



CITY OF ALBANY  
PLANNING COMMISSION  
City Hall Council Chambers, 333 Broadalbin Street  
Monday, March 20, 2006 - 5:15 p.m.  
MINUTES

Planning Commissioners present: Paul Davis, Dan Bedore, David Faller, Anne Peltier, Tim McCarley, and John McEvoy, Cordell Post, Dala Rouse, and Wayne Rackham

Staff present: Senior Planner Don Donovan, Community Development Director Helen Burns Sharp, and Administrative Assistant Shirley Lindsey

Others present: Approximately 25 attendees

CALL TO ORDER

Chair Paul Davis called the meeting to order at 5:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL – All members of the Planning Commission were present.

APPROVAL OF MINUTES

Minutes for the January 9, 2006, January 30, 2006, & February 20, 2006, meetings were attached to the agenda packet for approval. Chair Davis instructed the Commission members that only those present at each of the meetings involved were allowed to vote on approval of the minutes for that meeting.

Commissioner Bedore moved, and Commissioner Faller seconded, that the January 9, 2006, minutes be approved as written and presented. Motion **PASSED** unanimously.

Commissioner Rouse offered a correction to the January 30, 2006, minutes under Declarations - pointing out that the donation referred to from the developer to the Monteith Historical Society should be \$2000; not \$200. Commissioner Bedore moved approval of the minutes as amended; seconded by Commissioner Rouse. The motion **PASSED** unanimously.

Commissioner Peltier moved, and Commissioner Rouse seconded, approval of the February 20, 2006, minutes as written and presented. Motion **PASSED** unanimously. All three sets of pending Minutes were approved.

**All Exhibits referred to in these Minutes are a part of the Agenda packet in Planning Central Files.**

**SD-01-06 & SP-01-06:** Proposed Subdivision Tentative Plat to divide 24.40 acres of land into 80 residential single-family lots and an open space tract (Thornton Lake Estates). Site Plan Review to remove 30 trees from the subdivision noted above. The applicant is Byron Hendricks, Thornton Lake LLC. The property is located on the east side of North Albany Road, south of East Thornton Lake.

Chair Davis called for the Staff Report:

## **Staff Report:**

Senior Planner Don Donovan noted that the Commission would recall that on March 6, the Planning Commission held a public hearing on the Thornton Lake Estates subdivision and the tree felling application for the subdivision. After the public hearing, the Planning Commission voted to **tentatively deny** this subdivision (SD-01-06), and also the tree felling application (SP-01-06). The Commission explained that the subdivision denial was based on the inadequate transportation safety situation with Green Acres Lane. If the subdivision is denied, the tree felling application will also be denied because without subdivision approval, it is not necessary to cut the trees.

The Commission directed staff to write findings to support the decision to deny the subdivision and tree felling applications and to bring the findings to the next meeting for adoption. Ron Irish, the City's transportation analyst, wrote Findings for Denial of the subdivision. The City Attorney and Planning staff reviewed the findings. They believe the findings accurately reflect the reasoning of the Planning Commission in deciding to deny the subdivision application.

The findings basically say that Green Acres Lane has a narrow pavement width in poor condition, does not have curbs and sidewalks, and connects to Springhill Drive at an offset intersection with Fairway Drive. The applicant proposed to overlay and widen the pavement width on Green Acres Lane to 24 feet, provide 4-foot shoulders along both sides, and install speed humps. The applicant did not propose to construct sidewalk improvements or make any modification or improvements to the offset intersection at Green Acres Lane/Springhill Road/Fairway Drive.

The opponents of the proposed subdivision maintained that the pavement and striping improvements proposed for Green Acres Lane were insufficient to mitigate the impact that would result from the additional trips that would be generated by the development. Opponents testified that the proposed pavement and striping improvements wouldn't mitigate the increased risk to pedestrians and children resulting from the increased traffic volumes. Opponents also testified to current congestion and safety problems occurring at the offset Green Acres Lane/Springhill Road/Fairway Drive intersection and maintained that the additional traffic generated by the development would make the situation worse.

The findings conclude that the pavement and striping improvements proposed for Green Acres Lane are insufficient to mitigate the impact that would result from the number of new trips generated by the development. The findings also conclude that the offset intersection where Green Acres Lane and Fairway Drive connect to Springhill Drive has congestion and operational problems now and that the proposed subdivision would make the existing situation worse. The applicant's traffic study estimated that there would be no new northbound left turn movements from the subdivision onto Springhill Drive. The findings say this is not a reasonable assumption.

The findings conclude that this application for Thornton Lake Estates does not meet the subdivision review criterion that addresses the safety of the proposed street plan.

A tree felling site plan review application was submitted with the subdivision application. The applicants based their tree felling application on a subdivision that staff thinks the Planning Commission is going to deny. Without subdivision approval, staff has to conclude that the applicants have not shown that it is necessary to fell trees to in order to utilize the property in a manner consistent with its zoning and the Development Code, and the Site Plan Review application must also be denied. Staff included findings for denial of the Site Plan Review application in the agenda that went to the Planning Commission.

If the Planning Commission agrees that the Findings for Denial of the subdivision and site plan review accurately reflect their reasons for denying the applications, the Planning Commission will adopt the findings and make the decision to deny at this meeting.

Chair Davis noted that if the Commissioners now agree that the proposed findings accurately reflect their reasons for denying the subdivision, a motion would be in order to adopt the proposed findings. The only people who will vote are those who were in attendance at the March 6 public hearing.

**Commission Deliberation/Action:**

Commissioner Bedore moved for adoption of the **Findings for Denial** of SD-01-06 & SP-01-06, Thornton Lake Estates. Commissioner Faller seconded the motion, which was PASSED unanimously.

Chair Davis read the appeal procedures into the record.

**Quasi Judicial Public Hearings:**

Chair Davis indicated that there were two Quasi-Judicial public hearings to follow. Chair Davis opened the public hearing on SD-04-06 at 5:27 p.m.

**SD-04-06:** Tentative Subdivision Plat (Hannah Estates 2) that would divide 9.22 acres of land into 43 residential single-family lots. The applicant is Andy Foster, IWM LLC. The property is located at 3137 & 3395 21st Avenue SE, Albany.

There were no declarations of *ex parte* communications, no site visits, and no procedural objections.

Chair Davis called for the Staff Report:

**Staff Report:**

Planner Janet Morris presented the Staff Report, referring to an aerial photo on the overhead projector to establish location. Morris indicated that this application was fairly straight forward. It combines four existing parcels totaling 9.22 acres of land and desires to divide it into 43 residential single-family lots. The only distinguishing issue of this development is that there is a special noise setback on the lots adjacent to I-5. This subdivision makes a street connection to Lehigh Way on the north, and to 21st Street opposite Boston Street on the south.

Morris noted that although the staff report has been available for over a week she has had no communications from any of the neighboring property owners. The site was also posted. The existing house on the property is going to be located on Lot 94 of the subdivision.

Morris stated that the staff is recommending approval of the application, subject to the conditions outlined in the staff report. The applicant has made provisions for the special feature of the site - being the noise setback. They are putting in a berm and fence along I-5, just as has been done with the north and the south subdivisions.

Commissioner Rouse referred to page 17 of the Staff Report, pointing out that it states that no sound level tests or analyses have been conducted by ODOT since 1973, and asked if there was anything more current. Morris indicated that they took the sound level test from the Lexington area subdivision and used it here and is not aware of any newer tests. Morris asked if Rouse was questioning whether the noise level has gotten worse in the intervening time span. Morris pointed out that having the noise reduction measures down where the tires are provides the best noise level reduction, and that is where the berm is located. This property is a little bit lower, so the developers are having to adjust to that, but it will still look pretty much the same. The dirt berm is going to do more noise mitigation than the fencing on top.

**Exhibit C.** - Commissioner Rackham referred to Exhibit C, noting that it would change the Staff Report (referring to a change in one of the lots regarding setbacks; that the house there is existing, and if the house would go away for some reason, we would want the setbacks to be different). Morris noted that the developer will be changing the lot pattern so that if that existing house goes away, there is more room to work with the noise setback. Rackham thought Exhibit C would change more than two lots. Morris pointed out that it is a minor point due to the large size of the lots involved, which are generally more than 10,000 square feet. She believes that this issue is a final plat matter. They (developers) are making provisions for the future. He questioned Lot 91, but Morris felt it was alright, and will be reviewed at the final plat submission to be sure all is in order.

Commissioner Peltier asked about the green line down the center of the map (the overhead). Morris responded that it is a parcel line and is one of four lots. Morris discussed the provision for circulation for this property.

Applicant Testimony:

**Andy Foster**, 2701 Roosevelt Loop NW, Salem. Foster noted that he is the applicant, IWM, and that he does not have any issues with the staff report; he agrees with the conditions indicated there.

Foster reviewed his preparations for reducing the noise level from I-5 to the lots involved. He also indicated that no lot size is less than 5,000 square feet. He wants his lots to be as large as possible to make the footprint as big as possible. As to the existing house, they moved the west line of lot 94 (where the house sits) over because if it is torn down at some point and has to be replaced, they moved it so that there would be a bigger building envelope.

Commissioner Rackham asked about whether the existing resident in the house is aware of the plans. Foster indicated that they are, and have known about all of the changes for some time.

Chair Davis indicated the procedures for people to testify in favor of the application, in opposition, or to provide neutral testimony.

**Burl Wheaton**, 3151 20th Avenue SE, Albany. His concern is traffic flow. He walks his dog at varying times of day, so is aware of the traffic at different times. He is concerned about Center Street and Lehigh being able to handle the traffic, and especially at the speeds that currently exist on those streets. He noted there are no stop signs on the street, and people travel very fast in that area.

**Staff Response:** Morris indicated that there was nothing in the transportation analysis of the development that indicated there was anything out of the ordinary in regard to traffic flow.

Helen Burns Sharp explained the City's existing traffic calming program and invited Mr. Wheaton, after the area is built and the homes are in place, to contact Ron Irish, the City's Traffic Analyst, for information on the calming features plan should it be needed.

Chair Davis closed the Public Hearing at 5:36 p.m.

Commissioner Bedore moved, and Commissioner Post seconded, a motion that the Planning Commission **APPROVE WITH CONDITIONS** the TENTATIVE SUBDIVISION PLAT application to divide 9.22 acres of land into 43 single-family lots (File SD-04-06). This motion is based on the findings and conclusions of the Staff Report and testimony presented at the public hearing.

The motion was **PASSED** unanimously. Chair Davis read the appeal procedures into the record.

Chair Davis called to order a Quasi-Judicial public hearing at 5:38 p.m. regarding:

**PA-01-06:** A Partition Tentative Plat application that would divide a 1.66 acre parcel of land (currently two tax lots) into two parcels. Parcel 1 will be 30,213 square feet. Parcel 2 will be 42,117 square feet. The applicant is Northwood Properties/Lewis Hanson & Company. The property is located at 110 Hickory Street NW and, as yet, the second parcel has no address.

Site Visits: Several commission members indicated that they drive by the area. There were no *ex parte* contacts or procedural concerns.

Chair Davis called for the Staff Report.

**Staff Report:**

Senior Planner Don Donovan presented the Staff Report with the assistance of an aerial view map. Donovan pointed out that the application is to divide a 1.66 acre of land into two parcels. Donovan pointed out that the Assessor's Map already shows this area as two parcels, but it is not. He explained that the Assessor's office will occasionally designate an area differently than on our maps for the purposes of taxes only – which is what has happened here. Even though the map shows two parcels, they were not legally created.

Donovan indicated that the property is located on the south side of Hickory Street at Spring Hill Drive. The review criteria for partitions are the same as for subdivisions. He pointed out that partitions do not normally come to the Planning Commission for review and a decision, but the Development Code says that if the property is in the flood plain, it has to come to the Commission, which is why we are before the Commission now.

Donovan showed the Plat on the overhead for the Commission. The property has water, sewer, and storm drain lines available to it in Hickory Street. The property is in a floodplain. Donovan indicated that the partition meets the conditions for development in the floodplain, with one exception. A condition is that the flood elevation be shown on the final plat of the partition that will actually create the lots, and that the plat gets recorded.

