



APPROVED: December 3, 2007

**CITY OF ALBANY
PLANNING COMMISSION
City Hall Council Chambers, 333 Broadalbin Street
Monday, October 29, 2007
5:15 p.m.**

MINUTES

Planning Commissioners present: Paul Davis, C. Jeffery Evans, David Faller, Anne Peltier, Cordell Post, Dala Rouse, Mark Spence, and Michael Styler

Planning Commissioner absent: Wayne Rackham

Staff present: Planning Manager Don Donovan, Transportation Analyst Ron Irish, Civil Engineer III Gordon Steffensmeier, and Administrative Assistant I Tracy Swett

Others present: Approximately 30 others present, including the applicant's representative.

CALL TO ORDER

Chair Cordell Post called the meeting to order at 5:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

QUASI-JUDICIAL PUBLIC HEARING, Case File Number SD-14-06 (Links Club Estates)

Post called to order a public hearing on Planning File SD-14-06, a Subdivision Tentative Plat that would divide a 3.77-acre parcel of land into 12 residential single-family lots. The subject property is located at 245 Quarry Road NW and the applicants are Joan and Perry Packard.

Declarations:

Commissioner C. Jeffery Evans reported that he had attended another City meeting with a North Albany resident and activist. They acknowledged this application, but no discussion regarding its merits occurred.

Commissioner David Faller reported driving by everyday on his way to and from home. He stopped prior to the meeting at the location of the culverts on Quarry Road NW to look, measure, and count them.

Post reported driving by, but did not report specific observations.

Staff Report:

Planning Manager Don Donovan summarized the staff report. He showed an aerial photo of the site on the overhead (Exhibit A, in agenda file), pointing to the locations of Quarry Road NW, Springhill Drive

NW, the intersection of Quarry Road NW and North Albany Road NW, and the subject property highlighted in yellow.

Donovan said the application was submitted over a year ago. The applicants had a neighborhood meeting, where neighbor concerns centered on flooding, storm drainage, and traffic. Staff has worked with the applicant for over a year on these issues. He showed the proposed tentative subdivision plat on the overhead (Exhibit B, in agenda file). He explained there is an existing house on Lot 1 of the subdivision and 11 new lots to be created if the application were approved.

He explained that a Subdivision application must meet five review criteria, which were posted on the wall for the audience, in order to be approved. The staff report explains how the proposed subdivision meets the review criteria or could meet the review criteria through the use of conditions of approval. If the review criteria cannot be met, the application must be denied.

Donovan reviewed the application against the review criteria. He said the first review criterion was met because all the property would be divided.

The second review criterion ensures any adjoining land can be developed or would be provided access to allow development in accordance with the Code. Donovan said the property owner to the west requested the street and utilities be extended from the proposed subdivision to allow development of the back of their property. The developer responded with a street stub. Staff found the criterion was met.

The third review criterion makes certain that the transportation plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances. Donovan said the first version of the subdivision plan showed Country Club Lane NW would be extended from where it currently ends to Quarry Road NW. The neighborhood objected to this plan due to the perceived increase in through traffic using Country Club Road NW. Staff also noted there might be a sight distance problem. These concerns resulted in the revised plan with a cul-de-sac that was now before the Commission (Exhibit B, in agenda file).

Donovan said a traffic study was submitted with the plan which estimates the subdivision would generate about 106 trips per day. All of those trips will initially use Country Club Lane NW to Springhill Road NW. The existing number of trips on Country Club Lane NW is 806 trips per day. The additional traffic generated by the subdivision would still be under the 1,000 trip per day threshold for a minor local street.

Donovan said the Development Code encourages street connectivity. He said Country Club Lane NW currently is a dead end without a turnaround. The subdivision would provide a turnaround and a street stub to the west, which might be connected to Quarry Road NW in the future in a manner that discourages cut-through traffic.

The traffic study showed the three intersections nearest the subdivision property (Quarry Road NW/Springhill Road NW, Quarry Road NW/North Albany Road NW, and Springhill Road NW/Country Club Lane NW) would continue to operate at acceptable levels of service after construction of the proposed subdivision. A condition of approval for the subdivision would require that the Quarry Road NW frontage be improved with construction of the subdivision.

Donovan said the City's Transportation Analyst was available if anyone had questions regarding traffic.

