



## CITY OF PHILOMATH

980 Applegate Street  
PO Box 400  
Philomath, OR 97370  
541-929-6148  
541-929-3044 FAX  
www.ci.philomath.or.us

**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

February 18, 2020

6:00 p.m.

### MEETING AGENDA

1. **CALL TO ORDER** 5 min
  - 1.1 Roll Call
  - 1.2 Warm up activity
  
2. **APPROVAL OF MINUTES** 5 min
  - 2.1 January 21, 2020  
*Reminder- If able, please help us save time by reading the draft minutes and emailing any corrections to Ashley before the meeting*
  
3. **REPORTS** 5 min
  - 3.1 2040 Advisory Committee update (Stein, Yoder)
  
4. **NEW BUSINESS** 20 min
  - 4.1 "Commish Commingle" (Bernardini)
  - 4.2 "Philomath Vision" (Sullivan)
  
5. **ANNOUNCEMENTS & STAFF UPDATES** 5 min
  - 5.1 Staff update (staff)
  - 5.2 Proposed next meeting dates (see "Next Meetings" below)
  
6. **ADJOURNMENT**

### WORK SESSION AGENDA

1. **CALL TO ORDER** 5 min
  - 1.1 Roll Call
  
2. **UNFINISHED BUSINESS** 20 min
  - 2.1 Development Code Discussion  
Major/Minor Modifications: PMC 18.130

### NEXT MEETINGS

Joint City Council, Planning Commission, and 2040 Advisory Committee Meeting

February 24, 2020

7:00 p.m.

Regular Planning Commission Meeting

March 16, 2020

6:00 p.m.

---

NOTICE: Given 2 business days' notice, an interpreter will be made available for the hearing impaired or those with limited English proficiency. Contact person: Ruth Post, (541) 929-6148.

**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 and to have the date updated.  
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

**Point person:** Giana Bernardini

**Time limit:** 10 minutes

**What is this all about?**

It would be nice for the commissioners to be able to get to know each other (a BBQ for example).

**Objectives**

1. Decide if we want to do this
2. If so, decide how to do it in a legal and above board manner

**Background / How to prepare**

Read the attached letter from attorney Carrie Greenshields

**Notes:**

**Attachment**

Email from attorney Carrie Greenshields to Commissioner Bernardini

*It would be fine for the Philomath Planning Commission to have a social gathering HOWEVER you will need to not discuss things that are or could be before the commission or gather information from the gatherings. Guidance from the Department of Justice notes that anytime a quorum of a governing body (for which a quorum is required to make a decision) is together, the Public Meetings Law applies. Even if you are gathered for a purely social purpose, but then a discussion or deliberation begins that touches on anything related to planning commission business, that will legally change the purpose of the gathering and trigger the regular public meeting requirements.*

*It's something that needs to be carefully watched and it would be very easy for inappropriate conversations to arise/occur. Even talking hypothetically about personal feelings regarding development generally would be within the scope of issues that could be before the commission and would trigger the applicability of the law. ORS 192.620 states: “The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly.”*

*It doesn't matter if you gather to socialize publicly or privately, but you should be aware that the public perception of a social gathering may be that you are trying to circumvent the requirements of the Public Meetings Law.*

**Point person:** Joseph Sullivan

**Time limit:** 5 minutes

**What is this all about?**

All of the cities that we admire have a vision for what they want to be.

We don't have a clear picture of what we want to be. The new Comprehensive Plan will be a soulless document if we don't have a vision.

**Objectives**

1. Do we want to invite Sadie from DLCD to educate us on Goal 1?
2. Do any of us want to pick some cities and groups (e.g. Imagine Corvallis 2040; the town of Sisters; other local or notable cities that have done this before) to learn from?
3. Would we be open to a plan to have a public survey?

**Background / How to prepare**

Read the attached background information

**Notes:**

**Background; Meetings with Patrick Wingard, DLCD and Mayor Niemann**

As you recall, the Planning Commission is also the Committee for Community Involvement (CCI). The week of the 3<sup>rd</sup> I met with Patrick Wingard from the DLCD; I wanted to learn what a good CCI looks like, and to see what we could do to be a good CCI.

Patrick said that he has a “Goal 1 expert” named Sadie. (Goal 1 is the Oregon goal to “To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process”). Sadie is out at the moment but I expressed interest in inviting her to one of our meetings to learn about this important subject.

