NOTICE OF PUBLIC HEARING

CITY OF ALBANY
PLANNING COMMISSION
City Council Chambers, 333 Broadalbin Street SW
Monday, August 11, 2008
5:15 p.m.

AGENDA

1. CALL TO ORDER (Chair Faller)
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. APPROVAL OF THE July 7, 2008 and July 21, 2008 MINUTES
5. CONSOLIDATED QUASI-JUDICIAL PUBLIC HEARING

   VC-02-08 - Vacation of Public Right-of-Way (Linn Avenue between Alco Street and Burkhart Street).

   CU-06-08 - Conditional Use to construct a neighborhood park (Eades Park) located north of Linn Avenue NE and east of Alco Street NE. Improvements include play equipment, bike and pedestrian paths, benches, and parking for bicycles and vehicles.

   The applicant is the City of Albany.

6. QUASI-JUDICIAL PUBLIC HEARING

   CU-07-08 - Conditional Use to relocate the school bus drop-off/pick-up area at the Periwinkle Elementary School from the main parking lot to an area at the east end of the school buildings

   The applicant is the Greater Albany Public School District.

7. ACTIVITY UPDATE
8. NEXT PLANNING COMMISSION MEETING DATE TBD.
9. ADJOURN

Rules of Conduct for Public Hearing

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling 917-7500.

City of Albany Web site: www.cityofalbany.net

Community Development Department

333 Broadalbin Street SW, P.O. Box 490, Albany, OR 97321 Phone: (541) 917-7550 Facsimile: (541) 917-7598

STAFF REPORT
Conditional Use

HEARING BODY	PLANNING COMMISSION	CITY COUNCIL
HEARING DATE	Monday, August 11, 2008	Wednesday, August 27, 2008
HEARING TIME	5:15 p.m.	7:15 p.m.
HEARING LOCATION	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

GENERAL INFORMATION

DATE OF REPORT:	August 4, 2008
FILE:	CU-06-08
TYPE OF APPLICATION:	Conditional Use to construct a neighborhood park (Eades Park) located north of Linn Avenue NE and east of Alco Street NE. Improvements include play equipment, bike and pedestrian paths, benches, and parking for bicycles and vehicles.
REVIEW BODY:	Planning Commission and City Council
PROPERTY OWNER/ APPLICANT:	Craig Carnagey; City of Albany Parks and Recreation Department; PO Box 490; Albany, OR 97321
ADDRESS/LOCATION:	525 Alco Street NE
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-3W-5CA; Tax Lot 1200 plus right-of-way on the south side of this tax lot.
ZONING:	RM (Residential Multiple Family
TOTAL LAND AREA:	1.8 acres
EXISTING LAND USE:	Vacant land
NEIGHBORHOOD:	Willamette
SURROUNDING ZONING:	North: OS (Open Space) South: RM (Residential Multiple Family) East: RM (Residential Multiple Family) West: RM (Residential Multiple Family)
SURROUNDING USES:	North: Vacant land – city owned South: (across Linn Avenue) single-family houses East: Vacant land West: (across Alco Street) – vacant land and single-family houses

PRIOR HISTORY: The subject property was annexed to the City in 1944. In 2006 the site was the recipient of land from a street vacation of Burkhart Street on the east and River Avenue on the north (VC-01-06/ORD 5649). Also in 2006 this property was approved for a replat to remove the property lines of the eight underlying lots created by the subdivision named Burkhart Park Addition (RL-07-2006). The City has a concurrent street vacation application to vacate Linn Avenue where it abuts this site on the south (file VC-02-08). The City's property would receive the north one-half of the vacated 66 feet of right-of-way.

NOTICE INFORMATION

Before applying for approval to construct the park, on April 3 and May 8 of 2008, the City Parks and Recreation staff held informal meetings with the residents of the neighborhood. Seventeen people attended the first meeting; and five people attended the second meeting. Minimal concerns about landscaping were raised by the residents and the consensus was that they were in favor of the development of the park.

On August 1, 2008, notice of the public hearing on the park proposal was mailed to surrounding property owners. The site was also posted with a sign that advertises the public hearing in accordance with Section 1.410 of the Albany Development Code. At the time this staff report was completed on August 4, 2008, the Albany Planning Division had not received written comments from any of the property owners who were mailed notice.

STAFF RECOMMENDATION

APPROVAL with CONDITIONS of this Conditional Use application to construct a neighborhood park (Eades Park) located east of Alco Street NE and north of Linn Avenue NE. The proposed conditions are found below in the staff report.

PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

[NOTE TO PLANNING COMMISSION: CHOOSE ONE FROM THE MOTIONS LISTED BELOW.]

MOTION TO APPROVE WITH CONDITIONS

If no new evidence is presented at the public hearing, the Planning Commission may recommend approval of the application based on the findings and conclusions of the staff report.

I MOVE that the Planning Commission recommend that the City Council APPROVE WITH CONDITIONS the Conditional Use application to construct a neighborhood park (Eades Park) located at the northeast corner of Alco Street NE and Linn Avenue NE (File CU-06-08). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO APPROVE WITH CONDITIONS AS MODIFIED

If there is information not included in the staff report or new information is presented at the public hearing, the Planning Commission may propose new findings and conditions or modify the proposed conditions.

I MOVE that the Planning Commission recommend that the City Council APPROVE WITH CONDITIONS AS MODIFIED (*Insert modification(s) here)* the Conditional Use application to construct a neighborhood park (Eades Park) located at the northeast corner of Alco Street NE and Linn Avenue NE (File CU-06-08). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO DENY

If the Planning Commission finds that the applicant has not provided sufficient evidence to demonstrate that the review criteria have been met, or if they find the applicant has presented incorrect information, the Planning Commission may deny the application.

I MOVE that the Planning Commission DENY the Conditional Use application to construct a neighborhood park (Eades Park) located at the northeast corner of Alco Street NE and Linn Avenue NE (File CU-06-08). I also MOVE that the Planning Commission direct staff to prepare findings to support denial based on the testimony presented at the public hearing and to present these findings for consideration at the next meeting.

CITY COUNCIL REVIEW

If the Planning Commission makes a favorable recommendation on this application, the City Council will hold a public hearing (pre-scheduled for August 27, 2008) and make a final decision on the application.

If the Planning Commission recommends against the proposal, the City Council will only consider the proposed park application on appeal by the applicant.

STAFF ANALYSIS
Conditional Use File CU-06-08

Overview of the Project

The City of Albany Parks and Recreation Department proposes to construct a neighborhood park (Eades Park) on about 1.8 acres of land located at the northeast corner of Linn Avenue NE and Alco Street NE. (See location map - Exhibit A.)

The site plan for the park shows that it will include a play structure for children, benches, open play areas, and parking for bicycles and vehicles. (See Site Plan - Exhibit B.) The park design has included use of one-half of the Linn Avenue right-of-way located on the south side of the subject tax lot. Acquisition of this right-of-way is subject to final approval of a concurrent street vacation application (file VC-02-08).

Review Criteria

The Albany Development Code (ADC 2.250) contains the following review criteria that must be met for this application to be approved. Code criteria are written in ***bold italics*** and are followed by findings, conclusions, and conditions if conditions are necessary to meet the review criteria.

(1) The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.

FINDINGS OF FACT

1.1 The proposed use is a "neighborhood park" that includes a play structure, walking/biking paths, benches, open recreation space, picnic tables, and parking for bicycles and vehicles. The vehicle parking spaces are located on the west side of the park, which is away from the majority of the nearby developed properties.

1.2 The City's Park and Recreation Master Plan Update (May 2006) describes a neighborhood park as follows: "Neighborhood parks provide close-to-home recreation opportunities primarily for non-supervised, non-organized recreation activities. These parks typically range from 2 to 20 acres, although a site may be larger if significant natural resource land is incorporated into the park. Facilities found in neighborhood parks may include children's playgrounds, picnic areas, trails, tennis or basketball courts, minimal parking, and sports practice fields" (Park Master Plan page 11).

1.3 The proposed Eades Park is shown on the "Proposed Park System" diagram labeled Figure 5.1 in the 2006 Parks & Recreation Master Plan. The Parks Master Plan (Chapter 4, page 49) states that the typical neighborhood park user:

- Comes from within one-half mile of the park, and
- Arrives on foot or bicycle, and
- Visits the park on a short-time basis.

This usually places neighborhood parks in or adjacent to the residential neighborhoods they are intended to serve.

1.4 The subject property is 1.8 acres and is zoned RM (Residential Multiple Family). RM zoning district is intended primarily for medium-density urban residential development (ADC 3.020).

1.5 A public park is a "conditional use" in the RM zoning district. Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the Conditional Use regulations because they may, but not necessarily do, have significant adverse effects on the environment, overburden public services, change the desired character

of an area, or create major nuisances. A review of these proposed uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The Conditional Use process provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved [Albany Development Code (ADC) 2.230].

1.6 The park site abuts City owned undeveloped land on the north (zoned Open Space), and privately owned vacant land on the east (zoned RM). Across Alco Street on the west, are vacant lots and single family homes. The City has applied to vacate the abutting Linn Avenue right-of-way on the property's south border. If approved, the park property would immediately abut single-family zoned land and uses on the south. On the south side of Linn Avenue the properties are developed with single-family homes.

1.7 The operating characteristics of this residential neighborhood include: personal vehicles entering and leaving properties, people walking and bicycling, and working or recreating in yards. Other typical activities related to a residential use, such as eating, sleeping, and personal entertainment, are usually conducted within the home itself.

CONCLUSIONS

1.1 The intended character of the RM zoning district where the park is proposed is medium density residential uses. Parks are desirable as part of a residential neighborhood.

1.2 The proposed neighborhood park is intended to serve the neighborhood within one-half mile.

1.3 The proposed improvements within the park are those described in the Parks Master Plan as appropriate for a neighborhood park.

1.4 While the park is within walking and bicycling distance to the people of the neighborhood it is intended to serve, five parking spaces are proposed.

1.5 The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood. This criterion is met.

(2) The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal calls for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping or other design features.

FINDINGS OF FACT

2.1 The subject property is zoned RM (Residential Multiple Family). Except for the abutting city-owned property to the north that is zoned Open Space (OS) the land to the east, west and south are zoned RM. The RM zoned properties currently contain single-family houses.

2.2 Occupants of residential properties typically use their open spaces (yards) for low intensity purposes such as gardening, recreation, and entertaining.

2.3 No buildings are proposed for this park. Except for a children's play structure, the development is designed for passive recreational uses such as reading, picnicking, walking, and biking. There is an open lawn area north of the play structure. The proposed five parking spaces are located on the west side of the park, adjacent to currently unimproved Alco Street right-of-way and away from most of the existing homes in the vicinity.

2.4 Setbacks. The minimum setback from property lines along streets to buildings in RM zoning districts is 15 feet. There are no buildings proposed in the park, but the setbacks to any of the uses that are proposed in the park exceed 15 feet from the property line. The interior setback is a minimum of 10 feet for a single-story structure. The playground equipment is the only structure on the site. It will be located about 65 feet from the south property line, 25 feet from the west property line (Alco Street), 160 feet from the east property line, and 220 feet from the north property line.

2.5 Landscaping. ADC 3.360 requires landscaping in all front yards in RM zoning districts. A front yard is any yard abutting a street. Assuming the vacation of Linn Avenue is approved, the park will have street frontage only on Alco Street. The minimum front yard landscaping per 50 lineal feet of frontage (deducting the width of parking/driveways areas) is as follows:

- 1 tree at least six feet in height; and
- 4 one-gallon shrubs or accent plans; and
- The remaining area treated with ground cover (e.g. lawn, bark, rock, ivy and evergreen shrubs).

2.6 Buffering and screening. In order to reduce the impacts on adjacent uses which are of a different type, ADC 9.210 requires buffering and screening in accordance with a matrix included in the Code. Where a use would be abutting another use except for separation by right-of-way, buffering (but not screening) is required as specified in the matrix.

The matrix does not list parks as a use. City parks are typically open areas with trees and shrubs scatted throughout the site. The subject property, as well as the Linn Avenue right-of-way located on the south that is to be vacated and added to the park land, are unimproved natural areas.

Development of the park is mainly in the southwest corner of the 1.8-acre site. Only four trees that have trunks 8-inches in diameter or less will need to be removed. Blackberries and other noxious vegetation will be removed as necessary to construct the pathways, recreation and parking areas. For security reasons, it is preferable to not create a vegetative or other type of enclosure around the property. A detailed landscape plan has not been submitted, but the Site Plan shows adding some plants and trees in harmony with the natural setting of the park development. Consistent with other neighborhood park facility, the property will not be irrigated.

2.7 Parking. Parking is not normally constructed with a neighborhood park, but since the streets in the near area are not fully improved, there is little opportunity for on-street parking adjacent to the park. The City will dedicate the land under the parking area to add it to the Alco Street public right-of-way, so that it is considered on-street parking.

CONCLUSIONS

2.1 The intensity of the recreational activities that will take place within the proposed park are similar to those that take place in the yards of people's houses.

2.2 The activities that take place in the park will be at least 65 feet from the nearest houses.

2.3 Much of the site will be left undisturbed. Some landscaping will be added to harmonize the improvements with the remainder of the site. For safety reasons, the site should remain relatively open to the view of park users and passers-by.

2.4 Parking is proposed because the adjacent streets are not improved to provide on-street parking.

2.5 The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping.

2.6 This criterion is met when the following conditions are satisfied.

CONDITIONS

2.1 The minimum front yard landscaping per 50 lineal feet of Alco Street frontage is as follows:

- 1 tree at least six feet in height; and
- 4 one-gallon shrubs or accent plants; and
- The remaining area treated with ground cover (e.g. lawn, bark, rock, ivy and evergreen shrubs).

2.2 Before installation of plant materials, the Planning Division must approve a final landscape plan for the park. This plan must show the location of all plants, trees, and ground cover and include a legend that identifies the quantity of each type of plant, their common and botanical names, and the pot size at time of planting (gallons/inches) and intended spacing between plants. All landscaping shall be installed before the park is open to the public.

(3) The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.

FINDINGS OF FACT

3.1 The subject site is located at the northeast corner of Linn Avenue NE and Alco Street NE. The proposed development is to construct a neighborhood park on a vacant 1.8 acre parcel owned by the City.

3.2 Alco Street is classified as a local street and is not improved to City standards. The right-of-way width is 30 feet. The street is currently unimproved across the frontage of the property.

3.3 Linn Avenue is classified as a local street and is not improved to City standards. The right-of-way width is 66 feet. The street is currently unimproved across the frontage of the property. The design of the park includes use of land acquired by the concurrent vacation of Linn Avenue on the southern boundary of the site between Alco Street and Burkhart Street.

3.4 The City's Traffic Impact Study Guidelines require a traffic study for development that generate 50 or more new vehicle trips during the p.m. peak hour. Based on the Institute of Traffic Engineers (ITE) Trip Generation Manual rate for Land Use 411, "City Park," staff estimates that the park would generate only two vehicle trips during an average weekday, and 21 trips per day during weekends. Most park users are expected to be residents of the neighborhood who will walk or bike to the park as opposed to driving a vehicle.

3.5 The site plan for the park includes construction of a small parking lot near the site's southwest corner along its frontage on Alco Street frontage. A total of five paved parking spaces would be constructed to provide some on-street parking. The land under the parking spaces would be dedicated as right-of-way. Alco Street would be paved from Linn Avenue north a distance of about 95 feet in order to provide access to the new five parking spaces. The travel aisle for the parking spaces will be located within the Alco Street right-of-way.

3.6 Albany's Transportation System Plan (TSP) does not identify any level of service or congestion issues adjoining the site.

3.7 ADC 12.060 requires that new development improve adjoining public streets to City standard unless the City Engineer determines that the improvement is not timely.

3.8 ADC 12.122 identifies the standard design for local streets as having a right-of-way width of 54 feet and a curb to curb width of 30 feet. The portion of Alco Street adjoining the west boundary of this site is unimproved and has a right-of-way width of 30 feet.

3.9 Alco Street adjoins the west boundary of the site and is not improved to City standards. The unimproved right-of-way for Alco Street ends at the northern boundary of this site. The property between the end of the right-of-way and the Willamette River is owned by the City. Alco Street north of Linn Avenue is not identified as a necessary street in Albany's TSP, and it is not needed in order for adjoining parcels to develop. Because of the likelihood that the section of Alco Street adjoining this development will never need to be improved as a public street, the City Engineer has determined that improvement of the street to full City standards is not timely with this development. A portion of the street will, however, need to be improved to provide access to the parking lot proposed with the development. In addition, emergency vehicles may need to use the road as a secondary access route in the event the adjoining property to the west develops. The minimum width for an emergency vehicle access is 20 feet. The minimum back up aisle for the parking stalls is 24 feet or 26 feet, depending upon the width of the parking stalls.

3.10 The development plan for the park includes installation of sidewalk improvements at the corner of Burkhart Street and Linn Avenue. In order to protect pedestrians on the sidewalk from vehicles movements around the corner, the sidewalk needs to be raised above the pavement grade with a curb. The alignment of the sidewalk and curb should be designed so as to define a clear and direct path for vehicles around the corner.

