



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
333 Broadalbin Street SW
Monday, May 11, 2015
4:00 p.m.

OUR MISSION IS

*"Providing quality public services
for a better Albany community."*

OUR VISION IS

*"A vital and diversified community
that promotes a high quality of life,
great neighborhoods, balanced
economic growth, and quality public
services."*

AGENDA

Rules of Conduct for Public Meetings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting.
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 meeting.

- 4:00 p.m. CALL TO ORDER
- 4:00 p.m. ROLL CALL
- 4:05 p.m. BUSINESS FROM THE PUBLIC
- 4:10 Pending TSP and TSDC Methodology Changes – Ron Irish. [Pages 2-8]
Action Requested: Information, discussion.
- 4:30 p.m. Temporary transit changes affecting North Albany – Chris Bailey. [Verbal]
Action Requested: Information, discussion, direction.
- 4:45 p.m. Reconsideration of Ordinance No. 5833 (marijuana facilities). [Pages 9-10]
Action Requested: Information, discussion, direction.
- 5:30 p.m. Legislative update – Mayor Konopa. [Verbal]
Action Requested: Information, discussion.
- 5:45 p.m. COUNCILOR COMMENTS
- 5:55 p.m. CITY MANAGER REPORT
- 6:00 p.m. ADJOURNMENT

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, advanced notice is requested by notifying the City Manager's Office at 541-917-7508, 541-704-2307, or 541-917-7519.



TO: Albany City Council

VIA: Wes Hare, City Manager
Jeff Blaine, P.E., Interim Public Works Engineering & Community Development Director JB

FROM: Ron Irish, Transportation Systems Analyst R.I.

DATE: May 5, 2015, for the May 11, 2015, City Council Work Session

SUBJECT: Pending TSP and TSDC Methodology Changes

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods
● Effective Government

Action Requested:

None. For information only.

Discussion:

Over the course of the next several months staff anticipates bringing a series of Transportation System Plan (TSP) project amendments and associated TSDC project funding modifications to Council. The purpose of this discussion is to provide Council with background information on the various projects involved, explain why the modifications are being considered, and to provide Council an opportunity for input early in the process.

TSP Project L42: Crocker Lane

The current TSP-identified project is for an urban upgrade to Crocker Lane from Valley View Drive south to Gibson Hill Road (Attachment 1). The project has a cost estimate (in 2010 dollars) of \$4,529,000 and is eligible for TSDC funding at 30 percent. The project is not, however, assigned any TSDC funding under the current TSDC methodology.

Council recently formed an LID to improve the north portion of Crocker Lane. The engineer's report approved for the LID included a TSDC funding component. For that to occur, TSDC funds will need to be reassigned from a currently-funded project to Crocker Lane. The funding reassignment would not require a public hearing or TSP amendment, and can be accomplished by resolution.

TSP Project L54: Lochner Road

The current TSP-identified project is for an urban upgrade to Lochner Road from its intersection with Marion Street south to Ellingson Road (Attachment 2). The project has a cost estimate (in 2010 dollars) of \$8,270,000 and is eligible for TSDC funding at 44 percent. The TSDC methodology funds the project at 25 percent or \$2,067,500.

SnoTemp has a pending land use application to fully develop the remainder of their site on Lochner Road, and briefed Council on those plans at the work session on December 15, 2014. Improvement of Lochner Road to City standards along the frontage of the site will be necessary for the proposed SnoTemp development to function properly and to satisfy the requirements of their land use approvals. The funding package currently envisioned for the project includes a combination of ODOT economic development funds, grant funds, TSDC funds, and a SnoTemp

contribution. Increasing TSDC funding for the project to something more than its current 25-percent level would provide the project contingency funds in the event of unanticipated construction costs, and would also ensure that all of SnoTemp's up-front cash contribution was eligible for TSDC credit when they obtain building permits to develop the site. Providing the project with additional TSDC funds will require reassignment of funds currently assigned some other TSP project. The funding reassignment would not require a public hearing or TSP amendment, and can be accomplished by resolution.

TSP Project L14: Dogwood Avenue

The current TSP project identified for Dogwood Avenue is for a new minor collector street that would extend from Scrael Hill Road east to its current dead end within the Bridle Springs subdivision (Attachment 3). The project has a cost estimate (in 2010 dollars) of 3,294,000 and is eligible for TSDC funding at 100 percent. The TSDC methodology funds the project at 15 percent or \$494,100.

