



APPROVED: March 5, 2007

**CITY OF ALBANY  
PLANNING COMMISSION  
City Hall Council Chambers, 333 Broadalbin Street  
Monday, February 5, 2007  
5:15 p.m.**

**MINUTES**

Planning Commissioners present: Paul Davis, David Faller, Tim McCarley, Cordell Post, Wayne Rackham, Dala Rouse, Mark Spence, and Michael Styler

Planning Commissioners absent: Anne Peltier

Staff present: Engineering Technician IV Mike Leopard, Administrative Assistant Marilyn Girdler, Community Development Director Helen Burns Sharp, and Administrative Assistant I Tracy Swett

Others present: Five others, including the applicants.

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**APPROVAL OF THE November 6, and November 14, 2006, MINUTES**

Commissioner Cordell Post abstained from voting since he did not participate in the hearings. Commissioners Michael Styler and Mark Spence did not vote as they were not Commissioners at the time.

Commissioner Wayne Rackham moved that the minutes of November 6, and November 14, 2006, be approved, as written. Commissioner David Faller seconded the motion, which passed 5-0.

**INTRODUCTION OF NEW MEMBERS**

Davis introduced and welcomed the two new members of the Planning Commission, Michael Styler and Mark Spence.

**CONSOLIDATED QUASI-JUDICIAL PUBLIC HEARING, Case File Numbers AN-02-06 and ZC-01-06 (Clover Ridge Road NE Annexation/Zone Change)**

Davis called to order a consolidated public hearing on Planning files AN-02-06 and ZC-01-06, annexation of four parcels of land totaling approximately 16 acres including right-of-way; and a Zoning Map amendment that will change the designation of 16 acres of land from Linn County UGM-20 to City of Albany RS-6.5. The applicants are Micheal and Roberta Newman, Judy Hinck, Craig Hinkhouse, and BBF Development. The properties are located at 330, 340, and 410 Clover Ridge Road NE.

Declarations:

Commissioner Dala Rouse stated one of the applicants, Micheal Newman, has done maintenance on her automobile. She did not believe the business relationship would pose a conflict of interest for her.

Staff Report:

Engineering Technician IV Michael Leopard summarized the staff report for the consolidated annexation and zone change applications. He showed the vicinity map on the overhead, which showed the four parcels involved in the request is part of a larger "island" of territory surrounded by lands that are already in city limits (Attachment F, in agenda file).

Leopard explained there are four review criteria that must be met for an annexation to be placed on the ballot. They include eligibility, infrastructure, planning and engineering studies, and reasonableness.

He showed an aerial photograph of the properties in question (Attachment A, in agenda file).

Leopard stated a property is considered eligible for annexation if the property is within the Urban Growth Boundary (UGB) and contiguous with the current city limits boundary. The UGB boundary in this area is located to the north by Truax Creek. The subject properties are within the UGB and the city limits surround the subject properties. This criterion has been met.

The second criterion involves assessing public facilities and services, such as sewer, water, storm drainage, street system, police and fire, to determine whether existing facilities and services are sufficient or what upgrades would be needed in order to serve the area. Leopard showed the location map of the properties with existing water mains depicted by blue lines (Attachment G, in agenda file). He explained both water and sewer are available north and east of the site. Leopard showed the existing sanitary sewer lines depicted in green in relation to the subject properties on an overhead (Attachment H, in agenda file). Sewer facilities were extended and are currently being extended to the north boundary of the subject properties. Leopard showed a third location map with storm drainage facilities depicted in red and directional arrows to depict flow (Attachment I, in agenda file). He said there are piped mains located in Clover Ridge Road NE and being extended by the subdivision to the north currently under construction. The main drainage features in the area are Burkhart Creek to the south and Truax Creek to the north. Much of the storm drainage from the subdivision to the north drains to Truax Creek. Some of the adjacent areas to the west lack adequate storm drainage facilities since they were annexed after development had occurred due to a state-declared health hazard emergency. Future development on the subject properties will require that the applicant submit a study to determine how best to handle storm drainage on the site to ensure downstream properties are not adversely affected. It is expected that as development occurs in the area that some of the current storm drainage problems may be alleviated by the construction of better storm drainage facilities to City standards.

