



APPROVED: January 17, 2012

**CITY OF ALBANY
PLANNING COMMISSION
Willamette Room, 333 Broadalbin Street
Monday, October 24, 2011
5:15 p.m.**

MINUTES

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

Planning Commissioners absent: Bob Kish (excused)

Staff present: Heather Hansen, Planning Manager; David Martineau, Planner III; Evan Fransted, Planner II; Anne Catlin, Planner II and Tari Hayes, Administrative Assistant I

Others present: Janet Steele

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

APPROVAL OF THE February 7 and March 23, 2011 MINUTES

MOTION: Commissioner Wood moved to approve the minutes with changes. Commissioners Rouse and Styler seconded it.

VOTE: Motion **passed** unanimously.

Martineau provided an overview of the land use process (see handouts).

REVIEW OF PROPOSED SITE PLAN REVIEW AMENDMENTS

The Commission reviewed proposed amendments to the Albany Development Code (ADC), in order to provide staff direction for the final draft to be presented at the November 7, 2011, Planning Commission public hearing.

Fransted explained that the proposed ADC amendments would combine the three different types of Site Plan Review applications (Options A, B and C). The fee schedule (Exhibit A) shows the proposed fees for the different types of development that require a Site Plan Review application. The only new fee is for a change of use in an existing building and/or minor development.

The Site Plan Review Option C is a Type I process. The Type I process is a review based on standards specified in the Code that do not require interpretation or the exercise of policy or legal judgment. It does not require notice to surrounding property owners or ability to appeal the decision. Unfortunately, the review criterion for the Option C application often requires staff interpretation and legal judgment. It is possible that a decision on an Option C could be appealed to LUBA if the petitioner made the case that the Option C review criteria are discretionary and a person is adversely affected. Staff consulted with City Attorney Jim Delapoer and he agreed that the Option C criteria do not fit the Type I process. Staff recommends that the Option C application be eliminated and replaced with a Site Plan Review Type I-L process.

Planning Commission Discussion:

Rouse asked if the director was not available for decisions could a designee decide. The answer was yes. Rouse asked if the director (staff) is the decision making body can he still talk to the applicant. Staff will research and report back to the Commission. Fleming asked for a Type IV process, who can appeal, just the applicant? The answer was yes, just the applicant Davis asked for more explanation on land use status letters, which Fransted supplied.

The Commission discussed the proposed changes to the ADC. Rouse and Tomlin would like more time to review proposed code changes in the future. The Commission discussed existing reviews and the costs associated with them. The Commissioners can send emails to Fransted if they have further questions. The Commission agreed to recommend Council adopts the proposed changes to the Site Plan Review Process.

The Commission would like to review the sign regulations at a future meeting.

ACTION ITEM:

Staff will clarify Director (and staff) involvement with applicants when they (Director and staff) are the decision makers on land use applications.

REVIEW OF PROPOSED CODE AMENDMENTS

This package includes several staff identified amendments. Those needing policy direction are regarding property notices, Type II land use process, joint parking agreements and setbacks for double and triple frontage lots. Catlin summarized the amendments:

Surrounding property notice for land use applications: Currently the city mails notices to both property owners and residents of rented properties. It is costly (staff time, mailing and copy costs) to include residents of rented properties in the mailings. Much of the mail addressed to the resident is returned. The City is not required to mail notice to residents, only to property owners. Staff proposes to mail application notices to property owners only.

Type II land use process: The Type II process allows for a local appeal of a staff decision. Currently mail notices of filing and notices of decision are mailed to persons in the notice area. The two different notices can be confusing. Staff proposes to continue to mail the notice of filing to persons in the notice area. They propose to mail the notice of decision to only those persons who provided comments on the application. This limits the appeal to persons who participated.

Joint use parking facilities: The code allows for parking facilities to be shared in limited situations as an exception, but not the rule. Several requests have been reviewed recently that have raised some questions about the intent of the provisions and were the subject of a recent City Council Work Session. The City Attorney recommends including some specific provisions in the legal instrument currently required by the ADC. Staff suggests reducing the distance of the parking facility from the primary use, and that requests are reviewed by the Director.

Setbacks for triple and double frontage lots: The Code determines building setbacks by lot frontage. Properties with more than one street frontage have multiple front setbacks. It can be challenging to meet setbacks on triple frontage lots and double frontage lots (excluding corner lots). Staff proposes allowing interior setbacks for one of the frontage lines.

Planning Commission Discussion:

Property notices/land use process:

Although Fleming believes it is useful for occupants to be notified of land use decisions on property they may be renting, the Commission agreed that notices should only be sent to the property owners. The Commission

discussed the notice area and ways to spread the word, including posting the notices in the common areas of apartment buildings and notifying neighborhood watch and homeowner association groups. These groups can be added to the notifications.

Joint use of parking facilities:

Post believes the 250' distance proposed is too short. The Commission asked what would happen if easements are breached. The party would have to the ability to terminate the easement. In the case of parking agreements, the agreement is with the parcel, not the party. Tomlin believes the agreement shouldn't outlast the lease of the building. The Commission would like a broader discussion on parking regulations.

Triple and double frontage lot setbacks:

Davis believes if you decrease setbacks, there will be more fences. Rouse believes if its in the backyard, and meets site requirements, it should be allowed.

ACTIVITY UPDATE:

Bob Kish has resigned from the Commission. His vacancy will be filled in December when the new terms roll over.

NEXT MEETING:

The next meeting of the Planning Commission is November 7, 2011.

ADJOURNMENT

Hearing no further business, Chair Faller adjourned the meeting at 7:10 p.m.

Submitted by

Reviewed by

Signature on file

Signature on file

Tari Hayes
Administrative Assistant

Heather Hansen
Planning Manager