



APPROVED: June 18, 2007

**CITY OF ALBANY
PLANNING COMMISSION**
City Hall Council Chambers, 333 Broadalbin Street
Monday, April 30, 2007
6:00 p.m.

MINUTES

Planning Commissioners present: Paul Davis, Tim McCarley, Anne Peltier, Dala Rouse, Mark Spence, and Michael Styler

Planning Commissioners absent: David Faller, Cordell Post, and Wayne Rackham

Staff present: Planner II Anne Catlin, Planning Manager Don Donovan, Community Development Director Helen Burns Sharp, and Administrative Assistant I Tracy Swett

Others present: 13 others, including Councilor Dick Olsen

CALL TO ORDER

Vice Chair Paul Davis called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

APPROVAL OF THE MINUTES

Commission Dala Rouse moved to approve the minutes of March 5, 2007; March 12, 2007; and March 19, 2007, as written, with an exception of a single correction to the March 5 minutes: page 5, paragraph 5, line 3, where "area" should be changed to "are." Commissioner Anne Peltier seconded the motion, which passed 6:0.

CONSOLIDATED LEGISLATIVE PUBLIC HEARING, Albany Planning files CP-04-07 and ZC-04-07 (Comprehensive Plan Map and Zoning Map Amendments relating to Goal 10 Housing, Periodic Review)

Davis opened the public hearing at 6:04 p.m.

Planner II Anne Catlin requested two separate public hearings be held, one to discuss the Comprehensive Plan Map and Zoning Map amendments, and a second hearing to discuss proposed Development Code text amendments. The Commission agreed.

Staff Report:

Catlin began her presentation by explaining that the proposed Zoning and Comprehensive Plan Map amendments relate to residentially-zoned properties. As part of Periodic Review, the City recently completed a housing needs analysis and a residential buildable lands inventory to project housing and land needs to 2025. The analysis concluded that more medium density land is needed to accommodate projected growth to 2025. Catlin explained the following types of map amendments are being proposed:

- In response to projected housing need, some new Medium Density Residential (MDR) land is proposed on the Comprehensive Plan Map in a few locations the East I-5 area. One site is on Santiam Highway.
- The RM-3, Residential Multiple Family; and RM-5, Residential Limited Multiple Family zones are proposed to be combined into a single zoning district named RM, Residential Medium Density.
- Because a lot of the City's "RM" land has been developed with single-family housing, a new zoning district – RMA, Residential Medium Density Attached, is proposed that would not allow detached single-family units. The RMA zone is initially proposed to be applied on the Zoning Map in a few areas to protect existing multi-family development and provide one new vacant site (at Queen Avenue and Oak Street) in the City limits.
- Staff has looked at areas within the city that may not have developed as currently zoned. It was suggested that the zoning of these areas be changed to better reflect how they have developed and protect the types of development that have occurred. Catlin referenced the Lexington subdivision where a portion of the development was zoned multiple family, but developed with single-family homes.
- A few property-owner rezoning requests to or from residential are included.
- Comprehensive Plan Plate 7: Slopes is being replaced with a more detailed topographic map. Catlin said this request is required as a result of the recent Development Code amendments to the Hillside Development standards.

Catlin said that a notice of public hearing and open house was published in the *Albany Democrat-Herald* on April 23, 2007. A "Measure 56" notice of public hearings was mailed to all property owners who may be affected by the proposed Zoning or Comprehensive Plan Map amendments between April 19 and April 24. As a result of the Measure 56 letters, staff received several calls, but no written testimony. Catlin said that one property owner of land in the UGB is undecided about a proposed amendment from URR to LDR.

Catlin said concerns about a proposed Zoning map amendment was raised at the open house earlier that evening that staff feels are valid. She will explain the proposal and ask the Planning Commission to reconsider this item tonight after going through the Development Code review criteria for these legislative amendments.

Catlin highlighted some of the findings in the staff report that show the proposed Comprehensive Plan Map amendments are consistent with the Comprehensive Plan's goals and policies. She said the amendments are needed to meet the changing conditions within Albany's housing and residential land needs to the year 2025 as per the City's Residential Buildable Lands Inventory that was recently adopted. She then reminded the Commission that a number of work sessions have been held since 2004 to discuss the proposed changes.

Regarding the Zoning Map amendments, Catlin said the proposed amendments are consistent with the zoning district and Comprehensive Plan designation purpose statements, as well as satisfy the goals and policies of the Comprehensive Plan. She said they would have little to no impact on current or anticipated transportation facilities outlined in Albany's Transportation System Plan, and the existing or proposed public utilities can accommodate the proposed zoning changes and Comprehensive Plan land use designations outside the city limits.

Catlin then explained the concerns that came up at an open house about a proposal to rezone four properties located north of 6th Avenue, between Ellsworth and Ferry Streets from Hackleman Monteith

(HM) to Historic Downtown (HD). She said the zoning was changed from Office Professional (OP) to Hackleman Monteith (HM) as a result of the Central Albany Land Use and Transportation Study (CALUTS) project in 1996. This resulted in the existing office and parking lots being non-conforming and staff thought it might have been a mapping error. Staff therefore proposed rezoning the properties Historic Downtown (HD) to match the zoning on the rest of these blocks. Councilor Dick Olsen noted that HD has a much higher maximum allowed height of 85 feet. Staff asked the Commission to consider rezoning the four properties back to OP or to Lyon-Ellsworth (LE) in an effort to minimize concern over compatible heights with the adjacent existing development and the redevelopment potential of two of the lots.

Catlin showed a an overhead of the 22-acre property near Clover Ridge Road NE that the owner was unsure if he was supportive of the staff proposal to change the Comprehensive Plan designation from Urban Residential Reserve (URR) to Low Density Residential (LDR). She requested that the Commission grant staff some flexibility with regard to these proposed amendments so they could work with the property owner.

Declarations

Rouse stated she lives in one of the areas proposed to be rezoned. Spence said he also lived near an affected area.

Rouse asked why the areas zoned RS-5 on the zoning map are still designated as both Medium Density Residential (MDR) and LDR. Catlin explained that the RS-5 zoning district is a compatible district in both the MDR and LDR Plan designations.

Regarding the properties located on 6th Avenue, Commissioner Mark Spence was uncomfortable with any of the properties being rezoned from the HM district, especially since one of the homes recently converted from a multiple-family use to a single-family home. He asked if the property owners requested the change. Catlin said no, staff intended to correct possible map errors with these amendments. She said the existing parking lot and law firm are non-conforming uses within the HM district. If Spence was concerned with the buildings themselves, they have protection since they are listed as historic-contributing resources.

Public Testimony:

Rick DeLeon, 2610 SW 44th Avenue, said his property is currently zoned RM-5 and he purposefully bought it because of its zoning. He would like to retain the current zoning. Community Development Director Helen Burns Sharp asked what area DeLeon's property was located in. Catlin said Area 15, which is comprised of five properties on 44th Avenue. Spence asked if his property was the one on the curve and Catlin asked the size of the property. DeLeon said yes it's on the corner of Waverly Street, and it is 0.95 acres.

Spence asked the difference between RM-5 zoning and the proposed RS-6.5. Catlin reviewed the differences. She said the existing zoning might give DeLeon more development options due to the size of his property. Davis asked if property owners had requested most of the proposed zoning changes. Catlin said a councilor suggested rezoning properties to protect single-family developments. Davis said he was uncomfortable with rezoning a property if the owner had not requested it. Sharp said staff had not heard from the other two property owners.

Davis asked if any of his neighbors were present. None were. Spence asked if DeLeon had any idea about his neighbors' feelings. DeLeon said no. Peltier said she supported keeping DeLeon's property as RM-5; other Commissioners agreed.

MOTION: Spence proposed to rezone two of the three properties designated Area 15 as RS-6.5, but DeLeon's property would remain RM-5, which will convert to RM if the proposed amendments are adopted by Council. Rouse seconded the motion, which passed unanimously.

