

**PHILOMATH PLANNING COMMISSION**  
**MINUTES**  
April 30, 2018

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6 **1. CALL TO ORDER.** Vice Chair Lori Gibbs called the meeting to order at 8:00 PM in the  
7 City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

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9 **2. ROLL CALL:**

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

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

15  
16 **Excused:** Commissioners Jacque Lusk and Gary Conner.

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

19 **3.1 March 19, 2018, Minutes**

20 **MOTION:** Commissioner Boggs moved, Commissioner Gay second, the March  
21 19, 2018, minutes be accepted as presented. Motion APPROVED 5-0. (Yes:  
22 Boggs, Gay, Gibbs, Knutson and Stein; No: None.)

23  
24 **4. PUBLIC HEARING:**

25 **4.1 File Number PC18-03**

26 **Applicant:** Robert and Kathi Harwood

27 **Application Type:** Flood Damage Prevention Variance

28 **Location:** 326 S 15<sup>th</sup> Street, 12-6-12CD #102

29  
30 Vice Chair Gibbs opened the public hearing at 8:00 p.m. Ms. Cook read the rules for  
31 testimony. Vice Chair Gibbs requested any declarations of ex-parte contact, conflict of  
32 interest, bias or site visits concerning the case file. No declarations were made and there  
33 was no rebuttal of the declarations. Vice Chair Gibbs read the order for testimony.

34  
35 **Presentation of Staff Report:**

36 Mr. Workman summarized the staff report as included in the agenda packet. He  
37 explained that the current residents have lived in the location for many years and wanted  
38 to replace their old detached garage with a new structure. He explained the process that  
39 led to the new structure not being constructed to the elevation required in the flood plain.  
40 He described the variance allowed in the City's code for a non-residential structure to be  
41 constructed below the base flood elevation with an option for vents to create a flow-  
42 through construction, as opposed to the City's standard for watertight construction. He  
43 noted that the flow-through vents are closer to FEMA requirements and are preferred by  
44 FEMA. He stated the City's current code should be looked out to allow for flow-through  
45 instead of watertight. He stated that staff recommends approval of the variance.

46  
47 **Presentation of Applicant:**

48 The applicants waived testimony.

49  
50 **Presentation of Proponents:**

51 None.

52  
53 **Presentation of Opponents:**

54 None.

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

3 None.

4  
5 **Rebuttal by the Applicant, limited to issues raised by opponents:**

6 None.

7  
8 Commissioner Stein questioned what the cost of the vents are and who is paying to fix it.

9  
10 Kathi Harwood, 326 S 15<sup>th</sup> Street, Philomath, OR – Ms. Harwood stated their contractor  
11 will be installing the vents and feels bad about the situation.

12  
13 The applicant waived the right to submit final written arguments. Vice Chair Gibbs closed  
14 the public hearing at 8:09 p.m.

15  
16 **4.2 PC18-03 Discussion and Decision –**

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18 **MOTION:** Commissioner Boggs moved, Commissioner Knutson second, the Planning  
19 Commission approve the flood damage prevention variance based on the findings of fact  
20 contained in the staff report dated April 19, 2018, for file PC18-03 subject to the  
21 conditions of approval in the staff report. Motion APPROVED 5-0 (Yes: Boggs, Gay,  
22 Gibbs, Knutson, and Stein; No: None).

23  
24 Ms. Post stated this was a final decision with appeal rights to the Philomath City Council.  
25 There was discussion about the FEMA rules for construction in the floodplain.

26  
27 **4.3 File Number PC18-02**

28 **Applicant:** Chris and Lynnette Shonnard

29 **Application Type:** Annexation

30 **Location:** 890 & 892 N 19<sup>th</sup> Street, 12-6-12A #2100, 2300 and 2301

31  
32 Vice Chair Gibbs opened the public hearing at 8:15 p.m. Ms. Cook read the rules for  
33 testimony. Vice Chair Gibbs requested any declarations of ex-parte contact, conflict of  
34 interest, bias or site visits concerning the case file. No declarations were made and there  
35 was no rebuttal of the declarations. Vice Chair Gibbs read the order for testimony.

