



CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, September 12, 2011
Immediately following ARA meeting

AGENDA

(Following Albany Revitalization Agency meeting)

- 4:10 p.m. **CALL TO ORDER**
- 4:10 p.m. **ROLL CALL**
- 4:10 p.m. **BUSINESS FROM THE PUBLIC**
- 4:15 p.m. **INTERSTATE 5 UPDATE** – Amy Ramsdell
Action Requested: Information; discussion.
- 4:50 p.m. **GOAL 5 QUESTIONS AND ANSWERS** – Greg Byrne, Heather Hansen
Action Requested: Information, discussion, direction.
- 5:50 p.m. **COUNCILOR COMMENTS**
- 5:55 p.m. **CITY MANAGER REPORT**
- 6:00 p.m. **ADJOURNMENT**

Rules of Conduct for Public Meetings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If you have a disability that requires accommodation, advance notice is requested by notifying the Human Resources Department at 917-7500.



Oregon Department of Transportation



I-5 South Jefferson – US20 Interchange Environmental Assessment

www.i5sj20.com

Project Update



The Purpose of the Project

The purpose of the study is to improve the I-5 corridor and interchanges in the Albany and Millersburg area to ensure they operate efficiently and safely and accommodate planned growth.



Project Goals

- Maintain and enhance regional access and mobility for all travel modes currently using the system.
- Enhance safety on I-5 and connecting roads.
- Develop a project that is consistent with and builds upon adopted plans and policies.
- Minimize impacts to neighborhoods and support community economic vitality.
- Protect and enhance environmental resources where possible.
- Provide a sustainable, cost-effective project that can be safely constructed and maintained.



Value Engineering Study Completed

March 25, 2011

VE Study recommended:

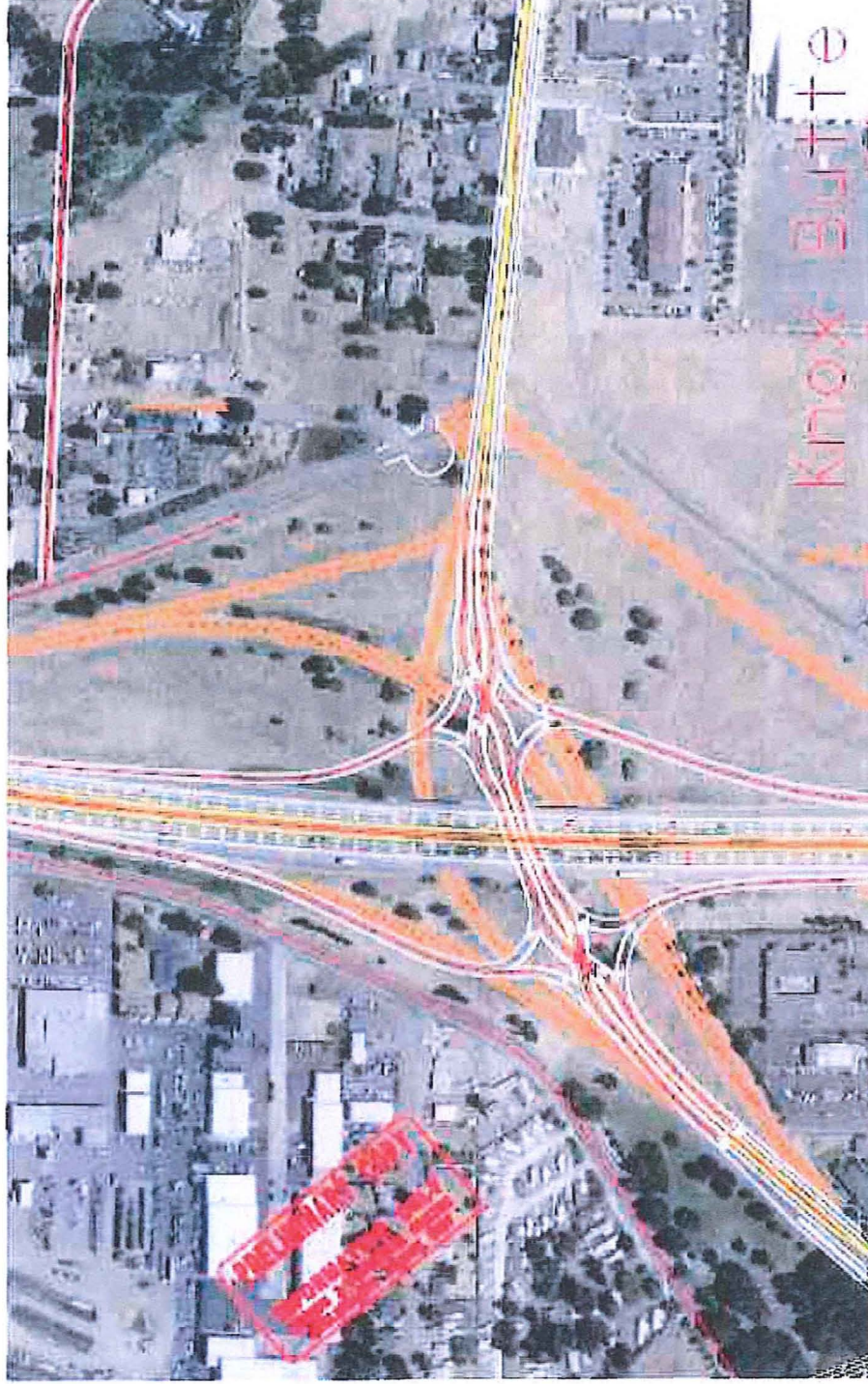
- Not advancing the Diverging Diamond and Single Point Urban Diamond interchanges at Knox Butte
- Widening I-5 to the outside first, not the inside
- Eliminating the skew connection at Conser Rd in the Tank Farm Interchange
- Not building the Tank Farm Interchange



Oregon Department of Transportation

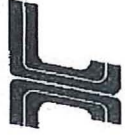


Diverging Diamond





Oregon Department of Transportation



Single Point Urban Diamond





Technical Services Team's Recommendations

Project Engineers agree with the recommendations in the VE Study with the following exceptions:

- Elimination of the Tank Farm Interchange
- Continue design work on the Knox Butte Diverging Diamond
- Continue design work on the Single Point Urban Diamond.



What value did the study add to the project?

- Confirmed we have looked at all the appropriate interchange design options.
- Minimizes the risk of someone challenging the document for failure to look at a full range of alternatives.



Next Steps

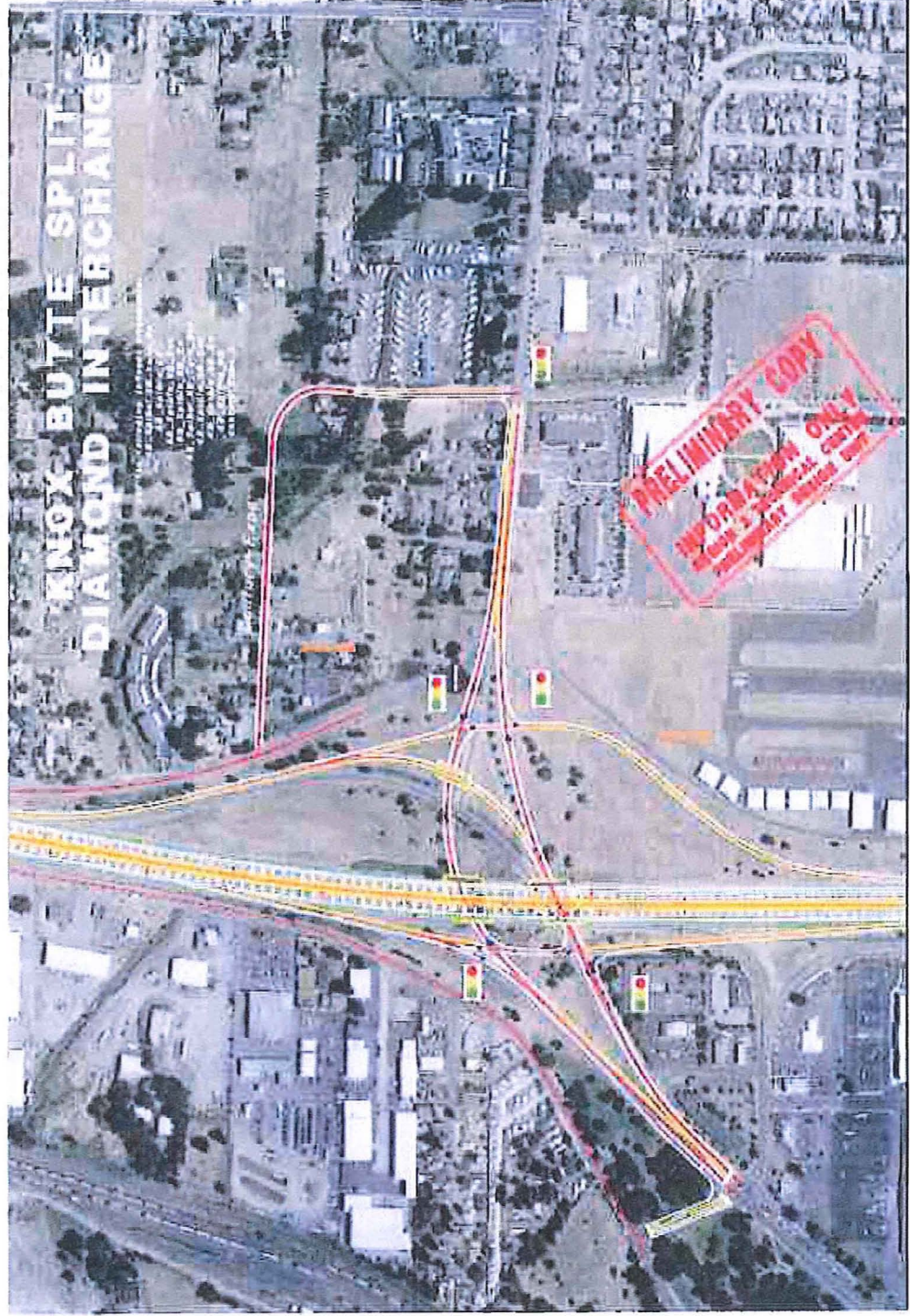
- Continue to refine design options and complete the traffic analysis.
- Screening Alternatives and narrowing the options down to a preferred alternative.
- Prepare technical reports and write the environmental document.