I then brought up the subject of “vision”. Patrick said that it would have been normal for Philomath to have created a visioning document in 2019. The fact that we have not done this was not a deal breaker for him, but I came away with the impression that we are in danger of skipping an important step. As you know, I’ve been a proponent of creating some sort of statement of vision since early last year.

The State would like to see relatively high population densities in cities, leaving room for lots of untouched countryside outside the cities. This makes some sense, but it only works if everyone is on board with the idea and if it is done thoughtfully. After all, people don’t care about numbers per se – we mostly just want to feel private and safe. We care about practical things like traffic and whether we see concrete or trees when we look out the window. I pointed out to Patrick that the best way to get a group of people (us, Philomath) to work together toward a particular goal is to include everyone in the discussion and make sure, as much as possible, that everyone gets what they want (or as close to that as we can get, at any rate).

I discussed this concept with Mayor Niemann, who shared his fear that a vision document would distract the Council from the other things they were doing or place a heavy burden on Staff. He said that the Council would consider any proposal that we put before them but that we would have the best chances of success if we watched out for these things.

I think that being a good CCI and creating a vision statement go together perfectly. I therefore propose we do three things:

- Invite Sadie from DLCD to educate us on Goal 1.
- One or two of us should find some cute towns – especially Oregon ones – and learn about how they got that way, then report back to the Commission
- I would like to bring you a plan, for your review, that meets the Council’s goals above while providing for some kind of public questionnaire to better help us understand the community’s hopes and fears.

**Point person:** Peggy Yoder

**Time limit:** 20 minutes

**Reason for Discussion:**

The Planning Commission is involved in various deliberations and public hearings when making a decision regarding the approval of a new development. It is my belief that the developer adhere to the proposal as much as possible; I would like to be corrected if I am wrong.

My concern is whether we have given too much control to one person (City Manager) to make the determination of what constitutes a major/ minor modification without discussion with the PC.

The attached letters provide more information regarding my concerns.

**Objectives**

1. Should the Planning Commission be more involved in what constitutes a major or minor modification?
2. Should the language in the PMC be changed to reflect the decision (with City Council Approval)?

Dec 2, 2019

To: City Manager

Re: P19-27

We are asking that the Minor Modification to Millpond Crossing LLC be denied for the following reasons and concerns:

- A) The P19-27, Nov 14, notice sent to area property owners was incomplete because it only showed the map of proposed modifications without the approved plan, as stated in the body of the notice. Concern: Without both maps, the individuals weren't given the proper information to make an informed decision regarding possible impacts. At a minimum the notice should be re-sent with the proper information.
  
- B) On the approved plan, 73 total lots could be completed before the north connection of 17<sup>th</sup> street was built. The new modified proposal requests the 17<sup>th</sup> street connector be built sometime during or after the completion of Phase 4 (last phase), so all 169 lots could be completed. Concern: This change would create a traffic burden on S. 15<sup>th</sup> street for all north-bound traffic leaving the development. In the "Reasons for the change" provided by the developer, it states that the 17<sup>th</sup> street connection "*if needed*" can be built with Phase 4. This wording suggests the developer may desire to exclude the northbound 17<sup>th</sup> St. connector street entirely. At a minimum a new traffic analysis should be done. If the TIA is accepted, we request the developer provide city-approved traffic calming devices on S. 15<sup>th</sup> St.
  
- C) We question if this request really is a "Minor modification." PMC 18.130.030 Major Modification, 7 states "Changes...which are likely to have an adverse impact on adjoining properties." Although the Major Modification definition doesn't specifically address road changes within a new development, it does address how it could affect adjoining properties. PMC 18.130.040 Minor Modification states "Any modification to a land use decision or approved development plan which is not within the description of a major modification...or provides for a reduced impact shall be considered a minor modification." We believe this request clearly falls into the Major Modification category.

Respectively,

Steve Boggs, Planning Commissioner  
Peggy Yoder, Planning Commissioner

8-13-19

Greetings Patrick:

Please accept this email as my written comment regarding the proposed minor modification to the Blvd Apts., File #P19-18.

The Philomath planning commission approved this development with the condition that occupancy would be allowed only after substantial completion of off-site improvements. This modification is asking the city to ignore the decision made by the planning commission.

The 36 occupied family units would significantly increase the amount of drivers pulling onto Philomath Blvd. I realize that early occupancy would benefit the developer, but would not benefit the others that use this road, given that it is still a construction area.

I urge you to respect the decision that was made by the planning commission and deny this application.

Peggy Yoder

PO BOX 998

Philomath