

PHILOMATH PLANNING COMMISSION
MINUTES
August 28, 2017

1
2
3
4
5 **1. CALL TO ORDER.** Chair Shon Heern called the meeting to order at 7:09 PM in the City
6 Hall Council Chambers.

7
8 **2. ROLL CALL:**

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

11
12 **Staff:** Chris Workman, City Manager; Jim Minard, Planner, Amy Cook, Deputy
13 City Attorney; and Ruth Post, City Recorder.
14

15 **3. APPROVAL OF MINUTES:**

16 **3.1 June 19, 2017, Minutes**

17 **MOTION:** Commissioner Gay moved, Commissioner Gibbs second, the June 19,
18 2017, minutes be accepted as presented. Motion APPROVED 7-0. (Yes: Gay,
19 Gibbs, Heern, Knutson, Lusk, Nelson and Stein; No: None.)
20

21 **4. PUBLIC HEARINGS:**

22 **4.1 Application for Type III Site Design Review**

23 **File Number PC17-04**

24 **Applicant: Mountain West Investments**

25 **Location: 3335 Main Street**

26 **Benton County Assessor's Maps: 12-5-07A Tax Lots 1600 and 2000 and 12-**
27 **5-07B Tax Lot 2200.**
28

29 Chair Heern opened the public hearing at 7:09 p.m. on PC17-04, and the rules for
30 participation and testimony were read into the record. Commissioner Knutson
31 declared he is building multi-family dwellings himself but declared his ability to be
32 impartial. There were no other ex-parte contacts, conflicts of interest, bias or site
33 visits declared. There was no rebuttal of any disclosure or non-disclosure. Chair
34 Heern limited testimony by the public to four minutes.
35

36 **Staff Report:**

37 Mr. Minard explained that a supplemental meeting was held on August 25, 2017,
38 with the applicant regarding the proposed conditions of approval; and subsequent
39 to that meeting, proposed revised conditions of approval have been submitted by
40 the applicant. Mr. Minard stated that Mr. Workman would address those after
41 presentation of the staff report. Mr. Minard presented the staff report dated August
42 21, 2017. He noted those criteria that required a condition of approval to be met.
43 He explained that the revised information submitted by the applicant now meets
44 the common open space standard and trash receptacle screening and sizing. He
45 added that additional information received addressing pedestrian access and
46 circulation has been reviewed by the city engineer and the sidewalk issue will be
47 further addressed.
48

49 Mr. Minard reviewed the staff recommendation for a fence barrier adjacent to the
50 highway to prevent residents from attempting to cross the highway at locations
51 other than the designated crosswalk. He stated that the city engineer has
52 provided an exhaustive list of requirements that did receive further review in the
53 August 25 meeting with the applicant. He explained the staff thought process
54 behind requiring any pedestrian crossing on the highway to be west of the

1 development to ensure sufficient site-line distance for westbound drivers cresting
2 the hill. He explained that Pages 15 and 16 of the August 21 staff report are
3 conditions of approval drafted prior to the August 25 meeting with the applicant.
4

5 Mr. Workman reviewed the proposed revised conditions of approval dated August
6 28, 2017. He explained the recommendation to strike Condition #3 based on
7 additional information from the Department of State Lands regarding undisturbed
8 wetlands and Condition #4 that has been sufficiently clarified by the applicant. He
9 reviewed the remaining proposed changes to the conditions, particularly the
10 infrastructure requirements. Mr. Minard noted the requirement that the secondary
11 access be located in a place acceptable to the Fire department should be
12 included as a condition.
13

14 Commissioner Stein requested the breakdown of the water production capacity
15 without the Corvallis intertie contract. Mr. Workman stated that information was
16 not in front of staff tonight. Mr. Minard stated that the engineer had combined all of
17 the available sources in their report. Staff stated they would provide that
18 information to the Commission.
19

20 Commissioner Heern requested further clarification of the open space
21 requirement. Mr. Minard stated they received subsequent material that provided
22 more extensive calculations showing that the requirement was met.
23