Leopard said streets are constructed to serve development. He showed a picture of the street plan in the area on the overhead projector (Attachment J, in agenda file). The current Transportation System Plan (TSP) shows the need for a north-south collector street to carry traffic from this vicinity to Knox Butte Road NE. The long term plan is that Century Drive NE will likely be disconnected due to its close proximity to the interstate on-ramp. The exact location of the north-south collector street has not been determined, but a likely scenario is that Cameron Street NE may be extended through to Knox Butte Road NE. Three of the likely locations for the intersection are Timber Street, Expo Parkway, or Opal Street (Exhibit K, in agenda file). The street plan will be further reviewed when a development application is received for the subject properties and the exact alignment through the property will be determined.

Leopard said the area is currently served by the Albany Fire Department through a rural fire district. Development of the subject properties would require extension of public water facilities through the site to provide additional fire protection facilities to these properties, as well as the surrounding area. The police department already serves the territory within the city limits that surrounds the subject properties. If annexed, this area would be incorporated into the police patrol boundaries.

With regard to criterion three, planning and engineering studies, all the utility master plans included this area within each study's areas. The City's Comprehensive Plan, as well as specific planning studies such as Balanced Development Patterns, and the East I-5 Wetlands Inventory included this area in each study's areas.

Criterion four, reasonableness, gives the Planning Commission latitude to consider any other factors that its members may consider relative to deciding if the proposed annexation is in the City's best interest. The City uses annexation agreements to ensure future development on this property will be funded entirely by the developer and that development occurs in an acceptable manner (Attachment C, in agenda file). The applicant agrees to waive certain rights in exchange for being annexed. One example is the applicant will waive his right to bring a Measure 37 claim against the City within the Annexation Agreement.

Leopard then showed an excerpt of the Zoning Map that depicted the subject properties and the surrounding properties (Attachment E, in agenda file). The applicant asked that the county zoning UGM-20 be changed to City zoning RS-6.5, Residential Single Family. Leopard said this is the same zoning as the Clover Ridge subdivision to the north.

Criterion one for zone changes is that the Comprehensive Plan designation is consistent with the requested zoning. In this case, the subject properties are designated Urban Residential Reserve (URR), which means the area is reserved for residential development when annexed. The designation allows for most residential zoning, office professional and some mixed-use zoning. RS-6.5 is compatible with the Comprehensive Plan designation.

Criterion two considers transportation. As Leopard previously discussed, the TSP uses anticipated densities to identify needed thoroughfares. The current TSP used densities similar to those allowed within a RS-6.5 zoning district in its modeling to determine needed improvements in the area. Recent improvements to Clover Ridge Road NE will better serve the site. When a development plan for the properties is submitted, an interior street plan will be reviewed, including how best to achieve the north-south connection previously mentioned by extending Cameron Street NE south to Knox Butte Road NE.

Leopard said the third criterion considers public facilities as criterion two of the annexation did, but with the addition of school capacity. Water, sewer, storm drainage, fire and police services were already discussed. At the request of staff, the applicant delayed the application until the recent school district bond measure passed. A new school is planned for the East I-5 area as a result of the bond measure.

Criterion four considers the special features of the site. Leopard said only wetlands and trees apply to this property. He showed an aerial photo of the area with the wetlands marked in yellow and the tree canopy clearly visible (Exhibit L, in agenda file). The City's East I-5 Wetlands Inventory recognized there were wetlands on the site, but did not acknowledge any of them to be locally significant. The Department of State Lands (DSL) administers wetland regulations in Oregon. Future development on the property will trigger a permit from DSL if any of the wetlands will be disturbed by the proposed development.

The property has a variety of trees, mostly located in the western portion of the site. Any type of development may require the removal of trees regardless of zoning. City Code specifies when trees may be removed and considerations are given to the age, size, type and quality of the trees.

