

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

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

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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