1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES
   a. Joint CIP Minutes, April 2, 2019
   b. April 15, 2019

5. SCHEDULED BUSINESS
   a. Business from the Public
   b. Legislative Public Hearing (DC-01-19)
      Proposed Floodplain Development Code Text Amendment to the Albany Development Code (ADC) eliminating review criteria ADC 6.111(3).

6. BUSINESS FROM THE COMMISSION

7. NEXT MEETING DATE: TBD or June 17, 2019

8. ADJOURNMENT

The location of this meeting is accessible to the disabled. If you have a disability that requires accommodation, please notify the City Manager’s Office in advance of the meeting: CMadmin@cityofalbany.net | 541-704-2307 or 541-917-7519.
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Call to Order/Introduction
Peter Troedsson, City Manager, called the meeting to order at 7:10 p.m. and gave an introduction for the Capital Improvement Program (CIP).

Roll Call
City Councilors Present
Bill Coburn, Alex Johnson II, Dick Olsen, Bessie Johnson, Mike Sykes, Rich Kellum, Mayor Sharon Konopa

Budget Committee Members Present
Sue Folden, Michael Thomson, Will Summers, Terry Virnig, Jessi Brenneman

Planning Commissioners Present
Larry Tomlin, Dala Rouse, Diane Hunsaker, Ann Ketter

Staff Present
Jeff Blaine, Public Works Engineering & Community Development Director; Chris Bailey, Public Works Operations Director; Jeff Babbitt, Public Works & Community Development Business Manager; Staci Belcastro, City Engineer; John Bradner, Fire Chief; Ed Hodney, Parks & Recreation Director; Peter Troedsson, City Manager; Marilyn Smith, Public Information Officer; Jeanna Yeager, Finance Director; Jorge Salinas, Deputy City Manager/CIO; Seth Sherry, Economic Development Manager; Mario Lattanzio, Police Chief

Community Needs
Jeff Blaine gave an overview of the Community Needs section.

Terry Virnig asked if the only issue at the Train Station was the need for additional parking. Chris Bailey stated the biggest need is currently additional parking space.

Accessibility
Staci Belcastro gave an overview of the accessibility section.

Dala Rouse asked why the Washington Street project was only scheduled for 2nd to 9th Avenue. Belcastro stated the project was originally slated for Water Avenue to 9th Avenue, but after a review of the project location, updates were only needed for 2nd to 9th Avenue.

Parks
Ed Hodney gave an overview of the Parks section.
Rouse asked how much the Parks department receives in system development charges (SDC) each year and how many parks are in the city. Hodney stated there are 36 parks, and the Parks Department typically receives between $250,000 - $300,000 in SDC funding each year, but those proceeds can only be used on new construction.

Virnig asked for an update on the East Thornton Lake project. Hodney stated the project is currently in the design phase, and a restoration plan is forthcoming.

**Public Facilities**

Chief John Bradner gave an overview of the Public Facilities section.

Bill Coburn asked if there was grant funding available for the fire radio replacement project. Bradner stated a study needs to be completed first in order to make a grant application more likely to be accepted.

Virnig asked if the current radios work. Bradner stated that different frequencies are currently used within the police and fire departments, along with other local agencies.

**Revitalization**

Seth Sherry gave an overview of the Revitalization section.

Rouse asked how much property tax CARA receives from the district and the entire city. Rich Kellum explained how the property tax funding for CARA works.

Dick Olsen asked how much CARA funding there is left to spend on projects. Sherry stated that roughly $20 million remains for projects.

Rouse asked what priority projects are remaining. Sherry stated that the Waterfront project is the priority.

**Stormwater**

Belcastro gave an overview of the Stormwater section.

Virnig asked what the one-million-dollar figure is on page 31. Chris Bailey stated it is for the potential operations and maintenance requirements related to the new stormwater permit.

**Transportation**

Belcastro gave an overview of the Transportation section.

Will Summers asked what the $40,000 bike grant match project is for. Belcastro stated it is a placeholder in case a grant becomes available.

**Wastewater**

Belcastro gave an overview of the Wastewater section.

Kellum asked if building east of I-5 is being denied until the Cox Creek projects are completed. Blaine stated that no projects have been denied, but that any major developments in that area will be postponed until the projects are completed.

