

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, May 27, 2015
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Councilors Present: Councilors Bessie Johnson, Rich Kellum, Ray Kopczynski, Dick Olsen

Councilors Absent: Councilors Bill Coburn (excused), Floyd Collins (excused)

SCHEDULED BUSINESS

Quasi-Judicial Public Hearings

CP-01-14 and ZC-100-14, amending Ordinance No. 4447, which adopted the City of Albany Comprehensive Plan Map; and amending Ordinance No. 4441, which adopted the City of Albany Zoning Map; adopting findings for property located at 241 Waverly Street SE, Linn County Assessor’s Map No. 11S-3W-05DD, Tax Lot 400; and declaring an emergency.

Konopa said this is a request for a comprehensive plan map amendment to change the designation of one parcel from the Residential Low Density and General Commercial to the Residential Medium (RM) Density designation, and change zoning from Single Family Residential (RS-6.5) and Community Commercial to the Residential Medium Density Attached (RMA). Applicant RJ Alldritt is represented by Rich Catlin with Reece & Associates.

Open: Konopa opened the public hearing at 7:17 p.m.

There were no conflicts of interest or ex parte contact declared.

Councilor Dick Olsen said he drove by the site.

There were no abstentions and no procedural objections

Konopa reviewed the hearing procedures and called for a staff report.

David Martineau, Planner III, reviewed the request as detailed in the written staff report. He reviewed current designations and uses on the site and surrounding properties, noting that land uses abutting the site to the south would be characteristic in a General Commercial designated area, and that existing residential uses to the north and west of the property reflect a mix of housing types with no dominant housing type. The proposed zone change has the potential to add some trips to the Pacific Boulevard and Waverly Drive intersection; however, the City’s transportation system plan identifies an improvement project at that intersection prior to 2030, and that intersection is under the jurisdiction of ODOT. Public utilities in the area are capable of accommodating future development allowed in the proposed zone. The existing public storm drainage facilities are capable of accommodating most development that could occur in the proposed zone; however, any site development would likely need to add on-site storm water detention.

Martineau said the subject property is relatively small and somewhat irregularly shaped; therefore, it would be difficult to develop single family detached homes together with the necessary infrastructure and access. The character of the surrounding neighborhood includes a wide variety of housing types and sizes built over the years. The subject property serves as a transition between commercial business to the south and neighborhood residential uses to the north. Waverly is an arterial street and public transportation is available nearby. Staff, together with the Planning Commission by a vote of 6-2, recommends approval of the proposed Comprehensive Plan and Zoning Map amendments.

In response to a question from Olsen, Martineau reviewed allowed uses in the RM and RMA zones. He said the range of residential uses in the RMA zone is more restrictive while the RM zone allows for a variety of uses, even mobile home parks. Olsen asked if the RMA zone is essentially an apartment zone. Martineau said yes, it is a zone for single family attached apartments or condominiums.

Councilor Bessie Johnson asked for the reasoning behind the Planning Commission’s two no votes. Martineau said the Planning Commission received testimony expressing concerns that the requested zoning was not compatible with the existing neighborhood in general, and also questioning the accuracy of the City’s Housing Needs Analysis which was last updated in 2007. A person who lives directly north of the property stated that most of the properties had been owner occupied and the increase in rental units since 1990 has made the neighborhood

feel different. He noted that while the proposed zone would allow for apartments or condos, no development plan has been submitted.

Councilor Rich Kellum asked how much parking is required in the RMA zone. Martineau said off-street parking standards are based on the number of bedrooms with each 1-bedroom unit requiring one space, each 2-bedroom unit requiring 1.5 spaces, and each 3-4 bedroom unit requiring two spaces. For every four required spaces, one visitor space is also required.

Councilor Ray Kopczynski asked what is making the transfer of the small sliver of land necessary. Martineau said the 650 square foot piece on the southeast corner of the property is the result of a property line adjustment about six years ago that would be cleaned up in this request.

Konopa called for the applicant's presentation.

