CITY OF AMITY
AGENDA OF THE CITY COUNCIL
March 4, 2020
City Hall
109 Maddox Avenue
Amity, Oregon

REGULAR SESSION

CALL TO ORDER/FLAG SALUTE 7:00 p.m.

COUNCIL ROLL CALL: Robert Andrade, Ryan Lehman, Jenna Goings, Nicholas Wilkinson, Sandy McArthur, Napua Rich and Mayor Michael Cape

1. CONSENT AGENDA: In order to make more efficient use of meeting time, resolutions, minutes, bills and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The secretary to the council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the Consent Agenda is then voted on individually by a roll call vote.
   a. Budget vs. Actual Document
   b. Minutes – Regular Council Meeting February 5, 2020

2. CITIZEN COMMENTS/QUESTIONS An opportunity to present items not on the regular agenda. Please state your name and address and limit your comments to five (5) minutes.
   a. DIG Report

3. OLD BUSINESS:
   a. None

4. NEW BUSINESS:
   a. Approve Donations as Recommended by Finance Committee
   b. Approve City Staff and Keller to Execute the Council’s Rebuild Option Regarding Park Structure
   c. Discussion Guidance for Councilors on Land Use Hearings
   d. Approval Salary Increase for the City Administrator
   e. Discussion Upcoming City Council Work Session
   f. Approve Ordinance 662 Amending the Amity Development Code

5. DEPARTMENT REPORTS
   a. City Administrator Report by Mike Thomas
   b. City Recorder Report by Natasha Johnson
   c. Public Works Report by Gary Mathis
   d. Law Enforcement Report by Sheriff’s Office
   e. Library Report by Marcia Robbins

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Administrator’s office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact Natasha Johnson, City Recorder, at 503-835-3711
f. City Engineer Billing Report  
g. City Attorney Report  
h. City Planner Report  

6. BUSINESS FROM THE MAYOR & CITY COUNCILORS  
a. Mayor Report by Mayor Michael Cape  
b. Councilor Ryan Lehman & Finance Committee  
c. Councilor Sandy McArthur & Ordinance Committee  
d. Councilor Robert Andrade & Public Works Committee  
e. Councilor Jenna Goings & Community Engagement Committee  
f. Councilor Napua Ann Rich & Business Development Outreach Committee  
g. Councilor Nickolas Wilkinson & Public Outreach/Education/Communication Committee  

ADJOURNMENT  

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Administrator’s office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact Natasha Johnson, City Recorder, at 503-835-3711
## CITY OF AMITY

**BUDGET VS. ACTUALS: FY 2019-20 - FY20 P&L**

July 2019 - June 2020

<table>
<thead>
<tr>
<th></th>
<th>ACTUAL</th>
<th>BUDGET</th>
<th>REMAINING</th>
<th>% REMAINING</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Income</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 4000 General Fund Revenue</td>
<td>509,902.99</td>
<td>715,500.00</td>
<td>205,597.01</td>
<td>28.73%</td>
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<tr>
<td>30 4300 Street Fund Revenue</td>
<td>86,401.53</td>
<td>143,000.00</td>
<td>56,598.47</td>
<td>39.58%</td>
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<tr>
<td>40 4401 Water Fund Revenue</td>
<td>834,876.28</td>
<td>2,368,900.00</td>
<td>1,534,023.72</td>
<td>64.76%</td>
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<tr>
<td>50 4500 Sewer Revenue</td>
<td>306,489.68</td>
<td>467,400.00</td>
<td>160,910.32</td>
<td>34.43%</td>
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<tr>
<td>75 4000 Governmental SDC Revenue</td>
<td>101,645.00</td>
<td>90,352.00</td>
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<td>-12.50%</td>
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<td>76 4100 Enterprise SDC Revenue</td>
<td>163,998.00</td>
<td>145,776.00</td>
<td>-18,222.00</td>
<td>-12.50%</td>
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<tr>
<td><strong>Total Income</strong></td>
<td>2,003,313.48</td>
<td>3,930,928.00</td>
<td>1,927,614.52</td>
<td>49.04%</td>
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<tr>
<td><strong>GROSS PROFIT</strong></td>
<td>2,003,313.48</td>
<td>3,930,928.00</td>
<td>1,927,614.52</td>
<td>49.04%</td>
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<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>20 5000 General Fund Expense</td>
<td>449,838.11</td>
<td>633,941.00</td>
<td>184,102.89</td>
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<tr>
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<td>444.05</td>
<td>0.00</td>
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<td>30 5000 Street Expense</td>
<td>54,973.57</td>
<td>132,784.00</td>
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<td>40 5000 Water Expense</td>
<td>726,445.45</td>
<td>2,212,696.00</td>
<td>1,486,250.55</td>
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<td>50 5000 Sewer Expense</td>
<td>298,162.40</td>
<td>524,085.00</td>
<td>225,922.60</td>
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<td>3,503,506.00</td>
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<td>$427,422.00</td>
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<td>Other Expenses</td>
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<td>$1,231,762.00</td>
<td>$1,231,762.00</td>
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<td><strong>NET OTHER INCOME</strong></td>
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<td>$-427,422.00</td>
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<tr>
<td><strong>NET INCOME</strong></td>
<td>$473,449.90</td>
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<td>$-473,449.90</td>
<td>0.00%</td>
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REGULAR MEETING OF THE COUNCIL  
CITY OF AMITY, OR  
Minutes  
A Regular Meeting of the City of Amity City Council was held at 7:00 p.m. on Wednesday, February 5, 2020 in the Council Chambers, City Hall, 109 Maddox, Amity, Oregon.  

Councilors Present  

Councilors Absent  
None

Staff Present  
City Administrator Michael Thomas, City Treasurer/Recorder Natasha Johnson and Public Works Gary Mathis

CONSENT AGENDA:  Councilor Lehman moved to approve the Consent Agenda. Councilor Goings seconded and with no further discussion motion passed 6-0.

CITIZEN COMMENTS/QUESTIONS:

A. DIG Report: Deb Conrad presented the DIG Report. Deb went over the Amity Daffodil Festival that will take place in May. DIG will be going around to local businesses to hang flyers. DIG will be replacing some of the banners downtown. The new banners will be purchased by local businesses. With the new banners there will need to be additional brackets. They need 15 more brackets. DIG is hoping the City will help with the purchase of the new brackets, as they cost around $250 each. Finally, Deb discussed the upcoming area Art Tour.  

Councilor Andrade asked how much brackets are going to cost. Deb said they would cost $250 apiece. Mayor Cape asked if DIG would look into getting different price quotes for the brackets. Councilor Andrade asked maybe if DIG could look into a company that would either fabricate or donate them. Councilor Lehman asked the purchase cost per banner to a sponsoring business. Deb wasn’t positive on the cost per banner. Mayor Cape said the overall cost would be around $3,400. With that, there were no further questions for DIG.

B. Juliette’s House Proclamation Request – National Child Abuse Prevention Month: Carol a Representative from Juliette’s House went over the background details regarding this proclamation. She said Eli Cox will be working with the Amity High School leadership class on this project. They request something on the City’s website or other places that go out city-wide to help get the word out about the Prevention Month. Mayor Cape asked if they desired a donation this year like they requested last year. She said they would appreciate any donation this year and last year the City gave about $250.

Councilor Lehman moved to approve the proclamation to support of child abuse prevention month for April 2020 and approve a $250 donation to Juliette’s House. Councilor Andrade seconded and with no further discussion motion passed 6-0. There were no more questions for Juliette’s House.

C. CITIZEN COMMENTS: There were none.

OLD BUSINESS:  
A. Complete City Administrator’s Evaluation: Mayor Cape compiled all the evaluations and went over the rating system used. He explained that the scale only went up to 4, but there were some ratings of 5, so he averaged them out. City Administrator Thomas’ rating out of 88 points was 66.13 points; which comes out to be 75.1%; which is an average rank of 3. The Mayor says that this leaves room for
improvement, but it’s an overall good rating. Mayor Cape says he is very pleased with City Administrator Michael Thomas, but that the Administrator needs more time for experience. City Administrator Michael Thomas accepts the evaluation. Neither the public nor the Council provided further comments. Councilor Wilkinson moved to recommend concluding the City Administrator's 6-month evaluation and vote to retain him, thereby concluding his probationary status. Councilor Lehman seconded and with no further discussion, the motion passed 6-0. Mayor Cape asked the Council if any of them would like to sign the evaluation or if they are okay with him signing it. The Council all agreed to have Mayor Cape sign the evaluation.

NEW BUSINESS:
A. Interview Applicants and Appoint New Planning Commissioner: Mayor Cape introduced three of the four Planning Applicants (applicant McKenzie Davis was not present). Mayor Cape explained to the applicants that there is currently only one open seat on the Planning Commission, but the City has other Committees with openings; requesting that they consider another Committee if they do not get appointed on the Planning Commission.

Mayor Cape asked each applicant in-turn to describe what a conflict of interest is for a Planning Commissioner. Each applicant gave their answer as to what they thought a conflict of interest meant. Upon completing the responses, Mayor Cape gave his explanation of a conflict of interest. Applicant Bobbi F. then proceeded to add that if the public perceived a Commissioner having a conflict of interest then the Commissioner should step down.

Mayor Cape followed-up by asking each applicant to describe the steps involved to process a single-family dwelling permit and application. Each applicant provided their response in-turn, explaining the steps as they understood it. Each applicant provided roughly the same answer to the question.

Mayor Cape next asked each applicant what the steps there would be for a business development to begin operating at 416 Trade, a property that is currently for sale with a pre-existing building. Each applicant explained what they thought the steps entailed to begin a business.

The Mayor allowed Councilor Andrade to ask a question. Councilor Andrade asked each applicant if they would have applied for this position if the Dollar General proposal wasn't currently on the table before the Planning Commission. The applicants all stated that Dollar General's application didn’t affect their reason to apply. Then Courtnie B. and Bobbi F. each explained a little bit of their own personal reasons as to why they applied to be on the Planning Commission.

Next, Councilor Rich asked the applicants what sets them aside from the other applicants. The applicants all explained what sets them apart from the other applicants.

At this point, Mayor Cape interjected and reiterated that Councilors need to be conscious and avoid discussing the Dollar General application any further.

Councilor Lehman asked the applicants to provide the Council two reasons why the Council shouldn’t appoint them. The applicants each explained their shortfalls and the reasons why Council shouldn’t appoint them.

Councilor Lehman then asked if any of the applicants had attended Planning Commission meetings in the past, specifically referencing any meeting prior to the Dollar General proposal meeting. Every applicant stated that they have not been to a planning meeting in Amity.

Councilor Lehman concluded by asking if the applicants could work collaboratively with the current Planning Commissioners? All the applicants said they could do so; however Bobbi F. added that she doesn’t know any of them but would try her best.
Councilor Andrade interjected and asked Planning Commissioner Kistler, who was in attendance, if the Council missed any questions (questions the Council should ask of the applicants). Commissioner Kistler said that it is important to appoint someone that understands what it takes to be on the Planning Commission. He then stated that he has respect for City Planner Holly Byram and recommended that she describe a good Commissioner. Put on the spot, City Planner Holly Byram said that in working with multiple cities as a contract planner, it is her professional opinion that the best planning commissions occur when they (Commissioners) show up to meetings, they have read the packets, have questions prepared for the meeting, are respectful to fellow commissioners and the public, and have a understanding of their own development code. Commissioner Kistler sat back in the audience and Councilor Andrade had no further questions or comments.

Mayor Cape then brought up the fourth applicant, MacKenzie D. Mayor Cape said that her application is in each Councilor's agenda packet and the Council can consider her for the position, even though she is not in attendance for the meeting.

Councilor Goings asked the applicants, based on what City Planner Byram stated earlier, do any of the applicants have anything further to add about why they should be appointed? Courtnie B. added how she thought it was interesting to hear how citizens input can help with Planning Commission decisions. She gave a relevant example from a Planning Commission meeting she recently attended. Courtnie B. wants to be on the Commission to help people for many years to come. Dave V. stated that he had nothing to really add, except that he wanted to be engaged in the process. Bobbi F. stated she would like to see a typical planning package so she can be prepared, but stated that having good communication is key.

Next, Councilor Goings asked each applicant their strengths and weaknesses. Each applicant provided an example of their personal strengths and weaknesses for the Council. With the conclusion of these comments, there were no more questions from the Council for the applicants.

At this time, Councilor Rich asked if the Council could hold off on the decision to appoint a new Commissioner until after the upcoming Planning Commission meeting, scheduled for February 18th. In reply, Mayor Cape went over the options to the Council, as provided by the City Attorney, for choosing an applicant for the vacant seat. Upon completing the recital of these options, Councilor Lehman moved to appoint Courtnie Belanger for a 30-day pro temp period to the Amity Planning Commission and to authorize the Amity Planning Commission chairperson to swear in the appointee, Ms Belanger, to their position at the March 9, 2020 Planning Commission meeting. Councilor Goings seconded and with no further discussion motion passed 6-0.

