



109 Maddox Ave • Amity, OR 97101 • Ph: (503) 835-3711 •

PLANNING COMMISSION MEETING

AGENDA

A meeting of the City of Amity Planning Commission will be held at 6:30 p.m., Monday April 22, 2024 at the Amity Fire Station, 700 S. Trade St. Amity, Oregon.

Join Zoom Meeting

<https://us02web.zoom.us/j/89592578991?pwd=SDJEZmI5aTIUUnlYUmRhbnM3cVltZz09>

Meeting ID: 895 9257 8991

Passcode: 735300

1. Call to Order.
2. Roll Call- *Sean Fitzgerald, Lou Savage, and Chairman Ryan Jones*
3. Approval of November meeting minutes.
4. Comments from Citizens. This is the time for anyone to address the Planning Commission on matters that are not on the agenda.

5. **PUBLIC HEARING:**

2403-01 SDR & 2404-01 VAR "School District Pickleball Courts": (No address assigned) Undeveloped play field. The block bound by 99W /Trade St, Nursery St, Getchell St, and Church St. Referenced as tax lot R5429AB 02700. Application submitted by Amity School District, requesting to develop six paved pickleball courts on the west side of the existing grass play field. The district also proposes a concurrent variance to the city's adopted fence standards in terms of both height and location. The fence along Trade Street/99W is proposed be 10 ft tall, along Nursery and Getchell 6 ft tall, and facing east to the field 4 ft tall. No other site improvements are proposed. The rest of the block would remain undeveloped grass play field.

6. Adjournment.

Next Meeting Date: May 13, 2024, public hearing expected.

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, November 13, 2023, in the Council Chambers, City Hall, 109 Maddox, Amity, Oregon, and by Zoom phone and video conferencing platform.

Members Present:

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

Members Absent:

Sean Fitzgerald (Commissioner) and Dan Keliheleua (Commissioner)

Staff Present:

Mona Hatch (City Clerk), Nathan Frarck (City Administrator) and Holly Byram (City Planner MWVCOG)

Guests Present:

Alice Springer, Steve Kay, Tom Sisul, Teresa Smith, Erin Rainey, Mary Jackson, and Stephen Cooper

Call to Order:

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

Approval of Minutes from July 24, 2023

Chair Jones asked if the Commission wanted to entertain a motion to approve the minutes from the July 24, 2023, Planning Commission meeting. Commissioner Savage moved to approve the minutes; Commissioner Ruyle seconded. Motion passed 3-0-0.

Comments from Citizens

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

Old Business

There was none.

New Business:

- A. Commissioner Dan Keliheleua submitted his resignation effective immediately. Commissioner Savage moved to accept the resignation and Commissioner Ruyle seconded the motion and with no discussion motion passed 3-0-0.
- B. Phasing Plan/Time extension request submitted by Community Home Builders for the Amity Oaks Planned Unit Development Subdivision, files #2210-01 PUD & 2210-02 SUB at 1204 Oak Street in Amity, Tax lot R5429AC00700, 9.8 acres. Request for approval of three-phase development plan for previously approved 36-lot residential subdivision. No changes are proposed to the number of lots or amount of open space.

City Planner Holly Byram went over background staff memo to the Planning Commission, regarding a phasing plan/time extension request submitted for the Amity Oaks Planned Unit Development Subdivision, City file #2210-01PUD & #2210-02SUB. The applicant Community Home Builders is requesting a one-year time extension to their prior Subdivision and PUD land use approval from the Planning Commission, with an accompanying 3-phase phasing plan. The Planning Commission's original approval for the thirty-six-lot subdivision was dated February 27, 2023. The Amity Development Code requires an approved Subdivision to be recorded within 18 months of the written approval, unless a one-year time extension is granted by the Planning Commission. The deadline applies to recording the first phase.

Planner Byram stated that as detailed in the staff report Phase 1 would include 11 lots plus Oak Street improvements to Roth Street. Phase 2 would include 13 lots plus the small park in Tract P-1 and the remaining Oak Street improvements. Phase 3 would include 12 lots and the trail in Tract C. The phasing plan was reviewed by the Public Works, City Engineer, and the Fire Department. They supported the proposed phasing with some recommended conditions of approval.

Commissioner Savage asked Planner Holly Byram if the full build-out of the subdivision phases could be done in less than 10 years based off of state guidelines. Planner Byram explained could be but there are no city criteria requiring it. She continued with background of staff memo regarding the phases. Commissioner Ruyle confirmed they will be doing the phases in order. She confirmed that is the plan that they will be constructed in sequence.

Chair Jones asked the applicant why they are requesting the extension. Applicant's representative Steve Kay of Cascadia Planning + Development Services explained the need to evaluate the off-street improvements and reevaluate the project and how they were going to come up with the extra funds for the required improvements. He noted the phase 3 plan should have been numbered from 25 to 36 and not 18-29. He also stated that it would be closer to 5 years to complete building.

Citizen Mary Jackson asked regarding phase 1 and if there is anything in the details regarding the drainage run off and will it be drained onto her property or towards Ash Swale. The Applicant's Engineer Tom Sisul of Sisul Engineering stated they will have to build a storm drain facility for the whole subdivision at the beginning of development in phase 1.

Chair Jones asked the Commissioners if there were any more questions: There were none.

Commissioner Savage made a motion to approve the requested Amity Oaks PUD Subdivision 1-year time extension request and 3-phase development plan, subject to staff's findings and recommended conditions of approval. Planner Byram went over the conditions of approval. Commissioner Ruyle seconded and with no further discussion the motion passed 3-0-0.

Next Meeting Date:

There was no meeting set.

Adjournment: Chair Jones adjourned the Planning Commission meeting at 6:51p.m.

Respectfully submitted,

Mona Hatch, City Clerk

Attested

Ryan Jones, Chair

STAFF REPORT TO THE AMITY PLANNING COMMISSION

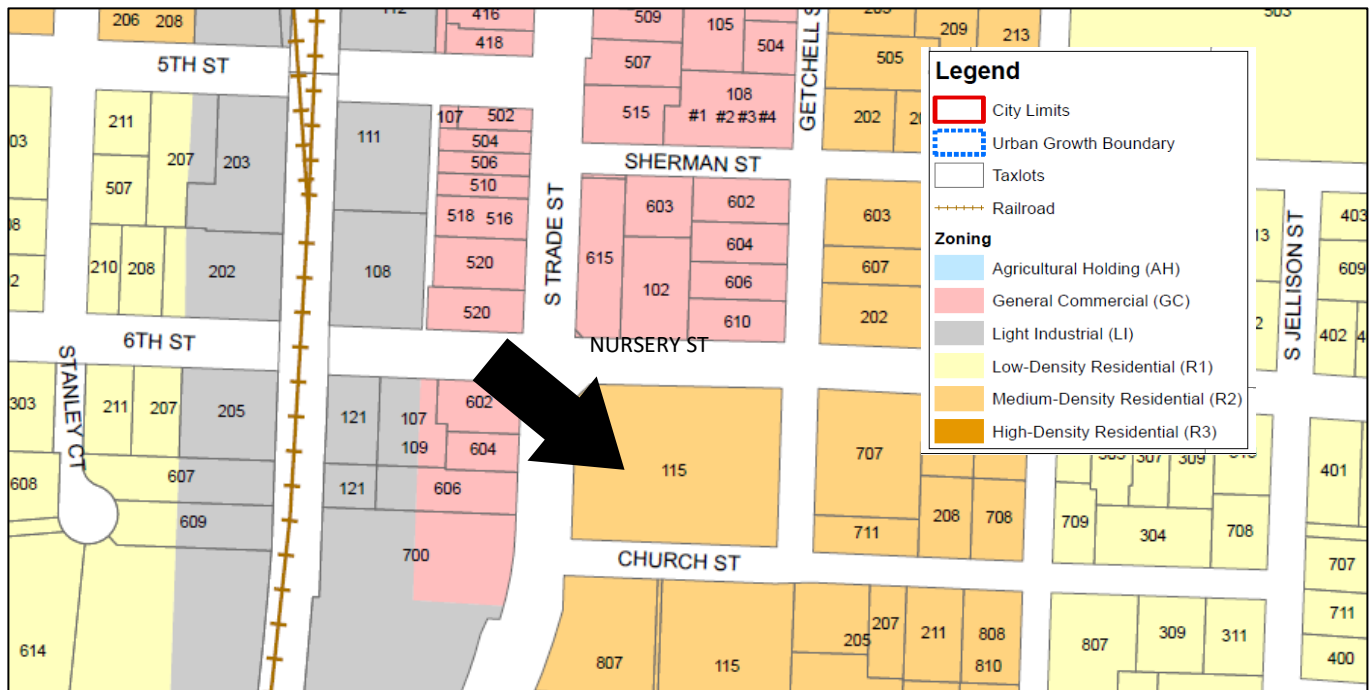
MEETING: April 22, 2024
TO: Amity Planning Commission
FROM: Holly Byram, City Planner, Mid-Willamette Valley Council of Governments (MWVCOG)
RE: **Public hearing for land use files #2403-01 SDR & 2404-01 VAR “Pickleball Courts”**
EXHIBITS: A – Combined department & agency comments
B – Application materials submitted

