



ALBANY CITY COUNCIL AGENDA

Wednesday, June 26, 2024
6:00 p.m.

Council Chambers, City Hall
333 Broadalbin Street SW

Watch on YouTube: <https://www.youtube.com/user/cityofalbany>

Please help us get Albany's work done.

Be respectful and refer to the rules of conduct posted by the main door to the Chambers and on the website.

1. Call to order and pledge of allegiance
2. Roll call
3. Public hearings

Persons wanting to provide testimony during public hearings at city council meetings may:

- 1- *Email written comments to the staff contact, listed below, including your name and subject of the public hearing, before **noon on the day of the meeting**.*
- 2- *To testify virtually during the public hearing, register by emailing the staff contact, listed below, before **noon on the day of the meeting**, with your name; phone number; and if you are speaking for, against, or neutral on the project/subject. The mayor will call upon those who have registered to speak.*
- 3- *Appear in person at the meeting and register to speak using the sign-up sheet on the table.*

- a. **Continued:** Legislative Article 6 Floodplain Amendments – Jennifer Cepello [Pages 3-39] ORD NO. _____ p. 5

The staff contact for this public hearing is: jennifer.cepello@albanyoregon.gov

- b. **New:** Island Annexations – David Martineau [Pages 40-69]
 - 1) Annexing property ORD NO. _____ p. 42
 - 2) Withdrawing property from Albany Rural Fire Protection District ORD NO. _____ p. 66

The staff contact for this public hearing is: david.martineau@albanyoregon.gov

- c. **New:** CDBG Annual Action Plan – Beth Frelander [Pages 70-121] RES NO. _____ p. 72

The staff contact for this public hearing is: beth.frelander@albanyoregon.gov

4. Business from the public

5. Adoption of resolutions
 - a. Apply for Community Wildfire Risk Reduction grant – Chris LaBelle [Pages 122-123] RES NO. _____ p. 123
 - b. Special Procurement for VLR replacement – Craig Prosser [Pages 124-127] RES NO. _____ p. 126

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6. Award of contract
 - a. Banking and Procurement Card Services – Jeanna Yeager [Pages 128-130] RES NO. _____ p. 130

7. Approval of agreement
 - a. IGA for Shared Equipment – Chris LaBelle [Pages 131-135] MOTION _____
 - b. IGA for Linn County Transient Lodging Tax Collection – Jeanna Yeager [Pages 136-142] RES NO. _____ p. 137

8. Adoption of consent agenda
 - a. Appointments [Pages 143-147]
 - 1) Accepting Greg Soriano’s resignation from the Human Relations Commission
 - 2) Appointing Amy Roberts to the Library Board
 - b. Recommendations to OLCC [Pages 148-151]
 - 1) Annual liquor license renewals
 - 2) Approve change of ownership full on-premises commercial liquor license for Golf Club of Oregon, 905 NW Springhill Drive

MOTION: _____

9. Staff report
 - a. Pavement management funding discussion – Chris Bailey. [Pages 152-153]

10. Business from the council

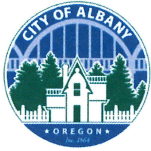
11. City manager report

12. Next meeting dates
Monday, July 8, 2024; 4:00 p.m. work session
Wednesday, July 10, 2024; 6:00 p.m. meeting

13. Adjournment

This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify city staff at least 48 hours in advance of the meeting at: cityclerk@albanyoregon.gov

Testimony provided at the meeting is part of the public record. Meetings are recorded, capturing both in-person and virtual participation, and are posted on the City website.



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT* 6/20
Matthew Ruettgers, Community Development Director *MR*

FROM: David Martineau, Current Planning Manager *DM*
Jennifer Cepello, Project Planner *JC*

DATE: June 14, 2024, for the June 26, 2024, City Council Meeting

SUBJECT: Public Hearing Regarding Albany Development Code (ADC) Amendments (Planning File No. DC-02-24)

Relates to Strategic Plan theme: Effective Government

Action Requested:

Staff request that the City Council hold a public hearing, deliberate, and make a decision regarding the proposed legislative text amendments to the ADC as presented in the staff report, dated May 6, 2024. If council elects to approve the amendments, staff also requests the council adopt the attached ordinance, which amends sections of the ADC related to the City's floodplain ordinance, to align to Oregon's Floodplain Model Ordinance. Amendments also update erosion and drainage requirements to align with the Albany Municipal Code and provide clarifying language for structures located in the floodway.

Discussion:

On June 26, 2024, the city council will hold a continuation of the June 12, 2024 city council public meeting on the proposed text amendment package DC-02-24. Testimony against the proposed amendments was entered into the record from Laura LaRoque representing Udell Engineering and Land Surveying, LLC, and Scott Lepman representing Scott Lepman Company. Upon review of submitted testimony, staff made some additional adjustments to the amendment package. The following changes to the proposed amendment package are proposed:

- Removal of proposed Section 6.087 "Severability"
- Removal of proposed Section 6.088 "Interpretation"
- Removal of redundancies found of 6.090(h-j).
- Corrected misspellings and grammatical errors.

On June 12, 2024, the city council held a public hearing on the proposed text amendment package. As described in detail in the staff report, which is provided as Exhibit B in the attached Ordinance, the following amendments are proposed:

- To align the City's Floodplain Ordinance with the Oregon Floodplain Model Ordinance.
- Update language pertaining to drainage and erosion to align with the updated Albany Municipal Code.

- Updates to fences located within the floodway.

The proposed amendments represent a package of compliance and general housekeeping items. The ADC is currently not consistent with state minimum for floodplain requirements.

The applications have been processed through the Type IV application review process in accordance with ADC 1.590. This process is required for legislative changes to the ADC that affect a large number of persons, properties, or situations and includes review and a recommendation by the planning commission prior to a final local decision made by the city council.

On May 13, 2024, the planning commission held a duly advertised public hearing and unanimously recommended that the city council approve the proposed amendments.

Options for the City Council:

City council has three options with respect to the proposed comprehensive plan and development code amendments:

- Option 1: Approve the proposed text amendments; or
- Option 2: Approve the proposed text amendments with modifications; or
- Option 3: Deny the proposed text amendments.

Based on the analysis provided in the report, staff recommend the city council approve the proposed amendments to the Albany Development Code. If city council accepts this recommendation the following motion is suggested:

Motion to Adopt

I MOVE that the city council ADOPT the ordinance to amend the Albany Development Code as identified in the staff report, dated May 6, 2024, with the additional amendments found in Exhibit A and referenced under planning file DC-02-24. This motion is based on the findings and conclusions in the staff report, dated May 6, 2024, to the planning commission and city council, and findings in support of the decision made by city council during deliberations on this matter.

Budget Impact:

None

JC:km

Attachment (1): Ordinance



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE ALBANY COMPREHENSIVE PLAN AND DEVELOPMENT CODE AND ADOPTING FINDINGS

WHEREAS, from time to time it is appropriate to amend the Albany Development Code to address changing conditions or laws, to clarify the intent of the standards, and to ensure that it remains responsive to community needs; and

WHEREAS, a notice of the proposed amendments and planning commission and city council public hearings was sent to the Oregon Department of Land Conservation and Development on February 19, 2024, published in the Albany Democrat-Herald on April 27, 2024, and mailed to Benton County and Linn County on April 29, 2024; and

WHEREAS, on May 13, 2024, the Albany Planning Commission held a public hearing regarding the proposed amendments, deliberated on the proposed amendments, and recommended approval based on the findings of fact presented in the staff report and evidence presented during the public hearing; and

WHEREAS, on June 12, 2024, and June 26, 2024, the Albany City Council held public hearings on the proposed amendments, reviewed the findings of fact, considered testimony presented at the public hearing, and deliberated.

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

Section 1: The Albany Development Code text is hereby amended as shown in attached Exhibit A for the following article: Article 6 Natural Resource Districts. (Planning file DC-02-24).

Section 2: The findings of fact and conclusions included in the staff report and attached as Exhibit B are hereby adopted in support of the decision.

Section 3: A copy of this ordinance shall be filed in the office of the city clerk of the City of Albany and these changes shall be made to the Albany Comprehensive Plan and Albany Development Code.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk

Proposed additions to the Albany Development Code are shown in red underline and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context.

ARTICLE 6 NATURAL RESOURCE DISTRICTS

6.010 Overview. The natural resource districts are intended to protect valuable natural resources within the City of Albany while allowing reasonable economic use of property.

The Open Space zoning district is a base zone that specifies allowed land uses adjacent to some water resources in Albany.

The Natural Resource overlay districts address development activities within specific natural resource areas and are applied over a base zone. The overlay district requirements are in addition to the requirements of the base zone and other City of Albany ordinances.

The following zoning and overlay districts are included in this article:

- Open Space Zoning District (OS)
- Floodplain Overlay District (/FP)
- Hillside Development Overlay District (/HD)
- Significant Natural Resource Overlay Districts
 - Riparian Corridor Overlay (/RC)
 - Significant Wetland Overlay (/SW)
 - Habitat Assessment Overlay (/HA)
- Willamette River Greenway Overlay District (/WG)

[Ord. 5562, 10/10/03; Ord. 5668, 4/11/07; Ord. 5764, 12/1/11]

Unless otherwise indicated, all amendments are to align the Floodplain Ordinance with the Oregon Model Floodplain Ordinance.

FLOODPLAIN

6.070 Statutory Authority. The State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Albany does recognize:

- (a) The flood hazard areas of Albany are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

~~6.070~~ 6.072 Purpose. The Floodplain overlay district (/FP) standards are intended to manage development in the floodplain in a way that promotes public health, safety, and general welfare, and to minimize public and private losses due to flooding in the flood hazard areas by provisions designed to: ~~public and environmental health and safety and minimizes the economic loss and social disruption caused by impending flood events.~~

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- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
- (f) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- (g) Notify potential buyers that the property is in a special flood hazard area;
- (h) Notify those who occupy special flood hazard areas that they assume responsibility for their actions; and
- (i) Participate in, and maintain eligibility for, flood insurance and disaster relief.

[Ord. 5746, 9/29/10]

6.074 Methods of Reducing Flood Losses. In order to accomplish its purposes, these regulations include methods and provisions for:

- (a) Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in increased damage due to erosion, flood heights or velocities;
- (b) Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Regulating the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood damage;
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

6.075 Definitions. As used in this Article the following words and phrases have the following meanings:

[Ord. 5746, 9/29/10]

Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding: A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard."

Base Flood or 100-year Flood: The flood having a one percent chance of occurring in any given year. Also see "Flood Fringe"

Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood. The BFE is the elevation, expressed in feet above sea level, that the base flood is expected to reach.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides. The portion of a structure with its floor sub-grade (below ground level) on all sides.

Below-Grade Crawl Space: An enclosed area below the based flood elevation in which: (a) the interior grade is not more than two feet below the lowest adjacent exterior grade and; (b) the height, measured from the interior

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grade of the crawl space to the top of the crawl space foundation, does not exceed four feet at any point.

Continuous Storage Operations: Operations that continuously store equipment or materials, including, but not limited to lumber yards, automobile junkyards, logging or sawmill operations, storage yards for heavy equipment, automobile dealership lots, and other storage operations with similar impacts. These operations are included in the definition of floodplain development.

Critical Facility: A facility that needs to be operable during a flood, or for which even a slight chance of flooding might pose unacceptable risk to health and safety. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and other emergency responders, and installations that produce, use or store hazardous materials.

Datum: ~~Until recently~~ Previously the FIRMs have referenced the National Geodetic Vertical Datum of 1929 (NGVD 29). A newer more accurate vertical datum, the North American Vertical Datum of 1988 (NAVD 88), will be used for all FIRM updates. The 2010 Albany FIRMs reference the NAVD 88 datum.

NAVD 88 will be used for floodplain management purposes in the City of Albany. The conversion factor from NGVD 29 to NAVD 88 for all flooding sources in Albany is +3.38 feet. This represents an average conversion offset. This simplified uniform conversion procedure can be used for entire counties when the maximum error is not more than 0.25 feet (3 inches) for that county, which is the case for the City of Albany.

Federal Emergency Management Agency (FEMA): The federal agency charged with implementing the National Flood Insurance Program. FEMA provides floodplain maps to the City of Albany.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland or tidal waters; and/or
- (b) the unusual and rapid accumulation of runoff of surface waters from any source;
- (c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; and/or

The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waters or currents of water exceeding anticipated cyclical levels or suddenly caused by unusually high water level in natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) of this definition.

Flood Elevation Study: See “Flood Insurance Study”

Flood Fringe: Those areas on either side of the floodway within the Special Flood Hazard Area (100-year floodplain). This area is subject to inundation by the base flood but conveys little or no velocity flows. Zone designations on Flood Insurance Rate Maps for Albany include A and AE. Note Floodplain Relationships diagram (Figure 6.075-1). [Ord. 5947, 1/01/21]

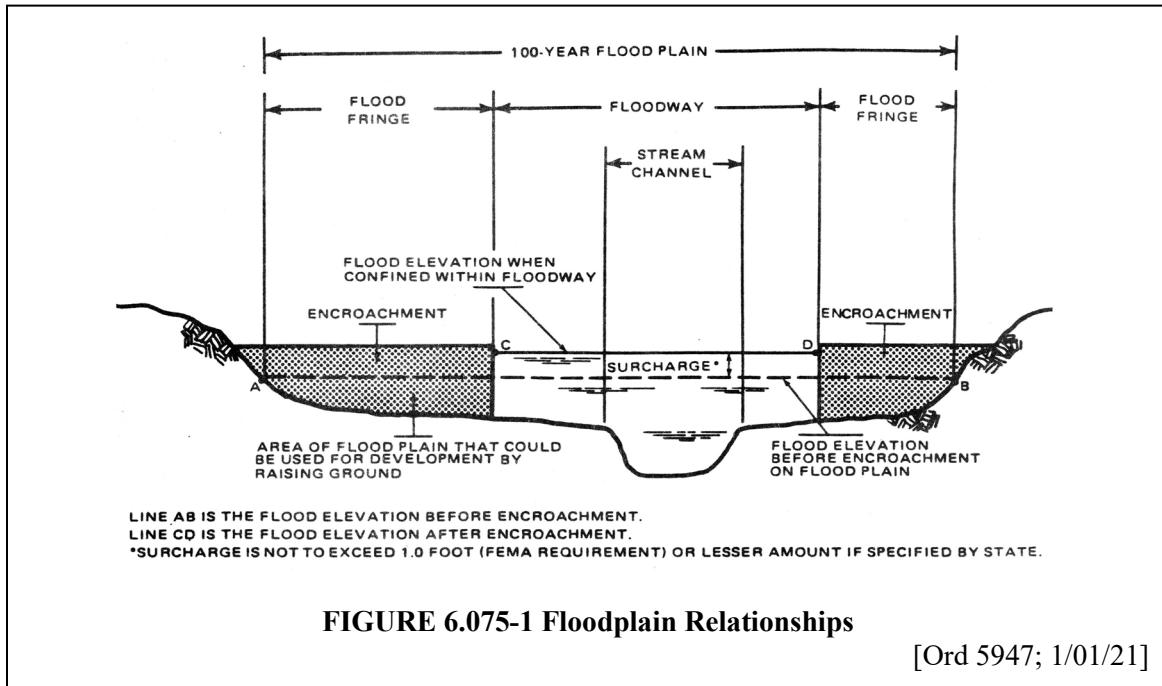
Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM). ~~The official map on which FEMA has delineated the Base Flood Elevations, regulatory floodways, and Special Flood Hazard Areas.~~

Flood Insurance Study (FIS): An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, and/or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. ~~The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.~~

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Floodplain: The combined area of the floodway and the flood fringe. Also known as the 100-year floodplain, and the Special Flood Hazard Area. Note Floodplain Relationships diagram in Figure 6.075-1.

[Ord. 5947, 1/01/21]



Floodplain Development: Any man-made change to real property, including but not limited to, construction or placement of buildings or other structures, fencing, mining, dredging, filling, grading, paving, excavating, land clearing, drilling, or Continuous Storage Operations in the Special Flood Hazard Area (100-year floodplain).

Floodproofing: Any combination of structural or nonstructural additions provisions, changes or adjustments to structures, land or waterway for the reduction or elimination of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents during a 100-year flood to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “Regulatory Floodway”. The regulatory floodway is the stream channel plus that portion of the overbanks that must be kept free from encroachment in order to discharge the 1-percent annual-chance flood without increasing flood levels by more than 1.0 foot. Note Floodplain Relationships diagram in Figure 6.075-1.

[Ord. 5947, 1/01/21]

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Hazardous Material: The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

- (a) Hazardous waste as defined in ORS 466.005;

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- (b) Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under 469.605 and radioactive substances as defined in 453.005;
- (c) Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;
- (d) Hazardous substances designated by the United States Environmental Protection Agency under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
- (e) Substances listed by the United States Environmental Protection Agency in 40 Code of Federal Regulations Part 302 -- Table 302.4 (List of Hazardous Substances and Reportable Quantities) and amendments;
- (f) Material regulated as a Chemical Agent under ORS 465.550;
- (g) Material used as a weapon of mass destruction, or biological weapon;
- (h) Pesticide residue;
- (i) Dry cleaning solvent as defined by ORS 465.200(9).

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Change (LOMC) means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. LOMCs are issued in the following categories:

- a) Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific ~~property~~ structure or area is not located in a special flood hazard area;
- b) Letter of Map Revision (LOMR): A revision based on technical data ~~showing that~~, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric (horizontal) features. One common type of LOMR, a LOMR-F, is a determination that a structure or parcel has been elevated by fill above the Base Flood Elevation and is excluded from the special flood hazard area; and
- c) Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does NOT amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

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Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking vehicles, building access or storage, in any area other than a basement area, is not considered a building's lowest floor, provided that the enclosure is not built so as to render the structure in violation of the applicable design requirements of this Article found in Section 6.118(1).

Manufactured Dwelling: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".

