

REGULAR MEETING OF THE PLANNING COMMISSION  
CITY OF AMITY, OR

Minutes

A Regular Meeting of the City of Amity Planning Commission was held at 6:30 p.m. on Tuesday, January 13, 2020 in the Council Chambers, City Hall, 109 Maddox, Amity, Oregon.

Members Present:

Ryan Jones (Chairman), Steve Ruyle (Commissioner), David Antinucci (Commissioner), and Rob Kistler (Commissioner)

Members Absent:

None

Staff Present:

Amber Lopez (City Clerk), Natasha Johnson (City Recorder), Michael Thomas (City Administrator) and Holly Byram (City Planner MWVCOG) and Bill Monahan (City Attorney MWVCOG)

Guests Present (as self-reported on a sign-in sheet at the front door):

Steve Powell(Applicant), Wade Wylie(Applicant's Legal Counsel), Jeff & Nancy Schumacher, Edward Farrar, Susan Karp, Phil Lopez, Eli Cox, Sabine Buchanan, Gail Hult, Bobbie Farqhrar, Courtnie Belanger, Luke Belanger, Barb Bond, Eric & Julie Louderback, Hanna Cox, Melissa Steele, Shannon Trunde, David Honig, Mel Bradley, David & Jeanne Beck, JoAnne McBrayer, Chelsea & Max Walker, Amy S., Dave Van D., Eve Silverman, Rod Hickerson, Jamie O'Malley, Chris Weeks and Steve & Charmaine Cooper

Call to Order:

Chair Ryan Jones called the meeting to order at 6:30 PM.

Approval of Minutes from November 18, 2019

Chair Ryan Jones asked if the Commission wanted to entertain a motion to approve the minutes from the November 18, 2019 Planning Commission meeting. Commissioner Steve Ruyle moved to approve the minutes; Commissioner Rob Kistler seconded. Motion passed 4-0.

Comments from Citizens

Chair Ryan Jones asked for comments from citizens. There was none.

Old Business

Chair Ryan Jones asked for any old business. There was none.

Public Hearings:

**A. Site Development Review #1910-01SDR, 102 S. Trade – Woodcrest Companies.:**

Chair Ryan Jones opened the public hearing for city file#1910-01SDR and read the standard land use hearing script, stating that all testimony must concern the approval criteria, failure to raise an issue precludes future appeals to LUBA, and that any party may request a continuation. Chair Ryan Jones asked Planning Commissioners for declarations of ex-parte contacts, conflicts of interest, bias, or site visits concerning the application. None were declared. Chair Jones asked if any member of the audience wished to challenge the jurisdiction of the Planning Commission to hear the matter? None did. Chair Jones asked if any member of the audience wished to challenge the impartiality or ex-parte disclosures of any member of the Planning Commission?

Susan Karp (Citizen) requested Commissioner David Antinucci recuse himself from any decision making,

stating that he is biased on this matter, because he served as the realtor for the subject property owner, Mr. Sam Coelho. She explained and submitted for the record a letter and real estate website images showing Commissioner Antinucci serving as Sam Coelho's realtor for 102 S Trade Street. David Honig (citizen) agreed with Susan Karp, stating that he wanted proof from Commissioner Antinucci that he isn't Sam Coelho's realtor currently. Bill Monahan (City Attorney) explained to Commissioner Antinucci the bias and his options. Commissioner Antinucci gave response regarding not bias. He stated on record that he has not spoken to Sam Coelho regarding this application and doesn't currently represent Sam Coelho on this property as his realtor. Because it was requested by members of the public in attendance, Commissioner Antinucci decided to recuse himself, and left the property for the public hearing. Staff stated they would notify him by phone when he should return for the next agenda item.

Commissioner Kistler asked City Attorney Monahan how roll call voting will be handled. City Attorney Monahan clarified.

Chair Ryan Jones requested the staff report. Planner Holly Byram presented the staff report.

Chair Ryan Jones addressed Commissioners if they had any questions for staff before moving forward with the applicant's presentation. There were questions from the Commissioners.

Commissioner Rob Kistler asked Planner Holly Byram if the date of the legal description mattered. She explained and it doesn't matter in this case.

