



CITY OF PHILOMATH

980 Applegate Street
PO Box 400
Philomath, OR 97370
541-929-6148
541-929-3044 FAX
www.ci.philomath.or.us

Mission: To promote ethical and responsive municipal government which provides its citizenry with high quality municipal services in an efficient and cost effective manner.

PLANNING COMMISSION

August 17, 2020

6:00 p.m.

MEETING AGENDA

Meeting Access Information

This meeting is being held via video conference. Citizens may use the video link or phone number provided below to listen to the meeting. For residents that do not have a phone or access to the internet, a small number of chairs will be provided at City Hall to comply with public meetings laws and social distancing requirements.

Please use the following link or phone number to access the meeting:

Video: <https://zoom.us/j/2065507670?pwd=eTJqL3Nubk83ODJKTy9LdUQvYXg5Zz09>

Meeting ID: 206 550 7670

Password: Philomath

Phone: 312-626-6799 or 346-248-7799

Digital Passcode: 492443

Meeting Conduct

All non-city participant microphones and screens will be muted. Presenters and members of the public will only be unmuted if called on to speak. The chat function will be disabled during the meeting.

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| 1. CALL TO ORDER | 5 min |
| 1.1. Roll call | |
| 1.2. Warm up Activity "good news" | |
| 2. APPROVAL OF MINUTES | 5 min |
| 2.1. July 20, 2020 | |
| 3. REPORTS (as needed) | 10 min |
| 3.1. 2040 Advisory Committee update (Stein, Yoder) | |
| 3.2. Downtown Streetscapes (Conner) | |
| 4. UNFINISHED BUSINESS | |
| <i>No unfinished business at this time</i> | |
| 5. NEW BUSINESS | 10 min |
| 5.1. Being Better Communicators | |

NOTICE: Given 2 business days' notice, an interpreter will be made available for the hearing impaired or those with limited English proficiency. Contact person: Ruth Post, (541) 929-6148.

6. ANNOUNCEMENTS & STAFF UPDATES **5 min**
6.1. Staff update (staff)
6.2. Proposed next meeting date: September 21 @ 6:00 PM

7. COMMUNITY COMMENTS **5 min**

8. ADJOURNMENT

Total 40 minutes

Reminder – If able, please help us save time by reading the draft minutes and emailing any corrections to Ashley before the meeting.

**PHILOMATH PLANNING COMMISSION
MINUTES
July 20, 2020**

1. **CALL TO ORDER:** Chair Sullivan called the meeting to order at 6:02 p.m. via video conference.
 - 1.1 **Roll Call:**

Present: Commissioners Gary Conner, Steve Boggs, David Stein, Peggy Yoder, Joseph Sullivan, Giana Bernardini, Jeannine Gay Ruth Causey (ex officio member from the City Council)

Absent: None

Staff: City Manager Chris Workman, Deputy City Attorney David Coulombe, City Planner Pat Depa

Chair Sullivan started the meeting with a warm up activity. Commissioners shared good news.

2. **APPROVAL OF MINUTES**
 - 2.1 **Minutes of June 29, 2020** – Peggy Yoder asked to verify if three members indeed abstained from the motion. Commissioner Conner and Chair Sullivan confirmed that they abstained.

MOTION: Commissioner Yoder moved, Commissioner Stein second, to approve the June 29, 2020 minutes. Mr. Coulombe explained the appropriate time and manner in which to abstain from a vote. Motion APPROVED 7-0 (Yes: Sullivan, Conner, Boggs, Stein, Yoder, Bernardini, Gay; No: None).

3. **PUBLIC HEARING**
 - 3.1 Planning File PC20-01 Keady
505 & 507 Fawn Lane, Tax Lots 5700 & 5800 on Map 12-6-11AB
Variance to the maximum allowed lot size of 10,500 sq. ft.

Chair Sullivan opened the Public Hearing at 6:14 p.m.

City Attorney Coulombe read the following statement:

For those testifying tonight, please direct your testimony to the criteria as described in the staff report or other criteria in the Comprehensive Plan or land use regulations which you believe applies to the decision.

Failure to raise an issue, with sufficient detail to give the decision maker and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals based on that issue.

Failure of the applicant to raise Constitutional or other issues relating to proposed conditions of approval with sufficient detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

Before the conclusion of the initial evidentiary hearing, any participant may ask the decision maker for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The decision maker shall grant either a request to hold the record open for 7 days to provide additional written evidence or testimony or the Planning Commission shall grant a request for a continuance. The Planning Commission will consider the effect of the 120 day rule in determining whether to continue the hearing.

Are there any conflicts of interest or bias concerning the application to be declared by any member of the Commission? None.

Are there any ex parte communications to disclose? If so, please include in your disclosure the substance of the communication.

-Commissioner Stein and Commissioner Yoder disclosed they performed a site visit. No disclosures were made.

Does any participant wish to rebut any disclosures of conflicts of interest, ex parte communications or ask questions about disclosed site visits? None.