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Knox Butte Split Diamond Interchange Option





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Knox Butte Folded Diamond Option





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Knox Butte Diverging Diamond Option

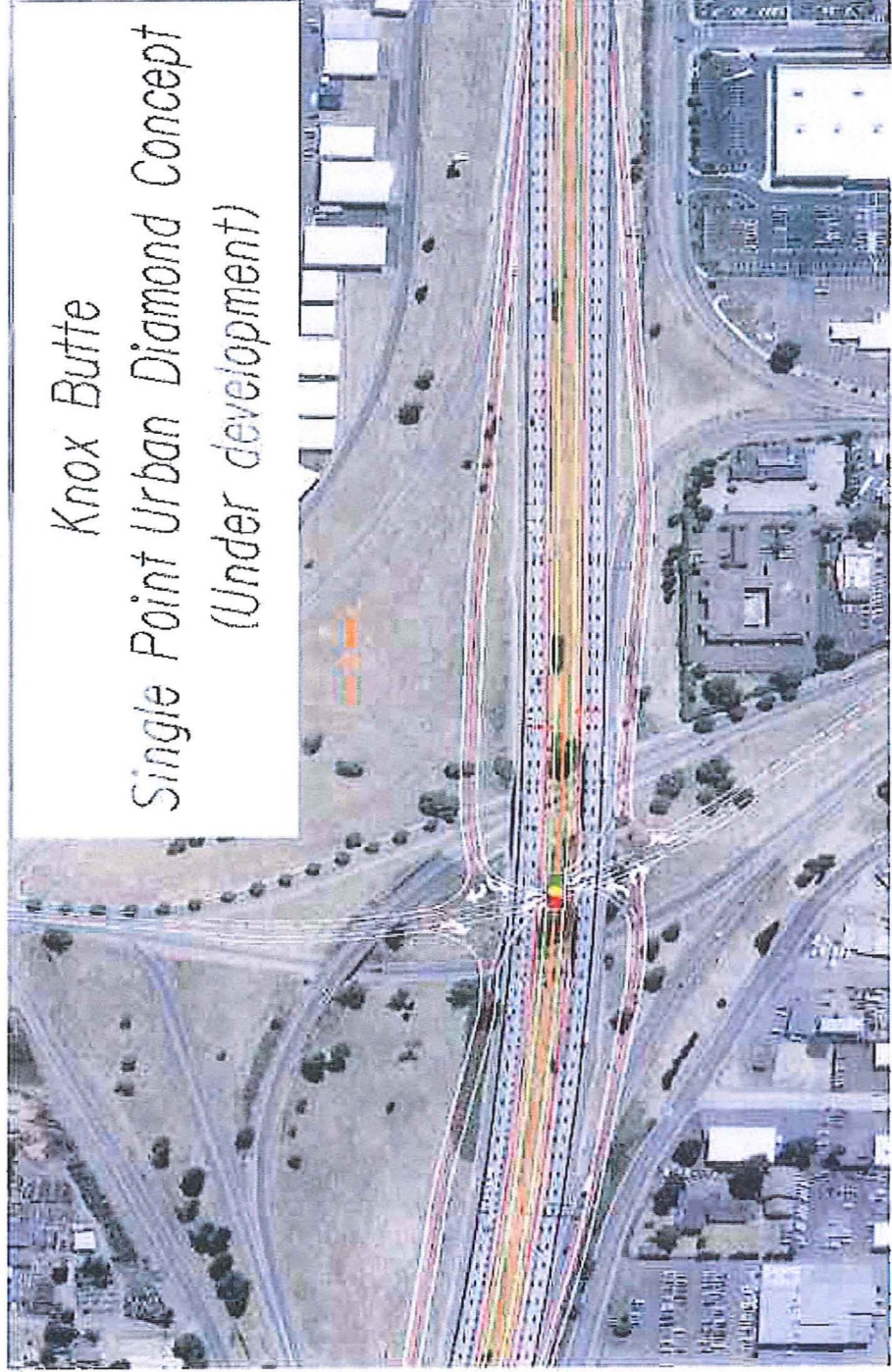




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Knox Butte Single Point Urban Diamond Option