24 **Presentation of Applicant:**

25 Richard Berger, Project Manager, Mountain West Investment – Mr. Berger
26 explained they are a family organization that is Salem based. He thanked the
27 Philomath community members who have helped mold the proposal, referring to
28 the community meetings held and interactions with neighbors. He stated the
29 applicant supports the conditions dated August 28, 2017, and noted that the major
30 amendment was to incorporate the specific city engineer's conditions of approval.
31 He clarified the issue with the pdf map that provided the open space calculations.
32

33 Mr. Berger described the pedestrian connectivity throughout the development and
34 the abundance of bike parking. He described the extension of a bike path to the
35 west to a location that would be approved by ODOT for a crosswalk.
36

37 Mr. Berger explained the interactions with ODOT regarding the traffic impact
38 analysis and mitigation measures required by ODOT. He referenced the public
39 infrastructure that the development will construct for the community's benefit.
40

41 Commissioner Gay stated concerns about the turn-lane ingress and egress
42 requirements. Mr. Berger stated that it is their responsibility to design the ingress
43 and egress and ODOT's responsibility to approve it.
44

45 There was discussion about the types and price ranges of the apartments to be
46 constructed. Commissioner Lusk questioned the location of ADA accessible
47 apartments. Mr. Berger stated that those will be dictated by building code
48 requirements. There was additional discussion regarding the federal fair housing
49 standards and handicapped accessible requirements.
50

51 Commissioner Stein questioned the traffic impact analysis stating that the data
52 indicates a car would be passing by the entrance during the morning peak hour
53 every five seconds and questioned if that was sufficient space for cars to get out.
54

1 Mike Ard, Senior Transportation Engineer, Lancaster Engineering – Mr. Ard
2 reviewed the output data related to that period and described the dynamics of
3 traffic with clumps of vehicles that proceed with two-second gaps, creating larger
4 gaps sufficient for cars to merge into. He described the use of the left-turn lane to
5 merge traffic. He stated ODOT does have intent to eventually add that merge lane
6 between Philomath and Corvallis but not within the timeline of their project. As a
7 result, the improvement falls on the developer and they will extend the
8 improvements beyond their development.
9

10 Commissioner Lusk requested additional detail regarding the pedestrian crossing
11 improvements. Mr. Ard described the pedestrian-activated lighting mechanism
12 that they anticipate installing but noted the final requirements will be directed by
13 ODOT.
14

15 Commissioner Heern questioned the type of bike path amenity to be extended to
16 the west. Mr. Berger stated it will be dictated by the condition of approval.
17

18 Mr. Ard described the traffic analysis methodologies used as required by ODOT.
19 Chair Heern requested analysis conducted for traffic signal warrants. Mr. Ard
20 reviewed the requirements and standards used by ODOT for addition of signals.
21 He stated the standards are a little higher than even he would recommend.
22

23 Commissioner Stein stated that using the left-turn merge lane slows traffic down.
24 He questioned why the 2020 analysis and the 2021 analysis shows a decrease in
25 traffic a year later despite the construction of the apartments.
26

27 Mr. Ard provided additional analysis regarding the trip generation during the
28 morning peak hour. He described differences between single family dwelling trip
29 generation and apartment complexes. He stated the same data source required
30 by ODOT was also used by the applicant for the Conser public hearing that is also
31 on the agenda. He described parking generation analysis compared to trip
32 generation during the peak hours and noted that they generally match up.
33 Commissioner Stein stated he would be more inclined to believe Mr. Ard's data if
34 it were based on actual local data instead of averages. Mr. Ard stated there are
35 very few opportunities to perform comparable studies in a community of this size.
36 He described the need to use averages to avoid over-engineering.
37

38 **Testimony of Proponents:**

39 None.
40

41 **Testimony of Opponents:**

42 Janice Stanger, Philomath, OR – Ms. Stanger stated her concerns with lack of a
43 study on water availability that addressed climate change and drought. She
44 described the impact of Hurricane Harvey on Houston, Texas, and the lack of
45 planning by the Houston government. She stated need for a drought water plan
46 because nature is unpredictable.
47

48 May Dasch, Philomath, OR – Ms. Dasch stated opposition because of the
49 negative impact of such a development on the City's long-term water availability.
50 She described comments from the City's engineer 30 years ago regarding the
51 water supply. She described the two-year notice in the termination section of the
52 City's contract with the City of Corvallis for purchase of water. Ms. Dasch stated
53 10 years ago the City declined to participate in an independent scientific water
54 analysis and should do so now.

