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PHILOMATH PLANNING COMMISSION
MINUTES
March 20, 2017

1. **CALL TO ORDER.** Chair Shon Heern called the meeting to order at 7:02 PM in the City Hall Council Chambers.

2. **ROLL CALL:**

Present: Commissioners Shon Heern, Jacque Lusk, Jeannine Gay, Mark Knutson, Lori Gibbs, Caleb Nelson, and David Stein

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

3. **APPROVAL OF MINUTES:**

3.1 **September 19, 2016, Minutes**

MOTION: Commissioner Lusk moved, Commissioner Gay second, the September 19, 2016, minutes be accepted as presented. Motion APPROVED 7-0.

4. **PUBLIC HEARINGS:**

4.1 **PC17-01, Living Faith Community Church, application for Conditional Use Permit at 458 N 10th Street.** Chair Heern opened the public hearing at 7:02 p.m. and the rules for participation and testimony were read into the record. There were no ex-parte contacts, conflicts of interest, bias or site visits declared.

Staff Report: Mr. Minard presented the staff report dated March 14, 2017, as included in the agenda packet. He described the relationship of this lot to the Doud Subdivision and the recommended conditions of approval related to access and parking. He also described the change of use building permit application and reasoning behind delaying paving requirements so they could be coordinated with subdivision paving. He reviewed the recommended conditions of approval as contained in the staff report.

Commissioner Stein questioned how the 30 trip maximum per day would be monitored. Mr. Minard stated that most people want to do what is right; but if there is a problem, the neighbors will likely report it. He stated if that's the case, the City will follow-up and the issue will be addressed.

Applicant:

Jim Hall, Pastor, Living Faith Community Church, Philomath, OR – Pastor Hall explained that the house is in need of extensive remodel and it will be months before any meeting use would occur. He described the meetings held at their prior location with 16 to 18 people for Bible study or prayer meetings. He described potential future plans for a new church on the property to the west which could possibly be accessed off of North 9th Street. He stated that 30 trips per day maximum is not a problem, and the six month window for paving seems reasonable. He stated there will be traffic using North 10th Street during the remodel but they anticipate Pippa Lane will be completed from North 11th Street by the time they're ready to use the house for meetings. He stated the primary use of the house will be for office space for three pastors with occasional small groups.

Commissioner Gibbs questioned what the long-term plans are for the house if a church is constructed. Pastor Hall wasn't sure but thought it might continue to be used for something church related. Commissioner Nelson questioned if they have specific days and times for activities. Pastor Hall described the current group gatherings they hold in other locations that are typically three times per week.

Proponents:

Mel Whittier, Philomath, OR – Mr. Whittier stated he is generally in favor of the application as long as it meets the City's criteria and stated the church has been a good neighbor so

1 far. He stated PMC 18.35.030(F)(2) requires a minimum front yard setback of 15 feet. He
2 stated there is no way the house will be set back 15 feet from the intended new City
3 streets created by the Doud subdivision. Mr. Minard clarified that the proximity to the
4 proposed North 10th Street extension is not an issue to this conditional use permit
5 application.

6
7 **Opponents:** None.

8
9 **Neutral Parties including Governmental Bodies:**

10 Marie Oliver, Philomath, OR – Ms. Oliver stated that she did not have a problem with the
11 church having a meeting space. She requested clarity regarding the timing of construction
12 and the use of North 10th Street. She stated that traffic has already increased on North
13 10th Street and requested clarification about the 30 trips. She questioned if North 10th
14 Street is intended to be extended. Chair Heern stated that the 30 trips allows for 15 trips in
15 and 15 trips out; and if the church doesn't comply, the City will revisit the conditions of the
16 permit.

17
18 Lucas Hart, Philomath, OR – Mr. Hart stated he isn't opposed to the project but has the
19 same concerns as Mr. Whittier for the setback of the house. He stated it is only a few feet
20 from the edge of the proposed street right-of-way to the front porch of the house. He also
21 questioned whether the house is on City sewer or not.

22
23 **Applicant Rebuttal (limited to issues raised by Opponents):**

24 Steve Oien, Oien Construction, Philomath, OR – Mr. Oien stated the house is on City
25 sewer. Mr. Oien stated that the house may be under 15 feet to the proposed street but
26 could be remedied by a variance. He stated that construction on the street will begin
27 hopefully within a couple of months and that North 10th Street will not be used once Pippa
28 Lane is constructed. In the meanwhile, he stated, the church is using North 10th Street as
29 the only available access. Commissioner Gay questioned when the house was built. Mr.
30 Oien stated it was built in the 1970s. Commissioner Gay stated it is difficult to make old
31 houses comply with new regulations.

