



APPROVED: February 5, 2007

**CITY OF ALBANY
PLANNING COMMISSION**
City Hall Council Chambers, 333 Broadalbin Street
Tuesday, November 14, 2006
5:30 p.m.

MINUTES

Planning Commissioners present: Dan Bedore, Paul Davis, David Faller, Tim McCarley, Wayne Rackham, and Dala Rouse

Planning Commissioners absent: Anne Peltier, Cordell Post, and one vacancy

Staff present: City Attorney Jim Delapoer, Planning Manager Don Donovan, Transportation System Analyst Ron Irish, Community Development Director Helen Burns Sharp, and Administrative Assistant I Tracy Swett

Others present: Approximately 55 others were in the audience, including the applicant and the applicant's representatives.

CALL TO ORDER

Chair Paul Davis called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

CONTINUED CONSOLIDATED QUASI-JUDICIAL PUBLIC HEARING, Case File Numbers PD-01-06/SD-15-06/SP-36-06 (Benton Woods)

Davis called to order a continued consolidated public hearing on Planning files PD-01-06, SD-16-06, and SP-36-06, an interim submittal for a Planned Development that would include 257 residential single-family lots and open space on about 63 acres; Subdivision Tentative Plat that would divide the 63-acre Planned Development into 257 residential single-family lots and open space; and Site Plan Review to remove 203 trees larger than 8 inches in diameter to construct the Planned Development. The subdivision would be platted in three phases. The applicant is DR Horton, Inc./JT Smith Companies. The property is located in North Albany, north of Dover Lane NW and east of Scenic Drive NW.

Declarations:

No declarations or site visits were declared since the November 6, 2006, public hearing.

Staff Update:

Planning Manager Don Donovan provided the staff update regarding new information received since the public hearing was continued on November 6, 2006. He showed an aerial on the overhead (Exhibit A, in the November 6, 2006, agenda file) and the site plan (Exhibit B, in November 6, 2006, agenda file).

Donovan reminded the Commission that the staff report cited an unsafe pedestrian crossing at the Scenic Drive NW-Oak Grove Drive intersection where children living in the planned development might cross to attend Oak Grove School. The staff report recommended the applicant construct improvements at this intersection to make it safer for pedestrians. After the hearing on November 6, 2006, the Planning Division received a letter from Amy Harding and Doug Grimmus (in agenda file) explaining how important a safe pedestrian crossing would be for the Oak Grove Drive-Scenic Drive intersection. Donovan said a sketch of what the improvements might look like was presented to the Commission (Exhibit A, in agenda file). The applicant has agreed to construct improvements at this intersection, which would include an island and crosswalks.

LaDonna Lundgren sent an email dated November 11, 2006 (Exhibit B, in agenda file), to the Planning Commission stating she had witnessed a bald eagle hunting this fall on Gibson Hill Road. She requested the Planning Commission take more time to understand the irreversible affects its decisions have before more development is approved.

A letter from Pam and Larry Chambers dated November 13, 2006 (Exhibit C, in agenda file), expressed concerns relating to Squire Street. Donovan said Pam Chambers testified at the November 6, 2006, public hearing and the letter restated her testimony.

Donovan said the City's planning documents meet Statewide Planning Goal 5 Natural Resources. Dorothy Wilson referenced the Statewide Planning Goal during her testimony on November 6, 2006. Donovan said Goal 5 is about open spaces and natural resources with an aim at conserving these areas. Every city is required to have an inventory of various existing natural resources and plans to preserve them as appropriate. The City of Albany completed a Goal 5 inventory in 1988 as part of a Comprehensive Plan update. The purpose of the inventory is to document, evaluate and compare identified resource sites. In addition, the City has done very complete wetland inventories.