Manufactured Dwelling Park or Subdivision: A parcel (or contiguous) parcels of land divided into two or more manufactured dwelling lots for rent or sale.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP): FEMA's National Flood Insurance Program (~~NFIP~~) has three basic components: —flood hazard mapping, flood insurance, and floodplain regulations. The combination of the three ~~all~~ work together to reduce flood damages. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments and private insurance companies must share roles and responsibilities to meet the goals and objectives of the NFIP. The City of Albany joined the NFIP in 1985. The community's role is of paramount importance. Residents and property owners can get federally-backed flood insurance only if the community carries out its responsibilities. The community enacts and implements the floodplain regulations required for participation in NFIP. The community's regulations must meet the regulations set by its state, as well as the NFIP criteria.

New Construction: For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Albany and includes any subsequent improvements to such structures.

Nonresidential: For the purposes of development in the floodplain, FEMA defines nonresidential construction to include structures not used for human habitation. This includes parking, limited storage, and building access ~~associated with residential uses~~, as well as commercial, industrial, and institutional uses. This differs from the definition of nonresidential in other Articles and Sections of this Code, and from the definition in the locally adopted State Building Codes.

Oregon Drainage Law: Oregon, through court decisions, has adopted a civil law doctrine of drainage. Generally, under this doctrine, adjoining landowners are entitled to have the normal course of natural drainage maintained. The lower landowner must accept water that naturally comes to his land from above, but he is entitled not to have the normal drainage changed or substantially increased. The lower landowner may not obstruct the runoff from the upper land, if the upper landowner is properly discharging the water. The drainage law has developed without legislative action; therefore, there are no Oregon Revised Statutes, rules, or other laws to cite. Note that this definition is intended to provide general information and should not be used as the basis for legal advice or legal decisions.

Permanent Foundation: A natural or manufactured support system to which a structure is anchored or attached. A permanent foundation is capable of resisting flood forces and may include posts, piles, poured concrete or reinforced block walls, properly compacted fill, or other systems of comparable flood resistivity and strength.

Recreational Vehicle: A vehicle that is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towed by a light duty truck, and;
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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Residential: For the purposes of development in the floodplain, FEMA defines residential construction to include the entire habitable structure, including bathroom, laundry rooms, hobby rooms, workshops, etc. Residential accessory structures are considered residential construction. This differs from the definition of residential in other Articles and Sections of this Code, and from the definition of residential and habitable in the locally adopted State Building Codes.

Special Flood Hazard Area: See “Area of Special Flood Hazard” for this definition. ~~Areas subject to inundation during the occurrence of the 1 percent annual flood. These areas include both the flood fringe and the floodway and are collectively commonly referred to as the “100-year floodplain.”~~

Start of Construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 49 percent of the market value of the structure before the damage occurred.

Substantial Improvement: For the purposes of this section any and all repairs, reconstruction, additions or improvements of a structure occurring within the ten years prior to the date of the application for the current improvement, the cost of which, when cumulatively added to the costs of prior improvements, equals or exceeds 49 percent of the market value of the structure before the start of construction of the improvement. Cumulative value will be computed by adding the valuations of all improvements within the ten-year period as calculated on the associated building permit plus the valuations that would have applied for improvements requiring permits but for which no permit was actually issued. This cumulative value shall be used in comparing the value of improvements against the current market value of the structure before the start of construction of the new improvement. The market value determination shall be based upon the county assessor's most recent computation of real market value at the time of the current application. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed.

The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
- (b) Any restoration or rehabilitation of a structure on the City’s Local Historic Inventory or the National Register of Historic Places (additions and new construction are not exempt) and will not preclude the structure’s continued designation as a ‘historic structure’.

[Ord. 5875, 10/28/16]

- ~~(c) Maintenance, replacement, or repair of prior lawfully constructed improvements.~~

Variance: A grant of relief by the City from the terms of a floodplain management regulation.

Violation: The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other

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certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse: Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks; including any adjacent area subject to inundation by reason of overflow or flood water. This also includes any topographic feature not meeting the above definition that is identified in the City's Stormwater Master Plan as needing preservation.

GENERAL PROVISIONS

6.080 Lands to Which These Regulations Apply. These regulations apply to all special flood hazard areas in the City of Albany that are subject to inundation from a 100-year flood. These areas have been identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Linn County, Oregon and Incorporated Areas effective date September 29, 2010 and as revised effective date December 8, 2016 and associated Flood Insurance Rate Maps (FIRMs) with Community Number 410137. ~~These areas are depicted on the FIRMs by the letters A and AE.~~ The Flood Insurance Study and FIRMs are on file at the City of Albany, Community Development Department at 333 Broadalbin Street SW.

[Ord. 5875, 10/28/16]

In addition, the City Council may adopt by resolution more current floodplain studies or boundary information. If the new information conflicts with the current effective Flood Insurance Study of Flood Insurance Rate Maps, the more restrictive information will apply.

[Ord. 5773, 02/08/12]

Precise Special Flood Hazard Area (100-year floodplain) boundaries may be difficult to determine from the maps referred to above due to their large scale and lack of site-specific ~~site specific~~ studies. In such instances, the Floodplain Administrator may apply FEMA base flood elevations to topographic maps or site surveys in order to determine actual boundaries. In the absence of FEMA base flood elevations, the Floodplain Administrator shall reasonably use other sources of floodplain and floodway data to determine base flood elevations and boundaries. However, when elevation data is not available through FEMA or another authoritative source and the development consists of 4 or more lots, 4 or more structures, or 4 or more acres, the applicant shall generate and have certified by a registered engineer the base flood elevation.

[Ord. 5146, 9/14/94; Ord. 5410, 7/28/99; Ord. 5746, 9/29/10]

6.081 Warning and Disclaimer of Liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased as a result of failure of manmade structures and/or natural causes. This article does not imply that the land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This article does not create any duty or liability on the part of the City of Albany or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

[Ord. 5746, 9/29/10]

6.083 Coordination with State of Oregon Specialty Codes: Pursuant to the requirement established in ORS 455 that the City of Albany administers and enforces the State of Oregon Specialty Codes, the City of Albany does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

6.084 Compliance: All development within special flood hazard areas is subject to the terms of this Code and is required to comply with its provisions and all other applicable regulations.

6.085 Penalties for Noncompliance: No structure or land shall hereafter be constructed, located, extended,

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converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

~~6.082~~ 6.086 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, Building Codes, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. [Ord. 5746, 9/29/10]

~~6.087~~ Severability: This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

~~6.088~~ Interpretation: In the interpretation and application of this ordinance, all provisions shall be:

~~(a) Considered as minimum requirements;~~

~~(b) Liberally construed in favor of the governing body; and~~

~~(c) Deemed neither to limit nor repeal any other powers granted under the state statutes.~~

ADMINISTRATION

6.089 Floodplain Administrator. The Community Development Director and their designee are ~~is~~ appointed to administer, implement, and enforce this Article in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions. Duties of the local floodplain administrator shall include but are not limited to Sections 6.090 through 6.099.

6.090 Permit Review. Review all development permit applications to determine that: [Ord. 5746, 9/29/10]

- a) The permit requirements of this ordinance have been satisfied;
- b) All other required local, state, ~~and~~ And federal permits have been obtained and approved.
- c) Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of Section 6.100 are met; and
- d) Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available, then ensure compliance with the provisions of Section 6.107; and ~~whether proposed new development will be located in Areas of Special Flood Hazard.~~
- e) Provide the building official the Base Flood Elevation (BFE) with the additional one-foot freeboard applicable to any building requiring a development permit.
- e) Review applications for modifications of any existing development in Areas of Special Flood Hazard for compliance with the requirements of this Article.
- f) Interpret flood hazard area boundaries, provide available flood hazard information, and provide Base Flood Elevations, where they exist.
- g) Review proposed development to assure that necessary permits have been received from governmental agencies from which approval is required by federal or state law, including but not limited to section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Oregon Removal-Fill permits. Copies of such permits shall be maintained on file.

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- ~~h) Review all development permit applications to determine if the proposed development is located in the floodway, and if so, ensure that the standards in Sections 6.100 through 6.110 6.113 are met.~~
- ~~i) When Base Flood Elevation data or floodway data are not available, then the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation and floodway data available from a federal, state or other authoritative source in order to administer the provisions of this Article.~~
- ~~j) When Base Flood Elevations or other engineering data are not available from an authoritative source, the Floodplain Administrator shall take into account the flood hazards, to the extent they are known, to determine whether a proposed building site or subdivision will be reasonably safe from flooding.~~
- k) Where interpretation is needed of the exact location of the Special Flood Hazard Boundary, including regulatory floodway, the Floodplain Administrator shall make the interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.095 ~~6.094~~.
- l) Issue floodplain development permits when the provisions of this Article have been met, or disapprove the same in the event of noncompliance.
- ~~m) Obtain, verify and record the actual elevation in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no BFE is available, of the lowest floor level, including basement, of all new construction or substantially improved buildings and structures.~~
- ~~n) Obtain, verify and record the actual elevation, in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no BFE is available, to which any new or substantially improved buildings or structures have been flood proofed. When flood proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect.~~
- o) Ensure that all records pertaining to the provisions of this Article are permanently maintained in the Community Development Department and shall be open for public inspection.
- p) Make inspections in Areas of Special Flood Hazard to determine whether development has been undertaken without issuance of a floodplain development permit, ensure that development is undertaken in accordance with the floodplain development permit and this Article, and verify that existing buildings and structures maintain compliance with this Article.
- q) Coordinate with the Building Official to inspect areas where buildings and structures in flood hazard areas have been damaged, regardless of the cause of damage, and notify owners that permits may be required prior to repair, rehabilitation, demolition, relocation, or reconstruction of the building or structure.
- r) Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in ~~Make Substantial Improvement or Substantial Damage determinations based on the definitions described in Section 6.075.~~

6.091 Information to be obtained and maintained. The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- (a) Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with Section 6.107.
- (b) Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Sections 6.100 and 6.091 are adhered to.
- (c) Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared, and sealed by a professional licensed surveyor or engineer,

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certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).

- (d) Where base flood elevation data are utilized, obtain as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection;
- (e) Maintain all Elevation Certificates (EC) submitted to the community;
- (f) Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attending utilities were floodproofed for all new or substantially improved floodproofed structures were allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtain in accordance with Section 6.107;
- (g) Maintain all floodproofing certificates required under this ordinance;
- (h) Record and maintain all variance actions, including justification for their issuance;
- (i) Obtain and maintain all hydrologic and hydraulic analyses performed as required under Section 6.100
- (j) Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under Section 6.095;
- (k) Maintain for public inspection all records pertaining to the provisions of this ordinance.

6.092 Requirement to Notify Other Entities and Submit New Technical Data.

- (1) Community Boundary Alterations: The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation, or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
- (2) Watercourse Alterations: Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:
 - (a) A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
 - (b) Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 6.093. Ensure compliance with all applicable requirements in Sections 6.093 and 6.101.

6.093 Requirement to Submit New Technical Data: A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

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- (1) It is the responsibility of the applicant to have technical data prepared in a format required for a CLOMR or LOMR and to submit such data to FEMA on the appropriate application forms. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- (2) Applicants shall be responsible for all costs associated with obtaining a CLOMR or LOMR from FEMA.
- (3) The City of Albany shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, without evaluation and concurrence with the information presented.
- (4) Within six months of project completion, an applicant who obtains an approved CLOMR from FEMA or whose development modifies floodplain boundaries or Base Flood Elevations shall obtain from FEMA a LOMR reflecting the as-built changes to the FIRM.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- (a) Proposed floodway encroachments that increase the base flood elevation; and
- (b) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

6.094 Substantial Improvement and Substantial Damage Assessments and Determinations.

- (a) Conduct Substantial Improvement (SI) (as defined in Section 6.075) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 6.092.
- (b) Conduct Substantial Damage (SD) (as defined in Section 6.075) assessments when structures are damaged due to a natural hazard event or other causes.
- (c) Make SD determinations whenever structures within the special flood hazard area (as established in Section 6.080) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 49 percent of the market value of the structure before the damage occurred.

~~6.094~~ 6.095 Appeals. Appeals to the interpretations of the Floodplain Administrator shall be reviewed by the Hearings Board as a Type II procedure in accordance with Sections 1.040 and 1.410 of this Code. Appeals to the land use decisions (Types I-L, II, and III) resulting from the Floodplain Development Permit applications shall be reviewed in accordance with Section 1.410 of this Code.

[Ord. 5746, 9/29/10; Ord. 5947, 01/01/21]

~~6.092~~ 6.096 Variances. Variances from the terms of this section shall be granted only, when because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this section deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications. Variances as interpreted in the National Flood Insurance Program are based on the physical characteristics of the land and are not dependent upon the occupants, type, or use of a structure. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

[Ord. 5746, 9/29/10]

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

No variance will be given to the standards for development in a floodway.

Variances from the floodplain management regulations of this section shall be reviewed using the Major

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Variance procedure (see Article 2) and shall be approved if the review body finds that all of the following criteria have been met: [Ord. 5746, 9/29/10; Ord. 5947, 1/01/21]

- (1) The applicant can show good and sufficient cause; and
- (2) Failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) Issuing the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
- (4) The variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances from the required lowest floor elevation for new construction and substantial improvements may be granted if the review body finds that the request meets criteria (1)-(4) and the parcel is one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
- (6) Variances may be granted for a functionally dependent use ~~water dependent use~~ provided that the structure or other development meets criteria (1)-(4) and is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (7) Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on Albany’s Local Historic Inventory or the National Register of Historic Places, without regard to the procedures set forth in this section. [Ord. 5875, 10/28/16]
- ~~(8) Variances may be granted for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria and otherwise complies with Building Codes.~~

Upon issuing the variance, the Floodplain Administrator will notify the applicant in writing that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Section 6.092.

[Ord. 5746, 9/29/10]

~~6.093~~ 6.097 Floodplain Development Permit Required. A Floodplain Development Permit is required prior to initiating floodplain development activities, as defined in Section 6.075, in the Special Flood Hazard Area. This Article cannot anticipate all development activities that may be located within the Special Flood Hazard Area. The floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and thereafter pursued to completion.

[Ord. 5746, 9/29/10]

All development activities ~~that~~ require a Floodplain Development Permit and shall be processed in accordance with ADC Section 1.100, Land Use Application Procedures. When ambiguity exists concerning the appropriate classification of a particular activity, the use may be reviewed as a conditional use when the Floodplain Administrator determines that the proposed activity is consistent with other activities allowable within the subject district due to similar characteristics and impacts. When a development proposal involves a combination of activities, the more restrictive provisions of this Code shall apply.

[Ord. 5746, 9/29/10; Ord. 5947, 1/01/21]

A. The following activities will be processed through a Type I procedure as established in ADC Section 1.210: [Ord. 5947, 1/01/21]

- (1) The construction or placement of any structure 200 square feet or more.
- (2) Any substantial improvement to an existing structure as defined in this code.

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- (3) Placement of a recreational vehicle more than 180 consecutive days, as described in 6.124(2)-(3).
- (4) Solid fences and walls that require a permit as listed in Section 6.125.
- (5) Any site improvement for development in the floodplain pursuant to Section 6.110 ~~that is not exempt under Section 6.094 and~~ that does not already require a permit elsewhere in this Section of the Code. [Ord. 5875, 10/28/16]

B. The following activities will be processed through a Type I-L procedure as established in ADC 1.220: [Ord. 5947, 1/01/21]

- (1) Any development in the floodway allowed by Sections 6.100-6.101.
- (2) Grading, excavation, fill, and paving pursuant to Section 6.111 that cumulatively impacts more than 50 cubic yards of the native elevation and contours of the site or that otherwise requires a permit per this Article, and any associated retaining walls.
- (3) Mining and drilling operations that result in sledge, slag, or other materials remaining in the Special Flood Hazard Area will be considered fill for the purposes of this Article and will be reviewed through the applicable criteria in Section 6.111.
- (4) Additions or expansions of Continuous Storage Operations pursuant to Section 6.112.
- (5) New Continuous Storage Operations pursuant to Section 6.112.
- (6) Land Divisions of 19 lots or less pursuant to Section 6.110. [Ord. 5767, 12/7/11; Ord. 5875, 10/28/16]

C. The following activities will be processed through a Type II procedure as established in ADC 1.230: [Ord. 5947, 1/01/21]

- (1) Any alteration of a watercourse, pursuant to 6.101 and the applicable criteria in Section 6.111.

D. The following will be processed through a Type III procedure as established in ADC 1.240: [Ord. 5947, 1/01/21]

- (1) Land Divisions of 20 or more lots, Cluster Developments and Planned Developments pursuant to Section 6.110. [Ord. 5875, 10/28/16]
- (2) Manufactured home parks pursuant to Section 6.110 will be reviewed through the Manufactured Home Park application process.

~~6.094~~ 6.098 Floodplain Development Permit Exemptions. The following development activities in the flood fringe require application for a Floodplain Development Permit but may be deemed exempt from floodplain development regulations upon submission of the application form and appropriate supporting documentation. These exemptions do not apply to development in the floodway. ~~do not require a Floodplain Development Permit. These exemptions do not apply to development in the floodway.~~ (Note: Federal and State laws and regulations, including Oregon Drainage Law, may still apply to exempted development activities.) [Ord. 5746, 9/29/10]

- ~~(1) Structures less than 200 square feet that meet the provisions of 6.122.~~
- (2) Grading, excavation, fill or paving less than 50 cubic yards (cumulative).
- (3) Retaining walls not associated with a grading, fill, excavation, and paving review.
- (4) Open barbless wire, pipe, rail, chain link, or wood fences that meet the design guidelines in Section 6.125 of this Article.
- (5) Agricultural activities, not including structures.
- (6) Short-term storage of equipment or materials that in time of flooding could either be removed from the area, or would not cause harm to property, humans, animals or the environment by becoming buoyant or hazardous.

