

**PHILOMATH PLANNING COMMISSION  
MINUTES  
July 29, 2019**

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6 **1. CALL TO ORDER:** Chair Stein called the Public Hearing to order at 6:00 pm

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8 **2. ROLL CALL:**

9 **Present:** Commissioners Gary Conner, Joseph Sullivan, Lori Gibbs, Steve Boggs,  
10 Peggy Yoder, and Chair David Stein.

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12 **Staff:** Chris Workman, City Manager; Patrick Depa, Planner; and Ashley  
13 Howell, Building Permit Clerk.

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15 **3. CONTINUATION OF PUBLIC HEARING**

16 **3.1** File Number: PC19-02, PC19-03, PC19-04, PC19-05, PC19-06, PC19-07

17 Applicant: Scott Lepman Company

18 Application Type:

- 19 • Master Plan (PC19-02)
- 20 • Industrial Flex Space (PC19-03)
- 21 • Indoor Storage/Outdoor Storage – Boat & RV (PC19-04)
- 22 • RV Park (PC19-05)
- 23 • Conditional Use Permit (PC19-06)
- 24 • Lot Coverage Variance (PC19-07)

25 Location: 617 N 19<sup>th</sup> St., Assessor's Map 12612, Tax Lot 100, 200 & 201

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27 Commissioner Gibbs and Commissioner Conner confirmed they listened to the audio from the  
28 previous hearing on July 15, 2019, and familiarized themselves with the record.

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30 **Staff Report-** City Planner, Patrick Depa summarized the Staff Report. He explained that this is  
31 a Master Plan Development industrial mixed-use. He stated that this project has three specific  
32 proposed uses; indoor/outdoor storage and boat storage, and an RV Park. He stated that all of  
33 these uses are permitted and allowed in the industrial districts that they reside in. He explained  
34 that this development has been reviewed under Master Plan Development, which has more  
35 scrutiny and direction toward the Comprehensive Master Plan. He stated that none of the uses  
36 can be separated and must be reviewed together. He discussed the six cases to review and  
37 that some of these require Site Design Review. He stated that Master Plan Overlay is  
38 considered heavily on the comprehensive policies, which include very detailed studies. All three  
39 uses support the policies of the Comprehensive Plan. He discussed the Site Design Review  
40 and that it focuses on design, layout, paving, building materials, signage, parking, and  
41 connectivity to the surrounding community. All conditions were met or exceed in review. He  
42 explained the Conditional Use for the allowance of the two viewing platforms within the riparian  
43 corridor, and a Variance of 0.3% total lot coverage over the allowed amount. He stated again  
44 that all six cases could be voted on together because of the application being a Master Plan  
45 Development. He suggests that the conditions be read off with approval, and be specific to The  
46 Conditional Use and The Variance.

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**Public Testimony**

Lawrence Johnson, Philomath, OR – Mr. Johnson spoke in opposition to the project. He noted that he had reviewed the applicant’s rebuttal. He discussed the Army Corp of Engineers’ report that was just recently released with several findings that raise concerns for him. He believes it may be premature for the Commission to make a decision until that study is closed. He also noted the two wells that are in the applicant’s rebuttal and questioned the use of the two wells. He questioned how the City would measure the use of water in regards to sewage if the two wells on site are used and not metered City water. He stated that in the application and reports there should be a Citizen’s Advisory Report that he has yet to see. He believes that the Staff Report should have taken into account the studies that are still pending. He requested that the record be kept open until some of the significant reports have been resolved.

Ann Buell, Philomath, OR – Ms. Buell spoke in opposition to the project. She read her statement into the record (see supplemental agenda item A). She stated that a five-minute time limit for comment is unreasonable due to the significant amount of material in the application and rebuttal. She requests that the Commission review the public testimonies and hopes that the Commissioners have gone through the Comprehensive Plan and matched where the application is in violation. She stated that the taking of species that are endangered is illegal, questioned why that is not in the Comprehensive Plan, and how the Commission will handle it. She spoke to Rana Foster’s written testimony, noting various traffic concerns, endangered species in the project area and local wildlife. She addressed the 3,500 yards of fill that may be dumped into Newton Creek.

Jeff Lamb, Philomath, OR – Mr. Lamb spoke in opposition to the project. He spoke to Commissioner Sullivan’s previous comments regarding the decision making process in congruence with the 1999 Comprehensive Plan. He questioned why all six cases are being considered under one vote of approval. He explained that the Army Corp of Engineers, the Oregon State Land and Conservation Department and the DEQ are all seeking public comment for their written reports. He stated that he spoke to the DEQ and they replied that it is unusual for applicants to submit applications before such studies are completed. He requested that the record be held open due to the permit requested of the Army Corp of Engineers.

