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**PHILOMATH PLANNING COMMISSION
MINUTES**

October 22, 2018

1. **CALL TO ORDER.** Chair Jacque Lusk called the meeting to order at 7:00 PM in the City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

2. **ROLL CALL:**

Present: Commissioners Steve Boggs, Jeannine Gay, Lori Gibbs, Mark Knutson
Jacque Lusk and David Stein.

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

Excused: Commissioner Gary Conner

3. **APPROVAL OF MINUTES:**

3.1 **August 20, 2018, Minutes**

MOTION: Commissioner Boggs moved, Commissioner Gibbs second, the August
20, 2018, minutes be accepted as presented. Motion APPROVED 6-0. (Yes:
Boggs, Gay, Gibbs, Knutson, Lusk and Stein; No: None.)

4. **PUBLIC HEARING:**

4.1 **File Number** PC18-08

Applicant: Levi Beelart

Application Type: Type IV – Annexation

Location: 903 N 12th Street (12-6-01CD Lots 100 & 200)

Chair Lusk opened the public hearing at 7:01 p.m. Ms. Cook read the rules for testimony. Chair Lusk requested any declarations of ex-parte contact, conflict of interest or bias concerning the case file. No declarations were made and there was no rebuttal of the declarations. Chair Lusk read the order for testimony.

Presentation of Staff Report:

Mr. Minard reviewed the staff report as included in the agenda packet. He noted that the application was reviewed as required at the highest potential density usage possible irrespective of the applicant's conceptual plan showing lower density. He emphasized the City Engineer's comments regarding the extensive improvements to be required upon any actual development proposal to provide street and sanitary sewer service to the property.

Mr. Minard reviewed the City Engineer's analysis of facilities. He emphasized that the submitted general land use plan is a non-binding concept until such time as an actual development plan such as a subdivision were to be applied for. He summarized that staff concludes that the application conforms to the applicable comprehensive plan policies and concludes this annexation meets the applicable criteria.

He corrected the staff report on Page 10, Item J as there being no referral to the Philomath electorate.

Presentation by Applicant:

Levi Beelart, Philomath, OR – Mr. Beelart stated he has a business here in Philomath and would like to create affordable housing for his employees and others.

1
2 Kathy Hensman, Philomath, OR – Ms. Hensman stated they have conducted a recent
3 survey and found no housing available within Philomath under \$300,000 and no bare
4 land available under \$90,000. She stated she has built nice homes on Houser Lane over
5 recent years and has made it her goal to build that kind of affordable home. She stated
6 they are constrained by wetlands on the property and intend to enhance them with
7 walking paths.
8

9 Mr. Beelart stated they intend to only build 30 to 40 homes with larger lots to allow for
10 more yard space. He stated their goal is to make bigger lots for houses that run \$250,000
11 to \$300,000. Mr. Beelart stated that there are three wetlands that run through the
12 property and will serve as part of backyards.
13

14 Mr. Beelart stated they intend to build five to ten homes per year and plan to do the
15 development themselves. He stated they intend for the property to have a connection to
16 the Industrial Way to the east creating two exits. He stated the infrastructure issues are
17 known and the street locations and wetlands are yet to be determined.
18

19 **Presentation of Proponents:**

20 None.
21

22 **Presentation of Opponents:**

23 Jeannie Gregg, Philomath, OR – Ms. Gregg stated her concern is how much this
24 development will cost her and how much it will impact her as a resident of unimproved
25 North 12th Street. She stated she likes the rural atmosphere of the gravel road with no
26 sidewalks.
27

28 Mr. Minard explained what it may or may not cost wouldn't be able to be answered until a
29 further development application is before the Commission to be reviewed. He stated
30 there would be increased traffic but how much is unknown until something more
31 substantial than the conceptual plan is presented. He noted that the annexation is the first
32 step of several for development of the parcel.
33

34 May Dasch, Philomath, OR – Ms. Dasch stated her opposition to annexation of the
35 property due to water supply. She referred to the negative impact of a potential 10%
36 increase in population, based on the maximum potential density, on city water supplies.
37 She quoted Westech Engineering's analysis of 30 years ago regarding water supplies.
38 She emphasized that citizens can live with increased traffic but cannot live without water.
39

40 Jeff Lamb, Philomath, OR – Mr. Lamb stated he has heard a lot about affordable housing
41 but the housing market has driven prices up anyway. He stated the need for State
42 legislation to define affordable housing. He emphasized the properties that have recently
43 been rezoned from industrial to high density. He described his efforts to gain
44 environmental impact information on the Millpond Crossing project. He stated the
45 property owners on North 12th Street are going to get billed for street improvements
46 because of this development. He stated impact analyses should be completed prior to the
47 annexation.
48

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

50 Catherine Biscoe, Philomath, OR – Ms. Biscoe stated development has been a topic of
51 discussion by the North 12th Street Road District and they still overwhelmingly oppose
52 development of the street to City standards. She questioned why North 12th Street
53 property owners should foot the bill for street improvements. She questioned the
54 developer's ability to keep prices on homes with 7,000 square foot lots under \$300,000.