I. BACKGROUND

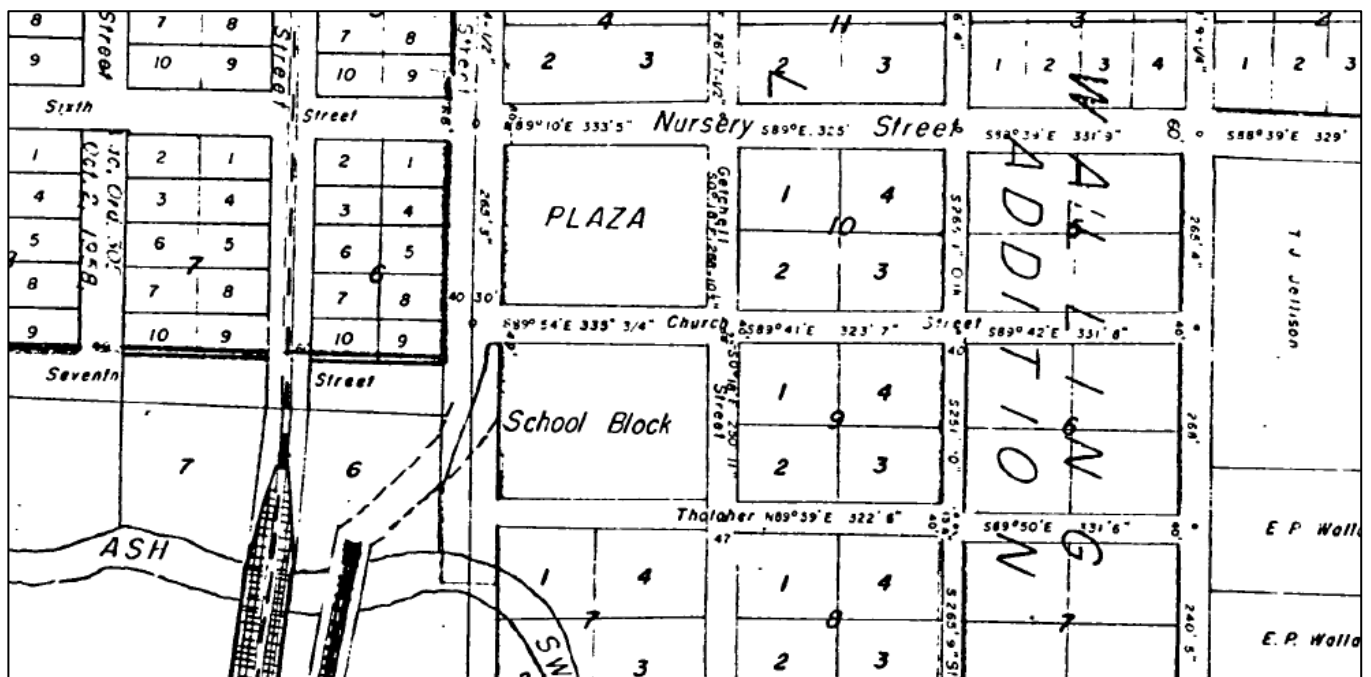
- A. **APPLICANT:** Amity School District, Property Owner
- B. **LOCATION:** (No address assigned) Undeveloped playfield. The block bound by 99W/Trade St, Nursery St, Getchell St, and Church St.
- C. **TAX LOT:** R5429AB 02700
- D. **PROPOSAL:** The Amity School District proposes to develop six paved pickleball courts on the west side of the existing grass play field. The district also proposes a concurrent variance to the city’s adopted fence standards in terms of both height and location. The fence along Trade Street/99W is proposed be 10 ft tall, along Nursery and Getchell 6 ft tall, and facing east to the field 4 ft tall. No other site improvements are proposed. The rest of the block would remain undeveloped grass play field.
- E. **ZONING:** R2 – Medium Density Residential
- F. **CRITERIA:** Amity Development Code (ADC): 2.102 R2 – Medium Density Residential Zone, 2.200 General Development Standards, 2.209.09 Fences, Walls, and Hedges, 3.102 Variances, 3.104 Site Design Review.
- G. **PROCEDURES:** Site Development Reviews are Type II Actions. Pursuant to the ADC Section 3.101.02, a Type II Action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards. Public notice, a public hearing, and an appeal period are provided. The requested variance is considered concurrently.
- I. **EXISTING LAND USE:** Undeveloped grass playfields used by the school district and general public for open space and various sporting activities.
- J. **ADJACENT ZONING AND LAND USE:** The west side of the property is bordered by OR 99W/ S. Trade Street with commercial properties to the west and north. East of the property is predominantly

single-family homes zoned R2 Low-Density Residential. Directly south of the property is the school district office buildings and Middle School, with a gravel parking lot and accessory structures.

K. VICINITY & ZONE MAP:



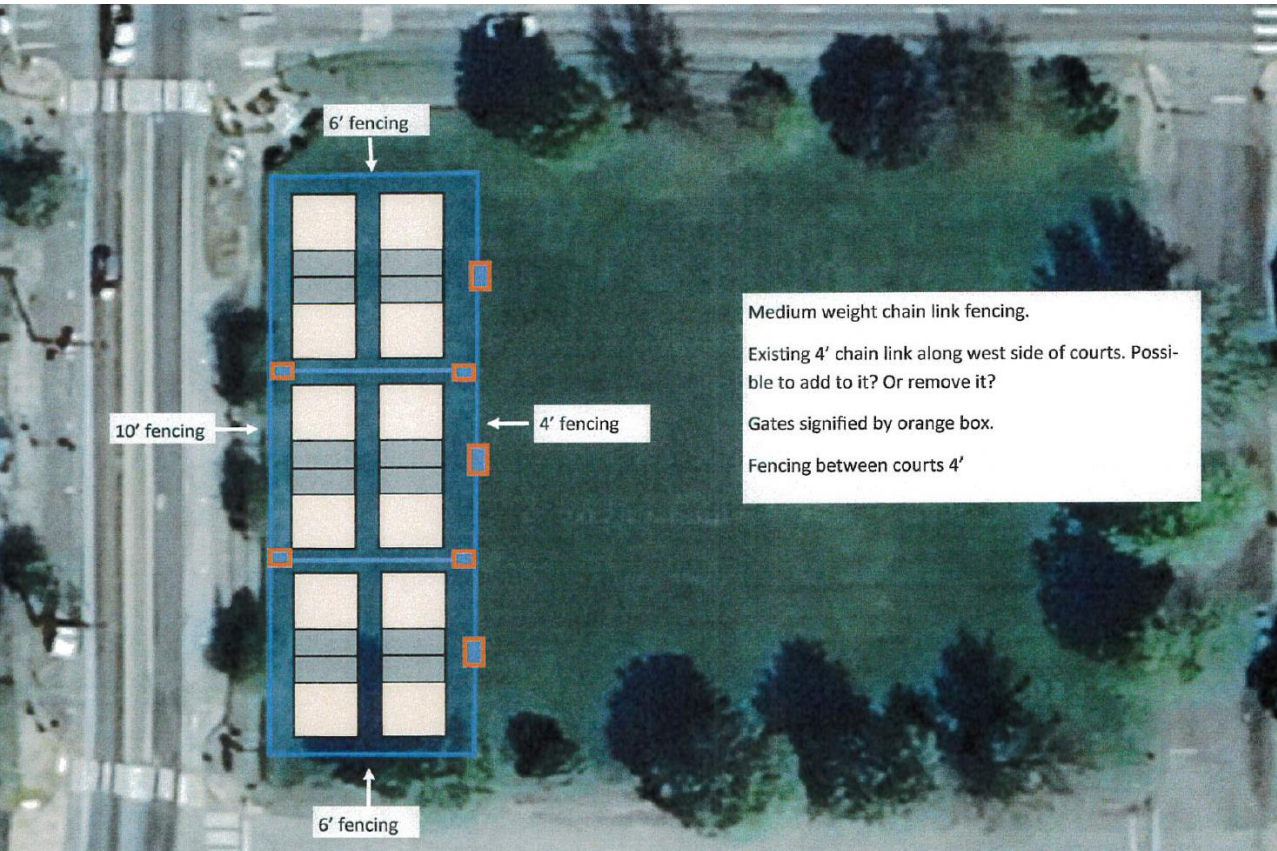
L. HISTORIC TOWN PLAT SHOWING SUBJECT PROPERTY AS "PLAZA" 1890 (Cropped to zoom)



