

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, January 9, 2023, in the Council Chambers, City Hall, 109 Maddox, Amity, Oregon, and by Zoom phone and video conferencing platform.

Members Present:

Lou Savage (Commissioner), Sean Fitzgerald (Commissioner), Steve Ruyle (Commissioner), Dan Keliheleua and Ryan Jones (Chairman)

Members Absent:

Staff Present:

Chrisy Worthington (City Clerk), Natasha Johnson (City Recorder), Michael Thomas (City Administrator), Holly Byram (City Planner MWVCOG), Jesse Fields (City Engineers, Keller Assoc.), and Abby McFetridge (City Engineers, Keller Assoc.).

Guests Present: Sign-in attendance sheet is attached.

Call to Order:

Chair Jones called the meeting to order at 6:35 PM.

Approval of Minutes from November 14, 2022

Chair Jones asked if the Commission wanted to entertain a motion to approve the minutes from the November 14, 2022 Planning Commission meeting. Commissioner Savage moved to approve the minutes; Commissioner Ruyle seconded. Motion passed 5-0.

Comments from Citizens

Chair Jones asked for comments from citizens for issues not on the agenda. There were none.

Old Business

There was none.

New Business:

- a. Elect New Chairperson: Commissioner Savage moved to elect Commissioner Jones as Planning Chairperson. Commissioner Ruyle seconded and with no discussion motion passed 5-0.
- b. Public Hearing: Land Use file #2210-01 PUD & #2210-02 SUB for the Amity Oaks PUD submitted by applicant Community Home Builders at 1204 Oak Street in Amity, tax lot R5429 AC00700.

Chair Jones opened the public hearing for concurrent files #2210-01 PUD & #2210-02 SUB. He read the meeting script and went over all the legal matters.

“Chair Jones asked the Commission if anyone wished to declare a potential or actual conflict of interest or bias or ex-parte contacts? There were none.

“Chair Jones asked if any member of the audience wish to challenge the jurisdiction of the Planning Commission to hear this matter?” There were none.

“Chair Jones asked if any member of the audience wish to challenge the impartiality or disclosures of any member of the Planning Commission?” There were none.

Chair Jones asked for presentation of staff report. Planner Holly Byram went over the staff report and recommended conditions of approval. The full staff report with exhibits was provided in the meeting packet.

“Chair Jones asked the commission members if there are any brief clarifying questions of staff before we move on?” Commissioner Savage asked for more clarification regarding the developer’s request to reduce the minimum lot sizes, and if it is within the discretion from the developer. Planner Byram explained the relationship between lot size and development density. A PUD application grants the developer flexibility, and the proposed density is within the maximum density allowed by both the R1 zone and the PUD code section. Commissioner Savage asked if the Commission could request certain amount of lots be certain sizes. Planner Byram explained if there are reasons to support it.

Commissioner Ruyle asked regarding the proposed open space, in the event that it were to change hands from the developer to the City. Planner Byram explained further regarding the percentages with the different included tracts. The PUD code does not specify that public must have access to provided open space, and that the Comprehensive Plan places value on open space for natural resource, natural hazard, and viewshed purposes. He asked about Track C and if it was taken out how do you calculate that and what percentage would it be to be included in part of the green space. Planner Byram explained further, and it is being assumed as a public benefit. He asked what percentage Track C. Planner Byram explained set aside for flood plain and roughly 30% but will have the applicant confirm.

Chair Jones asked for presentation of applicant.

Steve Kay of Cascadia Planning and Development Services representing applicant Community Home Builders gave testimony. He went over background regarding why doing the PUD and the purpose of it. He explained the open green space and wanting to donate to the city which would make it public land and would still be counted as green space. He explained further what the green space would include. He explained the city would own the track but would be maintained by the Amity Oaks Homeowners Association (HOA).

He went over the street improvements and what they will be. He went over the utilities and the city has the capacity to support the development per City Engineer. He went over the revenues the city would see with this development and what the revenue would support. He gave background regarding the applicant and developer and the different subdivisions they have completed around Yamhill County. The applicants feels this project would increase the diversity of housing options in Amity, to suit a range of income levels.

He answered questions brought up in staff report. Commissioner Ruyle asked regarding the properties that will be up against existing homes now and will they have the reduced setbacks.

Representative Steve Kay explained they would have the setbacks that would be permitted in the PUD. He noted the reduced setbacks would be depending on the lot, but the applicant is intending to build privacy fences along the existing homes. Commissioner Savage asked about how many properties would be needing the reduced setbacks. Representative Steve Kay explained roughly how many properties would be needing reduced setbacks.

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Chair Jones asked for public testimony from proponents, opponents, neutral parties, and governmental entities. There were none.

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

Chair Jones asked for testimony from any opponents. There was testimony.