The only other condition that the staff suggests is that the applicants show that Parcel 1 has the right to share an access to Hickory Street with the parcel to the west – we want them to confirm that there is an access or, in lieu of that, share the access between these two properties.. There going to be a great deal of traffic on Hickory in the future, so shared accesses are desirable because it limits the number of accesses to the streets and limits the places where conflicts usually occur. Generally, if accidents occur they are at a driveway or some other street access to a street.

The Staff Report concludes with the condition related to the floodplain information and the condition about access on Hickory Street the Partition application will meet the land division review criteria and can be approved by the Planning Commission.

Commissioner Bedore – stated that on his way out to Spring Hill Country Club, he noticed that the sign says Spring Hill *Road*. Donovan noted that since he also lives in that area, he also saw that, so contacted Benton County who clarified that officially, it is Spring Hill **DRIVE** (not Road), and that future documents will reflect that title. Donovan noted that it is easy to see why there is some ambiguity.

Commissioner Peltier – asked for explanation about why there are two tax lots. Donovan stated there is only one parcel, and explained how a tax lot is changed by need to take a loan on a piece of a parcel. Changes of that kind are for the taxes/Assessor's record only.

### **Applicant Testimony:**

**Jack Burrell**, K&D Engineering, 276 Hickory Street NW, Albany, said his office is next door to this piece of this property and near Tom's Garden Center. The owners are here (Steve Hanson and Tony Lewis) and available if there are questions.

Burrell noted that there were a couple of normal conditions that they were fine with. He noted there are two ways in and that there does happen to be an easement that would allow people to access the property, although it doesn't say enough about how the access will be accomplished. He indicated that the owners would like to have access through Parcel 1 from the street that comes into Tom's, but will need to look into that. Otherwise the driveway that already comes into their business offices may be modified to cover access for both lots.

Commissioner Faller indicated that on Parcel #2, there is an existing office building, and asked what is the intent for Parcel 1? Why are they splitting the parcel? Burrell thought that it might be to make the space available for another business.

Chair Davis invited comments from the public.

No one speak in favor, in opposition, or presented neutral testimony.

There was no staff response.

Chair Davis closed the public hearing at 5:48 p.m.

### **Planning Commission Deliberations:**

Commissioner Bedore asked about any existing rules and/or procedures that we have about conditions for access to streets. Donovan responded that it is found in ADC Article 12.100(3). He read the provision: All driveways must be located the maximum distance which is practical from the street intersection. In no instance shall the distance from an intersection be closer than the following: As measured from the nearest curb return radius.

The closest this driveway could be is 40 feet. Donovan clarified as an aside that what they have now can stay, but when the property is developed, it cannot have a new driveway. Donovan indicated on the map the areas where new accesses could be placed. He also noted that planning staff may require them to close the old driveway if it is not going to be used. Since the applicant indicated that they would like to use the current access, it may be a moot point. Donovan continued to review the information in Article 12, but did not find other applicable information.

Bedore asked if the access point would be reviewed at the time development was to take place on the new parcel, to which Donovan confirmed that it would be part of the Site Plan Review process.

Commissioner Rouse moved that the Planning Commission **APPROVE WITH CONDITIONS** the application for the Partition Tentative Plat that will divide a 1.66 acre parcel of land into two parcels (File PA-01-06). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing. The motion was seconded by Bedore.

The Motion was **PASSED** unanimously.

Chair Davis then read the appeal procedures information.

## **ACTIVITY UPDATE:**

Community Development Director Helen Burns Sharp indicated that the YMCA and the Conser zone change are making their way through the Council. With the Y, there is still an issue with ODOT and the trips impact. The intersection of concern is the Queen/Pacific intersection. It appears that ODOT may be amenable to the newly proposed recommendations, but some additional time is needed to see if that is true.

The Conser Comp Plan/Zone Change will go to Council yet this week.

The Notice of Decision on the Thornton Lake Estates issue will be sent out tomorrow. Once that is done, a party with standing can appeal within 10 days. If appealed, it would go to the Council on April 12, to allow time for a possible two-step process, as with this Commission. She also reminded the group that we must stay within the 120 days allowed by law, which means that consideration by the Council would have to take place on 4/12 in case there was a continuance.