*Knox Butte
Single Point Urban Diamond Concept
(Under development)*



Oregon Department of Transportation



US20 (Santiam Hwy) Folded Diamond Option

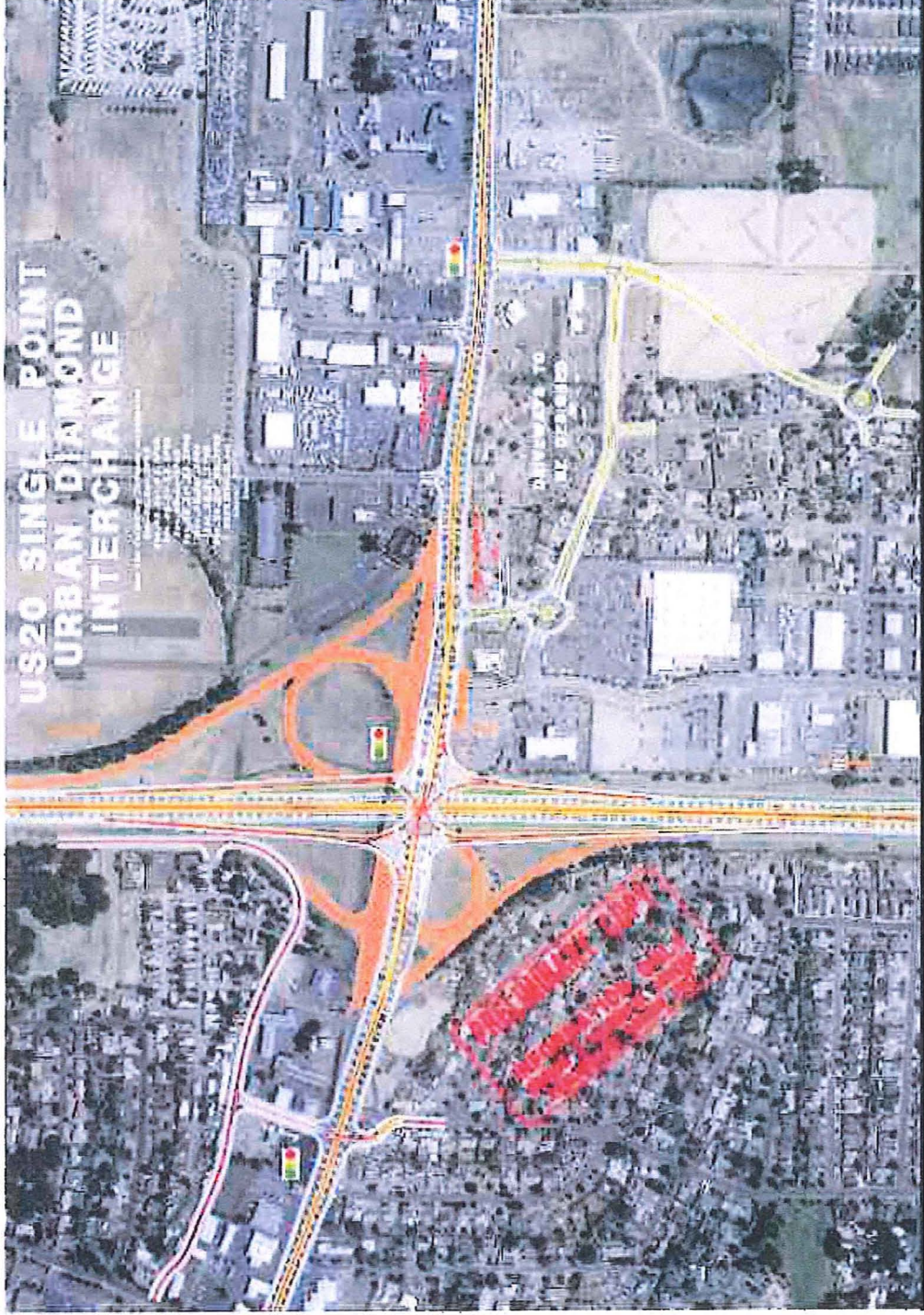




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US20 