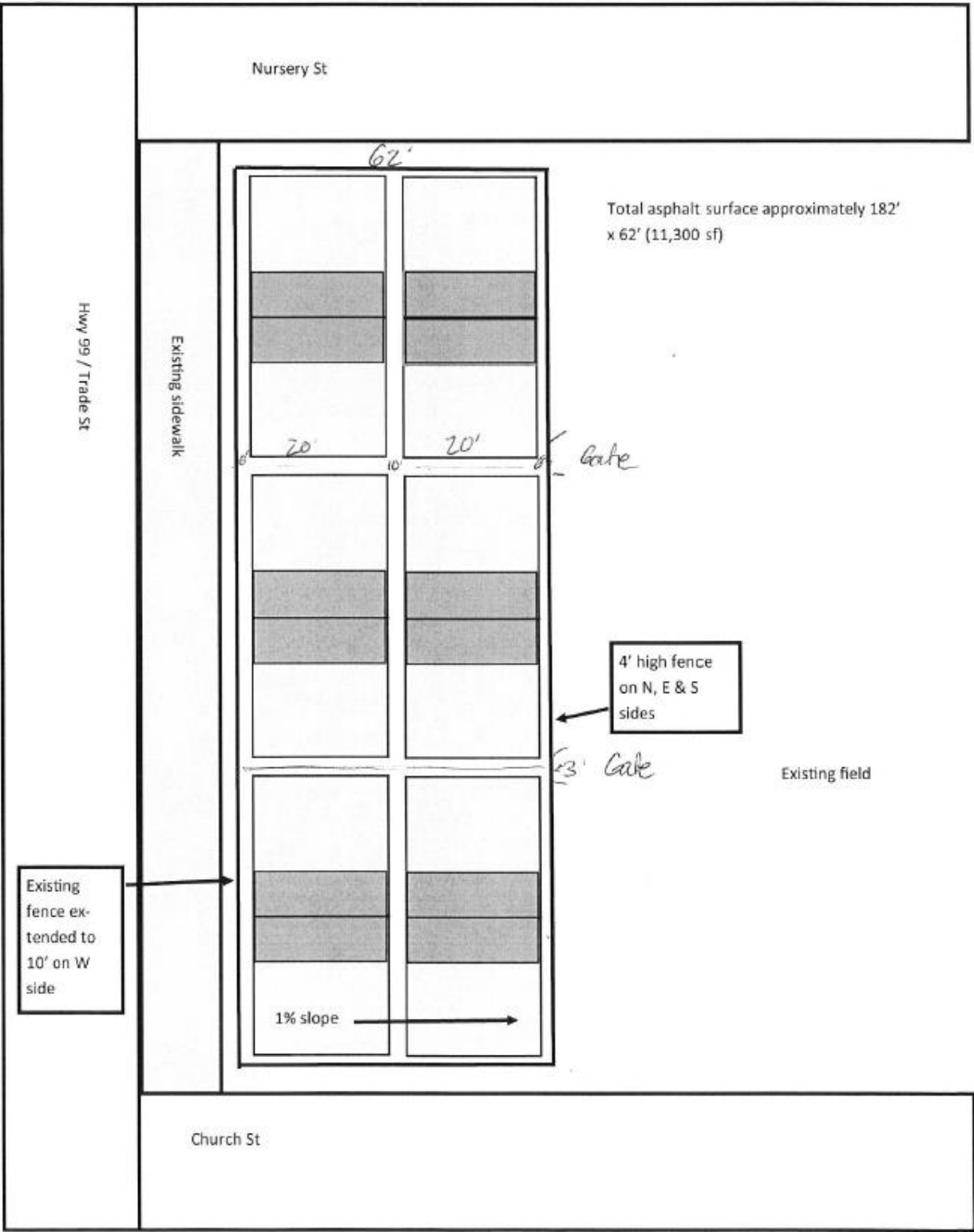
M. STREET VIEW OF SUBJECT PROPERTY FROM NW CORNER (Source: Google Streetview 2023)



N. PROPOSED SITE PLAN (Source: Application materials)



O. SITE PLAN PROVIDED BY APPLICANT WITH SDR APPLICATION. Note: drawing not to scale.



II. REVIEW OF DECISION CRITERIA: SITE DESIGN REVIEW APPLICATION FINDINGS

The following sections of the Amity Development Code (ADC) contain applicable standards and decision criteria related to the concurrent land use applications.

AMITY DEVELOPMENT CODE (ADC)

2.102 MEDIUM DENSITY RESIDENTIAL ZONE (R-2)

2.102.02 Permitted Uses

The following uses are permitted in the R-2 zone:

- A. Single-family dwelling; including a single-family manufactured home subject to Section 2.303; and Residential Homes and Facilities.*
- B. Duplex dwelling and three-family dwelling.*
- C. Public park and recreation area.*

FINDINGS: The subject property is zoned R2- Medium Density Residential. The property was deeded to the school district in 1890 for the purposes of a permanent open space to be used by the school and the greater Amity community. The existing grass playfield is used by the school district and a variety of other public recreational activities. The proposed pickleball courts are consistent with the intended and existing uses. A recreation area is outright permitted in this zone, subject to the applicable development standards and procedures described below.

2.102.04 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-2 District except for modifications permitted under Section 2.402, General Exceptions.

- A. Minimum Lot Area*
- B. Minimum Yard Setback Requirements All principal and accessory structures shall maintain the following minimum yard setbacks...*
- C. Maximum Structure Height – the lesser of:*
 - 1. Measured at the eaves: 23 feet*
 - 2. As measured in accordance with Section 1.200.02: 30 feet*

FINDINGS: ADC 2.102.04 Dimensional standards apply to development in the R2 zone. The subject property is also referenced as the entire Block 5 (Lots 1-4) of the Amity Original Town Plat. It contains approximately 57,340 SF. There is no minimum lot size required for a public recreational facility. No enclosed structure is proposed for the subject property. As such, the setbacks listed do not apply. There are, however, applicable setbacks for certain fences. Those are discussed later in this report. The maximum fence height proposed is 10 feet, which does not exceed the maximum height limit of the R2 zone. The R2 zone dimensional standards are met as submitted.

2.102.05 Development Standards

- A. Accessory Structures per ADC 2.210.*
- B. Off-Street Parking per ADC 2.203.*
- C. Partitions and Subdivisions per ADC 3.108 or 3.109.*

- D. Density*
- E. Lot Coverage, combined maximum 70%.*
- F. Yards and Lots per ADC 2.209.*
- G. Signs per ADC 2.206.*
- H. Driveways*
- I. Bicycle Facilities per ADC 2.203.11*

FINDINGS: As no enclosed structure is proposed with this application, many of the development standards listed above do not apply. At approximately 11,300 SF, the proposed paved pickleball courts do not exceed the 70% lot coverage standard. Others are addressed later in this staff report, and can be met through compliance with the recommended conditions of approval.

3.104 SITE DESIGN REVIEW

3.104.04 Applicability of Provisions

A. Site Design Review shall be applicable to all new developments and major expansion or remodel (25% or more increase in total square footage) of existing developments except...

FINDINGS: As there is currently no development on the subject property, paving the proposed pickleball courts triggers a brief Site Design Review by the following standards.

3.104.06 Evaluation of Site Plan

The review of a Site Plan shall be based upon consideration of the following:

A. Conformance with the General Development Standards contained in this Ordinance including:

1. Streets

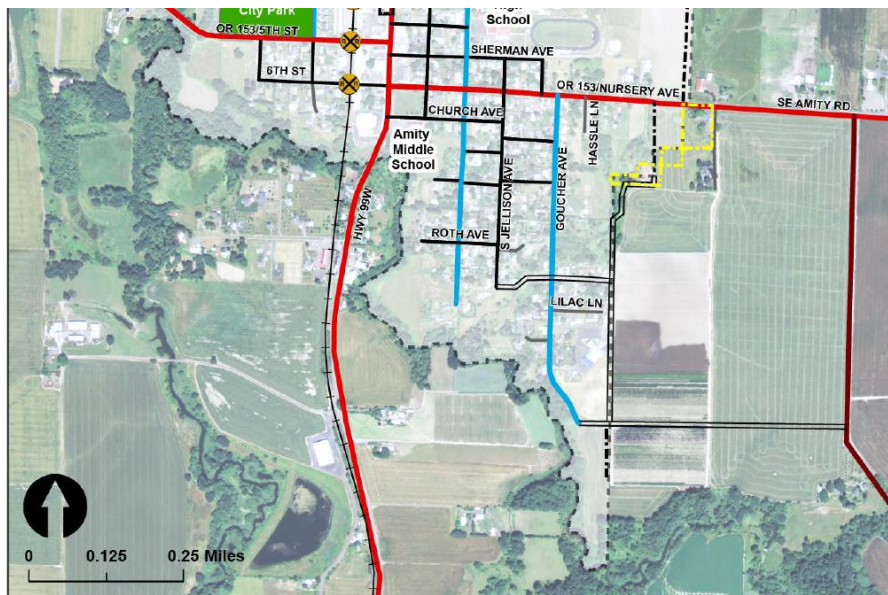
FINDINGS: Amity street standards are provided in ADC 2.202. No new streets are proposed with this project. The subject property has no improved driveways, nor are any proposed. The subject property is bound on all four sides by public streets, OR 99W / S Trade St, Nursery Street /OR 153, Getchell Street, and Church Street. There are existing sidewalks along both the Trade Street and Nursery Street frontages. The Getchell Street and Church Street frontages both lack developed sidewalks. Typically street widening, sidewalks, curbs and gutters are required public improvements with development.

The Amity Transportation System Plan (TSP) adopted in 2015 includes the Existing Functional Classification Street Plan (2013) as figure 2-1, and the Future Functional Classification Street Plan (2038). Both plans classify Trade Street and Nursery Street as “Arterials.” Getchell and Church Streets are both classified as “local” streets. Based upon nearby survey instruments recorded over the last century, the Trade St right-of-way is 70 feet wide, the Nursery St right-of-way is 60 feet wide, the Getchell St right-of-way is 47 feet wide, and the Church St right-of-way is 40 feet wide. The Public Work Design Standards state that the minimum right-of-way width for an arterial street is 88 feet, and the minimum right-of-

way width for a local street is either 50 or 60 feet, depending upon the volume of traffic (dwelling units).

ADC 3.104.07 'Access' states that "as a part of the design review process, the City may impose the following conditions on a new or expanding development: (D) Require the dedication of additional right-of-way and/or street improvements where necessary to meet City street standards.

Below: Amity Transportation System Plan, 2015. Future Street Classifications Map. Cropped to Zoom.



Amity Transportation System Plan Functional Classification Plan (2038)

Legend

City Limits	Streets	Private
Urban Growth Boundary	Arterial (State Hwy)	Railroad
Parks	County Arterial	Future Local*
Bus stops	Collector	Future Local
Railroad Crossings	County Collector	Future Collector
	Local	

Notes:
(1) Streets data from Yamhill County and CH2MHILL
(2) Railroads digitized by CH2MHILL based on 2012
USGS aerial photography

*Note: There are three options for improving street connectivity in the vicinity of Goucher Avenue. Only one of the options would be built, but no one option is recommended in the TSP. Therefore, all three are shown as Future Local Streets.

Below: Amity Public Works Design Standards, 2021.

5.2 Right-of-way and Pavement Width

All street width requirements shall be reviewed on a case-by-case basis by the City Engineer. The width and classification of all streets must conform to any approved transportation master plan or recorded subdivision plat. Unless otherwise indicated in an approved Master Plan or subdivision plat, the minimum design widths shall be as shown in the following table:

Table 5.1: Typical Design Widths

Section	Type of Street	Minimum ROW Width (ft)	Minimum Roadway Width (ft)
A	Arterial Streets	88	64
B	Collector Streets	66	44
C	Commercial and Industrial other than Arterials	80	44
D	Local Residential Streets Serving 20 or More Dwelling Units	60	34
E	Local Residential Streets Serving 20 or Less Dwelling Units	50	28
F	Circular End of Cul-de-sacs (Diameter)	114	90

If justified by the scope and scale of development, the public street dedications would be calculated as follows:

- a. Trade Street / 99W. ODOT jurisdiction. Arterial minimum total width 88 feet, 44 feet from centerline. Currently approximately 70 feet. Approximately 9 feet of frontage required.
- b. Nursery Street / OR-153. ODOT jurisdiction. Arterial minimum total width 88 feet, 44 feet from centerline. Currently approximately 60 feet. Approximately 14 feet of frontage required.
- c. Getchell Street. City jurisdiction. Local minimum total width 50 feet, 25 feet from centerline. Currently approximately 47 feet. Approximately 1.5 feet of frontage required.
- d. Church Street. City jurisdiction. Local minimum total width 50 feet, 25 feet from centerline. Currently approximately 40 feet. Approximately 5 feet of frontage required.

The School District's application states that the athletic fields are an existing recreation use, and the proposed pickleball courts would not generate additional traffic beyond the current levels. The applicant did not provide data to demonstrate that there would be no net traffic increase related to the pickleball courts, either by the school district or by the general public. Staff believes it is reasonable to expect an increase in use due to the rising popularity of the sport of pickleball, and the reference included in the application regarding pickleball tournaments.

In summary, the concurrent land use applications were reviewed by Public Works, the City Engineers, and the Oregon Department of Transportation (ODOT). It is the City's responsibility to consider the rough proportionality of any required improvements or dedications. Based upon the limited scope and scale of the proposed development on the subject property, there are no street or sidewalk improvements recommended to be required at this time for either of the unimproved frontages, Getchell or Church Streets. Public street right-of-way dedication is only recommended along one of the four street frontages detailed above. The City Engineers have indicated that Trade Street is the priority frontage, and that frontage is most relevant to the project in consideration of the requested Major Variance to waive the 10-foot fence setback from that specific property line. Initially the consulted agencies were not in favor of waiving the 10-foot fence setback along Trade Street. After further discussion, the consulted agencies and staff have agreed to support the full requested 10-foot variance in consideration of the approximately 9-foot Trade Street right-of-way dedication to ODOT. The resulting condition would allow the applicant to place the fence at the property line, as desired by the Major Variance request, however, the pickleball courts would still be set back farther from Trade Street when the property line shifts with the dedication. While this would still reduce the amount of usable greenspace on the west side of the pickleball courts, the ROW dedication ensures that there is sufficient room for a future turning lane at this intersection of two state highways, when/if it is needed in the future for traffic safety. Staff has included a related recommended condition of approval. Because there is no timeline for that traffic improvement, the dedicated ROW would remain usable greenspace for players and spectators around the periphery of the new pickleball courts, to ensure that spectators do not block the public sidewalk.

2. Off-street parking

FINDINGS: Requirements for off-street parking are detailed in ADC 2.203 Off-Street Parking and Loading. The total number of vehicle parking spaces required is based upon the types of land uses, and the size of those uses. ADC 2.203.05 gives ratios for quantity of parking spaces. The undeveloped playfield is an existing use and a historic non-conforming (grandfathered) condition where no off-street parking is provided. The school district proposes to change the programming of the type of recreation provided on the site; by providing pickleball in addition to the existing use by baseball, softball, soccer, football, etc. But no additional square feet of recreational space are proposed. The application states that vehicles park on the streets abutting the field or across the street in the School District Office parking lot(s). No off-street parking is proposed or required to be added. While staff supports this existing non-conforming situation for the vehicle parking, there is currently no bicycle parking available at this recreational facility. ADC 2.203.11 addresses bicycle parking, requiring 1 bicycle space for every 10 vehicle spaces required. While there is no specific category of vehicle parking which fits closely, "recreational services" require 1 space per 200 SF. Using 11,300 SF pickleball courts/200 SF = 57 spaces /10 = 5.7 bicycle spaces.

Staff has included a recommended condition of approval for the applicant to provide bicycle racks on site to serve the new pickleball courts. The recommended number is six spaces which aligns with the above calculation and results in one bicycle space per new court. No additional bicycle spaces are recommended to bring the remaining large playfield into compliance with this standard. The required bicycle racks can be accommodated by three (3) double-sided "inverted-U" or standard "staple" racks total installed near the new facility using the dimensional standards detailed in the ADC. This standard can be met through compliance with the related recommended condition of approval.

3. Public facilities, including storm drainage, and utility lines

FINDINGS: No water or sewer connections are proposed to the site. Public Works staff and the City Engineers have reviewed the concurrent applications and have expressed no concerns regarding utilities. Stormwater drainage is addressed in subsection (C) below. Any construction work in the public right of way shall be reviewed, approved, and permitted by the City of Amity and/or the Oregon Department of Transportation (ODOT), depending upon the jurisdiction of the facility. This standard does not apply or can be met by the applicant through compliance with the recommended conditions of approval.

4. Signs

FINDINGS: Sign standards are provided in ADC 2.206 Signs. No signage was reviewed or approved with this staff report. The applicant is required to submit for a standard Sign Permit review by the City of Amity. This is a separate review. A corresponding condition of approval is included related to posting

5. Site and landscaping design

FINDINGS: Landscaping standards are found in ADC 2.207 Site and Landscape Design. The majority of the

property is maintained as a grass field with mature trees around the perimeter. There are no concerns regarding landscaping.

6. Access management

FINDINGS: No new driveways or points of access are proposed within the public right of way. Streets were discussed previously in this report.

B. Characteristics of adjoining and surrounding uses;

FINDINGS: Properties to the north and east are generally zoned for commercial development along the Trade Street / 99W corridor. The School District's office and Middle School buildings are located to the south. There are residentially-zoned properties to the east. The subject property was deeded to the School District in 1875 for the purpose of open greenspace. It has been maintained in recreational use for the schools and greater public since that time. The proposed pickleball courts are located on the west side of the property, along Trade Street, furthest away from the residential uses. No screening is proposed or required at this time. There is no anticipated conflict with adjoining and surrounding uses. To the contrary, use of the pickleball court facilities may attract additional customers to Amity's commercial businesses along Trade Street. As of the time of this report, no concerns had been raised by neighboring property owners about the compatibility of the proposed recreation facility.

C. Drainage and erosion control needs;

FINDINGS: Storm drainage standards are provided in ADC 2.204 Storm Drainage. The City Engineers have reviewed the application package, and their comments are attached in Exhibit A. At approximately 11,300 SF, the proposed size of new impervious surface exceeds the 5,000 SF threshold to trigger storm water plans and control facility. In compliance with Section 4 of the adopted Public Works Design Standards, the applicant will need to demonstrate how much additional runoff will be generated and how it will be controlled on site. This standard can be met through the applicant's compliance with the related recommended condition of approval.

D. Public health factors;

FINDINGS: Public health factors typically relate to connections to public water and sewer utilities, which has been previously discussed. None are proposed for this site at this time. There appears to be a public drinking fountain at the NW corner of the site. Safety of pedestrians through an ADA-compliant pathway, accommodations for bicycle parking as an active mode of transportation, Crosswalks across both Trade and Nursery Streets, and vehicle traffic safety are discussed elsewhere. No additional concerns or issues were raised related to public health factors.

E. Parking, traffic safety, and connectivity of internal circulation to existing and proposed streets, bikeways and pedestrian facilities.

FINDINGS: Off-street parking was addressed previously. Pursuant to ADC 2.211.07 Pedestrian Access and Circulation, there are sidewalks on both the Trade Street and Nursery Street sides of the property. The Getchell and Church Street frontages are both gravel unimproved shoulders. There are striped crosswalks to the site across Nursery Street at both Getchell and Trade Streets. There are striped crosswalks to the site across Church Street Getchell and Trade Street. And there are striped crosswalks across Trade Street at both Church Street and Nursery Street. Once a visitor reaches the site, there is no connection from the public sidewalk to the new proposed pickleball courts. The Yamhill County Building Official commented that the school district is responsible for complying with the ADA by installing an accessible pathway from the public sidewalk to the courts, and potentially a spectating area. This is included as a condition of approval. Presumably this paved pathway would also be used by bicycles to access the required bicycle racks. Staff finds this standard can be met through compliance with the recommended conditions of approval.

F. Provision for adequate noise and/or visual buffering from noncompatible uses;

FINDINGS: The ADC contains several sections of code language related to screening and buffering. As previously discussed, the subject property has long been used for a variety of recreational activities. The proposed pickleball courts are located on the west side of the property, along Trade Street, furthest away from the nearest residential uses. There is no anticipated conflict with adjoining and surrounding uses. Staff has included recommended conditions of approval addressing lighting on the courts, as well as posting signage related to the City's quiet hours. No screening is proposed or required at this time.

G. Retention of existing natural features on site; and

FINDINGS: The subject property is established lawn with deciduous trees along the perimeter. Some of the mature trees are located on the private property side, others of which are street trees within the public right-of-way. It is staff's understanding that no trees will be removed to accommodate the construction of the proposed pickleball courts. This standard is met.

H. Problems that may arise due to development within potential hazard areas.

FINDINGS: Staff referenced the Federal Emergency Management Association (FEMA) Flood Insurance Rate Map (FIRM) available online in April of 2024. The FIRM indicated that the subject properties are not located within a Special Flood Hazard Area. No known hazard areas exist on site.