1
2 Elizabeth Elliott, Philomath, OR – Ms. Elliott stated the importance of keeping the
3 vision of what the town wants to be. She stated concerns about the volume of
4 traffic and described a traffic count she personally took last week. She stated
5 concerns with the left-turn merge lane, the pedestrian crossing, and traffic cresting
6 the hill. She described concerns about trucks trying to slow down for the
7 pedestrian light. She stated the developer’s figures are unrealistic.
8

9 Jeff Cohen, Philomath, OR – Mr. Cohen stated concerns about insufficient water
10 supply and that Philomath is at the mercy of Corvallis’ goodwill. He stated that the
11 Corvallis contract is based on the supposition that they have sufficient water to
12 sell to Philomath. He also stated concerns about the traffic load and, in his
13 opinion, the statistics cited are not relevant to Philomath. He suggested the
14 developers should sit on Philomath Boulevard and observe traffic. He noted truck
15 traffic has increased and compression braking noise on the highway could result
16 in high turnover in their complex. He stated the trucks are creating logjams in
17 traffic.
18

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

20 Melissa Goff, Superintendent, Philomath School District: Ms. Goff provided
21 current, historical and potential enrollment numbers. She stated there is currently
22 space for an additional 350 students across the district. She distributed a report
23 on school enrollments.
24

25 **Rebuttal by the Applicant, limited to issues raised by Opponents:**

26 Richard Berger – Mr. Berger stated they have used the information provided by
27 the city’s engineer regarding water availability.
28

29 Mr. Ard stated that the data that was collected for use in their analysis was
30 collected in May when school was in session. He described actual measurements
31 taken regarding sight distance in the subject area and the standards used in
32 analysis. He stated they found that there is sufficient sight distance in both
33 directions for the proposed highway improvements. He stated the pedestrian
34 crossing was requested by ODOT to be located to the west to allow additional
35 sight distance.
36

37 Mr. Ard addressed Commissioner Stein’s question regarding the 2020 and 2021
38 intersection numbers. He stated there was an analysis error but the subsequent
39 analysis is correct. He stated the numbers used in the analysis were correct.
40 Commissioner Stein stated he still didn’t accept the analysis.
41

42 Seeing no further testimony, Chair Heern closed the public hearing at 8:54 p.m.
43 The applicant waived the right to submit final written arguments.
44

45 **4.2 Discussion and possible decision on PC17-04** – Chair Heern opened
46 discussion for the Commission. Commissioner Lusk questioned the design of the
47 pedestrian crosswalk. Mr. Workman reviewed the wording of the condition of
48 approval, contingent on ODOT approval. He stated the location has to be
49 determined prior to determination of design and amenities. Commissioner Heern
50 reviewed concerns stated during public testimony. Commissioner Lusk requested
51 further clarification of available water rights. Mr. Workman stated the City’s water
52 rights far exceed current production capacity. He described the need for a new
53 water treatment plant and the draft Water Master Plan about to be reviewed by
54 the City Council. He stated the engineer’s analysis is a conservative analysis of

1 how much water can be produced currently.

2
3 **MOTION:** Commissioner Heern moved, Commissioner Lusk second, the
4 application for site plan review for Type III land use action submitted by Mountain
5 West Investments, file number PC17-04 be approved with the conditions of
6 approval provided in the staff report dated August 21, 2017, and modified in the
7 amendment dated August 28, 2017, with the revised conditions of approval.
8 Motion APPROVED 6-1 (Yes: Gay, Gibbs, Lusk, Knutson, Nelson and Heern, No:
9 Stein).