He said the fourth criterion makes sure that the location and design of the proposed development can be conveniently served by various public utilities, including sewer, water, and storm drainage. Donovan said the sewer to the proposed subdivision would drain to a private pump station in Quarry Road NW. It

would then be pumped to a three-inch pressure main now used by the country club then to the nearest public main located near North Albany Road NW. The country club has granted permission for the subdivision to use its pressure main.

Water service for the subdivision would be provided by looping a new main through the subdivision from an existing main in Country Club Lane NW to an existing main in Quarry Road NW.

A storm drainage system will be built in the subdivision to drain the lots to the streets. A new pipe would be constructed on the north side of Quarry Road NW to the west to carry stormwater runoff from the development toward the golf course. Donovan said this was the location that Faller had reported visiting during his declaration. He said there was no water now, but when it floods, the water comes from Thornton Lakes backs up this way over Quarry Road NW. The pipes try to carry water under Quarry Road NW to the point that they can, but at times it goes over Quarry Road NW to the golf course.

Donovan said the applicants submitted a drainage study by K&D Engineering which stated “the report illustrates the project will not cause the drainageway to spill its banks and flood neighboring properties. One area of particular concern was identified as Station 84+00 on the Vollstedt Farm. The service road is vulnerable to flooding by Willamette overflow, but not affected by this project.” Donovan said City staff reviewed the drainage study and agreed with its conclusions.

Donovan said the application proposes to construct catch basins on the south side of Quarry Road NW and near the north boundary of the proposed subdivision. Permission from affected property owners will have to be obtained if work is to be done on their property.

The last criterion for a subdivision requires that any special features of the site be adequately considered and utilized. Donovan said the site does have a few areas where the slopes are steeper than 12 percent. The City’s Development Code includes standards for construction on steep slopes, which would be conditions of approval for the subdivision.

In addition, some of the property is shown on the Federal Emergency Management Agency’s (FEMA) maps as being in a floodplain. The City participates in the FEMA Flood Insurance Program and regulates fill and construction in floodplains. The object of the floodplain regulations is to make sure that any activity within a floodplain does not raise the water elevation of a 100-year flood more than one foot. New buildings must be constructed at least one foot above the 100-year flood elevation.

The flood study concludes that if the entire property was filled it would raise the 100-year flood elevation about two tenths of one foot. The City hired a consulting engineer with expertise in floodplain analysis to evaluate the applicant’s flood study. The consultant concluded that the study appropriately modeled the existing and proposed conditions and could be accepted as reliable. The City’s Engineering Division agreed with its conclusions as well.

Donovan said the applicants will also have to get a fill permit before placing fill on the property. Donovan explained this was a separate permit from the subdivision approval. The neighbors would get notice and details would be available for review and comment.

Donovan noted a letter was received after mailing out the notice of public hearing from Douglass and Diana Stennett (Exhibit E, in agenda file). The Stennetts were concerned with how the subdivision would affect flooding on their property. They asked two questions: what will be required for a drainage system along the eastern border of the proposed subdivision to prevent runoff from going onto adjacent properties; and if the required drainage is inadequate, what legal recourse do they have. Donovan said the applicant would address the Stennett’s questions.

Applicant Testimony:

Dan Watson, PO Box 725, said he is with K&D Engineering and is the applicants' engineer. He said the application was submitted a while ago and they spent a great deal of time to work with City staff to come up with a solution to the issues. A neighborhood meeting was held which identified neighbor concerns including traffic from Quarry Road NW and flooding concerns.

Watson said the neighbors' traffic concern was addressed through the current street plan with the cul-de-sac instead of a through connection to Quarry Road NW.

To better address flooding concerns, two separate studies were conducted. The first looked at what happens during the 100-year flood when the Willamette River is at its peak and backs water up on the site. The study found that the FEMA flood elevation would rise about two-tenths of a foot (2.5 inches) in an area he pointed to on the map, located immediately south of Quarry Road NW. The second drainage study looked at whether extra water coming off this site would impact adjacent property owners. The study concluded that it would not.

Watson said the proposed plan included a vehicle turnaround as well as an emergency secondary access to Quarry Road NW should area residents need an alternative route to evacuate due to an emergency.

In all, the applicants' agreed with staff's findings, conclusions and conditions listed in the staff report.

Watson said he researched what had changed since the floods in 1964. He presented a packet of information that outlined post-1964 projects in the Willamette River Basin, including Green Peter Lake (1966), Foster Lake (1966), Blue River Lake (1969), Fall Creek Lake (1966), and the rise in elevation at Fern Ridge by 2 feet (1965) (Exhibit F, in agenda file). According to the Army Corps of Engineers, no flood control measures existed on the South Santiam at the time of the 1964 flood.

Commissioner Dala Rouse asked if the site or the house footprints would be filled. Watson said the site is a bowl-shaped site with the road running right down the middle at its lowest point. The road will be filled and the proposed eastern lots are lower than existing lots further east. The lots will drain to the street and discharge to the storm drain system. Rouse asked if the lots to the east are lower than the present lots. Watson said lots 1 through 6 are lower. Rouse asked if she correctly understood that fill would be placed for the street, but not on the lots, and would meet the road standard to be no less than one foot below the base flood elevation. Watson said Rouse was correct. Rouse asked the year of the FEMA study. Watson said it was done July 7, 1999.

Evans asked if Watson was told if any projects identified by the Army Corps of Engineers were scheduled to be removed due to salmon restoration activities. Watson said none of the projects listed would be removed.

Evans asked if the applicant had an agreement with the country club to connect to its sewer service. Watson said there was an agreement. Evans asked the nature of the agreement. Watson said it was an agreement which addressed approval of the subdivision's use and maintenance responsibility. Evans asked if the agreement was written. Watson said no, a written contract was pending approval of the subdivision by the Planning Commission. He said it would be subject to the City's review and approval per the recommended conditions of approval staff had included in the staff report.

Commissioner Mark Spence asked if about six feet of fill would be needed to raise the road above the floodplain elevation. Watson said the standard was one foot below the base flood elevation, but one foot

above the elevation for homes. He said six feet of fill was about right. Spence asked if the site had been engineered for through passage of water or would the fill act as a dam. Watson said the lots against Quarry Road NW will block flood access from the south. He said when the Willamette River comes up to flood stage, it would likely back up from the north, but would be likely to terminate at the subject property as well. Spence asked if the consequences of filling the subject property would lift the flood elevation about two and one-half inches toward the main flood channel. Watson said that was correct. Spence asked why a six-foot dam created by the proposed fill would not cause impact to properties south of Quarry Road NW. Watson said the reason the southern properties would not be impacted is because the amount of water flowing through the area versus the capacity of the main channel. Discussion followed. Spence said since 1964 the river system is much more engineered, but the result is a much less engineered main stem of the river changing the dynamics of the river. Watson said since 1964, there has been floodplain management on the Willamette River and FEMA has studied the river and determined what the floodway is and what the floodway fringe, also known as floodplain, is.

Commissioner Anne Peltier asked for clarification between floodway and floodplain. Watson said the floodway is the portion of the channel that carries the capacity that most of the water travels. The floodplain is the edges, which if filled, would have a minimum effect on the flood surface. The site is part of the floodplain. Peltier asked where the floodway was. Watson said the designated floodway in the FEMA panel is the Willamette River. Discussion followed.

Evans asked if the FEMA simulation was based on a 100-year flood event. Watson said yes. Evans asked what assumptions were made regarding the amount of rainfall over what about of time. Watson said it is much more complicated than that because low-level snowfall prior to a large rain was also a factor. Evans asked if there would be potential for this floodplain portion to be affected by a Willamette River 100-year flood event because of the proposed development and fill. Watson said no, if the Willamette River is not in flood stage, then Quarry Road NW is the high point of the local drainage areas. Water falling on the north side of Quarry Road NW runs north through the golf course to the Willamette River. Water that falls south of Quarry Road NW flows out through East Thornton Lake to West Thornton Lake, under the railroad tracks, to the Willamette River. Evans asked if there was potential that in a constant rain situation over a short period of time and given the topography that drainage system would not accommodate the stormwater and cause flooding. Watson said they looked at it two different ways. The first was studied how much water could leave the site. They concluded about 5 cfs could leave the site. They modeled it and created profiles and found the impacts were very minimal when the Willamette River was not flooding. Watson said when the Willamette River is flooding, the local event would be gone. Evans asked at what point the proposal would turn tragic if there is a situation where a lot of water is received over a long period of time, citing January/February 2005, if the Willamette is not flooding. Watson said high intensity, short-term rains would not cause a problem. Evans asked about long-term, high intensity rainfall. Watson said a long-term storm could not sustain the amount of water that was modeled during the short storm analyses. Discussion followed. Watson said the Oregon Department of Transportation Rational Method was used to model which assumes high runoff rates and high peak storms.

Commissioner Paul Davis asked if the 1964 flood was a 100-year event. Watson said on the Santiam River it was beyond a 100-year event. He said the site was dry in 1996.

Post asked Watson to address the two questions posed in the letter from Linda Hallmark, 250 Country Club Lane NW (Exhibit J, in agenda file), regarding whether the fill would slope toward her property and how the subdivision design would keep water from running onto her property. Watson said currently water on the south side of her house flows onto the subject property. Watson said a storm drain will be extended to that location to pick up any water from that area. He said they have talked to the property owners and are discussing a number of design options. He said that home is built in the middle of the channel and now constricts the flow through the site and reduces the carrying capacity.

Post said a second letter from the Stennets at 180 NW Merrill Place NW (Exhibit E, in agenda file) expressed concerns about Lots 1, 2, 3, and 4. Watson said their property is approximately at elevation 202. The lots will be at elevation 201 and will not block any drainage from their yard to the subject property. Drainage from the subdivision will drain to the street, as long as the homebuilder does not change the drainage characteristics of the site during grading.

Rouse asked if Watson was aware of any property to the east that is required to obtain flood insurance or if any of the proposed lots would be required to do so. Watson said when the fill is complete, they plan to submit a Letter of Map Revision-Fill (LOMR-F) to remove the properties from the floodplain. The applicant's work will not affect other property owners' need to have flood insurance. The requirement of property owners to obtain flood insurance is between the lender and the homeowner.

Spence asked for more information regarding what has been engineered on the site. Donovan said it is in the staff report. Watson pointed to the different locations of engineered elements on the tentative plat on the overhead map.

Testimony In Favor: None.

Opposing Testimony:

Bruce Rummerfield, 325 Quarry Road NW, said he lived in the house to the west of the development that has the floodplain overlapping his driveway. He was concerned that six feet of dirt would place his property about seven feet below grade. He asked how this would affect his driveway and whether it would be underwater all winter. He also asked why a fly line was not proposed to connect his house to the sewer. He also noted the first plan incorrectly had his out buildings on the subject property.

Davis explained the proposed sewer line would be a pressurized line and Rummerfield would have to install a pump which would be expensive. Discussion continued.

Phyllis Vollstedt, 451 NW Quarry Road NW, said was concerned with storm drainage and the proposal's disregard for the natural drainageway. She asked where the storm drainage for the property would go. The proposal ignores that they have a natural drainageway on the site and instead they plan to go 700 feet west and discharge to her property. They are separate drainageways. She acknowledged that a former property owner put dirt in the drainageway on the site, but she did not believe that gave the applicant the right to drain to her property. She objected to the proposal and believed it to be illegal.

Rouse asked if Quarry Road NW flooded in 1996. Vollstedt said she did not remember. Rouse asked where the Vollstedt property drained to. Vollstedt said it drains to the existing drainageway coming north from Thornton Lakes.

Linda Sims, 451 NW Quarry Road NW, said there are specific laws that apply to drainage in the state of Oregon. She read a short excerpt from the Oregon Department of Transportation Hydraulics Manual (Exhibit G, in agenda file), and the Oregon Supreme Court Opinion regarding Whitney vs. Willamette (Exhibit H, in agenda file) which formed the foundation to the Oregon drainage laws. Sims believed the proposal violates Oregon drainage laws. She reviewed the natural drainageways in the area and what occurred in 1996 and 1997. She said the proposal would alter the natural patterns. She was also concerned about the subdivision storm drainage coming to her property which could then be ingested by the farm animals. She submitted a document into the record titled Drainage of Surface Waters (Exhibit I, in agenda file).

Christine Baker, 320 NW Quarry Road NW, pointed to her property on the tentative plat on the overhead. She said she did not believe the proposal adequately addressed floodplain standards 2 and 3. She is required to have flood insurance, as do her neighbors. She said with the constant rain this past January, the water was up to the bike lane and to the tops of the storm drains. She also had water in her basement. She said it was worse in 1996. She said when water comes, it comes in fast giving residents little to no time to prepare.

She also asked who would maintain the sewer tank. Her property is lower than the tank and she believes it might be a health hazard.

Rouse asked if the water came in from the north or south when it flowed into her area. Baker said it came from Thornton Lakes and backed up into her yard. Rouse asked if the water did not come from this property. Baker said Rouse was correct, but it goes up all the way to the road then flows over the street. Rouse asked if this property was developed or not, Baker's basement would flood regardless. Baker said if the property is developed and built up higher than the road, the water will flow her way since her property is lower than the road. Discussion followed.

Jim Johnson, 330 NW Quarry Road NW, said he lives directly across the street from the proposed development. He already gets runoff from the Quarry Road NW and from Thornton lakes. He said his property flooded in both 1996 and 2005. There was a disclaimer that it also flooded in 1998 and 2001. He was concerned that any fill on the subject property could cause stormwater to flow onto his property, contaminate his well, and impact his septic drain field.

Rouse asked Johnson to locate his property on the overhead map. Donovan pointed to the two tax lots owned by Johnson, with the house being on the larger tax lot.

Commissioner Michael Styler asked if a drainage ditch currently existed along the side of Quarry Road NW. Johnson said no, a catch basin exists at the corner of Harder Lane NW and Quarry Road NW, but it only catches water for the last 70 feet with the natural flow already running onto the Vollstedt property before reaching the catch basin.

Spence asked Johnson's opinion of the difference an increase of 2.5 inches during a 100-year flood would make. Johnson said two inches would increase the impacts. In 2005, he had 22 inches of water in a finished basement which cost him \$14,000 to repair. Any fill will add to that water level and flooding would occur faster.

Rouse asked how long Johnson has lived at his home. Johnson said 6.5 years. Rouse asked how many times his basement has flooded during that time. Johnson said three times. Rouse asked if the water came from the south and flowed northward when Johnson's basement floods. Johnson said the majority comes from the south, but he also gets runoff from the north because the elevation of Quarry Road NW is higher than his property.

Holly Pitts, 420 NW Quarry Road NW, said her property is already at the edge of the 100-year floodplain on the south side of the road. She could not tell the how the applicant intended to drain the stormwater onto the Vollstedt property from the testimony. She said as the water comes from the south and flows north onto her property. Her living room is at the level of the 100-year floodplain. She said if the water level was to go up 2.5 inches, her flood insurance rate, which she is required to carry, would increase by \$600 per year. She said there was water under the house in 1996. She is very concerned with water coming from this property to the Vollstedt property which will put her property at risk for future flooding issues.

Styler asked Pitts to point to where she lived on the overhead map. Pitts did so, locating a parcel immediately across Harder Lane NW and Quarry Road NW.

Pitts was also concerned with the additional traffic the proposed subdivision would generate on Springhill Drive NW.

Styler asked if Pitts' property was close to the culverts. Pitts said the culverts go from her property under the road to the northwest.

Bear Pitts, 420 NW Quarry Road NW, said no one asked him to dump the water from the proposed subdivision onto his property. He said it is against the law to divert from one drainageway to another. Two and one-half inches would put his house under the floodplain. He cannot afford that. It will increase the floodwater into his yard.

Patrick Richards, 245 Country Club Lane NW, was concerned with drainage on their backyard, but also concerned with small lot sizes, incompatibility with neighboring homes and lots, traffic study completion during the golf course was off-season, increased traffic as a result of the access street being connected to Quarry Road NW in the future, and decreased property values.

He thought including the existing house and large lot manipulated the lot sizes so the development could meet the Code required lot size for the district.

Styler asked if the applicants eliminated the existing house from the plan, would it make a difference. Richards said yes with regard to lot size, but he was still concerned with storm drainage.

Neutral Testimony: None.

Post called a brief recess at 6:55 p.m. The public hearing reconvened at approximately 7:00 p.m.

Applicant Rebuttal:

Dan Watson, said the applicants were going to put a pipe at the location of the low area adjacent to Rummerfield's home to drain the area. In addition, the applicants are willing to work with Rummerfield on filling the location if he would agree. Regarding Rummerfield's desire to connect to the sewer system, Watson said they always envisioned some of the neighbors would want to be part of the association. The sewer could later be extended up Country Club Drive NW to serve any septic tank failures in the area if needed in the future.

Watson said with regard to Johnson's property, the road does drain down his driveway. Watson said he could put an area drain at that location if Benton County will permit it. Past plans included a drain, but the county was unsure about showing it on the plans. Post asked what Watson meant by an "area drain." Watson said it is a catch basin with a metal grate. Design details would need to be determined.

Rouse asked Watson if the water would still drain to the Pitts' property despite the installation of a catch basin adjacent to Johnson's property. Watson said any water that flows onto Johnson's property stays there because it is low ground. Rouse said she understood that, but by installing a catch basin the runoff would be redirected to the Pitts property which drains into Thornton Lakes. Watson said it would discharge next to the existing storm drains adjacent to Quarry Road NW. Rouse asked where did the storm drains drain to. Watson said they drain to the natural drainageway. Rouse asked if that would flow across the Pitts' property. Watson said the Pitts' property is on the south side of Quarry Road NW. The

stormwater will discharge on the north side of Quarry Road NW and flow north to the Willamette River. Rouse asked if it would flow into Horseshoe Lake. Watson said no. Discussion followed.

Evans said if Watson was starting to talk about mitigation based on the testimony, he thought it would be more appropriate to come back. Donovan said the Commission could make any mitigation efforts that Watson mentioned into conditions of approval. Discussion followed.

Watson said when they install the storm drainage into Quarry Road NW, it would have to be designed to meet both City and Benton County standards. Those standards require that the road drainage is handled which makes it consistent with the current application. They had shown the catch basin on the preliminary plans but were asked to take it off. It can easily be added back in.

Watson said Richards' testimony that the traffic study did not count cars appropriately. The trips were based on what the club should be generating based on the Institute of Transportation Engineering (ITE) standards. They did not physically count cars on a particular day in April. The ITE standards include peak season traffic for a golf course.

Rouse asked if the reason that the road was being stubbed to the west property was because a cul-de-sac cannot be longer than 400 feet per the City's Development Code. Watson said no, the project was originally connected to Quarry Road NW with a private access to the northern side of the property for the Rummerfields. The property owner to the west requested the stub rather than have two accesses to Quarry Road NW. He said a pathway and an emergency vehicle access was still being installed. Discussion followed.

Spence asked if Watson was measuring the length of the cul-de-sac from the intersection at Country Club Lane NW or from the stub. Watson said from the stub for purposes of the Code. Discussion followed. Watson said the plan preserved the number of lots, but the average lot size decreased.

Rouse asked what the average lot size was when the existing house and lot were eliminated. Watson said a little less than 10,000 square feet. He said the Code states the development must have at least 50 percent of the lots greater than 10,000 square feet and the minimum lot size cannot be less than 30 percent of the base minimum (10,000 square feet). The proposal meets these Code standards.

Spence asked Watson to walk the Commission through the proposed storm drainage discharge. Watson used the overhead projector and map to trace the proposed stormwater drainage. Rouse asked where the water coming south from Thornton Lake would drain off the subject property. Watson pointed to the main channel, cross-connections, and the bleed-off channel on the overhead map. Rouse asked if the drainageway was an open ditch type of drainage. Watson said yes. Rouse asked Watson if it was his opinion that as more water was drained to Thornton Lakes, the more this area would flood. Watson said the amount of water able to pass under the railroad bridge to the south was the limiting factor for Thornton Lakes to drain to the Willamette River. Any excess would back up from the south into this area. Discussion followed.

Styler asked if the waters were to come up from the north, would it flood from the north to the south. Watson said each side of the culverts is flat so standing water could flow either north or south. He would have to take a close look at the culverts to see if the water trades back and forth. Styler asked if the project would drain to the Pitts' property. Watson said the Pitts' property is between seven to eight feet above the culverts so their property would not be impacted.

Rouse asked how the culverts and drainageway would be impacted during normal rainfall events. Watson said they looked at the ditch and found normal rainfall events would have no impact with the additional drainage. Discussion followed.

Spence asked how far north the drainageway was from the culverts. Watson said the drainageway begins at the culverts' location on the north side of the street.

Rouse said page 23 of the staff report has a picture which shows the culverts are at the same height. She said to get above the 100-year flood elevation, the elevation would have be between 196 or 198 feet. Watson said it varies, but roughly 197.3 feet on the south side and 196.3 on the north side.