Rouse asked if the settlement funds will be used for the biosolids projects at the Water Reclamation Facility. Blaine stated the settlement funds will be used and updated on the project funding sources.
Water
Belcastro gave an overview of the Water section.

ADJOURNMENT
Hearing no further business, the meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Jeff Babbitt
Public Works and Community Development Business Manager

JMB:eo
CALL TO ORDER
Chair Larry Tomlin called the meeting to order at 5:15 p.m.

ROLL CALL

Commissioners Present
Diane Hunsaker; Cordell Post; Larry Tomlin; Ann Ketter; Mike Koos; Dala Rouse; Roger Phillips (arrived at 5:18 pm).

Commissioners Absent
Daniel Sullivan (excused); JoAnn Miller (excused).

Staff Present
David Martineau, Planning Manager; Melissa Anderson, Planner III; Matthew Ruettgers, Development Services Manager; Shelley Shultz, Administration Assistant I.

APPROVAL OF MINUTES
Commissioner Post moved to approve the December 3, 2018, January 28, 2019, and March 11, 2019 minutes of the Albany Planning Commission as presented. Commissioner Rouse seconded the motion. A vote was taken, and the motion passed 7-0.

Business from the Public
None.

Quasi-Judicial Public Hearings

Land Use File SD-01-19
Modification to the approved Tentative Plat for the “Nature Way Estates,” under planning file SD-03-18. On June 20, 2018, the original tentative plat approval was granted for an 18-lot residential subdivision on approximately 5.83 acres, with frontage on Maier Lane and Patrick Lane

Chair Tomlin opened the public hearing at 5:18 p.m.

Declarations by the Commission
None

Staff Report
Melissa Anderson, Planner III, provided a summary of land use case SD-01-19 and summarized the proposal’s consistency with applicable review criteria. (See agenda packet.)
Questions from the Commission  5:25 p.m.
Commissioner Hunsaker asked if the proposed changes to the stormwater drainage system would increase the likelihood of flooding; Anderson said that is a technical question for the applicant’s engineer, who will be presenting testimony next. Commissioner Ketter asked why the bioswales are being removed. Anderson explained they will be replaced with detention ponds; there is no need to have both.

Testimony from the Applicant  5:28 p.m.
Troy Plum, TKP Engineering, LLC, PO Box 374, Corvallis, OR, explained the reasons for the proposed changes and addressed the questions from the commission. This is an attempt to reduce construction costs. The oversize pipes and street side stormwater quality planters would be 7 - 10 times as expensive as the proposed stormwater quality ponds, which will serve the same purpose. The design intent is to avoid flooding by locating the stormwater drainage ponds in the lower portion of the property to convey a 100-year storm event. Commissioner Rouse asked how the water inlet will contain water when there is a wall between the two ponds. Plum explained that the wall is there to meet City of Albany requirements, and the intention is for overflow to enter the stormwater quality pond without backing up the stormwater detention pond. Phillips asked if the ponds would be fenced; Plum answered that the property would be owned by the City of Albany, but most likely that would be the case.

Public Testimony  5:34 p.m.
None

Procedural Questions  5:36 p.m.
None

Chair Tomlin closed the public hearing at 5:37 p.m.

Discussion  5:37 p.m.
Rouse asked if this is a better filtration system than the original proposal. Ruettgers answered that it is an equivalent system that is located in one central location versus many small pods. He is unsure if this project will require a fence but said most likely it will. Chair Tomlin stated that he likes this proposal as an alternative to the bioswales.

Motion  5:39 p.m.
Commissioner Post moved to approve the proposed modification to the Tentative Subdivision Plat to develop an 18-lot residential subdivision under planning file SD-01-19. Commissioner Rouse seconded. A vote was taken, and the motion passed 7-0.

Land Use Files CP-01-19 & ZC-01-19  5:42 p.m.
Comprehensive Plan Map Amendment to change the designation of a 4.85-acre parcel Light Commercial (LC) to General Commercial (GC). This application includes a concurrent Zoning Map Amendment that would change the site’s zoning designation from Neighborhood Commercial (NC) to Community Commercial (CC).

Chair Tomlin opened the public hearing at 5:42 p.m.
Declarations by the Commission 5:42 p.m.
Commissioner Rouse referred to comments she made during the December 3, 2018 meeting, but does not feel that affects her ability to remain impartial in her decision on this issue. She also claimed numerous site visits.

