

APPROVED: June 15, 2009

**CITY OF ALBANY
PLANNING COMMISSION
City Hall Council Chambers, 333 Broadalbin Street SW
Monday, June 1, 2009**

MINUTES

Planning Commissioners present: Paul Davis, David Faller, Lolly Gibbs, Cordell Post, Dala Rouse, Michael Styler, and Larry Tomlin

Planning Commissioners absent: Wayne Rackham and Scott Whitney

Staff present: Community Development Director Greg Byrne, Planning Manager Don Donovan, Planner III Heather Hansen, and Administrative Assistant Teresa Nix

CALL TO ORDER

Chair David Faller called the meeting to order at 5:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

GOAL 5 REPORT

Planner Heather Hansen reviewed the process by which cities are required to periodically review their comprehensive land use plans and implementing codes. The City is currently under periodic review. The work program requires the City to address Statewide Planning Goal 5 by inventorying wetlands, riparian corridors and wildlife habitat inside the urban growth boundary (UGB), identifying which resources are significant, and adopting measures to protect the significant resources.

Hansen said that the consultant's report being presented this evening includes an update of the wetland and riparian corridor inventories, a comprehensive look at wildlife habitat, and recommendations for designating significant resources. The next step will be the implementation phase, during which the City will need to designate the significant resources and thoughtfully develop measures to protect them. The consultant will make a presentation to the City Council on June 10. There will be a joint City Council/Planning Commission work session on July 20, followed by a series of meetings to include an open house and a round table discussion. The Planning Commission will hold a public hearing and make a recommendation to the City Council, which will make the ultimate decision regarding protection measures.

John van Staveren, Pacific Habitat Services, Inc., presented an overview of the *City of Albany Goal 5 Significant Natural Resources Technical Report*, as follows. He noted that the recommendations of the Natural Resources Advisory Committee (NRAC) were taken into consideration.

Wetlands

van Staveren said that the Department of State Lands (DSL) introduced the Local Wetlands Inventory in 1989. Four inventories were conducted in Albany between 1992 and 2001. 1720 acres of wetlands were identified within the UGB as detailed in *Table 1- Summary of Acreage by Wetland Type in Each Inventory*. The inventory results showed most of the wetlands were in agricultural fields and in the

floodplains of Oak Creek and the Calapooia River. The qualities of the wetlands were assessed using the DSL's adopted *Oregon Freshwater Wetland Assessment Methodology*. He reviewed information from *Table 2 – Criteria for Determining Goal 5 Locally Significant Wetlands*, and *Table 3 – Water Quality Limited Streams in Albany's Urban Growth Boundary*. The PHS study found that 111 wetlands were determined to be significant, 48 wetlands were determined to be non-significant but within the floodplain, and one wetland was added based on its potential to be restored. A total of 159 wetlands were found to meet the Goal 5 criteria for significance.

Commissioner Michael Styler asked if there is any data showing the significant wetlands that have been removed since 2001. van Staveren said that a crosscheck was done and it was not found that any of the significant wetlands had changed.

In response to an inquiry from Commissioner Paul Davis, van Staveren said the DEQ has said that water quality limited streams are limited in their ability to provide cold water for fish.

Faller asked if the significance criteria take into consideration what is being done in other states. van Staveren responded that he knows of no other states that have this type of program. Washington has a program, but it is not to the same degree.

Commissioner Dala Rouse asked if the Willamette River has water quality problems. van Staveren responded that the Willamette River is water quality limited due to temperature, bacteria and toxins.

Riparian Corridors

van Staveren said that the state requires that cities determine riparian corridor widths using either the safe harbor method or a standard method. The safe harbor method applies setbacks of either 50 feet or 75 feet depending on volume of stream flow. As a standard method, the PHS conducted riparian inventories for all water bodies within the City using the Urban Riparian Inventory and Assessment Guide (URIAG). Another method that has been used by several jurisdictions in the Willamette Basin is the effective shade method. The NRAC recommended designating all fish-bearing streams and rivers as significant riparian resources. He reviewed *Table 8 – Fish Species in Albany's Rivers, Lakes and Streams*. He reviewed the list of streams and lakes assessed for riparian protection.