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- (7) Signs, markers, aids, etc., placed by a public agency to serve the public.
- ~~(8) Minor repairs or improvements to existing structures provided that the alterations do not increase the size or intensity of use, and do not constitute repair of substantial damage, or substantial improvement as defined in this Article.~~
- (9) Customary dredging to maintain existing channel capacity consistent with State or Federal laws and permits.
- (10) Replacement of utility facilities that are necessary to serve established and permitted uses, and that are of equal or lesser size and impact.
- (11) Subsurface public utility projects that will not ultimately result in modification to existing topography.
- (12) Transportation facility rehabilitation and maintenance projects that will not result in modifications to existing topography.

~~6.095~~ 6.099 General Information Requirements. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and shall include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required: In addition to the information required in other sections of this code, the application for any development proposed in the Special Flood Hazard Area (100-year floodplain) must include the following information:

- (1) Elevations of the original contours.
- (2) Final elevations of proposed fills and excavations.
- (3) Base flood (100-year flood) elevations of the site based on North American Vertical Datum (NAVD) 1988.
- (4) Location of any designated floodway and base flood boundary. If no floodway is designated, estimate the location of the floodway boundary per Section 6.100
- (5) Location of any designated wetlands and/or wildlife habitat (if applicable).
- (6) In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attending utilities of all new and substantially improved structures; in accordance with the requirements of Section 6.091. ~~Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures (if applicable).~~
- (7) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development (if applicable).
- (8) If floodproofing is required, the proposed description and elevation of floodproofing.
- (9) Elevation certificate. The base flood elevation shall be determined based on the applicable flood insurance study and flood profile. A copy of the flood profile with the base flood elevation identified on the flood profile shall be included with the elevation certificate as evidence for determining the base flood elevation. [Ord. 5875, 10/28/16]
- (10) Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in Section 6.118(2).
- (11) Base Flood Elevation data for subdivision proposals or other development when required per Section 6.091 and 6.110.
- (12) Substantial improvement calculation for any improvement, addition, reconstruction, renovation or rehabilitation of an existing structure.
- (13) The amount and location of any fill or excavation activities proposed.

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6.096 ~~Flood Insurance Rate Map (FIRM) Revisions. Requirements to Submit New Technical Data:~~ [Ord. 5746, 9/29/10]

- ~~(c) It is the responsibility of the applicant to have technical data prepared in a format required for a CLOMR or LOMR and to submit such data to FEMA on the appropriate application forms. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.~~
- ~~(d) Applicants shall be responsible for all costs associated with obtaining a CLOMR or LOMR from FEMA.~~
- ~~(e) The City of Albany shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, without evaluation and concurrence with the information presented.~~
- ~~(f) Within six months of project completion, an applicant who obtains an approved CLOMR from FEMA or whose development modifies floodplain boundaries or Base Flood Elevations shall obtain from FEMA a LOMR reflecting the as-built changes to the FIRM.~~

PROVISIONS FOR FLOOD HAZARD REDUCTION

Staff Comments:

6.100(1) Floodway Restriction

- Clarification that all structures, as defined in Section 6.075, are prohibited in the floodway.

6.100 Floodway Restrictions. No development is allowed in any floodway except when the review body finds that the development will not result in any increase in flood levels during the occurrence of the 100-year flood. The finding shall be based upon applicant-supplied evidence prepared in accordance with standard engineering methodology approved by FEMA and certified by a registered professional engineer and upon documentation that one of the following criteria has been met: [Ord. 5875, 10/28/16]

- (1) The development does not involve the construction of permanent ~~or habitable~~ structures as defined in Section 6.075. ~~(including fences).~~ [Ord. 5746, 9/29/10]
- (2) The development is a public or private park or recreational use or municipal utility use.
- (3) The development is a water-dependent structure such as a dock, pier, bridge, or floating marina.

For temporary storage of materials or equipment:

- (4) The temporary storage or processing of materials will not become buoyant, flammable, hazardous explosive or otherwise potentially injurious to human, animal or plant life in times of flooding. [Ord. 5746, 9/29/10]
- (5) The temporary storage of material or equipment are not subject to major damage by floods and is firmly anchored to prevent flotation or is readily removable from the area within the time available after flood warning. [Ord. 5746, 9/29/10]

If the requirements above are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Section 6.118.

If a floodway boundary is not designated on an official FEMA map available to the City, the floodway boundary can be estimated from available data and new studies. No new construction, substantial improvement, or development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. ~~Proposed development along the estimated floodway boundary shall not result in an increase of the base flood level greater than one foot as certified by a registered professional engineer.~~

6.101 Alteration of a Watercourse. A watercourse is considered altered when any changes occur within its banks,

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including installation of new culverts and bridges, or size modifications to existing culverts and bridges.

[Ord. 5746, 9/29/10]

- (1) No development shall diminish the flood-carrying capacity of a watercourse.
- (2) Subject to the foregoing regulation, no person shall alter or relocate a watercourse without necessary approval from the Floodplain Administrator. [Ord. 5746, 9/29/10]
- (3) Prior to approval, the applicant shall provide a 30-day written notice to the City, any adjacent community, the Natural Hazards Program of the Oregon Department of Land Conservation and Development, and the DSL. [Ord. 5746, 9/29/10]
- (4) The applicant shall be responsible for ensuring necessary maintenance of the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. [Ord. 5746, 9/29/10]
- (5) All alterations of a watercourse, with the exception of the installation of new culverts, bridges, or size modifications to existing culverts and bridges, must meet the requirements of Section 6.092.

6.107 Use of Other Base Flood Elevation Data. When Base Flood Elevation data has not been provided in accordance with Section 6.080 the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer Sections 6.100 through 6.125. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of Section 6.110.

Base Flood Elevations shall be determined for development proposals that are 4 acres or more in size or are 4 lots or more, or 4 units or more; whichever is lesser in any unnumbered A zone that does not have an established based flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding. When no Base Flood Elevation data is available, the elevation requirement for development proposals within a riverine unnumbered A Zone is a minimum of two (2) feet above the highest adjacent grade, to be reasonably safe from flooding. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

~~6.109~~ 6.108 Residential Development Standards. Applications proposing new residential dwelling units or the creation of residential lots or parcels on property with Special Flood Hazard Area (100-year floodplain) on it must comply with either the clear and objective standard in subsection (1) or the discretionary standard in subsection (2), below.

- (1) Clear and objective standard. No new dwelling units or new residential lots or parcels are allowed within the floodplain. An application to develop property that has floodplain on it, but where no development is proposed within the boundaries of that floodplain will be processed as otherwise required in this Code. In case of land divisions, “no development” means the floodplain area has been excluded from the land division. This can be done by setting the property aside for some other purpose than later development (for example, as a public drainage right-of-way).
- (2) Alternative review. Residential development is allowed within the floodplain subject to the provisions of this Floodplain overlay district and the standards in Sections 6.100 through 6.125.

[Ord. 5947, 1/01/21]

6.109 Structures located in multiple or partial flood zones. In coordination with the State of Oregon Specialty Codes:

- (1) When a structure is located in multiple flood zones on the community’s Flood Insurance Rate Map (FIRM), the provisions for the more restrictive flood zone shall apply.
- (2) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

6.110 Site Improvement, Land Division and Manufactured Home Park Standards. Site improvements, land divisions, and manufactured home parks in the Special Flood Hazard Area (100-year floodplain) shall be reviewed by the

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Planning Division as a part of the land use review process. An application to develop property that has floodplain on it, but where no development is proposed in that floodplain will be processed as otherwise required in this Code. In the case of a land division, “no actual development” means the floodplain area has been excluded from the land division. This can be done by setting the property aside for some other purpose than later development (for example, as a public drainage right-of-way).

[Ord. 5746, 9/29/10]

All new subdivision proposals, and other proposed new development (including proposals for manufactured dwelling parks and subdivisions), greater than four lots or four acres, whichever is the lesser, shall include Base Flood Elevation data.

In addition to the general review criteria for site improvements, land divisions and manufactured home parks, applications that propose actual development within the Special Flood Hazard Area shall also be subject to the following standards: [Ord. 5338, 1/28/98; Ord. 5746, 9/29/10]

- (1) All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.
- (2) All new development and land division proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.
- (4) All development proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (5) Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Article.
- (6) Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.
- (7) All development proposals shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. When elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: “Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City.” [Ord. 5338, 1/28/98]
- (8) In addition to the general review criteria applicable to manufactured home parks in Article 10, applications that propose actual development within a Special Flood Hazard Area shall include an evacuation plan indicating alternate vehicular access and escape routes.

Staff Comments:

6.111(2) Grading, Fill, Excavation, and Paving.

- Provided updated language to align with updated stormwater requirements in the Albany Municipal Code.

6.111 Grading, Fill, Excavation, and Paving. 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; Ord. 5929, 7/26/19]

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- (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 to prevent and control nonpoint source pollution, land surface erosion, sedimentation, and stream channel erosion have been made that are consistent with the Public Works Engineering standards, or as otherwise approved by the City Engineer.
- (3) 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.
- (4) ~~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.~~
- (5) 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).
- (6) 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.
- (7) Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Building Official or designee.

6.112 Continuous Storage Operations. The regulation of storage in the flood fringe focuses on long-term storage activities associated with continuous operations as defined in this Article. [Ord. 5746, 9/29/10]

A continuous storage operation is allowed if it can be shown that:

- (1) The materials or equipment will not be flammable, hazardous, explosive or otherwise potentially injurious to human, animal, or plant life in times of flooding; and
- (2) The materials or equipment are not subject to major damage by flood and are firmly anchored to prevent flotation or are readily removable from the area within the time available after flood warning.

6.113 Critical Facility Standards. Construction of new critical facilities, and additions to critical facilities built after September 29, 2010, shall be, to the maximum extent feasible, located outside the limits of the Special Flood Hazard Area (100-year floodplain). [Ord. 5746, 9/29/10]

Construction of new critical facilities shall be permissible within the Special Flood Hazard Area if no feasible alternative site is available. Critical facilities constructed within the Special Flood Hazard Area shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that hazardous materials will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. [Ord. 5746, 9/29/10]

6.114 Standards for Shallow Flooding Areas. Shallow flooding areas appear on FIRMs as AO Zones with depth designations or as AH Zones with Base Flood Elevations. For AO Zones the base flood depths range from one (1) to three (3) feet above the ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow.

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For both AO and AH Zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

- (1) Standards for AH Zones. Development with AH Zones must comply with the standards found in Sections 6.100 through 6.125
- (2) Standard for AO Zones. The following provisions apply in addition to the requirements in Section 6.100 through 6.125:
 - (a) New construction, conversion to, and substantial improvements of residential structures and manufactured dwellings within AO Zones shall have the lowest floor, including basement, elevated one foot above the highest grade adjacent to the building, at a minimum to or above the depth number specified on the Flood Insurance Rate Map (FIRM) (at least two feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
 - (b) New construction, conversion to, and substantial improvements of non-residential structures within AO Zones shall either:
 - (i) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above one foot above the depth number specified on the Flood Insurance Rate Map (FIRM) (at least of two feet if no depth number above the highest adjacent grade if no depth number is specified); or
 - (ii) Together with attendant utility and sanitary facilities, be completely floodproofed to or above one foot above the depth number specified on the FIRM, or a minimum of two feet above the highest adjacent grade if no depth number is specified, so that any space below that level is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in Section 6.118(2).
 - (c) Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:
 - (i) Be on the site for fewer than 180 consecutive days, and
 - (ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (iii) Meet the elevation requirements of Section 6.114(2)(a), and the anchoring and other requirements for manufactured dwellings of Section 6.123.
 - (d) In AO Zones, new and substantially improved accessory structures must comply with the standards in Section 6.121.
 - (e) In AO zones, enclosed areas beneath elevated structures must comply with the requirements in Section 6.115.

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6.115 Flood Openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawlspaces shall:

- (1) Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- (2) Be used solely for parking, storage, or building access;
- (3) Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - (a) A minimum of two openings,
 - (b) The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
 - (c) The bottom of all openings shall be no higher than one-foot above grade.
 - (d) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
 - (e) All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

6.116 Below-Grade Crawlspaces: The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated in Section 6.115. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed and approved by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

- (1) The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.
- (2) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above the BFE.
- (3) Any building utility systems within the crawlspace must be elevated above to one foot above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed one foot above the BFE or sealed from floodwaters.
- (4) The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.
- (5) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitation is the maximum allowed unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- (6) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

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(7) The velocity of floodwaters at the site shall not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types are required be used.

6.1206.117

Building Standards. Applications for building permits within the Special Flood Hazard Area, as established in Section 6.080, shall be reviewed by the Building Official pursuant to locally adopted state building codes. In addition to building code criteria, all development in the Special Flood Hazard Area, ~~except that exempted in Section 6.094,~~ is subject to the following building standards:

[Ord. 5746, 9/29/10]

- (1) Property owners or developers shall file with the City ~~three~~ two elevation certificates in a format that is acceptable to FEMA. These certificates must be approved by the Building Official, prepared by a registered surveyor or professional engineer, architect or surveyor, and maintained for public inspection.
 - (a) A Pre-Construction Elevation Certificate shall be submitted and approved prior to setback and foundation inspection approval.
 - (b) A “Building Under Construction” Elevation Certificate shall be submitted and approved after the foundation is in place, but prior to further vertical construction. This allows the floodplain administrator the chance to review the lowest floor elevation and require any corrections before construction is finished.
 - (c) A Post-Construction Elevation Certificate shall be submitted and approved prior to final inspection approval for all building permits when the Pre-Construction Elevation Certificate shows the building site to be within a Special Flood Hazard Area and lowest adjacent grade to be at or below the base flood elevation (BFE). The Post-Construction certificate must contain: 1) the actual elevation (in relation to mean sea level) of the lowest floor including basement of all new or substantially improved structures; 2) the elevation of any flood proofing; and 3) whether or not the structure contains a basement.
- (2) New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above one foot above the Base Flood Elevation for the 100-year flood as determined by the effective Flood Insurance Study. ~~The lowest floor, including basement, of any proposed structure (including residential and non-residential structures) shall be placed at least one (1) foot above the 100-year flood as determined by the latest Flood Insurance Study.~~
- (3) Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section 6.115.
- (4) When elevation data is not available either through the Flood Insurance Study, FIRM, or from other sources of floodplain and floodway data as described in Section 6.080, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., when available. When no base flood elevation data is available, the elevation requirement for development proposals within a riverine unnumbered A zone is a minimum of two (2) feet above the highest adjacent grade, to be reasonably safe from flooding.
- (5) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (6) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (7) Electrical, heating, ventilation, plumbing, duct systems, and other ~~and air conditioning~~ equipment and ~~other~~ service facilities shall be ~~designed and/or otherwise~~ designed and/or otherwise elevated to one foot above the base flood elevation or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. ~~In addition, electrical, heating, ventilation, air-conditioning,~~

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plumbing, duct systems, and other equipment and service facilities shall meet all the requirements of this section if replaced as part of a substantial improvement. or located so as to prevent water from entering or accumulating within the components during a flood.

- (8) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be installed or constructed using materials, methods, and practices that minimize flood damage.
- (9) All manufactured dwellings shall be anchored per Section 6.123.
- (10) All new and replacement ~~public~~ water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (11) All new and replacement ~~public~~ sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood water. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with Oregon Department of Environmental Quality requirements.
- (12) If floodproofing methods are required as per Section 6.118(2) ~~6.121(2)~~, the property owners or developers shall file with the City a certification by a registered professional engineer or architect that the floodproofing methods meet or exceed FEMA standards. The City will maintain the certification available for public inspection. [Ord. 5146, 9/14/94; Ord. 5281, 3/26/97]
- (13) Underground tanks shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood. Above-ground tanks shall be installed at or above one foot above the base flood elevation or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.
- (14) In coordination with the State of Oregon Specialty Codes:
 - i. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
 - ii. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

~~6.121~~ 6.118

Flood Hazard Reduction Standards for Structures. All applicable flood hazard reduction measures are required and must be certified as required in Section 6.117(1) and (14) ~~6.120 (1) and (10)~~ above to at least meet the following standards ~~(these standards do not apply to structures exempted in Section 6.122):~~

[Ord. 5746, 9/29/10]

- (1) In all structures that will not be floodproofed, as described in 6.118(2) ~~6.121(2)~~, fully enclosed areas below the lowest floor (crawlspaces, parking areas or building access) and lower than one foot above the 100-year flood level must meet or exceed the following criteria:
 - ~~(a) Provide flood openings per Section 6.115. At least two openings, having a total net area of not less than one square inch for every square foot of enclosed area, subject to flooding, shall be provided.~~
 - ~~(b) The bottom of all openings shall be no higher than one foot above grade.~~
 - ~~(c) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.~~
 - (a) The interior grade below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
 - (b) The height of the below-grade area, measured from the interior grade to the top of the foundation wall must not exceed four (4) feet at any point.

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- (c) There must be an adequate drainage system that removes floodwaters from the interior area. The enclosed area should be drained within a reasonable time after a flood event.
 - (d) It will be used solely for parking vehicles, limited storage, or access to the building and will never be used for human habitation.
 - (e) The property owner of the building shall sign and record on the title to the property a non-conversion agreement, guaranteeing not to improve, finish, or otherwise convert the enclosed area below the lowest floor and lower than one-foot above the 100-year flood level and granting the City the right to inspect the enclosed area.
- (2) Nonresidential new construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure ~~construction~~ meeting the certification requirements of Section 6.117 (1) and (14) ~~6.120 (1) and (10)~~ can have the lowest floor and attendant utility and sanitary facilities located lower than one foot above the 100-year flood elevation if all of the following is met:
- (a) The structure is floodproofed so that areas lower than one foot above the 100-year flood level are watertight with walls substantially impermeable to the passage of water.
 - (b) The structure has structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (c) ~~The applicant is notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level.~~ Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. building floodproofed to the base flood level will be rated as one foot below.
 - (d) The applicant files a certification by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. The certification shall be provided to the Floodplain Administrator ~~Building Official~~ as set forth in Section 6.117(1) ~~6.120(1)~~. [Ord. 5146, 9/14/94; Ord. 5281, 3/26/97]
 - (e) Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in Section 6.115.
 - (f) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. building floodproofed to the base flood level will be rated as one foot below.
 - (g) Applicant supply a Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
 - (h) Applicant supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP. [Ord. 5875, 10/28/16]

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~~6.122~~6.121 Accessory Buildings. Accessory structures in Special Flood Hazard Areas (100-year floodplain) that represent a minimal investment are exempt from the standards of ~~ADC Section 6.117 and 6.118~~ 6.120 and 6.121. The following standards and all other regulations that apply to development in floodplain areas apply to those buildings. The definition of “minimal investment” for the purposes of this section is a building that costs less than \$10,000 in labor and materials to construct. The value of a proposed building will be the value stated on the application for building permits.

- (1) Accessory structures shall not be used for human habitation, and must only be used for parking, access, and/or storage.
- (2) Accessory structures shall be designed to have low flood damage potential.
- (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (4) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement of the structure from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood that may result in damage to other structures.
- (5) Service facilities such as electrical, mechanical, and other service facilities ~~heating equipment~~ shall be elevated and/or floodproofed to at least one foot above the Base Flood Elevation.
- ~~(6) Accessory structures are limited to one-story structures less than 600 square feet.~~
- ~~(7) The portions of accessory structures located below the Base Flood Elevation must be built using flood resistant materials.~~
- ~~(8) Accessory structures must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 6.115.~~
- ~~(9) Accessory structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section 6.117.~~
- ~~(8) Accessory structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in Section 6.100.~~

[Ord. 5281, 3/26/97]

~~6.122~~ Garages. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones if the following requirements are met:

- ~~(1) If located within a floodway the proposed garage must comply with the requirements of Section 6.100.~~
- ~~(2) The floor is at or above grade on at least one side;~~
- ~~(3) The garage is used solely for parking, building access, and/or storage~~
- ~~(4) The garage is constructed with flood openings in compliance with Section 6.115 to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters.~~
- ~~(5) The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;~~
- ~~(6) The garage is constructed in compliance with the standards of Sections 6.117 and 6.118; and~~
- ~~(7) The garage is constructed with electrical and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood, or be elevated to at least one foot above the Base Flood Elevation.~~

Detached garages must be constructed in compliance with the standards for accessory structures in Section 6.121 or non-residential structures in Section 6.118(2) depending on the square footage of the garage.

6.123 Manufactured Homes Dwellings. ~~New and replacement manufactured dwellings fall within the scope of the Building Codes. All new manufactured dwellings and replacement manufactured dwellings shall be installed using methods and practices that minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.~~ Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with Section 6.115.

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The bottom of the longitudinal chassis frame beam shall be at or elevated one foot above the Base Flood Elevation.

Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques); and

Electrical crossover connections shall be a minimum of one foot above Base Flood Elevation (BFE).

[Ord. 5338, 1/28/98; Ord. 5746, 9/29/10]

6.124 Recreational Vehicles. Recreational vehicles placed on sites within the Special Flood Hazard Area (all A Zones and floodway) ~~flood fringe~~ are required to either:

[Ord. 5746, 9/29/10]

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (3) Meet the requirements of Section 6.123, including the anchoring and elevation requirements ~~of Section 6.123~~ for manufactured ~~dwellings~~ homes.

6.125 Flood Fringe Fencing and Wall Standards. Certain types of fences and garden walls may be allowed in the flood fringe of the Special Flood Hazard Area (100-year floodplain). All fences and garden walls constructed within the flood fringe must not obstruct the entry and exit of floodwater, through their design and construction. All fences and walls ~~are prohibited~~ in the floodway must comply with the requirements of Section 6.100. [Ord. 5746, 9/29/10]

Table 6.125-1 below is provided to assist in selecting appropriate fencing in the flood fringe. All fences and walls also must meet the standards in other sections of the Code.

[Ord. 5746, 9/29/10; Ord. 5947, 1/01/21]

TABLE 6.125-1. Fence type selection for flood fringe areas.

Fence Type	<u>Allowed in</u> Flood Fringe Areas
Open barbless wire; Open pipe or rail; Other wire, pipe or rail (e.g. field fence, chicken wire, etc.); Chain link (1)	No permit required <u>Yes</u>
Wood fences (2)	No permit required <u>Yes</u>
Solid fences and freestanding walls, such as masonry (3)	Permit required, must have openings at and below BFE
Other fences (4)	Permit required, must have openings at and below BFE

[Ord. 5947, 1/01/21]

- (1) Acceptable materials and installation methods that allow for the entry and exit of floodwater.
- (2) Wood fence boards should be spaced to allow for the entry and exit of floodwater.
- (3) Solid fences and freestanding walls must include a flap or opening in the areas at or below the Base Flood Elevation at least once every three fence panels or 24 feet, whichever is less. Fences less than 24 feet in length shall have at least one flap or opening in the areas at or below the Base Flood elevation. The minimum dimensions of the flap or opening shall not be less than 12"x12" or 8"x18". Openings shall not include any screening of any type or size. If flaps are used, they may be secured to allow closure

Proposed additions to the Albany Development Code are shown in red underline and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context.

during normal use, but must be capable of self-release and opening to full dimensions when under pressure of no greater than 30 pounds per sq. ft. These standards do not apply to retaining walls which shall meet the same standards as other building, paving, and grading activities.

Solid fences and walls constructed within Zone A, where the base flood elevation has not been determined, can use other sources of floodplain and floodway data to determine base flood elevations and boundaries as described in Section 6.080, or the openings can be placed within one foot of the finished grade along the fence alignment.

- (4) Other fence materials and construction that would restrict the flow of floodwaters will require a permit so they can be reviewed and adapted to meet the intent of this section of the Code.



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Staff Report

Article 6 Floodplain Development Code Amendments

Planning File: DC-02-24

May 6, 2024

HEARING BODIES:	Planning Commission	City Council
HEARING DATES:	Monday, May 13, 2024	Wednesday, June 12, 2024
HEARING TIMES:	5:15 p.m.	6:00 p.m.
HEARING LOCATION:	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	
VIRTUAL OPTIONS:	Instructions to attend the hearings and provide comments will be provided on the applicable agenda.	
STAFF REPORT PREPARED BY:	Jennifer Cepello, Planner III	

Application Information

Proposal: The proposed legislative amendments would amend Article 6 of the Albany Development Code to become compliant with the State’s minimum regulations.

Applicant: Albany Community Development Department, 333 Broadalbin Street SW, Albany, OR 97321

Location: Legislative amendments; not site specific

Overview

The Oregon Model Flood Hazard Ordinance was developed in cooperation with FEMA to help communities achieve compliance with the minimum NFIP and state standards for floodplain management. FEMA approved the model ordinance in August of 2019 with updates approved in October 2020. In 2019 the City of Albany participated in a Community Assistance Visit (CAV) with Oregon Department of Land Conservation and Development’s NFIP coordinator in which it was determined that Albany’s Floodplain Ordinance was no longer compliant with the State’s minimum requirements. The proposed amendments will align the City’s Floodplain ordinance with Oregon’s Model Flood Hazard Ordinance.

Summary of Proposed Changes

The City of Albany is proposing to amend its floodplain ordinance to comply with FEMA approved Oregon Model Flood Hazard Ordinance.

The specific proposed amendments are attached as Exhibits and areas of amendments are listed below. In the exhibits, proposed new text is shown in red underline print and proposed deleted text is ~~in black strike out font~~.

Commentary boxes in the attached exhibits provide context for the proposed amendments. Should the proposed amendments be approved, the text boxes with the explanations will be removed and the approved amendments made part of the ADC.



Exhibit A: Albany Development Code

- Article 6, Natural Resource Districts: Floodplain

Notice Information

Public notice was issued in accordance with legislative amendment requirements in the ADC Section 1.260. Specifically,

- Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on March 25, 2023, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and the ADC.
- Notice of the proposed amendments was emailed on April 29, 2024, to Linn County, Benton County, and Cascades West Council of Governments.
- Notice of the public hearings was published in the *Albany Democrat-Herald* on April 27, 2024, two weeks before the first public hearing on May 13, 2024.

As of the date of this report, the Community Development Department has not received any written testimony.

Analysis of Development Code Criteria

The ADC includes the following review criteria in Section 2.290, which must be met for these legislative amendments to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

Development Code Amendments Review Criteria (ADC 2.290)

Criterion 1: The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing language.

Findings of Fact

- 1.1 The applicable Albany Comprehensive Plan and Statewide Planning goals and policies are provided below in **bold** print and are followed by findings of fact and conclusions.

Goal 1, Citizen Involvement: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

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

Applicable Policies:

2. **When making land use and other planning decisions:**
 - a. **Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.**
 - b. **Utilize all criteria relevant to the issue.**
 - c. **Ensure the long-range interests of the general public are considered.**
 - d. **Give particular attention to input provided by the public.**
 - e. **Where opposing viewpoints are expressed, attempt to reach consensus where possible.**
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 Public notice and hearings were held in accordance with Oregon Administrative Rules (OAR) and ADC 1.260. Public involvement for the amendments in planning file DC-02-24, included public notice as required in the OAR and in ADC Section 1.260. Specifically, notice was sent to the Department of Land Conservation and Development on March 25, 2024; notice of public hearings was mailed April 29, 2024, to Benton County and

Linn County, and notice was published in the Albany Democrat Herald on April 27, 2027. Two public hearings are scheduled – May 13, 2024 (planning commission), and June 12, 2024 (city council).

- 1.3 Information was made available to the public regarding the proposed development code amendments to enable public participation in the planning process by posting the staff report on the City's website on May 6, 2024, at least seven days before the first public hearing.

Statewide Planning Goal 2, Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual bases for such decisions.

Goal 3: Incorporates the most recent and reliable information.

Goal 4: Remains consistent with state laws and administrative rules.

- 1.4 The Albany Development Code serves as the principal vehicle for implementing the Comprehensive Plan.
- 1.5 The Oregon Model Flood Hazard Ordinance was developed in cooperation with FEMA to help communities achieve compliance with the minimum NFIP and state standards for floodplain management. FEMA approved the model ordinance in August of 2019 with additional updates approved in October 2020.
- 1.6 The proposed amendments to Section 6 of Albany Development Code (ADC) will align existing floodplain ordinance with the Oregon Model Flood Hazard Ordinance.
- 1.7 The proposed amendments are based upon the most recent Department of Land Conservation and Development's Oregon Model Flood Hazard Ordinance and are intended to ensure consistency with state and federal laws.

Goal 7, Flood Hazards & Hillside: Protect life and property from natural disasters and hazards.

Policy 1: Continue to participate in the National Flood Insurance Program and comply with applicable standards.

Policy 2: Review any development that could potentially affect the floodway or increase the area subject to Special Flood Hazard Area (100-year floodplain), unless otherwise exempted.

Policy 3: Restrict new development (including fencing, grading, fill, excavation, and paving) from locating within floodways that would result in an increase in base-year flood levels. If it can be determined that there will be no increase in base-year flood levels, then the following uses may be considered;

- a. Public and private parks and recreational uses.
- b. Other uses, which would not involve the construction of permanent or habitable structures.
- c. Water-dependent structures such as docks, piers, bridges, and floating marinas.

Policy 4: Concurrent with new development, and when appropriate, secure dedications and easements adequate for channel maintenance and conveyance of storm water along natural drainageways and where identified on adopted master plans, secure easements for public open space, and future recreation use along all floodways and natural permanent drainageways.

Policy 5: Recognize that development within areas subject to flooding is subject to regulations to protect life and property and that certain types of development may not be allowed.

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. Development proposals in areas subject to flooding may be reviewed according to the following criteria:

- a. Proposed development activities shall not change the flow of surface water during flooding so as to endanger property in the area. Special engineering reports on the changes in water flow and potential damage which may be caused as a result of proposed activities may be required. If necessary, local

drainage shall be improved to control increased runoff that might increase the danger of flooding to other property.

- b. Impacts on significant fish and wildlife habitat have been considered and appropriate protection measures included in project design.
- c. Problems of ponding, poor drainage, high water table, soil instability, or exposure to other flood hazards have been identified and mitigated. Evaluations and mitigating measures shall be based on a base year flood and wet seasons characteristics.
- d. If adjacent to a designated floodway, the development shall be designed to use the natural amenities of the floodway including open space, scenic views, and vegetation in accordance with an approved site plan.

Policy 9: Ensure that any filing or construction within the floodplain meets the following criteria:

- a. Require that a floodplain development permit is issued prior to any grading, fill, excavation, or paving activity, unless otherwise exempted, and that all grading, fill, excavation, or paving is engineered and compacted to applicable standards. Grading, fill, excavation, or paving areas for dwellings shall have engineering certification that loading rates are adequate for dwellings.
- b. The lowest finished floor elevation shall be built at least one (1) foot above the base-year flood level. Special engineering reports or structural work may be required.
- c. Require property owners or developers to file an elevation certification approved by the local community permit official, registered professional engineer, architect, or surveyor indicating elevation of the surrounding grade or lowest habitable floor (including basement) of all new residential structures. This information shall be maintained to indicate compliance with Federal Emergency Management Agency (FEMA) regulations.

Policy 10: For construction, remodeling, or major repairs to structures (including prefabricated and mobile homes) within the floodplain, review building permits to ensure that:

- a. Building location and grading are designed to protect the structure during the base year flood;
- b. Construction materials and utility equipment are resistant to flood damage.
- c. Construction methods and practices will minimize flood damage.
- d. Where appropriate, structures are designed or modified to prevent flotation, collapse, or lateral movement of the structure.

Policy 11: Development approval within the flood fringe shall be reviewed to protect property and public safety and significant natural values.

- 1.8 In 2019 the City of Albany participated in a Community Assistance Visit (CAV) with DLCD to ensure compliance with the State's and the NFIP floodplain requirements. It was through this process that it was found that the ADC was out of compliance with the most recent floodplain requirements.
- 1.9 The proposed amendments will update the existing floodplain regulations in Article 6 to meet the standards set by the State of Oregon and the NFIP, by aligning the ADC with the Oregon Model Floodplain Ordinance.
- 1.10 In general, the proposed amendments to the development code are intended to improve the land use process rather than significantly change the outcomes. The proposed amendments are intended to ensure consistency with state law by providing the most recent and reliable information.

Conclusions: Development Code Amendments Criterion 1

- 1.1 The proposed ADC amendments are consistent with the applicable Comprehensive Plan goals and policies in the Comprehensive Plan related to citizen involvement, land use planning, flood hazards, and urbanization.

- 1.2 The proposed text amendment will update the ADC's floodplain ordinance to be consistent with Federal Emergency Management Agency's (FEMA) minimum NFIP and State floodplain requirements.
- 1.3 This review criterion is met.

Criterion 2: The proposed amendments are consistent with Development Code policies on purpose and with the purpose statements for the base zone, special purpose districts, or development regulation where the amendment is proposed.

Findings of Fact

- 2.1 ADC amendments must be consistent with the policies and purpose statements for the affected base zones or development regulations where the amendments are proposed.
- 2.2 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.*
- 2.3 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 minimize the economic loss and social disruption caused by impending flood events."*
- 2.4 The proposed text amendments will bring the City of Albany's floodplain ordinance into alignment with the Oregon Model Floodplain Ordinance and the NFIP standards and requirements.
- 2.5 The following amendments are proposed for the floodplain ordinance to comply with the Oregon Model Floodplain Ordinance:
Addition of:
- Statutory Authority
 - Methods of Reducing Flood Losses
 - New definitions
 - Coordination with State of Oregon Specialty Codes
 - Compliance
 - Penalties for Noncompliance
 - Severability
 - Interpretation
 - Variance Procedure
 - Tanks
 - Uses of Other Base Flood Data
 - Structures Located in Multiple or Partial Flood Zones
 - Flood Openings
 - Garages
 - Before Regulatory Floodway
 - Standards for Shallow Flooding Areas
 - Standards for AH Zones

- Standards for AO Zones

Updates of:

- Statement of Purpose
- Basis of Establishing the Special Flood Hazard Areas
- Designation of the Floodplain Administrator
- Duties and Responsibilities of the Floodplain Administrator
- Permit Review
- Information to be Obtained and Maintained
- Community Boundary Alterations
- Watercourse Alterations
- Requirement to Submit New Technical Data
- Substantial Improvement and Substantial Damage Assessments and Determinations
- Floodplain Development Permit Required
- Application for Development Permit
- Anchoring
- Electrical, Mechanical, Plumbing, and Other Equipment
- Land Divisions/Subdivisions
- Residential Construction
- Non-Residential Construction
- Manufactured Dwellings
- Accessory Structures

- 2.4 The proposed amendments are consistent with the FEMA's minimum NFIP and State floodplain requirements.
- 2.5 The proposed amendments comply with state law and are consistent with the Plan. Thus, they are consistent with the provisions of ADC 1.050 – Consistency with Plan and Laws.
- 2.6 Amendments to the ADC are needed to comply with state floodplain regulations and align with the Oregon Model Floodplain Ordinance.

Conclusions: Development Code Amendment Criterion 2

- 2-1 The proposed Development Code amendments are consistent with applicable purpose statements, special purpose districts, or development regulations where amendments are proposed in Article 6.
- 2-2 Based on the above analysis, this criterion is satisfied.

Overall Conclusions

Based on the analysis in this report, the proposed Development Code amendments meet the applicable review criteria as outlined in this report.

The Planning Commission has two options with respect to the proposed Development Code amendments:

Option 1: Recommend that the City Council approve the amendment requests as presented; or

Option 2: Recommend the City Council approve the proposed amendments as modified by the Planning Commission.

Staff Recommendation

Based on the staff recommendation, the following motion is suggested:

I move that the Planning Commission recommend that the City Council approve the proposed Albany Development Code amendments detailed in planning file DC-02-24.

