



**CITY OF ALBANY**  
**PLANNING COMMISSION**  
City Hall Council Chambers, 333 Broadalbin Street  
Monday February 25, 2013  
5:15 p.m.

**MINUTES**

Planning Commissioners present: David Faller; Dala Rouse; Dan Sullivan, Danon Kroessin; Larry Tomlin; Lolly Gibbs; Cordell Post; Kristin Richardson

Planning Commissioners absent:

Staff present: David Martineau, Lead Current Planner, Mike Leopard, Infrastructure Analyst, Kate Porsche, Urban Renewal Manager; Ron Irish, Transportation Systems Analyst, Jim Delapoer, City Attorney, Tari Hayes, Administrative Assistant

Others present: 12 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**

Faller introduced two new Planning Commissioners; Daniel (Dan) Sullivan, and Danon Kroessin.

COMMENTS FROM THE PUBLIC: None.

**APPROVAL OF THE MINUTES:**

- November 27, 2012 Planning Commission Meeting

MOTION: Post moved to approve minutes. Tomlin seconded it. Motion **passed** unanimously.

**CONSOLIDATED QUASI-JUDICIAL PUBLIC HEARING:** VC-02-12 & VC-03-12, PD-01-12; SD-01-12; and WG-01-12

Chair Faller opened the public hearing at 5:20 p.m.

DECLARATIONS: Gibbs and Rouse have been to the area on several occasions, the Community Garden is there. In past years Post was on the Central Area Revitalization Agency (CARA). Projects on this property had come before him, but not this project, with these applicants.

Delapoer and Martineau summarized the meeting procedures.

**STAFF REPORT:**

Martineau explained the cases to the audience. Staff is presenting Edgewater Village, a 58-unit single-family residential planned development located just east of downtown on the south bank of the Willamette River.

Overview - Kate Porsche, Urban Renewal Manager

Porsche explained how the proposal originated and how it evolved over time as it underwent review by design consultants and the Central Albany Revitalization Agency (CARA) board. The board is comprised of agency members, Council, and lay members appointed by each Councilor. The east waterfront area was considered one of the most blighted in the district. This property first came before CARA in 2007 when the applicant purchased the property and applied to CARA for development funding. Numerous public meetings with strong citizen participation were held and there was unanimous support for the project by CARA. At that time the project was estimated to cost \$16 million. Money was provided for debris clearing, site planning and get the property ready for development. Then the economy crashed and in March 2010 the deal was restructured to provide the applicants with an extension. The City became the lien holder.

Porsche highlighted the vision and the importance of the project to the area. The Urban Renewal district has more stringent guidelines than the City and any significant changes from tonight's meetings would need to go back through CARA and the design process.

VC-02-12 & VC-03-12, Mike Leopard, Infrastructure Analyst

The vacation applications propose to vacate portions of the Madison Street and Main Street right-of-way north of Water Avenue to provide additional land for the proposed Edgewater Village development.

VC Review Criterion #1 Response - the developers have applied for a Planned Development on adjacent property and have incorporated these sections of right-of-way (r-o-w) into their development layout. There are 3 separate sections of r-o-w being considered for vacation.

VC Review Criterion #2 Response - Madison Street and Main Street are 66-foot wide rights-of-way that were initially dedicated in the 1880s. They are not improved to city standards north of Water Avenue, and the r-o-w dead-end at the river. The only portion of the streets currently being used by vehicles is the portion of Main Street south of Front Avenue, where no vacation is proposed.

VC Review Criterion # 3 Response - the two northern sections proposed for vacations are 36-foot wide areas north of Front Avenue. Vacation of these areas would leave 30-foot wide public r-o-w that would provide for pedestrian and bike access to the riverfront path, as well as allowing for vehicular access to the path and public sewer main for maintenance, and access for emergency vehicles. It is not expected that any public vehicle access to the path would be provided through these areas. The Transportation System Plan does not anticipate any future extension of the public street improvements within these sections of r-o-w.

The southern portion of the Madison Street vacation is a 12-foot wide strip along the west boundary of the right-of-way. The remaining r-o-w would be 54-feet wide, which would meet the City's standard width for local streets. Therefore, vacation of this portion of r-o-w would not preclude the construction of a city-standard street along this section of Madison. No parcels will lose access to public rights-of-way as a result of the proposed vacations.

There is an interesting issue associated with the Main Street Vacation concerning the allocation of the property if the Vacation is approved. Vacated property typically reverts back to the property from which it was originally dedicated. Main Street (in this area) was dedicated as part of the Hackleman's 3rd Addition subdivision plat in 1887. The west boundary of this subdivision was the west boundary of Main Street, therefore all of the Main Street right-of-way would revert to the property on the east side of Main Street. So, if the Vacation is approved, the Main Street area would, at least initially, be city-owned property connected to the Community Gardens parcel

No public utilities exist near the Main Street vacation area. There is a public storm drainage main in Madison Street from Water Avenue to the river, but this main has adequate clearance from the vacation areas. The public sanitary sewer mains along the river are covered by public utility easements where the mains run through private property. The only utility conflict with respect to the vacation proposals is in the northern section in Madison Street, where the public sewer main runs through the area proposed for vacation. In order to match the existing

adjacent public utility easements over this main, a 30-foot wide easement would be retained over the main running through this portion of the vacation area.

Staff believes that the findings show that the first three criteria pertaining to streets, connectivity, utilities, and access are met.

VC Review Criterion #4 Response - Criterion 4 is related to complying with Code sections pertaining to landscaping, driveways, and fire access. Because these areas are undeveloped, this criterion doesn't apply immediately, but upon development of the property, all pertinent Code requirements must be met.

VC Review Criterion # 5 Response - the final review criterion for Vacations states: The public interest, present and future, will be best served by approval of the proposed vacation. The purpose for initiating these Vacation applications was to provide additional property for the proposed Edgewater Village development that is represented by the map shown.

The only condition proposed by staff is the retention of a 30-foot wide public utility easement over the public sewer main that lies within the northern section of the Madison Street vacation.

**PD-01-12; SD-01-12; and WG-01-12, David Martineau, Lead Current Planner**

The proposed development is a 58-unit residential community featuring single family detached and attached units with open space areas. It is situated north of Water Avenue up to the southern bank of the Willamette River, bordered on the east by Main Street, and to the west by the railroad trestle within the Lafayette Street right-of-way. The planned development will occur in six phases with construction on the first phase beginning in summer 2013. The property where Edgewater Village is proposed is currently zoned Waterfront (WF), a Village Center zoning designation together with a Willamette River Greenway (/WG) overlay.

The owners of the property are George Diamond and Randy Myers, and their representative is Rich Catlin, Reece & Associates. The property is located at 1055 Water Avenue NE, 240 Hill Street NE, and 200 Madison Street NE. Three land use applications are considered in this report: a Planned Development (PD-01-12); a 58-lot residential subdivision (SD-01-12); and a Willamette River Greenway Review (WG-01-12). Together they are being processed as a Type III review.

The proposed Edgewater Village site does not include the southerly parcel in the second block. That property is owned by Burlington Northern-Santa Fe Railroad (BNSFR). Future development associated with Edgewater Village may occur on this site if the applicants are able to acquire the property.

PD-01-12 - a Planned Development (PD) was reviewed in three steps:

1. The first step is a Preliminary application which generally describes the Planned Development that is proposed. A preliminary application for 60 residential single-family lots at Edgewater Village was reviewed and approved on August 6, 2012.
2. The second step in the PD review process is the Interim application. The Interim application is the one that is being reviewed tonight. The Interim application for Edgewater Village proposes 58 residential single-family lots and open space on about 6.37 acres.
3. The third step is the Final approval. The ultimate location of sewer and water services, together with detailed building and landscaping plans are required to obtain Final approval. When a subdivision is proposed as part of the PD, as is the case with Edgewater Village, this information is provided with a subdivision application concurrent with the Interim submittal. The Final submittals are reviewed by planning staff to make sure they comply with conditions of approval of the Interim submittal.

