



APPROVED November 2, 2010

**CITY OF ALBANY
PLANNING COMMISSION
City Hall Council Chambers, 333 Broadalbin Street
Monday, May 24, 2010
5:15 p.m.**

MINUTES

Planning Commissioners present: Paul Davis, David Faller, Glenda Fleming, Bob Kish, Cordell Post, Dala Rouse, Michael Styler, Larry Tomlin and Dave Wood.

Planning Commissioners absent: None

Staff present: Community Development Director Greg Byrne, Planner II Anne Catlin, Planning Manager Heather Hansen, and Administrative Assistant I Sheena Dickerman

Others present: None

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

INTRODUCTION OF NEW PLANNING COMMISSIONER

HEARINGS BOARD APPOINTMENT

Chair Faller mentioned that Commissioner Post offered to take the permanent position if no one else wanted it. Commissioner Tomlin nominated Post for the permanent position. Commissioner Rouse seconded it. Motion **passed** unanimously.

Commissioner Styler volunteered for the alternate position. Commissioner Post made a motion to accept Styler as the Hearings Board alternate. Rouse seconded. Motion **passed** unanimously.

APPROVAL OF THE MINUTES

Post moved to approve all the minutes in the packet; November 16 and 30, 2009; December 14, 2009; April 20, 2009, CIP joint work session and the April 12, 2010 CIP joint work session. Commissioner Davis seconded it. Motion **passed** unanimously.

FLOODPLAIN INFORMATION

Planning Manager Heather Hansen explained that the floodplain management information was important to the City in order for residents to receive flood insurance. The City needs to participate in the National Flood Insurance Program and to meet the requirements of the program. New maps need to be adopted and the Development Code (DC) needs to be up to date with the current FEMA regulations for floodplain management. An ordinance, coming at a later date, will accomplish this. The City also participates in a special program within the NFIP, the Community Rating System (CRS). Anything the City does to protect property from flooding that is above and beyond the minimum requirements earns the City points. The more points equals a higher discount for residents' flood insurance. An interdepartmental team has been trying to achieve a rating of 5 from 7 giving residents a 25 percent discount. The ordinance needs to be adopted by September 29, 2010.

Hansen mentioned that the floodplain management package was planned to go with the Goal 5 proposal because the same properties would be affected. The first public hearing will be June 28, 2010.

LEGISLATIVE PUBLIC HEARING, DC-03-10 Amendments to the Albany Development Code

Chair Faller opened the public hearing at 5:22 p.m.

Staff Report:

Planner II Anne Catlin summarized the written staff report. She gave a background on the Development Code (DC) amendment process. She noted that the changes in Article 1 and 2 (Exhibit A) are needed in order to be consistent with changes recently made to the DC by Ordinance No. 5728 (planning file DC-03-09). The changes proposed in this package of amendments will remove duplicate content. These amendments support the policy to ensure the degree of application and review is commensurate with the size and complexity of various development requests.

Amendments proposed in Article 3, 4, 5 and 22 would clarify the use of the terms: setbacks, yards, setback yards, and required yards.

In Article 10, Manufactured Homes staff proposes to clarify the information needed for temporary manufactured home permits and the permit time periods.

Staff is proposing to move vocational schools out of the retail use category and into the educational institution category so that they can be permitted in industrial zones through the site plan review process. Currently, they are not allowed. This amendment better achieves the policy to provide training for a skilled workforce.

A resident has requested that the City allow gymnastics, tumbling and cheerleading as Indoor Recreation uses in the Light Industrial (LI) zone. Vacant industrial buildings often provide the necessary height and open space needed to conduct these activities safely. This would make use of vacant industrial buildings. Staff supports this public request.

Another request, from a hospice care group, is to allow pharmacies as a convenience-oriented form of retail. This type of retail is permitted in the Neighborhood Commercial zoning district. This supports the economic policy that commercial sites be located to be easily accessible by the service area. Staff made some changes so that the use could be allowed.

In Article 22, staff found some errors that needed to be fixed and definitions are proposed for terms that are used in the Code but not currently defined.

Staff reviewed the zone purpose statements to determine where gymnastics-type uses, vocational schools, and pharmacies should be allowed.

Staff recommends approval of the proposed DC amendments.