Is there any objection on jurisdictional grounds? None reported.

DECIDE IF THERE IS ANY NEED TO DECLARE A TIME LIMIT FOR TESTIMONY.
None needed.

Presentation of the Staff Report

Mr. Depa explained the different types of various procedures, explaining this is a Class C Variance, which requires the applicant to show some sort of hardship that meets the six criteria identified in the code.

Commissioner Yoder asked who owned the second lot.

Commissioner Bernardini asked to clarify that if they owned both lots, then they are wanting to combine the two lots into one large lot. Mr. Depa confirmed this. Commissioner Bernardina asked what difference it makes whether it is one lot or two.

Presentation by Applicant

Kay Keady, the applicant, explained they own both the vacant lots in front of the current house. They bought with the intent not to develop, but they will eventually develop lot 17.

Commissioner Stein asked why they want to combine the two, as keeping them separate gives them additional options.

Ms. Keady stated environmental reasons, including benefits of grass and disadvantages of a house going there. She stated it would impact the tax value.

Commissioner Yoder asked if the variance was denied, if they would sell either property.

Ms. Keady replied, no.

Commissioner Yoder stated then they can do what they'd like with the lot and keep them separate.

Ms. Keady stated that when the lot was first developed, she was told the City objected to it because of the slope behind the existing house.

Commissioner Bernardini asked for confirmation that if the Commission approves the variance the City would actually collect additional taxes. She asked Mr. Depa if the objection was that in the future the City would not collect future taxes on a new house.

Mr. Depa explained the objection is that the applicant does not meet the criteria for a hardship. He explained that the City has a code that sets a maximum lot size, and the only way to get a variance is if you meet the criteria for the variance.

Commissioner Bernardini noted that that parcel is smaller than others on that street and that any house built there would not be in confluence with the other houses on the street.

Commissioner Yoder asked if Ms. Keady was surprised that there were no utilities to the lot. She stated they had locates called for lot 18, as well.

Ms. Keady confirmed.

Commissioner Yoder asked if it was normal to not have utilities in when the lot is sold.

Ms. Keady stated the utilities would have to come up the flag of the flag lot.

Commissioner Stein asked if they bought the lot bare and then bought their house.

Ms. Keady confirmed.

Commissioner Stein then asked if they knew what they were buying when they bought it, what has changed.

Ms. Keady replied that as other lots sold and developed, they realized how tight the lots would be. The owner offered them a better price if they bought 17 and 18 together. However, they noticed there was no green space as the lots started to develop. They currently use the lot to access the other open areas.

Commissioner Bernardini asked if they park cars in the garage.
Mrs. Keady confirmed that they do.

Commissioner Bernardini asked if they plan to keep it green and if they intend to add a driveway.

Mrs. Keady replied that it is not impossible without, but it would be easier to add a driveway.

Chair Sullivan explained that the section of the code in which they are asking for an exception specifically looks at hardships. He asked the applicant to explain her hardship.

Ms. Keady explained that they came to the City and stated what they wanted to do and the City told them this was how to do it. She explained that she was told if they were to build a home on that site, they are not providing for the neighborhood or the environment. She was told that they can leave it as is, but if they combined both lots, then no matter who buys it is going to have a green space, and so will the neighbor. This will not be a hardship on them, but would benefit others.

Public Testimony in Favor: None

Public Testimony in Opposition:

Ginny DeHerdt - 502 Fawn Lane

Ms. DeHerdt explained that she gave the Commission a letter of objection that was displayed in the meeting packet and was submitted by their attorney. She explained that she lives to the lot south of the subject lot. She stated the other letter of objection was submitted by a neighbor, Christine Kastella. She asked the Commission to read the letter of objection. She stated that she believes one of the objectives is the driveway, which there is a gravel driveway there now. She stated there was history of the lots getting replotted and difficulty of finding utilities. She explained that she understands the Keady's can't find existing utilities, but stated they installed new utilities for their home. She stated that there are rules in place and people need to follow the rules. The letters submitted explain the reasons for their request to deny the variance.

Neutral Public Testimony: None

Rebuttal by the Applicant – Limited to issues raised in opposition to the Application

Ms. Keady stated they looked for utilities and could not find any.

Does the Applicant waive the 7 day period to submit final written argument?

Ms. Keady replied, yes.

The applicant waived right to seven days appeal.

MOTION: Commissioner Conner moved, Commissioner Stein second to deny the variance application. Motion APPROVED 6-1 (Yes: Sullivan, Conner, Boggs, Stein, Yoder, Bernardini; No: Gay).

3.2 Discussion and Decision:

Commissioner Conner stated he felt the Commission's hands were tied. He stated that their job is to look at the evidence and he has not heard anything contrary to what Mr. Depa has stated.

Commissioner Gay explained it is a shame our own code does not allow them to be free to do what they wish, so she cannot go along with the motion. She explained that she supports them because they bought the land with the intent to have green space. She explained that it is no fun to buy land and not be able to use it the way you wish.