Staff Report 5:45 p.m.
David Martineau, Planning Manager, provided a summary of land use cases CP-01-19 & ZC-01-19 and summarized the proposal’s consistency with applicable review criteria. (See agenda packet.)

Questions from the Commission 5:51 p.m.
None

Testimony from the Applicant 5:52 p.m.
Mark Shipman, land use attorney with Saalfeld Griggs, PC, 250 Church Street SE, Suite 200, Salem, OR, representing co-applicants B & E3, LLC and Lyon Associates, thanked staff for the thorough work on this difficult application and stated they concur with all findings and conclusions outlined in staff report. He respectfully requests that the commission moves to accept option one in the staff report.

Public Testimony 5:54 p.m.
None

Procedural Questions 5:55 p.m.
None

Chair Tomlin closed the public hearing at 5:56 p.m.

Discussion 5:56 p.m.
None

Motion 5:56 p.m.
Commissioner Post moved that the Planning Commission recommend that the City Council approve the proposed Comprehensive Plan map and zoning map amendment under planning files CP-01-19 and ZC-01-19. Commissioner Rouse seconded. A vote was taken, and the motion passed 7-0.

BUSINESS FROM THE COMMISSION 5:57 p.m.

Election of Chair and Vice Chair, Appointment of Hearings Board Members
Commissioner Post made a motion to re-elect Tomlin as Chair and Rouse as Vice Chair of the Planning Commission. Commissioner Phillips seconded. A vote was taken, and the motion passed 7-0.

Chair Tomlin made a motion to re-elect Commissioners Post, Rouse and Sullivan as Hearings Board members; all other planning commissioners will serve as alternates. Commissioner Rouse seconded. A vote was taken, and the motion passed 7-0.

NEXT MEETING DATE 6:04 p.m.
Next meeting is scheduled for May 13, 2019.
ADJOURNMENT
Hearing no further business, Chair Tomlin adjourned the meeting at 6:05 pm.

Respectfully submitted,  Reviewed by,

Shelley Shultz  David Martineau
Administrative Assistant I  Planning Manager
Staff Report
Amendments to the Albany Development Code

File: DC-01-19
May 24, 2019

HEARING BODIES: Planning Commission City Council
HEARING DATES: Monday, June 3, 2019 Wednesday, June 26, 2019
HEARING TIMES: 5:15 P.M. 7:15 P.M.
HEARING LOCATION: City Council Chambers, Albany City Hall, 333 Broadalbin Street SW

Application Information
Proposal: Floodplain Development Code Text Amendment to the Albany Development Code (ADC) eliminating review criteria ADC 6.111(3).
Review Bodies: Planning Commission and City Council (Type IV legislative land use process)
Applicant: City of Albany, Community Development Department
Staff: Melissa Anderson, Planner III

Overview of Proposed Amendments
The proposal is a text amendment to the Floodplain Development Code section of the Albany Development Code (ADC) by eliminating the following review criteria under the “Grading, Fill, Excavation, and Paving,” Section of the ADC 6.111(3): “The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area.” The proposed text amendment to the criteria under ADC 6.111 is included as Attachment A.

Notice Information
Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on April 24, 2019, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and the Albany Development Code (ADC) 1.640. Notice was also provided to interested parties on April 23, 2019, in accordance with ADC 1.600(1).

Notice of the public hearing was published in the Albany Democrat-Herald on May 24, 2019, in accordance with ADC 1.600(2). The staff report for the proposed ADC amendments was posted on the City’s website on May 24, 2019, at least seven days before the first evidentiary public hearing.

As of the date of this report, two individuals provided comments on the proposed text amendment to the Community Development Department; these are included as Attachments B and C and discussed under the Citizen Involvement criterion.

Review Process and Appeals
Amendments to the ADC are made through a Type IV legislative land use review process. The Planning Commission will hold a public hearing to consider proposed amendments and will make a recommendation to the City Council. The
planning commission’s recommendation cannot be appealed. The city council will hold a subsequent public hearing to consider the proposed amendments. After closing the public hearing, the city council will deliberate and make a final decision. Within five days of the city council’s final action on the proposed amendments, the community development director will provide written notice of the decisions to any parties entitled to notice. A city council decision can be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal within 21 days of the date the decision is reduced to writing and bears the necessary signatures of the decision makers.