III. REVIEW OF DECISION CRITERIA: VARIANCE APPLICATION FINDINGS

2.209.09 Fences, Walls and Hedges

A. Materials

1. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Electric fences are not permitted.

2. All required swimming pool and hot tub fencing shall be a minimum of four (4) feet in height and be equipped with a selflocking gate which closes automatically.

B. Standards

1. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.

2. Fences shall not exceed and four (4) feet in height in front yards, for a distance of ten (10) feet from the front property line on interior yards or side yards adjacent to the street. Fences shall not exceed seven (7) feet in height on other interior yards

3. In no instance shall a fence extend beyond the property line including into a public right-of-way. It is the responsibility of the property owner to determine the property line.

FINDINGS: The proposed pickleball courts site plan shows chain link fencing of a couple different heights. The new fencing is proposed to be 10 feet tall along Trade St (west). It is proposed to be 6 feet tall along Nursery and Church Streets (north and south). And it is proposed to be 4 feet tall along the grass field (east). The applicant's site plan shows the 10-foot tall fence directly on the front property line. The applicant has applied for a Major Variance to the fence standards, seeking approval to erect a fence 10 feet in height along the Trade Street frontage which exceeds both the 4-foot front yard fence height limit within the first 10 feet from the front property line, and the 7-foot fence height on other interior yards. For this reason, the applicant has submitted a concurrent Major Variance along with the Site Development Review application.

3.102 VARIANCE

3.102.01 Purpose

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to quantifiable requirements.

3.102.05 Criteria and Procedure - Major Variance

The Planning Commission may allow a major variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type II review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape,

legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.

B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.

FINDINGS: While the subject property is zoned for residential use, the property has been maintained as a recreational greenspace for use by the schools and general public. This is an unusual land use in this zone. For this reason, it is not reasonable to compare the subject property to other residential properties in the vicinity. The nature of pickleball does necessitate tall fencing to prevent balls from entering the nearby highway 99W, potentially causing a traffic hazard.

C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.

FINDINGS: The fence height and setback variance request was reviewed by City Public Works, the City Engineers, and the Oregon Department of Transportation (ODOT). None of the above agencies were in support of waiving the 10-foot front setback for a tall fence on the front property line abutting a state highway. All commenting agencies saw value in providing a setback from the right-of-way for safety reasons, and to allow additional area for spectators without blocking the public sidewalk during tournaments. Based upon prior discussion in this staff report, the compromise recommendation is to grant the applicant the approved variance to allow the full height fence on the front property line, but that the front property line will be moved to the east in this process through a right-of-way dedication to Trade Street. The net result will be similar to the effect of the required 10-foot front fence setback, however the benefit to the transportation system allows for potential future turning lane at this intersection of two state highway facilities abutting the subject property, benefitting public safety along the project frontage. ODOT commented that the applicant is responsible for surveying the property line to confirm the accurate location. The existing short fence may actually be located within the street right-of-way as it stands.

D. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

E. The variance requested is the minimum variance, which would alleviate the hardship.

FINDINGS: The applicant's variance request is in knowing violation of the Ordinance, however, the applicant argues that the net benefit of siting the pickleball courts as far as possible to the west will retain as much of the usable greenspace as possible for other sports and activities on the east side of the pickleball courts. The applicant believes this is the most efficient use of the site. Staff understands the value to the school and community of efficient use of the valuable space, but the variance request must be balanced with traffic safety.

IV. STAFF CONCLUSION & RECOMMENDATION

After consideration of the material submitted by the applicant and adopted Development Code, staff finds that the application meets or can be made to meet through compliance with the recommended conditions of approval, the applicable criteria.

Staff recommends the Planning Commission APPROVE the submitted Site Design Review application subject to the following recommended conditions of approval provided by staff and consulting partner agencies. Further, staff recommends the Planning Commission APPROVE the Major Variance requested to the fence standards, to allow the fence to be 10 feet tall, and waiving the 10-foot fence setback, allowing the fence to be located on the property boundary, as adjusted by the required right-of-way dedication to Trade Street.

V. RECOMMENDED CONDITIONS OF APPROVAL

Staff recommends APPROVAL of the application, subject to the following conditions of approval:

1. CONDITIONS: Compliance with Conditions of Approval shall be the sole responsibility of the applicant.
2. DUE DILIGENCE: It is the responsibility of the applicant to obtain copies of and be familiar with all applicable codes and standards.
3. COST OF DEVELOPMENT: Applicant shall be responsible for all costs of required public and private infrastructure improvements associated with the development, including any applicable system development charges (SDCs).
4. REVISED SITE PLAN: Prior to construction, the applicant shall submit a final site plan which demonstrates compliance with the following conditions of approval.
5. SURVEYED BOUNDARIES: Prior to construction, the applicant shall submit a final site plan demonstrating surveyed accurate property boundaries, right-of-way to be dedicated, and footprint of proposed recreational facilities (courts, fence, ADA pathway, bike racks), drawn to scale with dimensions and setbacks labeled.
6. TRADE STREET RIGHT-OF-WAY DEDICATION: Prior to facility use, the applicant shall dedicate to the Oregon Department of Transportation (ODOT), a street right-of-way equal to 44 feet from centerline, approximately 9 feet of frontage, consistent with the 2015 Amity Transportation System Plan (TSP) Future "Arterial" Street Classification, and the 2021 Public Works Design Standards, Section 5.2.
7. STORMWATER DRAINAGE CALCUATIONS: Prior to construction of new facility, applicant shall provide to the City calculations for new all impervious surfaces on the subject property, and

demonstrate stormwater control methods in compliance with the procedures and policies in Section 4 of the Public Works Design Standards. Stormwater control facility/area shall be noted on the revised site plan.

8. ADA ACCESS: Prior to construction of new facility, applicant shall demonstrate on the revised site plan a paved accessible route for pedestrian access from the public sidewalk to the new recreation facility, in compliance with applicable ADA standards.
9. BICYCLE PARKING: Prior to construction of new facility, applicant shall demonstrate on the revised site plan provision of bicycle parking facilities to accommodate at least six (6) bicycles which is three (3) racks total. Pursuant to the standards in ADC 2.203.11, each bicycle parking space shall be at least 2 feet by 6 feet with a vertical clearance of 6 feet. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured. Standard “inverted-U” or “staple” type bike racks are recommended.
10. QUIET HOURS: Prior to facility use, applicant shall post signage internal to the facility citing City Municipal Code quiet hours for use of the new pickleball facilities.
11. CLEAR VISION AREAS: At all times, clear vision areas shall be maintained at the intersection of all public streets and driveways, and as otherwise outlined in Section 2.209.08.
12. SIGNS: Sign standards are provided in ADC 2.206 Signs. No signage was reviewed or approved with this application. Sign Permit review is a separate application at the City of Amity.
13. LIGHTING: Any light used to illuminate the subject property shall be arranged to be directed entirely onto the recreation facilities, shall be deflected away from any residential use, and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.
14. PUBLIC WORKS STANDARDS AND PROCEDURES. All public facility improvements shall comply with the standards and requirements of the Amity Development Code and the Amity Public Works Design Manual. All improvements shall be completed consistent with the Amity Development Code Section 2.208.06 procedures.
15. EXPIRATION: Consistent with ADC 3.104.08, Site Design Review approval shall be effective for a period of eighteen (18) months from the date of approval. If substantial construction of the approved plan has not begun within eighteen months, the approval shall expire. Site Design Review approval shall be voided immediately if construction on the site is a departure from the approved plan. The City Manager shall upon written request by the applicant and payment of the required fee; grant an extension of the approval for a period not to exceed six months provided that: 1. No changes are made to the approved Site Design Plan; 2. The applicant can show intent to initiate construction on the site within the six month extension period; and 3. There have been no changes in existing conditions, facts, or applicable policies or ordinance provisions on which

the original approval was based.

VI. PLANNING COMMISSION OPTIONS

The following are suggested motions the Planning Commission may use:

1. Motion to APPROVE Site Design Review file #2403-01 SDR and Variance file #2404-01 VAR with both fence variances to setback and height as submitted, and adopting findings and recommended conditions of approval included in the staff report; or
2. Motion to APPROVE Site Design Review file #2403-01 SDR and Variance file #2404-01 VAR with both fence variances to setback and height as submitted, and adopting findings and recommended conditions of approval included in the staff report, as REVISED by the Planning Commission (stating those revisions); or
3. Motion to DENY the Site Design Review application file #2403-01 SDR or Variance file #2404-01 VAR, and adopt findings desired by the Planning Commission in support of that action (stating those findings); OR
4. Motion to re-open and CONTINUE the public hearing to a date and time certain to obtain more information (specifying the information that is to be obtained).

EXHIBIT A

COMBINED AGENCY & DEPARTMENT RESPONSES

1. City of Amity City Engineers, Peter Olsen, PE and Adam Soto, PE, Keller Associates, Inc.

I spoke with Peter about this today and we have the same recommendations as ODOT. We are in favor of the 10' tall fence and recommend maintaining the 10' setback. We have also determined that a stormwater report should be completed for the site since there is over 5000 sqft of new impervious area.

Re: Limiting the required dedication:

Trade and Nursery would be the priority, with Trade being the top priority.

2. ODOT Region 2, Zdenek Vymazal, PE PLS, Development Review Coordinator

Thank you for notifying ODOT of the proposed variance with regards to fencing height and setback of the fence for a new pickleball court development located between Nursery and Church Street (Tax Lot 02700) in Amity. Please include these comments in the public record and notify ODOT of the decision by sending a copy to odotr2planmgr@odot.state.or.us when available.