Staff believes that the need for an extension of Dogwood Avenue is far enough into the future to make it a good candidate to use for funding reassignment to the Crocker Lane and Lochner Road projects. The majority of the funding currently assigned to Dogwood Avenue could be directed to the Crocker Lane LID, with the remaining balance directed to Lochner Road. The funding reassignment would not require a public hearing or TSP amendment, and can be accomplished by resolution.

TSP Project L15: Timber Ridge

The current TSP project identified for Timber Ridge is for a new major collector street that would extend from Clover Ridge Road south to Highway 20 (Attachment 4). The project excludes the section of the road constructed from Somerset Avenue south to Knox Butte Road to provide access to Timber Ridge Elementary School. The project has a cost estimate (in 2010 dollars) of \$4,949,000 and is eligible for TSDC funding at 100 percent. The TSDC methodology funds the project at 15 percent or \$742,350.

Based on newly obtained information concerning the existing bridge over Truax Creek and the presence of large amounts of wetlands, staff believes that construction of the northern section of Timber Ridge between Clover Ridge Road and Somerset Avenue is not feasible. Deletion of that section of road from the TSP would avoid the need to construct a second bridge over the creek, allow any development in the area to avoid having to construct an unnecessary road through the wetlands, and would also allow TSDC funds currently directed at that section of road to be redirected to a different project. Removing the north section of Timber Ridge Road from the TSP would require a TSP amendment, which could be followed by a resolution to reassign the associated TSDC funding.

TSP Project L19: Somerset Avenue

The current TSP project identified for Somerset Avenue is for a new minor collector street that would extend from Timber Ridge Road east to connect to Santa Maria Avenue (Attachment 4). The project has a cost estimate (in 2010 dollars) of \$1,270,000 and is eligible for TSDC funding at 100 percent. The TSDC methodology funds the project at 15 percent or \$190,500.

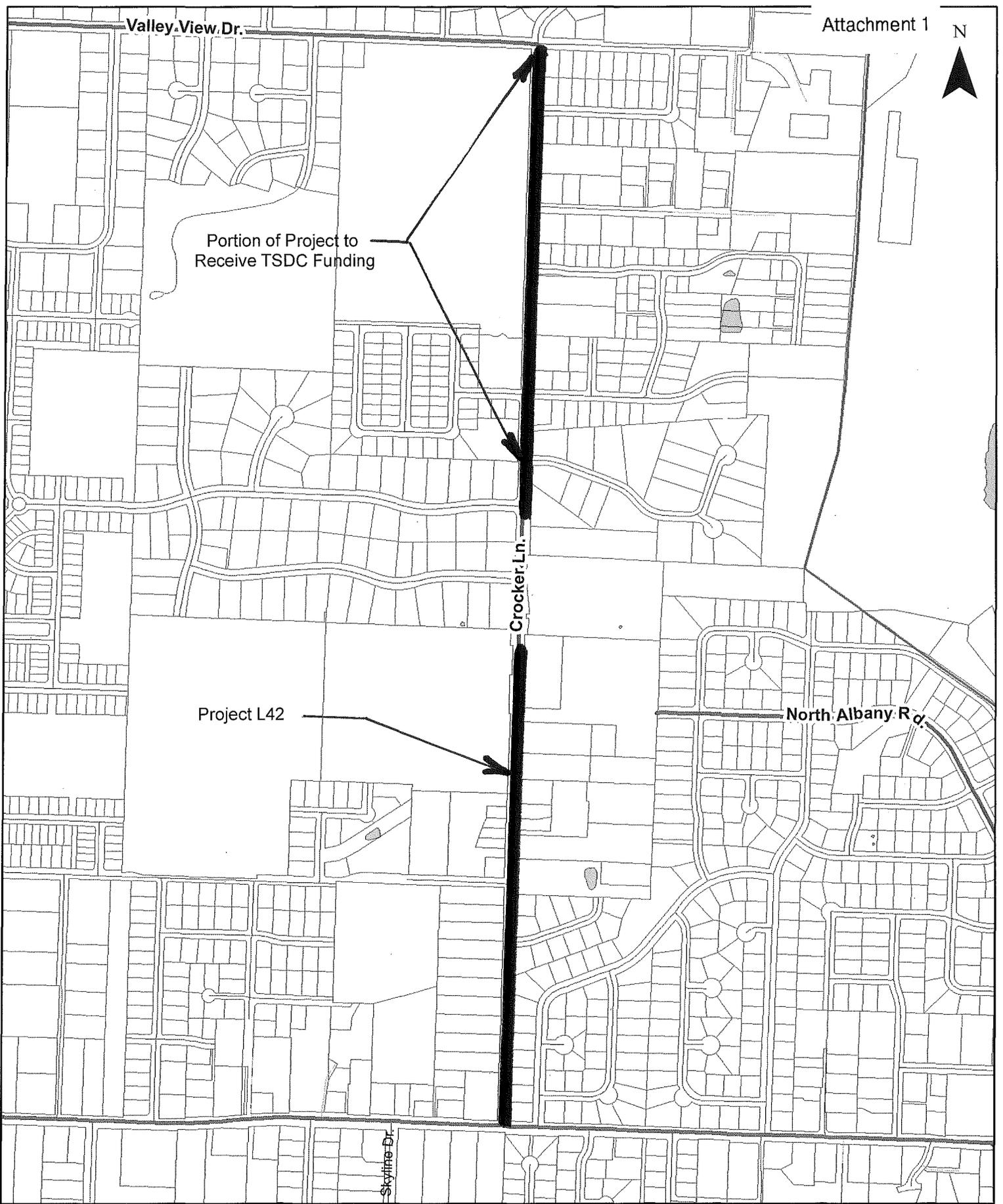
The same large area of wetlands that impact the Timber Ridge Road project also impact the project for Somerset Avenue. The critical function of this section of Somerset Avenue is to