Elva Keller, 2941 Salem Avenue, said she has owned her property since 1953. She said she was concerned with changing the zoning to accommodate an assisted living facility adjacent to her property. Catlin explained to the Commission that current zoning allows for an assisted living facility, as will the proposed RM zone, which Keller's property will convert to if the proposed amendments are adopted by the Council. Catlin said there is still confusion by the property owner about what is being proposed. Keller agreed.

Dick Olsen, 732 Broadalbin Street SW, testified regarding the 6th Avenue properties (site 14 on the Zoning Map). He said he is concerned with issues of compatibility should the properties be rezoned. He feels the properties should remain zoned HM. He feels zoning district lines should go down the middle of the block rather than follow street lines.

Peltier asked if his concern was that a high rise building might be built if the area redeveloped. Olsen said yes, and he would like the area to remain residential. Peltier said if the neighborhood did not want the rezone, it should not be done.

Sharp explained that these properties were originally zoned OP and changed to HM when the CALUTS Plan was adopted. She suggested the Commission consider drafting special status language to make the existing uses be conforming uses within the district. She said a non-conforming use can affect financing should a property be bought and sold, as well as an inability to rebuild if a building was to experience significant damage due to fire or some other disaster.

Spence asked if the structure housing the law firm could ever be converted back to single-family if the property was rezoned HD zoned. Sharp said she did not advocate rezoning the property to HD. Rouse suggested the zoning be left as is, but grant the law office special status so it would be a conforming use. Commissioner Tim McCarley agreed. Discussion followed. Spence suggested staff contact the property owner to discuss the options prior to the Council's hearing on these amendments.

MOTION: Rouse moved that the zoning of the four properties on the north side of 6th Avenue (#14 on the Zoning Map) remain as is. Peltier seconded the motion. A vote was called, and the motion passed unanimously.

Staff Response: None.

Davis closed the public hearing at 7:06 p.m.

Commission Discussion:

Peltier asked about changing Area 21 on the Comprehensive Plan Map (6th Avenue properties) from LDR to Village Center (VC). Catlin said that amendment would come off the Map as a result of the action just taken by the Commission.

Sharp said the area in East I-5 that Catlin referred to is surrounded by property in the City limits that has developed with single-family developments. The Commission could move forward and recommend staff's amendments be adopted and the property owner could then speak at the Council's hearing if he disagrees with the action. Rouse said the purpose statements for RM zones includes that areas designated

as such should be on an arterial or located in a village center. Since this area is not located in either, the property should be designated LDR as a result. Catlin said the RS-5 zoning district is compatible with both LDR and MDR. She explained that if the area moved forward as a LDR, compatible zoning districts are RS-10, RS-6.5 and RS-5. Discussion followed.

Rouse said the Comprehensive Plan Map is not consistent regarding areas zoned RS-5. She feels all areas zoned RS-5 should have the same Comprehensive Plan designation – rather than some areas being designated LDR and some MDR. Sharp said that RS-5 is noted as being compatible in both designations. Rouse suggested the zone be designated a separate color. Catlin explained that the Comprehensive Plan map is intended to be a long-range planning document and changes to it need to be justified. She said the area Rouse is referencing that is proposed to be zoned to RS-5 from RM-5 is designated MDR and that a change to the Comprehensive Plan designation is not necessary. Discussion followed.

Commission Action:

Peltier moved that the Planning Commission recommend the Council adopt the remaining Zoning Map amendments, and Rouse seconded the motion. The motion passed 6:0.

Peltier moved that the Planning Commission recommend the Council adopt the proposed Comprehensive Plan Map amendments. McCarley seconded the motion. The motion passed 5:1, with Rouse opposed.

LEGISLATIVE PUBLIC HEARING, Albany Planning file DC-02-07 (Development Code Text Amendments Relating to Goal 10 Housing, Periodic Review)

Davis opened the public hearing at 7:29 p.m.