The fifth review criterion assesses whether the intent and purpose of the proposed zoning district satisfies the goals and policies of the Comprehensive Plan. Staff identified the relevant goals and policies as Goal 1 Citizen Involvement, Goal 5 Natural Resources, Goal 10 Housing, and Goal 12 Transportation.

Leopard said the City gives citizens opportunity to be involved by posting the property with public hearing signs, sending individual letters to neighbors, and holding public hearings. Goal 5 Natural Resources was previously discussed under zone change criterion four. With regard to Goal 10 Housing, this area is surrounded by property currently under construction with subdivisions similar to what would be allowed on this property with the proposed zoning. City services are available and adequate to serve residential development on the subject properties. If the subject property was to develop with a similar residential pattern as the subdivisions to the north and east, approximately 60 to 70 homes could be built given the density range of the proposed RS-6.5 zoning. The transportation system plan was addressed earlier as part of criterion two of the annexation criteria and criterion two of the zone change criteria.

Applicant Testimony:

Brian Grenz, Multi/Tech Engineering, 1155 13th Street SE (Salem), represented the applicant. Both he and the applicant agree with the staff report. Grenz said the property is contiguous to existing city limits and can be supported by existing facilities in combination with those facilities being extended by the subdivision to the north.

Rackham asked if he understood Leopard correctly that development on this property might fix existing storm drainage problems. Grenz said when a development proposal is submitted, the applicant will be responsible for submitting a storm drainage plan that assures staff that conditions will not worsen from what surrounding properties experience prior to development.

Leopard said he did not mean development on this property would necessarily improve existing storm drainage conditions. His point was that as infrastructure was extended, it makes it more available to properties downstream. Development on this property will not solve the areas drainage problems, but it will extend facilities so that adjacent properties could connect to the system.

Grenz said the storm drainage is limited in this area. The storm drainage from this site would go both north to Truax Creek and south to Burkhart Creek.

Community Development Director Helen Burns Sharp said staff has looked at applying and using Community Development Block Grant (CDBG) funding to provide improvements in the area of Century Drive, Adah Avenue, Bernard Avenue and David Avenue. With the new Joint Water Treatment Plan coming online and the development to the east, it may be timely to further investigate a CDBG project to improve storm drainage, extend water, and improve the streets in this area.

Rouse asked if Grenz felt storm drainage lines will go both to Burkhart Creek and to Truax Creek. Grenz said when a storm study is conducted on the subject properties, the engineer will take a look at the natural break in the property to see what portion drains in what direction. Rouse asked if Grenz was aware that Truax Creek used to flood I-5. Grenz said yes. Rouse said she thought it had been fixed, but if development continued to drain to the Truax basin, the improvements may not be sufficient. Leopard said the culverts were upsized under the freeway. He assumed that the Oregon Department of Transportation (ODOT) sized the pipes to accommodate the ultimate development in the area. Grenz said in all the studies his firm as been involved with, everything seems to be sized appropriately. If capacity does become an issue, a drainage plan can be drawn up to detain storm drainage on site and regulate flow into the basin to make sure capacity is not exceeded.

Myles Breadner, 725 NW Flanders Street, Suite 403 (Portland), said he is the applicant in the case and the developer in the area. He gave a brief history of the development of the area over the last four years and its evolution. He said he has a strong history of working with the neighbors to ease both the economic and social burden that development in the area would have meant to adjacent property owners who may have

born costs from any required improvements. He tightly controlled the home builder to ensure that promises made to neighbors were kept.

He said this project would be an extension of the Avalon housing project, bringing the total number to 400 homes that Breadner has developed in the area.

Spence asked what percentage of the land developed into the Avalon project was wooded. Breadner said none. The portion of land involved in these applications that Breadner intends to purchase from the Newmans is located to the east of the grove of trees. It is not wooded and does not have wetlands.

Testimony In Favor: None.

Opposing Testimony: None.

Neutral Testimony: None.

Applicant Rebuttal: None.

