

CITY OF ALBANY
PLANNING COMMISSION
City Council Chambers, 333 Broadalbin Street SW
Monday, October 6, 2014
5:15 p.m.

MINUTES

Planning Commissioners present: Sue Goodman, Roger Phillips, Kristin Richardson, Dala Rouse, Daniel Sullivan, Larry Tomlin, Linsey Godwin

Planning Commissioners absent: Cordell Post (excused)

Staff present: Mark W. Shepard, Assistant City Manager/Public Works and Community Development Director; Bob Richardson, Planning Manager; David Martineau, Lead Current Planner; Ron Irish, Transportation Systems Analyst; Sean Kidd, Deputy City Attorney

CALL TO ORDER

Chair Tomlin called the meeting to order at 5:20 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

COMMENTS FROM THE PUBLIC: None.

APPROVAL OF MINUTES

August 18, 2014

MOTION: Commissioner Rouse moved to approve the minutes as presented. Commissioner Goodman seconded. The motion passed 7-0.

September 8, 2014

MOTION: Commissioner Rouse moved to approve the minutes as presented. Commissioner Goodman seconded. The motion passed 7-0.

QUASI-JUDICIAL PUBLIC HEARING

Consolidated Review of Files SD-09-14, SP-21-14, and FP-06-14 – Vreeland Estates Phase 2

- SD-09-14 is a Type III Tentative Subdivision Plat that will divide a portion of a 42.89-acre parcel of land into 103 residential lots (Vreeland Estates Phase 2);
- SP-21-14 is a Site Plan Review for the removal of 24 trees larger than eight inches in diameter processed concurrently with the Type III Subdivision Plat;
- FP-06-14 is a Floodplain Development Review required prior to initiating floodplain development activities located within the 100-year Special Flood Hazard Area

The property owner is Mountain West Investment Corporation, Salem, Oregon; the applicant is Jason Tokarski, Mountain West Investment; and the applicant's engineer is Troy Plum, TKP Engineering, Corvallis, Oregon.

Chair Tomlin opened the public hearing at 5:26 p.m.

Declarations by the Commission:

There were no declarations of conflicts of interest, ex parte contacts, or site visits. There were no abstentions. There were no objections raised on jurisdictional grounds.

Hearing Procedures:

Planning Manager Bob Richardson said those wishing to testify should be aware that they must raise an issue with enough detail to afford the Planning Commission and parties an opportunity to respond to the issue if they later want to raise that issue on appeal. Testimony and evidence must be directed toward the approval standards staff will describe or other criteria in the comprehensive plan or development code which they believe apply to the decision. If additional documents or evidence are provided by any party, the Planning Commission may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. 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:

Lead Current Planner David Martineau gave a slide presentation (see agenda file). He said the Consolidated Subdivision Application proposes to divide a portion of a 42.89-acre parcel into 103 residential single-family, duplex and tri-plex lots together with stormwater detention and open space tracts using cluster development standards. The first phase of development was approved by the Planning Commission on June 16, 2014. Subdividing the remainder of the property at that time was postponed because the City's Floodplain Manager identified a requirement for a flood study, which has since been completed. The property is located on the south side of Grand Prairie Road, just west of Interstate 5. The property is zoned Single Family Residential (RS-6.5), with a Significant Wetland Overlay, Riparian Corridor Overlay, and Floodplain Overlay District.

Planner Martineau reviewed the Staff Analysis, including the applicable review criteria, staff findings, and conclusions, and recommended conditions where applicable for the Tentative Subdivision Plat Review; the Cluster Development Review; the Site Plan Review-Tree Felling Concurrent with Development; Provisions for Flood Hazard Reduction-Floodway Restrictions; Provisions for Flood Hazard Reduction-Alteration of a Watercourse; Provisions for Flood Hazard Reduction-Land Division Standards; Provisions for Flood Hazard Reduction-Grading, Fill, Excavation, and Paving Standards; and Site Plan Review-Natural Resources Impact Review Standards. The Staff Analysis is provided in detail in the written staff report.

Planner Martineau said a Notice of Public Hearing was mailed on September 16, 2014, to all property owners within 300 feet of the subject site, as well as those who were notified for the neighborhood meeting and state and federal agencies with jurisdiction. The site was posted in three places on September 26, 2014. As of 3:00 p.m. today (October 6, 2104), three items of written testimony have been received. In summary, comments were centered around parks and recreation, riparian corridor and significant wetland areas, permit requirements for state and federal agencies, traffic impacts with the new bridge, stop lights and cross walks, access to the proposed development, and minimum lot sizes within the development. A copy of all correspondence was forwarded to the developer and provided to the Planning Commission.

Planner Martineau briefly reviewed the recommended conditions of approval in the categories of transportation; public facilities; cluster development; tree felling; floodplain; grading, fill, excavation and paving standards; natural resource impacts; and a local mitigation plan. Staff recommended approval of the request with the recommended conditions.

Questions from the Commission:

Commissioner Rouse asked for clarification on how the riparian corridor is measured and in what areas encroachment would be allowed. Planner Martineau explained that the 50-foot riparian corridor is measured from the ordinary top of water mark and from the upland edge of the wetlands, and that the proposal would allow encroachment into the first 25 feet of the riparian corridor.

Commissioner Godwin asked how enforcement would occur to ensure there is no development in the “no-build” easement area. Planner Martineau said compliance with development conditions would be enforced through the building permit process.

Chair Tomlin asked who would be responsible for administrative oversight. Planner Martineau said the Albany Development Code (ADC) spells out options which include a homeowners association, the City, and conservancy groups. In this case, the Grand Prairie Water District has jurisdiction and would want to maintain access to Periwinkle Creek. Staff understands that a homeowners association will be established but what keeps that going indefinitely is another matter. The issue will have to be resolved before development.

In response to further inquiries, Planner Martineau said the Grand Prairie Water District has a 70-foot wide easement - 40 feet north of Periwinkle Creek and 30 feet south of the creek. Easements are in place to allow for repairs along the base and access to the creek to remove blockages, etc. On the north side of Periwinkle Creek is a bench wide enough for a vehicle to traverse and no vegetation mitigation is proposed. Mitigation is proposed on the south side of the creek within the riparian corridor areas. Even if negotiations do not allow the developer to have mitigation within the Grand Prairie Water District easement, there is 20 feet remaining of the riparian corridor where mitigation could occur.

In response to an inquiry from Commissioner Rouse, Transportation System Analyst Irish said the Transportation System Plan does not include a traffic signal at Grand Prairie and Lexington or the two access points on Waverly Drive at this time.

Commissioner Godwin asked if there were any plans for public access to the open space area. Planner Martineau said public access to the area in the southeast part of the property is problematic; there is no proposal by the developer to provide public access to that area.

Chair Tomlin asked if the streets would have bicycle lanes. Staff said no, these are local streets which generally do not have bicycle lanes.

Applicant’s Testimony:

Troy Plum, TKP Engineering, P. O. Box 374, Corvallis, addressed comments received in verbal and written testimony and questions from the Planning Commission. He said the applicant would prefer to make the open space dedication to the Grand Prairie Water District and the details are being worked out. He said a homeowners’ association will be formed and the applicant understands the long-term responsibilities. He said there is not a good opportunity to provide public access to open space within the riparian corridor and it is intended to be a natural feature for wildlife and the wetlands. He said the applicant is moving forward to construct speed bumps based on discussion at the previous hearing, that no mobile homes are proposed in the development, and that Lot

27 will not be allowed to plat until the proposed bridge is constructed. He said the traffic study was prepared in March and the traffic counts were taken in February 2014 when school was in session. He said the applicant has worked with the Oregon Department of Fish and Wildlife (ODFW) to satisfy their requirements related to the proposed bridge over Periwinkle Creek.

Mike Ard, Lancaster Engineering, 321 SW Fourth Avenue, Suite 400, Portland, prepared the Traffic Impact Study (TIS) for this development. He said traffic signal warrants are the minimum threshold at which consideration of signalization is allowed. The TIS looked out 10 years to 2024 traffic conditions. It is not projected that warrants will be met within the 10-year time period. In looking at traffic impacts of the proposed subdivision, he said, it was found that the intersections would operate acceptably with the subdivision in place.

Testimony in Support of the Application: None.

Testimony in Opposition to the Application:

Gary Harkins, 2950 Brookside Avenue, submitted written testimony. He said many of his concerns had been addressed but he was still concerned about how building would occur on lots in the riparian corridor given the setback requirements. If a house could be placed on those lots in a way that does not encroach, he wondered if they would be allowed to have landscaping or outbuildings within the setback area. He asked what would be done with the little creek that runs from Grand Prairie to Periwinkle.

Neutral Testimony:

Jenny Terjeson, 3455 Bartley Drive SE, pointed to the open space dedication map presented by the applicant (page 109). She expressed concern that there did not appear to be access to the large open space area that could be used in the event of a fire.

Rebuttal Testimony:

Troy Plum reviewed the standards requiring that the riparian corridor extend 50 feet from the ordinary high water mark or from the upland edge of the wetlands, whichever is greater. He said in every case on Periwinkle Creek, the wetlands extend beyond the ordinary high water mark. The riparian corridor was made from the upland edge of existing wetlands. The ADC permits encroachment into the 50-foot riparian corridor by up to 25 feet and the lots along there are developable. He said the existing open ditch that runs from Grand Prairie to Periwinkle Creek would be left open. In response to the concern about access to the open space area in the event of a fire, he said he would accept a condition requiring an easement or whatever the Commission agrees must be in place for that emergency access.

Staff Comments:

Planner Martineau provided clarifying information in response to issues raised during public testimony. He showed a graphic and explained that the riparian corridor is 50 feet wide; however, the applicant is able to encroach within the first 25 feet of the corridor because they are mitigating for that. Even on the most constrained lots, two-thirds or more of the lot could conceivably be developed. He reviewed Condition NR-B 2.1 and stated that no structures or disturbance of ground would be allowed within the remaining 25 feet of the corridor.

In response to an inquiry from Commissioner Richardson, Planner Martineau said wetlands on the site were found through a delineation study and they are under the jurisdiction of the Department of State Lands and the Oregon Army Corps of Engineers. The wetlands are not considered locally significant.

In response to an inquiry from Commissioner Godwin, Staff said the City does not currently have regulations on stormwater temperature or planting requirements to address that.

Close the Public Hearing:

Chair Tomlin closed the public hearing at 6:59 p.m.

Discussion and Decision:

Commissioner Rouse suggested that a condition be added to address concerns about emergency access to the open space area. Staff provided draft language which was revised during Planning Commission discussion.

Motion: Commissioner Rouse moved that the Planning Commission approve, with conditions as modified, the Tentative Plat application to create a 103-lot cluster subdivision as presented in the staff report for planning files SD-09-14, SP-21-14, and FP-06-14. The modification is to add the following condition: *The final plat shall include a minimum 20-foot access easement serving the open space area in the southeast corner of the site in a location approved by the Albany Fire Marshal.* Commissioner Sullivan seconded. The motion passed 7-0.

Chair Tomlin said the Community Development Director would provide written notice of the decision to the applicant and other parties entitled to notice within five days of the decision. A person with standing may appeal the 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.

ACTIVITY UPDATE: There was no update.

NEXT PLANNING COMMISSION MEETING DATE:

Monday, October 20, 2014

ADJOURN

Hearing no further business, Chair Tomlin adjourned the meeting at 7:09 p.m.

Respectfully submitted,

Signature on File

Teresa Nix
Administrative Assistant

Reviewed by,

Signature on File

Bob Richardson
Planning Manager