

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 Monday, March 15, 2021 in the Council Chambers, City Hall, 109 Maddox, Amity, Oregon, and by Zoom phone and video conferencing platform.

Members Present:

Steve Ruyle (Commissioner), Lou Savage (Commissioner) and Ryan Jones (Chairman)

Members Absent:

None

Staff Present:

Chrisy Worthington (City Clerk), Natasha Johnson (City Recorder), Michael Thomas (City Administrator) and Holly Byram (City Planner MWVCOG)

Guests Present:

John DeRaeve (Applicant via Zoom.), Margaret Gander-Vo (Applicant's Attorney via Zoom), and Jim Affolter (citizen), Ed & Jeanne DeRaeve (joined late).

Call to Order:

Chair Jones called the meeting to order at 6:34 PM.

Approval of Minutes from October and November 2020

Chair Jones asked if the Commission wanted to entertain a motion to approve the minutes from the October 12, 2020 and November 9, 2020 Planning Commission meeting. Commissioner Ruyle moved to approve the minutes; Commissioner Savage seconded. Motion passed 3-0.

Comments from Citizens

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

Old Business

There were none.

New Business:

A. Public Hearing for File 2101-01P: Property Tax Lot# R5429 00101, Request to partition property into three parcels. Parcel 1 will be 2.54 acres AH Zone; Parcel 2 will be 2.00 acres R1 Zone; and Parcel 3 will be approximately 39.91 acres predominantly unincorporated Yamhill County EF80 Farm Use Zone:

Chair Jones opened the public hearing for city file#2101-01P at 6:39 PM 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 Jones asked Planning Commissioners for declarations of ex-parte contacts, conflicts of interest, bias, or site visits concerning the application. Commissioner Ruyle declared he has a potential conflict. He owns property bordering the Applicant's property. Commissioner Ruyle said that he can make an unbiased decision. None of the other Commissioners expressed concern about Commissioner Ruyle's ability to make an unbiased decision. Chair Jones asked if anyone in the audience would like to challenge Commissioner Ruyle's ability to participate in the public hearing. There were none.

Chair Jones asked for the presentation of the Staff Report.

Planner Holly Byram went over the staff report in the Planning Commissioner's meeting packet dated March 9, 2021. Commissioner Ruyle asked if the small, incorporated portion of property with the shed on it will remain part of Parcel 3. Planner Holly Byram confirmed that it will remain a part of the large Parcel 3.

Chair Jones asked if any Commission members had any questions for staff. There were questions. Commissioner Savage asked Planner Holly Byram what the permitted use is for the property. Planner Holly Byram explained the permitted uses for the AH zoned property are agricultural operations and/or one dwelling unit, until it is rezoned to R1, at which time it could be further subdivided. He then asked if there are any restrictions on the AH use. Planner Holly Byram explained the restrictions would be based off of the development code.

Commissioner Ruyle asked about the requirements of Project S-3, a future connector street shown in the Transportation System Plan (TSP). Planner Holly Byram explained and that the City Engineer and PW would want to make sure the requirements are reviewed during the future subdivision application process. It is shown as a dotted line on the TSP map, because the location is approximate, the exact street alignment is dependent upon future development of Parcel 1. There were no more questions.

Chair Jones asked if there was a presentation from the applicant. There was from applicant's Attorney Margaret Gander-Vo. She thanked Planner Holly Byram for her time. She explained that the property is split zoned and why applicants want the partition. They believe the code requirements are all met. Applicant agrees to the deferral agreement but with a few limitations. They would like to be able to review and discuss condition 11 language regarding required public improvements. She explained why they didn't partition off the smaller part off because that would qualify as a subdivision. She also asked that the connectivity condition of approval be consistent with ODOT's criteria because they have jurisdiction. The applicant desires flexibility of the exact location of that future street.

Commissioner Jones asked regarding the connectivity road and where it might go vs. where it should go. Applicant's Attorney Margaret Gander-Vo explained there is an existing easement and that the future street will be placed based off ODOT's criteria.