Commissioner Yoder stated she is convinced Ms. Keady will still do what she has planned.

Chair Sullivan asked for clarification on the role of the Commission to interpret the code as best as they understand, if they can make any judgement calls.

Mr. Coulombe replied that they only have ability where there is room for interpretation.

Chair Sullivan brought up the issue of refunding the application fee.

City Attorney Mr. Coulombe read the following statement: This decision of the Planning Commission will become final when written and mailed to participants. A written decision will be mailed within 5 days of this decision. An appeal to City Council must be presented consistent with Chapter 18 of the Zoning Code and state law.

Recess called at 7:11 p.m.

4. REPORTS

10 min

4.1. 2040 Advisory Committee update (Stein, Yoder)

Commissioner Stein reported that a meeting was held and there was discussion about economic development. The meeting went long and the draft policy report had not been distributed prior to the meeting, so the meeting was concluded prior to completion of the topic. There is a joint meeting scheduled for July 28, 2020 and the Planning Commission is invited

4.2. Downtown Streetscapes (Conner)

Mr. Conner reviewed the data collected at the Farmers' Market and the online survey. Both showed support for Timber themed amenities. The raw information has been passed on to the architect and the topic will be revisited in September or November.

5. UNFINISHED BUSINESS

20 min

5.1. RV Parks in Philomath-

She suggested to leave the first item unchanged. She explained that she looked for a simpler definition of an RV Park, and the planner recommended not using the term, facilities, and it is best list, RV Park, and she read the definition provided.

Councilor Causey discussed conditional use permit process and is concerned that the process she had recommended previously could be problematic as it could be seen as a deliberate effort to deny a future application. She noted the City Attorney recommended the provided language to the conditional use criteria. She feels this language would give the Commission the tools to approve or deny future RV Parks.

Commissioner Yoder asked if a letter from Sam's Club or some other entity claiming, we need one, could demonstrate this condition.

Mr. Coulombe stated both the subsections are highly subjective and up to the discretion of the decision maker. He explained even if a developer did a survey and brought in white papers laying out objectively the need for a 100 space RV park, the decision maker could still say it did not meet either subsection a or b and therefore deny the application. The

language gives the decision maker a lot of discretion to either approve or deny the application.

Mr. Columbe advised that the Commission did not need to take formal action at this time. Additional discussion in support of the language provided.

5.2. Inquiry – Action on TGM offer

There was discussion of the letter presented by Commissioner Yoder.

MOTION: Commissioner Boggs moved, Commissioner Stein second to send the letter to the City Council for discussion. Motion APPROVED 7-0 (Yes: Sullivan, Conner, Boggs, Stein, Yoder, Bernardini, Gay; No: None).

6. NEW BUSINESS

10 min

6.1. Downtown Design Manual

Mr. Depa explained the reason for the manual is to provide standards of what we want the downtown area to look like. It will be in line with the Streetscapes theme and the development code. He explained that it will actually strengthen the code, keeping the downtown attributes and giving ideas for someone coming in with a building design. He stated that it deals with signage that is complementary and doesn't distract from the theme. He explained that it deals with materials, doorways, other aspects. He is looking for input from everyone on each of the different areas identified in the index. His plan is to bring different sections to the Commission each month for feedback and review.

There was discussion about different areas of town having different requirements, with more stringent requirements in the C-1, less in the C-2, and potentially less in a future C-3 zone for more corporate commercial areas.

Commissioner Gay complemented what has been put together so far and stated the Commission should have no problem approving this once it is all worked through.

Commissioner Yoder asked if someone would have to go through a various process if someone comes in with a new plan.

Mr. Depa stated it won't be so stringent that it discourages good ideas. But that it allows the Commission the ability to deny something that doesn't fit the vision. He explained that it will be used more to get what is wanted than to discourage something.

7. ANNOUNCEMENTS & STAFF UPDATES

5 min

7.1. Staff update (staff) – None

7.2. Proposed next meeting date: August 17 6:00 PM

8. COMMUNITY COMMENTS

5 min

-None

9. ADJOURNMENT

MOTION: Commissioner Yoder moved, Commissioner Conner second to adjourn the meeting. Motion APPROVED 7-0 (Yes: Sullivan, Conner, Boggs, Stein, Yoder, Bernardini, Gay; No: None).

Meeting adjourned 8:11 p.m.

SIGNED:

ATTEST:

Joseph Sullivan, Chair

Ashley Howell, Building Permit Clerk

DRAFT

Point person: Bernardini

Time limit: 10 minutes

What is this all about?

We've received feedback from the community that we could be doing a better job of communicating with the public. Additionally, it is hard to reach the Planning Commissioners.

Objectives

1. Listen to Giana's ideas, and suggest ideas of our own
2. Decide which ideas bear further investigation

Background / How to prepare

Notes: