

**MINUTES OF THE SPECIAL MEETING  
BENTON COUNTY BOARD OF COMMISSIONERS**

**February 23, 2010**

**Benton Plaza**

**3:00 p.m., Large Meeting Room, mezzanine**

- Board of Commissioners:** Annabelle Jaramillo, Chair; Linda Modrell, Commissioner; Jay Dixon, Commissioner
- Albany City Council:** Sharon Konopa, Mayor; Dick Olsen, Ward I(a); Floyd Collins, Ward I(b); Ralph Reid, Jr., Ward II(a); Bill Coburn, Ward II(b); Bessie Johnson, Ward III(a); Jeff Christman, Ward III(b)
- Benton County Staff:** Chris Bielenberg, Roger Irvin, Laurie Starha, Public Works; Bill Emminger, Health; Rick Osborn, Public Information Officer; Kevin Perkins, Recorder; Jeff Powers, Natural Areas and Parks; Greg Verret, Community Development
- City of Albany Staff:** Marilyn Smith, Public Information Officer; Greg Byrne, Community Development; Wes Hare, City Manager; Jeff Blaine, Diane Taniguchi-Dennis, Ryan Harris, Ron Irish, Public Works
- Guests:** Hasso Herring, Democrat-Herald; Linda Kaple; Bill Root

Chair Jaramillo called the meeting to order at 4:01 p.m.

**I. Public Comment**

No public comment offered.

**II. PROPERTY DEVELOPMENT OUTSIDE THE ALBANY URBAN GROWTH BOUNDARY**

Verret stated that currently the City of Albany does not have an urban fringe, the Urban Growth Boundary (UGB) and city limits in North Albany are coterminous which prevents the City from influencing development of parcels currently outside of the city limits that may eventually be annexed. Verret recently conducted an analysis of the number of dwellings in the County zoning areas, which amounted to roughly 100 to 150 buildings. The majority of the area outside the city limits is zoned Exclusive Farm Use (EFU) and is unlikely to see much development. One of the outstanding issues in North Albany is the availability of water and whether the county continues to ensure an adequate water supply; it is Verret's belief that recent code amendments have addressed that issue. Internally, the Benton County Community Development Department has

discussed requiring an urban conversion plan, similar to the urban fringe agreement with the City of Corvallis, for those lots in the county's jurisdiction but very near to the city limits.

Byrne commented that if the city were to take over responsibility for planning for those lots the city would prefer that the development standards be consistent with the City of Albany's standards for ease of response by emergency services and maintenance by the works department. He and Verret have discussed assigning a planner from each department to begin working on the issues once the council and commissioners determine it to be a priority. In response to a question from Dixon, Byrne stated that the planners would start with a survey of areas that may eventually be annexed. While annexation is a political decision staff would be in a position to provide accurate advice to the decision makers. He expects such an effort would be accompanied by an extensive public information and outreach campaign.

Konopa commented that expanding the UGB has not been one of the city's priorities, but road connectivity and utilities are a concern for the city for the eventual expansion of the UGB in the future.

Collins added that a decision on a proposed lot division intended to gain a larger water right would be referred to the City Council while planning subdivisions has in the past created some conflict between the city and county standards. If the Council and Board wait until a request is made before addressing these issues it will be a greater problem than if some level of planning is accomplished now.

Konopa would like to see some agreement to raise the county development standards to a level compatible with the City of Albany's standards.

Modrell commented that one problem with planning that far out is that standards do change over time. Additionally, there is a push in Benton County to become more environmentally compatible rather than simply installing curbs and gutters as was the practice up to the present.

Collins stated that the question of whether the two jurisdictions want to plan together can be answered immediately, as currently there are only three roads out of North Albany that are not up to city standards. It also may be that the city does not want to plan for the urbanization of annexed properties.

Verret replied that in the county zoning scheme there are areas that are designated as transition zones, which are areas that are to be examined first when a UGB expansion is proposed. It would likely operate in the same manner as the proposed "urban conversion" zone. Planning transition zones can prevent the Rural Residential zones from being developed in a way that would be incompatible with annexation into a city. Lack of planning in the Rural Residential zone may increase pressure on existing farm land by making farmland a more desirable area for annexation.

Olsen asked for confirmation that Benton County is amenable to development of the area outside of North Albany.

Verret stated that under current zoning there is the potential for 100 to 150 residences in that area. The county is not encouraging development but neither is it opposing. In response to a question from Collins, Verret explained the method for expanding the UGB, which is a very long and involved process.

Collins stated that currently the City of Albany could not justify a UGB modification based on the requirements cited by Verret, but that question will need to be readdressed in the future. He believes that the proposed transition zones would help to alleviate concerns about road connectivity and development standards.

Jaramillo commented that there are a significant amount of other issues that must be addressed before a lot can be developed. The Benton County Development Code revisions instituted in 2007, the county believes, have addressed the water supply concerns.