36  
37 **Presentation of Staff Report:**

38 Mr. Workman summarized the staff report as included in the agenda packet. He noted the  
39 failing private septic system on two of the three lots. He noted that the Comprehensive  
40 Plan designation upon annexation is Office/Residential which requires staff analysis at  
41 the highest and most intensive potential use which would be up to 68 apartment units;  
42 however, he added that the property is currently leased and has an active tenant. He  
43 stated the primary driver for annexation is to allow for access to City water and sewer. He  
44 noted comments from Benton County Environmental Health Department regarding the  
45 failing septic system.

46  
47 Mr. Workman noted that the section of Industrial Way that is currently under Benton  
48 County jurisdiction from 19<sup>th</sup> Street to the entry of Georgia-Pacific would also be annexed,  
49 making all of Industrial Way under City jurisdiction. He stated that staff recommends the  
50 Planning Commission approve the annexation and forward it to the City Council for  
51 consideration and action.

1 **Presentation of Applicant:**

2 Chris Shonnard, Philomath, OR – Mr. Shonnard stated they purchased the property  
3 approximately four years ago and they had suspected that the septic system was  
4 inadequate. He stated the majority of the property is leased to First Student for bus barns  
5 and there is an existing A-frame house. He stated they have no plans for multi-family  
6 housing on the property.  
7

8 Commissioner Knutson stated the discussion should be conducted under the assumption  
9 that plans change and development including an apartment complex would be allowed.  
10

11 Commissioner Stein questioned why the application wasn't processed under the health  
12 hazard annexation code. Mr. Workman stated that was part of his initial review; however,  
13 the State has been known to reverse some decisions made by local jurisdictions due to a  
14 different definition of health hazard. Mr. Shonnard stated the house has a resident and  
15 there are restrooms in the bus barns and at the landscaping location. He stated the City  
16 Attorney's advice to use the full annexation process also surprised him.  
17

18 **Presentation of Proponents:**

19 None.  
20

21 **Presentation of Opponents:**

22 None.  
23

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

25 None.  
26

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

28 None.  
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30 The applicant waived the right to submit final written arguments. Vice Chair Gibbs closed  
31 the public hearing at 8:33 p.m.  
32

33 **4.4 PC18-02 Discussion and Decision** – Commissioner Boggs questioned if a  
34 development could occur in the future. Mr. Workman stated that an application would be  
35 held to the development standards as for any other development. Commissioner Stein  
36 stated the current use could be torn down but the septic situation would only get worse.  
37

38 **MOTION:** Commissioner Boggs moved, Commissioner Gay second, the Planning  
39 Commission adopt the Findings of Fact as presented in the staff report dated April 23,  
40 2018 and that this annexation application as presented in File No. PC18-02 be forwarded  
41 to the City Council for consideration and action. Motion APPROVED 5-0 (Yes: Boggs,  
42 Gay, Gibbs, Knutson, and Stein; No: None).  
43

44 Ms. Post announced that a public hearing on the application will be held before the City  
45 Council on Monday, May 14, 2018 at 7:00 p.m.  
46

47 Mr. Workman stated the Commission is scheduled for a work session on zoning code  
48 changes on May 21 at 5:15 p.m. He stated no decisions will be made during the work  
49 session but it is an opportunity to review, discuss and provide staff with direction.  
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51 He stated the City Council will consider the Millpond Crossing application on May 21 at  
52 7:00 p.m. after the Planning Commission work session.  
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**5. ADJOURNMENT:**

There being no further business, Vice Chair Gibbs adjourned the meeting at 8:41 p.m.

SIGNED:  
Jacque Lusk, Chair

ATTEST:  
Ruth Post, MMC, City Recorder