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PHILOMATH PLANNING COMMISSION
MINUTES

November 19, 2018

1. **CALL TO ORDER.** Vice-Chair Lori Gibbs 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, Gary Conner, Mark Knutson, Lori Gibbs, and David Stein.

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

Excused: Commissioners Jeannine Gay and Jacque Lusk.

3. **APPROVAL OF MINUTES:**

3.1 **October 22, 2018, Minutes**

MOTION: Commissioner Boggs moved, Commissioner Knutson second, the October 22, 2018, minutes be accepted as presented. Motion APPROVED 5-0. (Yes: Boggs, Conner, Knutson, Lusk and Stein; No: None.)

4. **PUBLIC HEARING:**

4.1 **File Number** PC18-13

Applicant: Ronald and Barbara Hartz

Application Type: Type IV – Comprehensive Plan and Zone Map Amendments

Location: Unaddressed Landmark Drive address, Assessor's map 12-5-07B Tax Lot #2100

Vice-Chair Gibbs opened the public hearing at 7:03 p.m. Ms. Cook read the rules for testimony. Vice-Chair Gibbs 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. Vice-Chair Gibbs read the order for testimony.

Presentation of Staff Report:

Mr. Minard reviewed the staff report, applicable criteria and staff conclusions as included in the agenda packet.

Presentation by Applicant:

Ronald and Barbara Hartz, Philomath, OR – Ms. Hartz read her testimony into the record summarizing their attempts to market the property as it has been historically zoned for Industrial Park. She described the challenges in finding suitable foster care for her elderly mother and the need for local housing for seniors. She described her vision for a long- or short-term care facility and the need for the rezoning to attract a developer. Ms. Hartz noted the maps distributed with her testimony show the floodplain and extensive wetlands in surrounding properties that will make it difficult for them to be developed for industrial uses.

Mr. Hartz addressed issues in the staff report in his submitted testimony regarding the development of the surrounding property, provision of services, the need for various housing types, and the lack of supply of high density vacant or planned residential lands. He described a loss of industry since the time when he served on the planning commission in the 1980s and the need for the gravel road to be paved. He noted that the

1 staff report states the city has no high-density residential lands on the land use inventory
2 map and the lack of suitable housing for Philomath employees.
3

4 Mr. Hartz summarized the submitted transportation impact analysis and conclusion and
5 noted a written testimony letter submitted by Alan Wells. Ms. Hartz read the letter from
6 Alan Wells into the record.
7

8 Mr. Hartz reviewed the letter submitted by neighboring property owner Dennis Cabatic,
9 Philomath Rental. Mr. Hartz stated that the only true industrial business on Landmark
10 Drive is a single machinist and stated the traffic count on the highway has no relevance to
11 this application. He stated there is no need for more than one access in and out of the
12 property and there is sufficient acreage to deal with truck traffic congestion.
13

14 **Presentation of Proponents:**

15 None.
16

17 **Presentation of Opponents:**

18 Dennis Cabatic, Philomath Rental, Philomath, OR – Mr. Cabatic noted the Commission
19 already has received his written testimony. He stated it is well documented that there are
20 conflicts between industrial use and residential such as the need for lighting for security
21 at industrial sites. He described issues eleven years ago with ODOT ordering him to
22 widen Philomath Boulevard and, as part of the resolution of that issue, he was notified
23 that the next developer of property on Landmark Drive would have to widen the highway.
24 He stated that making left turns off of Landmark Drive became particularly problematic
25 over the past summer, primarily due to the increased truck traffic through Philomath.
26

27 Jodi Nelson, Philomath, OR – Ms. Nelson stated she is the owner of the machine shop on
28 Landmark Drive and described the business activities of their operation. She stated they
29 do not have adequate spacing to drive around the building. She requested the application
30 be denied for the reasons stated in the staff report. She supported Mr. Cabatic's
31 comments regarding the dangerous condition of attempting left-hand turns onto the
32 highway. She stated Mr. Hartz is known for riding his bike in the area and telling people to
33 slow down. She stated she does agree with the need for housing but this is not the
34 correct place for it. She stated Landmark Drive does need improvements and there are
35 too many safety issues. She stated she has not had the opportunity to review all of the
36 reports referenced at the hearing.
37