Commissioner Savage asked if disagreement with staff recommendation. Applicant's attorney Margaret Gander-Vo explained that they are in agreement but want flexibility regarding the conditions. These details can be addressed with staff in the exact language of the deferment agreement.

Chair Jones asked for testimony from proponents. There were none.

Chair Jones asked for testimony from any opponents. There were none.

Chair Jones asked for testimony from neutral parties. Testimony from an in-person attendee was given:

Jim Affolter (Citizen) owns neighboring property. He asked for clarification regarding the small portion of Parcel that is zoned AH - Agricultural holding, and if it is the small section between his property and the barn. Applicant's attorney Margaret Gander-Vo confirmed that it is that piece. He then asked what the zoning will be for Parcel 1 and Parcel 2. Attorney Margaret Gander-Vo explained Parcel 1 on Nursery will still be AH, and Parcel 2 on Goucher will still be zoned R1. He asked that they don't need to say what the zoning will be for in the future. She explained that it is just a partition and does not need to say what development will be in the future. He asked her to let the DeRaeve family know that the Affolters are still very interested in purchasing the small piece, and they have the first right to that property per their existing access easement agreement. She let him know that she will pass it along.

Chair Jones asked if there was any more testimony of proponents, opponents, neutral parties including government bodies. There were none.

Chair Jones asked for rebuttal from the applicant. There was rebuttal. Applicant's Attorney Margaret Gander-Vo commented to the testimony regarding the deferment agreement. They will work with staff after staff finalizes it. They are also just wanting flexibility regarding the access point knowing that ODOT sometimes doesn't approve too many close together.

Chair Jones asked for motions to continue the hearing or leave the record open. There were none.

Chair Jones asked if the applicant waives the 7-day period to submit final written argument. The Applicant waived the 7-day.

Chair Jones opened for discussion by the Planning Commission. There was discussion from Commissioners.

Commissioner Savage asked for clarification regarding staff and applicant agreement on the recommended conditions of approval.

Commissioner Ruyle asked for clarification regarding the road and leaving it open and is it possible to move the driveway. Planner Holly Byram explained that the location of the future road would be up to PW and City Engineer, but she doesn't think they would support a future street routed on the existing driveway easement through Jim Affolter's property. Commissioner Ruyle just wants to make sure that it gets discussed. Planner Holly Byram explained further, and that staff will be reasonable as to the exact location of the future connector street when the DeRaeves make a subdivision application to the city in the future. Commissioner Ruyle explained that ODOT has denied access previously to other properties. Planner Holly Byram explained that ODOT cannot land lock Parcel 1, and that in their comments ODOT stated that Parcel 1 will need to get an access permit. Commissioner Savage asked for clarification regarding leaving it open. Planner Holly Byram explained it would not be appropriate to shift the future street alignment onto the neighbor's property.

Administrator Thomas asked if she could explain Commissioner's Savage question regarding Staff and Applicant agreeing. She explained that they generally agree, the details can be refined in the

deferment agreement to address concerns about proportionality of the required improvements. This means that improvements required for Parcel 1 and Parcel 2 would be separate and appropriately sized to match the scale and timing of each proposed development in the future.

Jim Affolter (citizen) wanted to convey his appreciation to the DeReave family and not using their driveway easement access as the primary access to Parcel 3.

Chair Jones closed the public hearing at 7:35 PM.

Chair Jones asked if there were any more questions from the commissioners. There were none.

Commissioner Savage made motion to approve the proposed partition, file #2101-01P as submitted, and adopt the findings and recommended conditions of approval as provided in the staff report dated March 9, 2021. Commissioner Ruyle seconded and with no further discussion motion passed 3-0.

Chair Jones explained that the Planning Commission's decision may be appealed in 12 calendar days from the mailed notice of decision.

Next Meeting Date:

Chair Jones set the next meeting to April 12, 2021 at 6:30 pm, and the Commission all agreed to the meeting. Staff stated that there would be a public hearing for a Site Design Review on that date.

Adjournment:

Chair Jones adjourned the Planning Commission meeting at 7:39 p.m.

Respectfully submitted,

N. Johnson, City Recorder

Attested

Ryan Jones, Chair