Single Point Urban Diamond Option





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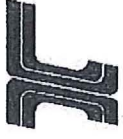


US20 Diverging Diamond Option

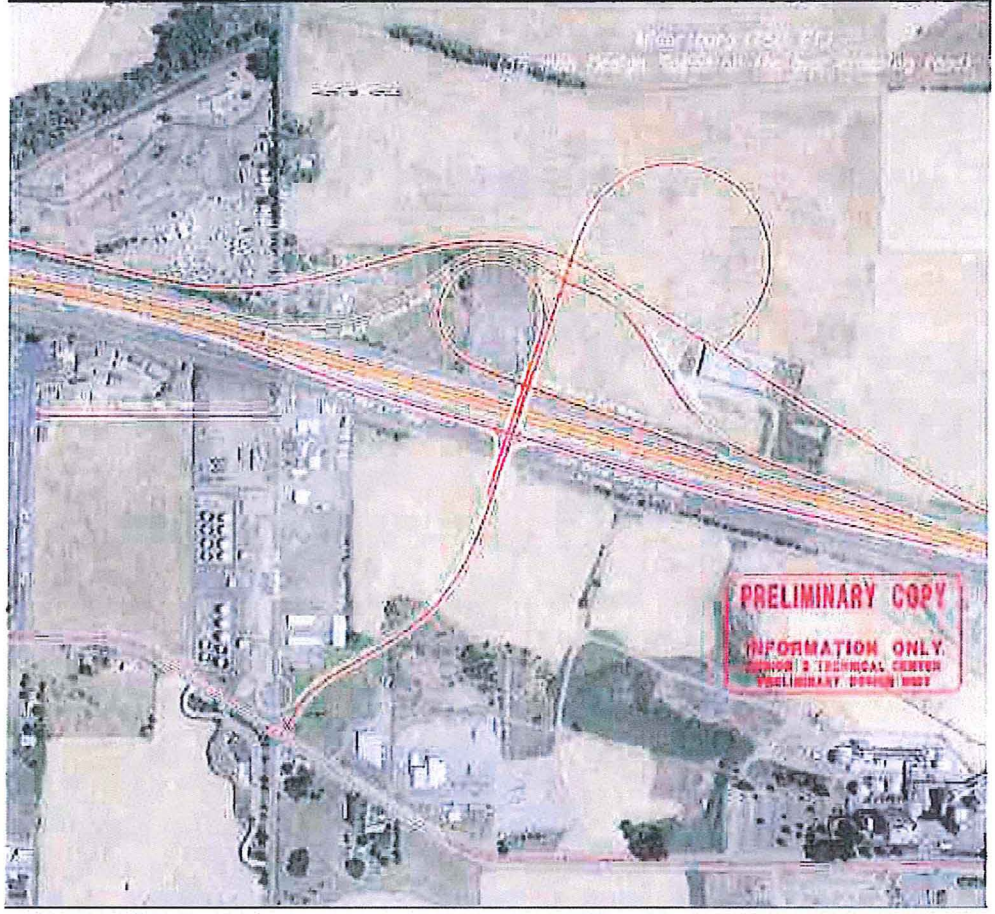
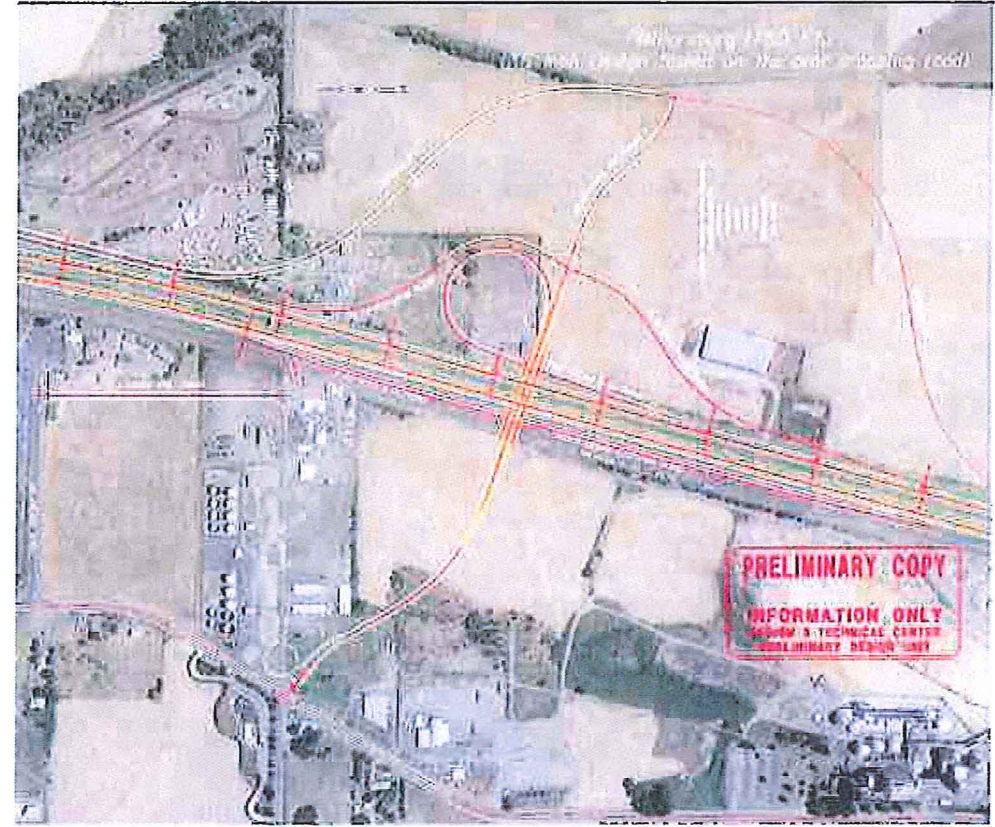




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Millersburg Options





Project Timeline

- Fall 2011 - Complete traffic analysis of options.
- Winter 2011 - Project Team screens design options and identifies the build alternative.
- Early 2012 – Team prepares technical reports/memos.



Project Timeline Continued

- Spring 2012 – Draft Environmental Assessment (EA) document completed for Study Committee review.
- Fall 2012 – Draft EA available for public comment. There will be a public hearing.
- Late 2012 – ODOT prepares a Response to Public Comments.
- Publish Final Environmental Assessment.



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Questions?

Project Web Page: www.i5sj20.com

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TO: Albany City Council

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

FROM: Heather Hansen, Planning Division Manager

DATE: September 7, 2011, for the September 12, 2011 City Council Work Session

SUBJECT: Potential Revisions to the Goal 5 Protection Program Based on Public Input Submitted on August 24, 2011.

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods; Safe City; Effective Government

Action Requested:

Review and discuss public input submitted at the August 24, 2011 City Council hearing; give direction to staff for potential revisions for the September 28, 2011 City Council meeting.

Discussion:

Staff evaluated the written input submitted at the City Council hearing on August 24, 2011. Some of the suggested revisions were already addressed and discussed at the City Council Goal 5 Community Work Session on July 25, 2011, and they are addressed again in this memo.

Oregon Department of Land Conservation and Development (DLCD) staff has stated that the City's proposed Goal 5 protection program is barely acceptable. Our Goal 5 consultant, who we hired to help us develop a minimal Goal 5 program, stated that the City's proposed program is the weakest he has seen so far under the current Goal 5 administrative rules. Both statements support the supposition that any furthering weakening of the regulations would result in the State's denial of our Goal 5 protection program.

In general, while there are some rewordings proposed in the public input that are reasonable and helpful in clarifying the intent of the regulations, the package of proposed revisions as a whole would render the Goal 5 natural resource protection program inadequate for approval by the Oregon Department of Land Conservation and Development (DLCD).

Proposed Amendments that Strengthen or Support the Goal 5 Protection Program

The following is a list of proposed amendments that are consistent with the intent of the Goal 5 regulations. In some cases, staff proposes a variation on the suggested revisions.

1. 6.065 District Boundary Refinements

Staff proposes this language: *"Wetlands and floodplain areas that were unlawfully filled, or filled after the date of this Ordinance [SUBSTITUTE WITH ADOPTION DATE], are not eligible."*, rather than deleting the sentence about filled wetlands and floodplains not being eligible for administrative boundary revisions.

2. 6.280 Lands to Which These Regulations Apply

(B) Significant Wetland Overlay District (/SW). Staff agrees with the proposed rewording since all wetlands and waterways are regulated by the Department of State Lands (DSL) and the Army Corps of Engineers (ACE).

3. **6.310 Natural Resource Impact Review Standards**

- a) (B)(2)(b)(iii). Staff proposes the following language: "*unless the improvements are otherwise allowed or exempted per this Section of the Code.*", rather than adding "unless the use is water-dependent, or water-related"
- b) (B)(2)(e)(iii). Common trenches..... Add "*where reasonably feasibly*" (defined in Article 22 rather than "reasonably feasible."

4. **6.440 District Amendments**

Staff proposes the following language: "*In all instances the amendments must be based on new site-specific information.*", rather than deleting the sentence that amendments must be based on a specific development proposal

5. **22.400 Definitions**

- a) Unbuildable Land: The change would make clear that there is no requirement or expectation that two separate property owners must jointly apply for development in order to create a buildable parcel.
- b) Undeveloped Property: The proposed change makes the definition clearer.
- c) Noxious Weeds: The change eliminates superfluous wording.
- d) Significant Wildlife Habitat Areas: Clarifies that significant areas are identified and included in the City's Comprehensive Plan, by amendment. [State and Federal protections would continue to apply.]

Proposed Amendments that Weaken the Goal 5 Protection Program

The following is a summary of the key themes and issues in the written input that would weaken the Goal 5 protection program, or do not comply with State requirements, followed by staff comments:

6. **3.220 Density Transfer – Transferring density from lands in floodplain or wetlands**

- a) Goal 5 resources do not include floodplains, which are covered by Goal 7-Areas Subject to Natural Hazards. The City's floodplain regulations were adopted in September 2010, and there are no proposed changes to those regulations. Staff's density transfer proposal focuses on the new Goal 5 overlays – significant wetlands, riparian corridor, and wildlife habitat assessment. Transfers from those areas, when underlying zoning is permitted, are recommended by staff.
- b) "*Up to 50% of the development density can be transferred...*" and development density can be "*shifted from one part of the development site without losing overall density in the development.*" How can 50% be transferred while keeping the overall density of the development?
- c) How would "incorporated harmoniously" be determined? This standard is vague and would invite challenge of any decisions made using it.
- d) "*If the base residential zoning would have allowed 8 single-family units (net), 4 units can be transferred from the open space zoning.*" Open Space is the base zone; it's not an overlay district. There is at most, one single-family unit to transfer from Open Space zoning since that is all that is allowed on any lot in that zone.

7. **3.220 Density Transfer – Receiving Area**

- a) We do not understand the language in the proposed revisions. It probably is not intended as Code language.
- 8. **3.220 Design Factors -- Retaining density bonus for avoiding special features**
 - a) This is proposed by staff for deletion from the existing Code because there are no clear standards for determining how much of a special feature is required to increase the density by 5%. For example, is protecting one tree enough to increase density by 5% on 20 acres? Is a grove of trees too much to increase density by 5% on five acres? Staff proposes to replace it with the density transfer as directed earlier by the City Council.
- 9. **6.050 Removing the exemption for pre-existing rights-of-way and easements in the Open Space zone**
 - a) We do not understand why this was proposed to be deleted from the Open Space zone exemptions.
- 10. **6.290 Changing exemption in overlay districts to all rights-of-way and easements, not just pre-existing ones**
 - a) Existing rights-of-way and easements were approved prior to Goal 5 implementation. The location of new rights-of-way and easements would be reviewed to determine if there is another feasible location that lessens the impact on the significant resources. Public infrastructure is already exempt.
- 11. **6.050 Exempting new agricultural uses in Open Space zoning and in the overlay districts**
 - a) The proposed revisions would exempt new agricultural activities such as plowing a wetland or riparian area. This is not an allowable exemption through Goal 5. The vast majority of agricultural activities are on properties outside the city limits where the overlays do not apply.
- 12. **6.065 District Boundary Refinements – changing floodplain to floodway, and removing language about filled wetlands and floodplain**