With the vote complete, applicant/citizen Bobbi F. then asked for clarification as to why every position within the City of importance one must be a resident, with the exception of the Planning Commission. Mayor Cape explained the Planning Commission looks at areas outside city limits for future growth and stated it is beneficial to have a member outside of the City for this reason. Bobbi F. then asked why matters outside of the city limits wouldn’t be the purview of the (Yamhill) county to arbitrate. Planner Byram explained that most Oregon cities and counties do have a coordinating agreement in place to delineate between city and county matters. In conclusion, Mayor Cape explained he hasn’t spent a lot of time researching it; moving the council on to other business.

B. Reappoint Current Planning Commissioners: Mayor Cape gave background stating that both Planning Commissioners Ryan Jones and Steve Ruyle want to be reappointed to the Planning Commission for another term. Councilor Goings moved to re-appoint Commissioner Ryan Jones and Commissioner Steve Ruyle to the Amity Planning Commission to a term to expire December 31, 2023. Councilor Lehman seconded and with no further discussion motion passed 6-0.

C. City Staff Update on Damages City Park Structure: City Administrator Thomas gave his update regarding the damage at the City Park to the structure there. The City’s insurance policy covers the full
cost to repair the structure back to its pre-damaged condition. City Staff would make proposals to the Council for repair options and allow the Council to vote how to proceed. City Administrator Thomas will bring these options to the next Council meeting. Councilor Lehman asked if we have to bring it up to code. Administrator Thomas said, yes, if Council chooses to build it back to how it was previously, then it would need to meet code, for example ADA compliance.

D. Approve Development Code Changes: Mayor Cape read the script for Legislative Amendment, City File #1911-01LA. City Planner Byram gave her staff report and the background regarding the necessity for the proposed code amendments. She explained to the Council what they have to take in consideration to make their decision. She went over each of the City’s requirements. Planner Byram asked if Council would like her to go into each proposed amendment in full detail. Mayor Cape declined saying that Council should be prepared, having received the proposals ahead of time. Therefore, Planner Byram gave a quick summary, going over the changes the Planning Commission recommended be made to the code. She stated that only the codes presented to the Council in their packets were being modified for approval at this time.

Mayor Cape, using the script, asked members of the public in attendance if they would like to provide any comments to the proposed changes. There were no comments. Mayor Cape asked if the Council had any questions. There were no questions. Mayor Cape closed the public hearing at 8:35 pm. Councilor Goings moved to approve the changes and direct staff to draft a City Ordinance enacting the changes; thereby establishing a first reading of the ordinance during the March 4, 2020 City Council Meeting. Councilor Rich seconded motion and with no further discussion motion passed 6-0.

E. OLCC Liquor License Application: Councilor Goings made motion to approve Liquor License Application for El Toro Loco Inc. located at 615 S. Trade St. Councilor Lehman seconded and with no further discussion motion passed 6-0.

DEPARTMENT REPORTS:

A. City Administrator Report by Mike Thomas: City Administrator Thomas submitted his report and added an update regarding his prior attempt at changing the Public Works’ business hours. Administrator Thomas stopped the request for now, but may re-address later. He also stated that the City gave “notice to proceed” direction to the contractors for their work upon the water reservoir and filter system. There were no additional comments for the City Administrator.

B. City Recorder Report by Natasha Johnson: City Recorder Johnson submitted her report and had nothing else to add. There were no additional comments for the City Recorder.

C. Public Works Report by Gary Mathis: Public Works Superintendent Mathis submitted his report with nothing to add. Councilor Andrade asked if Public Works looked into “easy patch” road repair material. Supt. Mathis said they did and the amount that of this “easy patch” they would have to get is more than they would use in two years, plus it only has a one-year shelf-life expectancy. With no place to store that much material, it is not a viable option. There were no additional comments for Public Works.

D. Law Enforcement Report by Sheriff’s Office: Deputy Jones gave Sheriff Office report. They are continuing to go through City Ordinances cleaning up discrepancies and ensuring enforcement. Deputy Jones says that Deputy Summers deals with the majority of the ordinance complaints. Deputy Jones reported that they towed a couple of vehicles last week. Councilor Andrade asked about an abandoned trailer on Trade St. Deputy Jones replied that he is currently looking into it. Mayor Cape requested that when Deputy Jones next sees the Sheriff to thank him for coming to our City Address. Deputy Jones said he will. There were no additional comments for Deputy Jones.

E. Library Report by Marcia Robbins: The Head Librarian, Marcia Robbins, submitted a report as she was not present at the meeting. There were no comments for the Library.
F. **City Engineer Billing Report:** There was nothing to add. There were no comments for the City Engineer.

G. **City Attorney Report:** See attached billing and nothing to add. There were no comments for the City Attorney.

H. **City Planner Report:** See attached billing and nothing to add. There were no comments for the City Planner.

**BUSINESS FROM THE MAYOR & CITY COUNCILORS:**

A. **Mayor Report by Mayor Michael Cape:** Mayor Cape gave his report. He went over three items. The first item was the City Address. Mayor Cape stated that the City did the address in a new way and that he liked the venue and format. Mayor Cape went on to say that he focused upon the water project during his address. The second item was his work on the City Administrator’s evaluation and the Mayor thanked everyone who participated in the process. Third and finally, he reminded Council about the goal setting session on February 22nd and he previewed the topics of the day. He asked Council that if any of them have something they want to discuss to let him know. There were no comments for the Mayor.

B. **Councilor Jenna Goings Report:** Councilor Goings submitted her report and added that she attended the municipal government training class and dinner for new elected officials and really enjoyed it. There were no additional comments for Councilor Goings.

C. **Councilor Ryan Lehman Report:** Councilor Lehman submitted his report with nothing to add. Mayor Cape asked about a possible discrepancy regarding the purchase of Public Works vehicles. Mayor Cape wanted to know if the City would be purchasing two vehicles or one. Administrator Thomas explained the City declared two trucks as surplus and buying on. Public Works Supt. Gary Mathis followed up to say that the City is only buying 1 new vehicle and is reusing components from another vehicle to make it usable for the City. There were no further comments for Finance Committee.

D. **Councilor Sandy McArthur:** Councilor McArthur submitted her report and gave an update regarding Planning Commission Ordinance. Administrator Thomas went over the process of when the new ordinance would be ready for approval. There were no comments for Councilor McArthur.

E. **Councilor Napua Rich Report:** Councilor Rich has nothing to report as it was her first Committee Meeting and she was getting comfortable with how the meetings run. There were no comments for Councilor Rich.

F. **Councilor Robert Andrade report:** Councilor Andrade had nothing to report. There were no additional comments for Councilor Andrade.

G. **Councilor Nickolas Wilkinson report:** Councilor Wilkinson reported that Public Works is fixing potholes. City received grant to pave Jellison and hoping to get a grant to put in sidewalks as well. Public Works Supt. Gary Mathis said the paving bids should go out in the next couple of weeks. There were no comments for Councilor Wilkinson.

Councilor Lehman asked about the trees in the park and if the City received the arborist’s report on the condition of the park’s trees. City Administrator Thomas said the City received report and at this time none need to be removed. Councilor Andrade then asked the Administrator about a City installed decorative tree that is ruining the sidewalk in front of his house. Administrator Thomas stated that the Councilor Andrade could technically remove the tree since the property owner is responsible for the sidewalk adjoining their property.
Finally, Mayor Cape reminded the Council of the upcoming Annual Council of Governments dinner and the County Dinner. If said that if any Councilor wants to attend either event to let City Recorder Johnson know and she will RSVP for them.

Councilor Lehman moved to adjourn. Councilor Andrade seconded the motion. Motion passed 6-0.

Approved by March 4, 2020

___________________________________
Michael Cape, Mayor

Attest:

___________________________________
Natasha Johnson, City Recorder
To: Mayor and Members of the City Council  
From: Natasha Johnson, City Recorder/Treasurer  
Date: March 4, 2020  
Action Requested: Approve Donations as recommended by Finance Committee

Background

Council decided several years ago that all donation requests would be referred to the finance committee and once a year the committee would make a recommendation to the council. The committee met and has made the following recommendations:

- Amity Yearbook: $20.00
- Homeward Bound Pets: $500.00
- League of Oregon Cities: $85.00
- Juliette’s House Child Abuse: $250.00

Exhibits

None

Recommendation

Move to approve donations as recommended.
AGENDA ITEM

Subject: City Park Update – Choice of Rebuild Options
Date: March 4, 2020
Origin: Michael Thomas, City Administrator & Shannon Williams, City Engineers (of Keller Associates)
Action Requested: Approve City Staff and Keller Assoc. to execute the Council’s rebuild option regarding the park structure

Background: CIS investigated and confirmed that “this building [the park structure] does have Guaranteed Replacement Cost which means [our] policy will cover the cost to rebuild the Pavilion ‘As Built’ which is Like, Kind, and Quality for the full costs of repairs.”

The Mayor Requested a few options to be presented to the Council for deciding a way-ahead regarding rebuilding the Park Structure. Although the City does have Guaranteed Replacement Cost, City Staff asks the Council to approve the Parks Committee’s recommendation.

Once approved, City Staff will undertake the renovations and repairs to the facility as directed. Expected completion date is June 30, 2020.

Exhibits: Exhibit A – Keller Associates options for Park Structure Approval – Titled 2020-02-11 Building Options

Recommendation:

Move to approve the Parks Committee’s recommended option _________ for rebuilding the park structure and direct City Staff and City Engineers to execute the approved reconstruction.
TO: Michael D. Thomas
FROM: Cody Stone, E.I; Shannon Williams, P.E.
DATE: February 11, 2020
SUBJECT: Park Building Insurance Claim Options
CC: Cody Stone, E.I.T.

BACKGROUND

The City of Amity (City) owns a kitchen building with attached pavilion located at Amity City Park, off 4th and Enos Streets in Amity, Oregon. The pavilion was damaged by a tree in November 2019. The pavilion and kitchen building have a wooden truss system and has existing three-tab composition roof that has a tongue and groove metal roof over top of it. The City’s insurer indicated that the City’s policy includes a Guaranteed Replacement Cost rider which means its policy will cover the full cost to rebuild the pavilion as it was originally construction (i.e., like, kind, and quality). This memo outlines potential reconstruction options for City Consideration.
<table>
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<tr>
<th>Options</th>
<th>Design</th>
<th>Advertise</th>
<th>Council Approval</th>
<th>Construction</th>
<th>Pro</th>
<th>Con</th>
<th>Range of Construction Costs***</th>
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</thead>
<tbody>
<tr>
<td>Full Reconstruction to match existing</td>
<td>3/6 through 3/24</td>
<td>10 days</td>
<td>Special Meeting</td>
<td>4/9 thru 6/24/20</td>
<td>Matches existing kitchen building</td>
<td>City may need to contribute funds to repaint the entire building</td>
<td>$48K to $63K</td>
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<td>May be able to</td>
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<tr>
<td>Full reconstruction like existing</td>
<td>3/6 through 3/24</td>
<td>15 days</td>
<td>Special meeting</td>
<td>4/16 through 7/1</td>
<td>Pavilion would match the existing prefab steel building</td>
<td>Unclear if this would be consistent with city replacement cost rider.</td>
<td>$49 to $65K</td>
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<td>Faster repair of the kitchen</td>
<td>Lead time for prefab canopy is unknown but assumed to be like prefab trusses</td>
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<td>Would still need to re-roof and close the kitchen</td>
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<td>Would likely need a qual based selection to ensure contractor has experience erecting a prefab metal building (longer advertisement)</td>
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<tr>
<td>Full reconstruction without underground gas piping</td>
<td>3/6 through 3/24</td>
<td>10 days</td>
<td>Special Meeting</td>
<td>4/9 thru 6/24/20</td>
<td>Same as #1</td>
<td>Same as #1</td>
<td>$45K to $60K</td>
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<td>Elimination does not necessarily affect overall construction schedule</td>
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<td>Take the CIS damage reimbursement and repurpose the building</td>
<td>3/5 through 6/12</td>
<td>10 days</td>
<td>Typical Schedule</td>
<td>Depends on scope of work, roofing typically takes 1 to 2 weeks</td>
<td>Give the city flexibility to use available funds as it sees fits</td>
<td>Would not replace the covered pavilion</td>
<td>$30K **</td>
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<td>May be able to do other, needed improvements</td>
<td>Unclear the lead time for the standing seam roofing; however unlikely to delay construction past June 30, 2020</td>
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<td>Limited engineering, would just need to meet with potential roofing contractors</td>
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<td>City could potentially construct the prefab awning</td>
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</table>

*Assumes Design NTP of 3/5/2020
** CIS total, less costs already expended for debris removal ($12,500)
*** Does not include design costs. Design costs are similar in Options 1, 2 and 3 (approximately $14,800); includes a construction contingency of 5% for lower end and 30%.
1.0 RECOMMENDATION

Keller Associates recommends Option 1 *Full Reconstruction* because CIS is providing full reimbursement for the cost of reconstructing the building.
Subject: Guidance for Councilors on Land Use Hearings
Date: March 4, 2020
Origin: Michael Thomas, City Administrator
Action Requested: Informational Only

Background: The City of Amity Planning Commission recently decided a land use issue. This decision, and other land use decisions, may be appealed. Therefore, the Mayor and Administrator agree that it is important to provide a refresher on the roles and responsibilities of Councilors when it comes to land use hearings. This is especially important with the addition of new City Councilors.

