



APPROVED January 31, 2011

**CITY OF ALBANY
PLANNING COMMISSION**
City Hall Municipal Court Room, 333 Broadalbin Street
Monday, July 19, 2010
5:30 p.m.

MINUTES

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

Planning Commissioners absent: David Faller (excused)

Staff present: Planning Manager Heather Hansen, Community Planner Janet Morris, Community Development Director Greg Byrne, Mike Leopard, Transportation Systems Analyst Ron Irish and Administrative Assistant I Sheena Dickerman

Others present: 12 in audience.

CALL TO ORDER

Vice-Chair Tomlin called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

APPROVAL OF THE MINUTES January 25, 2010, MINUTES

Commissioner Post moved to approve as written. Commissioner Rouse seconded it.

VOTE: Motion **passed** unanimously.

CONSOLIDATED QUASI-JUDICIAL PUBLIC HEARING, files SD-01-10 and SP-03-10: Subdivision Tentative Plat application that would divide 15.26 acres into 32 residential single-family lots and two open-space tracts. The subdivision has been designed using Cluster Development standards. A Site Plan Review-Tree Felling application to remove 17 trees that have trunks larger than 25 inches in circumference measured at 54 inches from the base of the tree.

Vice-Chair Tomlin opened the public hearing at 5:33 p.m.

Declarations: Rouse commented that she was on the Planning Commission (PC) when the subdivision came before them in past and approved. She noted that she had talked to Fran Brown, who had passed away, that said her children had found arrowheads.

Commissioner Styler commented that he had attempted a site visit.

Tomlin explained that for all those wishing to testify that they should be aware that they must raise an issue with enough detail to afford the Planning Commission and all parties an opportunity to respond to the issue if they later want to raise that issue on appeal to the Land Use Board of Appeals (LUBA). Testimony and evidence must be directed towards the approval standards staff will describe or other criteria in the plan or

development code which you believe apply to the decision. If additional documents or evidence are provided by any party, the PC may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.

Staff Report:

Community Planner Janet Morris explained that this was a subdivision being redone because the 2006 approval expired. It is in the same location and zoning. The previous application was a subdivision for 46 lots and a request to fell 23 trees. This application is requesting 4 phases, 32 lots and to have 17 trees removed. There will be 9.3 acres set aside for Open Space (OS) tracts, A and B.

The lots are not 6,500 square feet and the zoning, RS-6.5, generally means that lot sizes are 6,500 feet. The cluster development design allows for lesser size lots, this allows more acres to be set aside for the natural area. A majority of the site is located in the 100-year floodplain. The applicant will be obtaining permits to fill the property to bring the streets and buildings above the 100-year floodplain level. The applicant will also fill .83 acres of wetlands. The applicant plans to mitigate the fill on site. All the significant wetlands identified on the City's wetland inventory are set aside in the OS area. The Department of State Lands (DSL) is the agency that administers the fill and removal permits for wetlands, it is not a City permit.

Morris commented that there was a history of unapproved fill on the site. The applicant states this fill will be examined and reprocessed as engineered fill.

Thirteen Avenue has been selected, by the neighbors during the last application, as the designated construction route for the subdivision phases but not the houses there after. The City does not have method for enforcing 13th Avenue as the construction route thereafter.

The applicant will be making improvements to 13th Avenue. During the first phase the applicant will be placing a 2 inch asphalt overlay between the subdivision and Broadway Street. The pavement will be 28 feet wide and have two four-foot-wide striped shoulders on each side.

There are more than 76 trees within the subdivision. Most of the trees are located in the OS area that will be set aside. The applicant proposes to remove 17 trees that are within the site of the subdivision. Staff recommends approval with conditions.

Applicant's Testimony:

Mark Grenz, Multi-Tech Engineering, 1115 13th Street SE, Salem, representing the applicant. He shared that Multi-Tech was the project engineers on the project in 2006. They were unable to complete the process when the economy slowed down.

The project is different than the last time. In reevaluating the project land use regulations has changed. Also, the fill needed to construct the additional lots was not justified. They are creating 32 lots where they will not have to fill as much.

Grenz acknowledge that there was undocumented fill on the site. They are committed to being careful and if there is any contamination of fill to have it removed.

Grenz stated that an archeological study was done on the site and nothing of significance was found. They are committed to monitor the project during the reprocessing of the fill and excavation, in case artifacts are found. The issue that Commissioner Rouse brought up there is already a process in place.

Grenz stated that they do not have any issues with the conditions that are proposed. They believe that they have addressed the majority of concerns from the neighbors and staff. They had a neighborhood meeting a couple of months before this application was turned in. He shared that the applicant, Byron Hendricks, had cleaned up the site since buying the property. They have cooperated with the City on the sewer project, last construction season and will work with the City this year for the next stage.