provide a route for students between Timber Ridge Elementary School and the neighborhood to the east (Charlotte Street, Marilyn Street, and Santa Maria Avenue). Removal of the west portion of Somerset Avenue from the TSP would allow for avoidance of the wetlands while still providing for a connection to the school. That remaining connection would still need to cross both a section of wetland and an overflow channel of Truax Creek, and as a result would be expensive to construct. Reassignment of the TSDC funds from removing the sections of Timber Ridge Road and Somerset Avenue would help to offset the connection's high construction cost. Removing the west section of Somerset Avenue from the TSP would require a TSP amendment, which could be followed by a resolution to reassign the associated TSDC funding.

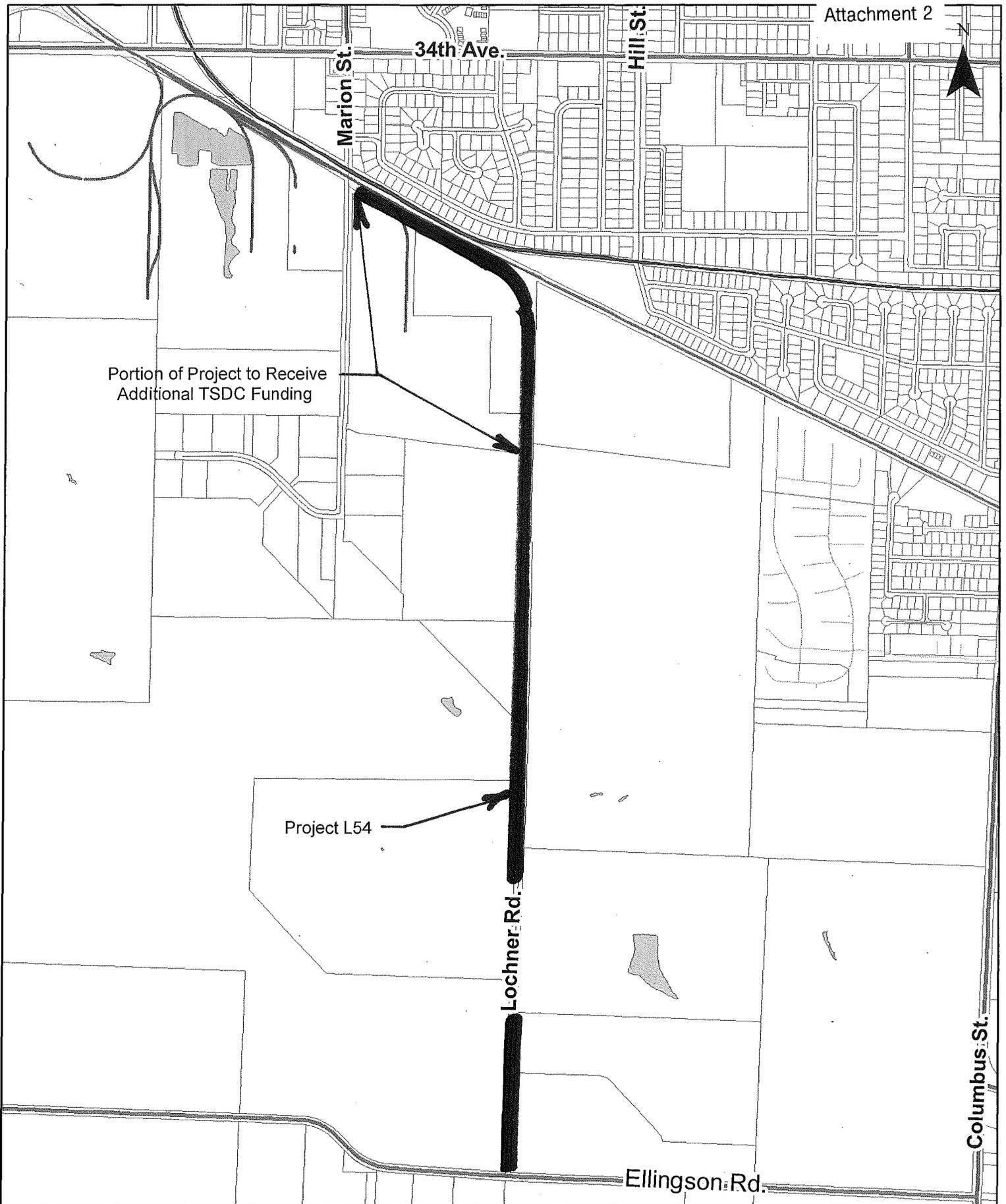
Budget Impact:

The changes under consideration would modify some TSP project descriptions, and shift TSDC funding between projects. The changes would not modify the TSDC fee rate charged to new development and, therefore, would have no budget impact.

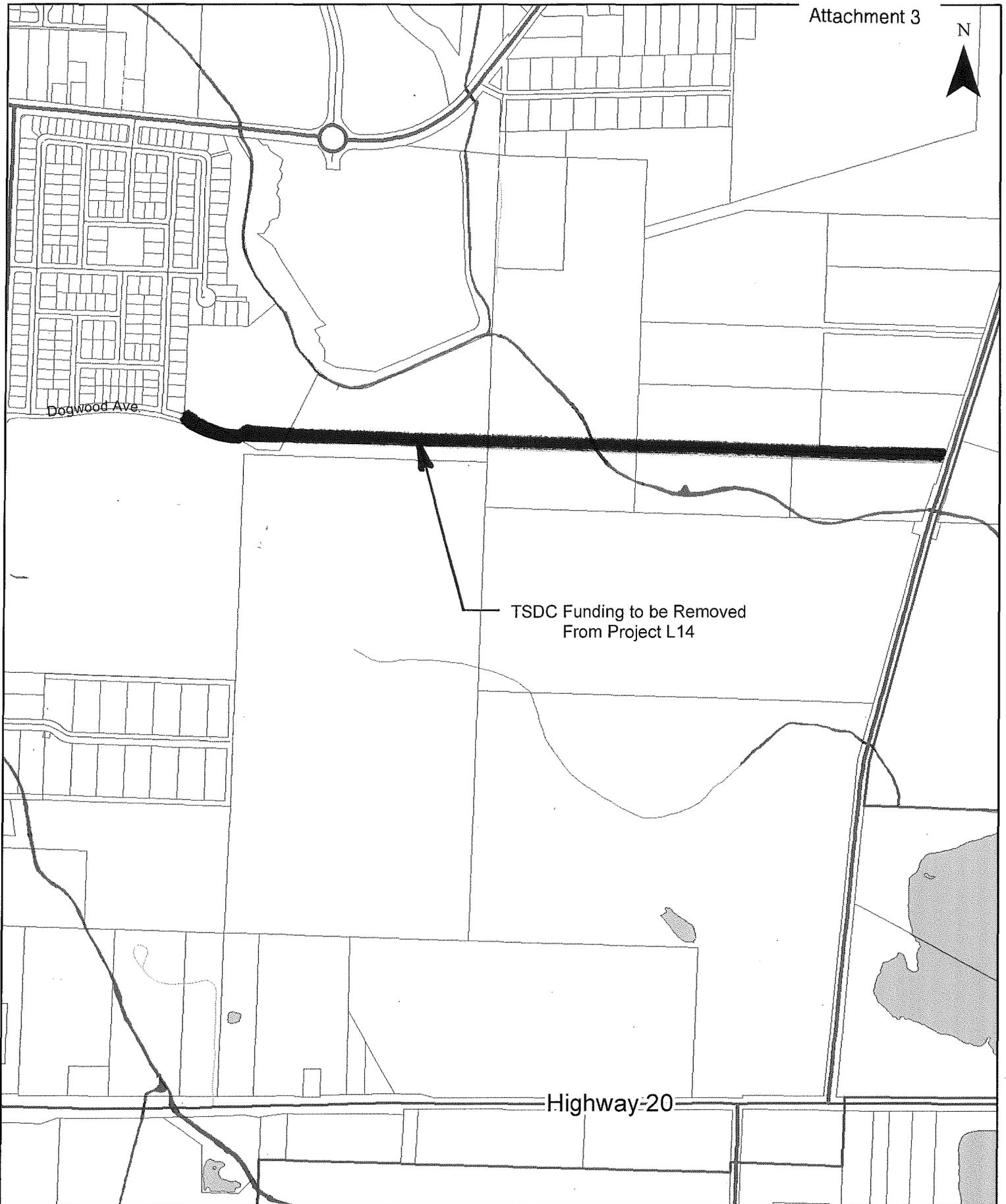
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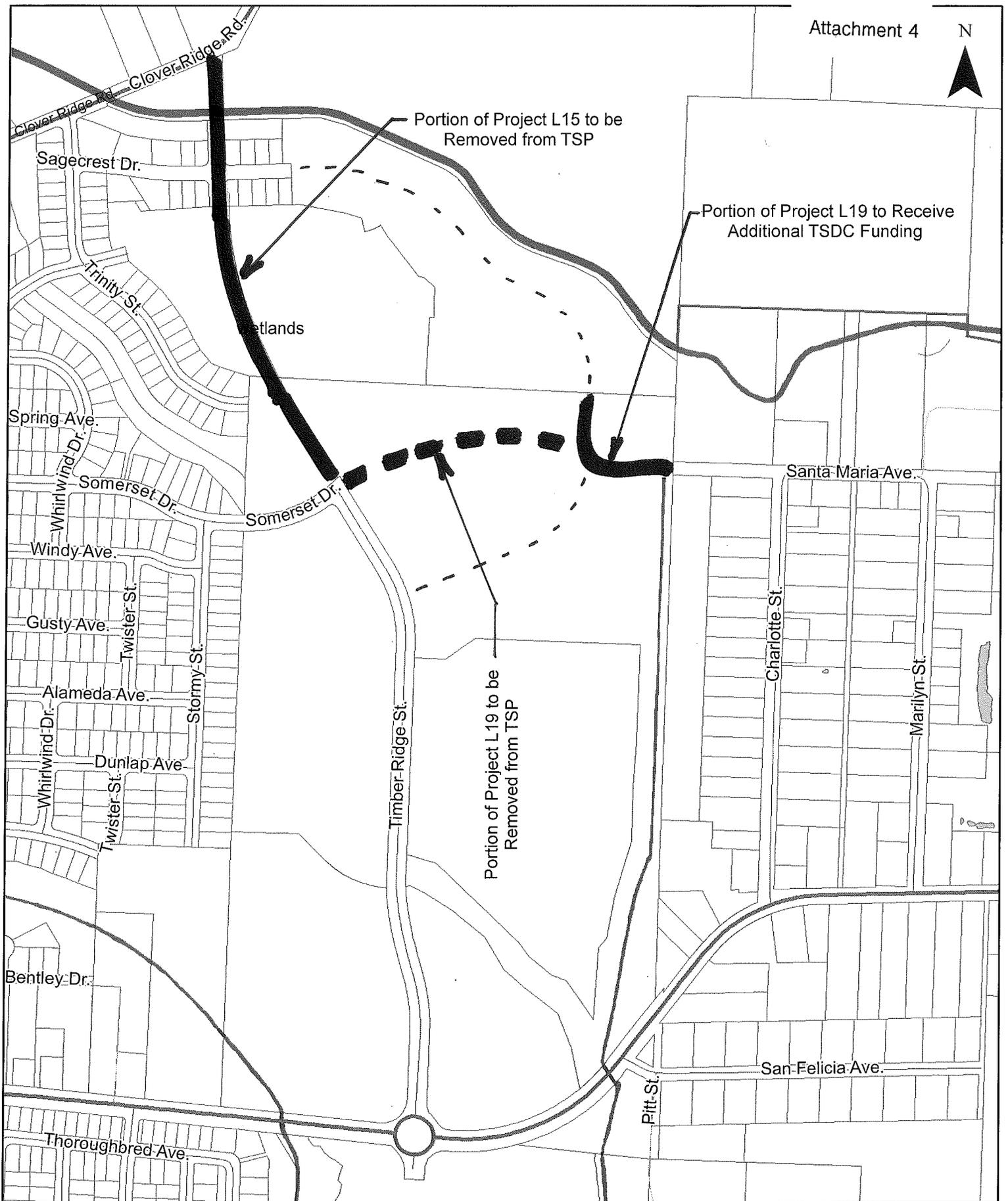
TSP Project L42: Crocker Lane



