



TO: Albany City Council

VIA: Wes Hare, City Manager
Greg Byrne, Community Development Director

FROM: Heather Hansen, Long-Range Planner III

DATE: May 4, 2011, for the May 9, 2011, City Council Work Session

SUBJECT: Recommended Goal 5 Resource Protection Program

RELATES TO STRATEGIC PLAN THEMES: Great Neighborhoods; Safe City; and Effective Government

Action Requested:

Information and Discussion

Discussion:

The package of Comprehensive Plan and Development Code amendments related to Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources, is the last required work task in our Periodic Review work program with the state.

The Planning Commission held three public hearings on the proposed Goal 5 amendments in March and April. The proposed amendments recommended by the Planning Commission reflect several changes in response to public testimony, input from City staff and state agencies, and Planning Commission concerns.

Staff has worked diligently to try to find the right balance for Albany's Goal 5 resource protection program. In the end, we feel we have come up with a program that complies with state and federal requirements, protects our significant natural resources (wetlands riparian areas, and wildlife habitat), with the least amount of impact to Albany residents and businesses.

As you may remember, we developed a protection program based on the State's Goal 5 "Safe Harbor" regulations for riparian areas and wetlands. This required no city-wide analysis, but came with very prescriptive restrictions including a 50-foot setback for fish-bearing lakes and streams without exception, and the significant wetlands could not be impacted, even for necessary public infrastructure to support new development. Despite our best intentions with the "Safe Harbor" approach, we found it was like trying to fit a square peg into a round hole.

The alternative to using the "Safe Harbor" approach necessitates a citywide "ESEE Analysis" that weighs the Economic, Social, Environmental, and Energy consequences of allowing, limiting, or prohibiting development activities that impact the natural resources. We hired a consultant who has extensive experience in doing ESEE analyses and who is very familiar with the State's Goal 5 requirements. The direction given to the consultant was to come up with a program that meets the minimum requirements of Goal 5. The recommendations emerging from the ESEE analysis process represent a modified version of the Safe Harbor approach that better meets the needs of the community.

The ESEE does not represent a "free pass" from resource protection -- the City is still responsible for protecting the significant resources -- but it does allow for some flexibility if justified.

May 4, 2011

Some highlights of the added flexibility include:

- The 50-foot riparian corridor setback can be reduced up to 25 feet if the remaining setback area is enhanced by planting native vegetation and removing invasive plants.
- Residentially zoned lots less than 20,000 square feet are exempt from the 50-foot riparian corridor setback.
- Public infrastructure to support new development is allowed if disturbed areas are replanted.
- Lower quality isolated wetlands (not adjacent to lakes and streams) would not be regulated locally. Impacts to all wetlands are still regulated by the Oregon Department of State Lands/ US Army Corps of Engineers.

At the work session, we plan to familiarize you with the proposed Goal 5 amendments, issues that came up along the way, and how we have addressed them in the final recommendations moving forward to you.

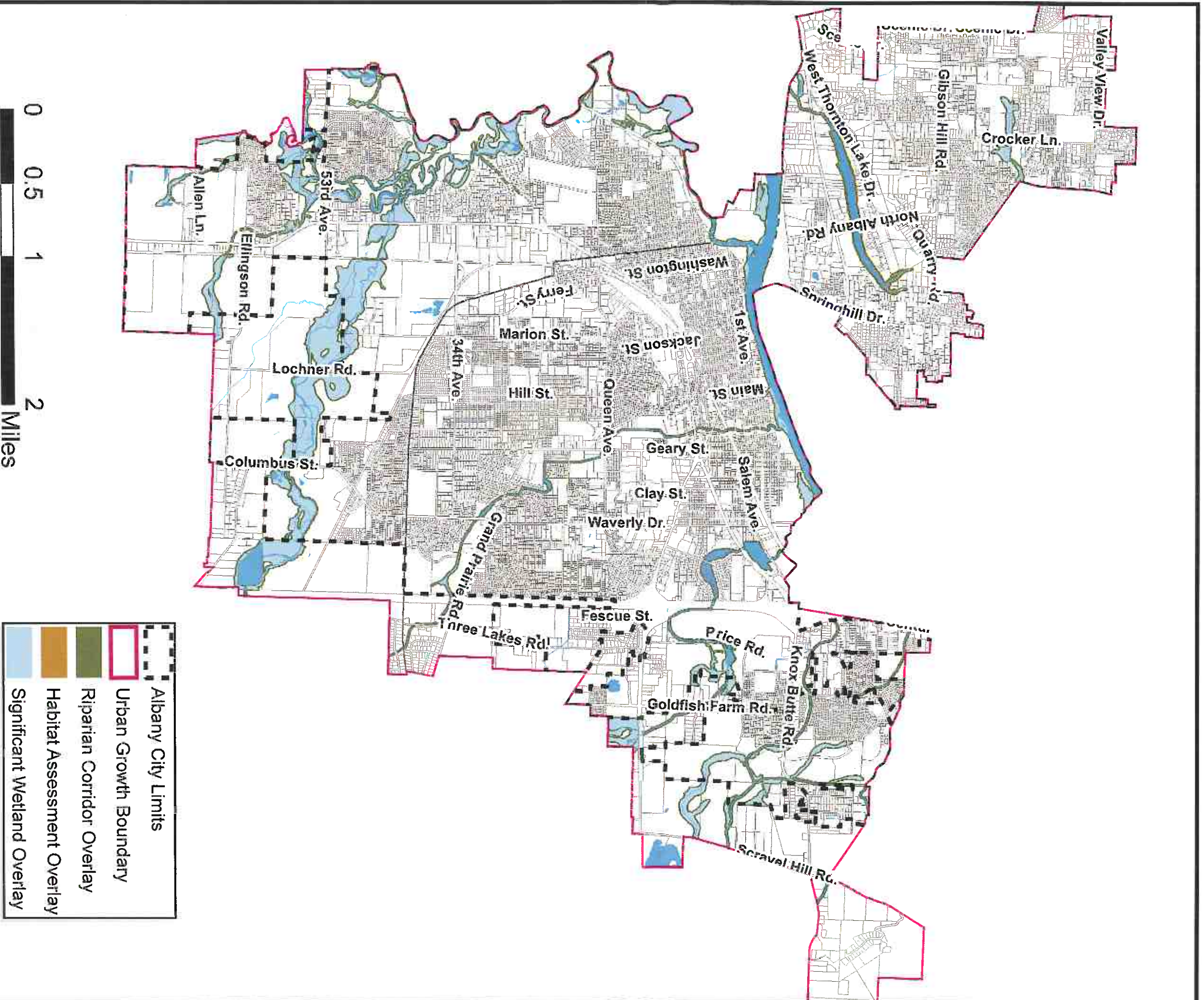
Budget Impact:

None

gb/hah/alc

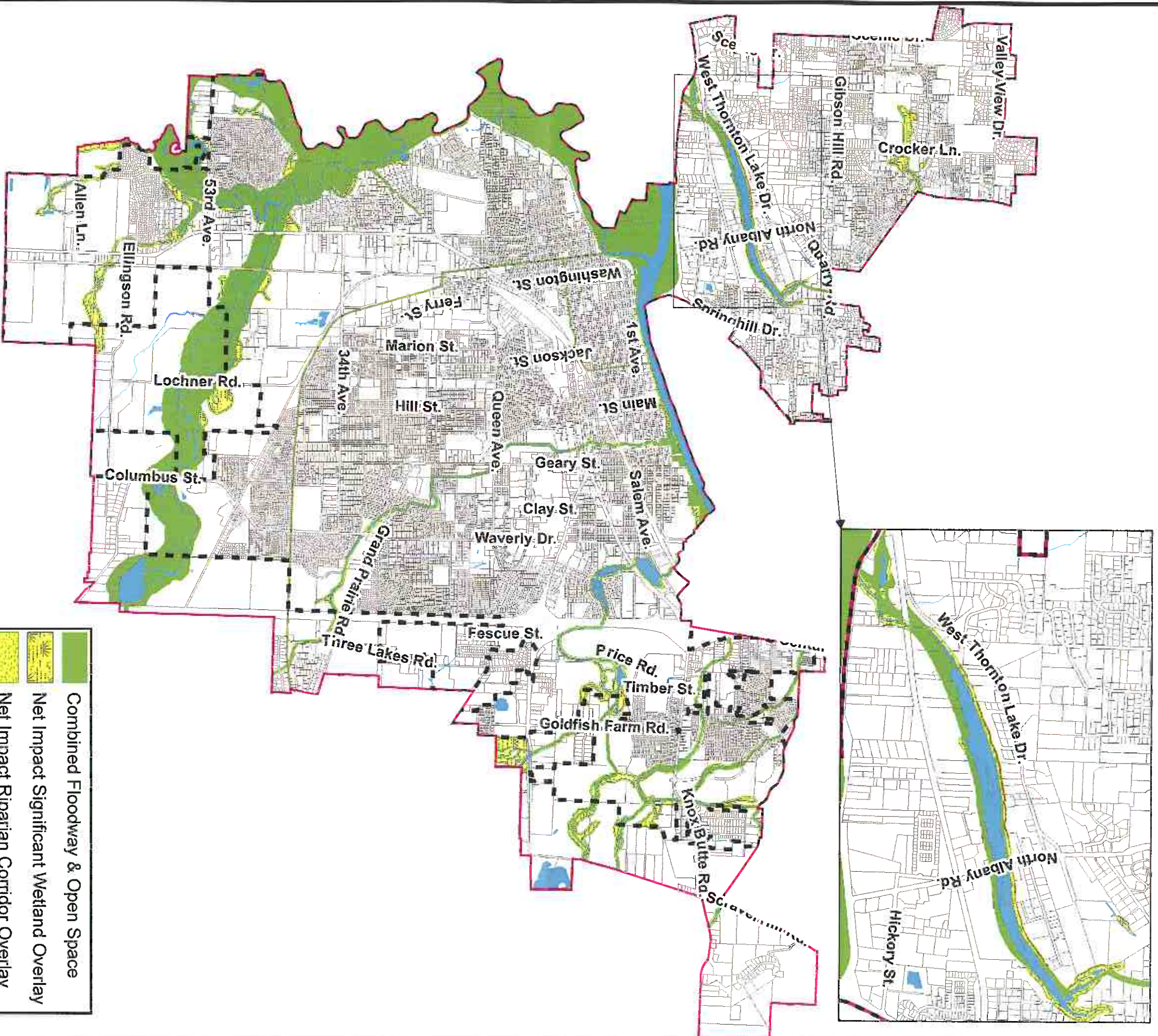
Attachments: Recommended Goal 5 Overlay Districts Map and Goal 5 Net Impacts Map

Recommended Goal 5 Overlay Districts



	Albany City Limits
	Urban Growth Boundary
	Riparian Corridor Overlay
	Habitat Assessment Overlay
	Significant Wetland Overlay

Net Impact of Recommended Goal 5 Overlay Districts



-  Combined Floodway & Open Space
-  Net Impact Significant Wetland Overlay
-  Net Impact Riparian Corridor Overlay
-  Net Impact Habitat Assessment Overlay
-  Albany City Limits
-  Urban Growth Boundary

*NET IMPACT refers to areas
that aren't either Floodway or
Open Space zoning*