The site is adjacent to Pacific Highway No.91(OR99W)/Trade Street, and is subject to state laws administered by ODOT .

Due to close proximity to the state highway and safety of vehicular travelers, ODOT support 10 feet high fence with no gates/openings in that fence and minimum 10 feet setback from the west right of way line.

Also, it appears that existing fence is located in ODOT right of way and it is recommended resurvey/locate the property line before any construction.

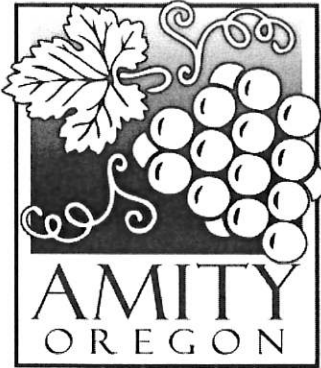
3. Yamhill County Building Department, Tim Codiga, Building Official

There will be no permit requirements for just creating the courts outdoors. They will how ever need an ADA path or other equal option to the courts. I don't know the distance they are from the school building.... The school is only required to do ADA on the schools property, not all the city streets [between the school and the field].

4. Amity Fire Department, Ian Yocum, Fire Chief

"No comments from Amity FD."

EXHIBIT B
APPLICATION PACKAGES



Established Eighteen-Fifty-Eight

109 Maddox Ave. • P.O. Box 159 • Amity, OR 97101 • Ph: (503) 835-3711 • Fax: (503) 835-3780

SITE DESIGN REVIEW CITY OF AMITY, OREGON

Applicant/Owner: Amity SO 45 Phone: 503 835 2171

Mailing Address: 807 S Trade St
Amity OR 97101

Property Address: Between Nursery & Church Sts on east side of Trade St.
(Street address, or if not addressed, then indicate the nearest intersecting street or known landmark. Attach Assessor's Map, or similar map)

Township; Range; Section; Tax Lot: 5.4.29AB 2700

Zone: _____ Parcel Size: _____

Nearest Intersecting Streets: Nursery & Trade / Church & Trade

Existing Comprehensive Plan Designation: _____

Existing Zone Designation: R2

Historic Property Designation [i.e. National Register Listing, Significant, Contributing, Non-Contribution, or None]: None

Legal Description (as it appears on the deed): Town of Amity, Block No. 5
as laid down and recorded in the Town Plat of Amity

Deed Covenants & Restrictions: Will any deed restrictions apply to the development? If yes, attach copy of deed. ☐ Yes ☒ No

ADDITIONAL REQUIRED INFORMATION

A Site Design Review is a detailed examination of the physical characteristics of a proposed development or improvement to property, with special attention given to the design of the development or improvements and the potential impacts on adjoining properties or land uses. The City of Amity and the Amity Planning Commission will use the information provided by the applicant below to analyze the merits of the application. A decision to approve or deny the application is made based on how well the applicant meets the standards and criteria set forth in the Amity Development Code. Please provide the following information in full. This application will not be accepted unless all required information is provided.

- PUBLIC SERVICES:** All new structures are required to have all public improvements installed as part of the development process. Therefore, the applicant must be prepared to install required street water, sewer, storm drainage, power, and communication lines. All required improvements must be installed prior to a certificate of occupancy. The city may require the applicant to provide a performance bond or financial guarantee that the improvements will be installed. All public improvements must meet City of Amity standard specifications. All design plans must be approved by the city prior to construction. The city will inspect all construction.

- List the public services currently available to the site:

Water Supply: _____ - inch line available on _____ street

Sanitary Sewer: _____ -inch line available on _____ street

Storm Sewer: _____ -inch line available on _____ street

Telephone: _____ -inch line available on _____ street

Cable TV: _____ -inch line available on _____ street

Electrical: _____ -inch line available on _____ street

Utility

Easements: _____ are or are not _____ required (show on site plan if required)

- What effect will the development have on the city's ability to provide public services to the general area of the development? Must the city expand, oversize, or extend services to meet the demands created by proposed conditional use site? Who will pay for these improvements? Explain.

No improvements from the city of Amity will be needed.

- Does the applicant intend to extend public services to the site within a reasonable period of time? Yes No

If yes, estimate the period of time in which the applicant intends to extend public services to the site if service is not currently available.

ADDITIONAL REQUIRED INFORMATION (Continued)

2. TRAFFIC CIRCULATION:

- How does this proposal provide for safe and efficient traffic circulation both on and off site?

~~The current district and street parking will be~~
Sufficient
New courts will not make traffic heavier than it is
during school hours. No additional safety issues.

- The site plan must include driveways, ingress and egress, roadways, and pedestrian walks for safe and efficient vehicle and pedestrian circulation.

None needed

3. STREET IMPROVEMENTS: City streets must be adequate to meet the demands of the development. Note below those items which apply to the development and show on the site plan.

_____ street dedication of _____ feet on _____ street.

_____ street improvements

_____ feet wide _____ - inches asphalt/concrete;

_____ - inches base rock

_____ sidewalks

_____ curbs

_____ traffic signs/signalization

4. **PARKING REQUIREMENTS:** The Amity Development Code requirements for automobile parking describe the number of parking spaces required of different land uses. Asphalt parking areas, handicapped parking, loading, and driveway improvements may be required. All parking area improvements must be shown on the site plan.

- Please describe the efforts that will be taken to minimize the impact of noise, odors, fumes, or other impacts on adjacent properties.

The parking needs will be sufficiently covered by on street parking and district parking by district office.

- Please provide the following information so that planning staff may assess the number of parking spaces that are required of this proposal:

a. Building Size (square feet): _____

b. Number of Employees: _____

c. Number of current parking spaces planned: _____

N/A

ADDITIONAL REQUIRED INFORMATION (Continued)

5. **LANDSCAPING:** Landscaping is an integral part of the site plan. The applicant is required to provide a landscaping plan and irrigation plan as part of the submittal requirements. The detailed landscape plan should show all existing and proposed landscaping, the location of structures, and the extent and type of all proposed landscaping features, including tree and planting types, irrigation systems, access ways, benches and walkways. Please provide on an additional map.

6. **FENCES, WALLS, SCREENINGS AND HEDGES:** All proposed visual or physical barriers shall be shown on the site plan. Explain how any visual or physical barriers will perform their intended function and have no undue adverse impacts on adjacent properties.

Fencing along sidewalk on east side of Hwy 99 will be extended to 10' to prevent balls from leaving courts. There will be no impact on adjacent properties.

7. **LIGHTING:** Outdoor lighting shall be shown on the site plan. Lighting is to be designed to eliminate excessive brightness or glare upon adjacent properties, streets, or traffic areas. Explain how the proposed lighting will meet these design criteria. Proposed lighting should be indicated on site plan. Use the space below to describe the lighting.

N/A

8. **FLOOD HAZARDS:** Is the property located in a flood plain? Yes ☒ No
If the answer to the question is "yes", how will the proposed development comply with all standards for riparian setbacks or flood hazard protection?

9. **OTHER NATURAL HAZARDS:** Are there other natural hazards on the site, such as steep slopes? Yes ☒ No
If the answer is "yes" how will the proposed developments comply with the restricted development overlay district standards?

10. **WETLANDS:** Are there any wetlands on the site? Yes ☒ No
If the answer is "yes", how will the proposed land division and subsequent development comply with all wetland development requirements?

11. **CONSULTANTS:** Please provide names, addresses and telephone contact numbers below for planning and engineering consultants for the development.

PLANNING CONSULTANT

Name: _____

Firm: _____

Street Address: _____

Mailing Address: _____

Telephone: _____

ENGINEERING CONSULTANTS

Name: _____

Firm: _____

Street Address: _____

Mailing Address: _____

Telephone: _____

CERTIFICATION & SIGNATURES

By their signature below, the undersigned applicant(s) hereby certifies:

1. THAT they are the owners of the property described above or have attached a Letter of Consent signed by the owners;
2. THAT this request does not violate any deed restrictions that are attached to or imposed on the subject property;
3. THAT they understand that it is their sole responsibility to provide all of the information required to process this application in accordance with the various requirements of the Amity Development Code, and that any incomplete or missing information may delay the approval process;
4. THAT all information, justification, maps and supplemental information submitted are in all respects true and correct to the best of their knowledge and belief and acknowledge that any permit issued on the application may be revoked if it be found that any such statements are false;
5. THAT the City of Amity, its officers, agents and employees, have permission to come upon the above-described property to gather information and inspect the property whenever it is reasonable necessary for the purposes of processing this application or preparing a staff report;
6. THAT if the application is granted, the applicants(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval by the Planning Commission and comply with all conditions required by law, ordinance or otherwise;
7. THAT they understand that issuance of a permit based upon this application will not excuse the applicant from complying with effective ordinances and resolutions of the City of Amity, Yamhill County, Oregon, and Oregon Revised Statutes, despite any errors on the part of the issuing authority in checking this application;
8. THAT they understand that, if this application is approved, it is their sole responsibility to comply with any conditions set forth in the approval, or any statutory requirements related to the request; and
9. THAT they further understand and agree to reimburse the City of Amity for any costs incurred on their behalf for planning, engineering, legal services, etc., over and above the base fee, as they may relate to their request, application or project.