Catherine Biscoe, Philomath, OR – Ms. Biscoe spoke in opposition to the project. She stated that she serves on the Philomath Budget Committee. She would like to review the infrastructure costs of this project to the City and that there are still concerns to the Water Treatment Plant costs. She noted the priority two and three costs that are based on a population increase. She explained that those concerns may or may not include our debt service or inflation. She is concerned about failing sewer lines in the northeast part of town and that there is currently no plan in the budget to replace those lines. She quoted the book titled, “Better not Bigger,” excerpt from page 46, speaking to urban growth and the demand on public resources. She noted that neither the Staff Report nor the application address the cost to the tax paying citizens of Philomath. She discussed that this project will not provide many opportunities of employment, but have high and negative impacts on the City’s water and infrastructure. She believes that the project will be a gated community that only benefits itself and in no way applies to affordable housing. She discussed the Army Corp of Engineers’ environmental impact report. She asked the Commission to hold the record open until the completion of the Army Corp of Engineers’ report be completed.

103 Kathy Hensman, Philomath, OR – Ms. Hensman spoke in favor of the project. She read her  
104 statement into the record (see supplemental agenda item B). She stated that she is pro-growth  
105 and believes that the RV Park would be a sustaining business. She believes that cliental  
106 traveling to the coast would utilize the RV Park and local businesses. She discussed that the  
107 positive impact on local businesses would compensate for the traffic that the RV Park would  
108 bring. She believes growth in the City is not going to stop, nor should it. She discussed that  
109 after reviewing the Staff Report, she does not see any issues with water, sewer, or power that  
110 should stop a development such as this. She stated that the only issue that would affect local  
111 residents would be traffic. She stated that in her experience in various RV Parks, she has yet to  
112 see an overabundance of children living in the parks.

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114 Sandy Heath, Philomath, OR – Ms. Heath spoke in neutrality of the project. She read her  
115 statement into the record (see supplemental agenda item C). She stated that she is the current  
116 elected chair of, Grow Philomath Sensibly. She believes that the Comprehensive Plan is out of  
117 date and does not allow the city to grow in a sustainable and sensible way. She showed the  
118 City Organizational chart that has the citizens of Philomath on the top of the chart, meaning their  
119 well-being should be first. She explained that this project is in no way affordable housing. She  
120 stated that any contribution to the community would be limited due to cliental likely shopping in  
121 Corvallis. She stated that the City has said publicly that it would not promote high water use  
122 industries. She noted the City’s water report from West Tech Engineering. She stated that the  
123 applicant would be dumping 3,400 square yards of fill on one acre. She noted that any person  
124 may request in writing a public hearing by August 21, 2019 with the Army Corp of Engineers.  
125 She noted ODOT’s concerns and believes that the application is incomplete. She requests that  
126 the record be held open until all reports and studies have reached their comment periods  
127 specified by law.

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129 Tim Wenger, Philomath, OR – Mr. Wenger spoke in neutrality of the project. He stated that he  
130 lives close to the RV Park. He discussed his property location and that he would be looking  
131 directly at the RV Park from his home. He explained that because of this he may not be in favor  
132 of the RV Park; however, he would be in favor of this park because of its contribution to local  
133 restaurants. He believes this project will in fact provide some affordable housing.

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135 Robert Biscoe, Philomath, OR – Mr. Biscoe spoke in opposition to the application. He stated  
136 that he conquers with most of the previous opposition comments. He asked the Commission to  
137 keep the record open due to the issues with the Army Corp of Engineers and to wait until the  
138 findings and possible testimonies are processed. He explained that although traffic studies  
139 have been done, he is unaware of how one studies traffic changes concerning cliental that are  
140 extended stay versus short term. He questioned whether as a community we are offering  
141 affordable housing and that the City should do a better job of making sure they are providing it.  
142 He hopes that the Commission is listening to the public and that the citizens of Philomath will be  
143 taking the brunt of the impact that this project will have on the City’s current infrastructure.

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145 May Dasch, Philomath, OR -- Ms. Dasch spoke in opposition to the project. She read her  
146 statement into the record (see supplemental agenda item D). She quoted a write up from the  
147 Corvallis Gazette Times discussing the drop in ground water supply. She discussed various  
148 proposed uses of the City’s two wells. She asks that the Commission consider the City’s  
149 tenuous water supply when considering the Lepman application. She stated that water is the  
150 key to our community being successful and that the City’s supply is proving unpredictable.

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152 Chair Stein called a break at 6:55pm.

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154 Chair Stein called the Public Hearing back to order at 7:05 p.m.