Staff Response: None.

Commission Discussion:

Rouse said the City usually considers “islands” of unincorporated territory when considering annexation. She asked why only a portion of a larger island was being considered. Sharp said staff asked Council for direction on that issue. Council directed staff not to pursue the whole island. She thought the Council may have considered the impact that current studies might have on the entire area such as the periodic review Goal 10 Housing work that shows the City may need more multi-family land zoned to meet forecasted demand. The proposed RS-6.5 zoning seemed consistent and the Council determined that this area could move forward as an individual request.

Davis said there have been public complaints regarding storm drainage in the area and that was why there was concern from the Commission.

Spence asked if the 16-acre subject properties were annexed, how the remaining 15 acres would exist under a UGM-20 zoning. He was concerned the remainder would not have any functionality given the County zoning. Sharp said the Council is content with letting property owners decide to request annexation rather than the City initiating it. This annexation allows continuation of the zoning from the north, but leaves the County zoning which is intended to be a placeholder until annexation takes place. UGM-20 only means that the properties cannot be developed until annexation. Spence asked if there were any glitches. Sharp said no, with the exception of a patchwork of city limits. She expects there will be future annexation applications from property owners in this area that will clean up the city limits.

Davis closed the public hearing at 5:54 p.m.

Commission Action:

Post moved that the Planning Commission forward a recommendation to the City Council that the City Council pass a resolution proposing the annexation of property located on Clover Ridge Road NE, and forward the question of annexation to the voters on the May 15, 2007, ballot. He further moved that the City Council adopt the findings and conclusions contained in the staff report, dated January 29, 2007. By this motion, the Planning Commission found that this territory met the eligibility and timeliness criteria

for annexation to the City of Albany (File AN-02-06); and he further moved that the Planning Commission forward a recommendation to the City Council that this same property be zoned RS-6.5. Rouse seconded the motion, which passed 8:0.

Davis announced the City Council would hold its hearing on these cases on Wednesday, February 14, 2007.

**QUASI-JUDICIAL PUBLIC HEARING, Case File Number AN-03-06 (Santiam Highway Annexation)**

Davis called to order a public hearing on Planning file AN-03-06, annexation of approximately 41.5 acres on Santiam Highway, west of Scrael Hill Road. The applicant is Santiam Holdings LLC. The property is located at 5619 Santiam Highway.

Declarations:

Post recused himself from participating due to a possible conflict of interest since the applicant is a former client and he wished to avoid any appearance of an ethical violation with regard to his legal practice.

Davis said he has driven by the site numerous times.

Staff Report:

Leopard summarized the staff report. He showed an aerial photograph of the property on the overhead (Attachment A, in agenda file).

He said the first review criterion that must be met for annexation regards eligibility. Leopard showed a vicinity map with the city limits and Urban Growth Boundary clearly marked on the overhead (Attachment D, in agenda file). He pointed to the subject property and said the city limits are located on the north and west of the property. The whole property is within the UGB. The property is eligible for annexation.

Regarding public infrastructure, Leopard put a vicinity map that showed the sanitary sewer mains in green on the overhead (Attachment E, in agenda file). The sewer lines are not currently extended to the site. Leopard said normally the extension would follow the shortest distance, however, the sewer line shown extended in the City's master plan is the 12-inch main that is located further away from this property.

Leopard said water has been extended as far as the eastern boundary of the Coastal Farm property. Neither City water nor sewer can serve this property at this time. Development on the property can not occur until water and sewer are extended and made available.

Storm drainage in the area consists of a series of ditches along Highway 20 (also known as Santiam Highway), which are under the jurisdiction of the Oregon Department of Transportation (ODOT). The ditches gather drainage and empty into the main drainage feature in the area, Cox Creek. ODOT will determine if any development triggers improvements that would be necessary along Highway 20 frontage, including piped storm drainage. The applicant would need an access permit from ODOT, which would likely trigger some sort of transportation study as part of the access permit process.