Rich Catlin, Reece & Associates, 321 First Avenue E, is a land use planner representing the owner, RJ Alldritt. He distributed and reviewed three aerial photos of properties northeast, northwest, and southwest of the Alldritt property (see agenda file). He said the subject site is located in a mixed residential area and there is no zone that is appropriate for the mix of housing in the area. In looking at properties within 300 feet of the subject site, there are 59 units on 6.5 acres, an average density of nine units per acre. This is a relatively small, irregularly shaped property. The RMA zone will provide a more efficient way to develop and use the land as well as a better transition between commercial zoned property and residential uses. The proposal would be a step in fulfilling the need perceived in the Housing Needs Analysis which indicates that Albany is short of RMA and has a surplus of RS 6.5.

Catlin said the Traffic Impact Analysis (TIA) is required by state law and is based on the reasonable worst case scenario of 35 dwelling units. That is not a specific proposal but rather the maximum number that could be developed on this site. The TIA concluded that the impact falls below the threshold for additional analysis. The staff report mentions a 2007 application for the site which, he said, was different in that the Housing Needs Analysis was not yet complete, the 2007 application was for high density residential, and RJ Alldritt was the contract seller at the time and not representing the applicant. The applicant feels the current proposal is a better fit for how the property can be developed. It provides for a more efficient use of the land and is somewhat compatible with aspects of the neighborhood. The RMA is a transition zone between the commercial and low density residential and the site is close to schools, shopping and transit. This is a mixed character area with no one housing type. He believes the proposed changes could result in a project that fits.

Konopa referred to the signup sheet (see agenda file). Konopa called for public testimony.

Kasey Tegner, 221 Waverly Drive, said she lives directly to the north of the subject site and her windows look onto the property. This is a small, quiet neighborhood and the houses are mostly WWII era cinder block houses. She put 25 years into a house that was falling down when she bought it. She is invested in the neighborhood and she is concerned about her property value. The plan attached to the staff report shows 35 two-story units. Once the designation is changed, the developers can do whatever they want up to the limits of the zoning, and that is scary for her. She said the change would have a minimal impact on the City's need for RMA, and there are more appropriate places. This would not be a good transition area as stated, but would just overwhelm and completely change the neighborhood.

Konopa asked if the applicant would like to rebut.

Catlin said the City needs this type of development and the subject site is an appropriate location for this type of use. He said there is no specific development proposal and the plan referred to in testimony was a hypothetical worst-case analysis for the TIA.

Konopa asked if there were questions for staff.

In response to an inquiry from Kellum, Martineau reviewed the applicable setback requirements which call for one foot of setback for each foot of wall height, and step back provisions which call for single-story structures on the edges of a site that is adjacent to single family residential. He noted there are other design standards related to open space, recreation areas, and parking requirements, all of which will go into determining the number of units that would be allowed on the property.

In response to a question from Konopa, Martineau said the development proposal would be a site plan review and would not go to the Planning Commission.

Konopa offered an opportunity for rebuttal, and there was none.

Closed: The public hearing was closed at 7:53 p.m.

Olsen said he wonders what value zoning is if an apartment zone can be placed right next to single family.

Johnson said this is really more of a mixed-use area, with the car wash and other commercial uses directly to the south. Her concerns are around the setback and the number of apartments that could be allowed since the development won't be coming to a public hearing. She noted that parking is an issue in that area.

Kellum said he has a concern about the number of people. With 30 apartments, there are likely to be 50 or more people. Apartments are generally not quiet places, and he is concerned about the quietness of the neighborhood. He is also concerned that where there is now an open field next to someone's home, there would be a second story looking into their back window.

Olsen agreed with Kellum. He said it would be one thing if there was just one two-story house going in, but a whole line of apartment windows would negate the use of that side of their house.

City Attorney Jim Delapoer read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP; AND AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS FOR PROPERTY LOCATED AT 241 WAVERLY STREET SE; LINN COUNTY ASSESSOR'S MAP NO. 11S-3W-05DD, TAX LOT 400; AND DECLARING AN EMERGENCY.

MOTION: Kopczynski moved to read the ordinance a second time in title only and Johnson seconded the motion. The motion failed 2-2, with Kellum and Olsen voting no. It takes a unanimous vote of Council for a second reading in the same meeting. The item will come back at the next meeting.

ZC-01-15, amending Ordinance No. 4441, which adopted the City of Albany Zoning Map; adopting findings for property located at an unaddressed property east of 1655 Geary Street SE; Linn County Assessor's Map No. 11S-3W-08CA, Tax Lot 2201; and declaring an emergency.