Analysis of ADC Criteria

Albany Development Code (ADC) section 2.290, “Development Code Amendments” includes two review criteria that must be met for the proposed amendments to be approved. Analysis of the proposed ADC amendments compliance with these criteria is provided below.

Criterion 1 – Comprehensive Plan Goals, ADC 2.290(1)

*The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing language.*

The findings are organized by the *Comprehensive Plan/Statewide Planning goals*. Applicable goals and policies are provided in italics within the findings below and are considered as separate review criteria.

Findings of Fact

Goal 1: Citizen Involvement

1.1 The following Citizen Involvement goal and policy are relevant to the proposed ADC amendments:

*Goal: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.*

*Policy 4: Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.*

1.2 The proposed text amendment eliminates the following review criteria under the “Grading, Fill, Excavation, and Paving,” Section of the ADC 6.111(3): “The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area.”

1.3 The proposed text amendment is a result of concerns by the public that this criterion is not meaningful to the floodplain review evaluation process. Mr. Dan Watson, P.E. of K&D Engineering, Inc. (Attachment C.1) writes: “I have reviewed ADC Section 6.111(3) and worked with that section on a number of projects. It is my opinion that this section is not useful or needed. The time-consuming work the City has required to show compliance has always shown that the work was unnecessary. The City is well covered with established floodway limits. Fill outside of those limits (as permitted by FEMA) has always shown that the velocity impacts are negligible and usually not measurable. Please eliminate ADC Section 6.111(3) because it provides little if any benefit, and tends be costly in engineering time to run the required analysis as well as pay for a City hired consultant to review the work.”

1.4 Prior to initiating the proposed text amendment, notice was provided to interested parties on April 23, 2019, in accordance with ADC 1.600(1).

1.5 Prior to the public hearing, a notice regarding the proposed amendments was placed in the *Albany Democrat Herald* on May 24, 2019, informing the public of the planning commission and city council public hearings, consistent with the legislative hearing notice requirements of ADC 1.600 and the Comprehensive Plan. These
two hearings provide an opportunity for the public to review and comment on proposed amendments, and for decision makers to consider those comments as they recommend or decide on the final ADC text.

1.6 As of the date of this report, two individuals provided comments regarding the proposed text amendment to the Community Development Department; these are included as Attachments B and C.

The comment from Celinda Adair of the Oregon Department of Land, Conservation and Development (Attachment B), states that the proposed amendment complies with the minimum National Flood Insurance Program (NFIP) and State requirements. Comments from Dan Watson, P.E. of K&D Engineering, Inc. (Attachment C) states that he supports the amendment.

1.7 Providing opportunities for public involvement as described above is consistent with citizen involvement goals and policies for land use actions in Comprehensive Plan Goal 1: Citizen Involvement.

**Goal 2: Land Use Planning**

1.8 The following Land Use Planning goal is relevant to the proposed ADC amendments:

*Goal: Undertake Periodic Review and Update of the Albany Comprehensive Plan to ensure the Plan:*

1. Remains current and responsive to community needs.
2. Retains long-range reliability.
3. Incorporates the most recent and reliable information.
4. Remains consistent with state laws and administrative rules.

1.9 The intent of the above Comprehensive Plan goal is to ensure the Plan remains current and responsive to community needs, including implementing ordinances to assure Plan and ordinance consistency.

1.10 As discussed under Goal 1, Citizen Involvement (above) the ADC amendment to remove ADC 6.111(3) from the floodplain review criteria is proposed in response to issues raised by the public. Therefore, the amendments are being responsive to community needs while remaining consistent with the City Comprehensive Plan policies related to land use development and flood hazards.

**Goal 7, Flood Hazards**

The following Comprehensive Policy relating to Goal 7, Flood Hazards is applicable to the proposed ADC amendment.

1.11 *Goal: Protect life and property from natural disasters and hazards.*

*Goal 7, Flood Hazards, Policy 6: Ensure that development proposals in the flood fringe and adjacent to drainageways are consistent with Federal Emergency Management Agency (FEMA) and other applicable local regulations in order to minimize potential flood damage.*

1.12 Staff consulted with Celinda Adair, the NFIP coordinator for the State of Oregon and she stated that the criterion under ADC 6.111(3) is not required to comply with minimum floodplain development standards, which is consistent with Policy 6 (above). Ms. Adair states: “the proposed amendment complies with the minimum NFIP and State requirements. The language being removed through this minor amendment is not mandatory NFIP language under the Code of Federal Regulations volume 44, sections 59.1-60.6 (Attachment B).”