Exhibits: Exhibit -- Staff report on the roles and responsibilities of Councilors in a Land Use Hearing.

Recommendation: None. For informational use only.
To: Honorable Mayor and City Council

From: Bill Monahan, Holly Byram

Date: February 20, 2020

Re: Amity City Council Land Use Appeal Procedures

The application for a site development review for a proposed Dollar General Store at 102 S. Trade Street was approved by the Planning Commission on February 18, 2020 by a 2-1 vote. Once the written decision is prepared, signed and mailed, the decision may be appealed to the City Council by someone with standing. Standing means the person participated in the Planning Commission hearing either in person or in writing.

It is very possible that the decision will be appealed. The Amity Development Code (AMC) states that decisions of the Planning Commission can be appealed to the City Council. If appealed, the appellant must file a form along with an appeal fee as well as a statement of the alleged errors in the Planning Commission action (AMC 3.205.02). Upon receipt of an appeal, the City will schedule a hearing at the City Council level, possibly April 1.

If an appeal is filed, the City Council will conduct a hearing following most of the same procedures as the Planning Commission. While the appeal must cite specific alleged errors, the City code does not clearly specify whether the Council review is “on the record” and restricted to only the issues raised. We are presently reviewing past Council proceedings to determine whether the Council will conduct the hearing “de novo” as a new hearing or on the record. Whichever process is followed, the Council will have the benefit of having before it a copy of the application, the staff report and analysis of the application, the record of the Planning Commission hearing including all documents submitted for and against, as well as minutes of the January and February hearings, and the Planning Commission’s decision. The Council will then accept testimony at the hearing.

The City Council, when reviewing a decision on appeal, is acting as a quasi-judicial body. That means it is functioning in the way a judge would – considering an application about a specific property and set of facts against the established City approval criteria. When acting in this capacity, members of the Council must adhere to some basic requirements. Each Councilor must:

- Come to the hearing with an open mind able to make a decision without bias. Bias means that a person has a relationship with someone, or something related to the application which causes the person to favor or not favor that person or thing. Bias can be overcome if a person can truthfully state that although there is a relationship they are able to put that aside and will review the matter before them in a fair manner and will base their decision on the information brought before them during the hearing, and only that.
- Declare any conflict of interest. A conflict of interest is related to whether a decision-maker or their family member (as defined under Oregon Ethics Rules, ORS Chapter 244) may or will receive a financial impact from the decision. If there is a “potential” conflict, meaning the person “may” have a financial impact, they must make a public declaration of the conflict at the hearing and then can participate in the hearing. But, if a person has an “actual “conflict because they “will” be financially impacted, they must make a public declaration and then not participate in the hearing or decision. Any conflict of interest must be declared and made part of the public record.
Violations of conflict of interest could subject an individual public official to a complaint to the Oregon Ethics Commission.

- Declare ex parte contacts. These are any “contacts by a party on a fact in issue under circumstances which do not involve all parties to the proceedings”. In other words, if someone like the applicant, property owner, a neighbor interested in the land use case (whether in favor or against) speaks to or writes to a Council member outside of the hearing about the application – an ex parte contact may result. Ex parte contacts should be avoided before a hearing and before a decision is made. At the beginning of the land use agenda item on the night of the appeal hearing, the Mayor will go through some legal matters and ask if any Councilor wishes to declare a potential or actual conflict of interest, bias, or ex parte contact. If a Council member has had an ex parte contact, it is their personal obligation to disclose the contact by providing some details at the hearing (what was the contact, with whom, what was discussed, when, etc.), the disclosure must become part of the public record of the hearing, and then the Councilor is able to continue to take part in the hearing if they can do so without being influenced by the contact.

- Declare any visit to view the site of the application. A site visit is an intentional visit to the applicant’s proposed property; merely driving by the site while traveling along Highway 99W to another destination is not a site visit. Site visits are a form of ex parte contact where someone may gain information that is not in the staff report or record of the hearing. So, during the legal matters, any Councilor who makes a site visit must declare it and provide details of what they saw, who they talked to while there, etc. Essentially, a Councilor who makes a site visit must disclose what they observed that is not in the staff report, so others can challenge or rebut the information.

- Be aware that participants in the hearing have the right to challenge the participation of a Councilor. So, it is essential that a Councilor who has a conflict of interest, a bias, or has had an ex parte contact or made a site visit properly declare it at the appropriate time at the hearing. It may be beneficial to contemporaneously write down the details of such ex parte contacts, to facilitate declaring the contact during the hearing.

Council members should rely on the staff to provide all the information that they review before attending the hearing. If the information provided by staff raises questions or requires clarification, it is highly recommended that a Councilor send a question directly to the City Administrator so staff can get the answer back prior to the hearing or be prepared to address it at the hearing. Staff will try to provide the same information to all Councilors. Communications with staff are not ex parte contacts.

While an application is before the city for approval, Councilors should not make public statements about the application, decision, or appeal. Councilors should also avoid engaging in social media (Facebook posts, Twitter, Instagram comments, etc.) on matters that relate to the land use application; comments may be seen as official statements either for or against the application by the Councilor.

Prior to the appeal hearing, Councilors should not engage in discussions with other Councilors about the merits of the application, decision, or the appeal. The time for Councilors to discuss the matter is at the hearing. It is important that serial meetings not be engaged in by Council members. These are meetings where a couple Councilors discuss a pending matter before the City followed by one or more other conversations where one of the Councilors might bring other Councilors into the discussion, so a majority of Councilors eventually take part in the discussion. Serial meetings must be avoided.
The decision made by Council must be made based upon the application and all information before it at the hearing. It must apply the facts of the application to the criteria that is in place for the review of this type of land use application. The Council decision must be stated along with the reasons that the Council reaches its decision. If all applicable approval criteria are met, an application must be approved. The City has the right to impose conditions of approval so that an application fully addresses established approval criteria.

Land use matters can be very challenging as there are often multiple points of view. There are usually some people who favor and others who oppose an application. While an application is being reviewed at the local level, efforts must be made to preserve the process so it can be properly carried out. Council members must make very effort to avoid even the appearance of impropriety so the process may be properly carried out in a transparent manner so when the final local decision is made the community knows a fair process was followed.

If Council would like some training on quasi-judicial hearing procedures and the specific items mentioned above, training can be arranged through the City Administrator prior to the hearing date.
### AGENDA ITEM

**Subject:** City Administrator Compensation  
**Date:** March 4, 2020  
**Origin:** Natasha Johnson – City Recorder  
**Action Requested:** Consider a salary increase for the City Administrator

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**Background:** The Council was presented the City Administrator’s probation evaluation conducted by Mayor Cape at the February 5, 2020 City Council Meeting where the Council voted to conclude the City Administrator six-month probation period and move him to full time status. When an employee comes off of probation there is usually a step increase.

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**Exhibits:** None

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**Staff provides the following motion options:**

I move to increase City Administrator Thomas’s salary by 2% step increase with back pay starting from February 5, 2020.

I move to decline a salary increase for City Administrator Thomas.
Subject: Upcoming City Council Work Session
Date: March 4, 2020
Origin: Michael Thomas, City Administrator
Action Requested: Informational Only

Background: The City of Amity will hold a work session with the Yamhill County Sheriff’s Office to discuss the upcoming new contract and to complete work on the new City Council Rules. This meeting will be held from 9 AM to 11 AM on March 7, 2020 at City Hall. This meeting was requested by the Mayor and Council at the conclusion of the February 22, 2020 Goal Setting Meeting.

Exhibits: None

Recommendation: None. For informational use only.
Subject: New City Ordinance Updating Planning Codes
Date: March 4, 2020
Origin: Michael Thomas, City Administrator & Holly Byram, City Planner (of MWVCOG)
Action Requested: Approve Ordinance and prepare for second reading in April

Background: Previously, the City of Amity completed new development code changes. The City is ready to begin the approval process of these changes with the first reading of the ordinance. At this time, the Council may debate the changes, amend the proposals, or approve them as is before sending the ordinance to a second reading.

Exhibits: Ordinance 662 & Exhibit A: Staff Report and Code changes

Recommendation:
Move to approve the ordinance as is with this first reading, then complete a second reading at the April 1, 2020 City Council meeting for vote to enact.
CITY OF AMITY
ORDINANCE NO. 662

AN ORDINANCE AMENDING THE AMITY DEVELOPMENT CODE

WHEREAS, the City Council passed a motion on November 6, 2019 to initiate a Type IV land
use action authorizing the Planning Commission to proceed with a limited itemized package of
amendments to the Amity Development Code; and

WHEREAS, the Planning Commission convened public work sessions on the proposed code
amendments on August 13, 2019, September 10, 2019, November 18, 2019, and December 9,
2019; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the
recommended code amendments on January 13, 2020, at which time the public was given full
opportunity to be present and heard on the matter; and

WHEREAS, at the close of the public hearing on January 13, 2020, the Planning Commission
passed a motion recommending the City Council approve the recommended code amendments;
and

WHEREAS, the City Council conducted a duly noticed public hearing to consider the
recommended code amendments on February 5, 2020, at which time the public was given full
opportunity to be present and heard on the matter; and

WHEREAS, at the close of the public hearing on February 5, 2020, the City Council determined
the proposed amendments to the Amity Development Code were in compliance with applicable
criteria, and passed a motion to adopt the findings in the January 29, 2020 staff report, and
approve the package of code amendments as recommended by the Planning Commission.
NOW, THEREFORE, THE CITY OF AMITY ORDAINS AS FOLLOWS:

SECTION 1. The City of Amity Development Code dated 2000 and revised 2015, is hereby amended to reflect the approved code amendments attached as Exhibit A to the January 29, 2020 Attachment A Staff Report to the City Council.

SECTION 2. The findings showing compliance with the Amity Comprehensive Plan Goals and Policies and the Oregon Statewide Planning Goals, as included in the Attachment A Staff Report dated January 29, 2020, are hereby adopted in support of the Development Code Amendments.

SECTION 3. The Ordinance shall take effect 30 days after second reading and final passage.

1st Reading: Conducted and approved by the City Council this 1st day of April, 2020.

2nd Reading: Conducted and approved by the City Council this 6th day of May, 2020, by the following vote:

AYES:

NAYS:

ABSTENSIONS:

APPROVED BY THE MAYOR this _____ day of __________, 2020.

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Michael Cape, Mayor

Attest:

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Natasha Johnson, City Recorder/Treasurer
STAFF REPORT
TO THE AMITY CITY COUNCIL

REPORT DATE: January 29, 2020
HEARING DATE: February 5, 2020
FILE NO.: Legislative Amendment, City File #1911-01 LA
APPLICANT: City of Amity
SUMMARY: Amendments to various sections of the Amity Development Code (ADC), including:

- Amending the GC General Commercial zone to encourage parking in the rear of the property, and building entrances facing the dominant street frontage.
- Amending several sections to change the land use decision appeal period from 10 days to 12 days, consistent with the ORS, and require 20-day advance notice on hearings of appealed decisions.
- Resolve the definition of “adjoining” as it pertains to neighboring zones.
- Resolve confusing language in the Non-Conforming Uses & Structures section to clarify procedures, timelines, and eligibility.
- Protect opportunities for grandfathered existing nonconforming single-family dwellings by allowing continue, alter, replace, restore, and expand.
- Revise multiple Type I land use actions descriptions and criteria types to ensure only clear and object criteria are used in a staff-level decision. Revised Type I applications include Variance, Lot Line Adjustments, Home Occupations, and Temporary Uses.
- Clarify Lots of Record provisions.
- Remove public right-of-way dedication as a land use application type.
- Change Partitions eligibility from five years to three years.
- Add approval extension provisions for Partitions.
- Resolve conflict between partition deadline of one year for submitting or recording.
- Separate Similar Uses and Temporary Uses code sections, resulting in new Temporary Uses code provisions section.

