



CITY OF ALBANY
Planning Commission

MINUTES

Monday, May 19, 2025
Council Chambers – 5:15 p.m.
Approved: August 18, 2025

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: Stacey Bartholomew, Tami Cockeram, Kenny Larson, Karen Cardosa, JoAnn Miller, Ron Green, Ted Bunch Jr., Paul Spilsbury

Commissioners Absent: Skylar Bailey (excused)

Approval of the Minutes

5:16 p.m.

Commissioner Spilsbury noted a correction was needed to page 4.

Staff would review the recording and make any necessary corrections.

Motion: Commissioner Cockeram moved to approve the minutes from the March 17, 2025, Planning Commission meeting with the correction. Commissioner Bartholomew seconded the motion, which passed 8-0.

Election of 2025 Chair and Vice Chair

Nomination for Chair: Commissioner Cardosa nominated Commissioner Miller. Commissioner Bunch seconded the nomination. Commissioner Miller accepted the nomination. There were no other nominations. All voted in favor 8-0.

Nomination for Vice Chair: Commissioner Cardosa nominated Commissioner Bartholomew as Vice Chair. Commissioner Larson seconded the nomination. Commissioner Bartholomew accepted the nomination. All voted in favor 8-0.

Public Comment

None.

Scheduled Business

Public Hearing: Planning File CU-03-25, Type III Quasi-Judicial Process. Conditional Use Review to use an existing structure at 506 Ferry Street SW as an outpatient treatment center which they classified as Community Service.

Chair Miller called the public hearing to order at 5:21 p.m.

Commission Declarations

Commissioner Bartholomew declared that she had visited Dynamic Self-Recovery for information on their treatment services for a family member, but the visit was not related to this particular building.

No other members reported any ex-parte contact.

Commissioner Cardosa declared she had driven by property. No other commissioners declared a site visit.

No members abstained from participating in the proceeding.

There were no challenges to the participation of any commissioners.

Reading of hearing procedures

David Martineau, Current Planning Manager, read the procedures.

Staff Report

5:10 p.m.

Martineau noted the Review Decision Criteria was under ADC 2.250 and added that the property is Historic Contributing to the Monteith District. There were no exterior changes proposed. The proposed condition, if approved, is that any plans for exterior changes to the structure may require further Landmarks Commission review.

Commissioner Cardoso referred to a comment received regarding the legality of the use and asked how that affects the decision. Martineau explained that it could be addressed during the public testimony.

Commissioner Cockeram asked for a definition of Community Services. Her understanding was that the Development Code described Community Service category as services guided by local government, non-profit or charitable organizations. And the application being reviewed lists the property owner as an LLC.

Martineau responded that at the time of the application it didn't occur to him that this was a for-profit enterprise. Commissioner Spilsbury asked if the categorization was incorrect, it needed to be under another category. Martineau, referring to the public comment, offered that the comment assumed it would fall under Medical Office use rather than Community Service. Martineau wasn't aware whether it was a Charitable Organization, and examples to the code included drug and alcohol centers and treatment centers for physically and mentally disabled as a Community Service use. But it doesn't address for-profit organizations status specifically.

Commissioner Miller continued that drug and alcohol treatment can be done through non-profit or for-profit. Martineau read from the code defining Community Service which repeatedly cited non-profit or public agencies.

Commissioner Larson asked why the application came before the commission if it didn't meet the definition.

Commissioner Spilsbury brought up the irony of approving CFAs for housing needs but in this case taking away housing. The Chair emphasized no decision has been reached at that point.

Martineau offered another consideration, that Goal 5 Comprehensive Plan Implementation, addressed efforts to expand the list of conditional use permits within the historic districts increasing the reuse of historic structures.

Commissioner Cardoso asked about how clients come to use those services, court-appointed, walk-in, voluntary. Chair Miller suggested that those answers will be available during testimony.

Commissioner Bunch wondered whether charitable organizations can be for-profit.

Commissioner Green asked whether the property itself been determined suitable for multi-family units. Staff answered a single-family home cannot be converted for multi-family units in an historic district.

Applicant Testimony

5:22 p.m.