Commissioner Rob Kistler asked City Attorney Bill Monahan regarding page 3 of the staff report and what does the language about subjective and objective criteria mean. City Attorney Bill Monahan addressed this and explained what it means.

Commissioner Rob Kistler asked Planner Holly Byram regarding permanency of parking easement and what does that mean down the road. Planner Holly Byram confirmed that restricts the use indefinitely, unless amended by future City approval. City Attorney Bill Monahan explained as well and the process if wanting to change in the future would need to come before planning.

Commissioner Rob Kistler asked Planner Holly Byram regarding utility lines on page 12 of the staff report. City Planner Byram explained what it means.

Commissioner Rob Kistler asked Planner Holly Byram regarding sign permit and if they would need to go to planning for one. Planner Holly Byram explained the type of application it is would go to City Staff for approval.

Commissioner Rob Kistler asked Planner Holly Byram regarding page 14 of staff report changing the site design review. Planner Holly Byram explained that staff does not have authority to approve changes to a site plan approved by the Planning Commission; the applicant would have to return to Planning Commissioner with new application to make changes to the site plan.

Chair Ryan Jones asked for clarification regarding utility edu capacity the store will use. Administrator Michael Thomas said the acronym EDU stands for equivalent dwelling unit. The store will not be using more then if a house was built there.

Chair Ryan Jones asked if there was presentation from the applicant. There was from Steve Powell, applicant. Applicant is a different developer than the previous Dollar General application in Amity. The applicant's team reviewed background from previous application that was ultimately unsuccessful in the past. He explained how they reviewed the concerns from the last application and identified the problems. In the current application they addressed all the previous and current concerns.

Chair Ryan Jones reminded citizens to turn in comment forms to speak during testimony and will have three minutes to speak.

Chair Ryan Jones asked if there were any questions from Commissioners. There were questions.

Commissioner Kistler asked applicant what does his previous "dangerous" comment mean? Applicant explained the current existing sidewalk is crumbling and currently not ADA accessible. The new sidewalk would be safer.

Commissioner Ruyle asked if the applicant would be required to install a fire sprinkler system? Applicant explained they are not required to put in a sprinkler system but instead to install a new fire hydrant on Trade Street.

Chair Ryan Jones asked for testimony from proponents. Testimony from an attendee was given.

Phil Lopez. (citizen) is in favor for having a Dollar General. He went over why he is for it. More options for citizens and saving money. Willamina and Dayton have them and they seem ok and no complaints. He pointed out that Amity had a locally owned market in the past and they went out of business. He has two recommendations; the signage shouldn't be lit for nearby homes and illuminated crosswalk at this location for kids and elderly safety.

Chair Ryan Jones asked for testimony from any opponents. Testimonies from attendees were given.

Julie Louderback (citizen) likes the downtown development. The location for Dollar General is so far removed from other commercial. She would be in favor of changing the commercial strip back to residential zoning. She is opposed because not the direction she feels Amity should go.

Edward Farrar (citizen) is concerned about approving "pole sign". The signs at Dayton and Independence are pole signs for example. He submitted a handout about signs. City Attorney Bill Monahan said would be appropriate to wait for applicant's rebuttal regarding their sign.

Hannah Cox (citizen) concerned about the location of the store. Would prefer it to be in the center of the town. She wants to know if there were other commercial sites that were available.

Dusty Steele (citizen) is curious regarding the overhead power line and transformer, and how the project might impact their house across Trade St.

Melissa Steele (citizen) submitted online petition for record signed by 210 people. At least 150 of which are reported to be Amity residents. She requested that date to be included on public notice that is mailed out. She is concerned about the lighting of the signage. She also submitted comments that were printed out from Facebook.

City Attorney said Commissioners will take a break after testimony to have time for staff to make photocopies of the handouts, and for Commissioners to review the documents.

Shannon Trunde (citizen) is concerned about safety of the children crossing Trade Street. Dollar General can create a lot of traffic. If there is parking on 1<sup>st</sup> street where will deliveries go? She appreciates the sidewalk repair. How is the traffic going to impact the safety?

David Honig (citizen) explained that even if the code is satisfied technically, the spirit of code is not. There is serious safety consideration. Specifically, regarding the turning movements and deliveries.