CRITERIA: 1. Oregon Statewide Planning Goals & Guidelines
2. Amity Comprehensive Plan

EXHIBITS: Exhibit A: Draft Code Amendments
I. BACKGROUND:

At the January 2, 2019 meeting of the Amity City Council, Planning Commissioner Rob Kistler approached the City Council volunteering to lead an effort to make revisions to the Amity Development Code, in favor of design standards in the downtown core. At the next City Council meeting on February 6, 2019, staff provided the City Council a memo detailing the options and steps for possible code amendments and/or zone changes. With that information, the City Council decided by consensus that they did not support the expenditure of funds on this project at this time, but that the Planning Commission could proceed to brainstorm potential code amendments in work sessions.

The Amity Planning Commission discussed potential code amendments during work sessions on August 13, 2019 and September 10, 2019. From these work sessions, the Planning Commission generated a short list of amendments to recommend to the City Council. Of the proposed amendments, there were two which were design-oriented in nature, the rest were generalized as code clean-ups which attempt to clarify confusing code language, and to make the Amity code consistent with the Oregon Revised Statutes (ORS). The Planning Commission discussed the value of continuing to seek grant funding to conduct a larger code amendments package in the future, but opted to limit the scope of this first pass to “just the low hanging fruit.”

City Administrator Mike Thomas carried the short list of potential code amendments to the Amity City Council during their November meeting. The City Council approved, by motion, the list of recommended code changes, and authorized the City Administrator to contract the work. The approved minutes read: “Councilor Lehman moved to approve authorizing the City’s Planning Commission to initiate the legislative amendment process necessary to revise the City’s Development Code with the amendments proposed and authorize the expenditures as listed. Councilor Andrade seconded. With no further discussion motion passed 3-0.” Following City Council’s agreement to initiate the code amendments, the Planning Commission held public work sessions on November 18, 2019 and December 9, 2019 to refine the proposed amendments.

On January 13, 2020, the Amity Planning Commission held a public hearing on the package of proposed code amendments. There were four participating members of the public in attendance. During that public hearing, staff presented the proposed code amendments for consideration. Public comments received encouraged the Planning Commission not to require the two proposed Commercial zone amendments which would have required parking in the rear of the building and buildings to face the higher classification street. The reason for this caution was that while those standards might be desirable in a downtown district, they were viewed as inappropriate for the entire Commercial district of the community. There was concern that the rigid standards did not fit all business types, and could consequently discourage new business investments locally. Local business owners stated that it needs to be easy to pull off the road into a business. Public concerns were also heard about pedestrian safety and the ease of access for people with disabilities, when businesses are oriented away from a parking lot toward the street. There was also debate about the definition of adjoining as it pertains to setbacks along zone district boundaries. Following deliberation, the Planning Commission voted to use the language “encouraged” for parking in the rear and street facing main entrances, and to re-number a section viewed as a scribner’s error. The Code Amendments were recommended for City Council adoption by a 3-1-0 vote of the Planning Commission. The Nay vote was cast by Commissioner
Antinucci who preferred the Commercial district language be removed completely, and disagreed with the definition of adjoining, as presented. The Planning Commission recommends the City Council adopt the findings in the staff report, and adopt the package of code amendments, as revised by the Planning Commission on January 13, 2020.

II. PROCEDURE:

Pursuant to the Amity Development Code (ADC) section 3.101.04, a Legislative Amendment to the Development Code is a Type IV Action. A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties cannot request a Type IV action. It must be initiated by City staff, Planning Commission, or City Council. Public notice and hearings are provided in a Type IV process.

Pursuant to ADC 3.207.02 Procedure for Type IV Actions, a public hearing shall be held by the Planning Commission on all proposed amendments to this Ordinance and on all legislative amendments and revisions of the Comprehensive Plan. The Planning Commission may continue any hearing in order to make a reasonable decision. Following Planning Commission action, the City Council shall hold a public hearing to consider the Planning Commission’s recommendation on proposed amendments. Notice shall be as specified in Section 3.202.

III. ANALYSIS OF APPLICABLE CRITERIA:

Note: The Amity Development Code only provides procedures for Legislative Amendments; it does not provide approval criteria. Consequently, the City of Amity must consider its own Comprehensive Plan and the Oregon Statewide Planning Goals & Guidelines, when making this decision. There are 19 Statewide Planning Goals. They are listed below, along with any pertinent language from the City’s own Comprehensive Plan document. Generally, once a City’s Comprehensive Plan has been acknowledged by the Oregon Department of Land Conservation and Development (DLCD), the plan is consistent with the Statewide Planning Goals. Amity’s Comprehensive Plan was originally adopted in 1979. Some recent revisions were adopted in 2015.

OREGON’S STATEWIDE PLANNING GOALS & GUIDELINES / AMITY COMPREHENSIVE PLAN

GOAL 1: CITIZEN INVOLVEMENT OAR 660-015-0000(1) “To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.”

FINDINGS: There are a number of public notices required to be provided when a local jurisdiction is considering a legislative amendment. The Oregon Department of Land Conservation and Development (DLCD) requires a minimum 35-day notice prior to the first public hearing. That notice was provided to the DLCD on the day following the Planning Commission’s December work session on this project, which was December 10, 2019, 34 days prior to the first hearing on the code amendments. The State of Oregon also requires that a “Measure 56” notice be mailed to all property owners who could be adversely affected by any new zones or zone restrictions, which includes changes to the development code. As such, every single property owner in the GC – General Commercial zone was mailed a letter...
notifying them of the upcoming Code Amendments public hearing, and directing them to the proposed changes, which were posted on the City’s webpage. That Measure 56 notice was required to be mailed a minimum of 20 days prior to the first hearing. It was mailed to 72 addresses on December 23rd, which was 21 days prior to the first public hearing. The ADC Section 3.202 Public Notice Requirements states that a Type IV Action requires a minimum 10-day newspaper publishing. A notice in the Yamhill Valley News Register was published on Tuesday, December 24, 2019, which was 20 days prior to the first public hearing, where only ten (10) days were required. A second notice was published on Tuesday, January 28, 2020, eight (8) days ahead of the second public hearing. A draft of the proposed code amendments was posted on the City’s website for public review on December 24, 2019. The final proposed copy of the code amendments was posted to the City’s website for public review on January 7, 2020 ahead of the Planning Commission meeting, and the final revised copy was posted on January 29, 2020 ahead of the City Council meeting. Staff and the Planning Commission find that this goal is satisfied.

**GOAL 2: LAND USE PLANNING** OAR 660-015-0000(2) “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

**FINDINGS:** The proposal does not involve exceptions to the Statewide Goals. Goal 2 supports clear and thorough local procedures. The ADC Section 3.101 establishes the decision process for Legislative Amendments which are a Type IV Action. Type IV actions require public hearings before both the Planning Commission and City Council with sufficient public notice, as detailed in ADC Section 3.202. The public hearings before the Planning Commission and City Council will be conducted in accordance with ADC 3.207. Staff and the Planning Commission find that this goal is satisfied.

**GOAL 3: AGRICULTURAL LANDS** OAR 660-015-0000(3) “To preserve and maintain agricultural lands.”

**FINDINGS:** As the Amity Development Code only applies to properties within the incorporated City Limits where urban densities, uses, and facilities are available and required, Staff and the Planning Commission find that this goal does not apply.

**GOAL 4: FOREST LANDS** OAR 660-015-0000(4) “To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.”

**FINDINGS:** As the Amity Development Code only applies to properties within the incorporated City Limits where urban densities, uses, and facilities are available and required, Staff and the Planning Commission find that this goal does not apply.

**GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES** OAR 660-0150000(5) “To protect natural resources and conserve scenic and historic areas and open spaces.”
FINDINGS: Staff finds no evidence that the development code amendments proposed herein could impact natural resources, scenic and historic areas, or open spaces. Staff and the Planning Commission find that this goal does not apply.

**GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY** OAR 660-015-0000(6) “To maintain and improve the quality of the air, water and land resources of the state.”

FINDINGS: Staff finds no evidence that the development code amendments proposed herein could impact air, water, and land resources quality. Staff and the Planning Commission find that this goal does not apply.

**GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS** “To protect people and property from natural hazards.”

FINDINGS: Staff finds no evidence that the development code amendments proposed herein could impact areas subject to natural hazards. Staff and the Planning Commission find that this goal does not apply.

**GOAL 8: RECREATIONAL NEEDS** OAR 660-015-0000(8) “To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”

FINDINGS: Staff finds no evidence that the development code amendments proposed herein could impact recreational amenities or opportunities. Staff and the Planning Commission find that this goal does not apply.

**GOAL 9: ECONOMIC DEVELOPMENT** OAR 660-015-0000(9) “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”

FINDINGS: The Amity Comprehensive Plan includes Goals and Policies related to Population and Economics. Specifically related to this package of code amendments, “the City shall provide efficient, orderly, and convenient commercial and industrial areas that will enhance the livability of the community and meet the needs of its citizens.”

The City of Amity adopted an Economic Opportunities Analysis (EOA) in 2015 in accordance with Statewide Goal 9. The EOA includes an analysis of Amity’s economic environment in the context of local, regional, and national trends, and includes an assessment of the City’s economic strengths and weaknesses in order to determine how to maximize its economic development potential. The EOA does include some Development Code revisions in support of the local economy, however, none of those recommendations are included in the scope of this code amendments package.

The Amity Comprehensive Plan includes Goals and Policies related to Transportation. Specifically, that the City shall promote a multi-modal transportation system that adequately considers the needs of
drivers, pedestrians, cyclists, and public transit riders.” The proposed provisions to the GC – General Commercial zone, requiring parking in the rear of the lot and buildings facing the street, were intended to contribute to a more aesthetically-pleasing, pedestrian-friendly commercial corridor. The Planning Commission was reluctant to apply these two standards rigidly for the entire commercial zone, acknowledging that they may not fit all business types currently allowed within the GC zone (outside of the core business district). As such, the Planning Commission is proposing the language “encouraged,” so as not to preclude business opportunities which might otherwise be a good fit for the Amity community.

Under the new Temporary Uses section, the code strives to better define, regulate, and encourage temporary uses, examples of which might include: Christmas tree sales, firework sales, farm produce stands, food carts, etc. The Planning Commission envisions temporary businesses enhancing the product options available to local residents, while also allowing emerging businesses to test menu options, market their products, and establish loyal customers with low overhead, prior to making a significant long-term investment.

Staff and the Planning Commission find that this goal is satisfied.

**GOAL 10: HOUSING** OAR 660-015-0000(10) “To provide for the housing needs of citizens of the state.”

**FINDINGS:** The Amity Comprehensive Plan includes Goals and Policies related to Housing. Specifically, the Plan acknowledges the unique residential characteristics of the City, and aspires to encourage the upgrading of the existing housing stock. The Plan also includes a goal statement to provide housing that will meet the needs of the community in a manner that will best provide an adequate choice in all income ranges and housing types.

The proposed code amendments are expected to have a minor positive impact upon the housing opportunities within Amity in a couple ways. The most important amendments clarify the previously confusing Nonconforming Uses and Structures section, which already intended to protect all existing nonconforming single-family residences. The proposed amendments take the provision a step further to pull out the nonconforming single-family residences into a standalone section, allowing them to be continued indefinitely, without risk of losing status due to vacancy, and allowing homeowners to alter, expand, replace, or restore the structures to within five (5) feet of side and rear property lines (so as not to preclude the opportunities of neighboring properties). This is a very important section because Amity has many nonconforming single-family dwellings within the GC – General Commercial zone, as well as a few in the IL – Light Industrial zone. Additionally, by shortening the turn-around time between partition eligibility from five (5) years to three (3) years, property owners may be more inclined to make land available for residential development on a shorter timeline by dividing eligible residential lots already within city limits. Staff and the Planning Commission find that this goal is satisfied.

**GOAL 11: PUBLIC FACILITIES AND SERVICES** OAR 660-015-0000(11) “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”
FINDINGS: The proposed code amendments are not anticipated to impact the timely, orderly, and efficient arrangement of public facilities and services. The code continues to require public facilities and services to be in place to serve development, and for developers to pay for associated connections and upgrades. Staff and the Planning Commission find that this goal is satisfied.

**GOAL 12: TRANSPORTATION** OAR 660-015-0000(12) “To provide and encourage a safe, convenient and economic transportation system.”

FINDINGS: Transportation goals of the Amity Comprehensive Plan of promoting a multi-modal system were referenced earlier, related to the proposed code amendments intended to support a pedestrian-friendly commercial corridor through Amity. No other impacts to transportation are anticipated. Staff and the Planning Commission find that this goal is satisfied.

