

**PHILOMATH PLANNING COMMISSION
MINUTES
August 15, 2016**

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5 **1. CALL TO ORDER.** Commissioner Jacque Lusk called the meeting to order at 7:00 PM in the City
6 Hall Council Chambers.

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8 **2. ROLL CALL/INTRODUCTIONS:**

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10 **Present:** Commissioners Jacque Lusk, Jeannine Gay, Patrick McDonald, and Lori Gibbs
11 (via teleconference).

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13 **Staff:** Chris Workman, City Manager; Dan Miller, Deputy City Attorney; Jim Minard,
14 Planner; and Ruth Post, City Recorder.

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16 **Excused:** Commissioners Shon Heern, Mark Knutson, and Gabe Callaway.

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18 **3. APPROVAL OF MINUTES:**

19 **3.1 June 20, 2016, Minutes**

20 **MOTION:** Commissioner Gay moved, Commissioner McDonald second, the June 20,
21 2016, minutes be accepted as presented. Motion APPROVED 4-0.

22
23 **4. PUBLIC HEARING #1:**

24 **4.1 PC16-06; Applicant: Phil Doud; Application Type: 10-lot subdivision; Location: 458**
25 **N 10th Street (12-6-12BC, Tax Lot 800)** – Commissioner Lusk opened the public hearing
26 at 7:03 p.m. Mr. Miller read the statement describing the presentation of testimony and
27 evidence related to the approval criteria.

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29 Commissioner Lusk requested any ex parte contacts, conflicts of interest, bias or site
30 visits. No members of the Planning Commission declared any ex parte contacts, conflicts
31 of interest, bias or site visits. She announced the order of testimony.

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33 **Staff Report:**

34 Mr. Minard reviewed the staff report as included in the agenda packet. Staff recommended
35 approval of the application subject to the conditions of approval provided in the staff
36 report.

37
38 **Applicant:**

39 Phil Doud, Owner, Corvallis, OR and Steve Oien, Contractor, Philomath, OR – Mr. Doud
40 stated the property was purchased with a plan for Living Faith Community Church to build
41 a new church on one part of the original parcel. He stated he wants to develop the
42 remaining property and provide lots for people to build on. He stated that he intends to
43 have covenants and restrictions (CC&R's) on the lots. He stated they plan to develop the
44 property, create the lots and sell them to people who want to build a house. He stated a
45 minimum square footage restriction might be approximately 1,000 square feet and
46 restrictions on using a vacant lot for storage.

47
48 **Proponents:**

49 None.

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51 **Opponents:**

52 Susan Craig, Philomath, OR – Ms. Craig stated she is a long-time resident, having served
53 on the Planning Commission and City Council. She stated concerns about a proposed
54 CC&R for small homes and the applicant not planning on actually building homes
55 themselves. She read her submitted testimony with concerns about the state of North 10th
56 Street. (Supplemental Agenda Item 4.1) She described structural problems with North
57 10th Street due to steep slopes with a lack of appropriate drainage. She stated
58 understanding of the development process but feels the residents of North 10th Street will
59 be left holding the bag for improvements. She recommended that the subdivision connect

1 from 9th to 11th Streets. She requested that CC&R's be required. She stated concerns
2 about the depth some of the existing utilities are at on North 10th Street.

3
4 Robert Ponder, Philomath, OR – Mr. Ponder had concerns about who was going to pay to
5 fix North 10th Street. He stated if the developer is not required to fix it then the residents
6 will be left having to pay for it. He questioned the partitioning process involving Tract A.
7

8 Marie Oliver, Philomath, OR – Ms. Oliver stated she lives on North 10th Street and chose
9 to live on this street because it was a quiet street. She stated she is preparing to move into
10 retirement and has concerns that any costs to improve North 10th Street would be passed
11 on to her landlord and then herself. She stated she would like to maintain her current
12 location on a long-term basis. She described negative impacts increased traffic and
13 construction noise would have on her as a writer. She requested North 10th Street remain
14 a dead end.
15

16 Garland Burdock, Philomath, OR – Ms. Burdock stated concerns about drainage and other
17 issues with North 10th Street. She supported it remaining a dead end.
18

19 **Neutral Parties including Governmental Bodies:**

20 Mel Whittier, Philomath OR – Mr. Whittier stated he opposed the application as long as it
21 has access via North 10th Street as presently built. He distributed his testimony
22 (Supplemental Agenda Item 4.1). He cited PMC 18.65.020, 18.65.030, 18.80.010,
23 18.80.020 and 18.80.050 as requiring improvements to North 10th Street prior to allowing
24 access to the proposed subdivision via North 10th.
25

26 Commissioner Gay asked if North 10th Street were brought to city standards, would the
27 neighbors accept the subdivision. Mr. Whittier stated he would accept it. Ms. Gay stated
28 the street should be upgraded.
29