Staff Report:

Catlin reviewed the proposed text changes to the Development Code, including Articles 2, 3, 5, 9 and 12. She said the proposed amendments meet the goals and policies of the Comprehensive Plan, as well as remain consistent with the purposes of the Development Code.

Public Testimony.

Greg Kott, 12755 SW 69th Avenue, Suite 100, Portland, OR 97223, speaking on behalf of Matrix Development, said he was in favor of the proposed Code changes.

Staff Response:

None.

Davis closed the public hearing at 7:37 p.m.

Commission Discussion:

Commissioner Michael Styler thought that bed and breakfast facilities using available on-street parking to meet the parking requirements would create an impact to adjacent homeowners. Catlin said only the street frontage abutting the business could be used and gave an example of how the calculation would work. In addition, she said bed and breakfast uses require Conditional Use approval. Neighbors receive notice and could request a public hearing. If the impact was found to be too great, the use could be denied. She gave another example where parking becomes challenging when a use changes within some of the Mixed Use Commercial (MUC) and LE zones. Discussion followed.

Spence asked if there would be a fairness issue relating to parking requirements – using the Iron Works project as an example. Catlin said the Iron Works site is in the Downtown Parking Assessment District and was not required to provide off-street parking, but the developers did so to make the buildings desirable to prospective tenants.

Rouse asked what the notice area is for a bed and breakfast. Catlin said all property owners within a 100-foot radius of the subject property receive notice. In addition, she said the parking requirement was one off-street parking space for each rented room. Discussion followed.

Rouse said she agreed with the clarification of the RMA purpose statement identifying the area be located on a collector or arterial street.

Rouse asked the Commission if they thought assisted living facilities should still be allowed in all the residential zoning districts given past public testimony. Sharp likened assisted living facilities to large churches. She said each facility could be judged independently through the current Conditional Use process – noting that some sites may not work within a zone while others have worked.

Rouse thought the last line of the purpose statement of HM relating to accessory apartments was inconsistent and confusing. She suggested it be changed to singular form – “an accessory apartment.” Catlin said that this sentence is not necessary in the purpose statement and it is inconsistent with the purpose statements for the other zones and proposed that it be removed. All agreed.

Rouse asked why in-home day care was not considered a home occupation. Catlin said the state regulates child care. She said the special condition note was updated to reflect current laws.

Spence said he was not comfortable with bypassing a public hearing on uses requiring Conditional Use approval. Planning Manager Don Donovan said the proposed change was as a result of people not attending the public hearings. Catlin said staff could also determine a proposal needed a public hearing and schedule one or any neighbor receiving notice could request a public hearing.

Rouse noted a typographical error on page 32 of the Development Code bold and strike: “0an” rather than “an.”

Peltier asked if Plate 7: Slopes was accurate due to the labeling of Airport Road and Interstate 5. Anne said she would have the location of the Interstate 5 label moved.

Rouse also asked about the accuracy of the Planning Commission work session date May 24, 2005. Catlin said she would confirm the dates.

Commission Action:

Spence moved that the Planning Commission recommend the Council adopt the proposed Development Code amendments. Peltier seconded the motion, which passed 6:0.

ACTIVITY UPDATE:

Sharp said there is a public hearing regarding a cluster development in North Albany scheduled for Monday, May 7, 2007, at 5:15 p.m.

She said the new urban renewal area being set up to assist developing the infrastructure for PepsiCo. The plan needs to be reviewed by the Planning Commission by Oregon law. This public hearing is scheduled for Monday, May 21, 2007, at 5:15 p.m.

The next meeting of the Hearings Board is scheduled for Thursday, May 17, 2007, at 4:00 p.m. in Council Chambers.

ADJOURNMENT

Hearing no further business, Vice Chair Davis adjourned the meeting at 8:10 p.m.

Submitted by

Signature on file

Tracy Swett
Administrative Assistant I

Reviewed by

Signature on file

Helen Burns Sharp
Community Development Director

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