1 She stated the improvement of the area streets has not been addressed. She stated
2 support for private property owner rights but not for others to dictate to the existing local
3 property owners.
4

5 Rick Flacco, Philomath, OR – Mr. Flacco stated that police, fire, schools and libraries are
6 not funded by system development charges and stated his concerns that there will be
7 increased demand on those services. He suggested the City consider adding
8 construction excise taxes to address these needs. He stated he appreciated the
9 applicant's statements regarding the constraints of the property but stated the highest,
10 most intense use has to be considered. He stated that a 31% increase in population in
11 already approved developments is unsustainable. He requested the Commission
12 consider a combination of fees and CETs in the code. Mr. Minard clarified that increased
13 property taxes of the developed property contribute towards services and noted that the
14 fire and library are separate taxing districts from the City. Mr. Workman stated that there
15 are other funding mechanisms available including school excise taxes. Mr. Flacco stated
16 his concerns about school capacity with already approved developments.
17

18 Marion Dark, Philomath, OR – Ms. Dark stated this development is fourth in line to
19 potentially increase the City's population with an estimated 1,304.16 new residents in the
20 two apartment complexes and Millpond Crossing. She stated the highest density scenario
21 on this development would bring that estimated total increase to 1,879.68 or a 40%
22 increase in a two to five year period. She stated it's not just about this development. She
23 stated concerns about the increased student population on the capacity of the schools
24 that will result in necessary expansion of facilities. She stated concerns that the SDC fees
25 may not cover the extensive street and sewer improvements the development will
26 require. She stated concerns if the only ingress and egress for this development is North
27 12th Street it is unacceptable and the developer should pay for improvements needed to
28 offsite streets. She stated concerns about water usage and traffic on Philomath
29 Boulevard. She stated that studies should be conducted for water, sewer and other
30 facilities. She stated that additional construction excise taxes should be considered.
31

32 Chris Clemmer, Philomath, OR – Ms. Clemmer stated her concerns about North 12th
33 Street residents having to pay for someone else's development. She stated concerns
34 about having to put in sidewalks on the double lot on which her older manufactured home
35 sits. Mr. Workman stated the City has worked with the "F" Street Road District leadership
36 in the past. He stated that street improvements can't be addressed until the property
37 owner submits a specific development plan. Ms. Clemmer stated her concerns about
38 being forced to pay for improvements. Mr. Workman stated he has had conversations
39 with the leadership of the road district regarding the need for a majority of members of the
40 road district to support improvements before the City would consider having an
41 engineering analysis completed for improvements. Mr. Workman described possible
42 scenarios that could result in the street having to be improved.
43

44 Leslie Keaton, Philomath, OR – Ms. Keaton questioned what the sewer construction is
45 related to that is currently being conducted on North 12th Street. Ms. Post confirmed that it
46 was a sewer extension for construction of two homes at the northern end of North 12th
47 Street.
48

49 **Rebuttal by the Applicant, limited to issues raised by opponents:**

50 Levi Beelart – Mr. Beelart stated that, one way or another, eventually North 12th Street will
51 have to be improved; and if this development is approved, they will pay for their fair
52 share.
53

1 Kathy Hensman – Ms. Hensman stated they should have the wetlands delineation later
2 this month and that will define how constrained they are by those wetlands.

3
4 Mr. Minard provided clarification on the use of the worst case scenario to ensure that
5 engineering addresses maximum possibilities.

6
7 Bill Patton, Streamline Engineering, Philomath, OR – Mr. Patton described in further
8 detail the layout of the conceptual plan to address the known and potential wetland
9 locations. He stated the location of those wetlands precludes the ability to develop the
10 property to the potential maximums. He stated his experience is that offsite improvements
11 are paid for by the developer and any other ultimately necessary improvements to North
12 12th Street are a separate issue. He stated that conversations with the Fire Department
13 are ongoing and in order to avoid requiring sprinkler systems in each house they will be
14 required to develop a second access via Industrial Way. He stated that, while they City
15 has adequate sanitary sewer system capacity, the 12th Street sewer access limits the
16 number of houses that can be built, so they will be looking at other options to tie into the
17 City system. He stated there are multiple reasons the development will have to connect to
18 Industrial Way. He stated the current conceptual plan shows 55 lots and only one access
19 but it is not the final plan.

20
21 Seeing no requests to keep the record open to address new evidence, Chair Lusk closed
22 the public hearing at 8:39 p.m. Mr. Beelart waived the 7-day period to submit final written
23 comments.

24
25 **4.2 PC18-08 Discussion and Decision** – Chair Lusk opened the application for
26 discussion by the Commission. Commissioner Stein questioned if a maximum number of
27 lots can legally be constrained upon the developer prior to annexation. Ms. Cook stated
28 this is the first step in the process and a subdivision application could contain additional
29 constraints.

30
31 Mr. Minard clarified that the economics of the development and whether it is affordable
32 housing or not is part of the applicable criteria. He described the history of partitioning on
33 North 12th Street that has not required people to complete adjacent street improvements
34 in conjunction with partitioning and building additional houses. He stated that eventually
35 the tipping point does occur and there are costs and benefits to improvements. He stated
36 that property values do go up in conjunction with improved streets. He further explained
37 the use of a waiver of remonstrance for street improvements that have been signed by
38 many parcel owners on North 12th Street rather than being required to complete partial
39 street improvements when partitioning their property.

40
41 **MOTION:** Commissioner Gay moved, Commissioner Knutson second, the Planning
42 Commission adopt the Findings of Fact as presented in the staff report and this
43 annexation request as presented in File No. PC18-08 be forwarded to the City Council for
44 consideration and action. Motion APPROVED 5-1 (Yes: Gibbs, Boggs, Gay, Knutson and
45 Lusk; No: Stein).

46
47 Ms. Post announced that a public hearing on this application file will be scheduled before
48 the City Council for the Tuesday, November 13, 2018 meeting at 7:00 p.m.

49
50 **5. ADJOURNMENT:**

51 There being no further business, Chair Lusk adjourned the meeting at 8:55 p.m.

52
53 **SIGNED:**
54 Lori Gibbs, Vice Chair

ATTEST:
Ruth Post, MMC, City Recorder