PHS used all three of the above methods to determine riparian widths, as detailed in *Table 10 – The ranges of widths available from the three methods applied to all fish bearing waterbodies in the City*. Using the safe harbor method, only the Willamette River was determined to have an average annual flow of greater than 1,000 cfs, requiring a riparian area of 75 feet; all of the remaining fish-bearing streams and lakes would require a riparian area of 50 feet. The URIAG method would require riparian areas of between 60 and 120 feet based on potential tree heights of the identified tree species. The effective shade method would require riparian corridor widths of 50 to 75 feet depending on the orientation of the stream. The NRAC recommended the City use a fixed width riparian zone based on the Site Potential Tree Height method of the URIAG and to measure the width of the riparian areas from the mapped edge of the water, not the top of bank. Based on their observations and the results of this study, PHS recommends widths as detailed in *Table 11 – Recommended widths for fish-bearing waterbodies in the City*.

Rouse asked how the setbacks would impact existing development in Downtown Albany. van Staveren responded that existing development would be allowed to stay. Once an ordinance has been adopted by the City, the regulations would apply to new development.

Styler asked why Waverly and Timber Linn Lakes were not included in the tables. van Staveren agreed to look into it.

Davis commented that the City can only impact the areas within the UGB; he would like to see the County move forward with a similar effort.

Wildlife Habitat

van Staveren reviewed the safe harbor significance criteria. To determine whether species matching the criteria are found in Albany, PHS obtained records from the Oregon Heritage Information Center for all known sightings of sensitive, threatened, or endangered species within and two miles from the City's UGB, as well as records from the US Fish and Wildlife Service and the Department of Fish and Wildlife biologists. A complete list of species is shown in *Table 12 – ESA Species and Critical Habitat found within and two miles from the City of Albany's UGB*. Only Thornton Lakes was found to satisfy the criteria to be designated as significant wildlife habitat through the safe harbor approach, due to the presence of painted and pond turtles.

In addition to the safe harbor criteria, the City requested a more thorough review of wildlife habitat throughout the UGB. PHS developed a set of criteria based on its experience in other jurisdictions and then conducted a Wildlife Habitat Assessment to score habitat polygons based on components such as water, food, and cover. This is detailed in *Appendix A: Wildlife Habitat Assessment Forms*. The standard inventory method resulted in the same outcome as safe harbor. It is generally believed that wildlife habitat corridors are protected through riparian corridor protections.

Rouse commented that she has seen turtles in Waverly Lake and Freeway Lakes. van Staveren said he will make a note of it. He said he would encourage people to report any sightings of protected species to the state.

Next Steps

van Staveren summarized that significant wetlands and significant riparian corridors can be protected through a safe harbor ordinance or a standard method; significant wildlife can be protected through a standard method only. A standard process involves identifying conflicting uses, determining the impact area, and analyzing economic, social, environmental, and energy (ESEE) consequences.

Styler asked if there are studies being done to improve the available information on wildlife and cultural resources, such as Indian burial grounds. van Staveren stated that there is not a lot of information for the Albany area, although there are several pages of data based on sightings reported to the state. He noted that cultural resource information is not easily available; it is necessary to have the proper licensing to access that information. He encouraged that any knowledge of protected wildlife or cultural resources be reported to the state.

Davis asked if it is the consultant's opinion that riparian corridor protections would be sufficient to address wildlife issues. van Staveren said yes. He said ordinances do not generally address wildlife directly, although they can.

Tomlin asked if the City would be able to switch between the safe harbor and standard approaches, or if it is committed once it has chosen one of the approaches. Hansen said that the City has flexibility to develop clear and objective standards and/or allow developers to explain how impacts will be mitigated. There will be many options for consideration in the upcoming process. Brief discussion followed.

Community Development Director Greg Byrne advised that larger maps will be made available as the regulatory mechanisms are discussed. He asked that any errors or omissions in the report be brought to staff's attention. It is important that staff receive comments from the Planning Commissioners as they further review the provided materials.

ACTIVITY UPDATE

Planning Manager Don Donovan said the Planning Commission will consider Albany Development Code

revisions at its June 15 meeting.

NEXT PLANNING COMMISSION MEETING DATE

The next meeting of the Planning Commission has been scheduled for June 15, 2009, at 5:15 p.m.

ADJOURNMENT

Hearing no further business, Chair Faller adjourned the meeting at 6:27 p.m.

Submitted by,

Reviewed by,

Signature on file

Signature on file

Teresa Nix
Administrative Assistant

Don Donovan
Planning Manager