**GOAL 13: ENERGY CONSERVATION** OAR 660-015-0000(13) “To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

FINDINGS: Staff and the Planning Commission find that this goal does not apply.

**GOAL 14: URBANIZATION** OAR 660-015-0000(14) The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

FINDINGS: As no change is proposed to the Urban Growth Boundary, City Limits, land use designations, or zone districts, Staff and the Planning Commission find that this goal does not apply.

**GOAL 15: WILLAMETTE RIVER GREENWAY** OAR 660-015-0005;
**GOAL 16: ESTUARINE RESOURCES** OAR 660-015-0010(1);
**GOAL 17: COASTAL SHORELANDS** OAR 660-015-0010(2);
**GOAL 18: BEACHES AND DUNES** OAR 660-015-0010(3);
**GOAL 19: OCEAN RESOURCES** OAR 660-015-0010(4)

FINDINGS: The proposed Code amendments do not involve land within the Willamette Greenway, identified estuarine, coastal shorelands, beach, or ocean areas. Staff and the Planning Commission find that Statewide Goals 15 through 19 do not apply.
IV. RECOMMENDATION:

Staff and the Amity Planning Commission recommend that the Amity City Council vote to adopt the findings included in the staff report, approve the proposed Development Code Amendments as attached in Exhibit A, and direct staff to prepare an enacting ordinance.

V. CITY COUNCIL ACTION:

The City Council may take one of the following actions:

A. MOTION TO ADOPT the findings outlined in the staff report, APPROVE the Development Code Amendments as presented in Exhibit A, and direct staff to prepare an enacting ordinance.

B. MOTION TO ADOPT the findings outlined in the staff report, APPROVE the Development Code Amendments AS MODIFIED to reflect the changes desired by the City Council (stating those changes), and direct staff to prepare an enacting ordinance.

C. MOTION TO CONTINUE THE PUBLIC HEARING to a date and time certain, and state the additional information that is needed to inform a future decision.
Text which is underlined is proposed to be added. Text with strikethrough is proposed to be deleted. All other text is existing within the Amity Development Code.

<table>
<thead>
<tr>
<th>PROPOSED LANGUAGE</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.105 GENERAL COMMERCIAL ZONE (G-C)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>2.105.06 Development Standards</strong></td>
<td>The goal is to support a more pedestrian-friendly, less auto-dominant commercial district. The Planning Commission debated this topic through several work sessions and the public hearing. The resulting language “encouraged” identifies a desire, but without enforcement teeth, in order to allow flexibility for different business types and site designs which may benefit the community.</td>
</tr>
<tr>
<td>All developments in the General Commercial Zone shall comply with the applicable provisions of Section 2.400. In addition, the following specific standards shall apply:</td>
<td></td>
</tr>
<tr>
<td>A. Off-Street Parking. Off-street parking shall be as specified in Section 2.203.</td>
<td></td>
</tr>
<tr>
<td>A. Off-Street Parking. Off-street parking is encouraged to be located in the rear of the property.</td>
<td></td>
</tr>
<tr>
<td><strong>2.105 GENERAL COMMERCIAL ZONE (G-C)</strong></td>
<td>The goal is to support a more pedestrian-friendly, less auto-dominant commercial district.</td>
</tr>
<tr>
<td><strong>2.105.06 Development Standards</strong></td>
<td></td>
</tr>
<tr>
<td>All developments in the General Commercial Zone shall comply with the applicable provisions of Section 2.400. In addition, the following specific standards shall apply:</td>
<td></td>
</tr>
<tr>
<td>I. Building Entrance. Development in the General Commercial Zone is encouraged to face the primary building entrance toward the street. Development on corner lots is encouraged to face the street of higher functional classification, as adopted in the Amity Transportation System Plan. If a primary entrance does not face the higher classification street, structures are encouraged to include storefront windows facing the dominant street.</td>
<td></td>
</tr>
</tbody>
</table>
### 3.200 ADMINISTRATIVE PROCEDURES

#### 3.201 APPLICATION PROCEDURES

### 3.201.01 Procedures for Type I Action

G. A Type I land use decision may be appealed by the applicant to the Planning Commission. The appeal shall be filed, pursuant to the provisions of Section 3.205, within ten (10) twelve (12) days from the date of the decision.

### 3.200 ADMINISTRATIVE PROCEDURES

#### 3.201 APPLICATION PROCEDURES

### 3.201.02 Procedures for Type II and Type III Actions

J. A Type II land use decision may be appealed to the City Council by either the applicant or persons receiving notice of the decision. The appeal shall be filed within ten (10) twelve (12) days from the date of the decision, pursuant to the provisions of Section 3.205. Type III land use applications are automatically reviewed by the City Council.

### 3.202 PUBLIC NOTICE REQUIREMENTS

#### 3.202.04 Notice for Appeals

Notice of hearings on appeal to either the Planning Commission or City Council shall be pursuant to Section 3.202.02, and shall include written notice at least ten (10) twenty (20) days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

Consistency with Oregon Revised Statutes (ORS)

Consistency with Oregon Revised Statutes (ORS)

Section 3.202.02 referenced in this section calls for twenty (20) days public notice via mail and newspaper. Staff recommends keeping this consistent.
### 3.205 APPEAL PROVISIONS.
#### 3.205.01 Appeal Period

A. The decision of the City Administrator shall be final for a Type I land use decision unless a notice of appeal from an appropriate aggrieved party is received by the City within **ten (10) twelve (12)** days of the date of the final written notice, or unless the City Council, on its own motion, orders review within **ten (10) twelve (12)** days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal.

B. The decision of the Planning Commission for a Type II land use decision, or the appeal of a Type I decision, shall be final unless a notice of appeal from an aggrieved party is received by the City within **ten (10) twelve (12)** days of the date of the final written notice, or unless the City Council, on its own motion, orders review within **ten (10) twelve (12)** days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal.

---

### 1.200 DEFINITIONS

**Adjoining:** Contiguous or abutting, exclusive of street width. It shall include the terms adjacent, abutting, or contiguous. Properties shall still be considered adjoining if a private or public street right-of-way runs between them.

**Non-Conforming Structure or Use:** A lawfully existing structure or use at the time this Ordinance or any amendments thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

---

### 3.106 NONCONFORMING USES AND STRUCTURES

#### 3.106.01 Purpose

Within the zoning districts established by this Ordinance and amendments thereto, uses and structures may exist which were lawful before the date of adoption or amendment of this Ordinance but which would be prohibited or restricted under the terms of this Ordinance. The general purpose of this Section is to encourage the conversion of such nonconforming uses to conforming uses. However, this Section allows nonconforming uses and structures to be continued, altered, restored or replaced subject to satisfaction of the review criteria specified. Nothing
contained in this Ordinance shall require any change in the plans, construction, or designated use of any structure for which a building permit was issued and actual construction commenced prior to the date of adoption of this Ordinance or any amendment thereto. However, no alteration of a nonconforming use shall be permitted except in compliance with the provisions of this Section. A nonconforming single-family dwelling may be continued, altered, or restored for residential purposes without review. A single-family dwelling does not lose its nonconforming status due to vacancy. Nonconforming lots are addressed in Section 2.401.03 Lots of Record, and are not subject to the criteria of this Section.

3.106.02 Process
Nonconforming uses shall be reviewed in accordance with either Type I or Type II review procedures.

3.106.03 Application and Fee
An application for an alteration, expansion or continuation of a nonconforming use shall be filed with the City Manager Administrator and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

3.106.04 Discontinuation of Use
If a non-conforming use is discontinued for a period of more than six (6) consecutive months, the use shall not be resumed unless the new or resumed use conforms with the requirements of this Ordinance. This does not apply to non-conforming single-family dwellings.

3.106.05 Alterations Required by Law
The alteration of any nonconforming use when necessary to comply with any lawful requirement for alteration of the use or structure; or to bring the use or structure into closer compliance with this Ordinance; shall be permitted, subject to all other laws, ordinance and regulations.

3.106.06 Maintenance
Normal maintenance of a nonconforming use is permitted provided there are not major structural alterations as determined by the Building Official.
3.106.07 Alteration, Restoration, or Replacement

A. No alteration of a nonconforming use shall be permitted except in compliance with the provisions of this Section.

A. The City Manager shall authorize restoration or replacement of a nonconforming use or structure when restoration or replacement is made necessary by fire, casualty, or natural disaster and does not exceed 50% of the value of the original structure, provided the physical restoration or replacement is lawfully commenced within six (6) months of the damage or destruction.

A non conforming residential structure may be replaced or restored regardless of the value involved, provided current building codes are met by the replaced or restored structure.

B. The Planning Commission, subject to the Type II review procedure, may extend the restoration or replacement period for an additional six (6) months. In no case shall the total restoration or replacement period exceed one (1) year. Requests for extension of restoration or replacement period shall be submitted in writing thirty (30) days prior to the expiration date of the restoration or replacement period.

C.B. The alteration, restoration, or replacement of a nonconforming use or structure may be authorized by the Planning Commission, subject to the Type II review procedure, provided that the applicant demonstrates that the proposal satisfies the following criteria:

1. That the alteration, restoration, or replacement of structures would result in a reduction in nonconformity of the use, or would have no greater adverse impact on the neighborhood.

2. A change in use to another non-conforming use may be permitted if it is of the same or less intensity of use.

3. The alteration of a non-conforming single-family residence, that does not involve a change in use, is...
authorized without Planning Commission or City Manager approval.

C. 3.106.08 Conditions of Approval - In approving the alteration, restoration, or replacement of a nonconforming use, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out.

D. The applicant must make application for a restoration or replacement within six (6) months of damage or destruction.

E. Planning Commission approval shall be valid for six (6) months. This approval period shall be satisfied by the issuance of building permits for the approved work.

B. F. The Planning Commission, subject to the Type II review procedure, may extend the approval restoration or replacement period for an additional six (6) months. In no case shall the total restoration or replacement period exceed one (1) year. Requests for extension of approval restoration or replacement period shall be submitted in writing thirty (30) days prior to the expiration date of the restoration or replacement approval period. In no case shall the total approval period exceed one (1) year from a final decision.

3.106.08 Conditions of Approval - Nonconforming Single-Family Residential Structures

A nonconforming single-family dwelling may be continued, altered, expanded, replaced, or restored for residential purposes without Planning Commission review. A single-family dwelling does not lose its nonconforming status due to vacancy. A nonconforming residential structure may be replaced or restored regardless of the value involved, provided current building codes are met by the replaced or restored structure. The alteration of a non-conforming single-family dwelling, that does not involve a change in use, is authorized without Planning Commission or City Manager approval, provided current building codes are met by the replaced or restored structure, and all required permits are secured. A non-conforming single-family

Relocated

Consolidated all nonconforming language about residential uses here into this new section. As written, Amity’s code intends to preserve all existing non-conforming single-family residences indefinitely.

The five (5) foot setback limitation was recommended so as not to preclude a neighbor’s opportunities to do the same.
dwelling shall not expand into less than five (5) foot setbacks from all side and rear property lines.

2.401.03 Lots of Record
A. A parcel is a legal lot of record for purposes of this Ordinance when the lot conforms to all zoning requirements and Comprehensive Plan provisions, if any, in effect on the date when a recorded separate deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract.

B. Contiguous lots under the same ownership when initially zoned shall be combined, for the purposes of this Ordinance, when any of these lots do not satisfy the lot size requirement of the initial district. A lot or parcel which is a separate legal lot or parcel prior to the adoption of this provision shall remain a separate legal lot regardless of ownership.

C. Lots in recorded plats shall not be combined under Subsection 2.401.03 (B).

D. The use or development of any legal lot of record shall be subject to the regulations applied to the property when such development or use is commenced, irrespective of the lot width, street frontage, depth or area, but subject to all other regulations. However, no dwelling shall be built on an existing lot of less than 3,000 square feet in area.

3.100 APPLICATION REQUIREMENTS AND REVIEW CRITERIA
3.101 SUMMARY OF APPLICATION TYPES AND REVIEW PROCEDURES
All development permits and land use actions are processed under the administrative procedures provided for in this section. There are four types of actions, each with its own procedures.

3.101.01 Type I Action
A ministerial action reviewed by staff based on clear and objective standards. No conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Planning Commission. The following actions are processed under the Type I procedure:
A. Minor Variance
B. Lot Line Adjustment
C. Home Occupation

This section addresses nonconforming lots, as separate from nonconforming uses and structures.

This section contradicts itself.

This is consistent with the most current discussions with the County Surveyor.

This existing language addresses nonconforming lots.

These are the Type I Actions which should have no discretion in the criteria.