Public Testimony: None

Commission Discussion:

Commissioner Styler asked if sections 1.073 (1), (2) and (3), which are proposed to be removed, were included elsewhere. Catlin affirmed. The content is included in Article 2.

Styler asked about the accessory building height standards on page 7 of the packet. Catlin explained it as an existing standard that staff has not had many problems with. There is no proposal to change it at this time. Styler expressed concern about the height of shops. Catlin explained that buildings that these are the standards that are used to determine compatibility and when site plan review would be required.

Rouse asked if a two-story house could be built on a vacant lot in a one-story neighborhood. Catlin said that the section was in regards to accessory buildings only.

Tomlin asked if parking lot structures needed a 20 foot setback. Catlin explained it was a current standard to allow for stacking distance. She said that staff could look at the Code and come up with standards that make more sense for parking structures. Byrne agreed. He said the purpose is for parking not to intrude on the sidewalk but parking structures are built differently.

Rouse said that in the RS 6.5-zone, in south Albany, there had been controversy about putting in the Alzheimer housing because the size of the structure. She expressed concern about allowing some conditional uses such as large residential care facilities in residential zones. She asked if the building size could be limited. Catlin stated the suggestion will be added to the list for review.

Post asked that Section 3.400 be added to the list to remove the wording regarding barbed wire. He explained that if a property owner has cattle in forest or farm deferral, they need to be able to run barbed wire or use electric fences.

Styler asked about garage and carport setbacks for manufactured homes. Rouse explained that if neighboring homes had a garage or carport the manufactured home would be required to have one.

Tomlin asked for clarification about the parking space requirements for restaurants and retail because the requirements do not work for the downtown area. Catlin explained that the downtown is in a special parking district where the City does not require parking.

Rouse asked if the special status list was for all non-conforming development, such as duplexes. Catlin explained the list is of properties in specific areas that were developed legally. She noted that it did not apply to properties in North Albany.

Styler asked if refuge containers needed to be screened. Catlin replied that for new construction they are required.

Rouse asked if the kennel on Madison Street would be allowed under the proposed changes, page 26. Catlin stated that the site is not zoned residential and they meet the code. Rouse asked if dog training would have to be in a particular zone. Some training happens at a location and sometime it is by a person. Rouse said that overnight training would fit into the kennel definition but day training would not. She recommended adding the word overnight training and not just training. Catlin explained the change was to identify how many dogs becomes a kennel. Animal hospital and kennels definitions are proposed. Hansen mentioned that doggie daycare would need to be addressed separately too. Catlin noted that the number of dogs a person can have is also in the Municipal Code. She proposed that staff come up with a separate definition for small animal daycare and training.

Rouse commented that a lot of fence standards are not being followed because we do not require permits. She asked if the City was going to start requiring a permit. Byrne replied no, unless they are over 6 feet. The proposed changes are clarifying information in the Code.

Commission Action:

MOTION: Post moved to recommend approval to the City Council of the proposed DC amendments with modification to include the definition of small animal daycare and training. Davis seconded it. Motion **passed** unanimously.

Chair Faller closed the public hearing at 6:08 p.m.

ACTIVITY UPDATE

Dickerman listed the upcoming PC hearings and tentative dates.

Byrne asked for available dates for a retreat/work session with the PC to talk about the planning division work plan and to bring in City Attorney Jim Delapoer for training and to answer any questions regarding the changes to the ethics law. The retreat would be from noon to 5 p.m.

Byrne mentioned that in September there is the Oregon Planning Institute training. If a commissioner wanted to attend the department has the funds to cover the cost.

Byrne shared that Wal-mart had made some minor changes and had asked him to approve as a minor modification that would not require a public hearing. A notice of decision will be sent to property owners in the area and if they do oppose the decision they can request a public hearing.

NEXT MEETING DATE:

The next meeting of the Planning Commission is June 7, 2010.

ADJOURNMENT

Hearing no further business, Chair Faller adjourned the meeting at 6:14 p.m.

Submitted by

Reviewed by

Signature on file

Signature on file

Sheena Dickerman
Administrative Assistant I

Heather Hansen
Planning Manager

U:\Community Development\Planning\Minutes\PlanCom2010\PC min 10.0524.docx