Commissioner Kish asked if all 32 lots would be on fill. Grenz replied that approximately half of the lots would not be on fill. Some of the fill has been documented and some has not. An evaluation was done and they believe that they know where the good material is located. They have to do some fill due to the floodplain.

Kish asked if they planned on doing all the streets and utilities at one time or as each phase was built. Grenz answered that they would make the site improvements consistent with the phases.

Styler commented that he had tried to make a site visit but there was garbage in different portions. He asked if they were going to clean up the entire area. Grenz replied yes. He said that they have already removed material and part of it was because they were not monitoring the site before.

Commissioner Fleming asked if they planned to monitor the fill. Grenz replied that there would be a geotechnician on site that would monitor and they would remove all material deemed unusable.

Fleming asked for him to describe the catch basin. Grenz replied that the storm drainage from the southwest would be taken to the detention basin. On the northeast side of the property the pond will serve as a detention basin. The water will be treated by use of a bioswell. The detention will be done in the first phase. Over nine acres will be retained as Open Space.

Rouse asked about the storm drainage, page 23 of staff report, draining into the Calapooia River. Grenz replied that it drains into the detention pond. Currently all the water comes down the streets and goes toward the wetlands. All the water will end up at the same point that it currently does but it will be controlled through the detention pond.

Byron Hendricks, PO Box 12397, Salem, said the economic conditions allowed them to craft what was more in line with what the neighborhood had previously wanted.

NEUTRAL TESTIMONY

Willie Hyde, 2020 15th, expressed concerns with the drainage off of 15th and 16th Streets. He said that water backs up and none of it is in the City's water drainage. He does not think that the drainage will affect those in the area positively. The area is part of the floodplain. Water comes up over the road now. The area is overgrown and he feels that the City has abandoned those streets.

Commissioner Fleming asked if Hyde thought this project would make the drainage worse on 15th Street. Hyde affirmed.

Hyde said that the City's drainage system is currently higher than the road. He asked if the requirements from the 2006 proposal would still stand. Tomlin replied that it was a different application. Hyde mentioned that there were a lot of letters submitted in 2006 by people that are not at this meeting. He thinks they should be included. Morris explained that everyone received a notice regarding the public hearing, and it was an expanded area. Hyde believed that people assumed that their previous letters and agreements would have still stood this application.

Commissioner Rouse asked for Hyde to show where he lived on the map.

Ephraim Hackett, 1889 12th, lives on the corner of 12th Avenue and Hop Street, in the new subdivision. He owns two lots behind his house that are also on Hop Street. He had a number of questions he would like answered.

Hackett's first question was regarding what would be the nature of the curb and gutter of 12th Avenue and Hop Street. He asked if Hop Street would completely end. He commented that from the map it looked like the paving would end at the end of Hop Street at the corner of 12th Avenue. He wanted to know where the storm sewer would be.

Hackett asked what the disposition of the vacant properties north of proposed lot #1. He asked if someone would be taking care of it.

Hackett asked what the fill would be on lot #1. He commented that lot #1 did not appear buildable as it currently exists. He is concerned because Lot #1 is adjacent to his property.

Hackett asked what the plan was for the open space and who would be responsible for it. He shared that currently it is acting like a junkyard. People drive down 13th Avenue and drop off their garbage and recently there was a fire at the location. There is an old construction shed at the location that kids use to play and is a home for the homeless that needs to be removed.

Hackett shared that the old fill has sidewalk and asphalt in it. He wanted to know what was going to happen to the old fill.

Hackett said that currently the storm water that was going to the pond was a cutoff channel before going to the Calapooia. He asked if the detention pond in the proposal was the existing pond or would the applicant be adding another pond. If the applicant is adding another pond, he asked where it would be.

Rouse asked if what street people used to dump. Hackett replied that it was mostly 13th Avenue but they also used 15th Avenue. He explained that 14th Avenue does not go all the way through and 12th Avenue had a gate.

Jason McAfee, 2380 Epping Avenue SW, said he is the farmer with 200 acres on the other side of the tracks. He asked if the runoff would be safe for human consumption as the water comes onto his property. He commented that he is in favor of the City's Goal 5 objectives.

APPLICANTS REBUTTAL

Grenz addressed Hyde's issues. This project will not exaggerate the water drainage on 15th Avenue. He explained that their drainage system will pick up all the water runoff and take it to the new water quality detention basin. This will reduce the water that goes down 15th Avenue. This is different than the floodwater from the Calapooia that backs up into the area. The applicant had Roger Sutherland, with Pacific Water Resources, who specializes in floodplain issues to review their project. Sutherland wrote a letter that says that this project will not have a negative impact on flood issues.

