



CITY OF ALBANY
Planning Commission

MINUTES

Monday, June 17, 2024
Council Chambers – 5:15 p.m.
Approved: September 30, 2024

Call to Order

5:15 p.m.

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

Pledge of Allegiance

Roll Call

Commissioners Present: Karen Cardosa, Stacey Bartholomew, Ted Bunch Jr, Bill Ryals, Skylar Bailey, Circe Verba, Kenny Larson, Ron Green, JoAnn Miller

Commissioners Absent: None

Approval of the Minutes

5:16 p.m.

Motion: Commissioner Bartholomew moved to approve the minutes from the June 3, 2024, meeting as presented. Commissioner Bailey seconded the motion, which passed 9-0.

Business from the Public

5:16 p.m.

None.

Public Hearing—Appeal of a Type I-L Quasi-Judicial Process

Summary: Planning file SD-01-24 request for appeal based on the maximum permitted density for a townhouse project and the land use process used to review the application for a nine-lot residential subdivision at 2949 Gibson Hill Road NW.

Chair Miller called the Public Hearing to Order at 5:18 p.m.

Commission Disclosures

There were no conflict of interest, or ex parte contacts or site visits reported.

No commissioners abstained from participating in this hearing.

There were no challenges offered to their participation.

Comprehensive Planning Manager, Anne Catlin read the hearing procedures.

Staff Report

Project Planner, Liz Olmstead reported that this appeal was regarding a Type I-L (staff decision) issued May 10, 2024, with the appeal of the decision filed May 20, 2024. She reported that five pieces of written testimony were received and submitted to the Commission prior to the hearing. The site is located at the corner of Sunny Lane and Gibson Hill. The application was for a tentative subdivision of nine lots. Seven lots for townhomes and the other two for existing duplex and accessory building. Staff found that the proposal satisfied all applicable review criteria.

There were no questions from the Commission.

Public Testimony

5:25 p.m.

Applicant Scott Lepman, for the Middle Housing project, supported the staff's decision.

Audrey Eldridge, the appellant (petitioner) testified explaining her concerns about there being inadequate infrastructure for the project. She had provided written testimony and provided a quick summary of the appeal. Specifically, to address the water infrastructure concern. She understood that the City's draft water master plan showed that the North Albany and Gibson Hill pump stations are near capacity and need

replacement. She noted that a similar proposal and appeal was filed for an adjacent middle housing project, (Riverwood Crossing Development) due to inadequate infrastructure. She felt it was not appropriate to approve another project using the same infrastructure when an appeal is pending on an adjacent project. The lack of adequate infrastructure should not allow new development until critical infrastructure (the pump system capacity) is addressed.

Brad Dennis expressed his concerns regarding traffic infrastructure pointing out the City's Traffic Impact Study of Hwy 20 and criteria for deficiencies. He sees an issue for North Albany with continued development in North Albany as projects should be considered as a whole, versus making decisions independent of the overall effect to the area. He favored a prohibition of building in North Albany until the City could work on an overall Master Traffic plan.

Theresa Johnson agreed with the other testimony but wanted to add her concern about a lack of public transportation in the area as the bus stops have been deleted near the project. She also stated that the developers should shoulder the infrastructure costs rather than the taxpayers.

Peter Weld submitted his comments in email to Olmstead but were received too late to include. He was concerned that the middle housing projects being in such close proximity to one another should preclude a traffic study because of the total number of dwelling units between the two projects would require a study of peak hour trips rather than considering them individually. He felt the traffic would adversely impact adjacent neighborhoods.

Appellant Rebuttal Testimony

None.

Staff Response

None.

Procedural Questions

Commissioner Bailey asked if the Commission would be motioning in favor of the appeal or the initial approved application. The Chair noted that staff would assist with the appeal process.

Chair Miller closed the Public Hearing at 5:42 p.m.

Commission Deliberations

Commissioner Bailey expressed that he felt that in addition to facilitating city growth they have a responsibility to protect the citizens and some of the things mentioned would indicate at a minimum they should wait for the referee decision on the other appeal prior to making a decision.

Commissioner Larson stated that a traffic study is not required by the rules and this proposal has met all the criteria for approval. Catlin responded that there wasn't enough impact to warrant improvements to the intersections or roads. Developers will be making road improvements. Commissioner Larson pointed out that he heard the citizen's concerns and desire for a more strategic long-term approach. But as a quasi-judicial hearing their decision must be based upon the facts and the facts say that they have met the criteria. He agreed that the concerns are valid but strategic planning is the City Council's job.

Commissioner Green asked if it's true regarding the water/sewer capacity question. Catlin noted it is in the staff report that the water line sizes are adequate and already in place to accommodate the development. Regarding the water master plan, there is a draft to be adopted by the Council. They were assured that there are no concerns for the infrastructure. Green also asked about the ridership of the bus line prior to being discontinued. Catlin reported that the Public Works director shared that the Gibson Hill stop was removed due to extremely low ridership and balancing costs. But as ridership needs increase it is possible to restore service.

There was some discussion about keeping the record open for any additional testimony which would require another extension from the applicant if there was information relevant to the decision. Commissioner Larson felt they were obligated to make a decision within the state required time limit unless granted another

extension. Olmstead offered that all information was contained within the staff report for review. Commissioner Ryals wasn't opposed to leaving the hearing open but didn't believe there was sufficient reason to postpone the decision.

Olmstead noted that there was no information about the infrastructure in the actual appeal for staff to address. The Chair noted that the Commission is limited to addressing the substance of the appeal. Commissioner Larson had concerns about establishing a precedent for consideration of appeals.

Catlin offered that the process for the appeal on the matter is for the Commission to determine whether to affirm the staff decision, or remand, reverse or modify it.

Motion: Commissioner Bartholomew motioned to affirm the Community Development Director's approval. This motion is based on the analysis provided in the June 10, 2024, staff report addendum, findings in the May 10, 2024, staff report in planning file SD-01-24 and testimony presented at the public hearing. Commissioner Larson seconded the motion which passed 8-1 with Commissioner Bailey voting in opposition.

Business from the Commission

6:01 p.m.

None.

Staff Updates

None.

Next Meeting Date

July 15, 2024

Adjournment

Hearing no further business, Chair Miller adjourned the meeting at 6:02 p.m.

Respectfully submitted,

Reviewed by,

Signature on file

Signature on file

Susan Muniz
Recorder

Anne Catlin
Comprehensive Planning Manager

**Documents discussed at the meeting that are not in the agenda packet are archived in the record. The documents are available by emailing cdaa@albanyoregon.gov.*