38 May Dasch, Philomath, OR – Ms. Dasch stated opposition to the application due to water
39 supply issues. She stated concerns about the supply of water from the Marys River, the
40 ability of Corvallis to discontinue the intertie access to Rock Creek water, the 9th Street
41 well water quality, and the 11th Street well reliability. She stated concerns with water
42 supply due to global warming and the impact of water supply with the construction of new
43 developments.
44

45 Terry Weiss, Philomath, OR – Ms. Weiss stated there must be two ways to access
46 property because it is required by the Fire Department and maneuverability for fire trucks
47 must be ensured. She also stated that industrial parks don't necessarily mean steam
48 pipes and Philomath needs to do more work to attract businesses. She stated this is a
49 good goal for the city. She questioned the staff report reference that there is no high
50 density residential property available. Mr. Minard pointed out the areas in the Urban
51 Growth Boundary that are identified for either low or medium density residential or
52 industrial uses, but that there is no high density residential in the UGB inventory.
53

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

2 Robert Biscoe, Philomath, OR – Mr. Biscoe stated he has personally used the
3 businesses on Landmark Drive many times and at least two of the businesses would like
4 to expand. He stated he would like to see it stay industrial so those businesses can grow.
5 He stated he works for a company that came to Philomath because it was more cost
6 effective to locate here.

7
8 Mark Weiss, Philomath, OR – Mr. Weiss stated concerns that traffic engineering reports
9 on currently vacant property can base their conclusions as if it is fully developed under
10 the existing zoning. He requested that criteria be developed to address that situation.

11
12 **Rebuttal by the Applicant, limited to issues raised by opponents:**

13 Waived by the applicant.

14
15 Seeing no requests to keep the record open to address new evidence, Vice-Chair Gibbs
16 closed the public hearing at 8:09 p.m. The applicants waived the 7-day period to submit
17 final written comments.

18
19 **4.2 PC18-13 Discussion and Decision** – Vice Chair Gibbs opened the application
20 for discussion by the Commission.

21
22 **MOTION:** Commissioner Knutson moved, Commissioner Stein second, the Findings of
23 Fact as presented in the staff report dated November 1, 2018, be adopted and the
24 Planning Commission recommend the City Council deny the requested Comprehensive
25 Map amendment from Industrial to High Density Residential and the Zoning Map
26 amendment from Industrial Park to High Density Residential as presented in File No.
27 PC18-13. Motion APPROVED 5-0 (Yes: Boggs, Conner, Knutson, Stein and Gibbs; No:
28 None).

29
30 Ms. Post announced that a public hearing on this application file will be scheduled before
31 the City Council for the Monday, December 10, 2018 meeting at 7:00 p.m. as previously
32 advertised and noticed and stated the Council will receive copies of the full proceedings
33 of this hearing.

34
35 **4.3 File Number PC18-11**

36 **Applicant:** H&R Development

37 **Application Type:** Type III -- Subdivision

38 **Location:** Generally that property immediately north of Chapel Drive and
39 southeast of the Philomath Middle School, identified as Map 12-6-12D, Tax Lot
40 #500, including the 9.17 acres transferred by lot line adjustment from 12-5-07 Tax
41 Lot #504.

42
43 Vice Chair Gibbs opened the public hearing at 8:12 p.m. Ms. Cook read the rules for
44 testimony. Vice Chair Gibbs requested any declarations of ex-parte contact, conflict of
45 interest or bias concerning the case file. No declarations were made and there was no
46 rebuttal of the declarations. She read the order for testimony.