The staff report noted a very small area of the subject property may include areas of vegetation and wildlife habitat. There are trees in this area. The applicant provided information about the trees and the wetlands on the subject property. The applicant has shown the natural features of the subject property were considered and utilized as required by the City's subdivision review criteria. The applicant states the wildlife habitat and wetlands will be preserved by efforts to improve most of the wetlands on the property. As noted during the November 6, 2006, public hearing, once the Goal 5 inventory is done and the City's comprehensive plan is acknowledged by the Department of Land Conservation and Development (DLCD), Goal 5 no longer directly applies to land use decisions. This is the case. In addition, the City Attorney advised staff that if the Planning Commission approves Benton Woods, the motion be clear that the approval is for this specific development as proposed to ensure no changes to the development or proposed amenities are made in the future.

Applicant Testimony:

Jeff Smith, DR Horton, Inc./JT Smith Companies, 4386 SW Macadam Ave (Portland), said one of the main issues from testimony at the previous public hearing regarded traffic. Smith said his team agrees there will be more traffic, but the road system is adequate to facilitate the increase. Both the applicant's traffic engineer and the City's traffic engineer agree that the system can accommodate the increase.

Smith said the original staff report strongly suggested the pedestrian crossing at Oak Grove Drive and Scenic be improved to provide a safer pedestrian crossing to the school. The team drafted a preliminary design of the improvements and will work with City staff to achieve the desired outcome.

Wildlife was another topic from the last hearing. Smith said there probably have been eagles in the greater Albany area, however there are no active or inactive eagle nesting sites on the subject property. An expert was available should members of the Planning Commission wish to discuss the topic further.

Smith said other members of the team are present to answer questions included a traffic consultant, civil engineer, planner, legal, and an arborist.

Martin Schott, Schott & Associates, PO Box 589 (Aurora), testified that the wildlife habitat on the site is very poor. It consists of a rye grass field with some oak trees to the north. The mitigation proposal includes a corridor to allow wildlife passage, which will result in the development of a far greater wildlife habitat than currently exists on the property.

Schott stated the site is not suitable for bald eagle habitat. The farm field does not have any prey for most bald eagles. There may be mice and voles, but those species are too small. In addition, no suitable roosting trees are on the property. There are oak trees on the northern portion of the site, however the stature of an oak is smaller than eagles prefer. His expert opinion is that there would be no impact to bald eagles by the development of this property.

Planning Commission Dan Bedore asked what Schott's professional qualifications were. Schott stated he has been a biological consultant for almost 20 years. He holds a Bachelor of Science in biology and marine science. He has a Master's degree in range ecology and a PhD in ecology. His educational background includes the equivalent of a wildlife minor. In addition, he is a professional wetland biologist according to the Society for Wetland Scientists. Bedore asked Schott's professional affiliations. Schott said he was a current member of the Society for Wetland Scientists.

Public Testimony:

Dorothy Wilson, 2643 NW Squire Place, submitted written testimony into the record (Exhibit D, in agenda file) which included a letter addressed to the Planning Commission; an email from Bodie Dickerson dated November 12, 2006; a letter dated October 12, 2006 from Carla Passmore and Roger Benedict; a copy of the Site Plan Review Criteria with notes; Web site prints from the Oregon Department of Forestry and Wildlife related to eagles and raptors; an excerpt of chapter nine from *Nature-Friendly Ordinances* by James McElfish, Jr.; and four color pictures depicting areas of the North Albany Park creek, North Albany Park creek re-routed at Squire Place-Squire Street intersection, the re-routed creek directly west on Squire Street, and the re-routed creek directly east on Squire Street.

Wilson cited a conversation with Jeff Picton of Chintimini Wildlife Rehabilitation Center in Benton County, Oregon. He told her of a young bald eagle that was rescued this past summer in Independence, Oregon due to an inability to grow flight feathers. Wilson said the rescue of the young eagle demonstrates there must be nesting going on in the area and hunting ground could be anywhere near by. There have been sightings of bald eagles in North Albany and in downtown Albany as stated in emails from Dickerson and Passmore and Benedict.