1.13 Eliminating the following floodplain review criterion “The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area (ADC 6.111(3))”, does not impact the goal to “Protect life and property from natural disasters and hazards,” for the following reasons: 1) the technical limitations result in low-value analyses, 2) the analyses creates unnecessary cost to applicants, 3) the specific criterion language is not adequately clear and specific, and 4) it is unlikely the City would be able to defend the criteria with associated analysis if challenged on appeal.
In practice, the problem with this review criterion is that it requires a site-by-site analysis using tools and available data that are only applicable on a larger geographic scale; in other words, the analysis implies a level of accuracy that simply doesn’t exist. Engineering analyses and calculations can be completed to provide a response that appears to the lay person to be accurate, however, those that understand the limits of the tools, data, and calculations know that those responses are likely a gross misrepresentation of the actual impact of flood velocity on the erosive velocity of the soils at a site specific level.

Consequently, the analysis required to address the criterion does not justify the time and expense for applicants. As stated by Dan Watson, P.E. of K&D Engineering, the analysis “provides little if any benefit, and tends to be costly in engineering time to run the required analysis as well as pay for a City hired consultant to review the work (Attachment C.1).”

In addition, the language itself is not clear and brings question to what analyses are required. For example, what is meant by the use of “flood area”? Is that the entire floodplain, neighboring property, the subject property, an area within a specific distance of the activity, or something else? Additionally, can velocities not be increased at all? If erosive velocities are already exceeded can no development occur? What tolerance is acceptable; a one foot per second (fps) impact, 0.1 fps, 0.001 fps?

Lastly, and due to the reasons discussed above, the results of the analysis are likely to be difficult to defend if challenged on appeal. Therefore, the text amendment proposes to eliminate Section ADC 6.111(3) of the floodplain criteria.

**Goal 14: Urbanization**

1.14 The following Comprehensive Plan goals and policies relating to Goal 14, Urbanization are applicable to the proposed ADC amendment.

*Goal 14, Urbanization, Development Review, Policy 5:* Ensure the City’s land use planning process and its policy framework is workable and understandable for local officials, staff and the public. Ensure the degree of application and review is commensurate with the size and complexity of various development requests.

*Goal 14, Urbanization, Development Review, Policy 7:* Periodically review and update all City and County implementing ordinances to ensure continued coordination, consistency in procedure, and efficient processing of development applications within the Urban Growth Management Area.

1.15 Currently, development that involves fill, grading or paving in the floodplain must show compliance with ADC 6.111(3). As discussed under Goal 7, Flood Hazards (above), this exercise has technical limitations, which result in low-value analyses and adds unnecessary cost to floodplain review applications.

1.16 The proposed text amendment would reduce costs and streamline processing of development applications that propose fill, grading, excavation or paving in the floodplain.

**Criterion 1 Conclusions**

1.1 The proposed text amendment eliminates criterion ADC 6.111(3) from the floodplain standards, while remaining consistent with the Flood Hazard Goal to Protect life and property from natural disasters and hazards.

1.2 The proposed text amendment remains consistent with Federal Emergency Management Agency’s (FEMA) minimum NFIP and State floodplain requirements.

1.3 The proposed amendment responds to community needs while remaining consistent with the City Comprehensive Plan policies.
1.4 The proposed text amendment would allow for more efficient processing of development applications and ensure the degree of review is commensurate with the size and complexity of the development request.

1.5 The proposed Development Code amendment supports the applicable goals and policies in the Comprehensive Plan related to citizen involvement, land use planning, flood hazards and urbanization.

1.6 The proposed amendments better achieve the applicable goals and policies of the Comprehensive Plan than the existing language.

1.7 Review Criterion 2.290(1) is satisfied.

**Criterion 2 – Development Code Purposes, ADC 2.290(2)**

*The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.*

**Findings of Fact**

2.1 Per Section 1.020, the general purpose of the Albany Development Code is to: *set forth and coordinate City regulations governing the development and use of land. The Code is more specifically intended to do the following (applicable listed):*

1. Serve as the principal vehicle for implementation of the City’s Comprehensive Plan in a manner that protects the health, safety, and welfare of the citizens of Albany.

2. Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.

3. Facilitate prompt review of development proposals and the application of clear and specific standards.

8. Require that permitted uses and development designs provide reasonable protection from fire, flood, landslide, erosion, or other natural hazards, as well as prevent the spread of blight, and help prevent crime.

10. Protect constitutional property rights, provide due process of law, and give consideration in all matters to affected property owner interests in making land use decisions.

2.2 The purpose of the Floodplain overlay district (/FP) standards in the ADC are to “manage development in the floodplain in a way that promotes public and environmental health and safety and minimizes the economic loss and social disruption caused by impending flood events.”

2.3 The proposed text amendment removes criterion ADC 6.111(3) from the floodplain standards for the reasons discussed under Criterion 1, Goal 7, Flood Hazards (above). Those findings are included here by reference.

2.4 The proposed text amendment is consistent with FEMA’s minimum NFIP and State floodplain requirements.

2.5 The proposed text amendment removes criterion that is not clear or specific for consistent administration of this requirement.

2.6 The proposed text amendment removes criterion that requires flood analyses that would be difficult to defend if challenged on appeal.

2.7 With the proposed text amendment, the remaining floodplain development standards under Article 6 of the Development Code will continue to provide reasonable protection from flood hazards.

2.8 The proposed amendment to ADC 6.111(3) from the floodplain standards is consistent with and supports the purpose and intent of Albany’s Floodplain Overlay District, which is to “manage development in the floodplain in a
way that promotes public and environmental health and safety and minimizes the economic loss and social disruption caused by impending flood events.”

Criteria 2 Conclusions
2.1 The proposed ADC amendments are consistent with ADC policies and purpose statements for the floodplain overlay district.

2.2 The proposed amendments better achieve the purpose of the Albany Development Code and the purpose of the Floodplain overlay district (/FP) standards than the existing code language.

2.3 The proposed amendments satisfy the criterion in ADC 2.290(2).

Overall Conclusions and Recommendations
This staff analysis finds that the proposed amendments satisfy the review criteria for Development Code amendments. Based on the analysis in this report, staff recommends that the planning commission recommend that the city council approve the proposed amendments as shown in Attachment A of this staff report. Decision options and a suggested motion are provided below.

Decision Options
1. Recommend approval of the proposed amendments;
2. Recommend approval of the proposed amendments as modified; or
3. Recommend denial of the amendments, thus retaining current ADC text.

Motion
I move to recommend that the city council approve the proposed Development Code amendments as identified in this report and referenced under planning file DC-01-19. This motion is based on findings and conclusions in the staff report, and findings in support of the application made during deliberations on this matter.

Attachments
A. Proposed ADC Amendments to Article 6, Section 6.111: Grading, Fill, Excavation and Paving
B. Comment from Celinda Adair of the Department of Land, Conservation and Development (DLCD)(May 10, 2019)
C.1 Comment from Dan Watson, P.E. of K&D Engineering, Inc. (February 6, 2019)
C.2 Comment from Dan Watson, P.E. of K&D Engineering, Inc. (April 23, 2019)
Overview of Proposed Amendments

Grading, Fill, Excavation, and Paving (ADC 6.111):

A floodplain development permit is required for grading, fill, excavation, and paving in the Special Flood Hazard Area (100-year floodplain), except activities exempted in Section 6.094 of this Article. No grading will be permitted in a floodway, except when the applicant has supplied evidence prepared by a professional engineer that demonstrates the proposal will not result in any increase in flood levels during the occurrence of the 100-year flood. The permit will be approved if the applicant has shown that each of the following criteria that are applicable have been met:

[Ord. 5746, 9/29/10]

1. Provisions have been made to maintain adequate flood-carrying capacity of existing watercourses, including future maintenance of that capacity.

2. The proposal will be approved only where adequate provisions for stormwater runoff have been made that are consistent with the Public Works Engineering standards, or as otherwise approved by the City Engineer.

3. The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area.

4. No grading, fill, excavation, or paving will be permitted over an existing public storm drain, sanitary sewer, or water line unless it can be demonstrated to the satisfaction of the City Engineer that the proposed grading, fill, excavation, or paving will not be detrimental to the anticipated service life, operation and maintenance of the existing utility.

5. In areas where no floodway has been designated on the applicable FIRM, grading will not be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed grading, fill, excavation, or paving when combined with all other existing and planned development, will not increase the water surface elevation of the base flood more than a maximum of one foot (cumulative) at any point within the community.