Leopard said streets are constructed to serve the site and provide for future street extension for surrounding parcels. He showed a picture of the area that showed the transportation system in solid black lines and planned streets in dotted lines (Attachment F, in agenda file). The current Transportation System

Plan (TSP) shows the need for a future north-south collector street from Knox Butte Road to Santiam Highway. An actual alignment has not been determined, but it may or may not follow the dotted path indicated designated in the TSP and may run through the subject property

He said the Albany Fire Department serves the area through a rural fire protection district. Development of the subject property would require extension of public water to the site, which would provide fire fighting capabilities to this property. The associated annexation agreement stipulates that all needed improvements would be paid for by the benefiting properties (Attachment C, in agenda file).

Criterion three assesses the planning and engineering studies. Leopard said the utility master plans included this area within the study areas.

He said the City's Comprehensive Plan designation is split by Santiam Highway. He showed a colored map that had the subject property highlighted with the northern portion marked green and the southern portion marked pink (Attachment G, in agenda file). Leopard said the north side has a designation of URR (Urban Residential Reserve), while the southern portion has a designation of LC (Light Commercial). He said the applicant has not applied for a City zoning designation and the subject property will retain the County designation of UGM-20 on the north and UGM-5 on the south. No urban development could occur on the site until a City zoning designation is applied for and approved by the City.

Leopard said transportation analysis may have been triggered if the applicant had filed a concurrent Zoning Map amendment application. Rather than do a Transportation Planning Rule (TPR) analysis now, the applicant has chosen to wait until the City's TSP is updated, which might show different underlying zoning than what is shown on the current TSP. Leopard said the Balanced Development Patterns project recommended this area be designated for "employment."

Leopard showed a map of the wetlands on the site on the overhead (Attachment B, in agenda file). He said the East I-5 Local Wetlands Inventory included this area in its scope of work. The study showed considerable wetlands on the property, but none were categorized as "locally significant."

The fourth review criterion of reasonableness allows the Commission some latitude to consider other factors when considering an annexation request. Leopard stated staff has drafted an annexation agreement where the property owner will waive certain rights in return for being annexed into the city (Attachment C, in agenda file).

Davis asked for clarification of the current city limits in the area. Leopard showed a zoning map of the area on the overhead (Attachment H, in agenda file), and stated all the colored parcels are in the city limits, while white spaces are not outside the city limits.

Davis asked for the photo that showed a larger area including Timber Linn Park. Leopard showed the aerial of the area on the overhead which depicted the city limits with a yellow dashed line (Attachment A, in agenda file).

Sharp said the city limits in this area reflect the 2002 "Brandis" annexation. The property owned by the Briggs family (adjacent to the subject property) was annexed at the same time to provide a connection to Santiam Highway. This guaranteed the City would have an opportunity to construct a road from Knox Butte to Santiam Highway if the medical campus was constructed.

Rouse asked if both sides of Highway 20 were designated for “employment.” Sharp said the category of “employment” was a global category used as part of the Balanced Development Patterns project and does not relate directly to any of the City’s established zoning districts.

Rouse asked if a Comprehensive Plan Map and Zoning Map amendment would be required if the developer wanted to develop the parcel with a commercial development. Sharp said an amendment would be required on the north portion of the property if a developer wanted to do what Rouse suggested. Rouse asked the size of the northern portion. Leopard said the north side is about 35 acres and the south side is between 6 or 7 acres. Sharp said staff asked the applicant whether he would be interested in medium-density zoning on the north side given the need for more medium-density land. The applicant was willing to explore the idea, but given the possible requirement to do a TPR analysis, the applicant decided to wait to request City zoning.

Rouse asked if Council prefers to have the zoning completed prior to placing on the ballot. Sharp said yes, but just because the zoning is established at the time of annexation does not mean the zoning cannot or will not change in the future.

Faller asked if the larger area to the west was outside the city limits. Leopard said yes. Faller asked if there were plans to annex any or all of that area. Sharp said normally the City will respond to annexation requests as they are received. Leopard said the area is not yet an “island,” so the City cannot initiate an annexation without owners’ request.