10
11 Chair Heern called a recess at 9:04 p.m. The Commission reconvened at 9:11
12 p.m.

13
14 **4.3 Application for Type III Site Design Review**
15 **File Number PC17-05**
16 **Applicant: J Conser & Sons LLC**
17 **Location: 200 Block N 19th Street**
18 **Benton County Assessor’s Maps: 12-6-12AC #3900 and a portion of 12-6-12**
19 **#501.**

20
21 Chair Heern opened the public hearing at 9:12 p.m. on PC17-05, and the rules for
22 participation and testimony were read into the record. Commissioner Knutson
23 made the same declaration as earlier regarding his construction of multi-family
24 dwellings and ability to make an unbiased decision. There were no other ex-parte
25 contacts, conflicts of interest, bias or site visits declared. There was no rebuttal of
26 declarations or non-disclosure.

27
28 **Staff Report:**

29 Mr. Minard presented the staff report dated August 21, 2017, as included in the
30 agenda packet. He noted comments from Hannah Trampaz regarding
31 jurisdictional wetlands. In reviewing the City engineer’s conditions of approval, he
32 noted the requirement to provide pedestrian access and sidewalks on College
33 Street in lieu of sidewalks conflicting with the presence of two large trees on 19th
34 Street.

35
36 Commissioner Gibbs questioned if there were any conversations about the speed
37 limit changing on North 19th Street to reduce speeds approaching the city limits.
38 Mr. Minard stated there is a process for reducing speed limits. Commissioner
39 Heern stated he understands that anyone can petition for a speed limit reduction
40 but it is a final determination made by the State Traffic Engineer.

41
42 **Presentation of Applicant:**

43 Matthew Conser, J Conser and Sons LLC, Albany, OR – Mr. Conser provided a
44 summary of his family’s history in the mid-Valley area. He stated they build
45 market-rate apartments, particularly one and two bedroom units, and they do not
46 build to sell. He described the Conser family’s plans to acquire and develop a
47 project in Philomath, with plans to break ground this fall and construct over the
48 winter. He stated they support staff’s findings, with two potential modifications. Mr.
49 Conser distributed a copy of the site plan.

50
51 Dave Dodson, Willamette Valley Planners, Corvallis, OR – Mr. Dodson reviewed
52 the amenities planned and agreed to the addition of playground equipment as
53 requested by staff. He noted the proposed relocation of the northbound 45 mph
54 sign to be adjacent with the southbound 25 mph sign. He noted the locations of

1 the white oak trees that they seek to preserve and reviewed the proposed
2 amendment to the condition of approval for significant tree protection. He
3 described the proposed amendment to the fencing condition of approval to create
4 less separation of the development from the street but still fence the sport court
5 and abutting residential uses to the south.
6

7 Commissioner Gay questioned if any neighborhood meetings were conducted.
8 Mr. Conser stated they did not conduct any neighborhood meetings as they were
9 not required, but they did have conversations with the neighbors and received no
10 objections to the project.
11

12 Commissioner Stein questioned the limited scope of the traffic impact analysis
13 that was performed. Mr. Conser stated the scope was primarily dictated by Benton
14 County's requirements. Commissioner Stein questioned who their target tenants
15 are. Mr. Conser stated they don't target or discriminate with regard to tenants. He
16 described the accessible ground floor apartments they build. He stated they do
17 their own tenant screenings. He stated they will not have specific rental rates until
18 they have final project costs but they do not typically charge top rates. He stated
19 they like to call it achievable housing.
20

21 Commissioner Lusk questioned the ADA parking layout. Mr. Dodson described
22 the effort to align the ADA ramp onto the sidewalk with the entrance to a building.
23

24 Commissioner Heern requested elaboration regarding the modification to fencing.
25 Mr. Dodson stated the request is intended to allow for other types of fencing and
26 sight distance from the driveway. Mr. Minard clarified that the condition was
27 somewhat of a carryover from the other development and staff has no problem
28 with the proposed modification. Mr. Workman described the 5-foot planter strip
29 between the curb and sidewalk which creates a different situation in this
30 development.
31