47
48 **Presentation of Staff Report:**

49 Mr. Minard reviewed the staff report, applicable criteria and staff conclusions as included
50 in the agenda packet. He added comments about ongoing discussions with the developer
51 regarding parkland requirements and recommended the addition of an additional
52 condition of approval to address meeting the park requirements either through dedication
53 of space or payment of in lieu of fees to the City for use in developing off-site paths and

1 parks. Mr. Minard described proposed connectivity of pathways as described in the Park
2 Master Plan.

3
4 **Presentation by Applicant:**

5 Mike Agee, H&R Homes Development, Clackamas, OR and Mark Grenz, Multi/Tech
6 Engineering, Salem, OR – Mr. Grenz stated the staff report does a good job of
7 encompassing the requirements and conditions of approval for the subdivision and they
8 do not have any issues with the proposed conditions. He noted the ongoing discussions
9 with the school district regarding access and easements. Mr. Agee stated his firm has
10 worked diligently with the city to develop a proposal that is acceptable to the community.

11
12 Commission Stein questioned whether the analysis in the transportation impact analysis
13 takes into account approved developments. Mr. Grenz stated he believed the traffic
14 engineer worked with the City's engineer to develop the analysis based on the available
15 data. He stated he was unable to specifically identify that in the report but noted the
16 intersections studied on Chapel Drive. Mr. Agee stated that the traffic engineer completed
17 the analysis as required by the criteria and standards. Commissioner Stein stated the
18 study was worthless if it doesn't take into account the expected traffic generation by the
19 approved Millpond Crossing subdivision. Mr. Grenz noted the use of traffic growth at
20 1.5% each year through 2020. Commissioner Stein stated that much of the traffic
21 generated by the existing approved subdivision won't be built until after 2020. He stated
22 concerns about that long-term situation. Mr. Agee noted that the analysis shows that
23 even with the projected growth through 2020 the studied intersections still function within
24 the acceptable level of service. Commissioner Stein requested the record be kept open
25 so he can see the data before the vote.

26
27 Commissioner Boggs questioned the design of the storm detention facility located east of
28 Lot 47, and Mr. Grenz stated the final design was yet to be confirmed with city staff but
29 anticipated it being earthen.

30
31 Commissioner Conner questioned the purpose of the pathway going northwards and
32 terminating at the northern boundary of the subdivision. Mr. Agee stated the pathway is
33 intended to connect to the park property to the north but the property in between is under
34 other ownership and not available for connection at this time. Mr. Workman stated that
35 this is part of the parks discussions staff is engaging in with the applicant to eventually
36 get the pathway all the way to City Park. Mr. Agee described the off-site improvements
37 intended to connect the pedestrian path to the Middle School. Vice Chair Gibbs
38 questioned the comments by the school superintendent regarding the 20-foot easement
39 across the school property north of Chapel Drive. Mr. Agee stated that easement is not
40 part of their subdivision. Mr. Workman addressed the comment regarding the easement,
41 noting the possible alternative to redirect the sewer line using the pathway access
42 created by the subdivision and, therefore, preserving the trees and cross country trail
43 adjacent to Chapel Drive.

44
45 **Presentation of Proponents:**

46 None.

47
48 **Presentation of Opponents:**

49 May Dasch, Philomath, OR – Ms. Dasch stated opposition to the approval of the
50 subdivision due to increased traffic on South 19th Street and water supplies. She
51 described pedestrian uses in the area due to the concentrated area of school facilities.
52 She stated the addition of the subdivision would greatly increase automotive traffic in the
53 area and would subsequently endanger students. She described long-term water supply
54 concerns for the community.