Applicant Testimony:

Douglas Petersen, 9355 Glen Hollow Drive (Newberg), said this is one of the first annexations applications to be processed under the new rule where annexation and zoning can be done independent from one another. Petersen said zoning was not a priority since there are no immediate plans to develop the property yet.

Rouse asked why now if there are no plans to develop the property. Petersen said with the school bond measure passing that the time was right. He said annexation probably will not get easier in the future. Rouse asked how long Petersen had owned the property. Petersen said about two and one-half years.

Testimony In Favor: None.

Opposing Testimony: None.

Neutral Testimony: None

Applicant Rebuttal: None.

Staff Response:

Sharp said Petersen also deferred his application until passage of the school bond measure was secured this past November.

Commission Discussion: None.

Davis closed the public hearing at 6:18 p.m.

Commission Action:

Faller moved that the Planning Commission forward a recommendation to the City Council that the City Council pass a resolution proposing the annexation of property located at 5619 Santiam Highway SE, and forward the question of the annexation to the voters on May 15, 2007. By this motion, the Planning Commission found that this territory met the eligibility and timeliness criteria for annexation to the City of Albany (File AN-03-06). Commissioner Tim McCarley seconded the motion, which passed 8:0.

Davis announced that the City Council would hold its public hearing on this matter on Wednesday, February 14, 2007.

Post rejoined the Commission for the remaining agenda items.

**ELECTION OF OFFICERS**

Sharp opened nominations for chair. Davis nominated Post, Rouse seconded the nomination. Post accepted the nomination. Rouse moved that nominations for Chair be closed. A vote was called, and Post was unanimously elected Chair of the Planning Commission.

Sharp opened nominations for Vice Chair. Rackham nominated Davis and Rouse seconded the nomination. Davis accepted the nomination. Rackham moved to close the nominations. A vote was called, and Davis was unanimously elected Vice Chair of the Planning Commission.

**APPOINTMENT OF HEARINGS BOARD MEMBERS**

Sharp explained that two members' terms expired and one vacancy resulted from former Commissioner Dan Bedore's appointment to the City Council. Davis asked if Faller would agree to serve another term. He said yes.

Rouse moved to reappoint David Faller to the Hearings Board and Rackham seconded the motion. Faller was reappointed to serve a term that will expire on December 31, 2008, by a 7:0 vote, with Faller abstaining.

Rouse moved to reappoint Anne Peltier to the Hearings Board. Rackham seconded the motion. A vote was called, and Anne Peltier was reappointed to serve a term that will expire on December 31, 2008, with an 8:0 vote.

Rackham nominated Spence to serve Bedore's unexpired term. Styler seconded the motion. A vote was called, and Spence was elected to serve the unexpired term until December 31, 2007, by a 7:0 vote, with Spence abstaining.

**ACTIVITY UPDATE**

Sharp gave an update on some of the long-range planning activities, including the Oak Creek Refinement Plan, as well as Code revisions concerning hillside and cluster development standards. She said the tentative date for the Planning Commission's public hearing on the proposed changes will be Monday, March 5, 2007.

She said there are several applications under review or anticipated to be submitted shortly. These include Brandis Village Center, a subdivision on the Williamson property on Crocker Lane, the conditional use applications for the East I-5 school and riverfront condos on the Willamette Seed property.

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Post asked when Goal 10 Housing would be discussed again. Sharp said staff has been working on a large package of proposed amendments to both the Comprehensive Plan and Development Code that is resulting from the Goal 10 Housing work. She believes some of the work done on the Oak Creek Plan will tie in nicely with the work done on Goal 10. Staff is still reviewing all the proposed changes and wants to package it so that it is manageable for the hearing bodies to review. A date has not yet been set.

NEXT MEETING DATE: The next meeting of the Planning Commission is tentatively scheduled for Monday, March 5, 2007, at 5:15 p.m. in the Council Chambers.

#### ADJOURNMENT

Hearing no further business, Chair Post adjourned the meeting at 6:34 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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