Citizen Andrew Hansen brought up concerns regarding density and emergency exits. He went over concerns regarding the traffic study and being done when schools weren't in session and needs to be updated. He explained the city has limited law enforcement. He is curious on the donated land to the city and who would perform the maintenance, specifically the briars. He would like to see the houses having yards.

Citizen Cassandra Hake read from written comments submitted to the City along with Brian Hake. She brought up concerns regarding the property that would abut to her property and would be too close to her property. She would like the PUD thrown out. She explained she was not provided the map regarding the lot sizes. She explained the R1 setbacks, and these lots would not be within code, and she would like to see the codes upheld. She would like it noted that R1 does not allow for duplexes, and it looks like there will be some as some properties don't have any setbacks between them. She would also like it noted that if there are any fires between properties 21 thru 27 fire trucks or emergency vehicle would not be able to get through. She would like to propose property 27 be taken out and another accessory road added. She is also concerned about the long wait time at the intersections of Nursery and church during peak hours.

Citizen Michael Blanco asked with the added burden if there would be extra teachers added to the schools. He feels the city is drowning in development. He can't believe the land was changed from Agriculture to allow this development.

Citizen Joan Hake asked regarding if the applicant will have to upkeep on the blackberries. She asked for a privacy fence on property 6 as her property is up against that property.

Citizen Desiree Braukman asked regarding the widening of the roads. She is concerned as it would go into her property if there were sidewalks. She is worried about the kids that walk on the street and adding that much more traffic. If the citizens would have to give up their property for the widening of the roads, how would they be compensated. She suggests adding speed bumps.

Citizen Alyssa Strahle has concerns about pedestrians walking down the street and no sidewalks. She feels it's a safety hazard. She is worried about the intersection at Roth and Oak. Will there be stop signs added on Oak. The safety needs to be taken into consideration.

Citizen Gale Hult is concerned about water infrastructure and the schools. She is wanting the Commission to uphold the lot sizes and setbacks per code. She is wanting the applicant to maintain the maintenance on the road that will get damaged due to construction. She also has

concerns about dark skies with additional street lights.

Citizen Mike McLean concerns are regarding the city's water and sewer infrastructure, as well as the quality of the run-off into Ash Swale from the new development. He asked if there has been an environmental study done. He is concerned about the roads.

Citizen Mary Jackson asked regarding the project end date and when does the building stop. Planner Byram explained the applicant can explain in the rebuttal.

Citizen Jesse Johnson concerns are regarding if there was an environmental study done regarding the run-off into Ash Swale, as well as brush management.

That concluded all individuals interested in providing verbal testimony, either in person or online via Zoom online meeting platform.

There was just one letter received by the City for written testimony. Planner Holly Byram went over submitted written testimony by Citizen Bryan Hake and what the concerns were.

Chair Jones asked for testimony from neutral parties. There were none.

Chair Jones asked if there was any more testimony of proponents, opponents, neutral parties including government bodies. There was rebuttal from the applicant.

Representative Steve Kay for Applicant responded to questions raised in public testimony. He explained the concerns regarding the density. He explained regarding the privacy fences and where they would go. He explained further regarding the traffic concerns. The applicant would be open to suggestions providing safety measures. Regarding the construction equipment, if there is an issue to let the applicant know at the time and they will address the issues. He explained regarding the environmental concerns the applicant receives HUD funding for development, and their environmental standards are very strict, beyond the local standards.

Commissioner Savage asked about regarding the traffic study being done not during when school was in session. Representative Steve Kay was not involved but it was done with the city's direction. Commissioner Savage asked regarding the stress on the sewer system.

City Engineer Jesse Fields explained the city's infrastructure and confirmed the city can handle the added capacity from the development. He explained further regarding how the pump stations work in Amity. He stated the Jellison pump station has been rebuilt since the back-up problems. Jellison goes to the Oak Street pump station.

Applicant Teresa Smith with Community Home Builders explained regarding how many houses are built at one time. The purpose of their non-profit is to promote home ownership, so the families typically help build the houses. She explained roughly 10 homes at a time and could take up to three years for completion.

Chair Jones asked if any further comments from staff? Administrator Thomas let concerned citizens know that the cities infrastructure can handle the development but not much more after this development goes in. He let the citizens know there has been a sewer study done and will be presented to Council at the February council meeting.

Planner Holly Byram asked City Engineer Jesse Fields regarding the street improvements and if they will be all done in public right away. City Engineer explained can't require applicant to donate property that isn't theirs. No existing property lines that are not the applicant's property will be adjusted. Planner Holly Byram asked for more clarification regarding the runoff and the difference between quantity and quality. Engineer Fields explained the difference between the two. The Amity Public Works Design Standards require storm water basins to address both quantity and quality of the run-off created by a new development.

Planner Byram asked regarding the construction vehicles and what do the Public Work standards say regarding this. Engineer Fields explained, and he would have to look over the standards. Citizens were concerned regarding the new weight limitations on the streets. Administrator Thomas explained the ordinance that is in place.

