



CITY OF PHILOMATH

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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

CITY HALL COUNCIL CHAMBERS

980 Applegate Street

November 18, 2019
6:00 p.m.

MEETING AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - 3.1 September 16, 2019
- 4. BUSINESS**
 - 4.1 2040 Comprehensive Plan Advisory Group involvement – Discussion
 - 4.2 Planning Commission rights, responsibilities and functions – Discussion
- 5. ADJOURNMENT**

NEXT MEETING

December 16, 2019 @ 6:00 p.m. (If Needed)

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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.
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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.
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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).
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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.
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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.
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149 **5.2 Discussion and Decision**

150 Chair Stein opened the floor for discussion by the Commission.
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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).
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189 **6. ADJOURNMENT:**

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

192 SIGNED:

ATTEST:

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David Stein, Chair

Ruth Post, MMC, City Recorder

TO: **Philomath City Council**

FROM: **Philomath Planning Commission**

SUBJ: **2040 Technical Advisory Committee, Council agenda item #H.01**

DATE: November 12, 2019

The Planning Commission held a special meeting today in order to discuss the 2040 Comprehensive Plan Advisory Committee recently formed by the City Council. As a result of that meeting, we have resolved to communicate to you the following:

First, we notice and appreciate your early steps toward a new revision of the Philomath Comprehensive Plan! We also congratulate you on your resolution 19-12 Supporting Oregon DLCD Technical Assistance Grant application.

Second, we would like to draw the Council's attention to the following:

- ORS 227.090, "Powers and duties of commission" which says, in part that, that the planning commission may "**Recommend to the council and other public authorities plans for regulating the future growth, development and beautification of the city...**"
- Oregon Goal 1, which requires the formation of a Committee of Citizen Involvement (CCI), with the goal of ensuring "the opportunity for citizens to be involved in all phases of the planning process." **We the Planning Commission are the official CCI for Philomath's Comprehensive Plan**
- Comprehensive Plan chapter IX, which states that comprehensive plan amendments and updates, including those initiated by the City Council, **shall first be referred to the planning commission**

We therefore believe that the Planning Commission should play an early and continuous role in any Comprehensive Plan updates. Therefore, we respectfully ask the City Council to postpone this decision #H.01 until we are able to make a recommendation on the November 25th City Council Meeting.

VOTED: **PASSED** in session of the Planning Commission November 12, 2019

YES (6), NO (0)

Lori Gibbs, Chair

administrator shall not approve any claim filed more than six months after the sale.

If the property is transferred to the city, or other governmental agency, in lieu of sale, it may be claimed by the lawful owner thereof at any time within six months from the transfer to the governmental agency. The chief of police in disposing of property in the manner provided herein shall not be liable to the owner thereof. [Ord. 424 § 6, 1980.]

2.25.070 Applicability.

This chapter shall apply to all personal property, except motor vehicles, now or hereafter in custody of the city. [Ord. 424 § 7, 1980.]

Chapter 2.30

PLANNING COMMISSION

Sections:

- 2.30.010 Purpose.
- 2.30.020 Members – Terms.
- 2.30.030 Qualifications.
- 2.30.040 Vacancies.
- 2.30.050 Officers – Meetings.
- 2.30.060 Duties and powers.
- 2.30.070 Zoning.
- 2.30.080 Public facilities.
- 2.30.090 Building and improvements.
- 2.30.100 Recommendations in writing.
- 2.30.110 Expenditures.
- 2.30.120 Conflict of interest.
- 2.30.130 Hearings.

2.30.010 Purpose.

The purpose of this chapter is to define terms, duties of and the method of appointing members of the planning commission. [Ord. 547 § 1, 1987.]

2.30.020 Members – Terms.

There shall be a planning commission known as the city of Philomath planning commission, which shall consist of seven members, each of whom shall be appointed by the city council. Commissioners in office at the time the ordinance codified in this chapter takes effect shall continue in office until the end of the terms for which they were appointed. Commissioners appointed after the ordinance codified in this chapter takes effect shall serve a term of four years, unless they are filling the remaining unexpired term of a vacant position. In addition, the Philomath city council may appoint one of its members to serve as an ex-officio non-voting representative to the planning commission. No member of the council may serve as a voting member of the planning commission. [Ord. 547 § 2, 1987.]