This motion is based on the findings and conclusions in the May 6, 2024, staff report, and the findings in support of the application made by the Planning Commission during deliberations on this matter.

Attachments

Exhibit A: Albany Development Code Amendments

Exhibit B: Oregon Model Floodplain Ordinance

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
CAV	Community Assistance Visit
DC	Development Code Text Amendment File Designation
DLCD	Oregon Department of Land Conservation and Development
FEMA	Federal Emergency Management Agency
FIS	Flood Insurance Study
/FP	Floodplain Overlay
LUBA	Oregon Land Use Board of Appeals
NFIP	National Flood Insurance Program
OAR	Oregon Administrative Rule
ORS	Oregon Revised Statutes



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager

PT 6/20

FROM: Matthew Ruetters, Community Development Director *MR*
David Martineau, Current Planning Manager *DM*

DATE: June 14, 2024, for the June 26, 2024, City Council Meeting

SUBJECT: Public Hearing Regarding Annexations with Concurrent Zone Changes
Relates to Strategic Plan theme: Great Neighborhoods

Action Requested:

Staff requests that the City Council hold a public hearing and take action on the two attached ordinances that would annex two “island” properties and remove the properties from the Albany Rural Fire Protection District (ARFPD).

Discussion:

Sometimes urban development surrounds a property that has not yet been annexed, creating “islands”, and cities must consider the appropriate time to bring those properties into the city limits. On July 24, 2023, the city council directed staff to proceed with voluntary annexation of “island” properties. Following public outreach and an open house, two property owners requested to take advantage of this voluntary annexation initiated by the City.

The applicant is the City of Albany, and the property owners are Knox Butte RV Park LLC (215 Expo Parkway NE), and Juan and Fidelina Plascencia (132 Clover Ridge Road NE) concurrent with Zone Map Amendments from Linn County’s UGA-UGM-20 zoning designation to City of Albany’s Residential Medium Density (RM) and Mixed-Use Residential (MUR) zoning designations respectively, upon annexation. According to the Planning Designation Zone Matrix found in Albany Development Code (ADC) Table 2.760-1, the proposed zoning designations are consistent with the Comprehensive Plan designation of the sites.

The criteria for annexations are found in Albany Development Code (ADC) 2.110, and the criteria for amending a zoning map are found in ADC 2.740. These criteria are addressed in detail in the staff report, which is provided as Exhibit D in the attached ordinance.

Annexations and zoning map amendments are reviewed through the Type IV land use application process, which requires the planning commission to review and make a recommendation to the city council, who will also review the proposed amendments and make the final decision. The planning commission held a public hearing on June 3, 2024, and unanimously voted to recommend the city council approve the proposed annexations with zoning map amendments as outlined in the May 24, 2024, staff report. Two separate ordinances are included in the attachments: one for the annexations with zone changes, and one for removing the property from the ARFPD. A separate motion and decision from the city council is requested to adopt each of the two ordinances.

Based on findings in the staff report and in consideration of the planning commission’s recommendation, staff recommend that council approve the application under planning files AN-02-23 and ZC-05-23. If the council

June 14, 2024, for the June 26, 2024, City Council Meeting

agrees with the findings, conclusions, and conditions in the staff report and the ordinances as presented, then the city attorney would read the ordinances for a first time in title only.

Budget Impact:

None.

DM:km

Attachments (2):

- 1 – Ordinance for Annexations with Rezones
- 2 – Ordinance to remove the properties from the ARFPD



ORDINANCE NO. _____

AN ORDINANCE PROCLAIMING ANNEXATION OF PROPERTIES IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S03W04AC TAX LOTS 701 AND 2100; AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP BY AMENDING THE ALBANY ZONING MAP AND ADOPTING FINDINGS OF FACT AND CONCLUSIONS.

WHEREAS, on July 24, 2023, the Albany City Council directed staff to proceed with the voluntary annexation of island properties; and

WHEREAS, the Albany City Council wants to annex right-of-way adjacent to 132 Clover Ridge Road; and

WHEREAS, the application for zoning map amendment would assign a Residential Medium Density (RM) zone to 215 Expo Parkway NE, and Mixed-Use Residential (MUR) zone to 132 Clover Ridge Road NE, concurrent with annexations. The RM zone has an average minimum lot size of 3,500 square feet for single dwelling units and the MUR zone does not have minimum lot size. Prior to annexation, the properties were subject to Linn County zoning and related development requirements; and

WHEREAS, on June 3, 2024, the Albany Planning Commission held a public hearing, considered public testimony, deliberated on the proposed annexations and zoning map amendments, and recommended approval of the proposal based on evidence presented in the staff report and during the public hearing; and

WHEREAS, the analysis and findings of fact and conclusions as provided in the staff report dated May 24, 2024, are presented as an attachment to this ordinance as Exhibit D; and

WHEREAS, on June 26, 2024, the Albany City Council held a public hearing on the proposal, reviewed the findings of fact and conclusions of the staff report, and testimony presented at the public hearings, and then deliberated.

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

Section 1: The territories described in Exhibit A and shown on the map in Exhibit B of this ordinance are hereby proclaimed to be annexed to the City of Albany.

Section 2: The zoning district map is hereby amended to the RM zoning district for 215 Expo Parkway NE, and the MUR zoning district for 132 Clover Ridge Road NE, located in the City of Albany, Linn County, Oregon, as listed in Exhibit C of this ordinance.

Section 3: The findings of fact and conclusions included in the staff report dated May 24, 2024, in Exhibit D of this ordinance, are hereby adopted in support of the decision.

Section 4: A copy of this ordinance shall be filed in the office of the city clerk of the City of Albany and these changes shall be made on the official City of Albany zoning map.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk

Exhibit A – Legal Description for 215 Expo Parkway NE Island Annexation

Annexing an island area surrounded by City limits at 215 Expo Parkway NE, more particularly described below.

Beginning at the northeast corner of that tract of land conveyed to Burkhart Creek, LLC, by a deed recorded in Linn County Deed Records 2019-05884, said point lying on the Albany City limits line; thence easterly 855 feet more or less, on the existing Albany City limits line, to the west property line of the property conveyed to Grace Point Church of the Nazarene by a deed recorded in Linn County Deed Records 2009-09358, said west property line also being the Albany City limit line; thence southerly 144 feet more or less, on the west property line of said Grace Point Church of the Nazarene property, said line also being the Albany City limit line, to the southwest corner of said Grace Point Church of the Nazarene property, said southwest corner also being coincident to the north line of the property conveyed to Knox Butte Apartments LLC by a deed recorded in Linn County Deed Records MF1146-0639, said property line also being the Albany City limits line; thence westerly 855 feet more or less, on the Albany City limit line, to the east property line of the property conveyed to Burkhart Creek, LLC, by deed recorded in Linn County Deed Records 2019-05884; thence northerly 145 feet more or less, on the east line of said Burkhart Creek, LLC property, to the point of beginning.

As shown on attached Exhibit B, attached hereto and made a part hereof this legal description.

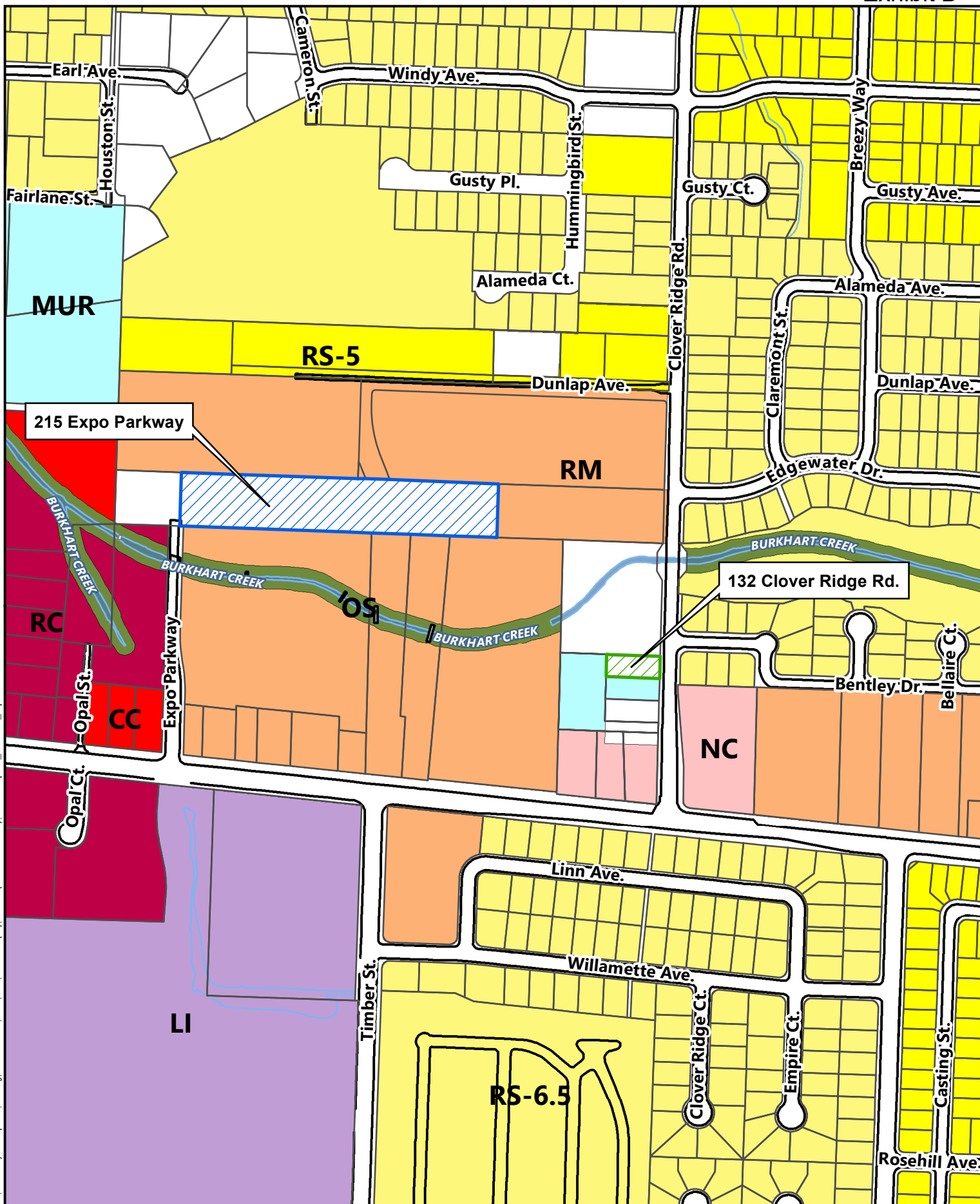
Exhibit A – Legal Description for 132 Clover Ridge Road Island Annexation

Annexing a portion of Clover Ridge Road NE and 132 Clover Ridge Road NE, more particularly described below.

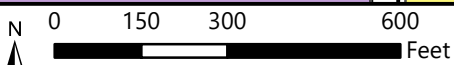
All of Lot 1 of Harvey's Subdivision, recorded in Volume 9, Page 44, Book of Plats in Linn County, Oregon.

ALSO, commencing at the northeast corner of said Lot 1, thence easterly on the extension of the north property line of Lot 1 to the Albany City Limit line, lying within the Right of Way of Clover Ridge Road NE; thence southerly on said Albany City Limit line and parallel to the east line of Lot 1 to its intersection with the extension of the south property line of Lot 1; thence westerly on said extension to the southeast corner of said Lot 1.

As shown on attached map labeled Exhibit B, attached hereto and made a part hereof this legal description.

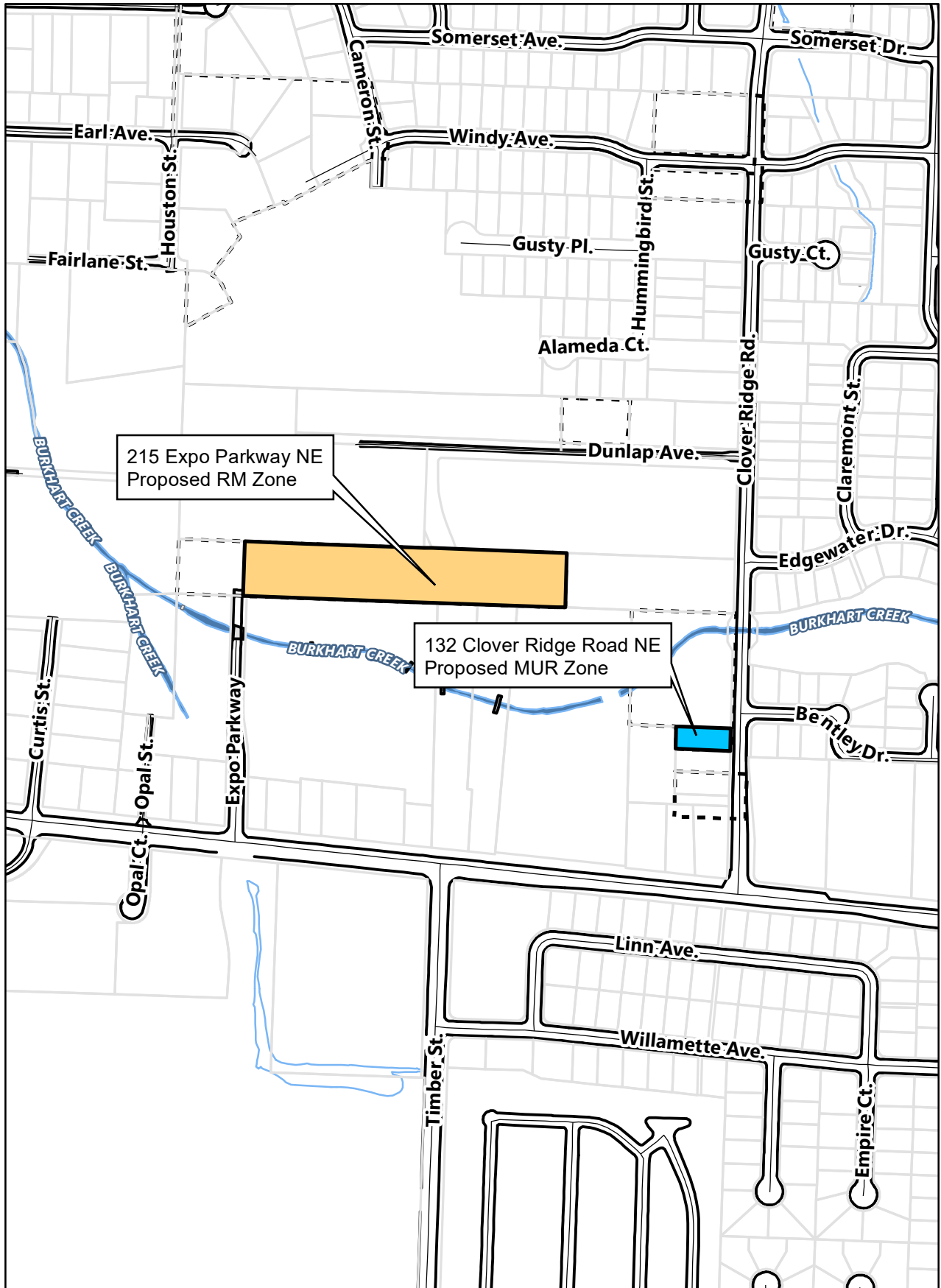


G:\Community Development\Planning\Land Use Cases\2020s\2023\Amexiation (AM) AH-02-23 (Stand Amexiations)\Location Map\132_Clover_215_Expo.mxd



215 Expo Parkway & 132 Clover Ridge Rd.

Date: 4/4/2024 Map Source: City of Albany





COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING & PLANNING 541-917-7550

Staff Report

Annexation with Zoning Map Amendment

AN-02-23 and ZC-05-23

May 24, 2024

Hearing Information

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, June 3, 2024, at 5:15 p.m.**

Hearing Locations: This hearing will be conducted at the Albany City Council Chambers

Virtual: At 5:15 p.m., join the meeting using the link below:

<https://council.albanyoregon.gov/groups/plc/zoom>

Phone: 1-253-215-8782; meeting ID: 837-8633-4863; passcode: 464432

In-Person: Appear in person at the meeting and register to speak using the sign-up sheet.

Review Body: **City Council**

Hearing Date and Time: **Wednesday, June 26, 2024, at 6:00 p.m.**

Hearing Location: This hearing will be conducted at the Albany City Council Chambers

Virtual: To comment/testify, please email cdaa@albanyoregon.gov with your name, address, phone number, and if you are speaking for, against, or neutral on the topic.

Watch on YouTube: <http://www.youtube.com/user/cityofalbany>

In-Person: Appear in person at the meeting and register to speak using the sign-up sheet.

Summary

Annexation into the city is typically initiated voluntarily by the property owner who is seeking city service or desires to develop their property to urban standards. However, sometimes urban development surrounds a property that has not yet been annexed, creating “islands”, and cities must consider the appropriate time to bring those properties into the city limits.

On July 24, 2023, the Albany City Council received a report from staff about several “islands” of Albany properties that could be considered for annexation. After discussion, the council directed staff to proceed with voluntary annexation of these properties, that is to say, only those property owners of an “island” who are interested in annexation would be annexed. Following public outreach and an open house, two property owners consented to annexation if it was initiated by the City.

The first parcel is addressed 215 Expo Parkway NE, and the second parcel is 132 Clover Ridge Road (see Attachment A). The annexation applications are accompanied by a request for assigning City zoning designation(s) to said parcels. The applicant is the City of Albany, and the property owners are Knox Butte

RV Park LLC (215 Expo Parkway NE), and Juan and Fidelina Plascencia (132 Clover Ridge Road NE) concurrent with Zone Map Amendments from Linn County’s UGA-UGM-20 zoning designation to City of Albany’s Residential Medium Density (RM) and Mixed-Use Residential (MUR) zoning designations, upon annexation. The Comprehensive Plan map designations of the subject properties are Medium Density Residential (MDR), and Neighborhood Village (NV). According to the Planning Designation Zone Matrix found in Albany Development Code (ADC) Table 2.760-1, the proposed zoning designations are consistent with the Comprehensive Plan designation of the sites.