Gail Hult (citizen) is opposed for many reasons. She went over her reasons. The corporate complex of the store, it brings poverty to areas. The location is outside the commercial core.

Susan Karp (citizen) reported that she spoke with Casey Knecht at ODOT. She brought toy cars with

diagram on poster board to explain her concerns. Her concerns are; what if the truck overshoots and needs to turn around, where will they turn around at? Will the northern driveway be truck only or auto too? She is concerned about kids on the sidewalk at the intersection vs. the trucks. She explained how it is a flawed design regarding the driveway and delivery area.

Mel Bradley (citizen) is concerned about the deliveries and times the deliveries will be made. If deliveries happen before store hours that is the busiest time for traffic due to school times.

Eli Cox (citizen) is concerned about public health. Does Dollar General have options to make the community healthier? Is there another location in town for the store? He would like to see at the location maybe a community center for the youth.

Planner Holly Byram mentioned two written comments were submitted for the record. Commissioner Rob Kistler volunteered to read the comments into the record. They were from Paddy Bean and Scott Rassbach, who were both opposed to the project for several reasons, including lack of perishables offered by Dollar General, competition with local Mom and Pop stores, low paying jobs, traffic, and out of state ownership.

Chair Ryan Jones asked for testimony from neutral parties. Testimony from attendees were given.

Joann McBrayer (citizen) asked if they are going to be widening the street?

David Beck (citizen) request that the record be kept open to submit additional testimony. City Attorney Bill Monahan clarified what David Beck was requesting. During the first evidentiary hearing, any party may request to continue the hearing. The Planning Commission needs to honor the request.

Chair Ryan Jones asked for rebuttal from the applicant. Applicant gave a rebuttal. Steve Powell went over the zoning. They did look for other commercial properties and there were none that were large enough in Amity for the store and parking.

He explained the signage. They will be using gooseneck lights and up lights on the signage; there will be no internally illuminated signage. There will not be a pole sign as originally proposed, they will use a monument sign instead, based on the comments on social media that they have been following.

He explained the safety concerns. ODOT has reviewed the plans and approved them. They will be putting a sign on the 1<sup>st</sup> driveway that states "delivery trucks only" and not for customer vehicles.

He explained public health concerns. He has inventory books that he can pass out. Other stores are experimenting with perishable produce elsewhere. But only a limited number of stores. There are no promises regarding having produce at the store in Amity. This is a general store. He went over some of the stuff they will be carrying. This is not a big box store but a small box.

The applicant's team followed the social media comments and went over the statistics. Out of those comments more than 50% were for the Dollar General.

Commissioner Rob Kistler asked the applicant regarding what happens when the trucks come North or they need to turn around and he sees this as an issue. Applicant went over the conditions that they received from ODOT and how their trucks understand the path of travel. Northbound trucks will need to travel north out of city limits to turn around on an approved route.

Commissioner Ryan Jones asked applicant regarding the electricity. Applicant explained the building will be fed underground from vault on the corner.

Chair Ryan Jones asked for motions to continue the hearing or leave the record open. There was a request from David Beck to continue for an opportunity to provide additional testimony. City Attorney Bill Monahan went over the continuance process. He also explained that there is 120-day rule. He asked if the applicant

agrees to 30-day extension of that deadline. Applicant agrees to 30-day extension. City Planner Holly Byram went over the date timelines and the dates regarding additional testimony and when they will be made available. Commissioners all agreed to have the planning meeting Tuesday, February 18<sup>th</sup>. Commissioner Rob Kistler asked how they will be posted and made available. City Staff explained will be made publicly available on the city website. City Attorney confirmed the dates.

City Attorney Bill Monahan asked if any additional comments or questions from the Commissioners. There were none.

City Attorney Bill Monahan explained the process of the upcoming hearing regarding the continuance. City Administrator Michael Thomas asked City Attorney regarding new planning commissioner that will be appointed at the next council meeting and the if they could participate. City Attorney went over the different options regarding this.