Planner Holly Byram explained the difference between duplexes and attached single family units. The proposed attached units would be on their own lots. Commissioner Ruyle asked if it is outright allowed in R1 zone. Planner Holly Byram explained the PUD code allows for residential uses generally, as well as some commercial uses. Commissioner Savage asked for more information regarding PUD and the minimum number of units. Planner Byram explained what it means. Commissioner Keliiheleua asked for more clarification regarding the lot sizes and if it is an average. Planner Byram explained the range of the lot sizes. Commissioner Savage asked if the Commission could require only a certain number of lots be that size. Planner Holly Byram explained could but need reason. Commissioner Ruyle asked regarding the existing Oak Street road width, and at what point the Planning Commission could deny development due to road being too narrow. Engineer Fields explained the road width requirement. Commissioner Ruyle is asking at what point does the city say need more road improvements. Engineer Jesse Fields explained the city could require outside improvements based on the TIS.

Chair Jones asked the Commission if they had any additional questions of Staff? Commissioner Savage asked staff regarding when the traffic study was done and if it was done when it was peak traffic. Planner Holly Byram went over the traffic study. City Engineers Jesse Fields and Abby McFetridge looked into exactly when the study was done. The study was done in 2020, but the traffic count data was collected in 2019, prior to COVID restrictions which would have impacted peak hour school and work traffic.

Commissioner Ruyle asked regarding what the open space numbers look like if the donated Tract C portion is taken out of equation. Would not benefit the city or the citizens and only benefits the applicant and is a liability. Planner Holly Byram explained further the green space purpose. She corrected her presentation that storm water Tract B is not included in the green space. Planner Holly Byram asked applicant if Tract C is removed how much will leave for the green space. Applicant's Representative explained in the current code it says Tract C could be included in the green space. He also explained the date and time when the study was done, and it was done 11/19/19 during peak time. Commissioner Ruyle asked regarding more about the green space. Applicant's Representative explained will be included.

Commissioner Ruyle asked regarding the setbacks with the new development and the existing properties that are there. Planner Holly Byram explained the perimeter setbacks around the PUD are required to meet the normal R1 zone setbacks. The PUD's request to reduce setbacks for new

houses would only impact new lots within the development, not neighbors. There was discussion regarding the different lots and the setbacks. Commissioner Savage asked for clarification regarding the lots that abut existing homes will have the setbacks that meet the code. Applicant's Representative confirmed just the interior lots will have modified setbacks.

Chair Jones asked, "if the staff have any further comments or clarifications regarding this application?" There were none.

Chair Jones asked if there is a request for Continuance. There was none

Chair Jones asked, "if any member of the Commission have any questions for the staff?"

Chair Jones closed the public hearing.

Chair Jones open discussion for deliberations by the Commission. He asked if any Commissioner had any additional clarifying questions of staff?

Commissioner Savage thinks the traffic study should be looked at again. Engineer Jesse Fields explained they can look at the traffic study again. Commissioner Ruyle asked regarding if the City Council is wanting to take on the donated property. Administrator Thomas explained that they are open to the idea, but have not decided if they want the donated property. He made note that the applicant can deed the property to another public entity. Chair Jones noted that the middle school will be going away in a couple of years and how will that effect the traffic.

Planner Holly Byram explained commission can approve the PUD without council approving the donated property to the city. The open space would still be permanently protected as open space, regardless of ownership. Commissioner Fitzgerald asked for more clarification regarding the need to donate the property. Applicant Representative preference is to dedicate to the city but if the track needs to be remained and not deeded to a public entity then the HUD funding will not be available, and will have to look for other funding.

Commissioner Fitzgerald asked for more clarification regarding additional improvements down Oak. Engineer Jesse Fields explained there are certain requirements that can be required but would have to have a reason. Planner Holly Byram explained that generally required off-site improvements must be proportional to the additional impact caused by a proposed development.

Commissioner Ruyle asked what the SDC's would look like for streets and could use the SDC's for future street improvements. Engineer Jesse Fields explained how the SDC's funds work.

Commissioner Savage made motion to reopen and continue the public hearing on the Amity Oaks PUD and Subdivision to February 13th, 2023, to obtain more information from the City Engineers regarding transportation . Commissioner Ruyle seconded the motion and with no further discussion Motion passes 5-0.

Next Meeting Date:

Chair Jones set the next meeting to February 13, 2023, at 6:30 pm, and the Commission all agreed to the meeting if there is anything on the agenda.

Adjournment: Commissioner Ruyle made motion to adjourn the meeting and Commissioner

Savage seconded and with no further discussion motion passed 5-0.

Chair Jones adjourned the Planning Commission meeting at 8:49p.m.

Respectfully submitted,

Chrisy Worthington City Clerk

Attested

Ryan Jones, Chair