The subject properties are eligible for annexation as they are contiguous to the City limits, located within the Albany Urban Growth Boundary (UGB), and can be or are served by public services.

With the annexation, the subject properties will also be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD). Public notice will be published prior to the City Council public hearing, in accordance with Oregon Revised Statutes (ORS) 222.524.

The criteria for annexation are found in ADC 2.110, and the criteria for amending a zoning map are found in ADC 2.740. These criteria are addressed in the staff report and must be satisfied to grant approval for this application.

As shown in this report, the proposal satisfies all applicable review criteria; therefore, the staff recommendation for the proposal is to grant APPROVAL with CONDITIONS.

Application Information

Proposal:	Annexation of two “island” parcels of land that are outside the city limits along with adjacent right-of-way together with concurrent Zone Map Amendments.
Review Body:	Planning Commission and City Council (Type IV, Legislative and Quasi-Judicial Decision)
Report Prepared By:	David Martineau, Project Planner
Applicant:	City of Albany; 333 Broadalbin Street SW; Albany, OR 97321
Addresses/Locations:	1) Knox Butte RV Park LLC; 215 Expo Parkway NE; Albany, OR 97322 2) Juan and Fidelina Plascencia; 132 Clover Ridge Road NE; Albany, OR 97322
Map/Tax Lot:	1) Linn County Assessor’s Map No. 11S-03W-04AC; Tax Lot 701 2) Linn County Assessor's Map No. 11S-03W 04AC; Tax Lot 2100
Zoning:	1) Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20) 2) Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20)
Comprehensive Plan Map:	1) Medium Density Residential 2) Neighborhood Village
Acres:	1) 2.84 acres 2) 0.21 acres
Existing Land Use:	1) RV Park 2) Single dwelling residence

Review Process and Appeals

The proposal for annexation concurrent with zoning map amendment is processed through a Type IV quasi-judicial 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 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 decision on this application, the Community Development Director will provide written notice of decision to the applicant and any other parties entitled to notice. The city council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal not later than 21 days after the notice of decision is mailed [ADC 1.250(8) and (9)].

Public Notice

Public notice was provided in accordance with Type IV legislative and quasi-judicial procedures. Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on April 5, 2024, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and ADC 1.250(4) and 1.260(2).

Public notices were mailed to 28 property owners within 300 feet of each of the subject properties being annexed on May 13, 2024, in accordance with ADC 1.250(3) and ADC 1.260(2). Public notices were posted on each of the subject properties on May 24, 2024, in accordance with ADC 1.410. Notice of the public hearings was published in the *Albany Democrat-Herald* on May 18, 2024, in accordance with ADC 1.250(4) and 1.260(2).

The staff report for the proposed annexation with concurrent zoning map amendment was posted on the City's website on May 24, 2024, at least seven days before the first evidentiary public hearing. At the time this report was published, the Albany Planning Division had received no written comments regarding the proposed project.

Analysis of Development Code Criteria

The ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Annexation (ADC 2.110)

The review body shall make a quasi-judicial land use decision as to whether the proposed annexation complies with all of the following criteria:

Criteria 1

Eligibility Criteria: *The City shall determine that property is eligible for annexation based on the following criteria:*

- (a) ***The property is contiguous to the existing city limits; and***
- (b) ***The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.***

Findings of Fact

- 1.1 The proposed annexations consist of two properties, and a section of right-of-way along Clover Ridge Road.
- 1.2 The subject properties are each contiguous to the current city limits or are contiguous when the adjoining right-of-way is also annexed.
- 1.3 The subject properties are located within the Albany Urban Growth Boundary (Attachment A).

Conclusions

- 1.1 The subject properties are contiguous to the existing Albany city limits and located within the UGB as established by the Albany Comprehensive Plan.
- 1.2 The subject properties are eligible for annexation and these criteria are satisfied.

Criteria 2

Infrastructure Criteria: *The City shall determine that it is timely to annex property based on the following criterion:*

- (a) *An adequate level of urban services and infrastructure is available or will be made available in a timely manner.*
- (b) *As used in this section:*
 - i. *“Adequate level” means conforms to adopted plans and ordinances.*
 - ii. *“Urban services” means police, fire, and other City-provided services.*
 - iii. *“Infrastructure” means sanitary sewer, water, storm drainage, and streets.*
 - iv. *“Be made available in a timely manner” means that improvements needed for an adequate level of urban services and infrastructure will be provided at the time and place needed to serve the anticipated development. Improvements may be secured by a development agreement, annexation agreement, or other funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.*

Findings of Fact

- 2.1 Fire: Adequate public water for fire protection is currently available for these areas. The Albany Fire Department currently provides fire protection to both properties and right-of-way. With the annexation, the subject properties will be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD).
- 2.2 Police: Police service to these properties would be a logical expansion of the current service boundaries.
- 2.3 Sanitary Sewer: City utility maps show that both properties have eight-inch sewer mains adjacent to the properties. The sewer mains are deep enough to serve the properties in the future.
- 2.4 Water: City utility maps show that water is adjacent to both properties. The property at 132 Clover Ridge Road NE can be served by the 12-inch water main, and the property at 215 Expo Parkway NE can be served from an 8-inch main from Expo Parkway.
- 2.5 Storm Drainage: Storm drainage facilities are available to serve both properties.
- 2.6 Transportation Infrastructure: Both properties are developed and connected to the public street system.
- 2.7 Clover Ridge Road is classified as a minor collector street in Albany’s Transportation System Plan and is constructed to city standards. Improvements include curb and gutter; sidewalk along the frontage of the development; a vehicle travel lane in each direction; and bike lanes.
- 2.8 Expo Parkway is classified as a major collector street in Albany’s TSP and is partially improved to City standards with curb and gutter and sidewalks on the east side of the street, a travel lane in each direction, and storm drainage improvements.
- 2.9 The TSP shows Expo Parkway, a major collector street, being extended across the western portion of this annexation area. The extension is listed as project L17 in the TSP.
- 2.10 The majority of the required Expo Parkway right-of-way dedication will come from the western parcel (Tax Lot 702) which contains an existing residence. The applicant is prepared to dedicate 30 feet of right-of-way for the future extension of Expo Parkway to the north (see Attachment E). If the annexation is successful, the dedication will be recorded.

Conclusions

- 2.1 Police and Fire services are currently available to serve the properties proposed for annexation.
- 2.2 Existing public utilities (sanitary sewer, water, and storm drainage) are adequate to accommodate future development on the subject properties.

- 2.3 The areas proposed for annexation adjoin improved streets.
- 2.4 The transportation system already supports the existing development in each area.
- 2.5 A 30-foot right-of-way dedication will be required to the west of the parcel at 215 Expo Parkway NE in order to provide sufficient right-of-way for the future extension of Expo Parkway.
- 2.6 This criterion is satisfied with the following condition.

Condition

- Condition 1 The applicant for the annexation at 215 Expo Parkway NE shall dedicate right-of-way in the amount of 30 feet along the west side of the lot for future expansion of Expo Parkway upon approval of the annexation.

Criteria 3

Planning Criteria: The City shall determine that adequate planning has occurred based on the following criterion:

Sufficient planning and engineering data have been provided, and necessary studies and reviews have been completed such that there are no significant unresolved issues regarding appropriate Comprehensive Plan and implementing ordinances. Examples of needed studies may include public infrastructure plans, buildable lands inventories, area refinement plans, or any task in an approved work program for Periodic Review.

Findings of Fact

- 3.1 Public infrastructure facility plans in this area include the City's Capital Improvement Program, Water Facility Plan, Wastewater Facility Plan, Storm Drainage Master Plan, and the Transportation System Plan.
- 3.2 The proposed annexations consist of two properties. The right-of-way adjacent to the property at 132 Clover Ridge Road will also be annexed.
- 3.3 The Comprehensive Plan map designations of the subject properties are Medium Density Residential for the property at 215 Expo Parkway NE, and Neighborhood Village for the property at 132 Clover Ridge Road NE. The request includes the application of the City's zoning designation of Residential Medium Density (RM), and Mixed-Use Residential (MUR) which is consistent with the respective plan map designations.
- 3.4 Public facilities required to serve future development on the subject properties are available at or near each site.
- 3.5 As discussed under Criterion 2 (above), an adequate level of urban services and infrastructure are available to serve the subject properties; those findings are included here by reference.

Conclusions

- 3.1 As discussed under Criterion 2, an adequate level of urban services and infrastructure are available to serve the subject properties.
- 3.2 This criterion is satisfied because the proposed annexation is consistent with various studies and plans covering these areas.

Criteria 4

Reasonableness: The city council shall determine that the proposed annexation is reasonable.

Findings of Fact

- 4.1 The subject properties about the existing city limits, and the properties proposed for annexation lie within the UGB. Because the property proposed for annexation is within the UGB, the area is intended to be served by City services.
- 4.2 An adequate level of urban services and infrastructure is currently available to serve the properties proposed for annexation.

- 4.3 The owners of both properties submitted Consent for Annexation Forms whereby they acknowledge that the annexation may have property tax implications, that it's a voluntary act on behalf of the owners, and that city zoning designations will be applied to the properties.
- 4.4 The proposed annexations and zoning designations are consistent with the Comprehensive Plan.

Conclusions

- 4.1 The proposed annexation is reasonable because the property abuts the city limits, it is located within the UGB, it can be served by City services and infrastructure, and it is consistent with the Comprehensive Plan.
- 4.2 This criterion is satisfied.

Zoning Map Amendments (ADC 2.740)

Zoning Map amendments will be approved if the council finds that the applicant has shown that all of the following criteria are met.

Criterion 1

The proposed base zone is consistent with the Comprehensive Plan Map Designation for the entire subject area unless a Plan map amendment has also been applied for.

Findings of Fact

- 1.1 The proposed annexations consist of two properties. The parcels are identified on Linn County Assessor's Map No. 11S03W04AC Tax Lots 701 and 2100 (Attachment C).
- 1.2 The subject properties are zoned Linn County's Urban Growth Area – Urban Growth Management UGA-UGM-20.
- 1.3 The proposal is for a zoning map amendment from Linn County's zoning to the Albany's Residential Medium Density (RM) district for the property at 215 Expo Parkway NE and the Mixed-Use Residential (MUR) zone for 132 Clover Ridge Road NE zone upon annexation. The annexation criteria are addressed earlier in this report; those findings are included here by reference.
- 1.4 The Comprehensive Plan Map designation for the properties is Medium Density Residential and Neighborhood Village respectively.
- 1.5 As shown on the Plan Designation Zoning Matrix (ADC Table 2.760-1, the RM zoning district is consistent with the Medium Density Residential Comprehensive Plan Map designation. Likewise, the MUR zone is consistent with the Neighborhood Village Comprehensive Plan Map designation.

Conclusion

- 1.1 The proposed RM and MUR zones are consistent with the Comprehensive Plan Map Designations and the long-range land use designations that are planned for the subject property.
- 1.2 This criterion is satisfied.

Criterion 2

Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation.

Findings of Fact

- 2.1 This criterion is addressed under Criterion 2 of the Annexation review criteria; those findings and conclusions are included here by reference.
- 2.2 The transportation system can support further development of the properties under the proposed RM and MUR zoning districts.

Conclusions

- 2.1 Existing or anticipated transportation facilities are adequate for the proposed RM and MUR zoning districts.
- 2.2 This criterion is satisfied.

Criterion 3

Existing or anticipated services (water, sanitary sewers, storm sewers, schools, and police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.

Findings of Fact

- 3.1 This criterion is addressed under Criterion 2 of the Annexation review criteria; those findings and conclusions are included here by reference.
- 3.2 Public services and infrastructure are available to accommodate potential development of the sites, as permitted under the proposed RM and MUR zoning districts.
- 3.3 Any specific infrastructure requirements for future development would be determined at the time of land use application for the development.
- 3.4 The proposed zoning of property to RM zoning would allow for multiple dwellings at a density of up to 25 units per acre among a range of other permitted uses. The proposed MUR zoning of the property at 132 Clover Ridge Road would permit residential dwelling units at a range of densities. The Greater Albany School District was informed of the proposed amendment, and no comments were received as of the time this staff report was published. Any new residential development on the sites may be obligated to pay school system development charges to support the school system infrastructure and services.

Conclusions

- 3.1 Public services and utilities (sanitary sewer, water, and storm drainage) are adequate to serve potential development on the subject property under the proposed RM and MUR zoning districts.
- 3.2 This criterion is satisfied.

Criterion 4

The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.

Findings of Fact

- 4.1 The current zone of the subject properties is Linn County's UGA-UGM-20, and the proposed zoning for the properties is Albany's RM and MUR zoning districts.
- 4.2 According to ADC 3.020(5), the RM zoning district is "*primarily intended for medium-density residential urban development. Multi-family and townhouse development may not exceed 25 units per gross acre.*" The intent and purpose of the RM zone is consistent with Medium Density Residential (MDR) Comprehensive Plan Map Designation.
- 4.4 According to ADC 5.030(4), the MUR zoning district is "*intended primarily to create a residential district that allows a mixture of neighborhood commercial uses that meet the daily needs of area residents.*" The intent and purpose of the MUR zone is consistent with Neighborhood Village (NV) Comprehensive Plan Map Designation.
- 4.5 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RM and MUR zoning designation "best satisfies" the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies are listed below in bold italic print.

Statewide Planning Goal 1: Citizen Involvement (Chapter 9)

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

Policy 2: When making land use and other planning decisions:

- a. ***Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.***
- b. ***Utilize all criteria relevant to the issue.***

- c. Ensure the long-range interests of the general public are considered.*
- d. Give particular attention to input provided by the public.*
- e. Where opposing viewpoints are expressed, attempt to reach consensus where possible.*

Policy 3: Involve the general public in the use, evaluation, and periodic review and update of the Albany Comprehensive Plan.

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.

- 4.6 The ADC sets forth provisions for citizen involvement at public hearings before the planning commission and city council. In accordance with the Type IV legislative and quasi-judicial process for a zoning map amendment, notice was mailed to surrounding property owners within 300 feet of the subject properties and affected government agencies. Notice of the public hearings was also posted on the subject properties and published in the *Albany Democrat Herald*. People who were notified of the public hearings are invited to submit comments or questions about the application prior to or at the hearing.

At the public hearings, the application is reviewed based on all criteria relevant to the proposal. Public hearings provide the opportunity for people to express their opinion about the proposed changes, and where opposing viewpoints are expressed, to try to reach consensus. The planning commission and city council facilitate this process at the public hearings. Based on these provisions, citizens have ample opportunity to review and comment on the proposed zoning map amendment.

Statewide Planning Goal 2: Land Use Planning-Land Use Designations (Chapter 9)

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

- 4.7 According to the Albany Comprehensive Plan, “The relationship of the Plan designations to the zoning districts is summarized graphically in the ‘Plan Designation Zoning Matrix’. This matrix is for determining the compatibility of a particular zoning district with any given Plan designation. The matrix shows what zoning districts are compatible with each Plan designation”. The MDR Comprehensive Plan Map Designation includes the RM zoning district, and the NV Designation includes the MUR zoning district.

Statewide Planning Goal 10: Housing (Chapter 4)

Goal 1: Provide a variety of development and program opportunities that meet the housing needs of all Albany’s citizens.

Goal 2: Create a city of diverse neighborhoods where residents can find and afford the values they seek.

Policy 1: Ensure an adequate supply of residentially zoned land in areas accessible to employment and public services.

Policy 2: Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.

Policy 6: Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.

Policy 7: Require residential densities to be commensurate with the availability and adequacy of public facilities and services.

- 4.8 As discussed under Annexation Criterion 2, the subject properties are located in an area accessible to employment and public services. All City services are available to serve residential development on the subject properties; those findings and conclusions are included here by reference.

- 4.9 The proposed zone amendments from UGA-UGM-20 to RM and MUR are the type of zoning anticipated by the Comprehensive Plan. ADC Table 2.760-1 states that RM is compatible with the MDR designation, and MUR is the compatible zoning district for the NV Comprehensive Plan Map designation. Therefore, the zoning map amendment from UGA-UGM-20 to RM and MUR is consistent with applicable housing policies of the Comprehensive Plan.
- 4.10 In 2019, the City conducted a buildable lands inventory and prepared a Housing Needs Analysis to better understand its capacity for residential growth within city limits and the Urban Growth Boundary to 2040. As proposed, the zone designation of RM and MUR would increase the amount of buildable land supply for development of residential housing at different densities.

Statewide Planning Goal 14: Urbanization (Chapter 8)

Goal 1: Achieve stable land use growth which results in a desirable and efficient land use pattern.

Policy 1: Encourage urban level development to locate within the city limits of the Albany Urban Growth Boundary, unless such development can occur under annexation procedures (such as consent, delayed, and contract annexations).

Policy 2: Discourage low-density sprawl development within the unincorporated portion of the Urban Growth Boundary that cannot be converted to urban uses when urban services become available.

Policy 3: Since the undeveloped portions of the urban fringe are in transition from rural to urban uses, development in these areas shall occur in a manner consistent with the City of Albany and Linn and Benton Counties' Comprehensive Plans and implementing ordinances.

Policy 8: Require annexations to be logical and efficient extensions of city limit boundaries to facilitate the economic provision of services.

- 4.11 Goal 14 requires the City to forecast future growth needs and establish an urban growth boundary to separate land needed for urbanization from rural land. Goal 14 further states "land within the boundaries separating urbanizable land from rural land shall be considered available over time for urban uses." The subject properties are located within the Urban Growth Boundary.
- 4.12 Public facilities that would be required to serve future development on the subject properties are available at or near the site.
- 4.13 The proposed RM and MUR zones will ensure that development potential is known, and the properties are subject to the applicable City development regulations. By annexing, land can be developed more intensely in this case allowing for residential development at urban-level densities, discouraging low-density sprawl, and supporting the logical and efficient extension of public facilities and City services consistent with Comprehensive Plan Policies 1, 2, 3, and 8.
- 4.14 The proposed annexation consists of two properties. The property at 215 Expo Parkway lies to the north of an existing RV park, and the property at 132 Clover Ridge Road is occupied by a single dwelling unit. All City services are available to serve further development on the subject properties.

