

REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF AMITY, OR

Minutes

A Regular Meeting of the City of Amity Planning Commission was held at 6:30 p.m. on Tuesday, February 18, 2020 in the Council Chambers, City Hall, 109 Maddox, Amity, Oregon.

Members Present:

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

Members Absent:

None

Staff Present:

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

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

Steve Powell(Applicant) and assistant, David & Jeanne Beck, Courtnie Belanger, Susan Karp, Ed Farrar, Bobbie Farqhrar, and Sabine Buchanan

Call to Order:

Chair Ryan Jones called the meeting to order at 6:31 PM.

Approval of Minutes from December 9, 2019 and January 13, 2020

Chair Ryan Jones asked if the Commission wanted to entertain a motion to approve the minutes from the December 9, 2019 Planning Commission meeting. Commissioner Rob Kistler moved to approve the December minutes; Commissioner Steve Ruyle seconded. Motion passed 3-0.

Regarding the January 13, 2020 minutes, Commissioner Kistler disagreed with both the minutes and the Planning Commission recommendation forwarded to and approved by the City Council on February 5, 2020. The issue was specifically related to the two General Commercial Zone items, and whether the language was resolved as "to the greatest extent possible" or "strongly encouraged." The Commission tabled this discussion to the end of the meeting.

David Antinucci Resignation

Commissioner Antinucci submitted a letter of resignation from the Amity Planning Commission. The letter stated an error was discovered in his appointment, as the commission rules limit the number of members employed in the development/real estate sector. Commissioners voted on David Antinucci's resignation. Commissioner Rob Kistler

moved to approve; Commissioner Steve Ruyle seconded. Motion passed 3-0.

New Planning Commissioner

City Administrator reported that the City Council received a total of four applications for the vacant seat on the Planning Commission. The City Council interviewed those in attendance during the City Council meeting on February 5, 2020, and appointed Courtnie Belanger. She will be starting on the Planning Commission March 9, 2020.

Commissioner Rob Kistler asked when the City Council would fill the new vacancy on the Planning Commission. City Administrator Mike Thomas stated that Mayor Michael Cape would like the process to begin soon.

Comments from Citizens

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

Old Business

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

Public Hearings:

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

Chair Ryan Jones re-opened the public hearing for city file#1910-01SDR, a proposal for the development of a Dollar General retail store at 102 S Trade Street, and read the standard land use hearing script, stating that all testimony must concern the approval criteria, failure to raise an issue precludes future appeals to LUBA, and that any party may request a continuation. Chair Ryan Jones asked Planning Commissioners for declarations of ex parte contacts, conflicts of interest, bias, or site visits concerning the application. None were declared. Chair Jones asked if any member of the audience wished to challenge the jurisdiction of the Planning Commission to hear the matter? None did. Chair Jones asked if any member of the audience wished to challenge the impartiality or ex parte disclosures of any member of the Planning Commission? No audience members had any objections.

Chair Ryan Jones requested the staff report. Planner Holly Byram presented a staff report dated February 11, 2020, which was an addendum to the first staff report dated January 6, 2020. Planner Holly Byram reviewed the procedures of leaving the record open following the public testimony on January 13, 2020, following Oregon Revised Statutes 197.763. The first seven-day round was open for any party to comment. The second seven-day round was open for any participant to respond to comments received in the first round. And the third seven-day round was open for only applicant rebuttal. Overall, the City received comments from proponents, opponents, and the applicant. Planner Byram stated that public comments must be related to criteria in the Development Code. The Planning Commissioners received all the comments in their packets. Based upon the information

received, the staff recommendation to approve the proposed development did not change. There were a couple items for the Planning Commission to discuss, related to conditions of approval. Planner Holly Byram reviewed those items for the Planning Commission. Those items were sewer, parking, screening, signage, truck route, and crosswalk safety.

Questions from Planning Commission of staff.

