



APPROVED May 21, 2012

**CITY OF ALBANY  
PLANNING COMMISSION  
City Hall Council Chambers, 333 Broadalbin Street  
Monday March 19, 2012  
5:15 p.m.**

**MINUTES**

Planning Commissioners present: David Faller; Dala Rouse; Michael Styler; Lolly Gibbs; Kate Foster; and Dave Wood

Planning Commissioners absent: Cordell Post (excused), Larry Tomlin (excused); Glenda Fleming (excused)

Staff present: Greg Byrne, Community Development Director; Heather Hansen, Planning Manager; David Martineau, Planner; Anne Catlin, Planner; and Tari Hayes, Administrative Assistant

Others present: Four others in audience

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**COMMENTS FROM THE PUBLIC**

Ben Mundie, 1690 Gibson Way, Albany – representing West Albany High School (WAHS) Booster Club. The club is interested in getting a new LED message board. The LED sign is prohibited in the residential district. A preapplication meeting was held and a variance request was discussed. It would cost the club \$700 with no guarantee of its passage. Staff had suggested that the Booster club ask the Planning Commission to review the sign code to allow LED signs for schools in residential areas. The Greater Albany Public Schools (GAPS) would support LED signs at the schools. There may be other schools that would like similar signs.

Commissioner Styler would like to have Jim Delapoer present to discuss the variances. Commissioner Rouse asked how the Commission would go initiate changes to the code.

Byrne said there are a number of issues that have come before City staff regarding the sign code. He will be briefing the City Council at their April 9 work session on a list of sign code issues that have come to light over the years. Council should provide further direction on changes to the code at the work session.

Commissioner Faller asked for additional information on what the sign may look like. Mundie showed the Commission possible sign designs. The cabinet would be replaced, the pole would stay. The existing sign doesn't meet current code.

Commissioner Wood asked if the City Council is asking for Planning Commission reaction to sign code changes, Byrne believes they will.

Mundie feels that rather than each individual school coming to the commission, the sign code should be amended. Commissioner Styler had some concerns with streaming the messages. Mundi stated the sign would be static, no

streaming, and no video. The Commission asked staff to work with Mr. Mundie to bring back draft sign code language that would allow this type of sign, on a limited basis. They agreed to wait on the outcome of the City Council work session before moving forward with any additional revisions.

#### APPROVAL OF THE JANUARY 17, 2012 MINUTES

MOTION: Commissioner Wood moved to approve the minutes as written. Commissioner Rouse seconded it. Motion **passed** unanimously.

#### QUASI-JUDICIAL PUBLIC HEARING: CU-02-11

Chair Faller opened the public hearing at 5:30 p.m.

DECLARATION: Commissioner Wood had a conflict of interest and recused himself. Commissioner Foster met this applicant as a member of the CARA board, and did a site visit. Commissioner Gibbs made a site visit to evaluate the parking situation after receiving the packet in the mail. Commissioner Rouse had previously visited this site and experienced the parking limitations.

Hansen summarized the meeting procedures.

#### STAFF REPORT:

David Martineau provided an overview of the staff report. This is a residential four-plex unit in the central business district. In 2008 a public hearing was held for a four-plex condominium project. The original site plan submitted by the applicant showed enough room for parking. This was also the subject of a code interpretation that would have allowed for a joint parking agreement. The owner's could not agree on the parking. There are six review criteria for a conditional use application.

- 1) The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.

The uses in the surrounding neighborhood include a building used by the Knights of Columbus for meetings; a church; a day spa; and parking lots. To the east across Montgomery Street SE are mostly single-family houses. There are apartments about a block away on Lyon Street to the west. The proposed use is consistent with the character of the base zone and the operating characteristics of the neighborhood. This criterion is met.

- 2) The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping or other design features.

The existing building was built in 1905 as a residential structure. The building footprint of about 2,002 square feet will not change significantly. The height of the structure is under 30 feet. While there are no specific setback standards listed for condominiums and apartments in the Central Business District, it's noted that the setback is about 12 feet from the front property line and 18 feet from the rear property line abutting the alley. Landscaping requirements are required since the building has a front yard setback. The proposed use can be made compatible with existing uses when conditions are met concerning landscaping and historic review and approval of exterior alterations.

- 3) The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.

The subject property is situated entirely within the Downtown Parking Assessment District. According to the Development Code, developments within the parking district are not required to provide off-street parking. There

are no adverse impacts to the transportation system associated with this use. This criterion is met without conditions.

- 4) Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.

All public utilities are available to the site. No changes to service connections are proposed. Public services are capable of serving the use without conditions.

- 5) The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to noise, glare, odor, litter, or hours of operation.; and privacy and safety issues.

All of the surrounding property is zoned Central Business. The property is located in a neighborhood that has a variety of existing uses, including commercial and residential uses. People coming and going to the new residences will make the usual amount of noise. No odor, litter or privacy and safety issues are expected beyond that already associated with residential uses. Staff concludes that the development will not have significant adverse impacts on the livability of nearby residentially zoned lands and that this criterion is met without conditions.

- 6) Any special features of the site (such as topography, floodplain, wetlands, vegetation, historic sites, etc.) have been adequately considered and utilized.

A check of conditions on the proposed site did not indicate any special features such as steep slopes, floodplains, or wetlands. According to the Comprehensive Plan, this property is not in a historic district, but the building is listed on the City's inventory Local Historic Inventory. Therefore, exterior alterations to historic buildings must be reviewed and approved. This criterion is met.

Notice of Public Hearing was mailed on March 9, 2012. The site was posted on March 12. No comments have been received as of 3 p.m.

Staff recommends the following conditions of approval.

The front yard of the building must be landscaped. The minimum landscaping required is:

- (a) One tree at least six feet in height.
- (b) Five five-gallon or eight one-gallon shrubs, trees or accent plants.
- (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.

The landscaping and irrigation plan must be submitted for review and installed before a Certificate of Occupancy is issued.

Exterior alterations to historic buildings must be reviewed and approved.

These are some items that are still outstanding from the original condition of approval. The applicant submitted an email at 4:05 this afternoon. Martineau read the email into the record.

APPLICANT'S TESTIMONY: None

PUBLIC TESTIMONY: None

STAFF RESPONSE: None

Chair Faller closed the public hearing at 5:51 pm.

PLANNING COMMISSION DISCUSSION:

Commissioner Rouse asked about the status of encroachments in the alley. Martineau suspects the encroachments have taken place over the period of time. The Commission asked if the owner can receive an encroachment permit? Martineau doesn't believe there is enough room.

ACTION ITEM: Commissioner Rouse would like staff to look at this alleyway to see if it's being encroached upon.

Commissioner Styler asked if the applicant could do 3 angled spaces. Martineau does not believe there would be enough room to exit and enter, there's a fence that would hinder backing. Trees, fences, telephone poles all are encroaching on the alleyway.

Commissioner Gibbs asked about the parking that seems to go on in the 6 spots next door. It turns out that Mr. James Hill owns the 6 lots; Mr. Ward has a handshake agreement with Mr. Hill for parking. They aren't improved to City standards so they couldn't be counted.

Commissioner Rouse noted that during the day the area is filled up with parking.

Commissioner Foster believes the applicant is in the parking assessment district and believes additional parking requirements shouldn't be required.

Commissioner Gibbs asked if the reciprocal parking agreement could be shorter. The City Attorney recommends a long term agreement.

PLANNING COMMISSION DECISION:

Commissioner Styler made a motion to approve with conditions. Foster seconded, motion **passed** 4 -1 with Commissioner Gibbs voting no.

LEGISLATIVE PUBLIC HEARING: DC-02-12- Amendment to Sidewalk requirements of Article 12

Chair Faller opened the public hearing at 6:10 p.m.

DECLARATION: None

STAFF REPORT:

This amendment would add a section to sidewalk requirements contained in Article 12 of the Albany Development Code. A new state law goes into effect June 1, 2012, and requires a 72-inch minimum accessible turning space around clustered mailbox units. This requirement has been added to the Oregon Structural Specialty Code, and Albany Public Works has incorporated the new standard into their Standard Construction Specifications.

Martineau reviewed the suggested code changes. There are two criteria for development code changes:

- (1) The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.
- (2) The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.