30 Lucas Hart, Philomath, OR – Mr. Hart stated that Mr. Whittier had covered his concerns
31 and he didn't see anything in the proposal that addressed those. He stated he had no
32 opposition to the development but just that the street is not adequate. He stated the paved
33 section is the width of a one lane street.
34

35 **Rebuttal by Applicant – Limited to issues raised by Opponents:**

36 Phil Doud and Steve Oien – Mr. Doud stated he agreed with the neighbors that there is a
37 problem with North 10th Street. He stated he hadn't addressed it in his application. He
38 stated the church access will be off of North 9th Street. He stated that he can show Mr.
39 Ponder the Tract A lot line adjustment. Mr. Oien stated the sewer line will be extended via
40 North 11th Street and there will not be much digging up of North 10th Street. He stated
41 there will not be storm drainage runoff via North 10th Street. He stated the Fire
42 Department is requesting the through access. Commissioner Lusk questioned if the Fire
43 Department would approve a breakaway access on North 10th Street. Mr. Doud stated he
44 would be happy to meet with Ms. Craig and others to develop the CC&R's.
45

46 Mr. Doud waived the right to submit final written arguments. Commissioner Lusk closed
47 the public hearing at 7:59 p.m.
48

- 49 **4.2 PC16-06 Discussion and Decision** – Mr. Minard addressed the question about the
50 partition of Tract A and stated it is acceptable to the City as being similar to the approved
51 partition. He addressed proposed CC&R's and noted the City does not enforce those
52 private covenants. He stated they would be a civil matter. Mr. Minard addressed
53 connectivity and the expectation that streets connect. He stated a transportation system
54 study was not required due to the expectation that most traffic would access the
55 subdivision via North 11th Street. He stated there is no factual basis that the existing
56 street would be unable to handle the additional traffic. Commissioner Lusk questioned
57 what impact a church on the other parcel might have. Commissioner Gibbs stated she felt
58 a need for more information before a decision is made. Commissioner McDonald
59 questioned if there are any plans by the City to improve North 10th Street. Mr. Workman

1 stated the City's Transportation System Plan is in the process of update. He stated there
2 are several dead end streets that require improvements. He stated he would expect traffic
3 counts to support North 10th Street being higher on the priority list. Mr. Workman
4 described the effect of improving a street resulting in adjacent property owners being
5 required to put in sidewalks and the lack of benefit for property owners on the smaller
6 streets. Mr. Minard stated that a breakaway barricade on North 10th Street would be
7 contrary to connectivity. Mr. Minard suggested a third motion option would be to table the
8 application to a time and date certain. There was discussion about options related to
9 requesting additional clarification of issues.

10
11 Mr. Doud stated he was happy to sit down with the North 10th Street neighbors and
12 address CC&R's.

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14 **MOTION:** Commissioner McDonald moved, Commissioner Gay second to schedule the
15 conclusion of deliberations to August 29, 2016, at 7:00 p.m. Motion APPROVED 4-0.
16

17 **5. PUBLIC HEARING #2:**

18 **5.1 PC16-07, Applicant: Verizon Wireless; Application Type: Conditional Use Permit;**
19 **Location: 545 N 13th Street** – Commissioner Lusk opened the public hearing at 8:21
20 p.m. Mr. Miller read the statement describing the presentation of testimony and evidence
21 related to the approval criteria.
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23 Commissioner Lusk requested any ex parte contacts, conflicts of interest, bias or site
24 visits. No members of the Planning Commission declared any ex parte contacts, conflicts
25 of interest, bias or site visits. She announced the order of testimony.
26

27 **Staff Report:**

28 Mr. Minard reviewed the staff report as included in the agenda packet. He noted that the
29 issue with regard to the conditional use permit is the height of the tower.
30

31 **Applicant:**

32 Sharon Gretch, MD7 LLC, Agent for Applicant, Philomath, OR – Ms. Gretch described the
33 method used to decide on new tower sites where coverage gaps exist. She stated that the
34 particular gap that exists is constrained to a specific location and is based on available
35 acceptable locations in that area. She described zoning criteria that precluded other sites
36 due to residential use and wetlands.
37

38 **Proponents:**

39 None.
40

41 **Opponents:**

42 Joan Extrom, Philomath, OR – Ms. Extrom stated it would be inappropriate to build a cell
43 tower of any height in an area that close to residential use.
44

45 Gerald Hawkins, Philomath, OR – Mr. Hawkins stated his concern with the location near a
46 residential area and had concerns over potential health issues. He questioned why it
47 couldn't be built on the east side of the industrial lot where there are no residences.
48

49 Catherine Biscoe, Philomath, OR – Ms. Biscoe had concerns about neighbors not
50 receiving notice of the public hearing. She questioned health concerns and stated she had
51 located reference on-line to the health hazard potential. She also stated that property
52 values can decline by 20% due to a visible tower. She stated concerns about generator
53 noise. She requested that it be moved farther into the heavy industrial area and away from
54 residential use.
55

56 **Neutral Parties including Governmental Bodies:**

57 Michael Gregg, Philomath, OR – Mr. Gregg questioned why that particular location for a
58 tower. He suggested that other locations would be more practical. He stated there are no
59 other cell towers in Philomath and this would set a precedent.