2.30.030 Qualifications.

To be eligible for appointment to and continued service on the planning commission, a person at the time of appointment and throughout his or her term of service must be a qualified elector within the meaning of the State Constitution and reside in the city of Philomath. Notwithstanding the provisions

of this section, the council may appoint two members to the commission who are qualified electors and reside within the urban growth boundary of the city of Philomath, but do not reside in the city; provided, that the other five commission seats are filled by city residents. Any commissioner may be removed from the commission by a majority vote of the city council. [Ord. 547 § 3, 1987.]

2.30.040 Vacancies.

Vacant positions on the commission shall be filled by appointment by a majority vote of the members of the council. The appointee's term of office begins immediately on appointment and continues throughout the unexpired term of the predecessor. During the temporary disability of a commissioner or during a commissioner's temporary absence from the city for any cause, the commission position may be filled pro tem in the manner provided for filling vacancies on the commission. Any commissioner may be reappointed for an additional four-year term by the city council, but no commissioner shall serve more than two consecutive full terms. [Ord. 547 § 4, 1987.]

2.30.050 Officers – Meetings.

The city planning commission at its first meeting of the year shall elect by ballot a chairman and vice-chairman who shall be members appointed by the city council and who shall hold office at the pleasure of the planning commission. A majority of the incumbent members of the commission shall constitute a quorum. The commission may make and alter rules and regulations for its government and procedure consistent with laws of this state and city charter and ordinances. It shall meet at least monthly unless there is no scheduled business to bring before the commission. The city council shall assign to the commission an office or headquarters in which to hold its meetings, transact its business and keep its records. Special meetings may be called at any time by the president and three members by written notice served upon each member of the commission at least 24 hours before the time specified for the proposed meeting. Emergency meetings may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice. [Ord. 547 § 5, 1987.]

2.30.060 Duties and powers.

The planning commission shall have the authority which is now or may hereafter be assigned to it by charter, ordinances, or resolutions of the city of Philomath and ORS 227.090, and other applicable state laws. [Ord. 547 § 6, 1987.]

2.30.070 Zoning.

Copies of all proposed ordinances for the establishment of the boundaries of any zone or district or amendments thereto, and of all proposed ordinances regulating or limiting the use, height, area, bulk and construction of buildings, to be submitted to the council shall, before the same are presented to the council, be first submitted to the city planning commission for recommendation or action in accordance with the requirements of the city zoning ordinance. [Ord. 547 § 7, 1987.]

2.30.080 Public facilities.

Before final action shall be taken by the council, or any department of the city, on the location or design of any public building, bridge, statue, park, parkway boulevard, playground or public ground, the same shall be submitted to the city planning commission for consideration and report; and provided further, that unless the city council definitely names a longer period for the return of a report specified herein, the approval of the city planning commission shall be deemed to have been given at the end of 30 days after receipt of the same in writing by its secretary, unless the city planning commission shall submit a report thereon prior to that time. [Ord. 547 § 8, 1987.]

2.30.090 Building and improvements.

Any person, copartnership, corporation or public authority having charge of the construction, placing or designing of buildings or other structures and improvements, may call upon the city planning commission for a report thereon. The city planning commission may make recommendations to any person, copartnership, corporation, or public authority with reference to the location of buildings, structures or works to be erected, constructed or altered by or for such person, copartnership, corporation or public authority; provided however, such recommendation shall not have the force or effect of a law or ordinance, except when so pre-

scribed by the laws of the state of Oregon or by city ordinance. [Ord. 547 § 9, 1987.]

2.30.100 Recommendations in writing.

All recommendations made to the council by the commission shall be in writing. [Ord. 547 § 10, 1987.]

2.30.110 Expenditures.

The city planning commission shall have no authority to make any expenditures on behalf of the city, or to obligate the city for the payment of sums of money. [Ord. 547 § 11, 1987.]