Renumbered to match subsequent section formatting.
### 3.101.02 Type II Action
A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Public notice and a public hearing is provided, see Section 3.202. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure:

<table>
<thead>
<tr>
<th>Type II Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Major Variance</td>
</tr>
<tr>
<td>B. Conditional Use Permit</td>
</tr>
<tr>
<td>C. Site Design Review</td>
</tr>
<tr>
<td>D. Similar Use</td>
</tr>
<tr>
<td>E. Non-Conforming Uses</td>
</tr>
<tr>
<td>F. Partitions</td>
</tr>
<tr>
<td>G. Subdivision</td>
</tr>
<tr>
<td>H. Planned Unit Development</td>
</tr>
</tbody>
</table>

Note: the code mostly uses “nonconforming” without a hyphen.

### 3.101.03 Type III Action
A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. The Planning Commission has an advisory role. Public notice is provided and public hearings are held at the Planning Commission and City Council, see Section 3.202. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:

<table>
<thead>
<tr>
<th>Type III Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Zone Change</td>
</tr>
<tr>
<td>B. Annexation</td>
</tr>
<tr>
<td>C. Vacation</td>
</tr>
<tr>
<td>D. Road Dedication</td>
</tr>
</tbody>
</table>

A road dedication is most commonly conducted in conjunction with a land division/development application. Rarely is it a standalone action. Because it is not a land use application type, the ADC does not contain criteria for this action.

### 3.102 VARIANCE

#### 3.102.04 Criteria and Procedure - Minor Variance
The City Administrator may allow a minor variance from a requirement or standard of this Ordinance in accordance with the Type I review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; OR,
B. The particular development as proposed otherwise clearly satisfies the intent and purpose for the provision sought to be varied; and

C. The proposed development will not unreasonably impact adjacent existing or planned uses and development; and

D. The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance; and

E. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.

3.107 LOT LINE ADJUSTMENTS

3.107.01 Applicability
A lot line adjustment is a change to a property boundary that only modifies existing lots and does not create a parcel of land or reduce the number of lots.

3.107.02 Standards
A. A lot line adjustment cannot create or vacate a parcel. Creation or vacation of a parcel requires approval of a land division.

B. Following the lot line adjustment, all lots must comply with lot size and dimensional standards of the applicable land use district. For nonconforming lots, the adjustment shall not increase the degree of nonconformance of the subject property or surrounding properties.

C. If there are existing structures on the parcels, the lot line adjustment may not result in a setback violation.

D. The adjustment should not reorient or significantly reconfigure the lots or parcels.

3.107.03 Submittal Requirements
The following information and material must be submitted by the applicant: …

---

Revise for consistency with ORS.

ORS 92.010
“Property line adjustment” means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

“Significantly” is not clear and objective (Type I criteria).
B. Each application shall be accompanied by a preliminary map drawn to scale of not less than one inch equals fifty (50) feet, and containing at a minimum, the following:

1. A written statement which explains the applicants reasons for adjusting the boundaries and demonstrating that the adjustment conforms to City land use policies and regulations of the applicable zone.

3.107.04 Process
A lot line adjustment is subject to Type I review. After a lot line adjustment is approved, the new boundary becomes effective only after the following steps are completed:

A. A metes and bounds legal description of the adjusted lots is recorded with the Yamhill County Clerk.

B. If required by ORS Chapter 92, or the requirements of this ordinance, or the Yamhill County Surveyor, a final plat and boundary survey are prepared and all new boundaries are monumented as required by ORS Chapters 92 and 209. The final plat is submitted to the City for signatures and approval as outlined in Sections 3.108.04 and 3.108.05.

3.108 PARTITIONS

3.108.01 Applicability/Review Criteria
A partition is required for any land division which creates two or three parcels in any three-year period. The parcels shall meet the Development Standards for Land Division of Section 2.208, other applicable development standards and the following additional requirements:

C. Each parcel’s proposed use will not substantially limit, impair or preclude existing uses in surrounding properties.

3.108.02 General Provisions ...
B. No parcel within an approved partition may be redivided within the next three (3) calendar years in which it was recorded, except through the subdivision process.

The Development Code contains regulations to implement the policies of the Comprehensive Plan. Policies are not criteria here.

ORS 92.010
“Partitioning land” means dividing land to create not more than three parcels of land within a calendar year…

State defines as one-year, Amity code currently says five years. Planning Commission recommends three (3) years. The time limit purpose is to avoid serial partitions.

A land division application would not be reviewing proposed uses. This requirement does not apply.
C. A master plan for development is required for any application which leaves a portion of the subject property capable of replatting. This is an additional cost to the applicant without any clear criteria by which to review the master plan. There are no teeth with which to hold an applicant to that plan. Recommend removal.

<table>
<thead>
<tr>
<th>3.108.05 Final Plat Approval</th>
<th>Resolved conflicting language between submitting and recording.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Within one (1) year of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded. If the final survey is not submitted recorded within 1 year, the preliminary approval shall lapse. Final plats shall conform with the requirements of Section 3.108.04 and shall be reviewed in accordance with Section 3.201.02.</td>
<td></td>
</tr>
<tr>
<td>B. The Planning Commission may extend the approval period for any partition for not more than one (1) additional year at a time. Requests for extension of approval time shall be submitted in writing thirty (30) days prior to the expiration date of the approval period.</td>
<td></td>
</tr>
<tr>
<td>C. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.200 DEFINITIONS</th>
<th>The regulations belong in the Home Occupation section 2.305 rather than in the definition.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Home Occupation</strong>: A lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling. The residential character of the property is maintained in a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. A home occupation shall not include the outside storage of equipment or materials.</td>
<td></td>
</tr>
</tbody>
</table>
## 2.305 HOME OCCUPATIONS

### 2.305.01 Standards
Home occupations may be allowed as an accessory use on any property on which there is a residence, subject to the following standards and restrictions:

- **A. Participation:** ...
- **B. Character:** The character and primary use function of the residence and premises shall not be changed by the use of colors, materials design, construction, lighting, landscaping or lack of landscaping.
- **C. Traffic:** ...
- **D. Noise:** ...
- **E. Equipment and Process Restrictions:** ...
- **F. Hazards:** ...
- **G. Signs:** ...
- **H. On-Premise Client Contact:** ...
- **I. Deliveries and Large Vehicle Storage:** ...
- **J. Parking:** ...
- **K. Storage and Use of Yard Areas:** ...
- **L. Day care facilities:** ...

Criteria about character and materials involve discretion, which is not permitted in a Type I decision.

Remaining sections are renumbered following the deletion of (B).

## 3.105 SIMILAR AND TEMPORARY USES

### 3.105.01 Purpose
The purpose of this Section is to provide for those uses not specifically listed in a particular zoning district but which are similar in character, scale and performance to the permitted uses specified therein, or are structures or uses of a temporary or transitory nature.

### 3.105.02 Process
Similar and Temporary uses requests shall be reviewed in accordance with the Type II review procedures.

Recommend separating Similar Uses and Temporary Uses. Temporary uses are listed as a Type I action and Similar Uses are Type II (discretion is used).
3.105.03 Application and Fee
Any application for a similar use shall be filed with the City Administrator and accompanied by the appropriate fee. It shall be the applicant’s responsibility to submit a complete application which addresses the review criteria of this Section.

3.105.04 Review Criteria
A similar or temporary use may be authorized provided that the applicant demonstrates that the proposed use satisfies the following criteria:

A. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to uses specified in the underlying district, and

B. The use conforms with the applicable standards and limitations of the underlying zoning district, or

C. The use may or may not be consistent with the purpose of the underlying zoning district, but will not negatively impact such purposes, and will continue for a period not to exceed 180 days.

3.105.05 Determination
A. In approving an application for a similar use, the Planning Commission may:

1. Determine whether the use is prohibited, permitted or conditionally permitted in the specified zone.

2. Determine whether the use is permitted or conditionally permitted in a different zone.

3. Consistent with the development requirements of the identified zone, determine whether additional land use actions, such as conditional use approval or a site plan review, are required.

B. The determination by the Planning Commission that a proposed similar use cannot be accommodated, or a Temporary Use granted, in a given
zone does not preclude an appeal to the Planning Commission, City Council by the appropriate party, for an amendment to the text of the Comprehensive Plan and/or Development Code. The Planning Commission City Council will evaluate such appeals based on the following criteria:

1. It’s similarity to approved uses;
2. It’s likely impact on surrounding existing uses;
3. It’s likely public benefit.

### 1.200 DEFINITIONS

**Temporary Use:** A use that is 1) seasonal or directed toward a specific event or period of time; or 2) occasioned by an unforeseen event.

<table>
<thead>
<tr>
<th>3.105.113 TEMPORARY USES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.105.01 3.113.01 Purpose</strong></td>
</tr>
<tr>
<td>The purpose of this Section is to grant opportunities for seasonal and short-term businesses to provide local residents and visitors access to new products and markets. Emerging businesses may also benefit from the opportunity to test and promote their products with lower overhead, prior to investing in a permanent location. Examples of temporary uses include Christmas tree sales, firework stands, farmers markets, food carts, etc.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3.105.02 3.113.02 Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary use requests shall be reviewed in accordance with the Type I review procedures</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3.105.03 3.113.03 Application and Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any application for a temporary use shall be filed with the City Administrator and accompanied by the appropriate fee. It shall be the applicant’s responsibility to submit a complete application which addresses the review criteria of this Section.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3.105.04 3.113.04 Review Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>A temporary use may be authorized provided that the applicant demonstrates that the proposed use satisfies the following criteria:</td>
</tr>
</tbody>
</table>
A. The use is authorized by the property owner.

B. The use conforms with the dimensional standards of the underlying zoning district.

C. The use is consistent with all City municipal code policies related to nuisance and noise.

D. The use has secured all applicable State and County permits for operation.

E. The use does not involve in any type of development activities or site alteration which would otherwise require land use review.

F. The use either does not require or has secured Oregon Department of Transportation (ODOT) permits, if located along a right-of-way within ODOT jurisdiction.

### 3.105.05 3.113.05 Determination and Appeals

A. Upon reviewing an application for a temporary use, the City Administrator may determine whether the temporary use is prohibited or permitted at the specified location.

B. A determination by the City Administrator may be appealed to the Planning Commission by the appropriate party, through a Type II review process.

### 3.105.06 3.113.06 Extensions

A. Temporary Uses may be approved for a period of 90 consecutive days, regardless of how many of those days are used.

B. Extensions of an approved temporary use may be granted by the City Administrator if requested in writing not less than fifteen (15) days prior to the approval expiration. In no case shall the temporary use exceed 180 consecutive days in a 12-month period of time, as measured from the start of operation.
To: The Mayor and Members of the City Council  
Origin: Michael Thomas, City Administrator  
Date: March 4, 2020  
Subject: City Administrator Staff Report  

1. I have concluded the initial round of Labor Contract negotiations with LiLuna. We will continue with further rounds this month. The final contract will need to be approved by Council and signed by the Mayor.

2. We were awarded our financing for the Salt Creek Bridge project. The award consists of a loan of $217,840 and forgivable loan of $247,840. The interest rate on the loan of $217,840 will be 1.0% for a maximum term of 30 years. Huge thanks go to Keller Associates and Public Works for helping me complete this project application.

3. I’ve nothing further to report at this time.
Monthly Report from City Recorder/Treasurer
March 2020 for February 2020
Respectfully Submitted by: Natasha Johnson

Regular Tasks:

- Payroll- 2X (Prepared and paid liabilities, PERS Reports, per pay period, print checks, get signed, and distribute OR send to payroll center for direct deposit)
- Reconciliations (LGIP Account, First Federal Account), Deposit Entries
- Paid city bills
- Minutes for City Council Meetings
- Council Packets, Council Meeting Follow-up – completed tasks as requested
- Miscellaneous walk-in customers, response letters, etc.
- Human Resource Items (set up new employees, update employee files, close out former employees, insurance claims, etc.)
- Completed January billing for water/sewer and February newsletter

Other Items

- Training Amber for City Clerk.
- Worked on new building files.
- Worked on Planning Files.
- Worked on City Survey.
- Attended HR/Treasurer training.

