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**PHILOMATH PLANNING COMMISSION  
MINUTES**

September 16, 2019

1. **CALL TO ORDER:** Chair Stein called the meeting to order at 6:00 pm. at the City Hall Council Chambers, 980 Applegate, Philomath, Oregon.

2. **ROLL CALL:**

**Present:** Commissioners Gary Conner, Jeannine Gay, Lori Gibbs, David Stein, and Peggy Yoder.

**Staff:** Chris Workman City Manager, Deputy City Attorney Amy Cook, City Planner Pat Depa and City Recorder Ruth Post.

**Absent:** Commissioners Steve Boggs and Joseph Sullivan.

3. **APPROVAL OF MINUTES**

3.1 **Minutes of August 26, 2019**

**MOTION:** Commissioner Gay moved, Commissioner Yoder second, to approve the minutes of August 26, 2019, as presented. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein, and Yoder; No: None).

4. **FILE PC19-08 – ZONING AMENDMENTS**

4.1 **Public Hearing**

Applicant: City of Philomath

Application Type:

- Type IV
- Location: Citywide

Chair Stein opened the public hearing at 6:01 p.m. The rules for testimony were ready by Ms. Cook. There were no conflicts of interest or bias issues reported by the Commission. Chair Stein reminded the Commission that they had been working on these amendments for some time and now is the opportunity for public input. There was discussion about the Commission making additional comments during their discussion period.

**Presentation of Staff Report/Applicant:** Mr. Depa summarized the review process prior to this public hearing, including feedback from the open house held in April. Commissioner Yoder questioned the term “stop gap” in the summary of the staff report. Mr. Depa explained that these are issues that have been identified as gaps that lead to enforcement issues in the current code.

**Testimony by Proponents:** None.

**Testimony by Opponents:** None.

**Testimony by Neutral Parties, including Governmental Bodies:** None.

**Rebuttal by Applicant, limited to issues raised by Opponents:** Waived.

Seeing no requests to keep the record open, Chair Stein closed the public hearing at 6:09 p.m. On behalf of the City, Mr. Workman waived the right to submit final written comments.

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**4.2 Discussion and Decision**

Chair Stein opened the floor for discussion by the Commission. Commissioner Yoder questioned dictating the color of siding or a metal roof under 18.35.100(D)(5)(b). Ms. Post noted that this is the current code and not a proposed amendment. She added that a placement permit for a manufactured dwelling does not include any information regarding the color of siding or roof. There was additional discussion about the text and whether it was outdated language.

**MOTION:** Commissioner Yoder moved, Commissioner Gay second, to delete section 18.35.100(D)(5)(b). Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein and Yoder; No: None).

Commissioner Conner questioned a 24-hour parking restriction under 18.40.090(H), stated this seemed like too-short of a timeframe. He recommended a week as more reasonable. Commissioner Yoder suggested amending it to five days. Mr. Depa defined “accessory parking” as a defined space as approved by a site plan review. Commissioner Conner also recommended deleting (H)(2) regarding screening.

**MOTION:** Commissioner Conner moved, Commissioner Gibbs second to strike the first sentence of 18.40.090(H), “Long term or temporary storage of semi-truck and/or tractor/trailers is prohibited” and strike the word “Accessory” and amend “24 hours” to “five calendar” days. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein and Yoder; No: None).

There was discussion about this applying to all zoning districts. Mr. Depa pointed out that this allows for enforcement of screening from adjacent residentially zoned properties. He stated this strengthens the ability to enforce screening. There was additional discussion about this text. Mr. Workman described the intent to protect residentially zoned properties from having to view parked trucks. Commissioner Conner suggested if there is a five day limit on parking, then there is no need for screening.

Commissioner Conner suggested 18.40.090(H)(1) be amended to read: “Long-term storage of tractor/trailers is allowed in industrial zoned districts and shall be screened from public view and adjacent residentially zoned properties with a fence no less than six (6) feet tall.” Discussion continued about whether screening was needed or not. Mr. Depa reminded the Commission that the City does not have code enforcement but an obvious issue could be addressed. He described the attempt to write code that can address issues that affect the City as a whole.

**MOTION:** Commissioner Stein moved, Commissioner Conner second to amend 18.40.090(H)(2) to read: “All parking or storage of tractor/trailers for more than five days shall be screened from public view and adjacent residentially zoned properties with a fence no less than six (6) feet tall. Motion APPROVED 4-1 (Yes: Conner, Gay, Gibbs and Stein; No: Yoder).

Commissioner Yoder questioned the language under 18.40.090(A), Multi-family in Commercial Zones regarding higher density being encouraged near employment, shopping and services. She questioned if that was needed until the City reaches a point of higher employment and shopping in the rea. She recommended removing the text. There was discussion about the text being in place for future development. Commissioner Yoder stated she would hate to see this be used to put in a bunch of row houses. Mr. Depa described the application of this text in the Office-Residential Zone.

105 Commissioner Yoder questioned 18.75.030, Parking, regarding three parking spaces for a four-  
106 bedroom dwelling. Mr. Workman stated this was discussed at the last Planning Commission  
107 session on the proposed amendments and three parking spaces was agreed to.  
108

109 Commissioner Yoder questioned whether 18.75.030(C)(2)(b) would require improvements on  
110 existing driveways. Mr. Depa stated that an improvement application would trigger this  
111 requirement. There was discussion about gravel driveways versus hard surface. Mr. Workman  
112 stated that the Public Works Design Standards identify the current driveway standards; and an  
113 improvement that requires site design review would be reviewed for this.  
114

115 **MOTION:** Commissioner Yoder moved, Commissioner Gibbs second, the Findings of Fact as  
116 amended in the staff report be adopted and the Planning Commission recommend approval to  
117 the City Council the proposed development code amendments as presented in File No. PC19-  
118 08. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein and Yoder; No: None).  
119

120 Mr. Workman thanked the Commission for the extensive hours devoted to these amendments.  
121 Ms. Post stated this is a recommendation to the City Council and a public hearing will be  
122 posted and noticed for October 14, 2019, at 7:00 p.m.  
123

124 Chair Stein called a 5 minute recess at 6:55 p.m. The meeting reconvened at 7:00 p.m.  
125

## 126 **5. FILE PC19-09 – ANNEXATION CODE AMENDMENTS**

### 127 **5.1 Public Hearing**

128 Applicant: City of Philomath

129 Application Type:

- 130 • Type IV
- 131 • Location: Citywide

132 Chair Stein opened the public hearing at 7:00 p.m. The rules for testimony were ready by Ms.  
133 Cook. There were no conflicts of interest or bias issues reported by the Commission.  
134

135 Presentation of Staff Report/Applicant: Mr. Depa stated he had nothing more to add at this  
136 time.  
137

138 Testimony by Proponents: None.  
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140 Testimony by Opponents: None.  
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142 Testimony by Neutral Parties, including Governmental Bodies: None.  
143

144 Rebuttal by Applicant, limited to issues raised by Opponents: None.  
145

146 Seeing no requests to keep the record open, Chair Stein closed the public hearing at 7:02 p.m.  
147 On behalf of the City, Mr. Workman waived the right to submit final written comments.  
148

### 149 **5.2 Discussion and Decision**

150 Chair Stein opened the floor for discussion by the Commission.  
151

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153 Commissioner Yoder questioned 18.135.030 (A) as to who defines “orderly expansion.” Mr.  
154 Workman explained that the State’s definition of “orderly expansion” is to not create islands  
155 and that they be adjacent to existing city boundaries. Commissioner Yoder suggested adding  
156 language regarding a certain percentage of growth per year and put a cap on it. There was  
157 discussion regarding the question. Mr. Workman stated that the State has circumstances

158 where a moratorium may be placed due to lack of infrastructure but will require plans to come  
159 into compliance that ensures lifting of the moratorium.  
160

161 Commissioner Yoder questioned what would constitute the “benefit” of the City and community  
162 in 18.35.030(F)(4). Commissioner Stein stated it was intentionally left undefined to create a  
163 value statement. Commissioner Gibbs recalled that it was included because it sounded good.  
164 There was additional discussion regarding the text.  
165

166 Commissioner Yoder requested clarification of 18.135.030(C)(5)(i) regarding capacity. Chair  
167 Stein explained that agencies are given an opportunity to comment and if they choose not to,  
168 then the assumption is that they have capacity available. Mr. Workman agreed and noted that,  
169 if the agency identifies lack of capacity, then subsection “iii” becomes applicable.  
170

171 Chair Stein suggested a contradiction exists between 18.35.030(F)(6) and 18.35.030(G)  
172 regarding who is responsible for selecting expert consultants to develop required impact  
173 analyses. He recommended removal of the last sentence of (F)(6), thereby requiring the  
174 applicant to use the City’s chosen company. There was discussion about the question of who  
175 would hire a consultant to complete any required studies. Ms. Cook explained that (6) requires  
176 any company to be approved by the City.  
177

178 **MOTION:** Commissioner Stein moved, Commissioner Yoder second, to delete the last  
179 sentence of 18.35.030(F)(6) “The company selected by the applicant to perform this study must  
180 be approved by the city.” Chair Stein stated he doesn’t want the developer to have any say  
181 over who is chosen to perform studies. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs,  
182 Stein and Yoder; No: None).  
183

184 **MOTION:** Commissioner Conner moved, Commissioner Gibbs second, the Findings of Fact as  
185 amended in the staff report be adopted and the Planning Commission recommend approval to  
186 the City Council the proposed development code amendments as presented in File No. PC19-  
187 09. Motion APPROVED 5-0 (Yes: Conner, Gay, Gibbs, Stein and Yoder; No: None).  
188

189 **6. ADJOURNMENT:**

190 There being no further business, Chair Stein adjourned the meeting at 7:18 p.m.  
191

192 SIGNED:  
193 David Stein, Chair

ATTEST:  
Ruth Post, MMC, City Recorder