Konopa read the request for a zoning map amendment to change one parcel from the Office Professional (OP) district to the Residential Medium Density (RM) district. The applicant and previous owner is Kenneth Marshall, and the current owner is Patricia Neal.

Open: Konopa opened the public hearing at 8:00 p.m.

There were no conflicts of interest or ex parte contact declared.

Johnson said she has driven by the site.

Konopa reviewed the hearing procedures and called for the staff report.

Planner Melissa Anderson reviewed the site and surrounding uses. She briefly reviewed the decision-making criteria, the public noticing, and the process to date. The Planning Commission had a public hearing and recommended that the City Council approve the request. She reviewed each of the applicable criteria as follows:

- Consistent with Comprehensive Plan Map designation: The 5,000 square foot lot is adjacent to properties zoned RM, there is no Comprehensive Plan Map change, and the RM zone is consistent with the RM density Comprehensive Plan Map designation.
- Transportation facilities adequate to serve allowed uses in the RM zone: This is an urbanized area with an existing transportation system, and the requested rezone results in reduced possible density and traffic volumes. There is no significant effect on the transportation system.
- Public utilities and services can accommodate development: There are existing wastewater, water, and storm water facilities, and the urban area is served by Police and Fire.
- Proposed zoning district satisfies goals and policies of the Comprehensive Plan: Public participation has been solicited through the process, the Housing Needs Analysis concludes a need for RM zoned land, and the change from OP to RM is equally consistent with the Comprehensive Plan land use designation.
- Land use and transportation pattern consistent with City plans: There is no proposed change in existing transportation pattern or plan.

Anderson said, in conclusion, all of the applicable criteria are met and staff recommends approval of the request.

Konopa called for the applicant's presentation.

Brian Vandetta, 63 E. Ash Street, Lebanon, was representing the applicant who is the previous property owner. He said the owner has tried to find an OP use that would fit on the property; however, they had difficulty in trying to balance the building size and parking requirements. He agreed with the information provided by staff and offered to answer questions.

Olsen asked if there is a plan for the site. Vandetta said he understands the current owner plans to build a single-story duplex on the property.

Konopa referred to the signup sheet (see agenda file). There was no public testimony.

Closed: Konopa closed the public hearing at 8:10 p.m.

Delapoer read the ordinance for the first time in title only: AN ORDINANCE AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS FOR PROPERTY LOCATED AT AN UNADDRESSED PROPERTY EAST OF 1655 GEARY STREET SE; LINN COUNTY ASSESSOR'S MAP NO. 11S-3W-08CA, TAX LOT 2201; AND DECLARING AN EMERGENCY.

MOTION: Johnson moved that the ordinance be read a second time in title only. Kopczynski seconded the motion and it passed 4-0.

Delapoer read the ordinance a second time in title only.

MOTION: Johnson moved to adopt the ordinance. Kopczynski seconded. The motion passed 4-0, and was designated Ordinance No. 5854.

Konopa said written notice of the decision will be provided to the applicant and other parties entitled to notice within five days. A decision of the City Council may be appealed to the Land Use Board of Appeals by filing a Notice of Intent to Appeal not later than 21 days after the decision becomes final.

Business from the Public

There was no business from the public.

Adoption of Resolution

Revising the project list for the Transportation System Development Charges (SDC), reaffirming the base fee and the appeal fee, and repealing Resolution No. 6335

Transportation Systems Analyst Ron Irish said this resolution shifts Transportation SDC funding between three projects, as detailed in the written staff report. This was discussed in a previous work session.

MOTION: Kopczynski moved to adopt the resolution and Johnson seconded it. The motion passed 4-0, and was designated as Resolution No. 6417.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) April 2, 2015, Capital Improvement Program Joint Work Session
 - b) April 8, 2015, City Council Regular Session
- 2) Approving a liquor license renewals
- 3) Accepting an easement from Central Willamette Community Credit Union. RES. NO. 6418

MOTION: Kopczynski moved to adopt the Consent Calendar. Kellum seconded the motion and it passed 4-0.