This development is directly adjacent to one side of North Albany Park. Wilson said it will endanger the wildlife directly connected to this park and the surrounding open spaces and grass fields. Raptors use these fields to hunt. It will be a great loss to the community as a whole since the park provides a wildlife system which is connected to the open spaces and fields.

Wilson said owls are also in the area and she has seen a Great Horned Owl off of Robinhood Lane. In addition, the deer, heron, geese, coyotes and other wildlife will be negatively impacted by this development.

She believes high-density development should be located downtown and believes great care should be taken to develop within the established urban growth boundary.

Rouse said she believes the eagles nest near Simpson's Pond by the Wastewater Treatment Plant. Davis also stated he had seen three bald eagles in the area.

Dirk Olsen, 1037 North Albany Road, read from a prepared statement, and presented his analysis of the Kittleson traffic study. These documents were given to the Commission as a transcript of his testimony and supporting documents which included the Benton County Transportation System Plan's Existing Condition Level of Service (Figure 3-8) and Chapter 3 titled "Roadway Plan" (Exhibit E, in agenda file). Olsen stated North Albany Citizens in Action (NACA) members are concerned about the impact continued development will have on the North Albany road system. He cited specific examples where the applicant's traffic study was incomplete and its findings inconsistent with county documents.

He requested the Planning Commission deny the applications as presently proposed based on an incomplete traffic analysis of critical intersections and inconsistent facts.

Vi Anderson, 914 North Albany Road NW, read portions of a prepared statement (Exhibit F, in agenda file) citing concerns related to the use of wetlands in the proposed development and failure of the applications to meet the City's requirement for open living area in a planned development. She said wetlands are not usable space for residents as open living area.

She requested denial of the applications due to non-compliance with the intent of the Albany Development Code and Development Code.

Marty Basey, 1790 Grandview NW, testified to seeing three eagles on land east of the subject property as they flew over Grandview to Dover Lane. She also saw three eagles circling above Skyline Drive. Both sightings were about a year ago. She pointed to the locations on the aerial photo on the overhead. She believes the area does support eagles.

Zachary Jensen, 1262 Jordan Drive NW, said his wife was in an accident as she headed northbound on North Albany Road. While on the side of the road, he counted at least 60 cars during the 30 to 60 minutes they were on the shoulder. He was concerned that existing traffic was not accounted for in the applicant's traffic study. A decision based on dated data is inappropriate.

In addition, his children attend Oak Grove School. Both Oak Grove and Fir Grove are overcrowded. He asked what the City's plans were for schools given the growth in the area. He felt the Oak Grove Drive-Scenic Drive intersection needs to be safer for children crossing the street.

Cory Swallow, 203 Greenacres Lane NW, read from a prepared statement addressed to the Albany Planning Commission dated November 14, 2006 (Exhibit G, in agenda file). His concerns centered on the safety of the intersection at Scenic Drive and Oak Grove Drive, as well as general traffic in North Albany. He highlighted areas of concern in the Kittleson report including the omission of intersections at Scenic and Oak Grove, Scenic Drive and Valley View Drive, Scenic Drive and Highway 20, and North Albany Road NW and West Thornton Lake from the analysis; and errors in the number of projected trips on North Albany Road.

In addition, Swallow said he was concerned about the wetlands being designated as open space. He did not think it was appropriate to have children playing in ponds.

John Pitsch, 2650 Squire Street NW, said he understood that Squire Street would be widened, but asked if parking would no longer be allowed on the street. Davis said he understood the widening of the street would not alter the current patterns. Rouse said parking would not be allowed.

Donovan said that issue was covered on the last meeting. Parking is not currently legal on Squire, but it is not enforced. Pitsch said lack of on-street parking would devalue his property and inconvenience residents and their guests if parking was only allowed in the driveways.

Pitsch agreed with previous testimony that the wetlands were being misused when applied to meet the outdoor living space requirement. He said wetlands are not meant for recreational use.