Kish asked if it was a requirement for them to have sidewalk, curb and gutter along the properties that abutting 15th. Grenz replied that they will along their frontage. Kish asked if phase one was the most northern part of the subdivision. Grenz affirmed. Kish commented that it would be a few years before the application will pick up water. Grenz affirmed. He stated that as the project develops they will be making improvements for drainage. By phase four all the water will be taken to the water facility, to be treated and controlled. Until then, they will not be making the situation worse.

Grenz said that they would not be making any curb and gutter on the east side of Hop Street. In terms of street improvements they portion will stop at the north edge of 12th Street. There will be a 20-foot-wide driveway

along Hackett's property to the north. He said that Condition 3.17 requires them to construct the access way to the south line of lot 8. They will be providing access way to Hackett's property and will be a paved access.

Grenz continued saying that the property north of lot 1 will become part of the open space they will be creating and controlled by the home owners association (HOA). The HOA will be responsible to maintain and ensure that it is not sued for illegal dumping.

Grenz said that that sheet 6 of the plans shows how they will be grading the site. They will be doing some filling on lot one but the majority of the lot will remain in the compressed area. The old fill, that is undocumented, will be reprocessed. Concrete and asphalt will be reprocessed and put back into the fill under the monitoring of their geotechnical consultant. If it is not suitable material it will be hauled away.

Grenz stated that the retention pond is located north of lot 1.

Grenz shared that the all the runoff from their site will be taken to the water detention facility, which is also a water quality facility. It will be treated before it is discharged into the open space area. All of the water will be treated, even the water that is currently untreated.

Fleming asked if detention pond would require any ongoing maintenance. Grenz replied that it should not. He added that the HOA will be responsible for the maintenance and the City may monitor the hydraulic portion. The type of bioswell and vegetation should be self manageable. There will be a maintenance document associated with it for the HOA.

Rouse asked for clarification on what phase the detention pond would be constructed. Grenz stated phase 1. Rouse asked how much fill is estimated in phase 1. Grenz replied that they would not be doing much. Rouse commented that the 100-year flood goes through to Hops Street (agenda, sheet 1) and their building would need to be above the 100-year flood. Grenz stated that a significant amount of the site is above the floodway (agenda, page 6). He noted that Lots 6, 7, 8, and 11 are above flood elevation and Lots 1, 2, 3, parts of 4, 5, 12, and 13 require some fill. An analysis was not done based on phases. Rouse clarified that they were going to reprocess the current fill and then build on the fill and they would not cause flooding for those on the other side of Hop Street. Grenz replied that they would improve the area. Currently there is a drainage way that comes up and they will be improving it. Rouse clarified that they were going to construct more than a half street of Hop Street. Grenz affirmed. Rouse asked the applicant if they would have an issue with cleaning up the property and putting a barricade up on 13th Street and 15th Street, before phase 1. Grenz stated that they could not barricade 13th Street because it was public access. McAfee stated that abutted his property and that he was the only one that need access and he was supportive of a barricade. Hendricks replied that he would not be taking down the shed at the beginning because it was a good construction staging area but it would be a secure location.

Staff Rebuttal

Morris stated that a barricade needs to be investigated before something is done. If it is a public right-of way they would need permission from the City's transportation department. Transportation Analyst Ron Irish explained that it was a public right-of-way and if there is only one property owner and if the property owner would not complain then it would not be a problem. If there are multiple property owners it would have to be agreed upon, plus the fire and police department may need to have access. Post stated that if the City grants permission than the applicant will put up a barricade. Hendricks will write a letter asking the City for permission.

Vice-Chair Tomlin closed the public hearing at 6:37 p.m.

PC Discussion

Post stated that he was on the Planning Commission when the previous application was approved and likes this application better. Rouse and Davis agreed.

MOTION: Rouse moved to approve with conditions files SD-01-10 and SP-03-10. Post seconded it.

VOTE: Motion **passed** unanimously.

Tomlin said that within five days of the decision the Community Development Director will provide written notice of the decision to the applicant and any other parties entitled to notice. A person with standing may appeal this decision to the City Council by filing a Notice of Appeal with the Planning Division within 10 days from the date the City mails the notice of decision.

NEXT MEETING DATE:

The next meeting of the Planning Commission is July 26, 2010.

ADJOURNMENT

Hearing no further business, Vice-Chair Tomlin adjourned the meeting at 6:40 p.m.

Submitted by

Reviewed by

Signature on file

Signature on file

Sheena Dickerman
Administrative Assistant I

Janet Morris
Community Planner

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