3.11 Primary access to the park facilities (parking, playground, picnic tables, and benches) will be concrete and conform with disabled access requirements.

CONCLUSIONS

3.1 The park use is expected to generate two new vehicle trips per average weekday and about 21 new vehicle trips per day on weekends.

3.2 Existing public streets and right-of-way adjacent to the park site are not yet improved to City standards. The City Engineer has determined that it is not timely to improve the adjoining streets to City standards.

3.3 A portion of the Alco Street right-of-way along the site's west boundary will be used to pave a travel aisle for new parking spaces. It may also be used in the future to provide secondary emergency vehicle access to adjoining parcels to the west.

3.4 Off-street parking is not required for a neighborhood park. The site plan shows providing five parking spaces. Because of the low number of trips expected to be generated by the development, no on-street parking impacts are anticipated. The parking area will be dedicated as public right-of-way.

3.5 The sidewalk improvements proposed for the corner of Burkhart Street and Linn Avenue need to be designed to separate pedestrian and vehicle movements around the corner.

3.6 Albany's Transportation System Plan does not identify any level of service or congestion issues adjoining the site.

3.7 The transportation system is capable of supporting the vehicle and pedestrian traffic that will be generated by the proposed park.

3.8 This criterion will be met when the following conditions are satisfied.

CONDITIONS

3.1 Before performing any work within the public right-of-way, the applicant shall obtain a *Permit for Private Construction of Public Improvements* from the City's Public Works Department.

3.2 The applicant shall construct a City standard curb return on the northwest corner of Linn Avenue and Alco Street.

3.3 In order to provide the five parking spaces at the location shown on the site plan, the applicant must dedicate right-of-way to the City. Contact Gordon Steffensmeier in the Public Works Department for information about this process.

3.4 The applicant shall construct a 6-inch-high concrete curb around the perimeter of the parking lot and access aisle located within Alco Street right-of-way. The parking area must be paved and striped to City standards.

3.5 The applicant shall construct pavement to City standards along the site's west boundary from the southern right-of-way of Linn Avenue to the north end of the proposed parking lot. The pavement shall have a minimum width of 20 feet and be centered within the Alco Street right-of-way. The width of the aisle way behind the parking spaces shall be a minimum of 24 feet for 10-foot-wide stalls and 26 feet wide for stalls less than 10 feet wide.

3.6 The proposed sidewalk located at the northwest corner of Burkhart Street and Linn Avenue shall be constructed with a 6-inch-high curb face. The location of that portion of the sidewalk located within public right-of-way shall be approved by the City Engineer.

3.7 Primary access to the park facilities (parking, playground, picnic tables, benches) will be concrete and conform with disabled access requirements.

(4) Public services for water, sanitary and storm sewer, water management and for fire and police protection are capable of servicing the proposed use.

FINDINGS OF FACT

Sanitary Sewer

4.1 City utility maps show no public sanitary sewer mains adjacent to the subject property. The property is currently undeveloped.

4.2 The site plan for the proposed park does not include a restroom or any other wastewater producing facilities.

Water

4.3 City utility maps show a 2-inch water line along the southern portion of the subject property's west boundary.

4.4 The site plan for the proposed park does not show any facilities that will require a connection to the public water system. If in the future a connection to the public water system is needed, (e.g., drinking fountain, irrigation, etc.), the applicant must make application to the Public Works Department for such a connection, and pay all necessary fees and charges for the connection.

Storm Drainage

4.5 City utility maps show no public storm drainage facilities adjacent to the subject property. The streets (rights-of-way) adjacent to the subject property are not improved. The property generally slopes down to the north, toward the river. There are currently no impervious surfaces on the site.

4.6 The proposed park includes new impervious surfaces, such as parking areas, sidewalks, and street improvements. Storm water runoff from these impervious surfaces must be accommodated in a manner approved by the City Engineer.

4.7 The applicant must submit a drainage plan to Public Works to show how the storm water runoff from the new development will be collected and discharged to an approved location.

Police and Fire

4.8 The Albany Police and Fire Departments will provide services to the park when needed.

CONCLUSIONS

4.1 The site plan does not show facilities that require public sanitary sewer and/or water service.

4.2 The applicant must submit a drainage plan to the Public Works Engineering Division that shows how on-site stormwater runoff will be accommodated.

4.3 No structures will be built. The Fire and Police Departments will respond as needed.

4.4 Public services for water, sanitary and storm sewer, water management and for fire and police protection are capable of servicing the proposed use.

4.5 This criterion will be met when the following condition is satisfied.

CONDITION

4.1 Before the City will issue building permits for this project, the applicant must submit a detailed storm drainage plan for the proposed development to the Public Works Engineering Division.

(5) The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, and hours of operation; (b) Privacy and safety issues.

FINDINGS OF FACT

5.1 Hours of operation. The operating hours of the park will be posted to be from dawn to dusk.

5.2 Noise. There is one piece of playground equipment for children located about 125 feet from the nearest house. The remainder of the improvements, walking and biking paths, benches, and open area would not be expected to produce much noise, if any. The five-stall parking lot is located on the west side of the park, which is away from residences.

5.3 Glare. The site plan show installing five 12 to 15-foot-tall black powder-coated posts each topped with an opaque globe light fixture. The lights will have automatic timers to turn the lights off at night.

5.4 Odor. The park development does not include features that would be expected to produce odors.

5.5 Litter. Parks and Recreation staff will routinely maintain the park grounds.

5.6 Privacy and safety issues. The nearest homes are located about 45 feet from any of the proposed improvements: There are existing trees and vegetation that will be retained to buffer the improvements from nearby properties. Landscaping will be kept to a minimum to keep it open to public view.

CONCLUSIONS

5.1 The improvements to the park are small and generally for passive recreation. The use of the park is not intended to be after dark. All lighting will automatically turn off at night.

5.2 The park will not have significant adverse impacts on the livability of nearby residentially zoned lands. This criterion is met.

(6) Any special features of the site (Such as topography, floodplain, wetlands, vegetation, historic sites, etc.) have been adequately considered and utilized.

FINDINGS OF FACT

6.1 Topography: The site plan shows that elevations on the subject property range from 196 feet to 208 feet. The property slopes generally down from south to northeast. There is a narrow draw in the eastern portion of the site. The area to be improved is basically flat.

6.2 Floodplain: *Comprehensive Plan Plate 5: Floodplains,* show this property has portions that are in the floodplain of the Willamette River. FEMA/FIRM Community Panel Number 410137 0004 F, dated July 7, 1999, shows that the area of the property to be improved in Zone X, an area determined to be outside any 500-year floodplain. The northern portion, of the property, which will only have woodchip path, is in Zone X, an area determined to be in the 500-year floodplain. None of the property is within the 100-year floodplain.

6.3 Wetlands: *Comprehensive Plan Plate 6: Wetland Sites* does not show wetlands on the property. This property is not included in a City Local Wetlands Inventory. The 1987 Soils Survey for Linn County does not show the property having hydric soils, which are an indicator of possible wetlands.

6.4 Vegetation. The vegetation on the property consists of trees, brush, blackberries and shrubs. Clearing of underbrush, blackberries and four small trees will be done as part of the park development. A tree felling approval is not needed.

6.5 Historic sites. The property is vacant and not within one of the City's National Register Historic districts.

CONCLUSION

6.1 There are no special features of the site to consider with the application. This criterion is met

Attachments: Exhibit A - Location Map; Exhibit B - Site Plan

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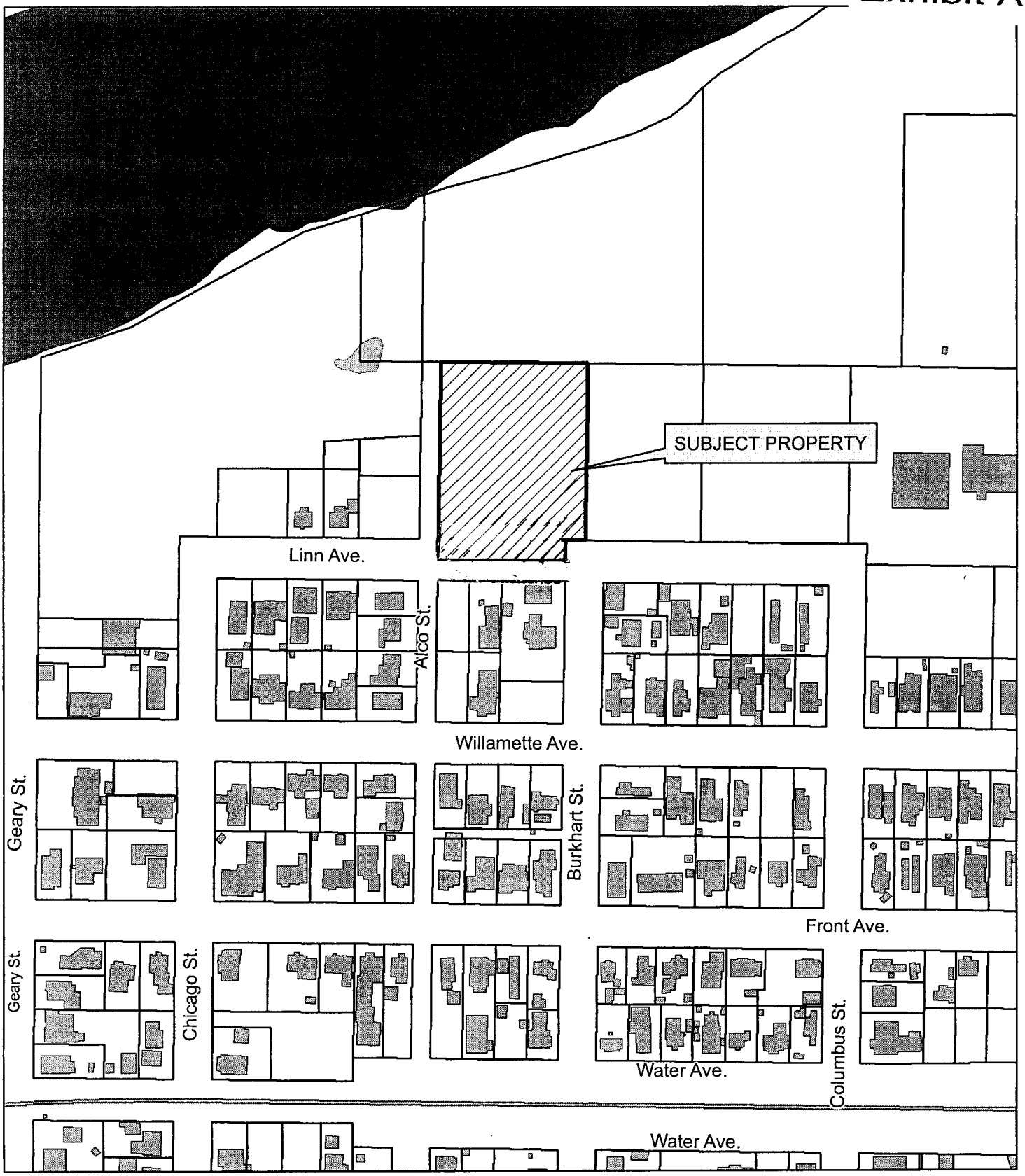
Exhibit A



LOCATION MAP- EADES PARK

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.

0 50 100 200
Feet

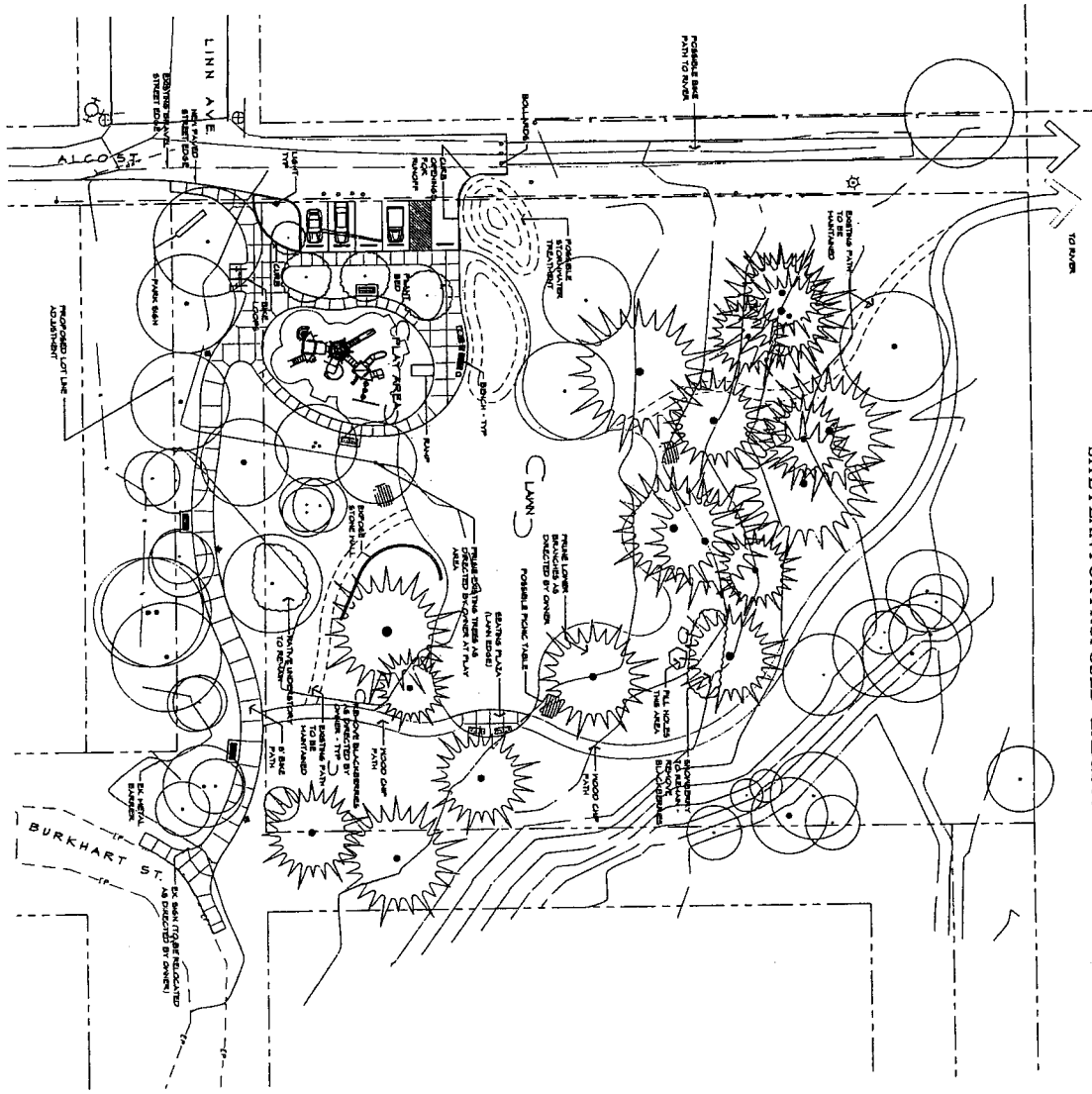
N

CU-06-08

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917-7676

Exhibit B



SITE PLAN FOR PROPOSED "EADES PARK" File CU-06-08

7/23/2008
PRELIMINARY - NOT FOR CONSTRUCTION
CONCEPTUAL MASTER PLAN

SCALE: 1"=20'-0"

NORTH

DWG NO. LA-1	DATE: REVISIONS:	PROJECT: EADES NEIGHBORHOOD PARK Alco Street and Linn Ave. Albany, OR	CITY OF ALBANY DEPT. OF PARKS AND RECREATION CRAIG CARNAGEY PARKS AND FACILITIES MAINT. MANAGER 541-917-7679 PHONE 541-917-7776 FAX	DLA Inc.	PRELIMINARY

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Community Development Department

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www.cityofalbany.net

STAFF REPORT
Vacation

HEARING BODY	PLANNING COMMISSION	CITY COUNCIL
HEARING DATE	Monday, August 11, 2008	Wednesday, August 27, 2008
HEARING TIME	5:15 p.m.	7:15 p.m.
HEARING LOCATION	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

GENERAL INFORMATION

DATE OF REPORT:	August 4, 2008
FILE:	VC-02-08
TYPE OF APPLICATION:	Vacation of Public Right-of-Way (Linn Avenue between Alco Street and Burkhart Street)
REVIEW BODIES:	Planning Commission and City Council
STAFF REPORT PREPARED BY:	Mike Leopard
PROPERTY OWNER:	Public Right-of-Way
APPLICANT:	City of Albany – Parks and Recreation Department
APPLICANT REP:	Craig Carnagey
ADDRESS/LOCATION:	Linn Avenue, between Alco Street and Burkhart Street
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-03W-05CA (south of Tax Lot 1200)
TOTAL LAND AREA:	0.30 acres
EXISTING LAND USE:	Unimproved public right-of-way
NEIGHBORHOOD:	Willamette
SURROUNDING ZONING:	RM (north); RS-5 (south)
SURROUNDING USES:	Single Family Residential (south, west, and east); Undeveloped (north)

NOTICE INFORMATION

A notice of public hearing was mailed to affected property owners on August 1, 2008. The site was posted on July 31, 2008, in accordance with Section 1.410 of the Albany Development Code. Two legal notices were published in the *Albany Democrat-Herald* on July 29, 2008, and August 4, 2008, in accordance with Oregon Revised Statute (ORS) 271.110. At the time this staff report was completed (August 4, 2008), the Albany Planning Division had received no written comments.