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157 **Presentation by Applicant**  
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159 Mr. Scott Lepman spoke in rebuttal to the opposition. He stated that he also submitted a written  
160 rebuttal addressing the concerns of the July 15, 2019 opposition. He explained that there have  
161 been concerns raised at the present meeting, as well as additional written testimony that they  
162 would like the opportunity to rebut. He spoke to the development process of the proposed  
163 Storage Units and RV Park. He explained that that the Army Corp of Engineers and  
164 Department of State Lands are two agencies that address filling in a wetland. Mr. Lepman  
165 addressed a large diagram, also presented at the July 15, 2019 meeting, to further explain to  
166 the public where fill would be placed. He noted that there are two large bridges that are going to  
167 cover the wetlands and will not be affecting two creeks on the industrial property. He noted that  
168 the biggest impact is the storm water quality feature. He stated that they would be creating a  
169 wetland, but that it would be referred to as a, "dry pond." He stated that although the pond is  
170 not technically considered a wetland, it would function as such and treat the storm water before  
171 it enters Newton Creek. He explained that the reason for the dry pond being incorporated into  
172 the project is due to the lack of access to a public road, specifically Highway 20. Furthermore,  
173 he noted that Oregon Department of Transportation determined the location of the public access  
174 road due to specific guidelines. He explained that the decision of public road access by Oregon  
175 Department of Transportation was the reason for determining the location of the dry pond  
176 treatment facility. He stated that this project is only affecting low-value wetlands.  
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178 Commissioner Yoder asked Mr. Lepman what the term, "low-value wetland," means. Allan  
179 Martin, Wetland Consultant for the Lepman project, explained that wetlands are categorized  
180 based on the functions, values, and services provided. Whether or not the wetland is forested,  
181 the native plants present, and whether it has been degraded or affected by previous  
182 development determine these qualities. He noted that the forested wetland in the riparian zone  
183 provides habitat, water storage and a number of higher wetland services. He further explained  
184 that the wetland affected by the dry pond has a low number of native plants and is not forested.  
185 He noted that there is only about a half of an acre that would be affected by the dry pond.  
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187 Chair Stein asked for clarification on the storm water treatment facility, or dry pond, and how it  
188 would function. Bryan Vandetta introduced himself as the Project Engineer to address Chair  
189 Stein's question. He explained that the storm water quality pond has a dead zone in the bottom  
190 of it that is around six inches deep that would remain there throughout the changing of seasons.  
191 When the storm water flows into the dry pond, it provides a sump for the settlement carried by  
192 the storm water. He explained that the dry pond also has aquatic vegetation that then treats the  
193 water and helps remove some of the pollutants, as well as an infiltration system. He stated that  
194 the function of the pond is sized based on the impervious area that it is treating. He explained  
195 that the storm water quality pond functions as a wetland, although it is not referred to as such.  
196 He noted that the site owners would pay into mitigation bank for the existing wetland displaced  
197 by the dry pond.  
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199 Mr. Lepman noted that they have worked very hard to address the issues and concerns that  
200 were presented at the previous meeting, and would like the opportunity to rebut the concerns  
201 presented at this meeting. He asked for clarification of the policy in regards to closure of the  
202 record and final decision.  
203

204 Mr. Workman explained that several members of the public have made a request to hold the  
205 record open. There was discussion and clarification of the municipal code applicable to this  
206 public hearing and holding the record open. He stated that the public hearing could be closed,  
207 but the record held open until a certain date and time selected by the Commission  
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209 There was discussion of the process that could take place should the application be approved.  
210 Mr. Workman clarified that any appeal process would go through The City Council. He noted  
211 that it is very common that applications are approved with specific conditions of approval before  
212 any decisions from the Department of State Lands or Army Corp of Engineers are determined.  
213 Once approval is received and all conditions are met, the City would then issue any permits for  
214 utilities and building to the applicant. He stated that because The City only has 120 days to  
215 make a local land use decision, and it is very uncommon for the Department of State Lands and  
216 Army Corp of Engineers to make a decision in less than 120 days, most cities and counties  
217 have to approve land use applications with similar conditions of approval.

218  
219 **MOTION:** Commissioner Sullivan moved/Commissioner Boggs second, to hold the record open  
220 until August 13, 2019 at 5:00 p.m. and reconvene on August 26, 2019. Motion APPROVED 6-0.  
221 (Yes: Sullivan, Conner, Gibbs, Boggs, Yoder, Stein. No: None.)

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223 The Planning Commission agreed by consensus to close the public hearing.

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225 Mr. Workman clarified that the public record will be left open until August 13, 2019 at 5:00 p.m.  
226 The applicant will have until August 20, 2019 at 5:00 p.m. to submit final written rebuttal limited  
227 to new issues raised in the present meeting and any testimony submitted up to August 13,  
228 2019.

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230 Chair Stein closed the public hearing at 7:42 p.m.

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233 **4. ADJOURNMENT:**

234 There being no further business, Chair Stein adjourned the meeting at 8:00 p.m.

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236 Minutes recorded by Ashley Howell, Building Permits Clerk

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238 SIGNED: ATTEST:  
239 Lori Gibbs, Vice Chair Ruth Post, MMC, City Recorder