32 **Testimony of Proponents:**

33 None.
34

35 **Testimony of Opponents:**

36 Janet Osborn, Philomath, OR – Ms. Osborn lives adjacent to the property and
37 stated concerns about flooding on that lot every winter. She questioned if the
38 storm drain improvements will prevent the field from flooding worse or towards her
39 property. She stated concerns about the lack of traffic complying with the 25 mph
40 speed limit and the presence of a fence that prevents sufficient sight distance to
41 Main Street. She questioned if there is fencing proposed on the east side of the
42 property that abuts the Nazarene Church field. She stated concerns about the
43 need for resources such as police for a lot of new people moving into town.
44

45 May Dasch, Philomath, OR – Ms. Dasch submitted written testimony regarding
46 water supply and her opposition to the development. She encouraged the
47 financing of an outside independent study on water resources. She stated
48 concerns about increased traffic on North 19th Street because it's an escape route
49 around the traffic on Philomath Boulevard and current residents could lose that
50 benefit.
51

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

53 Chair Heern noted that School Superintendent Melissa Goff did provide written
54 testimony regarding school capacity at the earlier public hearing.

1
2 **Rebuttal by the Applicant, limited to issues raised by Opponents:**

3 Mr. Conser stated he wanted to have Melissa Goff's earlier written testimony
4 regarding school capacity admitted as testimony in this hearing.
5

6 **Brian Vandetta** – Mr. Vandetta stated he is the engineer of record for the project.
7 He reviewed the storm drainage issues and anticipated drainage improvements.
8 He stated the elevation of the site is to be raised two to four feet and will allow for
9 creation of storm detention facilities.
10

11 Mr. Conser stated they do have plans to make improvements at North 20th Street.
12 Mr. Vandetta stated they will be upsizing the culverts across North 20th Street and
13 may also be required to upsize culverts across the church's property.
14

15 Mr. Conser stated that the right turn out of the complex towards Corvallis will be
16 very popular but this is an urban complex with close access to food, retail, and
17 bus services just a block away on Main Street. He described sidewalk
18 improvements to be provided to connect with Alyrica and on College Street in
19 front of the neighboring properties on the corner.
20

21 Commissioner Heern questioned the height of the sports court fence to ensure
22 that basketballs don't escape. Mr. Dodson noted the proposed condition of
23 approval is for a minimum six foot fence. Mr. Conser stated the court is
24 intentionally located on the north end of the property to not create a nuisance for
25 the existing property owners on the south side.
26

27 Seeing no further testimony, Chair Heern closed the public hearing at 10:13 p.m.
28 The applicant waived the right to submit final written arguments.
29

30 **4.4 Discussion and possible decision on PC17-05** – Chair Heern opened
31 discussion to the Commission.
32

33 **MOTION:** Commissioner Gibbs moved, Commissioner Gay second, the
34 application for site plan review for Type III land use action submitted by J Conser
35 & Sons LLC, file number PC17-05 be approved with the conditions of approval
36 dated August 21, 2017.
37

38 **MOTION TO AMEND:** Commissioner Gay moved, Commissioner Heern second,
39 to amend the main motion to amend conditions of approval #5 and #7 as
40 submitted by the applicant for PC17-05. Motion APPROVED 7-0. (Yes: Gay,
41 Gibbs, Heern, Knutson, Lusk, Nelson and Stein; No: None.)
42

43 **VOTE ON AMENDED MAIN MOTION:** Motion APPROVED 7-0. (Yes: Gay,
44 Gibbs, Heern, Knutson, Lusk, Nelson and Stein; No: None.)
45

46 **5. ADJOURNMENT:**

47 There being no further business Chair Heern adjourned the meeting at 10:25 p.m.
48

49 SIGNED:
50 Caleb Nelson, Planning Commissioner

ATTEST:
Ruth Post, MMC, City Recorder