Jeff Clark / [Signature]
Printed Name / Signature of Applicant

3/14/24
Date

/
Printed Name / Signature of Applicant

Date

/
Printed Name / Signature of Owner

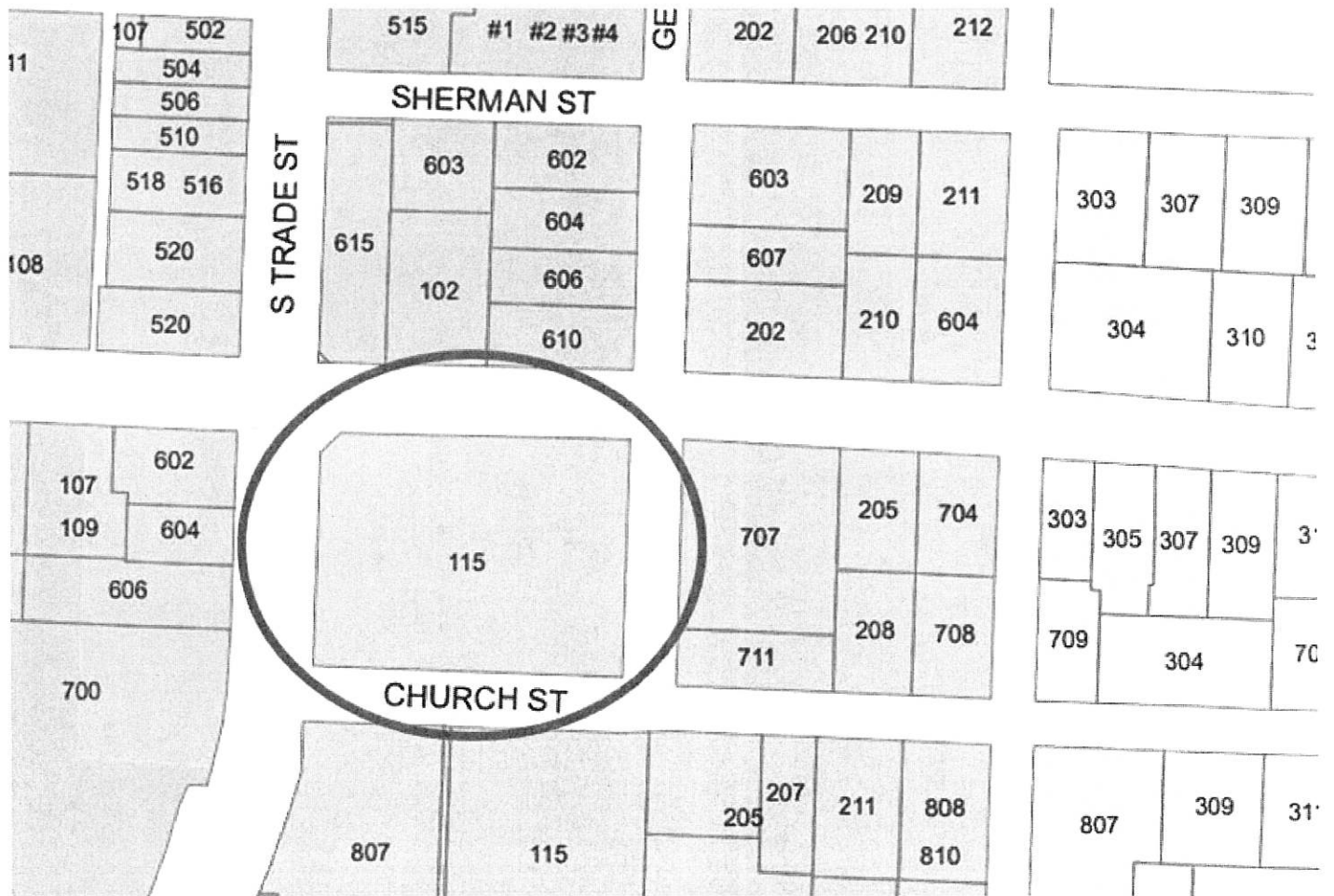
Date

/
Printed Name / Signature of Owner

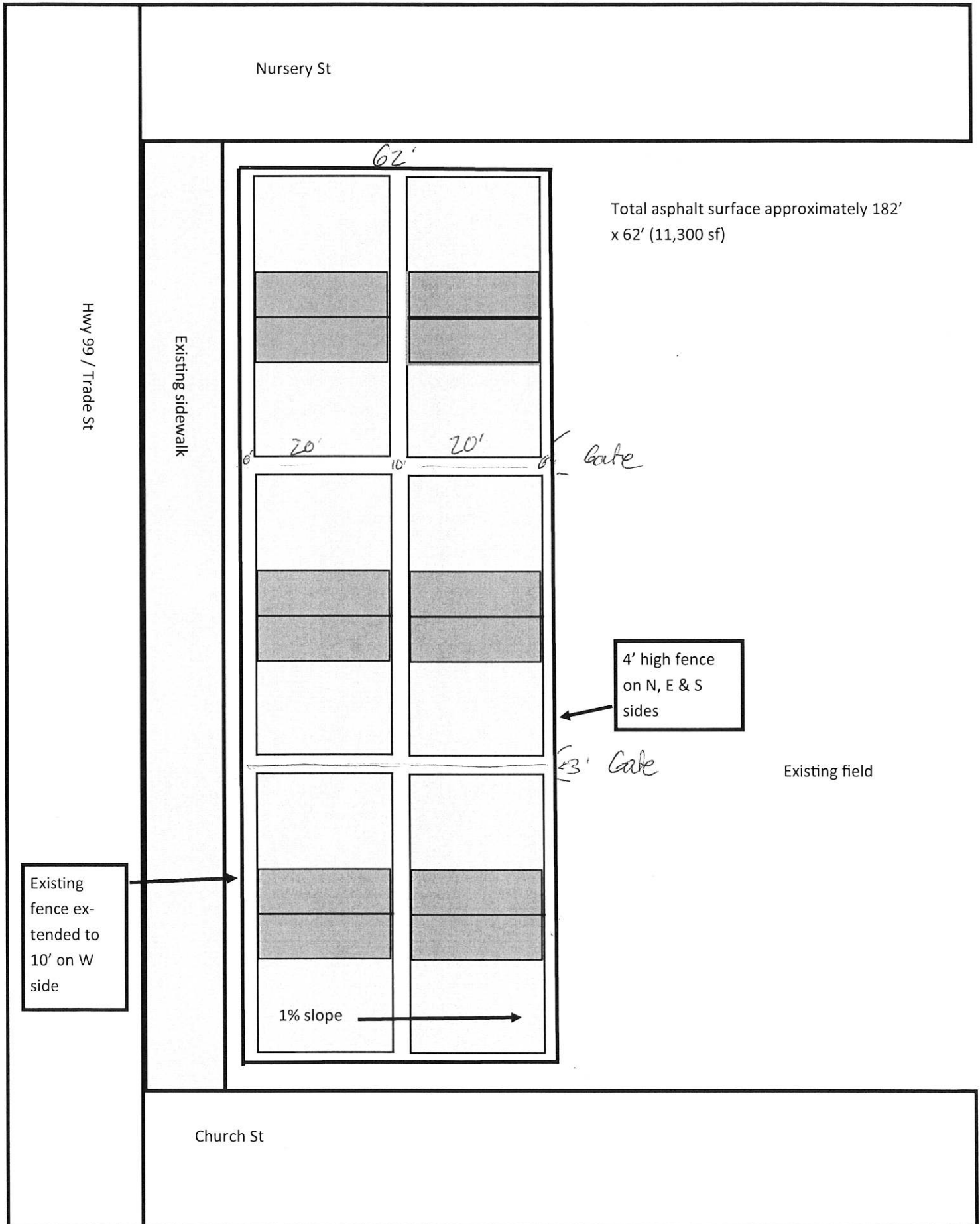
Date

Return Completed Forms Along with a Site Plan.

Site Plan requirements are outlined in Section 3.104.05 of the Amity Development Code



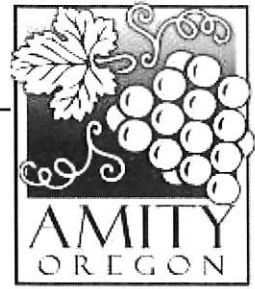
Amity SD Pickleball Courts—Site Plan



CITY OF AMITY

109 Maddox Avenue
P.O. Box 159
Amity, OR 97101

Ph: (503) 835-3711
Fax: (503) 835-3780



MAJOR VARIANCE APPLICATION

I. BACKGROUND INFORMATION

Applicant/Owner: Amity SD 45 Phone: 503 835 2171
Mailing Address: 807 S Trade St Amity OR 97101
Site Address:
Township; Range; Section; Tax Lot: 5.4.29 NB 02700
Zone: Parcel Size:
Existing Use/Structures: Open space for activities (School & community)
Application Proposal: Add paved pickleball courts + perimeter fencing, 10' high along 99, 6' on N & S, 4' on east

II. REVIEW CRITERIA

Section 3.102.05, of the Amity Zoning and Development Code, establishes findings that must be addressed before granting approval of a Major Variance. **The applicant must provide a written response to the following:**

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.
2. Such variance is necessary for the prevention and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.
3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.
4. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.


5. The variance requested is the minimum variance, which would alleviate the hardship.

III. APPLICATION REQUIREMENTS

- A. ☐ Completed and signed application form.
- B. ☐ Written response to the criteria in Item II., above.
- C. ☐ Five (5) copies of the site plan drawn to scale. The site plan must include the following information (where applicable): existing and proposed structures, driveways, parking, landscaping, and significant natural features.
- D. ☐ Names and addresses of all the property owners within 150 feet of the boundaries of the property. This list must be provided by a Title Company or the Yamhill County Assessor.
- E. ☐ Copy of the latest deed, sales contract, or title report indicating property ownership.

IV. SIGNATURES

NOTE: All owners *MUST* sign this application or submit a letter of consent authorizing another individual to complete and sign application. Incomplete or missing information may delay the review process.

