



APPROVED February 24, 2011

**CITY OF ALBANY
HEARINGS BOARD**
City Hall Council Chambers, 333 Broadalbin Street
Monday, September 27, 2010
4:15 p.m.

MINUTES

Hearings Board Members present: Dala Rouse, Cordell Post and Larry Tomlin

Hearings Board Members absent: None

Staff present: Planner Janet Morris III, Planner II Evan Fransted, and Administrative Assistant I Sheena Dickerman

Others present: 4 others in audience

CALL TO ORDER

Chair Dala Rouse called the meeting to order at 4:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

APPROVAL OF MINUTES

Board Member Post moved to approve as written both February 11 and August 2, 2010, minutes. Board Member Tomlin second it.

VOTE: Motion **passed** unanimously.

QUASI-JUDICIAL PUBLIC HEARING, Case Files PA-03-10

Chair Rouse called to order a public hearing on Planning Tentative Plat that would reconfigure a 20,927-square-foot tax lot that consists of Lots 5 and 6 and parts of Lots 3 and 4 of Block 6, Hackleman's Fourth Addition Subdivision. The plat would result in two separate parcels.

Declarations:

Rouse has had a site visit has seen one other duplex on 2nd Street.

Staff Report:

Planning I Evan Fransted summarized the written staff report. The property proposed to be partitioned is located is on the north side of 2nd Avenue and west of Cleveland Street. The property is owned by James Hammel. The partition plat and application were done by Hightower Engineering. The property where the partition is proposed is zoned RM (Residential Medium Density). The property is also designated as Open Space (OS) on the Comprehensive Plan Map, along Periwinkle Creek. The minimum average lot size in RM zoning districts is 2,400 square feet for a single family resident and 4,800 square feet for a duplex.

The partition plat shows that the Parcel A, which contains the existing house, will be 10,378 square feet. Parcel B will be 10,549 square feet.

The proposed partition will reconfigure the entire 20,927-square-foot tax lot owned by James Hammel; there will not be any remainder of the property. The adjoining properties all have access.

The City does not require a traffic study for projects that generate less than 50 new vehicle trips at the peak traffic hour. If developed with a single family home in the future, Parcel B would generate about 10 additional weekday vehicle trips on the street system. If developed with a duplex, it would generate about 14 new weekday vehicle trips. Albany's Transportation System Plan (TSP) does not identify any level of service or congestion problems on streets adjacent to the development.

Public sewer is not adjacent to proposed Parcel B, but a private utility easement over Parcel A can provide access to the existing public sewer main near the existing house on the site. The tentative plat shows a private utility easement proposed for the future sewer lateral for Parcel B. Future construction on Parcel B will necessitate the installation of new sewer and water services for that development. A recommended condition of approval requires that the applicant must provide a private utility easement over Parcel A for the benefit of Parcel B. This easement may be created on the final plat.

The property does not have steep slopes, wetlands, or historic sites or buildings. There are natural vegetation and wildlife habitat areas identified. The division of land is not expected to impact the natural vegetation and wildlife habitat on the property.

A portion of the property along Periwinkle Creek is located in the 100-year floodplain. The FEMA FIRM map shows the property is located in Zone A, an area where no base flood elevations (BFE) have been determined. The Development Code says that when base flood elevations have not been determined, other sources of floodplain and floodway data can be used to determine base flood elevations and boundaries. Hightower Engineering provided a hydraulic report that was performed in 1995 for the First Avenue Bridge. The report lists the BFE at 200.4 feet, as shown on the tentative plat. The report was reviewed by Oregon Department of Land Conservation and Development (DLCD). DLCD verified that the report shows the correct BFE. Any land division in the floodplain requires an additional 6 standards to be met. The standards are in the handout given to the Hearings Board and at the front the table next to the sign-in sheet. The application has shown that these standards have been met. A condition of approval of the partition will be the 100-year flood contour line must be shown on the final plat, followed by the date the flood elevation was established and statement that says development in the 100-year floodplain is subject to special regulations.

The Tentative Plat shows a building can be placed on Parcel B outside the OS Comprehensive Plan designation. The plat will not impact the OS area.

Fransted mentioned that a letter, a copy is in the HB's file folders, was received from Mr. and Mrs. Gentilini who own the property at 1605 2nd Avenue SE, across Cleveland Street from the subject property (Exhibit A).

Rouse asked about steep slopes on the property. Fransted explained that all steep slopes are not identified in the Comprehensive Plan maps.

Post asked if the property was above the base flood line. Fransted affirmed.

Rouse asked if duplexes were allowed in any zone, especially single-family zones, on corner lots. Fransted explained that duplexes are allowed with a minimum lot size on corner lots in some single-family zones and are allowed in the RM zone.

APPLICANT TESTIMONY:

Paul Hightower, 140 Green Acres Lane, Albany engineer and neighbor. The purpose of the application is for the owner to sell the property for income. Neither the applicant nor Hightower will develop the property.

Hightower addressed the concerns from the letter (Exhibit A). The tall grass has been mowed and there is sufficient parking around the lot. With the steep slopes there are lots of different ways to design the house, either with a taller foundation or to have a basement area. There will be no impact on the environment or the floodplain.

Tomlin asked if there was an existing sidewalk along the frontage of the property. Hightower replied yes.

No other testimony was given.

Chair Rouse closed the public hearing at 4:35 p.m.

MOTION:

Post moved to approve the application with conditions set forth in the staff report. Tomlin seconded it.

VOTE: Motion **passed** unanimously.

NEXT MEETING DATE: TBD.

ADJOURNMENT

Hearing no further business, Chair Rouse adjourned the meeting at 4:38 p.m.

Submitted by

Signature on file

Sheena Dickerman
Administrative Assistant I

Reviewed by

Signature on file

Janet Morris
Community Planner