Verret described the requirements to prove that a lot has adequate long-term ground water supplies and that new development will not negatively affect nearby users.

Irvin added that the average residence requires under 1000 gallons of water per day. Under the Benton County Code a residential well is required to produce 5 gallons/minute, which amounts to about 15,000 gallons per day, just under the state standard for an exempt amount for a water right.

Dixon commented that this is the third conversation that the City and County has held regarding development in North Albany, a decision needs to be made on this issue.

Jaramillo stated that her impression from the discussions is that it is not a high priority at the moment, but that staff could begin to gather information in the normal course of business.

Coburn said that he would like the two development departments to begin to examine the common ground for both jurisdictions, but at the same time it does not sound like this will be an issue for the next few decades.

Modrell commented that it is probably unnecessary for the governing bodies to meet over this issue again but a work group could be created to address the issues or to work out a solution for where the two jurisdictions meet. If nothing else the work group could begin to build the foundation for creating future agreements.

Reid added that ensuring adequate rights of way is a concern for the fire departments in that some of the streets in North Albany are too narrow for emergency equipment to access, which endangers both residents and the rescue personnel. He would like the development departments to examine that issue as well.

Byrne agreed that developing a work group would be a positive step.

### III. NORTH ALBANY COUNTY SERVICE DISTRICT

Blaine referred to several memos included in the meeting materials and discussed the benefits and drawbacks of dissolving the county service district (CSD) as detailed in the materials.

Irvin added that there are other possible uses for the CSD to be reviewed before the decision is made whether or not to dissolve the CSD. Staff has outlined the current arrangements with the political bodies within the area in a memo to the governing bodies. The current roads arrangement has worked very well in that any new construction occurs under the city's jurisdiction and to city standards while the county continues to maintain the rural county roads. One of the items not addressed in the memos are environmental concerns due to septic tanks and sewer systems. The Benton County Public Works Department does not have a specific recommendation they have simply outlined the situation for the Board and Council.

Dennis stated that, from a water use perspective, there are a significant number of steel water pipes in place that are leaking and will shortly need to be replaced. Additionally, the east Thornton lakes are suffering from sedimentation due to the bridges which the residents in the area would like to be addressed, though the jurisdiction and permitting process is difficult. In response to a question from Jaramillo, Dennis stated that the priority would be the disposition of the real property held by the CSD. It would make operations easier and more streamlined for the City to own the reservoirs and other real property.

Modrell asked whether there was any opportunity for recreation or other uses for the CSD's property, given the chaotic development the area has undergone since the 1930's.

Dennis stated that one of the interests is the federal vulnerability requirements which city ownership would help to alleviate.

Collins commented that the two reservoirs service the same customers, whether city or county residents, so that the customers would see little or no change after dissolution.

Coburn commented that the benefits of retaining the CSD's structure outweigh dissolution, particularly considering it is easier to expand a CSD than it is to create a new one, especially in light of the necessary pipe replacements noted by Dennis. He believes that the land exchange could be worked out while retaining the CSD structure.

Reid commented that he is unsure whether the water pipes in the more rural area are adequate to provide fire protection. He asked because of the comment that residents outside the city limits would receive the same services as those inside.

Dennis stated that that concern is one reason to maintain the CSD structure, to finance such an upgrade.

Irish stated that the CSD agreement states that residents would retain the current level of services, specifically excluding fire and other related services.

The group discussed the requirements for water sources for fire suppression purposes.

Dennis, in response to a question from Olsen, stated that the creation of new subdivisions would not be likely within the boundaries of the district, most likely that would occur outside the CSD.

Blaine stated that there would be a large number of issues to overcome to provide water services and fire protection to a subdivision outside of the UGB.

Collins reiterated that keeping the CSD boundaries in place is useful, but that the governing bodies would need to be careful not to double tax residents inside the boundary to provide services outside of the boundary. Collins added that one of the interesting pieces of law is that while a city cannot annex a district, a district can annex a city.

Johnson stated that she is concerned about changing the district's boundaries to avoid increasing the costs to the residents inside the new boundary.

#### IV. VALLEY VIEW TRAFFIC CALMING

Irish stated that because the roads in the Valley View area are under the jurisdiction of the Oregon Department of Transportation (ODOT) the only way to lower the speed limits is to make that request to ODOT, which is unlikely to be successful. However, thanks to cooperation from the city and county the shoulders of the road were widened to provide greater safety. Speed studies taken in 2003 and again recently have been roughly the same with cars averaging 46 mph along this stretch. In the city of Albany if a neighborhood wants a traffic calming device the residents would approach the council who would send it to be addressed by a specific committee. The Valley View residents could take advantage of the process, however Irish cannot think of any calming activities that could be successfully undertaken on that stretch of road.

Irvin commented that the normal concern from residents is that speeds will increase when a road is widened or straightened, which is usually the result. In this specific area traffic counts have been reduced likely thanks to the completion of road construction projects in the surrounding area. While 45 mph is the 85<sup>th</sup> percentile of traffic, the actual average is lower with a fair number of speeds lower than the speed limit, even though approximately half exceed the speed limit. In Irvin's experience lowering the speed limit does not change driver's behavior, it simply leads to more people violating the speed limit.

Konopa commented that one benefit to the speed calming process is that it allows residents to be included and let them feel they are part of the process. It also allows the neighborhood to come together to see if there is actually a problem or if it is only one person.

Johnson wondered whether placing larger speed bumps, similar to those on the west end of Circle Blvd would assist with traffic calming on Valley View.

Irish replied that the road is classified as a minor collector and if they were to place the bumps they would need to leave wheel paths for emergency vehicles. Given the length of the roadway there would need to be a significant number of bumps and the narrowness of the road may not allow for wheel paths. Additionally, Portland has found that sometimes people will actually increase speed between the bumps, exceeding the previously problematic speeds.

Bill Root, resident, stated that two problems arose: one of the other residents stated that they walk their dog each day and drivers have ceased to move over to grant a pedestrian extra space. Second, the speed study showed that there are issues only during the normal work transit times and the speeders are a very small percentage of the travelers. He personally feels that if there were a greater law enforcement presence the speeds would quickly drop. However, the concerned residents are likely a minority of the local population.

Reid commented that the city has a traffic safety committee that could examine the issue and then report to the County.

Irvin stated that the county would be willing to work with the neighborhood residents and examine any suggestions that may not prove too costly. Widening the road to accommodate pedestrians may require some residents to donate a portion of their property. The speed studies conducted by the departments and ODOT are routinely shared with the Benton County Sheriff's Office (BCSO) so that they can target specific times when most speeding occurs in an area. If the residents can note the license plates or write down the times the deputies will contact the offenders and tailor patrol times to the reported travelling peaks.

Root commented that several years ago a BCSO speed trailer was placed on the road and while he is unsure if it was effective overall but it did get his attention.

Christman departed at 5:19 p.m.

## V. WATER PROJECTS

Verret stated that both the city and county staff who are leading the project are unavailable, but had provided him enough information to present an overview of the projects. Both efforts are separate with slightly different foci, but have several similar items. Each is focused on riparian and wetland areas and continues to examine areas of collaboration between the jurisdictions as well as collaborating on incentive and inventory opportunities. Integrating the projects would not be seamless but both will continue to cooperate to achieve the projects' goals. Adam Stebbins, the County Water Project Coordinator, has worked with the North Albany neighborhood association and discussed their groundwater related concerns with them.

Modrell added that she has been in the loop on the project and thinks that integrating the two projects could be seamless, though it might be difficult to achieve. The county and other regional entities have been collaborating to secure grants for continued studies, planning and outreach efforts in the Linn, Lane and Benton County region.

## VI. OTHER

Powers stated that the Benton County Natural Areas and Parks Department has started the update process for the North Albany Parks comprehensive plan and will conduct a community meeting in the near future while continuing to collaborate with the City of Albany to maintain the parks. The end result would be a master plan for the North Albany Park.

Modrell asked, in regards to the Corvallis-Albany multi-use path, whether the city and county should create a half-way point for each organization to work towards as a goal.

Dennis commented that the City has applied for federal appropriations for the trail, while Benton County has secured two grants for their portion of the work.

Jaramillo agreed to provide a letter of support for Albany's portion of the effort.

Modrell commented that if the city could provide the funding request information she could personally forward that request to the Oregon state Senators in the near future.

Collins commented that he appreciates the greater interest the Board has shown in North Albany, it has been very beneficial to the community members.

Konopa discussed a meeting she attended with the regional mayors regarding charging stations for electrical vehicles. Ordinances and law enforcement issues will be need to be addressed by the local governments to encourage and protect the use of the stations. A significant amount of money will be sent to this area shortly to create the charging stations. Local governments will need to address locating the best areas for charging stations; ODOT has contracted with ETech to conduct the necessary studies from the state level.

Coburn commented that the range of the vehicles and providing the electrical infrastructure is a concern that will need to be addressed.

Konopa added that Oregon's quality land use laws provide a good ground for testing electrical vehicles since the land use laws limit urban sprawl. She then discussed other regulatory issues that remain to be resolved.

### VII. Adjournment

The next meeting will be in September or October hosted by the city of Albany.

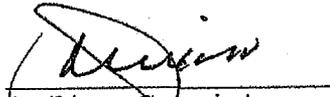
Jaramillo adjourned the meeting at 5:34 p.m.

  
Annabelle Jaramillo, Chair

7/14/10 (date)

  
Linda Modrell, Commissioner

07-22-10 (date)

  
Jay Dixon, Commissioner

7-28-10 (date)