6. The applicant shall notify the City of Albany, any adjacent community, and the Natural Hazards Mitigation Office of the Oregon Department of Land Conservation and Development of any proposed grading, fill, excavation, or paving activity that will result in alteration or relocation of a watercourse (See Section 6.101).

7. All drainage facilities shall be designed to carry waters to the nearest practicable watercourse approved by the designee as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down spouts and diffusers or other devices.

8. Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Building Official or designee.
Hi Melissa,

The language as amended complies with the minimum NFIP and state requirements. The language being removed through this minor amendment is not mandatory NFIP language under the Code of Federal Regulations volume 44, sections 59.1-60.6.

Kind regards,

Celinda

---

From: Anderson, Melissa <Melissa.Anderson@cityofalbany.net>
Sent: Tuesday, April 23, 2019 3:18 PM
To: Adair, Celinda; troy@tkpeng.net; Lyle Hutchens; EXTERNAL - Watson, Dan; Ken Puhn; 'Brian Vandetta, PE, PLS'; Mark Grenz, P.E.; EXTERNAL - Janney, Natalie; planning@cityofmillersburg.org; EXTERNAL - Wheeldon, R.; 'planreview@co.benton.or.us'; LEWIS Toby A; Ruettgers, Matthew; Steffensmeier, Gordon; Beathe, Ryan
Cc: Blaine, Jeff; Martineau, David
Subject: Proposal to Amend the Albany Floodplain Development Code

Good Afternoon,

You are invited to review the attached Floodplain Development Code Text Amendment to the Albany Development Code. Please review the proposal and provide any comments you may have on this project before May 7, 2019, so we may take your comments into account before we move forward with the proposed code amendment.

A public notice will also be published prior to the first public hearing, which is scheduled on June 3, 2019 before the Planning Commission, and on June 26, 2019, 2019 before the City Council. Please feel free to contact me if you have any questions about the proposed text amendment.

Thank you very much for your attention to the matter.
Melissa
Anderson, Melissa

From: Dan Watson <dwatson@kdeng.com>
Sent: Wednesday, February 6, 2019 4:05 PM
To: Anderson, Melissa
Subject: RE: Amendment to ADC 6.11(3)

Melissa Anderson,

I have reviewed ADC Section 6.111(3) and worked with that section on a number of projects. It is my opinion that this section is not useful or needed. The time consuming work the City has required to show compliance has always shown that the work was unnecessary. The City is well covered with established floodway limits. Fill outside of those limits (as permitted by FEMA) has always shown that the velocity impacts are negligible and usually not measurable.

Please eliminate ADC Section 6.111(3) because it provides little if any benefit, and tends be costly in engineering time to run the required analysis as well as pay for a City hired consultant to review the work.

Respectfully,

Daniel Watson, P.E.
OR Civil Engineer License No. 17,612
K&D Engineering, Inc.
276 NW Hickory St.
Albany, OR
(541) 928-2583

From: Anderson, Melissa <Melissa.Anderson@cityofalbany.net>
Sent: Tuesday, January 29, 2019 2:15 PM
To: EXTERNAL - Watson, Dan <dwatson@kdeng.com>
Subject: Amendment to ADC 6.11(3)

Hi Dan,
You suggested that I send you a reminder after your vacation regarding amending the floodplain code under ADC 6.111(3): “The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area.”

We intend to amend this criterion of the code, and a letter (or email) from you supporting an amendment would be most appreciated to get our process started.

Thank you very much,
Melissa
THIS PAGE LEFT INTENTIONALLY BLANK
Hi Melissa,

I support the proposed amendment.

Thanks,

Dan Watson, P.E.
K&D Engineering, Inc.
276 NW Hickory St.
Albany, OR
(541) 928-2583

Good Afternoon,

You are invited to review the attached Floodplain Development Code Text Amendment to the Albany Development Code. Please review the proposal and provide any comments you may have on this project before May 7, 2019, so we may take your comments into account before we move forward with the proposed code amendment.

A public notice will also be published prior to the first public hearing, which is scheduled on June 3, 2019 before the Planning Commission, and on June 26, 2019, 2019 before the City Council. Please feel free to contact me if you have any questions about the proposed text amendment.

Thank you very much for your attention to the matter.

Melissa