Applicant Rebuttal:

Jeff Smith, DR Horton, Inc./JT Smith Companies, 4386 SW Macadam Ave (Portland), requested a brief recess. Davis granted Smith's request and the hearing was recessed at approximately 6:30 p.m.

Davis reconvened the public hearing at approximately 6:38 p.m.

Smith said his team's rebuttal would start with traffic concerns, to be followed by addressing concerns related to the wetlands and open space.

He said there is only one owner, one developer, and one builder, which is the same entity. This is a unique opportunity where the plan that has been presented will be the plan built.

Dan Seeman, Kittleson & Associates, 610 SW Alder (Portland), reviewed the issues that were brought up during the public testimony. The first item was that there are only three roads to serve the area and they are far too congested. The congestion was not taken into consideration with the analysis, rendering it inadequate. Seeman said the analysis scope was developed by working closely with City staff and 11 intersections were determined to be included in the study. Those intersections were studied for the AM peak hour and the PM peak hour, which are the highest traffic volumes for the area. The study looked at traffic volumes in the 2008. Traffic in 2013 was studied for planning purposes only. Only forecasted conditions in the year 2008 can be used for conditioning purposes for this development.

Another issue was that the accident data only considered data from 2000 through 2003 and omitted data from 2004 through today. Seeman said data from 2000 through 2003 was readily available to the firm to be included in the analysis. He said there have been improvements during that time as well that have improved conditions and safety on the system that counter balance the growth as well.

Testimony was heard that two additional intersections, Highway 20-Scenic Drive and Scenic Drive-Oak Grove Drive, should have been included in the study. Twenty percent of the traffic from this development was projected to use the Highway 20-Scenic Drive intersection. Seeman said the intersection is unsignalized. The analysis did look at the traffic at the signalized intersection of Scenic Drive and Gibson Hill Road. Using the same traffic volumes at the Scenic Drive-Gibson Hill Road intersection that was studied, only 20 vehicles will head southward during the AM peak hour and pass the Highway 20-Scenic Drive intersection to drive to Corvallis. Five trips will drive north through the Highway 20-Scenic Drive intersection during the morning peak hour. The 20 vehicles heading southward are making a non-critical movement by turning right onto Highway 20, meaning the movement can be easily accommodated. The 5

vehicles turning left from Highway 20 onto Scenic Drive would oppose about 800 vehicles in the eastbound Highway 20 traffic. Seeman said with an unsignalized intersection, there would be adequate gaps to allow five cars to turn left onto Scenic Drive. He verified those operations would meet Oregon Department of Transportation's (ODOT) standards in the absence of a direct traffic analysis.

He reminded the Commission that Benton County's Transportation Plan reported the intersection operated at an "E" level of service (LOS). He explained how LOS is determined and stated it is not uncommon to have unsignalized intersections with LOS E. ODOT uses a different standard, which must meet a 0.80 volume/capacity (V/C) ratio. The City's standard is 0.85 V/C ratio. It is Seeman's professional opinion that the intersection would meet both ODOT and the City standard.

The Scenic Drive-Oak Drive intersection was omitted. As he previously stated, the City standard is 0.85 V/C ratio for minor street movement. He stated the threshold was not being met at that intersection, but the developer will be making pedestrian improvements at that location.

The next concern voiced was that the 2030 analysis only included two developments and a two-percent annual growth rate. Seeman said there are only two known developments that would impact the traffic at the time the study was completed. To include any other developments not yet approved would be speculative. He said the two-percent annual growth rate is very robust and was developed to capture developments in the area that have not yet been approved. He reminded the Commission that both the City transportation system analyst and ODOT representatives reviewed the analysis and approved it.

Swallow testified that the traffic analysis lost trips throughout the system. Seeman said the text of the document clearly states that the traffic volumes are projected to the nearest 1, but reported to the nearest 5 vehicles to be statistically significant. Seeman said a rounding error could account for the differences between Swallow's count and the report, but the reality is that the error would account for one car every 12 minutes.