STAFF RECOMMENDATIONS

APPROVAL with CONDITIONS of this Vacation application for Linn Avenue, between Alco Street and Burkhart Street. The proposed conditions are found in this staff report.

PLANNING COMMISSION DECISION

[NOTE TO PLANNING COMMISSION: CHOOSE ONE FROM THE MOTIONS LISTED BELOW.]

MOTION TO RECOMMEND APPROVAL

If no new evidence is presented at the public hearing, the Planning Commission may recommend approval of the application based on the findings and conclusions of the staff report.

I MOVE that the Planning Commission recommend that the City Council APPROVE WITH CONDITIONS the application that would result in the Vacation of Linn Avenue between Alco Street and Burkhart Street (File VC-02-08). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO RECOMMEND APPROVAL WITH CONDITIONS

If there is information not included in the staff report or new information presented at the public hearing, the Planning Commission may propose new findings and conditions and recommend approval of the application.

I MOVE that the Planning Commission recommend that the City Council APPROVE WITH CONDITIONS (state additional conditions) the application that would result in the Vacation of Linn Avenue between Alco Street and Burkhart Street (File VC-02-08). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO DIRECT STAFF TO PREPARE ADDITIONAL FINDINGS FOR APPROVAL

If new information is presented at the public hearing, and the Planning Commission believes additional findings are needed to addresses issues in the staff report, the Planning Commission may direct staff to prepare additional findings for approval for its review at a future meeting. If those findings are found to be satisfactory, the Planning Commission would then recommend approval of the application based on the staff report, the new information, and the additional findings.

I MOVE that the Planning Commission direct staff to prepare additional findings for the approval of an application for a Vacation of Linn Avenue between Alco Street and Burkhart Street (File VC-02-08). These findings will address [Note to Planning Commission: Insert appropriate review criteria where you feel additional findings are needed.]. The findings will be brought back to the Planning Commission for consideration at a future meeting.

OR

MOTION TO DIRECT STAFF TO PREPARE FINDINGS FOR DENIAL

If there is new information presented at the public hearing, the Planning Commission may direct staff to prepare findings for denial for its review at a future meeting. If those findings are found to

be satisfactory, the Planning Commission would then deny the application based on the staff report, the testimony at the public hearing, and the additional findings.

I MOVE that the Planning Commission direct staff to prepare findings for denial of an application for a Vacation of Linn Avenue between Alco Street and Burkhart Street (File VC-02-08). These findings will address [Note to Planning Commission: Insert appropriate review criteria where you feel additional findings are needed.]. The findings will be brought back to the Planning Commission for consideration at a future meeting.

OR

MOTION TO DENY

If the Planning Commission finds that the applicant has not provided sufficient evidence to demonstrate that the review criteria have been met, or if they find the applicant has presented incorrect information, the Planning Commission may deny the application.

I move that the Planning Commission DENY the application for the Vacation of Linn Avenue between Alco Street and Burkhart Street (File VC-02-08). This decision is based on the findings and conclusions of the staff report and/or the testimony presented at the public hearing.

APPEALS

Within five days of final action on this application, the Community Development Director will provide written notice of the decision to the applicant and any other parties entitled to notice.

If the Planning Commission's recommendation is for approval of this application, the application will be forwarded to the City Council for a public hearing and decision.

If the Planning Commission's decision is to deny this application, the applicant may appeal the decision to the City Council by submitting a completed Notice to Appeal application and the associated filing fee to the Planning Division within 10 days from the date the City mails the notice of decision.

STAFF ANALYSIS
Vacation File VC-02-08

OVERVIEW

The City of Albany Parks & Recreation Department owns the parcel north of the proposed vacation. A neighborhood park is being proposed for this parcel. The Parks Department wishes to utilize a portion of this right-of-way as part of the park development.

At the June 25, 2008, City Council meeting, the Council agreed to initiate the vacation application. The affected property owners received notice of the proposed vacation and associated public hearings, and were given the opportunity to comment.

The Albany Development Code (ADC) contains the following review criteria which must be met for this application to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

(1) ***The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan city transportation or public facility plan.***

FINDINGS OF FACT

1.1 The following Comprehensive Plan policies have been identified as relevant to this review criterion:

GOAL 11: Public Facilities and Services

a. Prohibit the construction of structures over public water lines and easements.

b. Prohibit the construction of structures over drainage improvements and easements.

c. Prohibit the construction of structures over public wastewater lines and easements.

1.2 Sanitary Sewer. City utility maps show that currently no public sanitary sewer mains exist within the area proposed for vacation. Lots on the south side of this portion of Linn Avenue are served by a public sanitary sewer main that runs along their back (south) property boundaries.

1.3 Sanitary Sewer. In an effort to provide better access to public sewer facilities, and to minimize the infringement on property owners, the City will periodically replace "back lot-line" sewer mains with public mains that lie within public rights-of-way. To allow for the possible relocation of the "back lot-line" sewer main south of Linn Avenue to the Linn Avenue right-of-way, a public utility easement will be retained over the area to be vacated.

1.4 Water. City utility maps show that currently no public water mains exist within the area proposed for vacation. Lots on the south side of this portion of Linn Avenue are served by public water mains in Alco Street and Burkhart Street.

1.5 Water. The City's Engineering Division indicates that there may be a need for a future public water main in Linn Avenue within the area proposed for development. In order to allow for this potential future water main extension, a public utility easement will be retained over the area to be vacated.

1.6 Storm Drainage. City utility maps show no public storm drainage facilities within this portion of Linn Avenue. The right-of-way is not improved and is not open to traffic.

1.7 Other Utilities. City staff has contacted the various franchise utility providers about the proposed right-of-way vacation. We received no response from the franchise utilities; therefore it is assumed that no franchise utilities exist within the area to be vacated.

1.8 Transportation. The Linn Avenue right-of-way proposed for vacation is located between Alco Street and Burkhart Street and is classified as a local street. This portion of Linn Avenue is not improved to city standards and is not currently open to traffic.

1.9 Transportation. Albany's Transportation System Plan does not identify this portion of Linn Avenue as being part of the city's arterial/collector street system.

CONCLUSIONS

1.1 Retaining a public utility easement over the entire right-of-way to be vacated will allow for the installation of public utilities within this area if needed in the future.

1.2 The proposed vacation does not conflict with Albany's Transportation System Plan.

CONDITION

1.1 The City will retain a public utility easement over the entire area to be vacated. This easement will allow legal access to the area for any needed future public utilities, and will prohibit the construction of any permanent structures within this easement.

(2) The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.

FINDINGS OF FACT

2.1 If Linn Avenue is vacated, each parcel along the right-of-way will receive that portion of the area along its frontage out to the centerline of the right-of-way.

2.2 Four lots adjoin the right-of-way proposed for vacation; the park development proposed on the north side of the right-of-way, and three residential lots on the south side of the right-of-way.

2.3 The easterly residential lot is developed with a single family home and has frontage on, and takes access from, Burkhart Street. The proposed vacation will not impact access to this lot.

2.4 The center residential lot (Tax Lot 11S-03W-05CA; 01303) is developed with a single family home and has street frontage only on the portion of Linn Avenue proposed for vacation. The home has an existing driveway that extends over the adjoining parcel to the west out to Alco Street. The proposed vacation would not affect the home's current driveway access, but it would eliminate all direct right-of-way frontage for the lot. If the adjoining parcel to the west was ever developed, the parcel with the existing home could end up land locked, unless provisions are made now to provide alternate access to the lot.

2.5 The westerly residential lot (Tax Lot 11S-03W-05CA; 01300) is not developed, has frontage on Alco Street, and is under common ownership with the center lot. The proposed vacation will not impact access to this western lot.

CONCLUSION

2.1 In order to assure that Tax Lot 1303 continues to have approved access to Alco Street after this portion of Linn Avenue is vacated, an access easement must be retained over the portion of the vacated right-of-way that fronts Tax Lot 1300.

CONDITION

2.1 A shared access easement must be retained over the 33 feet of Linn Avenue right-of-way that will revert back to Tax Lot 1300. This access easement will be for the benefit of Tax Lot 1303.

(3) The requested vacation will not have a negative effect on traffic circulation or emergency service protection.

FINDING OF FACT

3.1 The right-of-way proposed for vacation is not currently open to traffic. Because it is unlikely that the street would ever be improved to city standards and opened to traffic, vacating the right-of-way will not have a negative effect on traffic circulation or emergency service protection.

CONCLUSION

3.1 The requested vacation will not have a negative effect on traffic circulation or emergency vehicle access to the area.

(4) The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.

FINDINGS OF FACT

4.1 The right-of-way to be vacated will be incorporated into the parcels directly abutting it, or revert back to the owners of the properties from which the right-of-way was dedicated. The area to be vacated was initially dedicated as public right-of-way with the Burkhart Park Addition subdivision plat. Half (33 feet)

of the right-of-way will revert back to the parcels adjacent to those sections along the property frontages. This property distribution is shown on Staff Report Attachment D.

4.2 The area proposed for vacation would not become part of the adjacent properties "front yard" setback, and therefore will not require additional landscaping, etc.

4.3 As detailed under Review Criterion 2, an access easement over the portion of the vacated right-of-way adjacent to Tax Lot 1300 must be provided in order to maintain legal access to a public street for Tax Lot 1303.

4.4 Because the right-of-way proposed for vacation is not open to traffic, there would not need to be reconstruction of an access for emergency vehicles.

CONCLUSIONS

4.1 No additional landscaping will be necessary if the areas are vacated, because the property adjacent to the vacated areas will no longer be considered "front yards" for the adjacent parcels.

4.2 An access easement over the section of vacated right-of-way that will revert back to Tax Lot 1300 must be provided for the benefit of Tax Lot 1303.

CONDITIONS

4.1 A shared access easement must be retained over the 33 feet of Linn Avenue right-of-way that will revert back to Tax Lot 1300. This access easement will be for the benefit of Tax Lot 1303.

(5) The public interest, present and future, will be best served by approval of the proposed vacation.

FINDINGS OF FACT

5.1 The existing right-of-way is not currently open to traffic. Vacating the right-of-way will not change traffic patterns in this area.

5.2 The vacation of this right-of-way will allow for the construction of a city park on property to the north. This park will include a sidewalk/path through the north portion of the vacated area that will allow bike and pedestrian traffic to travel from Alco Street to Burkhart Street.

5.3 The existing trees and vegetation within this area are more likely to be preserved if the area is vacated and a park is developed on a portion of the property.

CONCLUSION

5.1 Development of the site as a park will result in access for bike and pedestrian traffic within this area, where none existed before.

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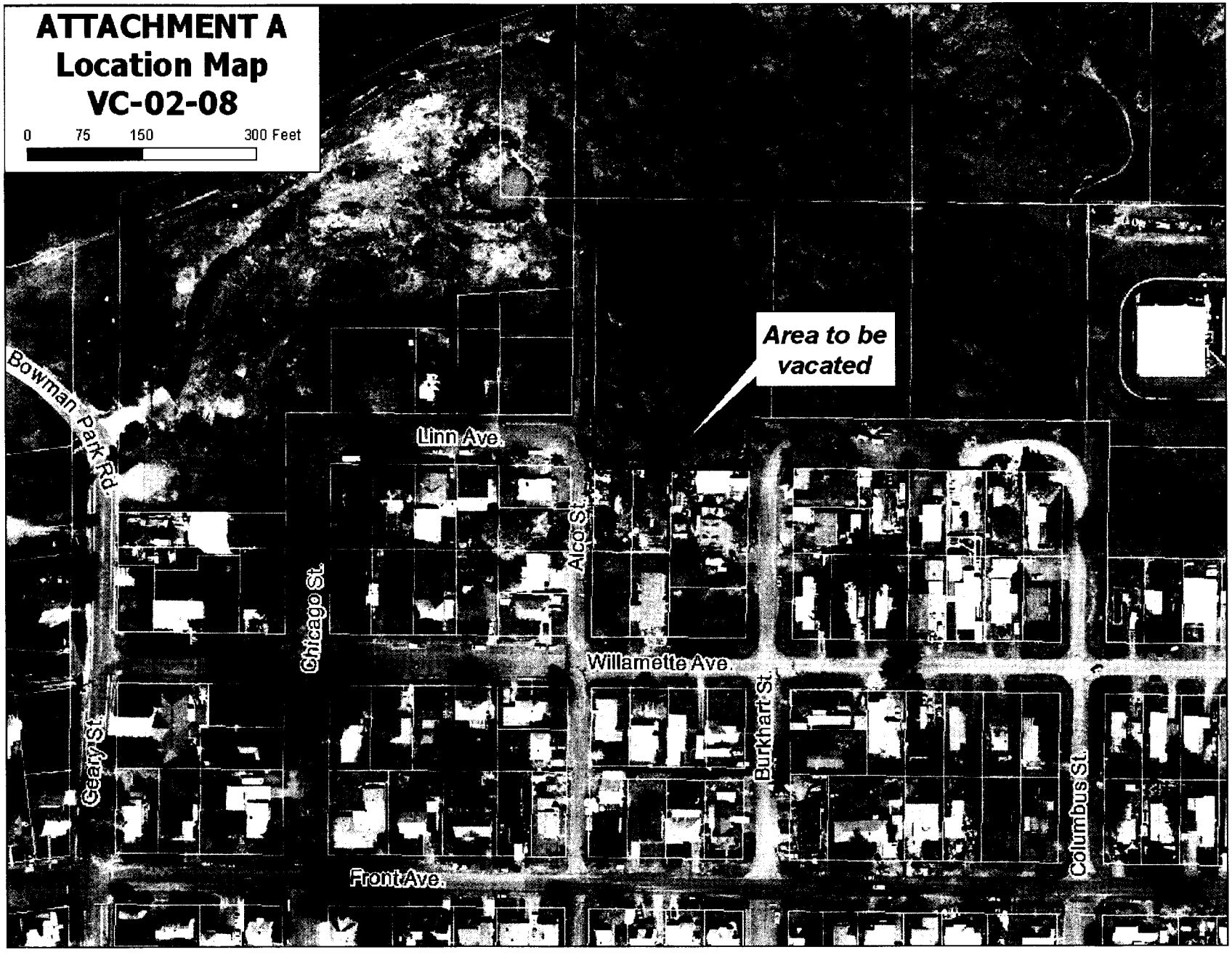
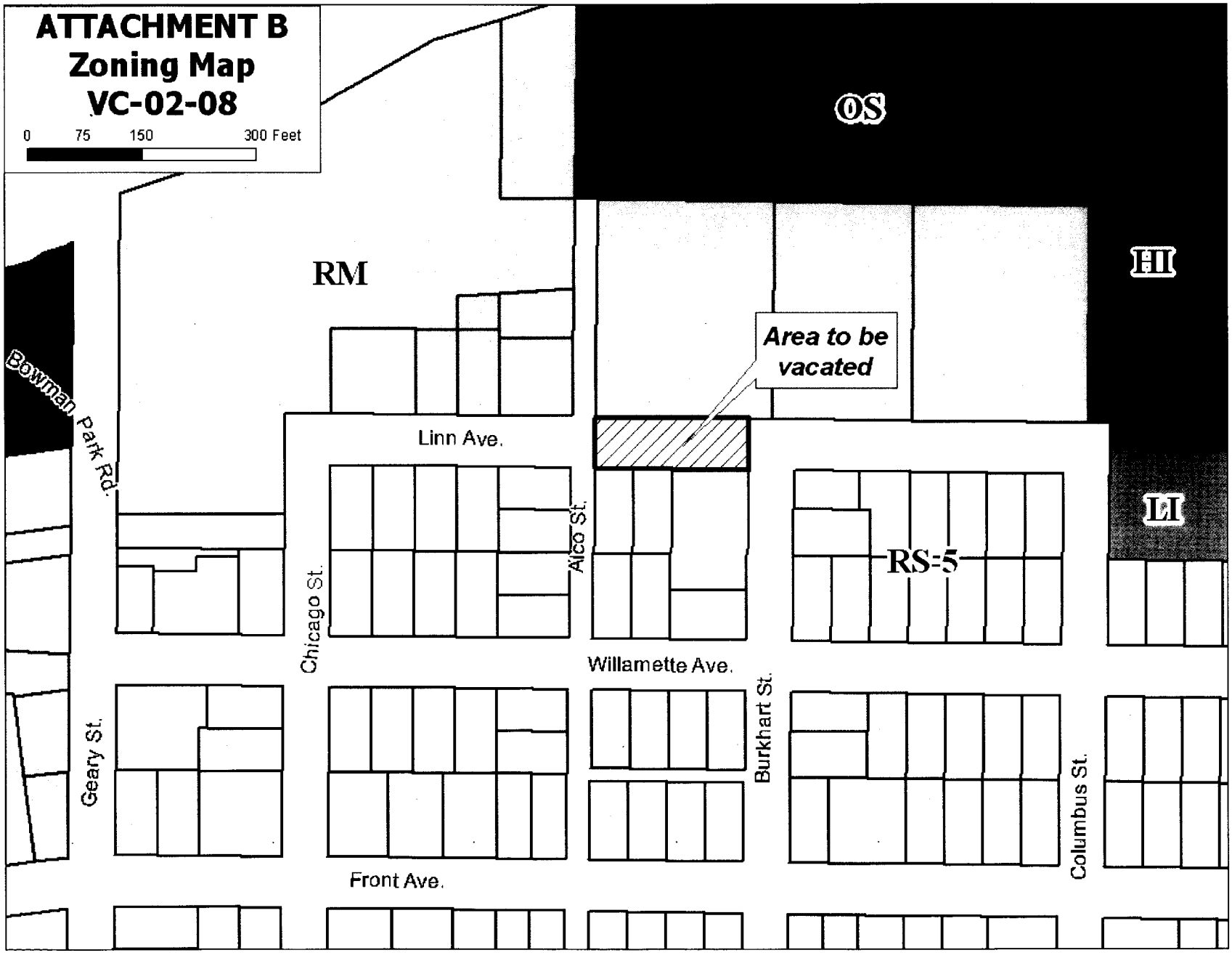
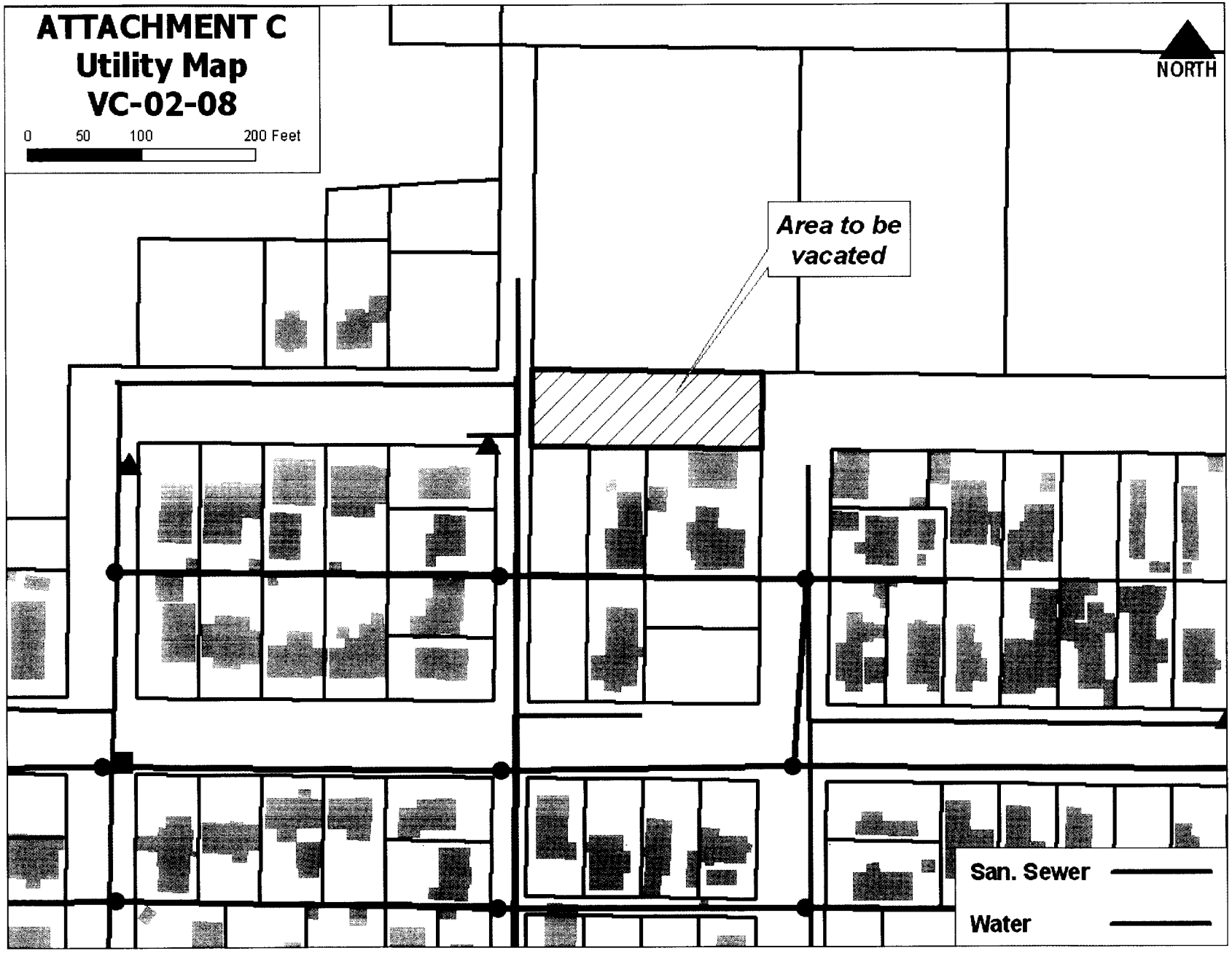
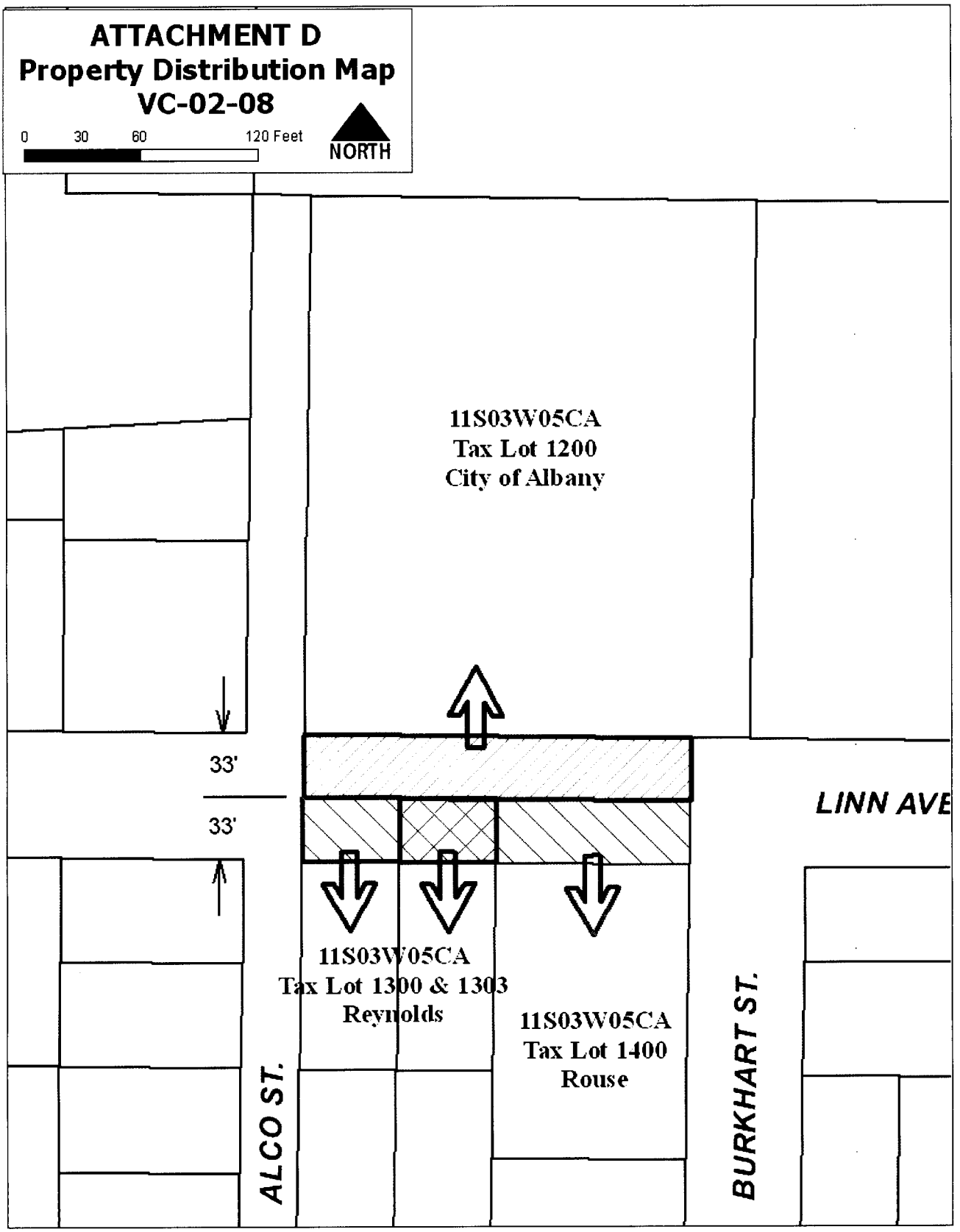

ATTACHMENT A
Location Map
VC-02-08
0 75 150 300 Feet
Area to be vacated
Bowman Park Rd
Linn Ave.
Alco St.
Chicago St.
Willamette Ave.
Burkhart St.
Columbus St.
Geary St.
Front Ave.


ATTACHMENT B
Zoning Map
VC-02-08
0 75 150 300 Feet
OS
HI
LI
RM
RS-5
Area to be vacated
Bowman Park Rd.
Linn Ave.
Alco St.
Chicago St.
Willamette Ave.
Burkhart St.
Geary St.
Columbus St.
Front Ave.


ATTACHMENT C
Utility Map
VC-02-08
0 50 100 200 Feet
NORTH
Area to be vacated
San. Sewer
Water


ATTACHMENT D
Property Distribution Map
VC-02-08
0 30 60 120 Feet
NORTH
11S03W05CA
Tax Lot 1200
City of Albany
33'
33'
LINN AVE
11S03W05CA
Tax Lot 1300 & 1303
Reynolds
11S03W05CA
Tax Lot 1400
Rouse
ALCO ST.
BURKHART ST.

Community Development Department

333 Broadalbin Street SW, P.O. Box 490
Albany, OR 97321

Phone: (541) 917-7550 Facsimile: (541) 917-7598
www.cityofalbany.net

STAFF REPORT
Conditional Use

HEARING BODY	PLANNING COMMISSION
HEARING DATE	Monday, August 11, 2008
HEARING TIME	5:15 p.m.
HEARING LOCATION	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

GENERAL INFORMATION

DATE OF REPORT:	August 4, 2008
FILE:	CU-07-08
TYPE OF APPLICATION:	Conditional Use to relocate the school bus drop-off/pick-up area at the Periwinkle Elementary School from the main parking lot to an area at the east end of the school buildings.
REVIEW BODY:	Planning Commission
STAFF REPORT PREPARED BY:	Janet Morris; Project Planner
PROPERTY OWNER/ APPLICANT:	Victor Everingham, Greater Albany Public School District; 718 7th Ave SW; Albany, OR 97322
APPLICANT REP:	Wally Gresl, gLAs Architectural Group; 1415 Pearl Street; Eugene, OR 97401
ADDRESS/LOCATION:	2196 21st Avenue SE
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-3W-8DC; Tax Lot 3200
ZONING:	RS-6.5 (Residential Single Family)
TOTAL LAND AREA:	8.08 acres
EXISTING LAND USE:	Periwinkle Elementary School
NEIGHBORHOOD:	Periwinkle
SURROUNDING ZONING:	North: RS-6.5 (Residential Single Family) and RM (Residential Medium Density) South: RS-6.5 East: RS-6.5 West: RS-6.5

SURROUNDING USES:	North: Residential South: Periwinkle Park and Residential East: Residential West: Residential
PRIOR HISTORY:	Periwinkle School was expanded in 1978 (SP-04-78). A modular classroom was added in 1997 (SP-34-97). In 2007, approval was granted to construct a 3,000-square-foot play shed and a new asphalt and wood-chip play area (CU-13-07).

NOTICE INFORMATION

A notice of public hearing on the above application was mailed to surrounding property owners on August 1, 2008. The property was posted on August 1, 2008, in accordance with Section 1.410 of the Albany Development Code (ADC).

STAFF RECOMMENDATION

APPROVAL WITH CONDITIONS of the Conditional Use application referenced above. The conditions of approval are listed below in this staff report.

SUGGESTED MOTIONS FOR THE PLANNING COMMISSION

MOTION TO APPROVE WITH CONDITIONS

If no new evidence is presented at the public hearing, the Planning Commission may approve the application based on the findings and conclusions of the staff report.

I MOVE that the Planning Commission APPROVE WITH CONDITIONS Conditional Use application File CU-07-08 to relocate the school bus drop off/pick-up area for the Periwinkle Elementary School to the east side of the school buildings as shown on the site plan. The school is located at 2196 21st Avenue SE. This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing

MOTION TO APPROVE WITH CONDITIONS AS MODIFIED

If there is information not included in the staff report or new information presented at the public hearing, the Planning Commission may propose new findings and conditions and approve the application.

I MOVE that the Planning Commission APPROVE WITH CONDITIONS AS MODIFIED *(Insert Modification(s) here)* Conditional Use application File CU-07-08 to relocate the school bus drop off/pick-up area for the Periwinkle Elementary School to the east side of the school buildings as shown on the site plan. The school is located at 2196 21st Avenue SE. This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

MOTION TO DENY

If the Planning Commission finds that the applicant has not provided sufficient evidence to demonstrate that the review criteria have been met, or if they find the applicant has presented incorrect information, the Planning Commission may deny the application.

I MOVE that the Planning Commission DENY Conditional Use application file CU-07-08 to relocate the school bus drop off/pick-up area for the Periwinkle Elementary School to the east side of the school buildings as shown on the site plan. The school is located at 2196 21st Avenue SE. I also MOVE that the Planning Commission direct staff to prepare findings to support denial based on the testimony presented at the public hearing and to present these findings for consideration at the next meeting.

APPEALS

Within five days of the Planning Commission's final decision on this application, the Community Development Director will provide written notice of the decision to the applicant and all other parties entitled to notice.

A decision of the Planning Commission may be appealed to the City Council if a person with standing files a completed Notice of Appeal and the associated filing fee with the City within 10 days from the date the City mails the notice of decision.

STAFF ANALYSIS
Conditional Use File CU-07-08
Periwinkle Elementary School

The Albany Development Code (ADC) 2.250 contains the following review criteria that must be met for this application to be approved. Code criteria are written in ***bold italics*** and are followed by findings, conclusions, and conditions if conditions are necessary to meet the review criteria.

(1) The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.

FINDINGS OF FACT

1.1 The proposed use is not new to the Periwinkle Elementary School site. The school district is seeking approval to relocate the existing school bus drop-off/pick-up area from the main parking lot in front of the school to an area on the east side of the school buildings.

1.2 The school site is located on land zoned RS-6.5 (Residential Single Family). ADC 3.020(3) states that "The RS-6.5 District is intended primarily for low-density urban single-family residential development."

1.3 ADC 3.050, Schedule of Permitted Uses, shows that educational institutions are conditional uses in RS-6.5 zoning districts. Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the Conditional Use regulations because they may, but not necessarily do, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these proposed uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use process provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved (ADC 2.230).

1.4 Periwinkle Elementary School has been in operation at this location for many years. Schools are usually located within or near the residential neighborhoods they are intended to serve. It is convenient for parents and students to have a school near their homes.

1.5 Relocating the school bus functions to the east does not increase the number of students who attend the school or the number of buses.

1.6 The operating characteristics of this neighborhood are those found in any typical activities within a residential neighborhood: vehicles entering and leaving properties, people walking or bicycling, and working or recreating in their yards.

CONCLUSIONS

1.1 Schools are typically located in residential areas. Periwinkle Elementary is an existing school.

1.2 Relocating the school bus activities will not increase the number of students or buses at this school.

1.3 The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood. This review criterion is met.

(2) ***The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal calls for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping or other design features.***

FINDINGS OF FACT

2.1 Proposed Use. The proposal is to relocate the school bus drop-off/pick-up function from the parking lot in front of the main school building to a bus loop located about 100 feet east of the parking lot. In conjunction with the new bus area, internal sidewalks will be constructed to provide connections to the school, and a new crosswalk median will be constructed within the 21st Avenue right-of-way.

2.2 Existing and Anticipated Uses. The existing use of this property is an elementary school. The area around the school is a fully developed residential neighborhood. Periwinkle Park is located on the south side of the school property.

2.3 Size, Building Scale and Style. The proposal does not involve construction of any structures. It will consist of paving a travel lane for the buses and sidewalks to connect the bus area with the school buildings. A crosswalk will be constructed within the 21st Avenue right-of-way. The length of the travel lane for the buses is about 470 feet. The loading area is about one-half of that distance.

2.4 Setbacks. Setbacks apply to buildings (25 feet) and parking lots (10 feet), but not paved driveways. The bus loop will be located about 45 feet from the garage and about 65 feet from the living area of the nearest residential dwelling at 2300 20th Avenue SE.

2.5 Intensity – Lot Coverage. The maximum lot coverage for RS-6.5 zoning districts is 60 percent. The proposed project will increase the lot coverage by 6,920 square feet bringing the total lot coverage of the school site to 34.3 percent.

2.6 Intensity – Bus Activity. The proposed project will not increase the number of students or buses at the school. The school district has set the bus plans for the 2008-2009 school year. The Periwinkle Elementary School will be served by four regular school buses in the morning (between 8:30 a.m. and 9:00 a.m.) and in the afternoon (between 3:00 pm and 3:30 p.m.). The buses only come to the site during the school year. The proposed loading and unloading area is located on the south side of the proposed bus loop, just north of a recently approved new playground area for the school.

2.7 Buffer Landscaping/Fencing. The Development Code requires buffering and screening between different types of uses under certain circumstances. The buffer matrix in Article 9 of the Development Code does not list "school" as a use. Regardless, under some circumstances it might be necessary to provide buffering and screening between school facilities and adjacent residential uses.

2.8 Buffer Landscaping. In this situation, there is only one abutting residential property to the proposed new school bus loop. All of the other houses are separated by streets or other separations. The abutting house to the north is addressed as 2300 20th Avenue SE, which is at the east end of 21st Avenue. There is an existing short (3-foot-high or less) wooden fence and landscaping along the south edge of the driveway of this house. East of this fence section is a 5 to 6-foot-high open chain link fence. The property owner has planted landscaping along the chain link fence.

Representatives for the school district have spoken with the owner of the abutting property about the project but were not able to obtain any specific direction on what type of buffering, if any, was needed or acceptable. The site plan shows the school providing seven trees in between the area of the bus loop and the abutting property to the north. The species of these trees are: Kousa Dogwood, Kwanzen Cherry and Japanese Snowball. Three additional trees (red oak) will be planted in the center of the bus loop. Because the driveway for the bus loop is near a corner, for safety reasons, tall fences and vegetation cannot be located near the driveway entry/exit.

CONCLUSIONS

2.1 The school is located in a developed area, so there are no other anticipated uses.

2.2 Relocating the bus area does not increase the number of children or buses that will serve the school. The buses are at the school about one-half of an hour twice a day when school is in session. The children's loading/unloading area is located on the south side of the bus loop, away from any residential homes.

2.3 There is no setback standard for the proposed bus loop.

2.4 The site plan shows planting trees in the area of the bus loop to buffer it from residences.

2.5 The proposed use is reasonably compatible with the existing or anticipated uses in the neighborhood. This criterion will be met when the following condition is satisfied.

CONDITION

2.1 Before the bus loop is operational, the landscaping shown on the site plan shall be planted.

(3) The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.

FINDINGS OF FACT

3.1 This application has been made by the school district to resolve conflicts between the existing bus loading/unloading area within the parking lot in front of the school and parents picking up and dropping off their children. The bus loop will not add building area or student capacity to the school.

3.2 Periwinkle Elementary School is located on the south side of 21st Avenue at 2196 21st Avenue SE. Twenty-First Avenue SE is classified as a minor collector street. ADC 12.120 establishes a minimum right-of-way width of 60 feet for collector streets.

3.3 Twenty-First Avenue SE is constructed to City standards. The south one-half of the street improvements have been constructed on the school property. The existing right-of-way width along the frontage of the school site is 30 feet. The right-of-way width west of the school is 60 feet. The street pavement width within the right-of-way is 36 feet, which provides for a travel lane in both directions and on-street parking. The other street improvements include a curb, gutter, and sidewalk along both sides of the street.

3.4 The speed limit on 21st Avenue SE is 25 miles per hour (mph). A reduced school zone speed limit of 20 mph exists along the school's frontage on 21st Avenue and to a distance of about 100 feet to the north where the street changes name to 20th Avenue SE.

3.5 Albany's Engineering Design Standards contain guidelines for sight distance where another street or a driveway would intersect with a street. The recommended minimum sight distance for a two-lane 25 mph street is 250 feet.

3.6 The site plan shows the driveway for the new bus loop located east of the existing school buildings on the outside of a 90-degree curve in 21st Avenue. The curve is posted with an advisory speed of 15 mph. The proposed driveway location maximizes the available sight distance for drivers exiting and approaching the new driveway. Sight distance on 21st Avenue to the west of the new driveway will be unobstructed. Sight distance to the north (20th Avenue) will be in excess of 300 feet, and is limited only by a second curve in the road.

3.7 The proposed new driveway approach to 21st Avenue is 30 feet wide. It is located about 90 feet east of the closest adjoining driveway on the school site, and 24 feet southwest of the nearest driveway, which is on the adjoining residential parcel to the north (2300 20th Avenue SE). This proposed driveway width and location conform to the driveway design standards contained in ADC 12.100.

3.8 A crosswalk across 21st Avenue currently exists at the west edge of the proposed new driveway. The existing sidewalk on either side of the crosswalk does not have a pedestrian access ramp.

3.9 The applicant proposes to move the location of the crosswalk across 21st Avenue about 20 feet to the west. The applicant also proposes construction of a pedestrian refuge at the crossing and ADA compliant ramps at each end between the crosswalk and existing sidewalk.

3.10 Residents of the neighborhood north of the school have complained in the past about excessive vehicle speed and drivers taking the curve too fast. The installation of a median island will provide a refuge for pedestrians wishing to cross 21st Avenue to and from the elementary school, and it would also function as a traffic calming device by preventing drivers from cutting the corner. Drivers approaching the 90-degree corner would be forced to slow down in order to stay within their assigned lanes.

3.11 The proposed bus loop will not remove any existing on-street parking. The existing bus loading/unloading area in front of the school will be converted to add 12 parking spaces within the existing parking lot of the school.

CONCLUSIONS

3.1 The school is located on a minor collector street (21st Avenue SE) that is constructed to City standards. An additional 30 feet of dedication is needed in order to place existing public street improvements of 21st Avenue SE within the constructed public right-of-way.

3.2 The location and size of the proposed driveway on 21st Avenue SE for the bus loop conforms to the design standards contained in ADC 12.100.

3.3 Intersection capacity or level-of-service impacts are not expected because the new bus loop will not generate new vehicle trips to the site.

3.4 The location of the driveway for the bus loop does not impact existing on-street parking opportunities. Relocation of the school bus activities to the east will allow the existing parking lot to be restriped to add 12 additional on-site parking spaces.

3.5 Construction of a separate bus loading area will result in improved safety for pedestrians and vehicle operations within the parking lot of the school. Pedestrian safety will be improved by construction of a new crosswalk within 21st Avenue SE. It will also act as a traffic-calming device by preventing drivers from cutting the street corner.

3.6 The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. This criterion will be met when the following conditions are satisfied.

CONDITIONS

3.1 Before issuance of building permits, the applicant shall dedicate 30 feet of public right-of-way along the site's frontage on 21st Avenue SE.

3.2 Before the bus loop is put in operation, the applicant shall construct a median island/crosswalk within 21st Avenue SE as shown on the site plan. The island shall incorporate a crosswalk and ADA compliant

pedestrian access ramps to the sidewalks on the north and south side of the street. The City Engineer shall approve the final median design and pavement striping.

3.3 Before doing any work within the 21st Avenue right-of-way, the applicant must obtain from the City's Engineering Division of Public Works a Permit for Private Construction of Public Improvements.

(4) Public services for water, sanitary and storm sewer, water management and for fire and police protection are capable of servicing the proposed use.

FINDINGS OF FACT

Sanitary Sewer

4.1 City utility maps show a 48-inch public sanitary sewer main that runs in a north-south direction through the subject property. This main lies approximately in the area of the western portion of the proposed bus loop. It is approximately 18 feet deep. No public utility easements exist over the portions of these mains that lie in the area of the proposed construction.

4.2 ADC 12.370 requires the dedication of public utility easements of at least 20 feet in width, centered over the main, for all public sanitary sewers and appurtenances. Permanent structures are not allowed to encroach on a public utility easement, or be placed over a public sewer main. When mains are greater than 10 feet deep, it is usually necessary to provide easements in excess of the 20 foot minimum width.

Water

4.3 City utility maps show an 8-inch public water main in 21st Avenue SE. A portion of this water main lies within the subject property along its northern boundary. This portion of public water main is covered by a public utility easement. The proposed bus loop does not need public water.

Storm Drainage

4.4 City utility maps show no piped public storm drainage facilities adjacent to the proposed improvements. The nearest public storm drainage piping is located in 21st Avenue SE, approximately 500 feet west of the proposed driveway to the bus loop. Twenty-First Avenue SE is improved with curb and gutter along the full length of the school's frontage. Stormwater runoff that is collected in the gutter adjacent to the proposed improvements is carried to the west where it is discharged to a catch basin at the corner of 21st Avenue SE & Burkhart Street. From there, the runoff is carried to the west in public piping to Periwinkle Creek.

4.5 The applicant did not submit a drainage plan with the conditional use application. Because there is no public storm drainage piping in 21st Avenue SE adjacent to the improvements, a direct connection between an on-site private storm drainage system to the public system is not readily available. There are a variety of other potential engineering methods of accommodating runoff from the proposed impervious surfaces related to the bus lane. It may be possible to deal with the runoff on-site with some form of infiltration basin that would not require a connection to the public system. The City's Engineering Division and Building Division must approve any drainage plan for this development. Before building permits will be issued for the project, the applicant must submit a detailed storm drainage plan to the Engineering Division and the Building Division for review.

Police and Fire Protection

4.6 The City's Police and Fire Departments provide police and fire protection to the school now and will continue to do so.

CONCLUSIONS

4.1 The applicant is not proposing any connections to the public sanitary sewer and/or water systems for this project.

4.2 Existing public sanitary sewer mains within the boundaries of the subject property do not have public utility easements over them. Easements over public facilities that lie outside of public rights-of-way provide the City with the right to access these facilities for maintenance purposes.

4.3 The applicant must accommodate the on-site stormwater runoff that will result from the addition of impervious surfaces with this development. Public storm drainage piping does not exist adjacent to the proposed improvements. While there are a number of potential options available to deal with stormwater runoff at this location, the applicant did not provide a drainage plan with the submittal. Before the City will issue building permits for this project, the applicant must submit a detailed drainage plan for review by the City's Engineering Division and Building Division.

4.4 The Fire and Police Departments will respond as needed.

4.5 Public services for water, sanitary and storm sewer, water management and for fire and police protection are capable of servicing the proposed use. This review criterion will be met when the following condition is met.

CONDITION

4.1 Before the City will issue building permits for this project, the applicant must submit a detailed storm drainage plan to the Engineering Division and Building Division for review.

(5) The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, and hours of operation; (b) Privacy and safety issues.

FINDINGS OF FACT

5.1 Hours of Operation. The school operates about nine months of the year from about 7:00 a.m. to 5:00 p.m. Four regular school buses will serve this school in the morning between 8:30 a.m. and 9:00 a.m. and again in the afternoon between 3:00 p.m. and 3:30 p.m.

5.2 Noise. There is noise associated with the school buses that serve the school. The applicant did not submit sound level information on the buses.

5.3 Noise. Sound levels, which are measured in decibels, depend on the proximity to the sound source. The further away from the source, and if there is buffering in between, the less the decibel level. ADC 9.440 says that the noise standards of the city are stated in the Albany Municipal Code, Title 7, Public Peace, Morals and Safety, Section 7.05.080, Unnecessary Noise.

"It is unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any loud, disturbing, or unnecessary noise in the City. The following acts are declared to be violations of this section, but such enumerations are not deemed to be exclusive:

(1) The keeping of any animal which by frequent or loud continued noise disturbs the comfort and repose of any person in the vicinity;

(2) The use of any automobile, motorcycle, streetcar, or other vehicle, any engine, stationary or moving instrument, device, or thing so out of repair, so loaded, or operated in such manner as to create loud or unnecessary grating, grinding, rattling, or other noises;

(3) The sounding of any horn or signal device on any automobile, motorcycle, streetcar, or other vehicle on any street or public place of the City, except as a necessary warning or danger to property or person;

(4) The use of any mechanical device operated by compressed air, steam, or otherwise, unless the noise created thereby is effectively muffled;

(5) The erection, including excavation, demolition, alteration, or repair of any building, other than between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the Common Council;

(6) The use of any gong or siren upon any vehicle other than police, fire, or other emergency vehicle;

(7) The operation of any gasoline engine without having the same equipped with and using thereupon a muffler;

(8) The use of "muffler cutout" on any motor vehicle upon any street;

(9) The use or operation of any automatic or electric piano, phonograph, radio, loudspeaker, or any sound amplifying device so loudly as to disturb persons in the vicinity thereof or in such manner as renders the same a public nuisance; provided, however, that upon application to the City Manager, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches, or general entertainment;

(10) The conducting, operating, or maintaining of any garage within 100 feet of any building used as a private residence, apartment house, rooming house, or hotel in such a manner as to cause loud or offensive noises to be emitted there from between the hours of 10:00 p.m. and 7:00 a.m. The foregoing acts are declared nuisances and any person violating any of the provisions of this section shall be deemed guilty of an offense. (Ord. 4937 § 1, 1990; Ord. 3873 § 1, 1975; Ord. 2823 § 43, 1958)."

5.4 Noise. ADC 9.440 also states: "In addition, the Department of Environmental Quality (DEQ) has regulations that apply to firms adjacent to or near noise-sensitive uses such as dwellings, religious institutions, schools and hospitals."

"Dwellings" and "schools" are in the same noise-sensitive use category. "Firms" is intended to mean commercial or industrial businesses located near a noise-sensitive use.

5.5 Noise. The Department of Environmental Quality (DEQ) website states that effective July 1, 1991, the Noise Control Program of DEQ was terminated, but the State noise regulations remain on the books. A link from the DEQ's site to the Oregon Administrative Rules (Table 1, OAR Chapter 340, Division 35) shows the following maximum decibel levels for school buses in excess of 10,000 pounds gross vehicle weight, **a moving test at 50 feet:** for buses manufactured after January 1, 1986 - 80 decibels. (For comparison, normal conversation is has a sound level of 55-60 decibels. A hair dryer, which would be very near your ear, has a sound level between 80 and 85 decibels.)

The Transportation Department of GAPS told staff that the oldest bus in the fleet of 65 buses is a 1991 model; most are newer. It is not known which buses will be assigned to the Periwinkle School.

5.6. Noise. The loading and unloading of students with the new bus loop is intended to occur at or near the bottom of the loop. This is about 140 feet from the nearest adjacent home (2300 20th Avenue SE to the north). When a bus is at the proposed approach of the driveway to 21st Avenue, the living portion of that house is about 80 feet away. The driveway of the neighboring property is about 24 feet from the bus driveway. The buses will stop at the driveway no longer than necessary to safely enter 21st Avenue SE. Two buses will go east, two buses will go west.

5.7 Odors. The exhaust from the buses will be emitted into open air. The drivers are instructed to turn off the bus when loading and unloading the children. Finding 5.4 outlines the separation between the buses and the nearest house.

5.8 Glare. There is existing lighting on the south wall of the existing school building. No new lighting is proposed. The buses currently drive on 21st Avenue/20th Avenue, so the new bus loop would not increase the impact of headlights on nearby homes.

5.9 Privacy/Safety. The loading and unloading area of the students will be about 140 feet from the nearest residential home, which is to the north. Student behavior and activity is monitored by school staff.

5.10 Litter. The school provides trash receptacles for litter and monitors its grounds to make sure litter does not accumulate.

CONCLUSIONS

5.1 Relocating the school bus activity to the proposed location on the east side of the property will not have significant adverse impacts on the livability of nearby residentially zoned land.

5.2 This review criterion is met.

(6) Any special features of the site (such as topography, floodplain, wetlands, vegetation, historic sites, etc.) have been adequately considered and utilized.

FINDINGS OF FACT

6.1 *Comprehensive Plan, Plate 7: Slopes,* does not show any steep slopes on the school property. City topographic maps show that the elevation of the school property varies from about 224 to 228 feet.

6.2 *Comprehensive Plan, Plate 5: Floodplains,* shows that the subject property is not in a 100-year floodplain. FEMA/FIRM Community Panel No. 410137 0004F, dated July 7, 1999, shows the area on the school property where the new facilities are proposed is in Zone X, an area determined to be outside any 500-year floodplain.

6.3 *Comprehensive Plan, Plate 6: Wetland Sites,* does not show any wetlands on the property. The National Wetlands Inventory does not show wetlands on the property. The property is not included in a Local Wetlands Inventory.

6.4 *Comprehensive Plan, Plate 3: Natural Vegetation and Wildlife Habitat,* shows no areas of concern on the property. This property has been developed with a school for many years.

6.5 *Comprehensive Plan, Plate 9: Historic Districts,* shows the school property is not in a historic district. There are no known archaeological sites on the property.

CONCLUSION

6.1 This review criterion is not applicable because there are no special features on this property to be considered.

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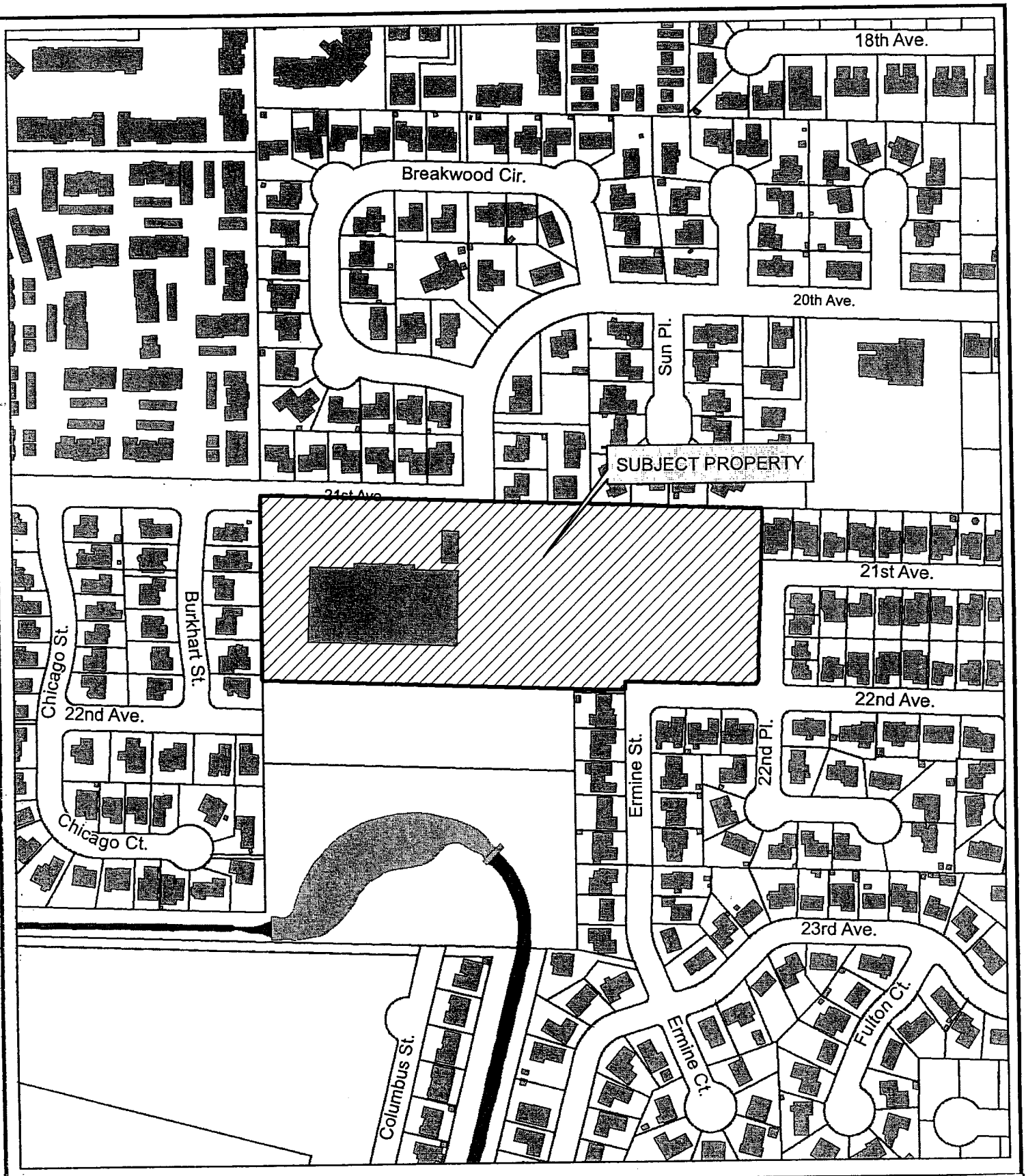

LOCATION MAP – PERIWINKLE ELEMENTARY SCHOOL

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, consequently this information proves to be incorrect, and that its accuracy is not warranted. Prior to making any property purchases or other transactions based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.

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Feet

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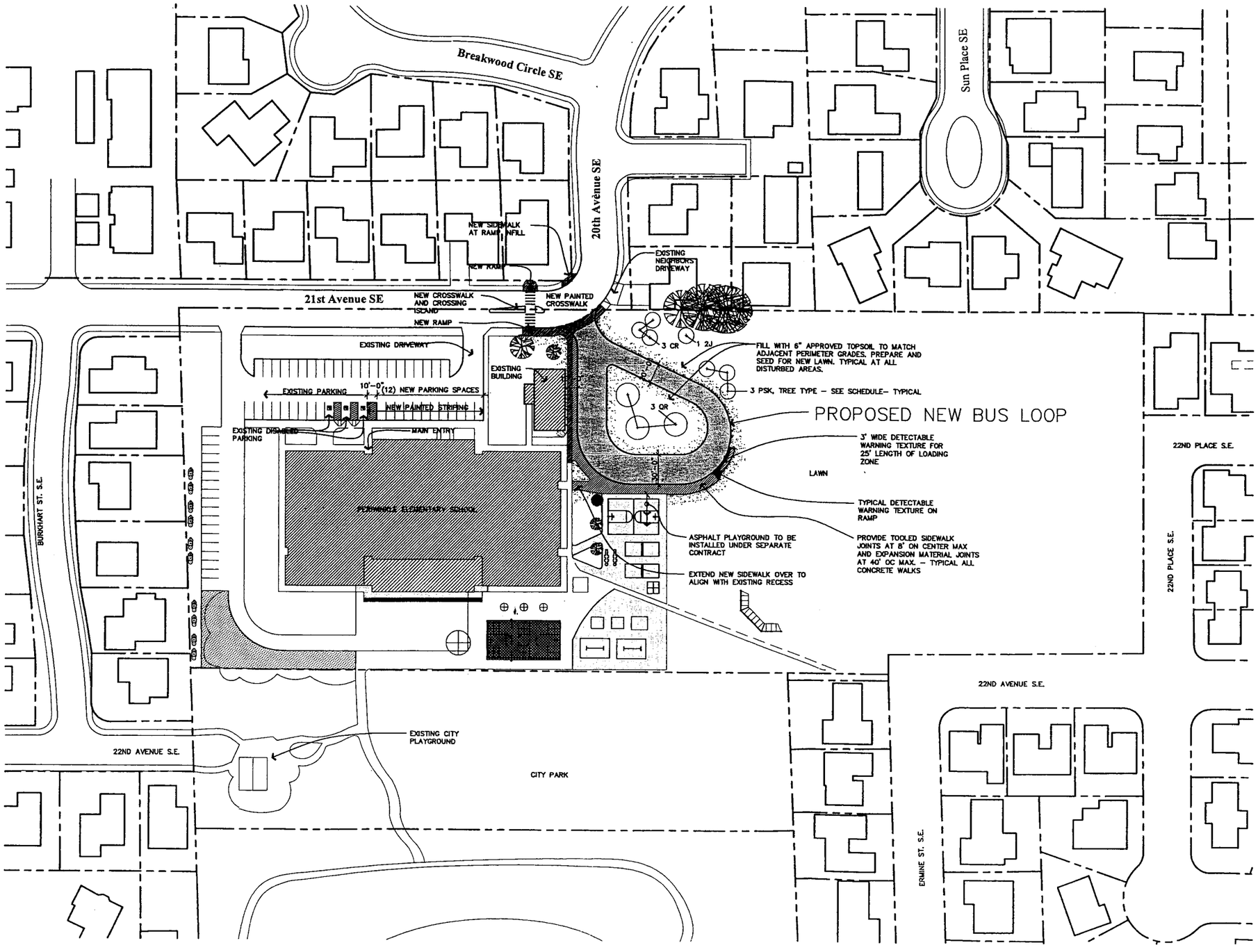
Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917-7676

SITE PLAN - PROPOSED IMPROVEMENTS FOR PERIWINKLE ELEMENTARY SCHOOL



SITE PLAN LEGEND

- NEW LAWN
- NEW ASPHALT PAVING OVER CRUSHED ROCK BASE
- NEW CONCRETE SIDEWALK OVER CRUSHED ROCK BASE.
- NEW TREE WITH TYPE DESIGNATION. SEE TREE SCHEDULE. (3 QR)

1 / A1 PERIWINKLE ELEMENTARY SCHOOL BUS LOOP SITE PLAN

SCALE: 1:50

NORTH

TREE SCHEDULE

KEY	QTY.	BOTANICAL NAME	COMMON NAME	MIN. SIZE	COMMENTS
CK	3	CORNUS KOUSA	KOUSA DOGWOOD	1.5" CAL.	SINGLE STEM, B&B, MATCHING, FULL
PSK	3	PRUNUS SERRULATA 'KWANZEN'	WKANZEN CHERRY	1.5" CAL.	SINGLE STEM, B&B, MATCHING, FULL
QR	3	QUERCUS RUBRA	RED OAK	2" CAL.	MATCHING, FULL
SJ	1	STYRAX JAPONICUS	JAPANESE SNOWBALL	1.5" CAL.	SINGLE STEM, B&B, FULL

gLAs Architects, LLC

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Eugene, Oregon 97401

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(541) 686-2017 fax

REGISTERED ARCHITECT
WALTER R. GRESL
EUGENE, OREGON
STATE OF OREGON

CONSULTANTS

GREATER ALBANY SCHOOL DISTRICT
NEW BUS LOOP AT PERIWINKLE ELEMENTARY SCHOOL
ALBANY, OREGON

gLAs Architects, LLC COPYRIGHT 2008

REVISED

SITE PLAN

PROJECT NUMBER 07046

DATE 07/17/08

A1

APPROVED_____

CITY OF ALBANY
PLANNING COMMISSION
City Council Chambers, 333 Broadalbin Street
Monday, July 21, 2008
5:15 p.m.

MINUTES

Planning Commissioners present:	Paul Davis, David Faller, Lolly Gibbs, Cordell Post, Wayne Rackham, Dala Rouse, and Mark Spence
Planning Commissioners absent:	Michael Styler and Scott Whitney
Staff present:	Planning Manager Don Donovan, Infrastructure Analyst Mike Leopard, and Administrative Assistant Teresa Nix
Others present:	Approximately 18 others were present in the audience, including the applicants.

CALL TO ORDER

Chair David Faller called the meeting to order at 5:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

QUASI-JUDICIAL PUBLIC HEARING

Faller called to order a public hearing on Planning File Number AN-01-08, Annexation of property located at 4854 and 4900 Knox Butte Road SE. The applicants are Sid and Cindy Miles.

Declarations:

None.

Staff Report:

Infrastructure Analyst Mike Leopard showed a map of the area on the overhead projector. He said there is a conflict between the survey boundary and an existing dwelling. The applicants are working with the property owner to make a property line adjustment. There is also a fence line that runs approximately 100 feet west of the east boundary line. The applicants feel there is potential for a similar conflict between the assumed property line and the actual property line in the southern portion. Because of timing constraints related to annexation elections, the applicants were unable to complete property line adjustments before proceeding with the subject request. They have chosen to draw the boundary for the annexation along the fence line. The annexation request is for approximately 28 acres of two parcels which total over 30 acres.

Leopard said the annexation criteria and staff findings are presented in detail in the written staff report. He will summarize some of the findings.

Regarding the first annexation criterion, the subject properties are within the Albany Urban Growth Boundary (UGB) and are contiguous to the current city limits. The property is eligible for annexation.

Regarding the second criterion, no public utilities currently exist adjacent to the subject property. The nearest water main is in Knox Butte Road, approximately 3200 feet west of the site. The nearest public sanitary sewer main is in the intersection of Knox Butte Road and Marilyn Street, approximately 400 feet west of the property. Storm drainage consists mainly of storm drain ditches along Knox Butte Road. The parcels have access to Knox Butte Road (a minor arterial street) and to San Felicia Avenue (a local unimproved street) under the jurisdiction of Linn County. The City uses an annexation agreement to ensure that all needed public infrastructure will be installed by the developer before development can occur on the site.

Regarding the third criterion, the City's facility plans include the entire UGB in their study areas. A Local Wetlands Inventory for the East I-5 area shows wetlands on the property that are not considered to be locally significant. The Comprehensive Plan Map designation for these properties is Urban Residential Reserve (URR). The property owner will apply for a City zone in the future when a specific development proposal is determined for the property. Until then, the property will retain in its current zone of Linn County UGA-UGM-20.

Regarding the fourth criterion, annexation of the property will make the site available for development options. There is no additional cost to the applicant to place an annexation on the ballot during general elections in even numbered years; there may be significant cost to the applicants in odd numbered years. Another issue for consideration pertains to the creation of islands of unincorporated territory. If the subject property were to be annexed, it would create an island along San Felicia and Knox Butte Road consisting of approximately 26 parcels on 15 acres.

Applicant Testimony:

Don Kelley, 110 N Second Street, Silverton, 97381, stated that he is an attorney for the applicants and that the applicants accept the favorable nature of the staff report. Since the subject site is in the UGB, it is planned to be annexed. As cities have adopted voter approval of annexations, it has become necessary to project out years in advance. The property owners want some assurance that, if they engineer a development, it could go forward if it is appropriate and meets requirements at the time of development.

Using the overhead projector, Kelley pointed out the area referred to as an island in the staff report. He said the issue of whether this is an enclave is open for interpretation. A section of road is the only thing that keeps the site from being contiguous. The enclave area is in the UGB and has experienced some problems with septic systems. Moving infrastructure toward this site will be helpful if this area needs to annex in the future. He offered to answer any questions.

Commissioner Wayne Rackham asked if providing infrastructure to help the lots on San Felicia would involve an LID. Kelley clarified that there will be no direct benefit to those residences at this time and that there are no plans for an LID. Moving infrastructure to the east would help if there is a need for a future health hazard annexation.

Public Testimony in Favor of the Application: None.

Public Testimony in Opposition to the Application: None.

Neutral Testimony:

Colleen Mitchell, 220 Pitt Street SE, said her mother owns property behind San Felicia in an area that was annexed in 2003. They have been waiting for City services to be brought out so they can put another residence on the property. It has been five years since the annexation and her mother's property taxes

have tripled, but she is still waiting for City water and sewer. Mitchell wanted to be sure the applicants are aware that they may pay City taxes without receiving City services for several years.

Applicant Rebuttal: None.

Staff Response: None.

Faller closed the public hearing at 5:35 p.m.

Commission Discussion:

Commissioner Dala Rouse commented that City services are not automatically extended when an area is annexed. City services are extended and paid for by the property owners.

Faller reopened the public hearing at 5:37 p.m. for additional Neutral Testimony.

Beverley Mitchell, 220 Pitt Street SE, said she attended several meetings prior to the annexation of her property. It was her understanding that she would receive City water and septic within a reasonable length of time. She does not think that five years is reasonable.

Faller closed the public hearing at 5:40 p.m.

Rackham asked how many property owners would be affected by the annexation. Leopard said the annexation would incorporate two parcels, both of which are owned by the applicants. He assumes they are aware that they will be responsible for City taxes after annexation.

Commission Action:

MOTION: Commissioner Mark Spence 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 Knox Butte Road SE, and forwarding the question of an annexation to the voters on the November 4, 2008, ballot. He further moved that the City Council adopt the findings and conclusions contained in the staff report dated July 14, 2008. By this motion, the Planning Commission finds that this territory meets the eligibility and timeliness criteria for annexation to the City of Albany (File AN-01-08). Commissioner Paul Davis seconded the motion, and it **passed** unanimously.

Faller said a City Council public hearing for this application is scheduled for August 13, 2008.

CONSOLIDATED QUASI-JUDICIAL PUBLIC HEARING

Faller called to order a public hearing on Planning File MN-01-08, Modification to a Non-Conforming Use to allow a change from an industrial use to an automotive repair business, and Planning File LA-05-08, Property Line Adjustment that would transfer approximately 0.4 acres of land from Linn County Assessor's Map No. 11S-3W-7AC, Tax Lot 102 to Tax Lot 104. The property is located at 1020 and 1110 Hill Street SE. The applicant is Crabtree Automotive Incorporated.

Declarations:

None.

Staff Report:

Planning Manager Don Donovan summarized the staff report. He said the subject property is made up of two parcels of land owned by Terry Shores. Timothy and Paula Connaghan want to buy the property. Donovan showed the subject property on the overhead projector, pointing out the location of the existing

warehouse, the current property line, and the location of the proposed property line adjustment which would place the entire warehouse on one parcel. The Connaghans want to relocate their business, Crabtree Automotive, to the parcel that contains the warehouse. They have indicated that they will sell the other parcel.

Donovan said there have been a variety of industrial uses on this property for at least 30 years. The property was zoned Heavy Industrial until 2003 when the City changed the zoning to Office Professional (OP) as part of a periodic review. The long term objective of zoning the property OP was to establish office uses on the property that would be more consistent with the retail stores and office uses on surrounding properties. Nonconforming uses are allowed to continue and the Albany Development Code allows nonconforming uses to be modified. Modification to a nonconforming use is a Type II land use decision. Staff makes a decision and mails a Notice of Tentative Decision. Someone who receives the Notice can ask for a public hearing. The Rowes own property to the south of the subject property and asked for a public hearing. They believe the applicants have not adequately addressed noise that would be generated and that transients crossing the property will be a problem.

Donovan showed the subject site on the overhead. He provided a brief overview of the applicable review criteria and some of the staff findings, which are provided in detail in the written staff report.

The first criterion requires that the nonconforming use was not created unlawfully. The present use was approved 1994. The nonconforming situation was not created unlawfully.

The second criterion requires that, with mitigation measures, there will be a net decrease in overall detrimental impacts. When the existing use was approved in 1994, the owner said the business would operate from 7:00 a.m. to 9:00 p.m. The automotive business will operate from 8:00 a.m. to 5:00 p.m., Monday through Friday. It appears there will be a decrease in the hours of operations. In written information, the applicants said the current business averages 20 rail cars and 60 semi trucks per month. The automotive business will not use any rail cars or semi trucks. There will be an occasional truck delivery and tow trucks will deliver cars to the business a few times a week. The applicant will provide the required parking and landscape the front yard and parking lot in accordance with today's standards. The applicants propose to remodel the front of the warehouse. He showed a graphic of the proposed façade. There has been storage of lumber and other materials on the site. The vehicle storage area on the south side of the building will be allowed as a place to park vehicles that have been towed to the business after hours. Cars that are being worked on will be stored inside the building. With the required conditions of approval, the new use will result in a net decrease in overall detrimental impacts over the previous use. Staff finds that this criterion is met.

The third criterion applies only if the subject site is in a residential zone. This site is in a commercial zone and this criterion does not apply.

The fourth criterion requires that, if the nonconforming use is in a commercial or industrial zone, and if any changes are proposed, the appearance of the new use or development will not detract from the desired function and character of the zone. Based on information in the written staff report, staff finds that the new use will not detract from the desired function and character of the OP zone.

The Planning Division received letters in support of the request from At Home Furniture and Albany Denture Clinic. The letters are included in the staff report to the Planning Commission.

In response to an inquiry from Commissioner Lolly Gibbs, Donovan said the letter from the Rowes did not specify the location of the blackberries of concern.

In response to an inquiry from Spence, Donovan used the diagram on the overhead to point out the doors on the north side and south side of the warehouse.

Applicant Testimony:

Tim and Paula Connaghan, 845 SW 29th Street, came forward. Ms. Connaghan said she talked with Tim Rowe in an attempt to address his concerns about noise at the south door. She offered to plant a row of trees on the property line to buffer noise, but Rowe said he would like a cement wall put up. The Connaghans submitted the written results of a sound test conducted by Connie Hamilton, Council for Accreditation in Occupational Hearing Conservation (Exhibit 1), showing sound level readings at the current Crabtree Automotive site of approximately 70 dB. Current readings at the subject site were 74 dB. It is Hamilton's opinion that the proposed new business is quieter than the current occupant.

Ms. Connaghan referred to the Rowe's concern about vagrants. She said a cement wall would not keep vagrants from coming up the rail line between the subject property and the Rowe's property. Once the property has been cleared and the blackberries removed, there will be no place for vagrants to live. Mr. Connaghan said he is obviously concerned about vagrants as well. He will do what he can to address any problems.

In response to an inquiry from Davis, Mr. Connaghan said his business does not do auto body work.

In response to inquiries from Rackham, Mr. Connaghan said the rail tracks are not on the subject property. They are on property owned by the railroad. The Rowes have indicated a concern about after-hours noise, but his business will only operate from 8:00 a.m. to 5:00 p.m.

Spence said he doesn't know what to make of the difference between 70 dB and 74 dB. He asked for information about the size and use of the south bay door. Ms. Connaghan said the door is 14 feet x 12 feet. The north door will be used for driving in and the south door for driving out. All of the work will be done inside the building.

Davis asked how often the south door will be open. Mr. Connaghan said the door will be closed in the winter. During the summer, it will be open for ventilation purposes.

Gibbs asked if there would be any semi truck traffic. Mr. Connaghan said his business works on passenger cars only. It does not work on semi trucks or even motor homes.

Rouse asked for more information about the proposed fencing. Ms. Connaghan said there are plans to just fence the vehicle storage area at this time. She wants the front to look like it belongs in an OP area. She submitted a letter from the Terry Shores outlining the current business being done at the subject site (Exhibit 2).

Public Testimony in Favor of the Application: None.

Public Testimony in Opposition to the Application:

Marianne McDonald, 4856 Lancaster Drive NE, Apt 145, Salem, said she has owned the property at 915 12th Street SE since 1984. She submitted photographs of activity at the subject site (Exhibit 3). She submitted and read a written statement (Exhibit 4), expressing concern about air, noise, and water quality, and about the City's cost to investigate these items on an ongoing basis; about the environmental impact of the proposed use on sewer and storm drains; about the storage of vehicles on the property providing an attractive nuisance to the criminal element; and about erroneous information in the staff report. She said it has been several years since semi trucks used the property and the railroad only uses the tracks about one night each week to park box cars. The staff report indicates that noise, dust, odor and fumes will be reduced, but there is no noise, dust, odor or fumes to be reduced. The staff report says that Linn Plywood did manufacturing of plywood until the early 1970s, but the property burned down in 1959. She and her neighbors feel this is not a good use for this property. The property was rezoned to OP in 2003 as part of a periodic review and she feels that decision was the correct and appropriate one.

Rackham asked about the noise generated by the railroad when it uses the tracks. McDonald said she is used to the noise and can sleep through it. She is concerned about the noise that will be generated during the day by the mechanical work. She has questions on how the noise tests were conducted. She said she knows from personal experience that 80 dB can cause hearing loss. She questioned the ability to plant trees in the railroad's 30-foot ROW and said it would take a long time before the trees grew enough to provide a noise barrier. She said she is concerned that the parcel to the north will also be given nonconforming status.

Tim Rowe, 12th Street SE, submitted written testimony (Exhibit 5). He expressed concern about noise, impacts to his well which provides drinking water and irrigation, and traffic. He said traffic already backs up around the Boys and Girls Club during the school year. The proposed use would increase congestion. He is requesting that the applicants put in fencing to ensure that people will continue down the railroad tracks and not loiter. Most of the surrounding properties are fenced. The current use does not cause noise impacts. This change will increase the noise level on his property. He expressed concern that ownership could change and that the next owners may not do things right.

Spence asked for a staff response to some of the concerns raised about drainage and noise.

Donovan said there are requirements regarding the drainage of any wastewater generated by the automotive repair shop. The limit on the amount of noise allowed in the City is 55 dB during the day and 50 dB at night. If there was a noise complaint, the City would investigate using the correct methodology. Any use that generated noise in excess of that allowed would have to stop.

Neutral Testimony: None.

Applicant Rebuttal:

Tim and Paula Connaghan said air quality will be controlled through an air capture system. The building has no drains and will discharge nothing to the sewer. An OP use would likely generate more cars than the proposed use. The warehouse upgrades will include insulation in the walls which should reduce noise. Terry Shore's letter states that his current business does include the use of semi trucks. If transients are a problem, the applicants would consider adding fencing. If there is no problem, they will probably not put up a fence. Tax lot 102 is currently zoned for commercial use; an auto shop would be an allowed use.

Rouse asked if the applicants could apply for a zone change so the use would not be nonconforming. Donovan said the City changed the zoning to OP in 2003. The applicants could apply to change it back. He clarified that this request does not include the parcel to the north, Tax lot 102. There is no existing nonconforming use on that parcel.

Rouse said it appears that there will be fewer hours of operations, no semi-trucks, and no unloading of rail cars.

Donovan said there is some discrepancy in the information presented about current uses on the site. Staff requested that the applicants provide a description from Terry Shores regarding the nature of his business. The applicants have submitted his written testimony. The laws and the Code contemplate this situation. When presented with conflicting testimony, the Planning Commission must decide what it chooses to believe under the circumstances.

Staff Response:

None.

Faller closed the public hearing at 6:40 p.m.

Commission Discussion:

In response to an inquiry from Gibbs, Donovan said the approval would allow an auto shop that operates 8:00 a.m. to 5:00 p.m., Monday through Friday. The approval is not based on ownership.

Commission Action:

MOTION: Rouse moved that the Planning Commission approve with conditions the application for the Modification to a Non-Conforming Use and the Property Line Adjustment for property located at 1020 and 1110 Hill Street SE (Files MN-01-08 and LA-05-08). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearings. Commissioner Cordell Post seconded the motion, and it **passed** unanimously.

The above action may be appealed to the City Council, as outlined in the Notice of Decision.

ACTIVITY UPDATE

Donovan said he would like to schedule August 11 or August 18 to hear an application from the Parks and Recreation Department to vacate a street right-of-way to develop a City park. Four Commissioners indicated that they would be available for either date. Donovan will check with Commissioners Styler and Whitney regarding availability.

NEXT PLANNING COMMISSION MEETING DATE

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

ADJOURNMENT

Hearing no further business, Chair Faller adjourned the meeting at 6:50 p.m.

Submitted by,

Teresa Nix
Administrative Assistant

Reviewed by,

Don Donovan
Planning Manager

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DRAFT

APPROVED_____

CITY OF ALBANY
PLANNING COMMISSION
City Council Chambers, 333 Broadalbin Street
Monday, July 7, 2008
5:15 p.m.

MINUTES

Planning Commissioners present:	Paul Davis, David Faller, Lolly Gibbs, Wayne Rackham, Dala Rouse, Mark Spence, and Scott Whitney
Planning Commissioners absent:	Cordell Post and Michael Styler
Staff present:	Community Development Director Greg Byrne, Planning Manager Don Donovan, City Forester/Parks Facility Manager Craig Carnagey, Assistant City Engineer Jeff Blaine, and Administrative Assistant Teresa Nix
Others present:	Approximately 20 others were present in the audience, including the applicants.

CALL TO ORDER

Chair David Faller called the meeting to order at 5:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

APPROVAL OF THE MAY 5, 2008, MINUTES

MOTION: Commissioner Wayne Rackham moved to approve the minutes as presented. Commissioner Lolly Gibbs seconded the motion, and it **passed** unanimously.

CONSOLIDATED QUASI-JUDICIAL PUBLIC HEARING

Faller called to order a public hearing on Planning File Number CU-03-08, a Site Plan Review for construction of two parking lots, an infiltration basin, and a bus turnaround at Fairmont School, and Planning File Number SP-09-08, a Site Plan Review to fell 13 trees larger than 8 inches in diameter to construct the parking lots and an infiltration basin to accommodate drainage from the parking lots. The subject property is located at 1005 Springhill Drive NW. The applicant is Greater Albany School District 8-J.

Declarations:

Rackham said he has visited the site many times for sporting events, without lasting impression.

Commissioner Dala Rouse said she has driven by the site and noticed the size of the trees.

Faller said he regularly drives by the site.

Commissioner Paul Davis said he has driven by the site many times.

Commissioner Mark Spence said he regularly drives and runs by the site.

Staff Report:

Planning Manager Don Donovan summarized the staff report. The school district proposes to expand and improve the north parking lot and improve the south parking lot which is now mostly gravel. There is no piped storm drainage system in this area, so the school district proposes to construct an infiltration basin to accommodate the storm water runoff from the parking lots and bus turnaround. They propose to locate the infiltration basin where there is a grove of 100 to 150 year old trees that range up to 5 feet in diameter.

Donovan showed graphics on the overhead projector as he reviewed the existing conditions, the proposed new construction, and a striping plan of the proposed parking lots and bus turnaround.

Donovan said the Albany Development Code includes criteria which the City uses to review applications for development. When an application requires a public hearing, staff writes a report that lists the applicable Development Code criteria, and explains how the application meets the criteria or can meet the criteria through conditions of approval. Occasionally, an application cannot meet the criteria and must be denied.

The staff report for the subject application includes findings and conclusions for approval of the site plan as submitted. It also includes findings and conclusions to support revisions to the site plan. Staff wrote the staff report in this way because the school district wants to do construction this summer. The Planning Commission makes the decision on the application and chooses which findings and conclusions to adopt in support of its decision.

Donovan said there are six review criteria that must be met if the Conditional Use application is to be approved. The written staff report includes a list of these criteria and a detailed response to each. He will summarize some of the most important information to be considered in reviewing this application.

Regarding the first and second criteria, the subject property is zoned Residential Reserve (RR). Schools are Conditional Uses in residential zoning districts. Fairmount School has been in operation at this site for some time and has most recently been used as an alternative school. The school district intends to convert it to a kindergarten through second grade school this Fall. The Development Code requires schools to provide one off-street parking space per classroom plus one per two employees. The application says the school will have 10 classrooms and 40 employees which would require 30 off-street parking spaces. The site plan shows 59 spaces will be provided. The applicants state that parking is not allowed on Springhill Drive and they want to provide additional parking for events at the school.

The proposed parking lots and bus turnaround will not substantially change the use of the property. The Development Code requires buffering and screening between parking lots and single family homes. The recommended conditions of approval require buffering and screening along the north side of the northern parking lot. There is already a hedge on the property next door to the north.

The Development Code limits lot coverage for residential development in RR zoning districts to 20 percent of the property. It does not specifically address maximum lot coverage for schools. The buildings and parking areas at Fairmount School currently cover about 10 percent of the property. With the proposed construction, about 28 percent of the property would be covered. The Planning Commission has occasionally approved increased lot coverage for churches in residential neighborhoods. The Planning Commission will have to specifically decide whether the 28 percent lot coverage should be allowed.

Regarding the third criterion, the City's Transportation Analyst assumed the proposed project will not generate new vehicle trips so there will be no increased impact on Springhill Drive.

Regarding the fourth criterion, the parking lots and bus turnaround will not need water or sewer service. Storm drainage from the site has historically flowed east to the play field and infiltrated into the ground. The Development Code requires that new development provide adequate provisions for storm and flood water runoff as determined by the City Engineer. The City Engineer has reviewed the proposed infiltration basin and determined that it will have adequate capacity to manage the storm drainage from the proposed new construction.

Regarding the fifth criterion, the staff report includes a discussion of the impact of the northern parking lot and bus turnaround on the residential property to the north. There is a golf course to the south.

The sixth criterion requires consideration of the trees that would be removed. The Development Code requires a Site Plan Review for felling of five or more trees larger than 8 inches in diameter. The applicants submitted a Demolition Plan which lists 33 trees on the property, 27 of which are larger than 8 inches in diameter. The Demolition Plan proposes to remove 13 of the 27 trees. Four of the trees would be removed to expand the south parking lot, one would be removed to reconstruct the north parking lot, and eight would be removed to construct the infiltration basin. Ten of the trees are Douglas firs, two are Oregon White Oaks, and one is a birch tree. The trees to be removed vary from 12 inches to 60 inches in diameter. The trees are located in an area of Natural Vegetation and Wildlife Habitat as identified in the Comprehensive Plan. The applicants proposed this location for the infiltration basin because it is close to the parking lot, it would require less pipe be constructed, it could be easily accessed for maintenance, it is the natural low spot on the site, and there would be little impact on the play area.

Donovan reviewed the three criteria for tree felling, as detailed in the staff report. The applicants submitted a Health and Vigor Assessment of the trees. The assessment is based only on a visual assessment of the trees and was made from the ground level using binoculars and clinometers. The assessment finds that the trees health and vigor are good, but that they are hazardous and could lose a large diameter limb or fail due to topping that was done about 25 to 40 years ago. The assessment acknowledges that a hazard evaluation was not requested and was not done. No assessment of the value of the trees as wildlife habitat or any history of the trees was provided. The assessment concludes that four of the large fir trees along the south boundary could be saved even with construction of the infiltration basin as proposed.

The staff report includes information from the Comprehensive Plan about the value of trees in Albany, including modification of temperature extremes, amelioration of environmental pollution, reduction of soil erosion and surface runoff, and aesthetic enhancement. The staff report concludes that the infiltration basin can be moved and the south parking lot made smaller, which would save 12 of the trees proposed to be removed. The birch tree would likely need to be removed to build the north parking lot and in order to expand the lot if necessary to accommodate more parking spaces if the Planning Commission decides to limit the size of the south parking lot to save the large fir trees.

Donovan said several letters were received that express concern about the proposed tree felling. These letters are included in the staff report to the Planning Commission.

Rouse asked where the storm water from building goes at this time. Donovan responded that, as he understands it, the storm water runs off to the east and infiltrates into the ground.

Spence said the materials reference trees that were previously removed from the site. He asked when those trees were removed and whether they are shown on the satellite photo. Donovan drew attention to Page 3 of the staff report. He stated that approval to remove six trees in front of Fairmount School along Springhill Drive was granted in 2001 (File SP-06-01), based on findings by a certified arborist that the

trees were hazardous because they had been topped and had severe structural problems. The satellite photo was taken after that time and does not include the six trees.

Rouse asked about the possibility of the City extending storm drainage to this area. Donovan said that may happen in the long term, but there is no storm drainage there at this time.

Applicant Testimony:

Ed Fitz-Patrick, 5541 SW Bluestern Place, Corvallis, 97333, presented the application as Project Manager for the Greater Albany School District. He said the school district plans to reopen Fairmont School in the Fall of 2008 due to increased student enrollment. There is a need to replace or repair the existing parking lots and add a bus turnaround. The proposed infiltration basin is needed to address City requirements related to storm drainage.