Commissioner Rob Kistler asked if Dollar General leaves would the same delivery hours stay for next tenant. Planner Holly Byram recommended that restrictions about hours are not recommended because public comment discouraged requiring deliveries during peak school traffic rush hour.

Commissioner Rob Kistler stated that he was uncomfortable with telling delivery trucks not to turn around on Amity's side streets and rerouting trucks to another town such as Whiteson to turn around.

Commissioner Steve Ruyle asked about enforcement of delivery trucks on side roads and hours of this business. Planner Holly Byram recommend that no restrictions should be put upon delivery hours.

Commissioner Steve Ruyle asked about restrictions on future signage. Planner Holly Byram stated that Commissioners can include a condition of approval prohibiting internally illuminated signs. Commissioner Rob Kistler felt that it wasn't necessary to put a restriction upon the business owner for a monument sign because the client stated on record that they would do a monument sign. Planner Holly Byram and City Attorney Bill Monahan recommend if Commissioners do not want a pole sign on that property, then the commission should include the restrictions in the final decision.

There were no additional questions of staff.

Chair Ryan Jones closed the public hearing.

Planning Commission deliberation.

Commissioner Rob Kistler commented about safety on the corner of Dollar General. He is concerned about delivery trucks and the safety of pedestrians, specifically grade school children waiting to cross the street. Commissioner Rob Kistler stated that the Amity Code doesn't allow a driveway to be that close to a corner of a property. He believes some of the public comments received were about the city's access spacing standards, although they might not have used those exact words.

There was Commission discussion about the jurisdiction of Trade Street, and whether ODOT's review standards take precedence over the local city standards. Commissioner Steve Ruyle asked Commissioner Rob Kistler if the City of Amity had the jurisdiction over Trade Street. Commissioner Rob Kistler stated yes. Commissioner Rob Kistler stated that

ODOT review is limited to the State Highway and doesn't consider the safety of the city. They leave it up to the city. If the city overlooks the city's codes and decides to go with ODOT then ODOT will sign off.

Commissioner Rob Kistler read off page 110 of the meeting packet from ODOT's comments. ODOT's review on page 111 referenced OAR 734-051; -140; item #2 related to the local standards. Commissioner Rob Kistler went over Amity Code 2.211.02 and 03B; 2.211.06C, and street standards. Commissioner Rob Kistler argued that Amity codes states that we go with City's codes. Commissioner Rob Kistler interprets the Amity Code on GC driveways as they need to be set back 75 feet from the curb. Commissioner Rob Kistler stated that if the Commission voted on the application, his vote would be no.

Planning Commission continued to discuss ODOT review and Amity's codes. In the ODOT review it states that a city can use the ODOT review , or the city's more restrictive codes on safety and driveways. Commissioner Rob Kistler continues to argue that Amity's codes state that the city must follow our own city codes.

Commissioner Steve Ruyle and Chair Ryan Jones point out that Trade Street is a State highway and that in the past the city has deferred to ODOT for review of access permits and spacing. Steve Ruyle stated that Planning Commissioners rely on the experts to advise on technical issues.

City Attorney Bill Monahan recommended that the Commission needed to decide if the criteria have been met, and stated that they could discuss the other items, then return to this item if needed. The Planning Commission agreed to review the rest of the items. Planner Holly Byram referenced staff report discussion items on page 19 of the meeting packet.

Regarding sewer capacity limitation of 1 EDU recommended by Amity Public Works, Commissioner Steve Ruyle asked if a new owner comes in does the Planning Commission need to enforce a certain number of bathrooms. Planner Holly Byram explained that new owners would have to come in for permit review. Commissioner Steve Ruyle then stated that the situation will take care of itself.

Commissioner Rob Kistler addressed recommended condition of approval N: Parking. The Planning Commission talked about employee parking, business parking, and truck deliveries during business hours. The planning Commission felt that the four parking stalls east of the building being temporarily blocked by a delivery truck was not an issue that they needed to address through conditions about either hours or signage.