Director Sharp noted that we have now added "Rules of Conduct" for public hearings to our Planning Commission agendas – which we have not done in the past. We will be using the same rules that the City Council has established for their meetings.

Due to the number of people that might want to speak in any appeal of the Thornton Lake Estates issue, Planning staff is suggesting that the Council might want to impose some kind of time limits for their public hearing. Sharp clarified that any and all testimony is welcome, and that if someone wanted to establish standing to allow an appeal, there is a way it can be accomplished. Sharp explained the process and indicated that many groups do establish time limits, and that they are fairly common. She stressed that we don't know that we will even have an appeal.

Rouse indicated that the groups with proponents and opponents that will be speaking is understandable, but asked what would happen with people who are not part of an organized group that want to speak before the Planning Commission on an issue if we establish time limits... Sharp explained that the Chair would assist with deciding how that would work by asking questions of the audience and perhaps having them step outside and decide how to allocate their time among them, or would then assist by dividing the time among those who indicate they want to speak. No one would be refused a chance to testify, but all might be encouraged to speak to different issues or just state that they support a previous testimony to reduce duplications.

Sharp also referred to the manner in which the Costco hearing functioned that worked pretty successfully. Giving individuals a way to agree – i.e., a question from the Chair to the effect of "are there others who agree that they are concerned about traffic safety?"

Chair Davis thought that all of the testimony received on Thornton Lake Estates was very good, and that he wanted to hear all that the people want to present. Sharp noted that not all of what is offered in testimony goes to the actual review criteria, which is the dilemma for the Planning Commission. We have encouraged people to review the criteria and present evidence rather than just emotional information so that it can be taken into consideration. Davis indicated that he would like to hear what all the people have to say and that they need to hear it whether or not it can be considered. Davis noted that the information they received when considering the "Great Neighborhoods" was much the same as they are hearing here.

Davis suggested that we consider handing out sandwiches at long meetings that would alert everyone that the meeting was going longer than expected.

Director Sharp reviewed other current activities that would eventually be before the Planning Commission. She gave a brief update on Bridle Springs on Goldfish Farm Road, and the Oak Creek Refinement Plan. She pointed work on cluster development standards and hillside standards that need to be decided and put into place. Fencing along deep lots that back up to arterials was also mentioned. She noted that with approval of the Henshaw development at the corner of Ellingson & Columbus they agreed to do landscaping and a shorter

masonry wall (not yet built) as part of a private settlement agreement. She thought they might bring that back to the Planning Commission to look at.

Davis noted that he was on Goldfish Farm Road yesterday and the fence looks good, as do the driveways in the area.

**Oak Creek Refinement Plan** – Director Sharp indicated City planning staff is hoping to have a neighborhood meeting, probably at LBCC. We think this area has a great deal of potential. The Planning Commission will be added to the mailing list and she hopes they will consider come to the neighborhood meeting.

A brief discussion occurred about whether an item should come to the Hearings Board or the Planning Commission. Director Sharp indicated that there is a small subdivision, Edgewater North at Clover Ridge Road, that is currently being processed. She asked the Planning Commission if they had a preference for either the Planning Commission or the Hearings Board to hear the application at the April 3 meeting. The Planning Commission agreed that the Hearings Board would be appropriate to hear this particular application.

For the benefit of our new Commissioner, Sharp noted that the Hearings Board is a subcommittee of the Planning Commission, and can hear some applications that are not controversial and do not raise policy issues. It was the consensus of the group that the Hearings Board would convene on April 3 at 4:00 p.m. in the Council Chambers.

The Planning Commission will plan to meet tentatively in a work session on April 17 at 5:15 p.m. to discuss some of the changes in the “Great Neighborhoods” and other issues involving Goal 10 Housing.

**NEXT PLANNING COMMISSION MEETING DATE:** April 17, 2006 – 5:15 p.m. (Tentative)

**ADJOURNMENT**

Hearing no further business, Chair Davis adjourned the meeting at 6:14 p.m.

Submitted by  
*Signature on file*  
Shirley Lindsey  
Administrative Assistant

Reviewed by  
*Signature on file*  
Helen Burns Sharp  
Community Development Director

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