Swallow also testified that the analysis' trip generation was inadequate with only 10 percent occurring during the PM peak hour and 7.5 percent occurring during the AM peak hour. Seeman said trip rates are generated by national statistics included in the Institute of Traffic Engineers (ITE) trip generation manual that compiles trip counts from residential single-family neighborhoods nationwide to create a standard of 9.55 trips per day by a single-family household. One trip will occur during the PM peak hour and less than one trip will occur during the AM peak hour. The ITE data is accepted by both City staff and by ODOT.

Concern was expressed over prohibiting parking on Squire Street. Seeman said as the City's transportation system analyst stated at the last meeting, the street is about 22 feet wide with a drainage ditch on both sides. Vehicles parked on Squire Street now are parking illegally but the police have not enforced the restriction historically. By completing the improvements, a parked car can no longer straddle the shoulder and the street, which will increase the likelihood for enforcement of parking restrictions by the local police.

Rouse asked if Benton County was consulted when determining the scope of the analysis. Seeman said no; it was assumed the City would share the analysis with the county. The assumption was correct given Benton County's letter (Exhibit K, in November 6, 2006, agenda file) regarding improvements to Squire Street that was presented at the November 6, 2006, public hearing.

Rouse asked if the Planning Commission was supposed to base its decision on Seeman's best guess given the missing analysis of the Highway 20-Scenic Drive intersection and Benton County not being

consulted. Seeman said yes, it is his professional opinion that the movements through that intersection can be accommodated by the flow of traffic, as City staff and ODOT have agreed.

Rouse said Benton County addressed the intersection as a LOS E, but ODOT does not. Seeman said Rouse was incorrect. ODOT uses a different standard than LOS. ODOT found many unsignalized intersections on state highways functioned at an LOS E or F. ODOT has revised its criteria for evaluating unsignalized intersections to a V/C ratio. The City also applies the same standard for its unsignalized intersections.

Rouse said she was troubled that the intersection was not included since she has historically heard that Scenic Drive is often used by North Albany residents to commute to work in Corvallis. Seeman reiterated his professional opinion that the movements at that intersection could be accommodated by the system.

Martin Schott, Schott & Associates, PO Box 589 (Aurora), clarified a misconception from Anderson's testimony. He said no pollutants would go directly to the wetlands. The Department of State Lands (DSL) will not allow untreated water to go through wetlands and reviews the plans to issue the certification. Stormwater will flow through pollution control manholes, followed by bioswales, then flow into the wetlands. Only treated water will enter the wetlands.

Schott said the wetland sites were chosen to be used for mitigation to improve the connectivity. Fragmented habitat endangers wildlife because it leads to isolation. By having this unique connectivity, not only will the wetlands be enhanced but the wildlife habitat will also be improved.

He said the wetlands on the site will be seasonal, wet in winter months and dry in summer months. This will result in seasonal ponds that water fowl will likely use during winter months. As the season progresses, migrant songbirds will appear in the initial years of the development. As the community develops, larger mammals and birds will also move into the area. Schott said a larger variety of wildlife will use the area than is currently on site.

Mimi Doukas, WRG Design, Inc., 5415 SW Westgate Drive (Portland), addressed the availability of recreational space in the development. She said the property has very unique features that will allow a special community. North Albany is not an urban environment. The Benton Woods development may have smaller lots and may be viewed as an urban development, but it is not. By setting aside common open space to serve as a natural resource, the development will allow for both active and passive recreational opportunities. Trail facilities wander the western boundary, while the wetlands will be turned into positive habitat to provide more opportunity for wildlife than current conditions support.

Albany's Development Code requires outdoor living space for a planned development. However, outdoor living space is not just parks, soccer fields, or basketball courts. There are manicured park areas and a tot lot for active space, but there will be wildlife areas that will provide inactive recreational space, as well.

Jeff Bennett, PO Box 230669 (Portland), represents DR Horton Portland, Inc. and has been doing land use work for 25 years. He said there are rules that apply to the decision the Commission is about to make. While testimony sometimes addresses Comprehensive Plan and Development Code documents, testimony also addresses collateral issues that are not within the jurisdiction of the City to manage or enforce. Examples include the Endangered Species Act or Fill/Removal Permits.