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2 **Rebuttal by Applicant – Limited to issues raised by Opponents:**

3 Sharon Gretch – Ms. Gretch stated the tower would meet federal safety requirements.
4 With regard to moving the location farther east, she stated the property owner had ruled
5 that location out as being in the middle of their log yard business.
6

7 Robert Biscoe, Philomath, OR – Mr. Biscoe stated he knows the owner of the logging yard
8 and questioned if the owner might reconsider another area.
9

10 Ms. Gretch stated the application is based on the agreed upon location with the property
11 owners.
12

13 On behalf of the applicant, Ms. Gretch waived the right to submit final written arguments.
14 Commissioner Lusk closed the public hearing 8:58 p.m.
15

16 **5.2 PC16-07 Discussion and Decision** – Mr. Minard stated the issue before the Commission
17 is the height of the tower. He stated the tower is allowed outright in the heavy industrial
18 zone and height of nearby tree canopy
19

20 **MOTION:** Commissioner Gibbs moved, Commissioner McDonald second, to deny the
21 Conditional Use Permit for the Verizon Cell Tower.
22

23 Mr. Minard clarified that criteria must be cited to justify the denial. Mr. Miller stated that the
24 Commission needs to address the height issue. There was discussion about comparing
25 the criteria to the reasons for the denial. Mr. McDonald stated he wanted additional
26 information about locating the tower elsewhere on the property. Mr. Minard suggested that
27 PMC 18.120.040A Criteria #1 could be interpreted to determine that visibility and aesthetic
28 considerations had not been met. He stated that, based on input from the Commission,
29 the staff report would be considered amended to state that Criteria #1 had not be met with
30 regard to visibility and aesthetic considerations.
31

32 **MOTION:** Commissioner Gibbs amended her motion to make the denial based on the
33 amended staff report findings as described by Mr. Minard. Commissioner McDonald
34 concurred with his second.
35

36 Motion APPROVED 3-1 (Yes: Gibbs, McDonald, Lusk; No: Gay). Mr. Minard stated that a
37 Notice of Decision will be issued tomorrow and does have appeal rights to the Philomath
38 City Council.
39

40 **6. PUBLIC HEARING #3:**

41 **6.1 PC16-08, Applicant: Kevin Nichols; Application Type: Comprehensive Plan and**

42 **Zone Map Amendment; Location: 1350 Houser Lane** – Commissioner Lusk opened the
43 public hearing at 9:16 p.m. Mr. Miller read the statement describing the presentation of
44 testimony and evidence related to the approval criteria.
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46 Commissioner Lusk requested any ex parte contacts, conflicts of interest, bias or site
47 visits. No members of the Planning Commission declared any ex parte contacts, conflicts
48 of interest, bias or site visits. She announced the order of testimony.
49

50 **Staff Report:**

51 Mr. Minard reviewed the staff report as included in the agenda packet. He described the
52 existence of split zoned lots such as this one in a few places in town due to the manner in
53 which zone lines were originally drawn.
54

55 **Applicant:** Not present.
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57 **Proponents:**

58 Cindy Taylor, Salem, OR – Ms. Taylor stated she owns the property just to the north of Mr.
59 Nichols and just recently found out her property is also zoned heavy industrial.

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Opponents:

None.

Neutral Parties including Governmental Bodies:

Robert Biscoe, Philomath, OR – Ms. Biscoe questioned if the City has any plans to punch North 13th Street or Industrial Way through.

Ms. Gay stated the Comprehensive Plan did, at one time, have North 13th Street connecting to Industrial Way. Mr. Workman stated that a zone change is all that has been submitted at this time. He stated that when a development plan is submitted, connectivity will be addressed.

Rebuttal by Applicant – Limited to issues raised by Opponents:

None.

Mr. Miller advised that the Commission cannot waive the 7 day period on behalf of the applicant. Commissioner Lusk closed the public hearing 9:31 p.m.

6.2 PC16-08 Discussion and Decision – Tabled until August 29, 2016, at 7:00 p.m.

7. ADJOURNMENT:

There being no further business Commissioner Lusk adjourned the regular meeting at 9:32 p.m.

SIGNED:
Jacque Lusk, Commissioner

ATTEST:
Ruth Post, MMC, City Recorder