Appointment

Appointing Stephen Van Buskirk to the Bicycle and Pedestrian Advisory Commission

MOTION: Johnson moved to approve the appointment. Kellum seconded the motion and it passed 4-0.

Report

Vacation of First Avenue Street SW

Planning Manager Bob Richardson said the Albany Carousel and Museum has submitted a site plan review application in which the proposed building would go approximately 1,075 square feet into the right-of-way. For the application to be deemed complete, either the City Council must initiate a street vacation or the applicant would need to apply for a street vacation. Staff is recommending the City Council initiate the vacation request as this would assist the applicant in meeting the 180-day deadline for application completeness, avoid the need for the applicant to resubmit and pay additional application fees, avoid the need for the applicant to obtain signatures from the railroad and post office which would likely be difficult within the timeframe, and continue facilitating progress with the application. If Council approves, staff will prepare the application and bring it forward for consideration concurrent with the site plan review application.

Kellum asked if the request will include an explanation of the traffic plan. Richardson said that traffic impacts could be provided with the vacation application.

MOTION: Johnson moved to initiate the street vacation. Kopczynski seconded the motion and it passed 4-0.

BUSINESS FROM THE COUNCIL

Kellum said the Kiwanis will hold a Sawing for Schools demonstration at his private business next Tuesday.

Kopczynski said he has a proposal pursuant to the bond issue that just passed.

MOTION: Kopczynski moved that any funds received from the sale or transfer of the existing Jackson Street Police facility shall be held in an account until completion of both the facilities authorized in the May 19, 2015, election. The net proceeds shall only be used to cover any project costs which exceed the proposed budget of \$24.4 million or in the alternative shall be applied to the general obligation bond debt repayment schedule. Kellum seconded the motion.

Kellum suggested the motion be revised to be less specific. He would prefer to say that any funds received would be applied to lower the costs of the projects and omit references to holding funds or covering project overruns.

City Manager Wes Hare said the action in the motion is really a statement of intent which could be changed by Council in the future. He noted the property may not sell before the project accounting is complete. He recalled a similar situation when the old library building sold and those funds were used to buy down the cost of the new building. Any project overruns would be discussed with Council at the time they occur.

Kopczynski said he doesn't want to leave it open as suggested by Kellum; he wants it on the record that the intent is to use those funds to pay down the debt or cover unforeseen circumstances that may come up.

Konopa noted the building is still being used and probably won't sell until the new one is built.

Olsen asked if the building is worth anything. Hare said the building no longer fits the City's needs but it has value, and there is interest from both public and private sources. Olsen said he doesn't want to paint Council into a corner.

Johnson said she supports the motion to show to the voters the intent is to have that money in a designated fund.

Kellum said he will support the motion which goes to the idea that funds from the sale of the building will reduce the debt.

VOTE: The motion failed 3-1 with Olsen voting no. It takes four votes of the Council to take action. This item will come back to a future meeting.

Interim Public Works Engineering and Community Development Director Jeff Blaine said there will be a discussion about sewer rates in June. He asked if Council would like staff to follow the approach that has been taken with rate discussions the past couple of years, where the Council hears a condensed version of the report at the Work Session, followed by a more detailed report at the Regular Session. There was general agreement with that approach.

Blaine said he met with the Thornton Lake citizen group and he believes all of their concerns were satisfied related to the North Albany Road project, storm water treatment, and impacts on the lake.

RECESS TO EXECUTIVE SESSION TO DISCUSS CURRENT LITIGATION OR LITATION LIKELY TO BE FILED AND TO DISCUSS REAL PROPERTY TRANSACTIONS IN ACCORDANCE WITH ORS 192.660(2)(h)

The Regular Session recessed to Executive Session at 8:34 p.m.

RECONVENE

The Regular Session reconvened at 9:07 p.m.

MOTION: Kopczynski moved to authorize the City Manager to modify the intergovernmental agreement with Lebanon to substitute mediation instead of arbitration if that's acceptable to the City of Lebanon. Kellum seconded the motion and it passed 4-0.

MOTION: Kellum moved to authorize purchase from Davenport with the modifications discussed in the Executive Session. Kopczynski seconded the motion and it passed 4-0.

NEXT MEETING DATE: Work Session: June 8, 2015 and Regular Session: June 10, 2015

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Wes Hare
City Manager