1
2 **Testimony of Neutral Parties, including Governmental Bodies:**

3 Gordon Kurtz, Benton County Engineering Associate, Corvallis, OR – Mr. Kurtz stated he
4 did not have any contact with the traffic engineer who prepared the TIA. He stated he
5 would expect the analysis to extend ten years out as suggested by Commissioner Stein.
6 He stated that both Millpond Crossing and this subdivision cause multi-jurisdictional traffic
7 issues. He suggested that Plymouth Drive should also be included in the analysis ten
8 years out. He stated additional analysis is warranted, however the current Benton County
9 code does not require it. Mr. Kurtz stated he has conversed with the City's engineer and
10 suggested that a center turn lane may be needed somewhere someday. He stated the
11 County has secured design funds for a multi-use path along the northerly right-of-way line
12 of Chapel Drive from Bellfountain to 13th Streets but they have not secured right-of-way
13 acquisition or construction funds. He stated the need to ensure that the frontages on
14 Chapel Drive are preserved for this path. Commission Boggs questioned if Mr. Kurtz
15 testified on the Millpond Crossing subdivision. He explained that he did not and described
16 the conditions regarding the design of the Millpond Crossing that were presented.
17

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

19 Mr. Grenz stated that the condition has been addressed regarding the Chapel Drive
20 frontage. He stated that an expanded traffic impact analysis can be provided but would
21 expect that as long as the intersections studied were not subsequently considered
22 insufficient, the Commission would be satisfied that the criteria was met. Commissioner
23 Stein stated he would like to see an analysis that is ten years out and would like to see it
24 specifically stated how much traffic is being generated by each of the two developments.
25 Mr. Grenz stated he can request the TIAs for the Millpond Crossing development and it
26 can be taken that into account using a projection to 2030. Mr. Workman stated that the
27 analysis should fully take into account traffic that may be generated by undeveloped
28 properties in addition to the approved developments. Mr. Grenz described the method for
29 using traffic projections through 2030.
30

31 Mr. Workman suggested two options for the Commission to consider: that the updated
32 TIA could be added as a condition of approval requiring that the analysis not indicate any
33 triggers for additional improvements or the Commission could withhold a decision until
34 after submission of the updated analysis.
35

36 Commissioner Stein stated he would prefer to keep the record open. Mr. Grenz stated the
37 updated report could be available prior to the next scheduled Planning Commission
38 meeting. Mr. Workman stated that the 120-day deadline is January 2, 2019, for
39 completion of the decision and appeal period. There was discussion about whether to
40 hold the record open or to make an updated TIA a condition of approval. Commissioner
41 Conner questioned if the additional data would have any impact on Commissioner Stein's
42 final decision regarding the application. Commissioner Stein agreed to proceed with
43 closing the hearing.
44

45 Vice Chair Gibbs closed the public hearing at 9:16 p.m. The applicant waived the 7-day
46 period to submit final written comments.
47

48 **4.2 PC18-13 Discussion and Decision –**

49 **MOTION:** Commissioner Boggs moved, Commissioner Conner second, to approve the
50 application for the Newton Creek Subdivision preliminary plat based on the findings of
51 fact contained in the staff report dated November 11, 2018, for file PC18-11 and subject
52 to the conditions of approval in the staff report with the addition of conditions of approval
53

1 for the additional transportation impact analysis and determination of park amenities.
2 Motion APPROVED 4-1 (Yes: Boggs, Conner, Knutson and Gibbs; No: Stein).
3
4

5 Ms. Post announced this was a final decision of the Planning Commission with appeal
6 rights to the Philomath City Council.
7

8 Mr. Workman invited the members of the Planning Commission to attend a brief reception
9 on December 10 at the City Council Chambers to recognize outgoing members of the
10 Commission, including Commissioner Lusk, members of the Budget and Park Advisory
11 Boards and outgoing members of the City Council, including Mayor Rocky Sloan.
12

13 Ms. Post announced there would be no Planning Commission meeting in December.
14

15 **5. ADJOURNMENT:**

16 There being no further business, Vice Chair Gibbs adjourned the meeting at 9:20 p.m.
17

18 SIGNED:
19 Lori Gibbs, 2018 Vice Chair

ATTEST:
Ruth Post, MMC, City Recorder