PD Review Criterion #1 Response - the development code allows certain regulations to be modified for planned developments such as minimum lot area, width and frontage, height and yard requirements. For residential planned developments, all types of dwelling units ranging from single-family detached to multi-family units are permitted. In exchange for open space protections and higher quality development, the developers are seeking flexibility on

standards relating to the provision of indoor recreation, outdoor living area, and setback reductions on certain lots. The staff report contains their full analysis of each area the developers are seeking flexibility on. Following review, staff concluded that Edgewater Village will result in an improved development for the city, the surrounding area, and users of the development as compared to strict compliance with Code provisions.

PD Review Criterion #2 Response - the Willamette River, including its view shed and vegetated river bank, is the only significant natural feature on the site. Proposed development will not adversely affect this natural feature. More information on the feature was presented later in the meeting, during the Willamette Greenway presentation.

PD Review Criterion #3 Response - the project will utilize the existing Dave Clark Riverfront Path and public access will be assured in the development design. If approved, two partial street vacations along Madison and one partial street vacation along Main will add developable land to lots within Edgewater Village while allowing sufficient width to accommodate developed streets together with parking, landscaping, and sidewalks on both sides. Therefore, staff concluded that the project design results in a more efficient utilization of materials and public resources including streets, utilities and energy supplies.

PD Review Criterion #4 Response - provisions for continued maintenance of common areas are not required because there are no private common areas to maintain. Therefore this criterion does not apply.

PD Review Criterion #5 Response - the applicant pointed out several recreational amenities that are either adjacent to or close by the site. In exchange for utilizing these amenities toward meeting their obligation for indoor and outdoor recreation, enhancements to the Dave Clark Riverfront Path are proposed in the areas around trailheads where public access paths through the development intersect. Staff concluded that more usable and suitable recreational facilities and other common areas will be provided in Edgewater Village than would usually be provided under conventional development standards.

In addition to Interim Planned Development review criteria, site plan review criteria must be considered as well, according to ADC Section 11.310. There are five review criteria for Site Plan Review.

Site Plan Review Criterion #1 Response - public sanitary sewer, water, and storm drainage facilities must be constructed within the proposed development to provide individual service connections (for sewer and water) to each proposed lot. Adequate area for maintenance and replacement of public utilities is required for all new public sewer, water, and storm drainage mains and accessory components.

Trains obstructing access to the site may prevent response to a fire emergency. Therefore fire sprinklers will be installed in all homes and four hydrants will be placed on site as the development progresses until a point in time when the rail line no longer carries trains. Several conditions of approval are proposed relating to utilities and fire access (staff report on pages 2 – 5).

Site Plan Review Criterion #2 Response - This criterion was addressed during the review of the subdivision plat later in the meeting.

Site Plan Review Criterion #3 Response -Each residential lot will be designed to accommodate two off-street parking spaces, according to the applicant. Additionally, the applicant proposes to add about 12 spaces of head-in (90° angled) parking along the west side of Hill Street, within the right-of-way from about 60 feet north of Water Avenue to Front Avenue, for the benefit of the development. Staff concluded that parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

Site Plan Review Criterion #4 Response - the proposed development is detached, single family residential units on 58 lots. The development will be sensitive to the existing street layout in the area and will provide landscaped public access links to the Dave Clark Path at three separate points. Properties abutting the Dave Clark Path will be set back far enough from the edge of the Path to allow for maintenance and shy distance for users.

The operations of the railroad have posed compatibility issues for decades. Not only does this affect future property owners of Edgewater Village, but other homes in the neighborhood districts to the east. With a condition requiring submittal of landscape plans at each phase of the development, this review criterion is met.

Site Plan Review Criterion #5 Response - The property is partially located within the Airport Conical Surface Area, the Special Flood Hazard Area, and the Willamette River Greenway District. Development of the site will not exceed the maximum allowable building height in the Waterfront district. All proposed streets and lots will be located outside the Floodplain Overlay District. Therefore, this criterion is met.

**SD-01-12** - the proposed Planned Development includes residential single-family subdivision lots and open space tracts. A Subdivision application is required to divide the property into lots and tracts.

The property is partially located within the Airport Conical Surface Area, the Special Flood Hazard Area, and the Willamette River Greenway District. Development of the site will not exceed the maximum allowable building height in the Waterfront district. All proposed streets and lots will be located outside the Floodplain Overlay District. Therefore, this criterion is met.

SD Review Criterion #1 Response- there will be a small remainder of property measuring 6,557 square feet, labeled "Tract D" on the southwest corner of Hill Street and Front Avenue, which could be developed at the time the adjacent Burlington Northern-Santa Fe property, is developed. The developers envision a mixed use development as one alternative for the site. Development of the remainder for various residential uses is feasible given minimum lot size requirements in the zoning district, therefore this criterion is met.

SD Review Criterion #2 Response - only one parcel, the BNSF parcel, adjoins the subject property. It has frontage on unimproved Hill Street and Madison Street right-of-ways and the north side of Water Avenue. The parcel can be developed and provided access in accordance with the Code, therefore this criterion is met.

SD Review Criterion #3 Response - when Edgewater Village is developed, the new lots will add about 522 new vehicle trips per day (ADT) to the existing street system. Of those trips, 53 would occur during the p.m. peak traffic hour. The development's internal street system consists of public local streets and alleys. With the exception of Hill Street, all internal streets have 54 foot right-of-way and 30 foot curb to curb widths, and conform to the minor local street design standards contained in the Code. The development's internal alleys will have widths that vary between 14 and 20 feet, and conform to the alley design standards.

Albany has an adopted a Streetscape Design Plan for Water Avenue. Along the frontage of this development, the streetscape plan would maintain the existing Main Street rail crossing, close the Hill Street rail crossing, and reconfigure the Madison Street rail crossing to shift the crossing farther from the rail line and add rail crossing improvements. The development plan submitted by the applicant conforms to the adopted streetscape plan. Albany's Transportation System Plan (TSP) does not identify any congestion or level of service problems adjacent to the proposed development. Street and alley improvements together with rail crossing improvements will take place as each phase develops. Conditions of approval spell out which improvements will be required with each phase.

SD Review Criterion #4 Response - the subject of public utilities was discussed earlier in the meeting. Several conditions of approval are proposed relating to utilities and fire access.

SD Review Criterion #5 Response - special purpose districts such as airport approach zones and floodplain areas were also discussed earlier in the meeting. In summary, development of the site will not adversely affect a special purpose district, and staff finds this criterion is met.

**WG-01-12** - the Willamette River Greenway overlay district guides development along the Willamette River in order to preserve the existing scenic, use and natural features. Normally, an application for Willamette River Greenway Use is reviewed at the staff level, but the design elements associated with the Greenway review are

inseparable from the design elements of the Interim Planned Development. Therefore, review of the Greenway application is consolidated with the Interim Planned Development and Tentative Subdivision applications. There are ten review criteria for development within the Willamette River Greenway. For brevity, only criteria that are relevant to this specific project were presented.

WG Review Criterion #2 Response - the property where the development is proposed contained extensive industrial uses historically. Portions of property lying north of the Dave Clark Riverfront Path contain a steep and heavily vegetated river bank. The only work proposed in this area is the removal of invasive species together with planting native species on the riverbank in cooperation with local stewardship groups and the City. Significant air, water and land resources including but not limited to natural and scenic areas, viewpoints, vistas, fish and wildlife habitats, etc. in, and adjacent to, the Greenway will be protected, preserved, restored, or enhanced to the maximum extent possible.

WG Review Criterion #6 Response - the proposed development will be compatible with existing uses on the site and the surrounding area by providing pedestrian corridors with enhanced landscaping between the development and the Dave Clark Riverfront Path. Staff concludes this criterion is met without conditions.

WG Review Criterion #8 Response - there will be no new public recreational facilities on site associated with Edgewater Village, according to the applicant. The existing Dave Clark Riverfront Path located north of the proposed development is a City recreational facility that will be set aside in undevelopable tracts. In order to maintain privacy and security, lot owners may fence their rear yards where they abut the path, however they will provide a setback of at least 3 feet from the edge of path.

WG Review Criterion #9 Response - the floodway line completely lies to the north of the Dave Clark Riverfront Trail, where no development is being proposed. Setbacks for buildings abutting the south side of the river bank shall be 35 feet for two stories or less, according to the Development Code. The applicant's site plans show compliance with this standard.

WG Review Criterion #10 Response - the applicant's site plans depicts three access corridors to the Willamette River. Multi-use paths each 10 feet wide will connect Front Avenue to the Dave Clark Riverfront Path along three existing right-of-ways: Madison Street, Hill Street and Main Street. No vehicular access to the Willamette River is proposed with this development.

The site was posted and notice of the public hearings was sent to all property owners within 300 feet of the property.

Staff's recommended conditions of approval for the proposal, each condition is listed in the staff report on pages 2 – 5. These conditions relate to successful acquisition of vacated portions of streets, timing and installation of recreation amenities, phasing plans for utilities and fire access, landscaping, street and sidewalk phasing and installation, and requirements to ensure compatibility with the Willamette River Greenway.

Delapoer added that the City has been in conversations with the railroad on a variety of issues, including the parcel owned by Burlington Northern railroad. An agreement has been reached, now it's a matter of getting all the wording fixed. The City will acquire ownership at no charge, no conversations have happened in City Council as to what will happen with that property. City staff is also working on the track abandonment on Water Ave. They would like to get rid of that track as well.

Commissioner comments and questions on the staff report:

Rouse pointed out a typo on pg. 32, Section 3.11, "The development will close the Hill Street crossings..." it should be Madison.

PUBLIC TESTIMONY:

Rich Catlin, Reece & Associates 321 1<sup>st</sup> Ave., Albany, - Catlin introduced property owners Randy Myers and George Diamond and designer Jennifer Meyers. Staff has been great to work with. David and Mike did great on the staff report.

The homes will be single family home, either attached or detached. The market demand currently is for single family, entry level, homes. With that market in mind, the first phase will be 5 single family detached homes with constructions to begin in the late fall. At that point, the applicants would pause to see what the market looked like. Although plans have been submitted for Phases C-E, the applicants would pause after the first 5 houses are built to see what the market looked like. The plans were created with the railroad property not included.

Jennifer Meyers, J. Meyers and Associates, 2155 NW Sheffield Ave, Beaverton, - Meyers shared exterior and interior color boards with material, appliance and color palette options. There are packages to choose from with upgrades available.

Planning Commission Discussion:

Rouse – is having a hard time deciding about the vacation on Main Street. The Community Garden lot could be a buildable lot in the future. By closing that part of Main Street, the only access would be on Front Street. She asked if there wasn't some alternative. (Porsche clarified that the Community Garden lot is owned by the City and that it will always be a park of some description, either as a garden or park.)

The Commission and Catlin discussed various street sizes.

Gibbs also expressed concern about the vacation of Main Street because of the existing Community Garden. Catlin explained that parking and access to the garden is in the planned development.

Gibbs was concerned about the set back and fencing along the Dave Clark Path, it could create an unpleasant wall, something she would like to see prevented. Catlin pointed out an existing 10' easement on the path. They originally planned to go up to the easement but decided not to place fences directly on the path. Potential residents would like to see the river and also have security from the path.

No other public testimony.

STAFF RESPONSE: -None

Chair Faller closed the public hearing at 6:35 pm.

PLANNING COMMISSION DISCUSSION: None

MOTION:

Regarding the VC-02-12 & VC-03-12

Approval with Conditions as summarized in the staff report – Post made the motion, Tomlin seconded. 7 ayes, 1 no (Rouse)

Regarding the PD-01-12, SD-01-12 & WG-01-13

Approve with Conditions as summarized in the staff report - Post made motion, Tomlin seconded. 7 ayes, 1 no (Rouse)

ACTIVITY UPDATE:

The Commission voted to re-appoint Post to the Hearings Board and confirmed Tomlin as the alternate.

NEXT MEETING:

Monday, March 4, 2013 - Joint Work Session with Business Ready Task Force and City Council.

ADJOURNMENT:

Hearing no further business, Commission Chair Faller adjourned the meeting at 6:45 p.m.

Submitted by

Reviewed by

Signature on File

Signature on File

Tari Hayes  
Administrative Assistant

David Martineau  
Lead Current Planner