Ed Schultz, 130 1st Avenue West, said he was an attorney from the firm of Weatherford, Thompson, Cowgill, Black and Schultz, and he represents the applicants. He said with regard to the agreement with the country club, the general process is to get an agreement in principal. Once the development is tentatively approved by the Planning Commission, the agreement would be written and would either take the form of a recorded document or as a covenant that runs with the land. Either would be complete and approved by the City before the City would sign the final plat for the subdivision.

Schultz said the drainage with this particular project cannot follow the natural course because of the existing house to the north that is blocking it. The engineered solution is to put the storm drainage from the development into the channel. He agreed that the stormwater would enter the channel further south than the natural drainage would be, but it flows downstream to the same point that the natural drainageway would go had it not been for the house to the north. The question would be whether using this method would create negative impacts or damage to the affected property owners. Schultz said adjacent property owner damages are usually measured by monetary loss, erosion, or some other measured loss. The models have indicated that no damages to property owners would occur by the engineered solution as proposed.

Rouse asked if it was legal to run water into an approved drainage ditch. Schultz said the question is if this is the drainage channel the water would be in. He said it is, but the water would be entering the channel further south than it would naturally but for the house. Rouse asked if it was legal to run water into a ditch if it is an approved drainage ditch. Schultz said the key word was "approved;" and depended on its meaning. If "approved" means a designated drainage channel that has been used by a unit of government, then yes. It is a natural drainage area in which the water would not go there naturally, then there could be a significant problem. If the water flows into the same natural channel but enters at a different location, then the issue is whether or not potential damages to adjacent properties have been identified. Rouse asked if an approved government drainage ditch could exist on private property without an easement. Schultz said yes and gave some examples of similar instances in the area of Cox Creek.

Watson said the culvert drops three tenths of a foot on the north side and the ground contours are lower on the north side.

Staff response: None.

Chair Post closed the public hearing at 7:36 p.m.

Commission Discussion:

Styler asked Transportation Analyst Ron Irish if Quarry Road NW was Benton County's jurisdiction and whether he could comment on when it would be improved. Irish said yes, the road was the county's jurisdiction but he did not have a good estimate of when it would be improved. He explained that road

improvements are usually accomplished in Albany through development or through government-initiated action. The Albany Council has addressed the question of how some of the roads in North Albany would transfer to the City, but the usual rule is that some improvement to bring the road up to City standard must occur before the City takes jurisdiction. The county cannot currently afford the improvements. Discussion followed.

Evans said the traffic study addressed level of service (LOS) versus the volume to capacity ratio (v/c). He asked Irish to translate the study's findings to v/c given since that's been a recently adopted City standard. Irish said he could not. He explained that this subdivision was too small to require a traffic study, but one was submitted anyway using LOS. He did not feel it was appropriate to ask for a correction since he did not have the authority to ask for it. In addition, the intersections that were studied were Benton County and the county uses LOS standards. The worst-performing intersection was LOS D, which met county standards. In Irish's experience, every stop-controlled intersection that meets LOS would meet v/c standards. Since this case was for stop-controlled intersections, the findings met Benton County's standards, and Irish's previous experience, he did not pursue getting a new traffic study using v/c ratio.

Evans asked if a stop-controlled intersection performing at LOS D would exceed the City's v/c ratio. Irish said he believed not. He gave the example of North Albany Road NW/Highway 20 performs at an LOS F, but has a v/c ratio of 0.65, far below the City's standard of 0.80.

Evans asked Donovan if the City Engineer had reviewed and approved the size of the drainage facility per Finding 4.19 of the staff report. Donovan said yes, citing Findings 4.25 and 4.26 of the staff report.

Styler told Donovan that the storm drainage report and flood study was not available online before the hearing. He said he was not comfortable approving it because of the contradictory information heard during testimony. Donovan said the information was online, but was at a different location. The drainage study information was summarized in the staff report. Donovan said the question is whether the drainage would have gone across the property and deeded to be kept there, or whether it would go across the property and it could be routed to the proposed location. The drainage study concluded that the flood will not go outside the banks of the channel and impact downstream properties. Discussion followed.

Rouse asked if the water would have to go across the road to go onto this property and how often. Donovan said the floodwater going across the road is not the ordinary drainage situation during the winter. Rouse asked if the ordinary drainage system during the winter stays on the south side of the street. Donovan said that was correct.

Spence asked if it was appropriate to use the street stub as an appropriate point of measurement for the cul-de-sac. Donovan said yes, an explanation was contained within the staff report.

Styler said he was unconvinced that adjacent property owners would not be substantially impacted by this development. Peltier asked Styler what he would need to be convinced. Styler said he would like evidence that showed there would not be any extra standing water because of the development more than 20 percent of the time, or something similar.

Evans said the concern he had was that the neighbors already have flooding. He thought even 2.5 inches would make it worse. Peltier asked what he meant by 2.5 inches. Evans said the study found that the fill placement would increase the elevation by 2.5 inches.

Rouse said Donovan and Watson testified that the water normally does not go across Quarry Road NW, so the normal everyday flooding would not be impacted by filling this property one foot lower than the east side of the property. If the applicants fill it higher than the east side, they will be liable.

Spence said he would support approval to if some of the catch basins directly to the south that were discussed during testimony were made conditions of approval. Post agreed with Spence.

Davis said it would be difficult to do because the neighbors to the south are below Quarry Road NW so the only way to help them would be to intercept water running off the road. A catch basin would only catch water from the street, but the water backing up from the south would not be alleviated. Davis said Schultz testified that he thought the proposal was legitimate and legal, but he also implied that the legality could be discussed in another venue if the Vollstedts thought it violated the law.

Peltier moved that the Planning Commission approve with conditions as modified the catch basin on Quarry Road NW. Spence his motion would simply reference every storm drainage feature discussed this evening: the northwest corner of the property, the southwest corner of the property, and a road ditch on the south side of Quarry Road NW. Rouse said there was no discussion of a ditch. Post said he thought a catch basin on the south side of Quarry Road NW was discussed that would catch any water coming from the proposed development across the street. Rouse said she envisioned it would help the Johnson property. Post agreed, but would like the condition as specific as possible to ensure staff knows what was approved.

Rouse said the modified conditions should be that the developer of this piece of property would have to put in a catch basin on the south side of the property to tie into his storm drainage that is going to the natural drainageway ditch further down south on Quarry Road NW.

Spence said there was also an issue brought up by the first person who testified from the public regarding his concerns about his driveway. The applicant referenced that they would like to put in a storm drain there as well. He would like to see that modification added as well. In addition, Watson said a storm drain could be installed in the northwest corner of the property to treat any runoff towards that existing property that is blocking the drainageway. Davis said the last item was shown on the proposal. Post said he would like to include it.

Post said there was consensus on storm drains. He asked Spence to restate the locations. Spence said northwest as proposed, southwest as expressed by the applicant, as well as the catch basin dealing with drainage off the south side of Quarry Road NW. Davis asked where the second storm drain location was. Rouse showed him on the map. The meeting recorder asked Spence to restate the last portion of the condition regarding the catch basin. Peltier said the catch basin on the south side of Quarry Road NW. Spence added that it would deal with drainage off the south side of Quarry Road NW. Rouse said it would be in front of Mr. Johnson's house. Post asked if everyone was clear on the modified conditions.

Commission Action:

Peltier moved that the Planning Commission approve with conditions as modified to include installation of a storm drain on the northwest corner of the property as proposed, a storm drain on the southwest corner of the property as expressed by the applicant's representative during testimony, and a catch basin on the south side of Quarry Road NW in front of the Johnson house to deal with drainage from the street, the Subdivision Tentative Plat application that would divide a 3.77-acre parcel of land into 12 residential single-family lots (Links Club Estates)(File SD-14-06). This motion was based on the findings and conclusions of the staff report and testimony presented at the public hearing. Rouse seconded the motion. A vote was called and the motion passed 5:3, with Evans, Faller & Styler opposed.

Planning Commission
Monday, October 29, 2007

ACTIVITY UPDATE:

Donovan provided the activity update including upcoming meeting dates for Hearings Board and Planning Commission. He updated the Commission on the Brandis Village applications. Evans and Styler requested the Brandis Village information be sent as soon as possible to ensure enough time for review. Donovan agreed.

NEXT MEETING DATE: The next meeting of the Planning Commission was tentatively set for Monday, November 19, 2007, at 5:15 p.m. in Council Chambers.

ADJOURNMENT

Hearing no further business, Chair Post adjourned the meeting at 8:06 p.m.

Submitted by

Signature on file

Tracy Swett
Administrative Assistant I

Reviewed by

Signature on file

Don Donovan
Planning Manager

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