testified on the Millpond Crossing subdivision. He explained that he did not and described  
18 the conditions regarding the design of the Millpond Crossing that were presented.  
19

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

21 Mr. Grenz stated that the condition has been addressed regarding the Chapel Drive  
22 frontage. He stated that an expanded traffic impact analysis can be provided but would  
23 expect that as long as the intersections studied were not subsequently considered  
24 insufficient, the Commission would be satisfied that the criteria was met. Commissioner  
25 Stein stated he would like to see an analysis that is ten years out and would like to see it  
26 specifically stated how much traffic is being generated by each of the two developments.  
27 Mr. Grenz stated he can request the TIAs for the Millpond Crossing development and it  
28 can be taken that into account using a projection to 2030. Mr. Workman stated that the  
29 analysis should fully take into account traffic that may be generated by undeveloped  
30 properties in addition to the approved developments. Mr. Grenz described the method for  
31 using traffic projections through 2030.  
32

33 Mr. Workman suggested two options for the Commission to consider: that the updated  
34 TIA could be added as a condition of approval requiring that the analysis not indicate any  
35 triggers for additional improvements or the Commission could withhold a decision until  
36 after submission of the updated analysis.  
37

38 Commissioner Stein stated he would prefer to keep the record open. Mr. Grenz stated the  
39 updated report could be available prior to the next scheduled Planning Commission  
40 meeting. Mr. Workman stated that the 120-day deadline is January 2, 2019, for  
41 completion of the decision and appeal period. There was discussion about whether to  
42 hold the record open or to make an updated TIA a condition of approval. Commissioner  
43 Conner questioned if the additional data would have any impact on Commissioner Stein's  
44 final decision regarding the application. Commissioner Stein agreed to proceed with  
45 closing the hearing.  
46

47 Vice Chair Gibbs closed the public hearing at 9:16 p.m. The applicant waived the 7-day  
48 period to submit final written comments.  
49

50 **4.2 PC18-13 Discussion and Decision –**

51 **MOTION:** Commissioner Boggs moved, Commissioner Conner second, to approve the  
52 application for the Newton Creek Subdivision preliminary plat based on the findings of  
53

1 fact contained in the staff report dated November 11, 2018, for file PC18-11 and subject  
2 to the conditions of approval in the staff report with the addition of conditions of approval  
3 for the additional transportation impact analysis and determination of park amenities.  
4 Motion APPROVED 4-1 (Yes: Boggs, Conner, Knutson and Gibbs; No: Stein).

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

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

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

16  
17 **5. ADJOURNMENT:**

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

19  
20 SIGNED:

ATTEST:

21  
22 \_\_\_\_\_  
23 Lori Gibbs, 2018 Vice Chair

\_\_\_\_\_  
Ruth Post, MMC, City Recorder



## Philomath Planning Commission Agenda Item Summary

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### **Title/Topic: Philomath Municipal Code Chapter 18 Zoning Amendments**

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Meeting Date: January 28, 2019  
Department: Planning

Staff Contact: Pat Depa  
Email: Patrick.Depa@Co.Benton.OR.US

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#### ISSUE

Chapter 18 of the Philomath Municipal Code (PMC) covers zoning and land use issues. It is based on model code provided by the State that is then customized by the City to reflect its comprehensive plans and interests.

The following list identifies concerns with the current code for the Planning Commission to consider. Staff recognizes that this list is not comprehensive. The Planning Commission should give direction to staff on which items are of concern and what changes to the code should be pursued. Given this direction, staff will prepare the requested changes and report back to the Planning Commission.

#### ISSUES WITH THE CURRENT CODE

Letters of Intent (LOI) on all Re-occupancies: LOI shall have name of company, type of use, hazardous materials used or other material information, number of employees, hours of operation, etc.

Re-occupancy Procedures: Plot plan to scale showing existing and proposed landscaping, dumpster enclosures, buffer walls, outdoor storage, sidewalks, lighting, etc.

Plan Approvals: Construction must start within 18 months after approval with one (1) six month extension if applied for in writing or the approval is null and void. Development agreement can state more specific timeframes and phasing.

Mobil Home Parks: Five (5) acres minimum

Outdoor Storage: No temporary storage in trailers.

Plan Submittals: Full sets of plans 24" x 36" including: survey, site plan, landscape plan, elevations and preliminary utilities (water, storm, and sewer).

Urban Tree Canopy: Consider adding criteria to protect trees on undeveloped lots prior to submittal of a development plan.

Food Carts: The code does not address food carts. We currently hold them to the same site standards as brick-and-mortar establishments with parking, landscaping and bike-ped access requirements.

Concurrent Applications bypassing the Planning Commission: subdivision public hearings can skip past the Planning Commission if submitted concurrent with a Type IV application such as an annexation or zone change.

Tiny Homes: The code does not address tiny homes directly. If they are used as an ADU, they are required to be secured to a foundation, similar to a manufactured home. Trailers and RVs are not allowed to be used for living quarters. Either a new, higher density zone (R-4) that allows tiny homes should be considered or they should specifically be limited to mobile home parks.

Multi-family Housing in Commercial Zones: Multi-family housing as an outright allowed use in the C-1 and C-2 zone. In the O/R zone, it is only allowed on the upper levels of multi-level buildings or behind a commercial frontage.

Residential Parking: Credit is given for on-street parking for residential uses, when on-street parking is intended for commercial use.

Residential Parking Credit for Garages: Residential garages are counted as parking spaces, which reduces the size requirement for driveways. For a two-bedroom townhouse, only one parking space is required, so a single-car garage and single-wide driveway is allowed. In reality, garages are rarely used for parking, so not enough off-street parking is required and cars end up parking on the street.

Annexation Criteria: consider adding provision for an annexation agreement that would allow the city to make additional requirements and restrictions on future development as a condition of the annexation.

#### CITY MANAGER RECOMMENDATION

I am most concerned about the criteria for annexation. Recommendation to address this section has come from the city attorney. Many of the other issues can be fixed, even temporarily, until the Comprehensive Plan is updated.

#### RECOMMENDED MOTION

*"I 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."*

DATE: 28 January 2019  
TO: Philomath Planning Commission  
SUBJECT: Industrial Park Zone  
SUGGESTIONS FROM: Ron & Barbara Hartz

The current outright allowed uses include several non-industrial uses. This tends to make the zone more of a business park-industrial park which is good. Maybe a name change is in order such as Industrial Park-Business Park (IP/BP).

In as much as a lot of central business land has been used to create multi-family housing, this would appear to create a shortage of business zoned land.

Expansion of business in the I.P. zone would help provide space for those users that can't find suitable locations downtown either due to size, price or exposure (see Terry Weiss' recent comments which also support this observation, paraphrased here "Philomath needs to do more to attract business. This is a good goal for the city."). Some users that come to mind that would not conflict with the existing industrial uses are:

- (1) Offices
- (2) Restaurant
- (3) Brewery or Distillery
- (4) Car Wash
- (5) Building Maintenance & Service
- (6) Communication Tower (not in conjunction with another use)
- (7) Churches
- (8) Senior Housing Complex

Outright permitted uses are better received by potential users and are quicker to implement.