32
33 Pastor Jim Hall – Pastor Hall addressed the question regarding trips during the remodel
34 period. He stated it would be electricians, sheet-rockers and would be similar to a
35 residence remodel. He stated he has communicated to the neighbors that they should
36 contact him if they have any concerns.

37
38 Pastor Hall waived the right to submit final written arguments. Chair Heern closed the
39 public hearing at 7:55 p.m.

40
41 **4.2 DISCUSSION & DECISION**

42 Chair Heern reviewed concerns expressed regarding the setback requirements, trips and
43 access, and connection to the City sewer. Commissioner Stein stated it seemed the
44 setback requirement is an issue the City would have to address at the time of the
45 subdivision. Commissioner Lusk stated that after construction of that section of North 10th
46 Street and installation of the barricades, it will be a dead end and should be grandfathered
47 in.

48
49 **MOTION:** Commissioner Lusk moved, Commissioner Gay second, to approve the
50 application for the Conditional Use Permit based on the findings of fact contained in the
51 staff report and subject to the conditions of approval in the staff report. Motion
52 APPROVED 7-0.

53
54 **4.3 PC17-02, Skirvin Farms LLC application to apply city zoning to annexed parcels at
55 12-6-12C Lots 1200 and 500 and 12-6-12CB Lots 3901 and 4200, also known as 402 S
56 13th Street.** Chair Heern opened the public hearing at 8:02 p.m. and the rules for
57 participation and testimony were read into the record. There were no ex-parte contacts,
58 conflicts of interest, bias or site visits declared.
59

1 **Staff Report:** Mr. Minard presented the staff report dated March 14, 2017, as included in
2 the agenda packet. He stated the property has been planned under the Comprehensive
3 Plan for low density residential and the application is for the same.
4

5 **Applicant:**

6 Marlyn Weaver, Applicant's Agent, Willamette West Real Estate, Philomath, OR – Mr.
7 Weaver stated he thought the issue was resolved when annexation was applied for and
8 approved. He stated they are just looking to finish the process.
9

10 **Proponents:** None.

11 **Opponents:** None.

12 **Neutral Parties including Governmental Bodies:**

13 Mark Weiss, Philomath, OR – Mr. Weiss stated he voted for this annexation and his
14 understanding in doing so was that this was to formalize the relationship between the
15 Frolic & Rodeo with Skirvin Farms. He questioned if the Rodeo is going to be moved out
16 and the property used for a different purpose then the public should be notified. Mr. Minard
17 explained that what transpires with the property is up to the property owner. He stated that
18 the original staff report for the annexation was predicated on single family residential use
19 based on the Urban Growth Boundary designation and the highest practical use.
20
21

22 **Applicant Rebuttal (limited to issues raised by Opponents):**

23 Marlyn Weaver – Mr. Weaver stated that the Skirvins made a proposal to the City and the
24 City rejected that proposal. He stated the Skirvins are now in discussions with the Rodeo
25 and the question can't be completely answered at this time. He stated it is a work in
26 progress.
27

28
29 Mr. Weaver waived the right to submit final written arguments on behalf of his clients.
30 Chair Heern closed the public hearing at 8:16 p.m.
31

32 **4.4 DISCUSSION & DECISION**

33 Chair Heern summarized the concerns expressed about the Rodeo but noted it did not
34 affect the application before the Commission. Commissioner Stein questioned if a portion
35 of the property floods. It was confirmed that the property is in the floodplain. Mr. Minard
36 summarized the development code does provide for methods to build in the flood plain.
37 There was further discussion about challenges related to developing property in
38 floodplains.
39

40 **MOTION:** Commissioner Nelson moved, Commissioner Gay second, the Findings of Fact
41 in the staff report be adopted and the Planning Commission recommend the City Council
42 approve amending the Zoning Map to reflect City of Philomath Low Density Residential for
43 the subject property as presented in File No. PC17-02. Motion APPROVED 7-0.
44

45 Chair Heern announced this was a recommendation to the City Council and a public
46 hearing is scheduled for April 10, 2017, at 7:00 p.m. before the City Council on this
47 application.
48

49 Ms. Post announced that there are no applications pending which would necessitate a
50 meeting of the Planning Commission in April, so the April 17 meeting is cancelled.
51

52 **5. ADJOURNMENT:**

53 There being no further business Chair Heern adjourned the meeting at 8:25 p.m.
54

55 SIGNED:
56 Shon Heern, Chair

ATTEST:
Chris Workman, City Manager