Silia Sequeira, Planner with Varitone Architecture, represented the client. She prefaced the testimony sharing the client's initial intentions for the building. She addressed the common feedback they've heard. She assured the commission that the owners are not medical professionals so it would not a traditional medical office. The next applicable category was Community Service. The center operates as a social service as described except for their business model. She noted that there are a lot of outsourced government services and charitable organizations that are for-profit. They believed that they had characterized themselves properly as a community service. The other concern they have heard is regarding parking and the numbers of clients. She assured them there wouldn't be large groups. She said the client had reported that a good chunk of their clients takes public transport or walk. She assured the commission that the owners are willing to reach agreements with the neighbors to assuage their concerns over parking. She asked the commissioners to consider the intentions of these sections against the actual use. Regarding whether the proposed use is consistent with the intended character of the base zone in the neighborhood,

and what she viewed that as. It's an historic residential district and the purpose statement says that it's the primary intent to preserve the residential resources, so a combination of the form and function. It will still be characteristic of the form in its structure. Regarding the character and use consistent with the zone, feedback has been questionable regarding the clientele that would receive services. The proximity to downtown gives it a more varied commercial/residential characteristic.

Commissioner Questions

Commissioner Larson asked when the property was purchased whether the buyers investigated the zoning. Sequeira answered that they did not, which she found is the case for many buyers.

Commissioner Spilsbury asked if they have other locations and if zoning was an issue in those cases. Sequeira shared that they have other locations without the same restrictions.

Commissioner Cardoso emphasized that treatment and counseling is needed and should be available in areas where those services can be easily accessed. Also adding that parking is not mandated for any business. Cardoso could see the benefits that would be provided.

The Chair reminded commissioners that they need to focus on the criteria and how the applicant meets the criteria. This decision comes down to the classification of Community Service to be qualified and it isn't government, non-profit or a charitable organization, but a for-profit enterprise. If so, it doesn't meet the criteria for Conditional Use.

Sequeira suggested that there is enough gray area to create a point of navigation for the decision. Commissioner Miller reinstated the definition of a charitable organization is non-profit. Emphasizing that it is not a non-profit providing those services. Examples of services listed describe what those qualifying organizations are allowed to provide.

Commissioner Larson offered the need for consistency in the review of these applications. And approving different allowances and conditional uses creates uncertainty for future applicants.

Commissioner Green questioned the role of the commission if we aren't working in the gray areas and providing deliberation in these matters.

Commissioner Bartholomew agreed they are there to use their interpretative discretion.

Commissioner Bunch asked if the organization is registered as a charitable organization. Sequeira said they were not.

Commissioner Larson offered that the code is clear and there isn't much gray area there.

Public Testimony

5:59 p.m.

Dawn Lyman, Corvallis, testified as to her personal success due to the peer support and recovery services for mental health and trauma therapy that Dynamic Self-Recovery provided her. She testified those services to be life-saving.

Edward Dearden, Albany, testified that Dynamics has been super beneficial to the community and has been good representatives within the community at other locations. The majority of the clients live in close proximity to those centers. He hasn't heard any complaints from neighbors in those areas. The location for other services being all close by downtown, the proposed center would be perfectly located and within public transit.

Dr. Bill Origer, Monteith District resident, shared that this is a noble organization that has changed people's lives. He had concerns regarding the lack of due diligence in purchasing the property and repeated it was not a medical practice or non-profit/charitable organization. A decision to approve is antithetical to the form and function of the historic district.

Camron Settlemier, resident of the Monteith district, wanted to clarify that Community Service is defined under OAR as operated under government, non-profit or charitable organization. Clearly this organization does not meet this definition. There is no gray area. It does meet Office uses in ADC 2.110 but not community services, and Offices and Commercial Activities are not allowed in the HM zone. He did not

believe it would be consistent with the zone as the zone is primarily to preserve the historic character as existing residential resource. The house exists to serve a residential function would be converted to for-profit corporate use. And with no protections for the interior, it could be gutted to provide for that need.

Daren Clowser, neighbor of this property, came forward for more information about the proposed use. He shared concerns about parking issues, and extra foot traffic through the area. He said it is a good cause but not a good use for the home.

Tam Miller, Albany, wanted to comment as a client of the company about the variety of services available and the judgments that people have about clientele as being unfair.

Rebuttal Testimony

6:18 p.m.

Sequeira thought it would be useful to look at how the definition of community service is laid out in the code. Community Services are operated by the government, non-profits and charitable organizations to provide a local service to the community and generally the services are provided as an ongoing regular basis at the site. She felt it was important that the use examples in the code are split into another paragraph and that's where the uses got separated from the baseline definition and that is where the gray area lives and where your area of discretion lives. The fact that these use examples were split off from the baseline definition and in those use examples are libraries, museums, drug and alcohol treatment so from her experience there is discretionary power, the code is not perfectly written and is not going to be interpreted the same by each individual. The Commission has the power to provide that interpretation. She noted the checks and balances available if there are disagreements with a decision.

Chair Miller closed the public hearing at 6:20 p.m.

Commission Deliberation

Commissioner Cockeram began by declaring that she has a position on the board of a recovery organization that may have relationships with the applicant organization. She wanted to disclose that. Her challenge is that although she believes in the work that is done, as a planning commissioner they are tasked with upholding these codes. When they begin deviating, they may be inclined to continue deviating down the road with other applications.

Commissioner Larson asked staff whether in the application process was there ever an opportunity that they should have disclosed or asked staff about not being a non-profit. Martineau responded there was not. Larson was disappointed that the application and the needed services they provide would not be approved.

Commissioner Bartholomew recalled during the presentation, Martineau highlighted a piece of code that provided an opportunity to put this organization into this situation. She asked him to review that piece of the code. Martineau stated it was wording of Goal 5, No. 17 of the Implementation Policy of the Comprehensive Plan. Stating a goal to expand the list of conditional uses permitted in the historic district to increase the adaptive reuse of historic structures.

Commissioner Bartholomew acknowledged the code but offered that there are other historic buildings being used in a similar way in other areas of the community and they are pinpointing this specific one because it wasn't grandfathered in and it's a new use. She is aware of the strong push in the community to preserve Albany's historic buildings. But wanted to point out that 5-6-bedroom homes are not tenable to most single-family buyers and sometimes these homes remain empty and uncared for. She shared that there has been a couple of historic homes torn down because of deterioration. If homes aren't taken care of, they will end up losing historic structures. Change of use facilitates maintenance of the form and is something that we sometimes have to do.

Commissioner Miller echoed Commissioner Larson's view that there is no gray area when defining for-profit and non-profit. The code is clear. She restated that non-profit organizations are providing those services that are listed in the code. It isn't for the commission to change the code but to look at the definition brought before us as commissioners for the city. She acknowledged the need for treatment centers and testified to her support around substance use treatment, but she can't get around this. It is clear that this

applicant doesn't meet the criteria for Community Service but her personal opinions on the need for these services cannot weigh in on this decision. The definition stands and is the grounds for denying this application.

Commissioner Green asked about other uses for this property. The house doesn't actually give much of a benefit to help with housing needs. To him, the code does not seem to be exclusionary of the use proposed. It does not exclude anything else; he believes the words are just inclusive. He also had an issue with this being brought to the commission, a needed function and just to deny it because of the letter of the law doesn't seem right.

Commissioner Cardoza agreed and added that the house being right on the corner places it totally within the hub of other needed services. Variances are what we are all about and this would be a positive to the community.

Motion: Commissioner Larson moved to deny the proposed CU review as conditioned under Planning file CU-03-25. This motion is based on findings and conclusions in the May 9, 2025, staff report and the findings in opposition of the application made by the Planning Commission during public testimony and deliberations on this matter. The following CU criteria have not been met and that is the definition of community services. Commissioner Bunch seconded the motion, which passed 5-3 in favor of denial of the application with Commissioners Cardosa, Green and Bartholomew voting against.

Business from the Commission

Commissioner Larson praised the applicant's efforts.

Staff Updates

David Martineau noted his appreciation for the commission's deliberations given how difficult decisions can be. He offered to prepare a Notice of Decision and pass forward what the basis of denial is.

Next Meeting Date

To be determined

Adjournment

Hearing no further business, Chair Miller adjourned the meeting at 6:39 p.m.

Respectfully submitted,

Signature on file

Susan Muniz
Recorder

Reviewed by,

Signature on file

David Martineau
Current 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.*