Following review, staff determined that the proposed amendment better achieves the goals and policies of the comprehensive plan because it promotes a safe and efficient transportation system that removes barriers and increases accessibility, and it helps to ensure legal compliance and better accessibility for persons with

disabilities. Staff also determined that the proposed amendment is consistent with the purposes of the Development Code. Therefore, staff suggests that the Planning Commission recommend approval of the proposed amendment as written.

Faller asked who would use the 72" turning radius. Martineau stated this could be mail carriers and anyone retrieving mail.

Styler asked if this requirement was only for new development, Martineau confirmed it was. Hansen noted this was only for the clustered mailboxes.

PUBLIC TESTIMONY: None

**Chair Faller closed the public hearing at 6:17 pm**

PLANNING COMMISSION DECISION:

Commissioner Rouse made a motion to recommend City Council adopt this code change. It was seconded by Commissioner Wood and **passed** unanimously.

### **POLICY DISCUSSION – SOLAR, WIND, TELECOMMUNICATIONS**

Catlin noted that this is just the beginning of policy discussions regarding Solar, Wind and Telecommunications regulations. She prepared a PowerPoint presentation for all three.

The Albany Development Code (ADC) is silent on small-scale wind energy systems (WES) that are accessory to the primary use. If the City received a request for a WES, staff would have to apply existing height limits and/or accessory structure standards to the request, likely rendering most requests dead upon arrival.

Wind energy systems (WES) will be available in a much wider variety of settings in the future as wind power technology improves and expands. Staff would like to be prepared by developing WES siting standards. Standards will help the public understand what types of WES may be permitted, can minimize off-site impacts and promote compatibility.

Typically these small scales WES are on residential property. One of the biggest issues to address is freestanding systems, as well as height and location. Should the City use the zoning districts height limits?

Commissioner Styler wouldn't want one in his neighborhood, and asked staff to consider carefully regulations in residential areas. He also noted that natural resources areas wouldn't work because we want to preserve them.

Commissioner Wood asked what was driving this request. Catlin responded that the City is getting some inquiries from the community and there are tax incentives available.

Commissioner Wood felt this bundling of Solar, Wind and Telecommunications is too large for the Commission to consider effectively. He recommended that the Commission tackle telecommunications first.

Commissioner Foster would like to continue the discussion on all three. The county is processing wind tower farms and they have no direction based on codes.

Commissioner Rouse believes that wind and solar are popular right now. She doesn't think the information in the packet is enough to make decision. She does not believe they should be allowed in the historic district at all.

Commissioner Faller would like to take it one item at a time. Commissioner Gibbs agrees that this package is too big.

The Commission continued discussion on issues with noise standards, wetland habitat for free standing towers, zoning with lot size being a factor, and height requirements. Commissioner Rouse – another concern, issue with sound. Commissioner Foster would have concerns with wetland habitat for free standing, bird habitats.

Byrne stated it was wise for the city to get in front of the technology. Staff is not looking for a recommendation right now; they are interested in beginning the discussion about these items.

This presentation will be given at the April Landmarks Commission meeting. Catlin reminded the Commission that this would be a Measure 56 process if existing rules are changed. Did the Commission want to have any public input outside of these meetings? The City could hold an open house and bring recommendations back. Commissioner Faller would like to have a work session before bringing in the public.

**Action Item:** Catlin will bring back a matrix with what other cities are doing. She will reformat this information and move the telecommunications to the top of the list.

**APPOINT HEARINGS BOARD MEMBERS (EXPIRED: ROUSE, TOMLIN & STYLER)**

Commissioner Rouse and Commissioner Styler will be permanent members, and Commissioner Foster is the alternate. Commissioner Post's term was not up, he remains a permanent member.

**ACTIVITY UPDATE:**

Byrne updated the Commission on the Periwinkle planting that occurred the previous weekend. The students will continue to maintain the area.

**NEXT MEETING:**

The next meeting of the Planning Commission is TBD. There is a South Albany Area Plan joint meeting with City Council on April 23.

**ADJOURNMENT:**

Hearing no further business, Commission Chair Faller adjourned the meeting at 7:00 p.m.

Submitted by

Reviewed by

*Signature on file*

*Signature on file*

Tari Hayes  
Administrative Assistant

Heather Hansen  
Planning Manager