Conclusions

- 4.1 Goal 1, Citizen Involvement. The proposed zoning map amendments adhere to Goal 1 by following the provisions for conducting quasi-judicial public hearings.
- 4.2 Goal 2, Land Use Planning. The proposed zoning map amendments to RM and MUR are compatible with the Medium Density Residential and Neighborhood Village Comprehensive Plan Map designations respectively.
- 4.3 Goal 10, Housing. The proposed zoning map amendments will make the proposed land use consistent with the intent of the housing policies of the Comprehensive Plan.
- 4.4 Goal 14, Urbanization. The proposed zones are consistent with policies contained in the Comprehensive Plan. The logical extension of public facilities allows development at urban level densities, consistent with Goal 14, Urbanization.

- 4.5 The intent and purpose of the proposed RM and MUR zoning districts best satisfy the goals and policies of the Comprehensive Plan.
- 4.6 This criterion is satisfied.

Criterion 5

The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan, or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.

Findings of Fact and Conclusion

- 5.1 The Transportation Plan relevant for the subject property is the Albany TSP. The TSP identifies improvements necessary to accommodate anticipated development through the year 2030.
- 5.2 OAR 660-012-0060(1) and (2) require land use regulation amendments, including amendments to zoning maps, to determine if the amendment will have a "significant affect" on transportation facilities and, if so, can it be mitigated. However, OAR 660-012-0060(9) provides that a zoning map amendment does not need to include this analysis, and the City can make a finding of no "significant affect", if:
- A zoning map amendment is consistent with the existing comprehensive plan designation and does not change the comprehensive plan map designation.
 - The City has an acknowledged Transportation System Plan ("TSP") and the proposed zoning is consistent with the TSP; and
 - The area of the zoning map amendment was not exempted from the Transportation Planning Rule (TPR) Analysis at the time of the UGB amendment. OAR 660-012-0060(9)(a)-(c).

The subject properties comply with these criteria as follows:

- Albany's Comprehensive Plan Map within the acknowledged Albany Comprehensive Plan designates the subject properties as Residential Medium Density and Neighborhood Village. The proposed zoning amendments would not change the comprehensive plan map designations and the RM and MUR zoning districts are implementing zones for the Medium Density Residential and Neighborhood Village Comprehensive Plan Map designations.
 - The Albany TSP assumed these sites would be annexed into the city and developed. The proposed RM and MUR zones are compatible with the long-range plans.
 - The subject properties have been in the City's UGB since the time of adoption of the Comprehensive Plan and were not exempted from the Transportation Planning Rule. The City can find that all three of these requirements are met.
- 5.3 The subject properties have access to improved streets.

Conclusions

- 5.1 The proposed zone amendments to RM and MUR will not modify the transportation pattern envisioned by the TSP.
- 5.2 This criterion is satisfied.

Overall Conclusion

As proposed and conditioned, the applications for Annexation concurrent with a Zoning Map Amendment from Linn County zone UGA-UGM-20 to Albany Residential Medium Density (RM) and Mixed-Use Residential (MUR) zones satisfy all applicable review criteria outlined in this report.

Conditions

Condition 1: The applicant for the annexation at 215 Expo Parkway NE shall dedicate right-of-way in

the amount of 30 feet along the west side of the lot for future expansion of Expo Parkway upon approval of the annexation.

Condition 2: At the time of annexation, the subject properties shall be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD) into the Albany Fire District.

Options for the Planning Commission

The planning commission has three options with respect to the proposed annexation with zone change:

- Option 1: Recommend the city council approve the request as proposed.
- Option 2: Recommend the city council approve the request with conditions; or
- Option 3: Recommend the city council deny the request.

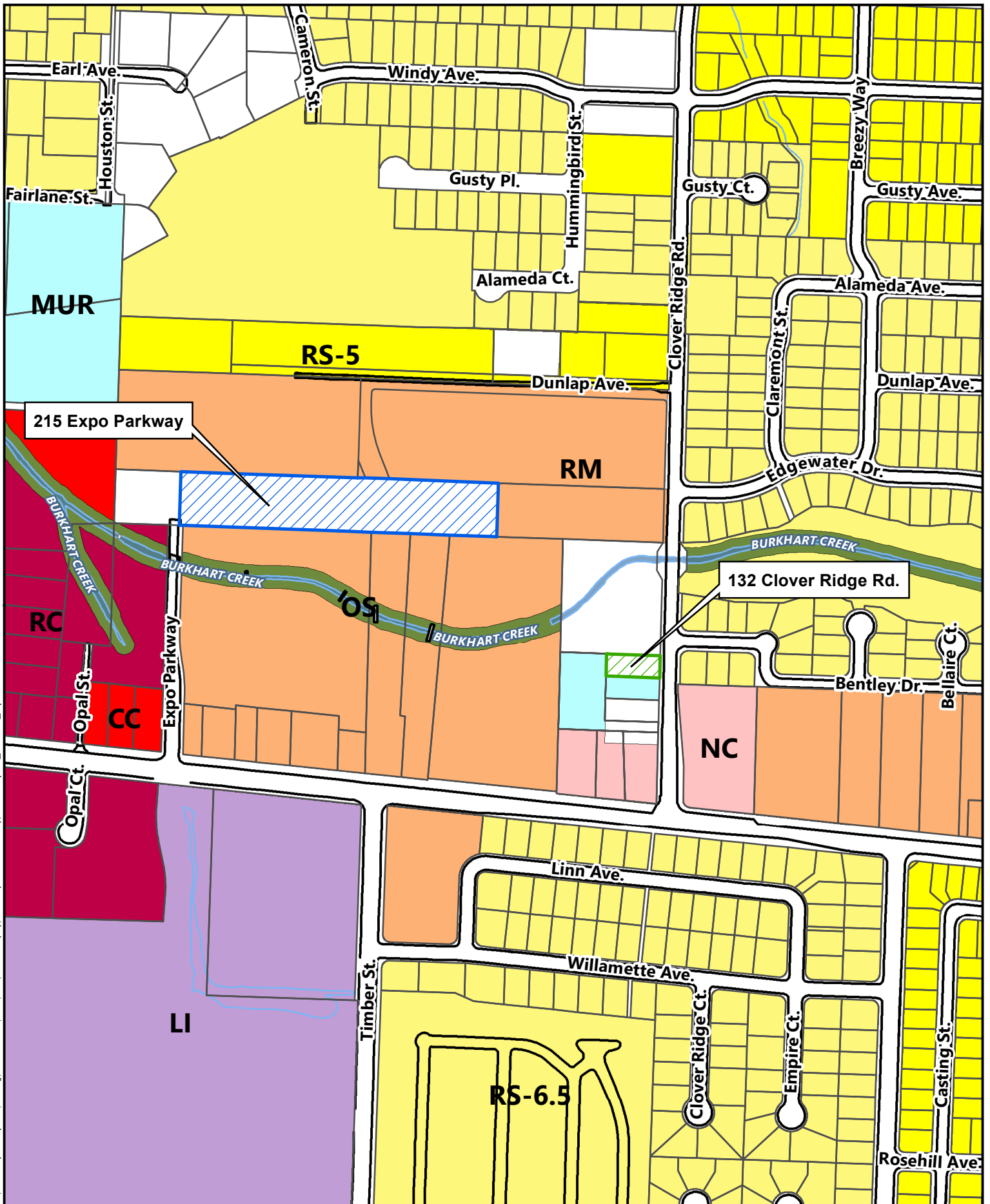
Motion

Based on findings and conclusions presented in this report, staff recommends the planning commission choose Option 2 and recommend approval of the annexation and zone change as conditioned. If the planning commission follows this recommendation, the following motion is suggested:

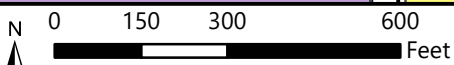
I move that the planning commission recommend that the city council approve the land use applications for annexation with concurrent rezoning to RM and MUR under planning files AN-02-23 and ZC-05-23, as described in the May 24, 2024, staff report as conditioned. This motion is based on the findings and conclusions in the staff report and the findings in support of the application made by the planning commission during deliberations on this matter.

Attachments

- A. Location Map
- B. Legal Descriptions
- C. Tax Lot Map
- D. Proposed Zoning Map
- E. Expo Parkway Right-of-Way Dedication



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215 Expo Parkway & 132 Clover Ridge Rd.

Date: 4/4/2024 Map Source: City of Albany

Exhibit A – Legal Description for 132 Clover Ridge Road Island Annexation

Annexing a portion of Clover Ridge Road NE and 132 Clover Ridge Road NE, more particularly described below.

All of Lot 1 of Harvey's Subdivision, recorded in Volume 9, Page 44, Book of Plats in Linn County, Oregon.

ALSO, commencing at the northeast corner of said Lot 1, thence easterly on the extension of the north property line of Lot 1 to the Albany City Limit line, lying within the Right of Way of Clover Ridge Road NE; thence southerly on said Albany City Limit line and parallel to the east line of Lot 1 to its intersection with the extension of the south property line of Lot 1; thence westerly on said extension to the southeast corner of said Lot 1.

As shown on attached map labeled Exhibit B, attached hereto and made a part hereof this legal description.

Exhibit A – Legal Description for 215 Expo Parkway NE Island Annexation

Annexing an island area surrounded by City limits at 215 Expo Parkway NE, more particularly described below.

Beginning at the northeast corner of that tract of land conveyed to Burkhart Creek, LLC, by a deed recorded in Linn County Deed Records 2019-05884, said point lying on the Albany City limits line; thence easterly 855 feet more or less, on the existing Albany City limits line, to the west property line of the property conveyed to Grace Point Church of the Nazarene by a deed recorded in Linn County Deed Records 2009-09358, said west property line also being the Albany City limit line; thence southerly 144 feet more or less, on the west property line of said Grace Point Church of the Nazarene property, said line also being the Albany City limit line, to the southwest corner of said Grace Point Church of the Nazarene property, said southwest corner also being coincident to the north line of the property conveyed to Knox Butte Apartments LLC by a deed recorded in Linn County Deed Records MF1146-0639, said property line also being the Albany City limits line; thence westerly 855 feet more or less, on the Albany City limit line, to the east property line of the property conveyed to Burkhart Creek, LLC, by deed recorded in Linn County Deed Records 2019-05884; thence northerly 145 feet more or less, on the east line of said Burkhart Creek, LLC property, to the point of beginning.

As shown on attached Exhibit B, attached hereto and made a part hereof this legal description.



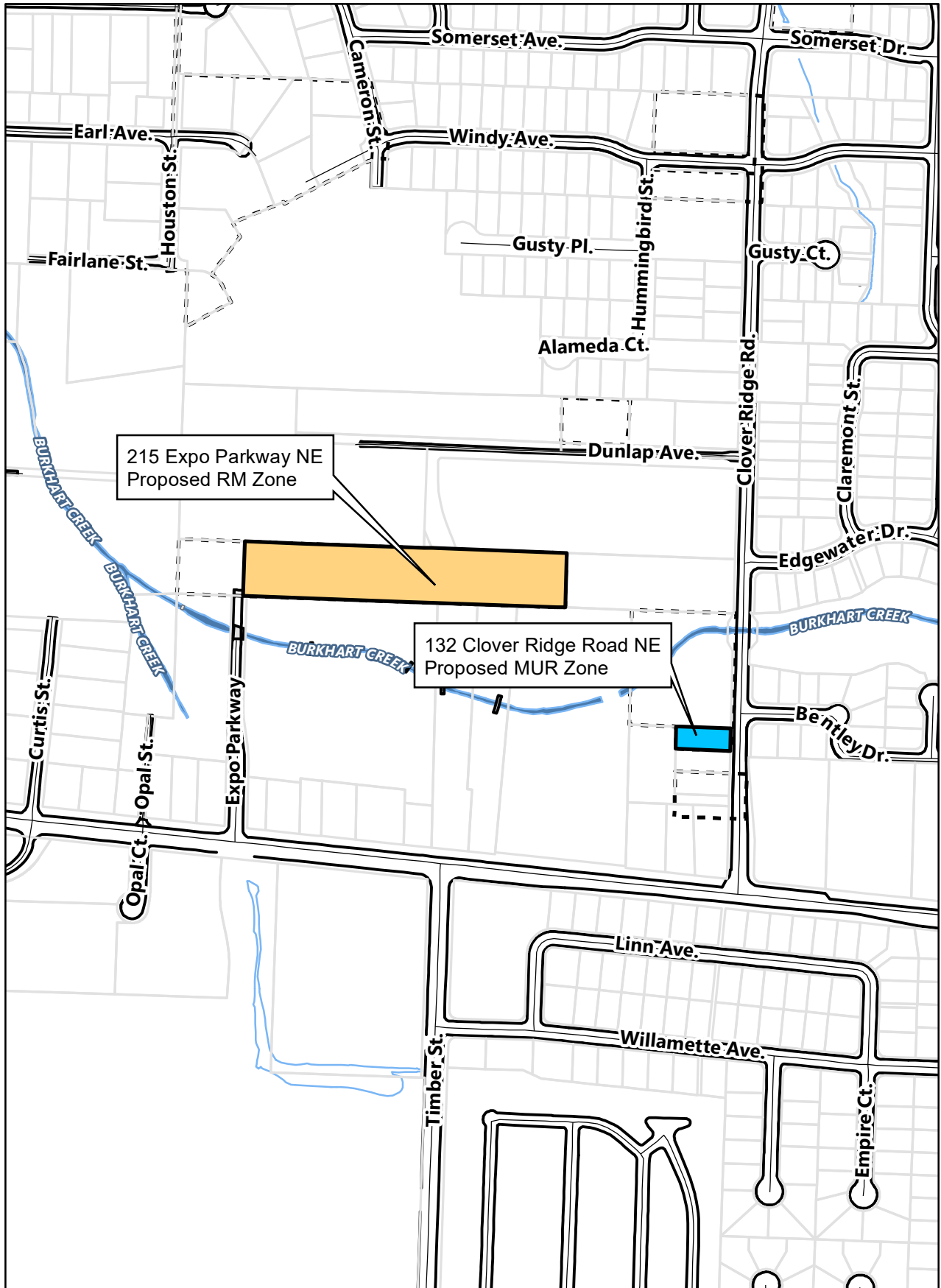


EXHIBIT 'A'

AN EVEN WIDTH THIRTY FOOT WIDE STRIP LOCATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LINN COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE LAND DESCRIBED IN DEED DOCUMENT NO. 2019-05884; THENCE NORTH 00°05'00" EAST 145.00 FEET TO THE NORTHEAST CORNER OF SAID LAND; THENCE NORTH 89°39'00" WEST 30.00 FEET; THENCE SOUTH 0°05'00" WEST 145.00 FEET TO THE SOUTH LINE OF SAID LAND; THENCE SOUTH 89°39'00" EAST 30.00 FEET TO THE POINT OF BEGINNING.

DESCRIBED AREA IS 4,323 SQUARE FEET, MORE OR LESS.

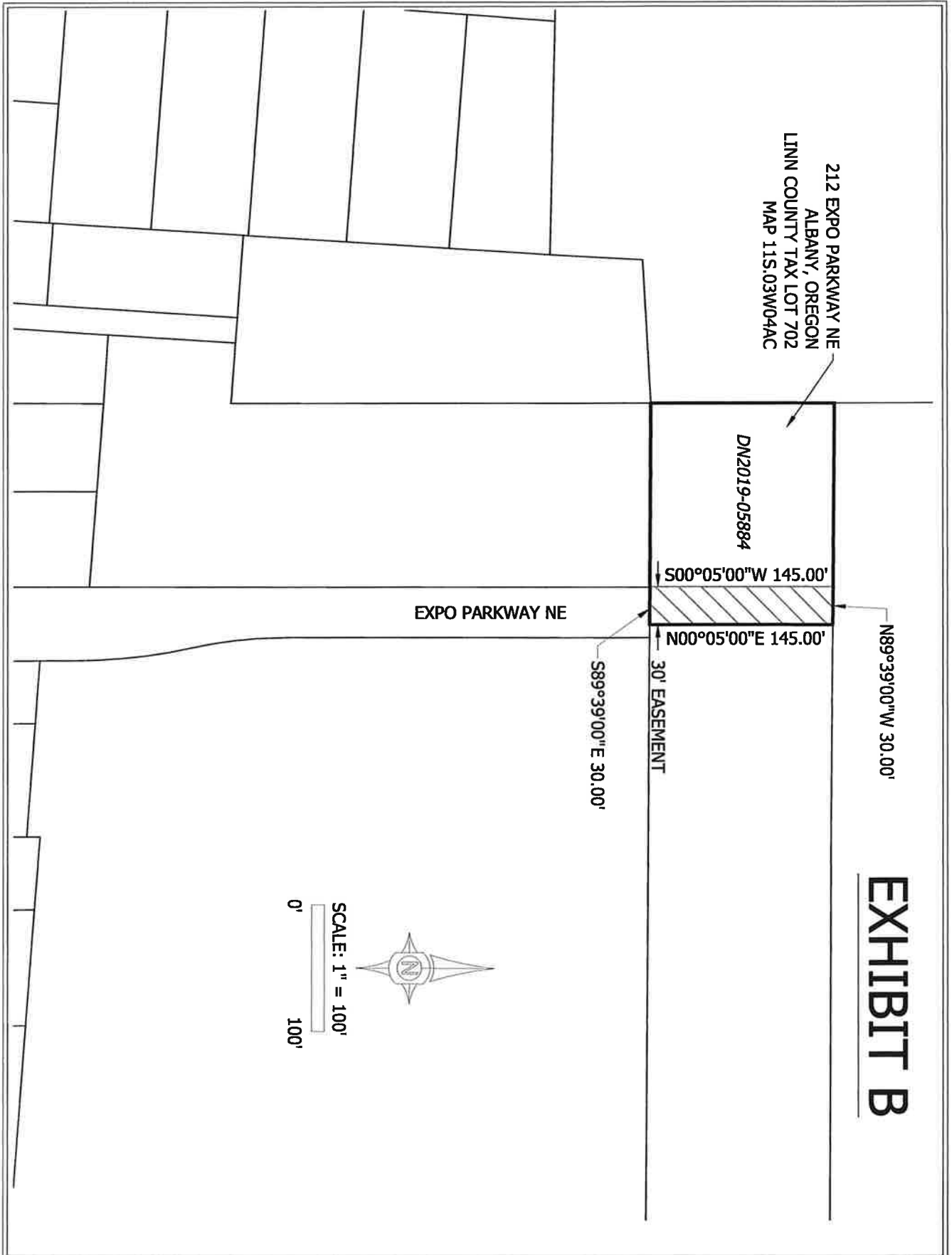
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LAND SURVEYOR

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Kyle W Latimer
Date: 2024.01.26
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OREGON
JUNE 12, 2013
KYLE W. LATIMER
80442

RENEWS: 12/31/24

Udell Engineering & Land Surveying, LLC
63 East Ash Street, Lebanon, OR 97355
Ph: 541-451-5125 • Fax: 541-451-1366





ORDINANCE NO. _____

AN ORDINANCE WITHDRAWING TERRITORY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S03W04AC TAX LOTS 701 AND 2100 FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT

WHEREAS, on July 24, 2023, the Albany City Council directed staff to proceed with the voluntary annexation of island properties; and

WHEREAS, annexation of the subject property results in withdrawal of the territory from the Albany Rural Fire Protection District (ARFPD); and

WHEREAS, on June 3, 2024, the Albany Planning Commission held a public hearing, considered public testimony, deliberated on the proposed annexations and zoning map amendments, and recommended approval of the proposal based on evidence presented in the staff report and during the public hearing; and

WHEREAS, on June 26, 2024, the Albany City Council held a public hearing during which time interested persons were given an opportunity to be heard on this matter; and

WHEREAS, the city council, following said public hearing, determined that the withdrawal of territory from the ARFPD is in the best interests of the citizens of Albany.