***NEW*** Complaints Received

<table>
<thead>
<tr>
<th>Date Received</th>
<th>Subject</th>
<th>Resolution/Outcome</th>
<th>Copy to</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/15/20</td>
<td>Nuisance</td>
<td>SO spoke with owner</td>
<td>Mayor/Administrator/SO</td>
</tr>
<tr>
<td>01/30/20</td>
<td>Obstruction</td>
<td>PW checked it out</td>
<td>Mayor/Administrator/PW</td>
</tr>
<tr>
<td>01/30/20</td>
<td>Trailer</td>
<td>SO spoke with owner</td>
<td>Mayor/Administrator/SO</td>
</tr>
</tbody>
</table>
Date: 11/5/20

I, ______________ wish to make the following complaint:

☐ Public Nuisance at __________________________ 

☐ Discourteous or unresponsive city employee __________________________ 

☐ Obstruction of a city street or sidewalk at __________________________ 

☐ Illegal parking __________________________ 

☐ Trailer or RV being used as a residence at __________________________ 

☐ Possible unpermitted construction activity at __________________________ 

☐ Other ______________________________ 

Please give a detailed description of your complaint: (use an additional sheet a paper if necessary)

"Vehicles on 3rd St. have so many vehicles (more down mostly) and Scrap scrap trailers they are frequently blocking the road, late night noise, an extreme amount of traffic in and out"

The complaint location is critical. If an address is not visible, give clear directions, like, “The vacant lot just north of 123 2nd Street”. If the complaint is not visible from the street, please describe where it can be seen. If you are unable to give clear directions, be sure to put your contact phone number on the form so we can call to clarify.

Your name and contact info is not required, but can be very helpful. If the complaint is only visible from private property, we will have to contact you directly to get permission to enter your property to observe the problem. If we are unable to locate the complaint, and are unable to contact you for clarification, the complaint may be closed with no action taken.

I understand that city staff will investigate and take appropriate action.

Complainant Signature

☐ I wish to be contacted by staff as a follow-up

Address:

Phone:

Email:
Name of supervisor receiving complaint: Skip Jones

Date complaint was given to supervisor: ____________________________

Supervisor Comments:

Owner Anthony Peterson at 205 S Jullison, St. Louis, Missouri, moved out of the trailer and is storing moving vehicles and property away. I will check for improvements.

________________________
Signature

Written By: Name/Title

1/16/20 15:50
Date & Time

Additional Info:

________________________
Signature

Written By: Name/Title

Date & Time

□ Additional Documents Attached

Copy given to (original on file with recorder):

☑️ Mayor ☐ City Administrator ☐ Police Chief

________________________
Date: _______________ Emp. Int. ☑️
I, ___________ (Print Name), wish to make the following complaint:

☐ Public Nuisance at ____________________________

☐ Discourteous or unresponsive city employee ____________________________

☐ Obstruction of a city street or sidewalk at ____________________________

☐ Illegal parking ____________________________

☐ Trailer or RV being used as a residence at ____________________________

☐ Possible unpermitted construction activity at ____________________________

☐ Other ____________________________

Please give a detailed description of your complaint: (use an additional sheet a paper if necessary)

[Additional sheet provided]

The complaint location is critical. If an address is not visible, give clear directions, like, “The vacant lot just north of 123 2nd Street”. If the complaint is not visible from the street, please describe where it can be seen. If you are unable to give clear directions, be sure to put your contact phone number on the form so we can call to clarify.

Your name and contact info is not required, but can be very helpful. If the complaint is only visible from private property, we will have to contact you directly to get permission to enter your property to observe the problem. If we are unable to locate the complaint, and are unable to contact you for clarification, the complaint may be closed with no action taken.

I understand that city staff will investigate and take appropriate action.

I wish to be contacted by staff as a follow-up
Name of supervisor receiving complaint: ________________________________

Date complaint was given to supervisor: ________________________________

Supervisor Comments:

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

Written By: Name/Title

Date & Time

Additional Info:

ROAD BEING PUSHED UP BY MUD. MANHOLE ON 4th & STANLEY IS GOOD. OPENED IT & LOOKS GOOD INSIDE TOO.

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

Written By: Name/Title

Date & Time

☐ Additional Documents Attached

Copy given to (original on file with recorder):

☐ Mayor   ☐ City Administrator   ☐ Police Chief

Date: _________  Emp. Int. _________
Date: 1/30/2020

I wish to make the following complaint:

- Public Nuisance at
- Discourteous or unresponsive city employee
- Obstruction of a city street or sidewalk at
- Illegal parking
- Trailer or RV being used as a residence at 100 Block of Eras
- Possible unpermitted construction activity at
- Other

Please give a detailed description of your complaint: (use an additional sheet of paper if necessary)

Evidence of 2 people living in this trailer for many months. Broken glass (finally cleaned up) was into the street (my dogs walked across it). Electrical wires running into it.

The complaint location is critical. If an address is not visible, give clear directions, like, “The vacant lot just north of 123 2nd Street”. If the complaint is not visible from the street, please describe where it can be seen. If you are unable to give clear directions, be sure to put your contact phone number on the form so we can call to clarify.

Your name and contact info is not required, but can be very helpful. If the complaint is only visible from private property, we will have to contact you directly to get permission to enter your property to observe the problem. If we are unable to locate the complaint, and are unable to contact you for clarification, the complaint may be closed with no action taken.

I understand that city staff will investigate and take appropriate action.

[Complainant Signature]

Address: Phone: __________________________

Email: __________________________

☐ I wish to be contacted by staff as a follow-up
Name of supervisor receiving complaint: J. Summers

Date complaint was given to supervisor: 2/3/20

Supervisor Comments:

NO ONE IS LIVING IN THE TRAILER. ITEMS ARE BEING STORED IN IT AND IT IS ACCESSED FROM TIME TO TIME. OWNER WAS ADVISED SHE COULD BE FIXED IF SOMEONE WAS USING IT AS A DwELLING. CALLER WAS UPDATED.

J. Summers

Written By: Name/Title

2/6/20 1800
Date & Time

Additional Info:

Written By: Name/Title

Date & Time

□ Additional Documents Attached

Copy given to (original on file with recorder):

☐ Mayor ☐ City Administrator ☐ Police Chief Date: _____________ Emp. Int. _____
Date: 1/30/2020

☐ wish to make the following complaint:

☐ Public Nuisance at ________________________________

☐ Discourteous or unresponsive city employee _________________

☐ Obstruction of a city street or sidewalk at ___________________

☐ Illegal parking ________________________________

☐ Trailer or RV being used as a residence at __________________

☐ Possible unpermitted construction activity at __________________

☐ Other: Derelict car parked on 100 block, exp. tags

Please give a detailed description of your complaint: (use an additional sheet a paper if necessary)

Plate 411 EUK, I’ve spoken with several neighbors who are complaining about this car & others & no parking because of it.

The complaint location is critical. If an address is not visible, give clear directions, like, “The vacant lot just north of 123 2nd Street”. If the complaint is not visible from the street, please describe where it can be seen. If you are unable to give clear directions, be sure to put your contact phone number on the form so we can call to clarify.

Your name and contact info is not required, but can be very helpful. If the complaint is only visible from private property, we will have to contact you directly to get permission to enter your property to observe the problem. If we are unable to locate the complaint, and are unable to contact you for clarification, the complaint may be closed with no action taken.

I understand that city staff will investigate and take appropriate action.

Complainant Signature

☐ I wish to be contacted by staff as a follow-up

Address:

Phone: ___

Email: ___
Name of supervisor receiving complaint: J. Summers

Date complaint was given to supervisor: 2/3/20

Supervisor Comments:

TWO VEHICLES, INCLUDING THE ONE IN QUESTION, WERE TOWED AS THEY WERE ABANDONED. CALLER WAS UPDATED.

J. Summers
Written By: Name/Title
2/8/20 1000
Date & Time

Additional Info:

Written By: Name/Title
Date & Time

☐ Additional Documents Attached

Copy given to (original on file with recorder):

☐ Mayor  ☐ City Administrator  ☐ Police Chief

Date:______________  Emp. Int.________
Amity City Council

Library Report

February, 2020

Staff Hours: 92
Volunteer Hours: 29
Computer Users: 58

Library News:

1. Thank you to the city maintenance staff for installing our new library door. The light from the window in the door gives wonderful light to the whole library. Thanks also for looking at the bathroom facilities.
2. I will be attending the Oregon Cultural Trust meeting in Eugene on February 26 to learn about grant possibilities for the library.
3. I am continuing to work on a grant for the Autzen Foundation to be submitted March 14. This grant is for developing plans for a new library in the future.
4. I will be attending a workshop on March 5 to learn about new literature for young adults for the library.
5. I will also be attending the regional library association conference in Newport on March 6.
February 17, 2020

City of Amity
Michael Thomas
P.O. Box 159
Amity, OR 97101

Transmitting Invoice No. 2 – Amity – Jellison & 3rd Paving (SCA 2020)

Dear Mr. Thomas:

Please find attached invoice in the amount of $2,566.80. During the month of January, Keller Associates completed the following engineering services:

- Project management
- Correspondence and meetings
- Develop and finalize plans, specification and estimate
- QC review of 90% plans
- Submit 90% plans to City for review

Keller intends to advertise the project, pending City review, in February 2020.

If you have any questions, please do not hesitate to contact me at 503.364.2002.

Sincerely,

KELLER ASSOCIATES, INC.

[Signature]

Shannon Williams, P.E.
Project Manager
<table>
<thead>
<tr>
<th>Task</th>
<th>Plan, Specifications, and Cost Estimate</th>
<th>Total Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
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<td>7,510.00</td>
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<td>57.00</td>
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<td>$2,102.80</td>
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<th>Task</th>
<th>Bidding and Construction Support</th>
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<td>002</td>
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<table>
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<table>
<thead>
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<td>$464.00</td>
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<th>Outstanding Invoices</th>
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<tr>
<td>00000001</td>
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<tr>
<td>2,293.90</td>
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<tr>
<td><strong>Fee</strong></td>
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<td><strong>Totals</strong></td>
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INVOICE

Date: February 4, 2020
Invoice No: 1920281

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<td>302440</td>
<td>41663</td>
<td>$1,642.45</td>
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<tr>
<td></td>
<td>302442</td>
<td></td>
<td>$1,361.65</td>
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</table>

Description

Legal Services

Land Use Planning - 9.1 hrs
General - 1.2 hrs
USDA Rural Development - 8.5 hrs

18.8 hrs @ $156.00/hour $2,932.80
124 miles @ .575/mile $71.30

Total $3,004.10

White - Customer Copy
Yellow - Return With Remittance
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<th>Date</th>
<th>Category</th>
<th>Task Description</th>
<th>Hours</th>
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<tbody>
<tr>
<td>1/2/2020</td>
<td>Amity - Planning</td>
<td>Provided input to questions regarding testimony to planning commission hearing</td>
<td>.2</td>
</tr>
<tr>
<td>1/7/2020</td>
<td>Amity – Water Reservoir/Contracts</td>
<td>Review emails from City Administrator Mike Thomas regarding bid award; telephone conference with Peter Olsen of Keller regarding city attorney review of documents; review emails and access RUS Bulletin 1780-26; assemble materials for meeting</td>
<td>.6</td>
</tr>
<tr>
<td>1/9/2020</td>
<td>Amity - Planning</td>
<td>Review and provide input to issues regarding planning commission hearing item; download and review application and staff report for PC hearing</td>
<td>1.0</td>
</tr>
<tr>
<td>1/9/2020</td>
<td>Amity – Water Reservoir/Contracts</td>
<td>Telephone call from Conor of Keller Engineering regarding insurance requirements for contractors; coordination for meeting</td>
<td>.2</td>
</tr>
<tr>
<td>1/10/2020</td>
<td>Amity – Water Reservoir/Contracts</td>
<td>Attend contract review meetings at City Hall with agency, city, and contractor representatives</td>
<td>2.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>plus 62 miles travel</strong></td>
<td></td>
</tr>
<tr>
<td>1/10/2020</td>
<td>Amity - Planning</td>
<td>Review issues posed regarding process for land use meeting and Lot Line Adjustment; review and provide input to Ord. 497 regarding PC membership and process</td>
<td>.8</td>
</tr>
<tr>
<td>1/13/2020</td>
<td>Amity - Planning</td>
<td>Review Council rules; review email with questions from PC member, respond to City Administrator Mike Thomas; telephone call from Mr. Thomas; Review Robert’s Rules for voting rules; review staff report, attend planning Commission meeting on Dollar General SDR.</td>
<td>4.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>plus 62 miles travel</strong></td>
<td></td>
</tr>
<tr>
<td>1/13/2020</td>
<td>Amity – Water Reservoir/Contracts</td>
<td>Open contract documents for the filter and reservoir; printed and reviewed performance bond requirements and forms for comparison to contract documents for both projects when they are submitted.</td>
<td>.4</td>
</tr>
<tr>
<td>1/14/2020</td>
<td>Amity - Planning</td>
<td>Review and respond to emails regarding the continuation hearing, public input, and declarations at the second hearing. Respond to questions about council attending commission meeting.</td>
<td>1.4</td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Time</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------------------------------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>1/15/2020</td>
<td>Amity Planning</td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td>1/16/2020</td>
<td>Amity – Water Contracts</td>
<td>1.0</td>
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<tr>
<td>1/16/2020</td>
<td>Amity - Planning</td>
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<tr>
<td>1/17/2020</td>
<td>Amity - Water</td>
<td>3.0</td>
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<tr>
<td>1/21/2020</td>
<td>Amity - Water</td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td>1/21/2020</td>
<td>Amity - Planning</td>
<td>0.6</td>
<td></td>
</tr>
<tr>
<td>1/23/2020</td>
<td>Amity - Water</td>
<td>0.4</td>
<td></td>
</tr>
<tr>
<td>1/28/2020</td>
<td>Amity – Water Contract</td>
<td>0.2</td>
<td></td>
</tr>
</tbody>
</table>