Mr. Fitz-Patrick said the school district considered several options that are not included in the staff report. The applicants' preferred option was to repave the existing north parking lot and add a bus turnaround on the west side of the building. ODOT Rail has jurisdiction over that area and rejected the option. This required that the bus turnaround be located in the north parking lot outside of the rail zone.

Mr. Fitz-Patrick reviewed the proposal to build an infiltration basin. Storm drainage from the parking lots would go into the basin and the water would infiltrate into the ground. The proposed infiltration basin would keep storm water drainage away from adjacent properties. The school district did not find staff's Modified Site Plan to be feasible. There will be 150 to 200 students at this site in the near term. At full capacity, there will ten classrooms with about 300 students. The Modified Site Plan would reduce the already limited play area and would result in an unacceptable amount of play space at full capacity. The area of the proposed infiltration system is off limits for children. The applicant has appeared several times to the City Council and the Planning Commission regarding the lack of parking at schools. Any overflow of parking during events would go into the surrounding neighborhood.

Grant Beem, 2634 Valley View, addressed the Commission as Engineer for the applicant. He said porous paving options were considered for this location; however, he is not aware of any local use of this material and does not know the long term implications. There is a risk that this option would not work and that the applicant would have to repave the parking lots. Porous materials are typically used in parking areas and may not be suitable in this area which will have a combination of parking and bus access. Porous pavements would still have drainage associated with them. Regarding the option of relocating the infiltration basin to the field, this would require crossing the pipes that run from the septic system to the drainfield. He understands that these pipes are very shallow. Moving the basin to the east would require the applicant to either go through the trees with pipe or to add several hundred feet of pipe.

Spence asked for a response to the option of eliminating curbs and draining out to the play fields. Mr. Beem said he understands that the Development Code would not allow that option.

Spence asked what area is considered the overflow parking area. Mr. Beem responded that the south parking lot is for overflow parking.

Gibbs asked if the proposed infiltration basin would be fenced and how it would be maintained. Mr. Beem responded that there would be a chain link fence surrounding the area. The fence would be inspected annually and maintained by the school district. Landscape maintenance would occur on a regular basis.

Rouse asked if there is a ditch in front of the school on Springhill Road. Mr. Beem responded that there is somewhat of a ditch there, but the site does not drain to it.

Spence asked for additional information about parking needed for special events. Mr. Fitz-Patrick said there would likely be 40 staff people at full capacity. With 30 parking spaces, every day parking would overflow into the community. The site could function on a daily basis with 40 parking spaces. During special events, when parents visit the site, there would still be overflow into the community.

Commissioner Scott Whitney said it appears that there would be overflow into the community during special events even with 59 spaces, given that there would be 300 students at full capacity. Mr. Fitz-Patrick said that is a fair statement.

Rouse asked if there is any reason the school district could not work something out with the adjacent golf course for parking during special events. Mr. Fitz-Patrick said that could be discussed.

Mr. Fitz-Patrick stated that, regardless of the number of parking spaces, an infiltration basin is needed. Rouse asked if the infiltration basin could be located on the other side, where the north parking lot is. Mr. Fitz-Patrick said no, because that would take up a large chunk of the playfield.

Rouse expressed concern that the proposed system may change the water table for the large trees. She asked if any water from the buildings would go to the infiltration basin. Mr. Fitzpatrick said no, only water from the parking lots would drain to the basin.

Spence asked how effective the planter bays might be for catching water. Mr. Beem said they would probably not be very effective because they are only about one foot deep.

Spence mentioned the possibility of putting a bioswale around the bus turnaround area. He said he sees solutions that are not proposed. Mr. Beem said it is a possible that a bioswale could work. He does not know the drainage characteristics in that area because the drainage tests were done in the tree area. He noted that the bottom portion of the proposed infiltration system includes 21,000 cubic feet of storage.

Public Testimony in Favor of the Application: None.

Public Testimony in Opposition to the Application:

Mark Azevedo, 1210 NW Skyline Drive, said he thinks the circumstances of this application indicate where Albany is in relation to natural resources and storm water management. The City is just beginning to evaluate how storm water management can be brought into compliance with standards that will have to be met in the near future when Albany reaches a population of 50,0000. He said the City does not have much experience with the proposed system and was hesitant to embrace it. This is also true with regard to porous paving materials, which are already used in other communities throughout the Willamette Valley.

Mr. Azevedo said the school district wants to improve this site for school children, but what is being proposed is behind the times in relation to natural resources and storm water management. The arborist report stated that, for the most part, the trees had health and vigor. The assumption that there is some level of hazard because they were topped is made without data to show any hazard potential. It is true that there is not much experience with porous paving materials in this community, but there are surfaces that can meet standards for buses, that have longevity, and that cost less than asphalt and concrete. Local systems have not come up to speed with existing technology. There is expertise on this issue at the university in Corvallis and he has been advocating that the City of Albany come up to speed. He said he is adamantly opposed to the proposal as put forth, but he thinks it can be modified with creativity.

Mr. Azevedo submitted and read a letter from Annette Higinbotham, dated July 7, 2008 (Exhibit 1).

James Donnelly, 1050 Springhill Drive, said he lives across the street from the north parking lot of Fairmount School. His first reaction to the concept of a better design for the bus turnaround was positive, but he and his wife became concerned about details of the proposed plan. He shares the concern that expansion of the south parking lot and removal of the trees to create an infiltration basin is not a good

idea. The character of the neighborhood would be damaged by removal of the trees. He has lived in this location for 14 years and can think of only three days when an event at the school caused overflow parking into the neighborhood. Daily loads do not fill the current parking lot, but he understands that this may change as the school reaches full capacity in a few years. He would advocate expanding the north parking lot further to the east, removing the south parking lot, and adding a bioswale and pervious surface. Technologies offered by permeable surfaces, in combination with a bioswale, would eliminate the need for a catch basin. He said there is good drainage in the area. During the flooding of 1996, the school area and golf course parking lot were dry right after the rain stopped. He would like to keep the trees from being cut down.

Tom Capel, 5064 NW Scenic Drive, said he lives outside of the City limits, close to Fir Grove School, and he has comments about the school district's attitude about employees parking in its lots. A new parking lot was recently built at Fir Grove at a cost of $84,000. A couple of months ago, he noticed a vehicle with a "For Sale" sign parked in the gravel area. He believes this was an employee's vehicle due to the amount of time it was parked at the site. He called the school principal, who said employees could not be told where to park. He then called a representative of the School Board who visited the site, and reported that there was nothing he could do since it was not posted as a "No Parking" area. He said he is making a subjective comment that the school district treats parking in a very cavalier manner and he thinks it is doubtful that 54 parking spaces are needed at Fairmount. He is from southern California and that area has been wasted. Every time a tree is cut down, it takes Albany in the direction of southern California.

Warren Chism, 109 NE Fairway Drive, said he and his wife have been walking their dogs in the subject area at least once a week since 1992. He asked staff to put a map of the site on the overhead, and he pointed out a couple of areas that become soggy during wet weather. He offered to answer any questions in that regard. He said this is the first time he has heard that trees in the grove were previously topped. He would not have known that they were topped by looking at them. He referred to a comment that the applicant would need to access the drainage basin from the backside for yearly maintenance, and he questioned why that area could not be accessed from the front.

Rouse asked if Mr. Chism has noticed sloping on the site. Mr. Chism said there is a very gentle slope, but the site is pretty flat. He has never noticed much water coming off the parking lot into the direction of the playground area, which is covered in bark mulch. There is an embankment in the stand of trees.

Rackham asked if Mr. Chism has seen the parking lot overflowing with cars. Mr. Chism said he can remember a couple of times when the north parking lot was full during sporting events. He would welcome having people park on his street occasionally. He said there might be opportunities for better use of the current parking area. For example, the area between the two access drives on Springhill is wasted space that often has cars with "For Sale" signs.

Kathy Cook, 1210 NW Skyline Drive, referred to her written testimony in which she raised the possibility of reducing the percentage of impervious surface and lot coverage. She said another option would be to use interlocking forms, filled with grass or gravel, which have a high mechanical strength. These are used for parking lots, bus turnarounds, and fire lanes in several cities, including Vancouver, Lake Oswego, Portland, and Eugene. The sales representative has said he would talk to the City Engineer about these options. There has been a combination of things presented that could work at this site. She asked about the potential that the school district might eventually decide to use the school will be for kindergarten through fifth grades, and she questioned whether the site should be evaluated for potential safety impacts and whether consideration should be given to upgrades to the pedestrian and bicycle path. She said the trees have been insinuated as being a hazard and she asked if the danger of trees falling is greater than the risk of being hit while waiting to turn into the parking lot.

Bill Root, 2634 NW Valley View, said he is Chair of the North Albany Neighborhood Association. He submitted and read written testimony (Exhibit 2). He referred to a statement in the staff report which states that the improvements are not expected to add vehicle trips. There has been a huge amount of growth in North Albany since this building was used as a grade school and it is ridiculous to say that this will not add vehicle trips. There will be significant impacts to traffic from people traveling in both directions to drop off their children and from bus traffic. He said public utilities are required before the zoning in this area can be changed to RS-10 and the current zoning needs to be considered until improvements are made. He said the issue of standing water is not addressed. Standing water can become an attractive nuisance and can serve as a breeding ground for mosquitoes. He does not agree with the proposal to remove the trees or add the detention pond, and he thinks a traffic study is in order.

Dick Miles, 2465 40th Avenue SE, said most of his points have been made. He said the expectation that enrollment will increase is being used as justification for altering the land. He suggested that occasional events that would result in increased parking could be held at another school.

Neutral Testimony: None.

Faller called a brief recess at 7:05 p.m. The public hearing reconvened at approximately 7:15 p.m.

Applicant Rebuttal:

Edward Fitz-Patrick said there appears to be a misconception about the arborist report. The report on the general health of the trees was submitted as part of the application. The applicant does not say the trees need to come down for safety issues. The trees need to come down for the infiltration design. Mr. Fitz-Patrick referred to comments on porous pavement. He acknowledged that it is used in other cities, but he said it is new and unproven and the applicant considers it could be problematic due to maintenance issues. Regarding the number of parking spaces, he said the applicant would agree to the 45 parking spaces that currently exist. He said parking lot sheet draining is contrary to the current Development Code. If the Planning Commission provides a variance to allow for sheet draining and no curbs, that would be fine with the applicant. Combined with the reduced parking and a bioswale at the east end of the bus loop, these variances would eliminate the need to remove the trees. This is so contrary to the Development Code that the applicant did not propose it. The one birch tree at the north parking lot would still need to be removed.

Staff Response:

Rouse asked City Forester/Parks Facility Manager Craig Carnagey to come forward. She asked for a response to a question she had asked him on the break regarding the impact of standing water on trees. Carnagey said changing hydrology, especially standing water, can lead to decay and rot. He stated that these are large trees that have grown in certain conditions and that altering the hydrology could lead to instability in the roots.

Spence asked why someone who wanted to remove 13 large trees would request an arborist to evaluate the health and vigor of the trees. Carnagey said it is somewhat useful to know that the grove of trees is in good health. He said it is typical that an arborist would also be asked to evaluate whether the trees are hazardous and he does not know why that was not done in this case. Donovan clarified that the original application did not include an arborist report. The report was submitted in response to a statement by staff that, without an arborist report, staff would assume the trees were healthy.

Spence asked Assistant City Engineer Jeff Blaine to come forward. Spence asked why there would be a concern about sheet draining off of the parking lot in 100-year flood event in this location. Blaine said discussions with K&D Engineering have been about a 100-year rain event. There are two scenarios of what might happen if the water from such an event does not infiltrate, both of which would have the water flowing off of the site and onto neighboring properties. An infiltration basin was chosen by the applicants

as the mechanism to hold water on the property so that it does not impact neighboring properties. The applicants have provided documents that show the soil is well drained. City staff has a low level of experience with infiltration basins and do not typically allow them as public facilities. This is being accepted as a private facility to address a worst case scenario, in this case a 100-year rain event.

Rouse said staff is assuming that the water will not percolate into the soil. Blaine said K&D Engineering did test the soil and felt it did infiltrate adequately. The proposal provided to staff was for an infiltration basin and this is not to say that staff would not consider alternative proposals.

Rouse asked why the water could not be allowed to continue to drain as it presently does. Blaine noted that the increasing impervious surface area will result in a greater quantity of water. He said the soil might be able to take it all, but he cannot say that is known.

In response to an inquiry from Rouse, Donovan said any expansion of the parking lot would require a Conditional Use permit.

Rackham asked if staff would have concerns about the safety implications of removing the curbs. Donovan said the Development Code requires a curb around the parking lot as a way to manage water so that it does not cause damage elsewhere. He said the applicant could apply for a variance. Rackham asked if staff concerns about the curb are related to detention rather than safety. Donovan said yes.

Rouse asked if a dry well could be put at the end of the parking lot. Donovan said that has not been considered.

Faller closed the public hearing at 7:34 p.m.

Commission Discussion:

Davis said the applicants have suggested that they would accept 45 parking spaces and a sheet drain with no curbs. He said that suggests that the applicant is willing to take responsibility for impacts that might occur with a 100-year rain event and this would solve a lot of issues.

Spence said he thinks the applicants require more direction than that. As indicated by staff, the criteria states that all options for tree preservation must be explored prior to trees being removed. It is clear to him that not all of the alternatives have been explored, and that none of the best alternatives have been explored.

Faller said he is familiar with the school district's need to do the Fairmount School project, but he is against removing the trees. He thinks the engineers need to find other alternatives.

Rouse agreed with Faller. She said she does not want to see the trees removed unless it is absolutely necessary, and she does not think it is necessary. She does not want to see infiltration in the tree area. She suggested that the school district may need to come back with a different plan.

Donovan explained that the staff report was written in a manner that would allow the Planning Commission to approve the plan as submitted or to approve a modified plan that would save the trees except for the one birch. The applicant could then work with the modified plan or appeal the decision to City Council. The staff report was written this way in consideration of the school district's timeline and as a way to keep the process moving forward, if possible. Denial of the application is still an option.

Spence said he thinks there are alternatives that do not involve the conditions as presented. Following brief discussion, Spence said there seems to be willingness on the part of the Commission to grant variances on curbs and the like. Rouse said a variance on curbs could be granted based on the fact that there is no public storm drainage in the area. In a few years, there may be drainage and sewer that the

applicant could hook up to. She asked about the possibility of allowing the water to sheet drain off of the parking lot. Donovan said there is still the concern of where the water will go in a rain event.

Rackham said the plan presented does not appear to be well thought out. He would choose to deny the application.

Spence said his sentiments are with Rackham; however, the goal is to create the best outcome. He thinks that can occur in this process and without multiple appeals.

Faller said denial would jeopardize the opening of the school this Fall.

Rouse asked if the Planning Commission could make a tentative approval of the modified Site Plan and hold another hearing about storm drainage. Donovan noted that the public hearing is closed. He stated that, if the Planning Commission feels it does not have enough information, the ordinary procedure would be to deny the application.

Commission Action:

MOTION: Davis moved to recommend that the City Council approve with conditions the modified Site Plan for the Conditional Use application for construction of two parking lots and a bus turnaround at Fairmount School (File CU-03-08), and the Site Plan Review application to fell one tree larger than 8 inches in diameter to construct the parking lots and bus turnaround (File SP-09-08), with a change to Condition of Approval for Modified Site Plan 6.1 as follows: "The south parking lot must be reconfigured to save the four trees shown to be removed. The number of parking spaces will be reduced to 45." This motion is based on the staff report and testimony presented at the public hearing. Rouse seconded the motion.

Spence said he does not think that onsite storage is the only way to address storm water runoff on this site. He would like to direct staff to work with the applicants to consider alternatives, including variances on curbs and drainage into planting areas. Brief discussion followed.

Donovan said the Planning Commission could list variances it would consider. If so directed, staff could consider alternatives to the infiltration basin and try to determine an easy way to remove the requirement for curbs. The applicant may be required to submit a variance application.

MOTION TO AMEND: Spence moved to amend the motion to include a change to the Condition of Approval for Modified Site Plan 4.1 as follows: "The applicant must construct a storm drainage collection system. The system must provide sufficient storm water storage onsite to accommodate a 100-year 24-hour storm. In meeting this requirement, the applicant and staff may consider alternatives that are not presently in the Development Code because the site does not drain into the public storm water system. In general, it appears that the system will include the playfields." Rouse seconded the motion, and it **passed** by a vote of 6 to 1. Rackham voted no.

The amended main motion then **passed** by a vote of 6 to 1. Rackham voted no.

ACTIVITY UPDATE

Donovan said an annexation application will be considered at the July 21, 2008, meeting.

NEXT PLANNING COMMISSION MEETING DATE

The next meeting of the Planning Commission is scheduled for Monday, July 21, 2008, at 5:15 p.m. in Council Chambers.

ADJOURNMENT

Hearing no further business, Chair Faller adjourned the meeting at 8:15 p.m.

Submitted by,

Teresa Nix
Administrative Assistant

Reviewed by,

Don Donovan
Planning Manager

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