As stated during his November 6, 2006, testimony, the request that Statewide Planning Goal 5 be applied would go against case law. Statewide Planning Goals can only be applied when the Comprehensive Plan or Development Code are being amended once a city's comprehensive plan has been recognized by DLCDC, as is the case with Albany's Comprehensive Plan.

Bennett said when weighing evidence, the Commission should consider the preciseness of the evidence. While testimony might be given that a street is unsafe, a person may think that is the case until there is no traffic on the street at all.

With regard to wildlife habitat, Albany Development Code (ADC) Section 8.07(4) states any special features, such as wildlife habitat, have been adequately considered and utilized. ADC Section 11.180(5) states any special features, such as wetlands, have been adequately considered and utilized. Given that there is no wildlife habitat on the site, the applicant has considered and utilized wildlife habitat. With regard to wetlands, the wetlands will be turned from an open field into a valuable wetland that will provide connectivity with a likely result of more wildlife. Both sections of the Code have been met.

Testimony stated there is eagle nesting in the area, in river corridors, grounds nearby, however no evidence was provided that bald eagle nests exist on the subject property.

With regard to the outdoor living area, the Code requires that 40 percent shall be dedicated for outdoor living area. Bennett cited ADC Article 22 which defines outdoor living area. He said the definition clearly allows for a variety of activities and uses. He said at least half of the testimony related to wildlife habitat mentioned bird watching which is considered a passive recreational opportunity.

The applicant has requested a waiver of the indoor recreational area requirement. The applicant is providing well over 40 percent of the land area as outdoor living area which by the Code warrants consideration of this request.

The transportation system can safely and adequately serve the development. Testimony has been heard that supports this claim and Bennett requested the Commission consider the authority behind the testimony. The staff report addressed the differences between LOS and V/C ratios. Figure 7-10 of the Transportation Impact Analysis (TIA) demonstrates compliance for all of the studied intersections. In addition, there is no City criterion that requires Benton County standards be met, the City has not adopted the Benton County Transportation Plan, and thus it does not apply in this case.

Bennett said there are a series of conditions of approval that are contained in the staff report, along with conditions that were presented at both public hearings for the Planning Commission's consideration. The purpose of the conditions is to lessen the impacts of the proposed development. On behalf of his client, Bennett requested the Commission deliberate and make a decision on the cases tonight.

Bedore had a question for Seeman of Kittleson & Associates. He asked if there was a formal evaluation of Scenic Drive-24th Avenue intersection and at Scenic Drive-Gibson Hill Road intersection. Seeman said that was correct. Bedore said the analysis generated the number of trips that would leave this development and head south on Scenic Drive. Seeman said Bedore was correct. Bedore said the point of contention was that Scenic Drive-Highway 20 was omitted with the traffic impact analysis. Seeman said the Scenic Drive-Highway 20 intersection was omitted from the analysis. Bedore asked what would have been done differently if the intersection of Scenic Drive-Highway 20 had been included. Seeman said a traffic count would have been performed there during the AM and PM peak hours. Those trips would have been carried through the identified transportation system as defined by the scope of the analysis. In addition, trips generated from the proposed development would be carried through the system to the intersection at Scenic Drive-Highway 20, and the intersection would have been evaluated. Bedore asked if Seeman could recall the number of trips from the proposed development that would travel south to the intersection of Scenic Drive-Gibson Hill Road. Seeman said the analysis found 20 vehicles heading southward and 5 vehicles heading northward during the AM peak hour. Bedore said Seeman's comments tonight were

based on all 20 of those trips heading south through the intersection at Scenic Drive-Highway 20. Twenty trips would be the maximum that would pass through that intersection. Seeman said Bedore was correct.