- Review emails and comment regarding follow up from planning commission meeting.
- Begin review of two water contract documents to certify completeness; called Conor with questions; emails to Conor with follow up requests for clarification and supplemental details.
- Review and comment on direction regarding council review of publicly distributed materials on pending land use application; email and telephone call regarding residency requirements and petition.
- Continued review of two contracts; reviewed bond and insurance provisions against the documents submitted; reviewed legal sufficiency based on Federal requirements; telephone and email communication with Conor of Keller regarding concerns with reservoir contractor documentation; sent example of documentation needed; reviewed all bond and insurance providers with AM Best standards for compliance with requirements; emails to Conor with status and action steps for each contract; email to City Administrator Mike Thomas with update on status and next steps.
- Review documentation for Elk Mountain; search Oregon SOS corporate filings; prepare email to Peter Olsen.
- Review submittals to land use hearing; email with suggestions; review two emails with code enforcement/fire safety issues.
- Review insurance certificate provide for Elk Mountain; prepare email approving contract; sign contract; prepare emails authorizing release of contracts with direction for inserting revised documents.
- Review email from Mike Beyer regarding adequacy of Elk Mountain documentation; prepare emails to Peter Olsen with comments.
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Details</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/28/2020</td>
<td>Amity – Public Meeting Question</td>
<td>Discussion of public meeting question regarding Amity Tourism Committee; email to City Administrator Michael Thomas regarding same</td>
<td>.2</td>
</tr>
<tr>
<td>1/30/2020</td>
<td>Amity – Tourism Records</td>
<td>Review email from City Administrator Mike Thomas regarding request for tax records; review ordinance and statutes; prepare response and identify correction needed to ordinance</td>
<td>.8</td>
</tr>
<tr>
<td>1/30/2020</td>
<td>Amity – Land Issue</td>
<td>Review land swap issue; prepare and send initial thoughts to City Administrator Mike Thomas</td>
<td>.4</td>
</tr>
<tr>
<td>1/31/2020</td>
<td>Amity - Rothenbucher</td>
<td>Review question of process to pay for option; review easement terms; prepare and send response to Renata</td>
<td>.2</td>
</tr>
</tbody>
</table>

Total miles traveled to be billed to clients: 124  
Total hours for Amity in January, 2020: 18.8
Mid-Willamette Valley
Council of Governments
100 High Street SE Ste 200
Salem, Oregon 97301
Phone (503) 540-1604
Fax (503) 588-6094

INVOICE

Date: February 11, 2020
Invoice No: 1920312

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<td>340091</td>
<td>41863</td>
<td>$2,699.35</td>
</tr>
</tbody>
</table>

Description | Amount
--- | ---
Land Use Planning Services for FY 2019-2020 | $2,699.35
Land Use Planning Services for the month of January, 2020 | $2,677.50
31.5 hrs Associate Land Use Planner @ $85.00/hr | $2,677.50
38 miles @ .575/mile | $21.85

Total | $2,699.35

White - Customer Copy
Yellow - Return With Remittance
The hours billed during the month of January included 31.50 for land use planning services, 0.00 for GIS services, and 0.00 for secretarial services. The following is an account of the hours billed:

<table>
<thead>
<tr>
<th>TASK</th>
<th>DESCRIPTION</th>
<th>HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Code research, responding to questions from the staff and public, file maintenance, billings, review of agendas and minutes, etc.</td>
<td>5.00</td>
</tr>
<tr>
<td>Building Permits Applications</td>
<td>Pre-App 306 Rosedell Ave - Follow up with applicant, will proceed</td>
<td>0.25</td>
</tr>
<tr>
<td></td>
<td>1910-01 SDR, 102 S Trade St Dollar General - Public hearing, travel, preparation, procedural discussions with city manager and legal counsel re: quorum/social media/conflict, 120-day waiver, ODOT approach approvals discussion, ORS research for keeping the record open, review comments and rebuttals, draft staff report</td>
<td>18.75</td>
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<tr>
<td></td>
<td>1911-01 LLA, 102 S Trade St. - Final decision out</td>
<td>1.50</td>
</tr>
<tr>
<td></td>
<td>1912-01 LLA, 514 Nursery St, Ruyle - Staff decision</td>
<td>2.50</td>
</tr>
<tr>
<td></td>
<td>2001-01 SDR 110 4th Street Belanger - File set up, correspondence with Mr. Gerald Bieze, file review</td>
<td>2.25</td>
</tr>
<tr>
<td></td>
<td>1905-01P Fuentes Partition at Ketchum &amp; Jelison - final plat for review, discussion re: conditions of approval, engineering, utilities,</td>
<td>1.25</td>
</tr>
<tr>
<td>Other</td>
<td>Code Amendments work - All code work this billing period billed to project contract. No additional</td>
<td>0.00</td>
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<tr>
<td>Secretarial Services</td>
<td></td>
<td></td>
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<tr>
<td>GIS Services</td>
<td></td>
<td></td>
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<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>31.50</strong></td>
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Note: Due to MWVCOG accounting deadlines, the above may include some hours from one or several days recorded at the end of the previous month.
February 23, 2020

This month has gone by quickly and with Tasha needing this report a little earlier than normal, it will make for a shorter report from me. Most of this month went by without too much for me to report.

This past week got very busy as I attended the Mid-Willamette Valley Council of Governments Annual Meeting. The guest speaker was the Director of the Oregon Historical Society and he was fantastic. One of the best I have heard in a long time. He spoke about several of the Presidents and their connections to Oregon, specifically Lincoln. He brought with him some letters written by Abraham Lincoln, Susan B. Anthony and Theodore Roosevelt. He also brought a piece of a meteorite that is the oldest artifact in Oregon and a branding iron that belonged to Merriweather Lewis of the Lewis and Clarke Trail. I was recognized as being a member of the Board of Directors at the meeting as well.

The next night, 2-20-2020, I was in Newberg for the City/County Dinner. As a guest, the Kid Governor of Oregon was there speaking about her campaign and the steps she has taken to address homelessness in Oregon. With her was a member of the Secretary of State’s Office who leads the Kid Governor program and spoke about a Civic Education program she is trying to implement in Oregon.

I was very happy to hear about the bids coming in a little lower than expected for the SCA grant project and that we may get more work done than originally planned. I am also very excited that we finally have some work happening with the reservoir project, even if it is just staging equipment at this time.

The other big item was the City Council Goal Setting Workshop. I am very happy with the work that was accomplished and what we decided to do with the City Council Committees. I hope everyone feels more empowered and that will hopefully lead to even greater things happening for our city. Thank you to everyone who attended and to staff for the work done to prepare and organize the session. We will have another work session to discuss the Sherriff’s Office Contract when we get a date back from the Sherriff of when he can meet with us. In the meantime, please compile any questions you have regarding the Sherriff’s Office Contract and get those to Mike or Tasha so that the Sherriff can be prepared to answer any questions.
Minutes of the Committee

(Choose one by putting in **bold print**, highlighting, or otherwise noting √)

- Water & Sewer
- Police
- Community Development

- Finance
- Ordinance
- Parks & Streets

**Attendance**

<table>
<thead>
<tr>
<th>Chair: Ryan Lehman</th>
<th>Co-Chair: Jenna Goings</th>
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</thead>
<tbody>
<tr>
<td>Staff Members:</td>
<td>Audience Members:</td>
</tr>
<tr>
<td>Sandy McArthur</td>
<td></td>
</tr>
</tbody>
</table>

**Topics for Discussion**

**Topic #1:**

Paid bills
2 Reconciliation reports
Looked over and approved the donations for the year

**Topic #2:**

YCTA, 3660.00 requested payment (STATEMENT)
Informed city admin to withhold payment for now because their was no formal obligation to pay, was a verbal agreement only, and that agreement was for 2500.00.
Stated to Michael that this needs to be worked into the budget for next year if money allows. Not paying will not affect bus service to Amity. (stated from YCTA) (email)

**Topic #3:**

Had a discussion about the police contract with the SO, and the looming increase of approx 10% for the new contract (to start in June 2020) and expressed concerns about being able to afford the increased cost.
I did get a few of my questions answered by the SO through Michael, but think we need to have a more in-depth conversation on this topic. Think we need to explore ALL options to include, reduction in service, increase public safety fee, Increase our city court fees, and most of all not put this off until the timer has almost expired. (Email chain from Michael)
Minutes of the Committee

February 12th, 2020 6:45pm

Topics for Discussion

Topic #1: Tourism Committee
- Concerns expressed that committee members are not following the ordinances including voting being allowed by non-chairpersons.
- There is a need to update the ordinances for the TC and have updates reviewed by our attorney.
- I have requested the TC Chairperson forward me a copy of the current ordinances and her concerns/suggestions for updates and revisions.

Topic #2: Planning Committee Ordinances
- We consulted over the importance of supplying a copy of the newly updated PC ordinances to the PC prior to the City Council's first reading.

Topic #3:
Committee report

From: BOSS BUDDHA <bocktone33@yahoo.com>  Mon, Feb 24, 2020 04:16 PM
Subject: Committee report
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At the committee meeting the only one who showed up was Gary. We discussed mainly on
the street paving project and the possibility of doing twice the amount

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Minutes of the Committee

(Choose one by putting in bold print, highlighting, or otherwise noting √)

- Water & Sewer
- Police
- Community Development
- Finance
- Ordinance
- Parks & Streets

Attendance

<table>
<thead>
<tr>
<th>Chair: Napua Rich</th>
<th>Co-Chair:</th>
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<tbody>
<tr>
<td>Staff Members: Gary Mathis</td>
<td>Audience Members: Robert Andrade</td>
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<td>Ryan Lehman – sitting in for Michael Thomas</td>
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Topics for Discussion

**Topic #1:** Public works informed the Committee they would be opening bathrooms and drinking fountain (weather allowing) on Monday, March 2nd. Further explained that a member of the public requested that the bathrooms be painted but that this was a task completed July 19, 2019. This was the weekend prior to last year’s pancake feed.

**Topic #2:** Ryan Lehman, on behalf of Michael Thomas, informed the committee of options to be presented to Council at the next Council meeting in addition to email of detailed information on options. Michael spoke with Scott Law in regard to council inquiries of structure use and ownership. Scott will discuss with Amity Volunteer Firefighters Association (AVFA) a structure usage agreement that will likely result in an Intergovernmental Agreement (IGA). Scott was agreeable to an arrangement with a stipulation of storage in the shed, of fire department equipment. There is no written agreement of ownership on this structure, because the City insures and maintains the structure, it is concluded to be owned by the City. Napua inquired about comments of sharing any use proceeds with AVFA. Ryan explained his uncertainty on that subject. Napua explained that she is favorable to option 1, as it is a complete rebuild and not a temporary fix which seems the best option. Ryan
further explained that this option will be fully covered but that the insurance will not provide coverage to this extent in the future. Gary explained that the insurance coverage can also be increased, thus future coverage. There was discussion in regard to structure usage agreement. With the city paying to insure the structure and ongoing maintenance by staff, Napua recommended offsetting the cost by renting the structure throughout the summer, providing first date selection by AVFA for the annual pancake feed. Ryan explained that this would require a change in Ordinance which currently states that there is a $100 refundable deposit and this would require the City to staff scheduling of the structure and such. Napua recommended a cost analysis to provide an adequate and equitable percentage of proceeds and/or deposit to offset City cost. This would assist with budget for park upkeep and repairs. This is cost that goes toward the park structure that could be utilized for other park needs, maintenance and repairs; such as spraying the ballpark weeds in preparation for upcoming softball tournaments. Further, that it does not make sense to split proceeds with AVFA. Instead, we continue to provide use of the structure and shed at no cost. Ryan recommended we provide use to non-profits at no cost as well.

Topic #3: Gary Mathis informed the committee that there are 3 upcoming softball tournaments. Public Works plans to spray the ballpark for weeds, this will cost approximately $200 and is necessary for upcoming utilization. He further noted that if there was another ball park, it would allow for more softball tournaments and bring the city an increase in profit. There was a bit of discussion because there is no place for this unless trees are removed from the park, which is not an option the committee is willing to embark on.

Additional topics may be added here:

#4: