



CITY OF ALBANY
PLANNING COMMISSION

MINUTES

Monday, August 31, 2020

Virtual Meeting

Approved: September 28, 2020

CALL TO ORDER

5:21 p.m.

Chair Larry Tomlin called the meeting to order at 5:21 p.m.

ROLL CALL

Commissioners Present

Diane Hunsaker, Ann Ketter, Carol Canham (left early), Larry Tomlin, Ralph Menweg (left early), Therese Waterhouse, JoAnn Miller.

Commissioners Absent

Cordell Post, excused; Dala Rouse, recused (arrived late).

Staff Present

Planning Manager David Martineau, Planner III Melissa Anderson, Transportation Systems Analyst Ron Irish, Development Services Manager Matthew Ruettgers, Contracting Assistant Shelley Shultz.

APPROVAL OF MINUTES

5:25 p.m.

Commissioner Waterhouse moved to approve the August 3, 2020, and the August 17, 2020, minutes as presented. Commissioner Hunsaker seconded the motion. The motion was approved 7-0.

Business from the Public

5:26 p.m.

None.

Public Hearing – Appeal of a Type I-L Decision

5:27 p.m.

Files SP-10-20 and FP-01-20

Appeal of a staff decision to approve a modification to previously approved Site Plan Review with Floodplain Development Review for construction of a multi-family housing project with associated site improvements.

Chair Tomlin opened the public hearing at 5:27 p.m.

Declarations by the Commission

5:28 p.m.

Commissioner Hunsaker declared a site visit.

Planning Manager David Martineau read the meeting procedures.

5:35 p.m.

Staff Report

5:44 p.m.

Planner III Melissa Anderson presented the staff report and outlined the proposed project, a multi-family housing project with associated site improvements, City of Albany Planning Files #SP-10-20 and FP-01-20.

Due to technical difficulties, Chair Tomlin called a short recess to correct issues.

5:46 p.m.

Meeting resumed.

6:04 p.m.

Called roll call again: JoAnn Miller, Ann Ketter, Carol Canham, Diane Hunsaker, Ralph Menweg, and Larry Tomlin were all in attendance; Therese Waterhouse was in attendance but had difficulty with her mic.

Commissioner Rouse is now in attendance and confirmed that she is recusing herself from the hearing to participate as a citizen.

Planner III Melissa Anderson resumed the presentation and gave an overview of the project, along with the staff report and decision, outlining the conditions of approval.

Transportation Systems Analyst Ron Irish gave input on traffic studies and said the descriptions in staff report are accurate.

Applicant Testimony

6:24 p.m.

Zach Pelz, AKS Engineering, representing the applicant, Willamette Riverview Holdings, gave a presentation of their proposal and responded to the appeal received by the City of Albany from Mary Abraham in regard to the decision that was issued by the planning department approving modifications to their original plan. The modifications proposed are below the minimum requirements for the development standards in the code. The applicant concurs with staff's decision.

Questions from the Commission

6:42 p.m.

Commissioner Hunsaker stated that the modification increased the number of residences in the complex by 15 percent, and questioned why this would be considered a modification, as opposed to a new proposal. Pelz responded that while there was an increase of 15 percent, it is still 40 percent lower than what is allowed. There is no clear, distinct threshold for the standard of what would be considered a modification. Alan Sorem, legal counsel representing the applicant, said that a 15 percent increase to the original proposal is irrelevant if it still meets the criteria in a clear and objective manner. Commissioner Hunsaker reiterated her concerns with the threshold for what is considered a modification and feels there should be a limit. Sorem again stated that as there are not established thresholds for modifications, the number of units is irrelevant, provided it meets code. Planning Manager David Martineau asked City Attorney Sean Kidd to clarify whether the City is obligated to keep the same clear and objective standards used in a site plan review or is there an option to use discretion when a project is modified. Kidd said the criteria must be clear and objective either way. The question of whether this qualifies as a modification or a new proposal is a separate issue. The planning commission must be very clear on their reasoning in any decision. While City staff concluded this was a modification as opposed to a new project, the planning commission can dispute that decision.

Further discussion ensued about concerns with the density, replacement of the nine townhouses with 24 apartment units facing Linn Avenue, a single entrance to the property, flooding, on-street parking issues, and removal of the emergency access.

Public Testimony

7:09 p.m.

Mary Abraham, neighbor, testified against the proposal. She expressed frustration with approval standards and feels this should be considered a new proposal, not a modification. She is also concerned about eliminating Alco Street access and the lack of on-street parking. She disputed the idea that using "architectural and design elements" is the same as the original proposal.

Jennifer Miller, neighbor living across the street on Linn Avenue, testified against the proposal. She is not in favor of the additional 15 units and expressed concern that the modifications only call for the addition of one parking space, which will add to the on-street parking issue. She feels the roads are unsafe and the traffic study is flawed.

Chair Tomlin declared a 10-minute recess.

7:28 p.m.

Reconvened.

7:38 p.m.

Dala Rouse 432 Burkhart Street NE, Albany, testified in opposition to the proposal. It is her assertion that Section 6.075 in the Albany Development Code, the floodplain permit the City received from the applicant on July 1, 2019, is expired, which means the project should not qualify for a modification. She also disputes that

the neighbors should not have had to pay a fee to appeal the project, as this is a new proposal, not a modification. The neighbors request an archeological permit and inspection due to Native American artifacts being found on the site. Rouse discussed concerns with flooding dangers, emergency exit, and on-street parking. She disputes the fire department findings and the “needed housing” argument, as this property is in the city and not within the urban growth boundary.

Lisa Craft, 2025 Willamette Avenue NE, owns two properties in the area, stated that this is not a modification, but a new proposal. She is concerned with additional traffic and on-street parking issues.

Zelda Bevan, 1905 Willamette Avenue NE. Concerned with floodplain issues and stated that this development is not appropriate for this neighborhood.

Applicant Response

7:55 p.m.

Zach Pelz addressed the concerns expressed and explained the differences between the old and new plans. While the applicant is sensitive to the neighbors’ concerns, their goal is to strike a balance between that and the City code. Alan Sorem addressed legal aspects of the needed housing issue, stating that the Oregon State Legislature recognizes there is a housing crisis in our state and has amended state statutes to accommodate the problem by allowing only clear and objective standards for approval. As needed housing, there are additional procedural rights afforded to the property owner. Scott Mansur, DKS Associates, 117 Commercial Street NE, Suite 310, Salem, talked about traffic studies and how they have paid attention to all impacts from this development. Based upon traffic studies and analysis, the proposal will more than accommodate what is needed for this development. Pelz wrapped up by saying the applicant has been very sincere in making this project compatible with the neighborhood. The reason for the modifications was that previous plans were deemed to be cost-prohibitive. This project is not subject to the same requirements as a commercial or industrial project. Because it is so common for neighbors to oppose this type of project, the state legislature designed the laws to prevent that. Residents of a multi-family homes should be afforded the same rights as single-family homeowners.

Staff Response

8:12 p.m.

Planner Anderson has nothing further to add but assured the commission there would be ample time to address questions after the hearing is closed.

Procedural Questions

8:19 p.m.

None.

Chair Tomlin closed the public hearing at 8:19 p.m.

Discussion

8:19 p.m.

Commissioner Ketter asked for clarification about Rouse’s comment regarding the expired floodplain permit; Anderson said that since this floodplain permit was concurrent with site plan review, they will expire three years from date of application.

Commissioner Waterhouse expressed concern about the modifications to plans and the mental health issues caused by these changes. She feels neighbors are negatively impacted both mentally and financially. Commissioner Ketter again mentioned the significant change in the proposal, from townhomes to apartments. She is also concerned with the single entrance/exit. Commissioner Miller asked staff is there was anything further that should be considered. Anderson said no, all issues have been presented.

Motion

8:33 p.m.

Commission and Staff discussed the process and options available to commission. Commissioner Hunsaker moved to deny the application based upon the fact this is a substantial new proposal and it fails Albany Development Code Section 1.226, Subsections 5(d), 8(b), and 8(d). A 15 percent increase in the number of residences, should be considered a substantial change, not a modification, and the change from 9 townhomes

to 24 apartment units is also a substantial change, not a modification. She also strongly objected to the removal of the Alco Street access. Commissioner Waterhouse seconded the motion. Commissioner Miller asked for clarification on the motion, Anderson restated the proposal for clarity. Motion passed 4-0 with Commissioner Miller abstaining; Commissioners Canham and Menweg had left the meeting.

Anderson will revise the Planning Commission findings and prepare a new notice of decision that will be provided at an upcoming meeting for the Commission's adoption. Decision will be mailed day after planning commission approval.

BUSINESS FROM THE COMMISSION

8:48 p.m.

None.

NEXT MEETING DATE

8:48 p.m.

Monday, September 28, 2020

ADJOURNMENT

8:49 p.m.

Hearing no further business, Chair Tomlin adjourned the meeting at 8:49 p.m.

Respectfully submitted,

Reviewed by,

Signature on File

Signature on File

Shelley Shultz
Contracting Assistant

David Martineau
Planning Manager