Bedore asked how Seeman reached the number for the critical movements which made the intersection operate at Benton County's LOS E. Seeman said the analysis found 20 percent of the traffic from this development will head toward Corvallis on Highway 20, leading to the forecast that five trips will turn left at the Scenic Drive-Highway 20 intersection.

Rouse asked if Seeman was to do the analysis over again, would the Scenic Drive-Highway 20 intersection be included given the testimony. Seeman said he would consult with the City's traffic engineer and ODOT given their key jurisdiction over key roads in the area to determine the scope of the analysis. That would be the same procedure that was followed with this analysis to determine the methodology and which intersections would be included. Rouse asked if Seeman was aware that Benton County has jurisdiction of many of the roads he studied. Seeman said yes, but the City's standards apply.

Staff response:

Rouse asked why the north side of the 24th Avenue was slated for improvements rather than the south side.

City Transportation Analyst Ron Irish said the decision on 24th was his. A subdivision has already been approved with the condition that the south side of 24th Avenue would be improved. By conditioning this developer to do the north side, improvements will ultimately be made on both sides of 24th Avenue.

Irish said Benton County, ODOT, and City did provide the scope of the analysis to Kittleson and specific intersections were identified to be included. One criterion for an off-site intersection such as Scenic Drive-Highway 20 to be reviewed is that the intersection would see an increase of 50 or more trips as a result of the development. The intersection of Scenic Drive-Highway 20 will only see an increased volume of 27 trips from the proposed development. If there was a safety concern and a specific problem identified, then the intersection would be included in the scope. Since no safety concern was identified at that intersection, it was not included in the study.

Community Development Director Helen Burns Sharp said Planning Commissioner David Faller requested building activity in North Albany since annexation. The report was entered into the record (Exhibit H, in agenda file).

Chair Davis closed the public hearing at 7:43 p.m.

Commission Discussion:

Planning Commissioner Wayne Rackham said he thought the development could have been proposed with an additional 80 homes given the zoning. While there are issues, the proposal is a good-looking planned development that took into consideration what existed on the site and improves upon existing conditions. He is in support of the proposal.

Bedore agreed with Rackham. He said this property is in the city limits and is another case regarding appropriate growth inside the urban growth boundary. The development meets the letter and the standard of a planned development. It sets a standard for quality design. Bedore acknowledged a transportation issue, but said the City's TSP is under review and he is confident the updates will focus on the needs of North Albany.

Rouse agreed with Rackham and Bedore. She said her questions have been answered. There is a transportation problem in North Albany, but she stated part of the problem is the City has to rely upon Benton County. She was unhappy to hear that the county does not want to improve Scenic Drive and feels it will be detrimental to future North Albany development. More than one or two sources are necessary to commute into Albany or Corvallis.

Commission Action:

Bedore moved to approve with conditions the Planned Development interim submittal, the Subdivision Tentative Plat application; and the Site Plan Review application for tree felling for Benton Woods (Files PD-01-06, SD-15-06, and SP-36-06). The motion was based on the findings and conclusions of the staff report, the additional findings conclusions and conditions regarding Squire Street, the revised conditions regarding pedestrian improvements to the intersection of Scenic Drive and Oak Grove Drive, and testimony presented at the November 6, 2006, and November 14, 2006, public hearings. Rouse seconded the motion.

Rackham asked if wording should be added that the Commission is approving the precise plans submitted as recommended by City Attorney Jim Delapoer. Delapoer asked if a finding or condition was incorporated earlier. Donovan stated it was mentioned. Delapoer said it is irrelevant without a finding or condition. Delapoer said the motion did not need to be amended.

A vote was called, and the motion passed unanimously.

OTHER BUSINESS:

None.

NEXT MEETING DATE:

The next meeting of the Planning Commission is to be determined.

ADJOURNMENT

Hearing no further business, Davis adjourned the meeting at 7:49 p.m.

Submitted by

Reviewed by

Signature on file

Signature on file

Tracy Swett
Administrative Assistant I

Helen Burns Sharp
Community Development Director

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