TSP Project L54: Lochner Road



TSP Project L14: Dogwood Avenue



TSP Projects L15 & L19
Timber Ridge Road & Somerset Avenue

Prohibited within 300 feet of residential use

ORDINANCE NO. 5833

AN ORDINANCE OF THE CITY OF ALBANY, OREGON IMPOSING LOCAL RESTRICTIONS ON MEDICAL MARIJUANA FACILITIES AND DECLARING AN EMERGENCY.

WHEREAS, the Oregon legislature enacted House Bill 3460 (2013) which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities; and

WHEREAS, House Bill 3460 (2013) directs that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution; and

WHEREAS, the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits, and particular time, place, and manner restrictions on such businesses, are local government decisions, the enforcement of which are subject to the general and police powers of that jurisdiction; and

WHEREAS, the Oregon Legislature enacted Senate Bill 1531 (2014) which expressly authorized a city to adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities which regulations may include reasonable limitations on the hours during which a medical marijuana facility may be operated, reasonable limitations on where a medical marijuana facility may be located, and reasonable conditions in a manner in which a medical marijuana facility may dispense medical marijuana; and

WHEREAS, the City Council of the City of Albany believes it is in the best interests of the health, safety and welfare of the citizens of Albany to enact the reasonable restrictions set forth in this ordinance on medical marijuana facilities operating within the jurisdictional boundaries of the City of Albany;

NOW, THEREFORE, BASED UPON THE FOREGOING, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

SECTION 1: CREATION OF AMC 5.08.025.

AMC 5.08.____ is hereby created to read as follows:

5.08.025. LIMITATIONS ON OPERATION OF MEDICAL MARIJUANA FACILITIES

(1) In addition to such limitations and regulations as may be imposed by state law on medical marijuana facilities which dispense marijuana pursuant to ORS 475.314, no such facility nor any person operating as an employee or agent of such facility shall operate, locate, or dispense marijuana within 300 feet of any property zoned residential as described in Article 3 of the Albany Development Code (ADC) or zoned mixed-use as described in Article 5 of the ADC, and the Office Professional (OP) and Neighborhood Commercial (NC) zones as described in the ADC. This restriction does not apply to property that is zoned Industrial Park (IP), Light Industrial (LI) or Heavy Industrial (HI).

(2) In addition to such limitations and regulations as may be imposed by state law on medical marijuana facilities which dispense marijuana pursuant to ORS 475.314, no such facility nor any person operating as an employee or agent of such facility shall locate or operate a medical marijuana facility or dispense medical marijuana without an annual payment to the City of Albany in the amount of \$150 as a permit fee to defray law enforcement costs associated with reasonable inspections, oversight, and enforcement actions associated with the operation of medical marijuana facilities within the jurisdictional limits of the City of Albany.

(3) Violation of this section shall be a misdemeanor punishable under the general penalty set forth at AMC 1.04.

SECTION 2: REMEDIES NOT EXCLUSIVE. The remedies available under Senate Bill 1531 (2014) are not exclusive of any other remedies available under any applicable federal, state or local law. It is within the discretion of the City of Albany to seek cumulative remedies for a violation of this ordinance. Such cumulative remedies include, but are not limited to, punishment, charged as a misdemeanor under the general penalty set forth at AMC 1.04.

SECTION 3: SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 4: EMERGENCY. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, and an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by Council: April 23, 2014

Approved by Mayor: April 23, 2014

Effective Date: April 23, 2014

ATTEST:

Mary A. Dibble
City Clerk

[Signature]
Mayor