Commissioner Rob Kistler addressed recommended condition of approval Q: Screening. He thinks that there is no need for a fence on the northern property line along 1st Street. He stated that the proposed landscaping is enough for screening. A fence could cause safety issues. Chair Ryan Jones agreed.

Commissioner Rob Kistler addressed recommended condition of approval R: Signage. Commissioner Rob Kistler stated that he thought that the Planning Commission should have condition requiring a monument sign. The Commissioners agreed to prohibit pole signs and internally illuminated signs on the property.

Commissioner Rob Kistler addressed staff report discussion item #5 about an established truck route in the event of a northbound truck needing to turn around to approach the Dollar General store. Commissioner Rob Kistler agreed with Commissioner Steve Ruyle that there is no need to enforce this matter. Chair Ryan Jones stated that he feels that this is a separate issue for the city. Planner Holly Byram confirmed that the commission did not desire a condition of approval about truck routes.

Commissioner Rob Kistler addressed discussion item #6 about a flashing light at the crosswalk. Chair Ryan Jones stated that if ODOT wants to put one of those in, that ODOT will put one in. Commissioner Rob Kistler discussed requiring the applicant to pay for possible school crosswalk light. Commissioner Rob Kistler asked City Administrator Mike Thomas if to his knowledge did the City have to pay anything towards the other school crossing in Amity? City Administrator Mike Thomas stated that he has no comment. He did not know. Commissioner Rob Kistler then asked City Recorder Natasha Johnson if she knew if ODOT paid for the other school crossing? City Recorder Natasha Johnson responded she was not sure, but she thinks so. Commissioner Rob Kistler then stated that he's fine with not requiring the applicant to pay anything towards the flashing light school crossing.

Planning Commissioners had a discussion on recommended condition of approval U: Delivery truck only entrance, and if there was signage. Planner Holly Byram stated that the submitted plans show signs for truck entrance only and no exit. Chair Ryan Jones wanted some more clarification from the applicant if that was just signage or anything else there. The applicant Steve Powell stated yes there are signs stating truck entrance only and if the Commissioner would like that they would also paint truck entrance only on the ground. The Commissioners felt that just the signage was enough.

Commissioner Rob Kistler asked Planner Holly Byram to review the discussion items with the Commissioners. Commissioner Rob Kistler emphasized recommended condition of approval A, which says the applicant alone is responsible for their due diligence to identify and meet all applicable code requirements. Commissioner Rob Kistler returned to the discussion about access spacing standards, ODOT Standards vs. City of Amity Code Standards. Commissioner Rob Kistler wants clarification what the next step is. He stated that he will be voting no due to this fact. City Attorney Bill Monahan stated that someone will have to make a motion on the final action and then the Commission will vote. Commissioner Steve Ruyle felt that the City of Amity Code doesn't apply to Trade Street; that ODOT standards apply because Trade Street is a state highway.

Planner Holly Byram read the recommended condition of approval J, taken verbatim from City Engineer comments. Streets shall be constructed in accordance with Division 3 of

Amity Design Standards, and then it referenced ODOT standards. Commissioner Steve Ruyle wants to know should the Planning Commission change the language from Amity Design Standards to ODOT Standards. Planner Byram stated there were a couple different types of standards, including the physical construction materials, so both references should stay. Planner Byram stated that staff was not contacted about this topic ahead of the meeting, so no additional information was prepared. If the Commission desired, Planner Holly Byram could reach out to the City Engineer for further clarification.

Planner Holly Byram confirmed that Amity's Clear Vision Area code does apply to the corner of private property at 1st and Trade, but ODOT standards do not extend onto private property in this regard. Chair Ryan Jones asked if there were any other adjustments that Commissioner Rob Kistler wanted to make. There were none.

Planner Holly Byram wanted clarification on recommended condition of approval H. Public Works requested a sewer capacity of not to exceed 1 EDU. Commissioners agreed to include Public Works recommendation in the standards.