Commissioner Rob Kistler moved to continue the hearing to February 18, 2020 at 6:30pm and leave the record open for all new Round 1 written testimony and materials until 12pm noon on January 21<sup>st</sup>, until 5pm on January 28<sup>th</sup> for Round 2 rebuttals by participants, and until 5pm on February 4<sup>th</sup> for the applicant's Round 3 rebuttal. Commissioner Steve Ruyle seconded motion. With no further discussion motion passed 3-0 with David Antinucci recused and absent from the meeting.

**B. Continued Review potential amendments to the City of Amity Development Code:**

Chair Ryan Jones opened the public hearing for city file # 1911-01 and read the standard legislative amendment hearing script, stating that all testimony must concern the approval criteria, failure to raise an issue precludes future appeals to LUBA, and that any party may request a continuation. Chair Ryan Jones asked Planning Commissioners for declarations of conflicts of interest or bias concerning the application. None were declared. Chair Ryan Jones asked for the presentation of the Staff Report.

City Planner Holly Byram went over the background and staff report. She recommends approving the proposed amendments to the Amity Development Code, following months of work sessions by the Planning Commission.

Commissioner Antinucci made comments regarding the change to 2.105.06 Development standards. City Planner Holly Byram asked if the commission would like to walk thru each proposed amendment. Commissioners all agreed to go thru them all. City Planner Holly Byram went over the final draft of the proposed amendments.

**2.105.06 Development Standards:**

There was discussion regarding this development code amongst the Commissioners. Luke Belanger (citizen, commercial zone property owner, and business owner) asked about the parking verbiage change. Luke went over his concerns if they change the verbiage. Commissioner Kistler explained to Luke why they are wanting to change the verbiage. Courtnie Belanger (citizen and business manager) submitted her concerns regarding this standard in written testimony. Some of the concerns heard by the commission included a lack of flexibility for different business types currently allowed in the Commercial zone, the potential to discourage new business investment in Amity's commercial corridor, and potential barriers to ADA accessibility. Commissioners agreed to change the wording to encourage parking in the rear, rather than require it. This standard would be advisory and would lack ability to enforce, but the Commission had discussed it for several months, and had not been able to resolve it otherwise.

**1.200 Definition regarding adjoining:**

City Planner Holly Byram continued going thru the proposed amendments to the Amity Development Code. There was discussion regarding the definition of adjoining amongst the Commissioners. The question for discussion is whether a setback would still be required between different zones if a public right-of-way separated the properties. This had been interpreted differently in the past. Bobbi F. (citizen) made comment

regarding the setback from property line. She thinks the setback should be from the property line not the center of the road. David D.? (business owner) made comment as well regarding the setbacks. Commissioner Kistler explained if they have a setback from the property line or center of the street when you have different zones next to each other and Commissioner is trying to clarify the language. Planner Byram clarified that a setback is always from a property line, that a centerline setback is neither proposed nor recommended with this wording.

Commissioner Kistler asked if they can just vote on a couple of the development code changes and table the other issues until February meeting. City Planner Byram said to keep them all together. Administrator Michael Thomas explained to keep the approving of the codes all together.

Chair Ryan Jones closed the public hearing.

Commissioner David Antinucci made a motion to approve code changing language package striking both commercial zone provision verbiage on page one and on page three then renumber type I application. There is no second. Motion died for lack of second.

Commissioner Steve Ruyle made a motion to recommend the City Council adopt the presented development code changes with the following revisions desired by the Planning Commission: changing the language on page one General Commercial Zone Development Standards to say encourage parking in the rear of the property and encourage building entrances facing the dominant street frontage, and renumber the type I application list. Commissioner Rob Kistler seconded motion. Motion passed 3-1 with Commissioner David Antinucci opposing.

Next Meeting Date:

Chair Ryan Jones set the next meeting to February 18, 2020 at 6:30 pm, and the Commission all agreed to the meeting.

Adjournment:

Chair Ryan Jones stated he would entertain a motion to adjourn the Planning Commission meeting. Commissioner Rob Kistler made a motion to adjourn the Planning Commission Meeting; Commissioner David Antinucci seconded. The motion passed 4-0. With no further business before the Planning Commission, Chair Ryan Jones adjourned the Planning Commission meeting at 11:05 p.m.

Respectfully submitted,

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Amber Lopez, City Clerk

Attested

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Ryan Jones, Chair