

APPROVED November 16, 2009

**CITY OF ALBANY
PLANNING COMMISSION
City Hall Council Chambers, 333 Broadalbin Street
Monday, June 29, 2009
5:15 p.m.**

MINUTES

Planning Commissioners present: Paul Davis, David Faller, Lolly Gibbs, Cordell Post, Dala Rouse, Michael Styler, Larry Tomlin, and Scott Whitney

Planning Commissioners absent: Wayne Rackham

Staff present: Assistant City Engineer Jeff Blaine, Planner II Anne Catlin, Planning Manager Don Donovan, and Administrative Assistant I Sheena Dodson

Others present: None

CALL TO ORDER

Chair Faller called the meeting to order at 5:17 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

CONTINUED LEGISLATIVE PUBLIC HEARING

Chair Faller called to order a continued legislative public hearing on Planning File DC-02-09, amendments to Albany Development Code Articles 1, 2, 9, 11 and 12. The applicant is the City of Albany Planning Division.

Staff Report

Planner II Anne Catlin said there was no new staff report. She introduced Assistant City Engineer Jeff Blaine. She commented that Blaine would address the issues and concerns that the Planning Commission (PC) had listed at the last meeting. She noted that this meeting would not address Commissioner Rouse's comments regarding vehicle turning radius but the issue would be addressed at a later date.

Commissioner Paul Davis arrived at 5:19 p.m.

Catlin commented that the PC memo provided information on why the proposed language was needed to get specific information without getting too much information. She noted SmartCenters and Fabian Estates Remand as examples.

Post asked why the language needed to be in the Development Code (DC) if staff could already receive the information. Donovan replied that it is difficult to get the information sometimes. Post expressed that his concern was that getting the information would be too difficult for the person who wanted to build a five lot subdivision.

Blaine said that in regards to Article 2.490, site plan review, staff used SmartCenters as an example because that project incorporated almost all of the concerns that engineering encounters when reviewing storm water issues for site plan review applications. He noted that depending on the application for a project, staff could need all the information listed. He thought that the PC recommendation to add the word applicable would be acceptable. Staff is not going to require more or less than what is deemed necessary to make a good decision. Regardless of whether the requirements are in writing or not, Engineering would not approve an application unless enough information is provided to make a good decision and not adversely impact neighboring properties or the downstream stormwater system. Putting it in writing saves time for the developer and staff.

Post emphasized his concern about adding additional regulations. Blaine replied that currently the City does not have the wording and staff gets challenged on their authority to require it. Staff saw this as a way of being up front, reducing potential conflicts and still getting the information that staff needs. Gibbs stated that for a small developer the list might be helpful in saving them time to have the information needed upfront.

Tomlin asked if the City had information for two-foot intervals why they needed it down farther than public domain knowledge. Post agreed. He said two-foot intervals are free and one-foot intervals are not. Blaine said that the challenge for staff is that there are sites where there is not two feet of elevation change across the whole site. Staff still has to look at if the proposed activity will negatively impact the neighboring properties. That is the reason for the more stringent requirement. If there was a site that did not fit into that category then staff would not require one-foot intervals. Rouse stated that for storm drainage on a development adjacent to a friend's property the one-foot interval would have made a positive difference.

Tomlin asked if there could be a checklist for certain type of projects. He used the example if someone was raising the grade of their property to say that these things would be applicable. Post stated that the "if applicable" language leaves a lot of discretion to staff and future staff could be unreasonable. Rouse asked "if applicable" could be in bold letters.

Rouse asked if the 100-year flood line changed for an older subdivision and the new subdivision next to it is required to be lowered, how staff would address the issue. She used the subdivisions in Clover Ridge and North Albany as examples. Blaine asked for clarification if Rouse was asking about what happens to the displaced flood water. Rouse agreed. She asked if the flooding on Clover Ridge was because staff didn't have enough information to help prevent the problem from happening. Blaine explained that these are two separate issues. For fill in the floodplain, fill permits are required in addition to any site plan review or subdivision review. When sites are filled to create a subdivision, if not adequately addressed, the displaced water could be diverted onto neighboring properties. Blaine explained that the subdivision scenario is addressed under a different process than the site plan review code revisions that are being proposed. Blaine further explained that in the Clover Ridge example, the subdivision was approved with drainage along the backside of the fill slope, to accommodate normal runoff conditions. These facilities were confirmed as constructed through Public Works review of subdivision construction. However, once subdivision construction was completed and construction of the home began, the drainage facilities were filled in through the process of the push outs and re-grading of the lots. He said that this scenario highlights a gap in the drainage review process as development shifts to single family residential home construction, an activity not overseen by Public Works. Public Works and Community Development Staff is working on process improvements to prevent this from happening in the future. Additionally, Council will be considering changes to the fill permit process that will help address this problem in other circumstances. Although they are related, these review scenarios are different than the ones that would be impacted by the proposed code changes being considered by the Planning Commission.

Tomlin asked why engineering would not get another chance to review storm drainage for site plan reviews. He inquired if there was any review process at the end. Blaine said that engineering does not have a role during the building process for site plan review. Catlin explained that the site plan review process only comes to planning once where it receives input from engineers. She noted that by the building permit state it is too late.

Catlin explained the site plan review and the subdivision process are two separate processes for two separate type of the development activities. She explained that during the subdivision process there is a preliminary plat and then a final plat. The applicant has to turn in site improvements to building utility systems and public streets, during which PW becomes involved in the process. Staff is requesting the site plan review code additions because staff does not always get enough information initially at the site plan review stage and that is often the only time to review it.

Davis asked if there should be storm drainage review required for site plan or subdivision or both. Catlin said both. Processes for subdivision review are already in place. She stressed there was only one opportunity in the process for staff to collect the information for a site plan review. She explained that for subdivisions there was more opportunity for PW to receive the information. She pointed out that subdivision and site plan reviews are two different processes and rarely overlap.

Catlin clarified that the PC wanted the proposed language on page 69 to add “applicable information”. Staff removed the minimum utility easement section in Article 12, as mentioned in the memo. Staff asked if the PC had any other proposed changes.

Tomlin asked for clarity whether a potential single-family dwelling being built up considerably and would have impact on their neighbors did not require a site plan review. Catlin said the use is allowed outright and receives a building permit only.

Rouse asked if a lot was allowed to have fill that impacts the neighbors. Catlin explained that there will be more discussion needed with the planning, building and PW staff because a fill permit is not required unless someone is in the floodplain. She noted that it is a subject in the works but is not related to the articles’ amendments before the PC.

Post pointed out that there was case law regarding drainage and if a person blocks someone’s drain way and it floods their house, the person is liable. Rouse shared about a situation in Keizer where a property owner sued the City of Keizer and the engineers. She asked if the City was trying to alleviate the possibility of getting into a law suit. Donovan affirmed. He emphasized that planning, building and PW are working together to find a solution to drainage.

Faller asked if drainage issues would be caught in the building permit process. Donovan replied that the building division is not responsible to look at that. Building division looks at the building and six feet away from the building only.

Chair Faller closed the public hearing at 5:53 p.m.

MOTION: Gibbs moved to recommend approval to the CC with the conditions to modify 1) to insert “applicable information” at Article 2.490 (5) and 2) not to include any changes for Article 12.370, utility easement width. Commissioner Tomlin seconded it. The motion **passed** unanimously.

Faller stated that this was scheduled to be heard by the CC on Wednesday, July 8 at 7:15 p.m.

ACTIVITY UPDATE

Donovan stated that staff is working on Lowe's. Lowe's is hoping to have the traffic study done in the next couple of weeks. Lowe's will then decide to either go ahead with the project or not. It will not be coming to the PC.

NEXT MEETING DATE:

The next meeting of the Planning Commission is a joint meeting with CC to be held on July 20, 2009.

ADJOURNMENT

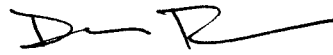
Hearing no further business, Chair Faller adjourned the meeting at 5:58 p.m.

Submitted by



Sheena Dodson
Administrative Assistant I

Reviewed by



Don Donovan
Planning Manager