2.30.120 Conflict of interest.

A member of a planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member; any business in which the member is then serving or has served within the previous two years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken. [Ord. 547 § 12, 1987.]

2.30.130 Hearings.

Hearings before the planning commission shall be conducted in accordance with applicable procedures adopted by city ordinance. [Ord. 547 § 13, 1987.]

Chapter 2.35

URBAN RENEWAL AGENCY

Sections:

- 2.35.010 Declaration of blight.
- 2.35.020 Agency title.
- 2.35.030 Membership.
- 2.35.040 Powers.
- 2.35.050 Limitations.
- 2.35.060 Advisory commission.
- 2.35.070 Savings clause.

2.35.010 Declaration of blight.

Pursuant to ORS 457.035, the Philomath city council declares that blighted areas now exist in the city and that there is currently a need for an urban renewal agency to function in the city of Philomath. [Ord. 583 § 1, 1990.]

2.35.020 Agency title.

The urban renewal agency created by this chapter shall be known as the Philomath urban renewal agency. [Ord. 583 § 2, 1990.]

2.35.030 Membership.

The Philomath urban renewal agency shall be comprised of members of the Philomath city council as it lawfully exists from time to time. Any change in membership of the Philomath city council shall automatically, and without need for further legislative action, constitute an identical change in the membership of the Philomath urban renewal agency. [Ord. 583 § 3, 1990.]

2.35.040 Powers.

Subject to the limitations imposed by PMC 2.35.050, the Philomath urban renewal agency shall have authority to exercise all power available to the agency under ORS Chapter 457, including, but not limited to, the power of eminent domain. The powers conferred to this agency by ORS Chapter 457 are in addition and supplemental to the powers conferred by any other law. [Ord. 583 § 4, 1990.]

2.35.050 Limitations.

Any act of the Philomath urban renewal agency shall be considered the act of the urban renewal agency only and shall not be considered an act of

2017 ORS 227.090¹

Powers and duties of commission

- (1) Except as otherwise provided by the city council, a city planning commission may:
- (a) Recommend and make suggestions to the council and to other public authorities concerning:
 - (A) The laying out, widening, extending and locating of public thoroughfares, parking of vehicles, relief of traffic congestion;
 - (B) Betterment of housing and sanitation conditions;
 - (C) Establishment of districts for limiting the use, height, area, bulk and other characteristics of buildings and structures related to land development;
 - (D) Protection and assurance of access to incident solar radiation; **and**
 - (E) Protection and assurance of access to wind for potential future electrical generation or mechanical application.
 - (b) Recommend to the council and other public authorities plans for regulating the future growth, development and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of public utilities and telecommunications utilities, including appropriate public incentives for overall energy conservation and harbor, shipping and transportation facilities.
 - (c) Recommend to the council and other public authorities plans for promotion, development and regulation of industrial and economic needs of the community in respect to industrial pursuits.
 - (d) Advertise the industrial advantages and opportunities of the city and availability of real estate within the city for industrial settlement.
 - (e) Encourage industrial settlement within the city.
 - (f) Make economic surveys of present and potential industrial needs of the city.
 - (g) Study needs of local industries with a view to strengthening and developing them and stabilizing employment conditions.
 - (h) Do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 (Definition for ORS 227.030 to 227.300) to 227.170 (Hearing procedure),

227.175 (Application for permit or zone change) and 227.180 (Review of action on permit application).

- (i) Study and propose such measures as are advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the city and of the area within six miles thereof.
- (2) For the purposes of this section:
- (a) "Incident solar radiation" means solar energy falling upon a given surface area.
 - (b) "Wind" means the natural movement of air at an annual average speed measured at a height of 10 meters of at least eight miles per hour. [Amended by 1975 c.153 §3; 1975 c.767 §4; 1979 c.671 §3; 1981 c.590 §8; 1987 c.447 §118]

¹ Legislative Counsel Committee, *CHAPTER 227—City Planning and Zoning*, https://www.oregonlegislature.gov/bills_laws/ors/ors227.html (2017) (last accessed Mar. 30, 2018).