Planner Holly Byram asked the Planning Commission if they would like her to go over the motion again. The Commissioners agreed to that.

Condition of approval H. Sewer: Add not to exceed 1 EDU.

Condition of approval N. Parking: Strike restrictions on hours of delivery.

Condition of approval Q. Screening: Strike requirement of fence along northern property line.

Condition of approval R. Signage: Prohibit pole signs and internally illuminated signs.

No comment or condition addressing truck route.

U. Truck entrance: Signed Northern delivery truck entrance only. No exit.

The Commissioners discussed whether it was desirable to include a condition of approval about hours of delivery, so as not to disturb nearby properties with noise. Rather than include as a condition of approval, there should be city-wide code language for all businesses about noise and hours of delivery. The Planning Commission decided not to add a condition of approval about delivery hours.

Commissioner Steve Ruyle reads. I move to adopt the findings and recommended conditions of approval included in both the original staff report dated January 6, 2020 and the addendum dated February 11, 2020, and approve the submitted site design review application #1910-01SDR with the following revisions to the recommended conditions of approval desired by the Planning Commission:

H. Sewer: Not to exceed 1 EDU.

N. Parking: Strike hours of delivery.

Q. Screening: Strike requirement of fence. Landscaping is enough.

R. Signage: Prohibit pole signs and internal illuminated signs.

No comment on truck route.

U. Truck entrance: Signed Northern delivery truck entrance only. No exit.

Commissioner Steve Ruyle motioned, Chair Ryan Jones seconded motion. Motion passed 2-1

Role call for voting for on the record. Commissioner Steve Ruyle yes. Commissioner Rob Kistler no, and Chair Ryan Jones yes. The motion passed 2-1, with Commissioner Rob Kistler opposing

Chair Ryan Jones stated this is the final decision by the Planning Commission. This decision may be appealed to by those notwithstanding to the Amity City Council within twelve days after the mailing of the signed final decision.

We would like to thank you all who have testified on this matter, your comments have been very helpful. Thank you.

Planning Commissioners resumed discussion about the January 13, 2020 minutes. Commissioner Rob Kistler stated he understood that the Commission voted to change the wording to “strongly encourage” on the GC zone language about parking in the rear of properties, but not so about the building main entrances facing the street. He would like to strike the wording for “strongly encourage” on front door. City Recorder Natasha Johnson and City Clerk Amber Lopez stated that the audio recording is somewhat difficult to hear, but they reviewed the recording to confirm the minutes were accurate. Planner Holly Byram confirmed her meeting notes were consistent with the minutes. City Attorney Bill Monahan stated that Commissioner Rob Kistler cannot change what he said in the minutes. The City Council already approved the code language package as it was presented to them. Also, the Planning Commission had not given public notice that they would be revisiting the code amendments, so it is not advisable to change a prior decision made by the Planning Commission. Commissioner Rob Kistler could state a clarification of what language he would like to forward to the Amity City Council. Commissioners continued discussion about the January 13, 2020 minutes. Commissioners agreed that either way, the language for the CG zone lacked enforcement teeth at the time of development application review. Chair Ryan Jones asked Commissioners if they would like to approve the minutes. Commissioner Rob Kistler moved to approve and Commissioner Steve Ruyle seconded. The motion passed 3-0.

Next Meeting Date:

Chair Ryan Jones set the next meeting to March 9, 2020 at 6:30 pm, and the Commission all agreed to the meeting.

Adjournment:

Chair Ryan Jones stated he would entertain a motion to adjourn the Planning Commission meeting. Commissioner Rob Kistler made a motion to adjourn the Planning Commission Meeting; Commissioner Steve Ruyle seconded. The motion passed 3-0. With no further business before the Planning Commission, Chair Ryan Jones adjourned the Planning Commission meeting at 8:30 p.m.

Respectfully submitted,

Amber Lopez, City Clerk

Attested

Ryan Jones, Chair