 _____ Applicant/Owner Signature	<u>3/20/24</u> _____ Date
_____ Applicant/Owner Signature	_____ Date

For Office Use Only

Submittal Date: _____ Fee: _____ Received by: _____

Application Type: _____ Completeness: _____ 120 Day: _____

Staff Report Received: _____ Commission Hearing: _____

Application Deposit and Fee paid on: _____ Receipt _____

☐ Cash ☐ Check # _____ Refund ☐ Yes, on: _____, check # _____ ☐ No



Jeff Clark, Superintendent
jeff.clark@amity.k12.or.us

Phone (503) 835-2171
Fax (503) 835-5050

April 1, 2024

Amity Planning Commission,

Amity School District would request that a variance be authorized with regards to fencing height and setback of the fence for a new pickleball court development. The preferred plan for the new pickleball courts to be located between Nursery and Church streets on the western end of the block would be to extend the existing fencing to a height of 10 feet, in order to assist in preventing pickleballs from leaving the court area. A 7 foot fence would not accomplish this goal nearly as well. Ten foot high or taller fencing is standard on tennis courts, for example. This existing 4 foot high fence runs along the east edge of the sidewalk (under the cherry trees).

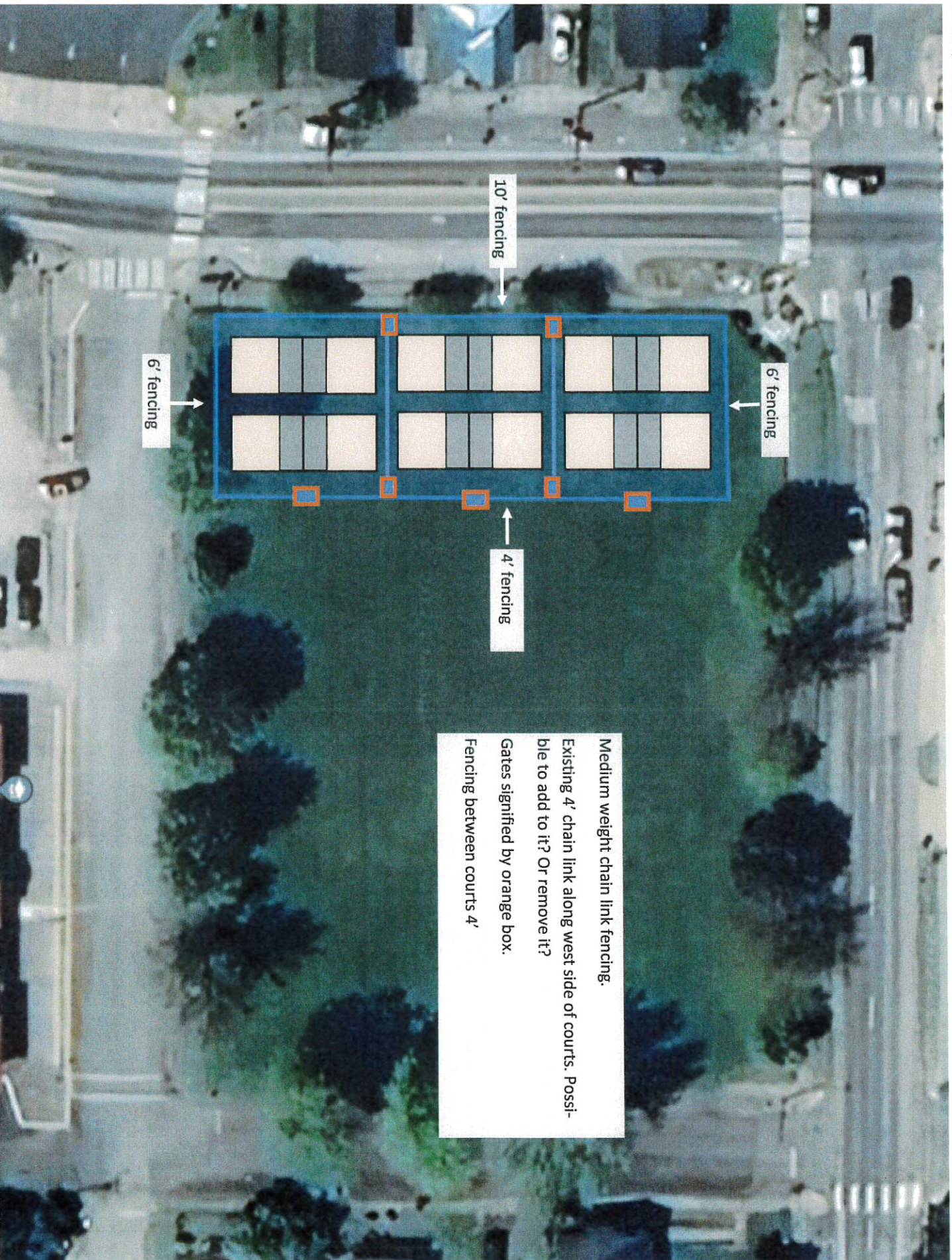
By being allowed to extend the existing fence, less of the school and community athletic field space would be occupied by the courts. If the district is required to set the fence back from the property line, school and community teams would have less practice space available to them. The district has always allowed community baseball, softball, soccer and football teams to use this space free of charge. We would like to maximize the usage of the space and a setback would effectively create an unusable zone along the west side of the courts.

While the courts will be available for public use much of the time, the district is not asking the city to contribute financially to the construction or maintenance. This is a project that we believe adds value to our school by allowing for physical education classes a space to play and hold fundraising tournaments. The business community will benefit as a whole as players from outside of Amity come to play on the courts.

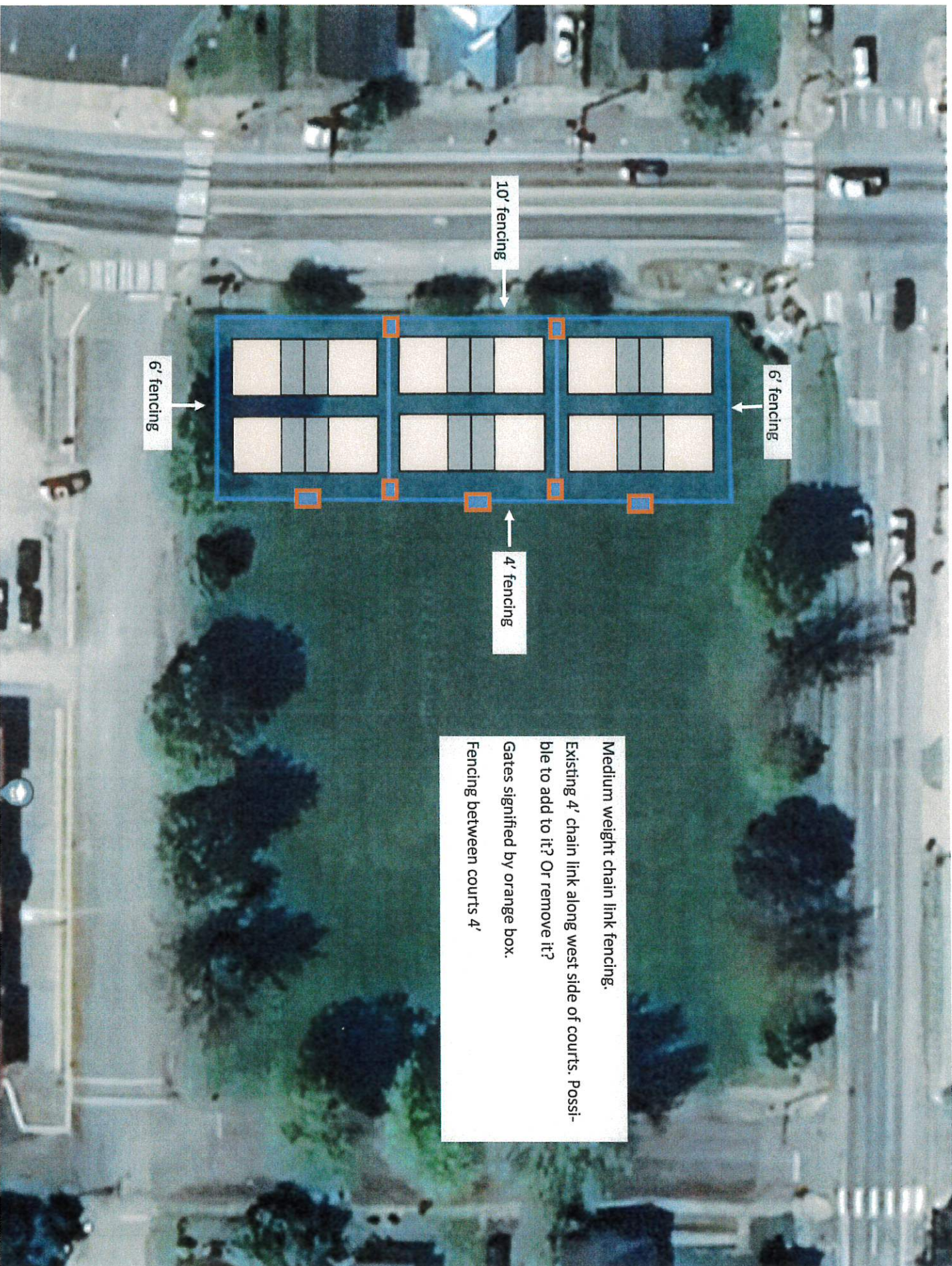
We appreciate the consideration of these two variances, one for fence height and the other regarding fencing setback requirements.

Sincerely,

Jeff Clark
Amity Superintendent



Medium weight chain link fencing.
Existing 4' chain link along west side of courts. Possible to add to it? Or remove it?
Gates signified by orange box.
Fencing between courts 4'



Medium weight chain link fencing.
Existing 4' chain link along west side of courts. Possible to add to it? Or remove it?
Gates signified by orange box.
Fencing between courts 4'