Staff's proposal is intended to permit a quick fix to boundaries when new, more accurate information is received. The proposed change would allow the administrative "rezoning" of large areas zoned Open Space by previous City Councils. Such action would not conform to the Comprehensive Plan or purpose of the Open Space Zoning District.

 - a) There has been a floodplain overlay district in effect for many years. The current regulations were adopted in September 2010. They include the entire floodplain, not just the floodway. We are obligated to regulate development in the entire floodplain.
 - b) Allowing an administrative "map correction" for resource lands that were filled would be a defacto rezoning of significant areas. It is unlikely that DLCD would approve administrative edits under these circumstances. We could possibly add language "*if they were lawfully filled prior to the date of this Ordinance [SUBSTITUTE WITH ADOPTION DATE].*"
- 13. **6.410 and others -- Removing requirements regarding native vegetation; allowing hydroseeding per ODOT specifications as a mitigation tool**
 - a) Native vegetation, once established, requires little care, such as watering, herbicides, pesticides, fertilizers. Wildlife evolves with the native plants, which supports the wildlife's survival.
 - b) Healthy riparian corridors, by definition, are comprised of native species.

- c) ODOT's hydroseeding specifications do not address enhancing or restoring significant resources, and are intended for erosion control, not for protection or restoration of natural resources.
14. **6.270 Removing local regulation of all isolated wetlands**
- a) The Economic, Social, Environment, and Energy (ESEE) analysis concluded isolated wetlands considered significant due to one factor only were determined to be low quality and should not be locally regulated. The proposed revision would include all isolated wetlands, even those of higher quality. In addition, the ESEE Analysis would need to be revised in order to attempt this revision.
15. **6.400 Removing the requirement for mitigation -- enhancement or restoration**
- a) The proposed Goal 5 resource protection program allows for flexibility in development that impacts resources. The mitigation requirements are intended to provide for balance and acceptance by the State reviewers.
16. **6.290 Removing the requirement that encroachment in the riparian corridor is only allowed if the resource is of marginal or degraded quality**
- a) DLCD takes issue with our proposed allowance for the 25-foot encroachment. DLCD staff has indicated that the 25-foot encroachment would not be approved unless the resource is of poor quality, and onsite enhancement is required to offset the impact.
17. **6.280 Exempting Grand Prairie Water Control District**
- a) Flood control measures and pre-existing easements and rights-of-way are already exempt in the proposed Goal 5 protection program. Calling out one agency for exemption is unnecessary and will appear unfair to other agencies, such as the Bonneville Power Administration, with similar needs to maintain their easements and rights-of-way.
 - b) The ESEE analysis revisions are not necessary since flood control measures are already exempt.
18. **Multiple sections -- Using the City's existing Erosion Prevention and Sediment Control (EPSC) program as a substitute for some of the new Goal 5 protection measures**
- a) The EPSC program only addresses temporary controls for erosion and sediment at the time of construction. The program has different objectives and does not address protection of significant natural resources and would therefore not be compliant with Goal 5 resource protection requirements.
19. **6.450 Increasing thresholds for exemptions – i.e., 3,000 to 5,000 square feet; whichever is less to whichever is more; etc**
- a) These changes would not result in Goal 5 resource protection since virtually all anticipated development activity, as far as scale, type, and location, could continue to impact the significant resources.
20. **Changing the boundaries of the overlay districts on the maps**
- a) The maps from the Local Wetland Inventory are the basis for the wetland and riparian overlays. There are provisions in place to adjust the boundaries. There are State regulations that prescribe how those revisions can be done. We cannot change them administratively without going through the required State-approved process.
 - b) Existing development, repair, replacement, and maintenance are exempt therefore the overlays that are shown on existing development do not matter.

21. **Several instances of weaker language**

There are many proposed changes: “is” to “may”; “minimize” to “reduce”; “whichever is less” to “whichever is more”. Staff does not support these proposals.

Budget Impact: None

HH/th