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

Section 1: The territory described in Exhibit A and shown on the map in Exhibit B of this ordinance is hereby proclaimed to be withdrawn from the ARFPD.

Section 2: The City Recorder shall, within 10 days of the effective date of this ordinance, file a copy of the ordinance with the county assessor of Linn County, Secretary of State of Oregon, State of Oregon Department of Revenue, and the Albany Rural Fire Protection District.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk

Exhibit A – Legal Description for 215 Expo Parkway NE Island Annexation

Annexing an island area surrounded by City limits at 215 Expo Parkway NE, more particularly described below.

Beginning at the northeast corner of that tract of land conveyed to Burkhart Creek, LLC, by a deed recorded in Linn County Deed Records 2019-05884, said point lying on the Albany City limits line; thence easterly 855 feet more or less, on the existing Albany City limits line, to the west property line of the property conveyed to Grace Point Church of the Nazarene by a deed recorded in Linn County Deed Records 2009-09358, said west property line also being the Albany City limit line; thence southerly 144 feet more or less, on the west property line of said Grace Point Church of the Nazarene property, said line also being the Albany City limit line, to the southwest corner of said Grace Point Church of the Nazarene property, said southwest corner also being coincident to the north line of the property conveyed to Knox Butte Apartments LLC by a deed recorded in Linn County Deed Records MF1146-0639, said property line also being the Albany City limits line; thence westerly 855 feet more or less, on the Albany City limit line, to the east property line of the property conveyed to Burkhart Creek, LLC, by deed recorded in Linn County Deed Records 2019-05884; thence northerly 145 feet more or less, on the east line of said Burkhart Creek, LLC property, to the point of beginning.

As shown on attached Exhibit B, attached hereto and made a part hereof this legal description.

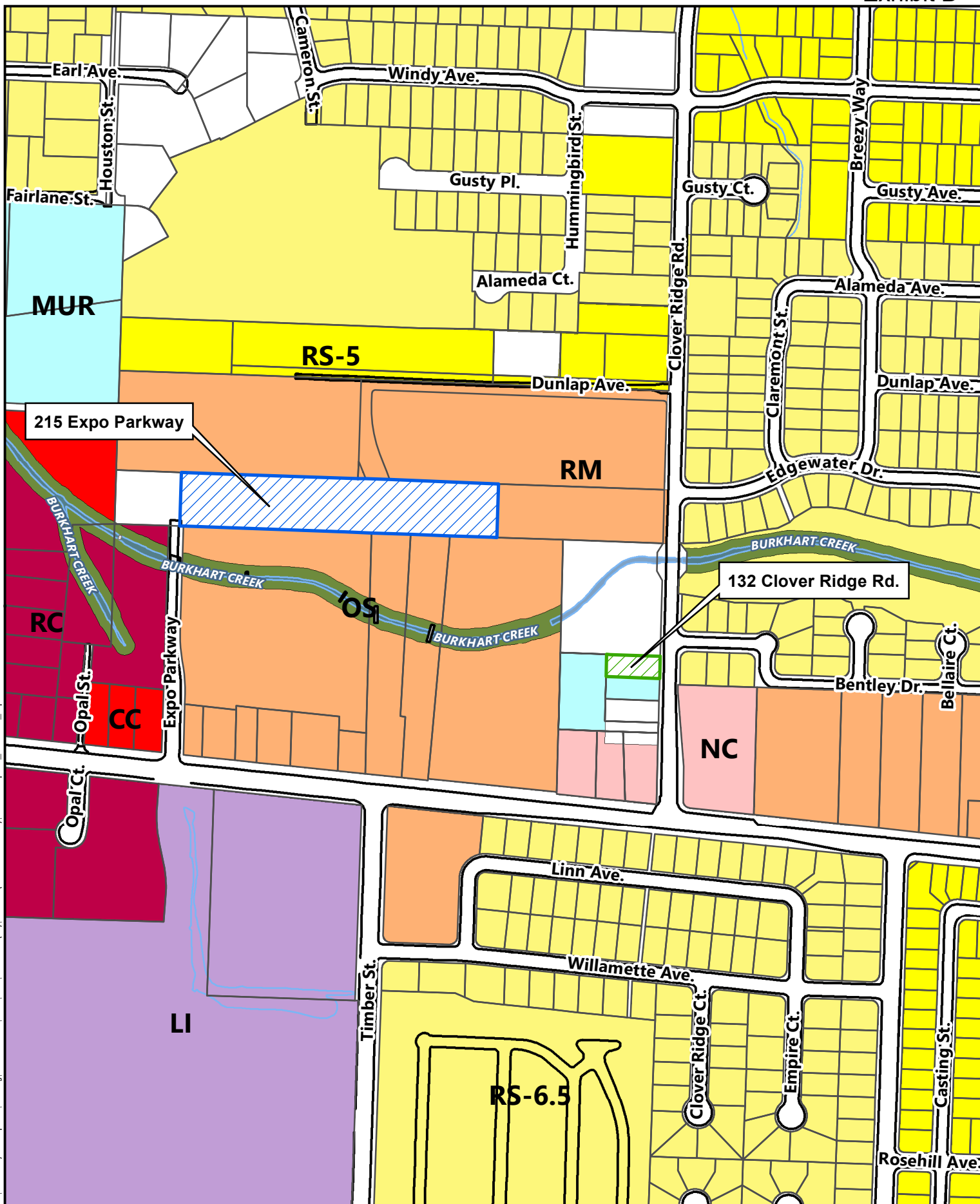
Exhibit A – Legal Description for 132 Clover Ridge Road Island Annexation

Annexing a portion of Clover Ridge Road NE and 132 Clover Ridge Road NE, more particularly described below.

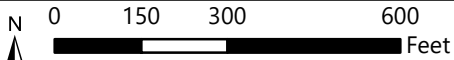
All of Lot 1 of Harvey's Subdivision, recorded in Volume 9, Page 44, Book of Plats in Linn County, Oregon.

ALSO, commencing at the northeast corner of said Lot 1, thence easterly on the extension of the north property line of Lot 1 to the Albany City Limit line, lying within the Right of Way of Clover Ridge Road NE; thence southerly on said Albany City Limit line and parallel to the east line of Lot 1 to its intersection with the extension of the south property line of Lot 1; thence westerly on said extension to the southeast corner of said Lot 1.

As shown on attached map labeled Exhibit B, attached hereto and made a part hereof this legal description.



G:\Community Development\Planning\Land Use Cases\2020s\2023\Amexation (AN)\AH-02-23 (Island Amexations)\Location Map\132_Clover_215_Expo.mxd



215 Expo Parkway & 132 Clover Ridge Rd.

Date: 4/4/2024 Map Source: City of Albany



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 6/20*
 Matthew Ruetggers, Community Development Director *MR*

FROM: Beth Frelander, Planner II *BF*

DATE: June 12, 2024, for the June 26, 2024, City Council Meeting

SUBJECT: Community Development Block Grant (CDBG) 2024 Action Plan Hearing and Adoption
 Relates to Strategic Plan theme: Great Neighborhoods

Action Requested:

Staff requests City Council hold a public hearing on June 26, 2024, to receive comments on the proposed CDBG 2024 Action Plan and to hear comments on community needs that could be addressed with CDBG funding. Following the public hearing, staff recommends the council make any desired modifications to the 2024 Action Plan and pass the attached resolution to adopt the 2024 Action Plan. Staff asks the council to authorize the Mayor to sign the required CDBG program certifications and submit the plan to the U.S. Department of Housing and Urban Development (HUD).

Discussion:

CDBG Background and Planning Process

As an entitlement jurisdiction, the City of Albany receives an annual grant from HUD through the CDBG program. HUD requires that grantees develop a strategic plan every five years, called the Consolidated Plan. The Consolidated Plan is informed by community input, agency consultations and agency provided data, census data, and a variety of other quantitative and qualitative data sources. Using this data, goals and priorities are formed for the five-year plan. Each year, the City is required to submit an action plan that describes how the City will use its annual CDBG allocation to respond to the needs and goals in the Consolidated Plan. The 2024 Action Plan is the second annual plan of the 2023-2027 Consolidated Plan cycle.

The 2024 Action Plan public hearing is another opportunity for citizens to provide input on community needs that could assist Albany's low- and moderate-income residents and make suggestions regarding the City's CDBG program and planning. The required 30-day public comment period will end June 26, 2024, with the required council public hearing on the proposed plan.

The CDBG program requires the City to certify that it will comply with federal statutes and regulations including fair housing, anti-lobbying, citizen participation, use of CDBG funds, excessive force, and anti-discrimination policies as specified in the attached CDBG certifications.

2024 Action Plan

The 2024 Action Plan identifies how the 2024 CDBG grant of \$349,123 will be allocated to address the priorities and goals established in the Consolidated Plan. Staff and the CDC sought citizen input on community needs throughout the year and solicited proposals for services and other eligible activities that address the priority needs of Albany's low- and moderate-income residents.

Funds for 2024 are proposed to be allocated to support needed public services (youth shelter support, homeless outreach, childcare and youth enrichment, and senior companion program), small business assistance to low-



and moderate-income in-home childcare providers, low-income homeowner rehabilitation program, and security features for a new confidential shelter for survivors of domestic violence. The following outlines how proposed activities address the goals in the consolidated plan.

1. Increase affordable housing options across the housing spectrum

This goal is meant to encapsulate adding capacity along the housing spectrum from emergency shelter to transitional housing to permanent housing. Added shelter capacity provides residents stability and access to services and therefore serves as a foundational step toward finding permanent housing for those who have lost housing. This goal is addressed by funding allocated to needed security features for a new confidential shelter for survivors of domestic violence. CARDV will receive \$40,900 for the project and it is anticipated to serve 30 residents in 2024.

2. Maintain the existing affordable housing stock

Maintaining affordable housing is crucial in the efforts to ensure there is an adequate supply of affordable housing in Albany. DevNW will receive \$125,000 to operate the low- and moderate-income homeowner rehabilitation program which provides low-interest deferred payment loans to homeowners in need of essential housing repairs. This enables these homeowners to continue being stably housed in safe, affordable, quality housing. Any program income generated from the repaid loans will be reprogrammed back into the housing rehabilitation loan program.

3. Support economic opportunities for low- and moderate-income residents

Family Connections will receive \$61,043 to support job creation and retention by providing small business grants to five low- or moderate- income residents to start, expand, or stabilize their in-home childcare business. This project will also expand the availability of childcare services in Albany.

4. Support public services for low- and moderate-income residents

This goal is addressed by funding four agencies that provide high-priority services to low- and moderate-income residents and special populations such as seniors, unsheltered residents, homeless youth, and children. Specifically, public services funds will support the following agencies and programs:

- Jackson Street Youth Services has been allocated \$26,760 and is projected to serve 70 youth with emergency shelter and case management services.
- The Community Outreach Assistance Team (COAT), the outreach arm of Creating Housing Coalition, will receive \$10,800 to help unsheltered adults or adults at risk of losing housing access resources and services, and ultimately, find housing. COAT is projected to serve 400 residents.
- The Boys and Girls Club is being allocated \$10,800 to provide scholarships for 19 low- and moderate-income households to support after school and summer enrichment programs, which also serve as vital childcare.
- Funding of \$4,000 will also support the Oregon Cascades West Council of Governments' (OCWCOG) senior companion program to aid 15 home-bound seniors. allowing them to continue living independently in their homes.

Budget Impact:

The 2023-2025 draft City budget includes the 2024 CDBG allocation of \$349,123 from HUD.

BF:km

Attachment (1): Resolution



RESOLUTION NO. _____

A RESOLUTION ADOPTING THE CITY OF ALBANY'S 2024 ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS AS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Albany is entitled to annual Community Development Block Grant (CDBG) funding provided by the U.S. Department of Housing and Urban Development (HUD) to develop viable urban communities by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for low- and moderate-income persons; and

WHEREAS, the City assessed housing and community development needs through data analysis, surveys, public meetings, and agency consultations, and then set goals and priorities to address those needs in a five-year consolidated plan for federal program years 2023 through 2027; and

WHEREAS, the City is required to develop an annual action plan that describes the actions, activities, and programs that will be delivered to address priority needs and goals identified in the consolidated plan; and

WHEREAS, the Albany Community Development Commission (CDC) sought public input through public meetings, outreach to local agencies, and through requests for proposals to identify needs and activities to be included in the 2024 Action Plan; and

WHEREAS, the 2024 Action Plan identifies the following activities to be carried out with federal CDBG 2024 program year funds: public services to Albany's low- and moderate-income families, people experiencing homelessness, and seniors; housing rehabilitation to low- and moderate-income homeowners; security features for a shelter for survivors of domestic violence, and small business grants for low- and moderate- income childcare providers; and

WHEREAS, the City advertised the 30-day public hearing notice and comment period on the proposed 2024 Action Plan on May 25, 2024; and

WHEREAS, the CDC held a public meeting regarding the 2024 Action Plan on May 21, 2024, and the city council held a public hearing June 26, 2024, and all comments were accepted.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council adopts the 2024 Action Plan, attached as "Exhibit A."

DATED AND EFFECTIVE THIS 26th DAY OF June 2024.

Mayor

ATTEST:

City Clerk



CITY OF ALBANY 2024 ACTION PLAN

FOR THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS

**PREPARED BY THE CITY OF ALBANY, OREGON
COMMUNITY DEVELOPMENT DEPARTMENT**

Council Hearing: June 26th, 2024 @ 6:00PM
Albany Council Chambers, 333 Broadablin St SW
Email comments or register to testify by noon on 6/26/24:
cdbg@albanyoregon.gov

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Albany is an entitlement jurisdiction receiving a federal formula grant from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) program. The CDBG program requires entitlement jurisdictions to prepare a strategic plan every five years, called the Consolidated Plan, to identify housing, community, and economic development needs and priorities. The 2023-2027 Consolidated Plan identifies community needs and goals for the City to try to achieve between July 1, 2023, and June 30, 2028, “to develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities principally for low- and moderate-income (LMI) persons.”

Each year, the City prepares an Action Plan that describes the planned uses for the City’s annual allocation of CDBG funding and how program requirements will be satisfied. The 2024 Action Plan is the City’s second annual action plan outlining how the City will address the needs identified in the 2023-2027 Consolidated Plan. The City has been allocated \$349,123 for program year 2024 to advance the goals of the 2023-2027 Consolidated Plan. These goals were identified through agency consultations, research, data analysis, a community survey, and other local input.

2. Summarize the objectives and outcomes identified in the Plan

The 2024 Annual Action Plan (2024 Plan) objectives and outcomes were developed through requests for proposals, agency consultations, insights from the collaborative service teams, and assessing data and needs. The need for affordable housing remains substantial. Emergency shelters and domestic violence shelters are often at capacity as the insufficient amount of affordable housing presents a barrier to those working to transition out of these shelters. Further, public services are continually needed to support Albany’s most vulnerable residents including low-income families, seniors, homeless youth, and unsheltered homeless adults. The 2024 Action Plan activities will benefit Albany’s low- and moderate-income residents, with funding allocated to activities that work to prevent and reduce homelessness, maintain quality affordable housing, provide needed services, and expand economic opportunities. Housing stability and overall wellbeing will be improved by services that support homebound seniors and their ability to remain living independently, maintaining low-income housing through the low-income homeowner housing rehabilitation program, and shelter to help survivors of domestic violence and youth find shelter and, ultimately, stable housing.

The following summarizes how the City will allocate 2024 CDBG program funds to activities that address 2023-2027 Consolidated Plan goals and objectives.

- Reduce and prevent homelessness. Funding will be used to support Jackson Street Youth Services which provides emergency shelter for homeless youth. Funds are also dedicated to the Community Outreach Assistance Team (COAT) through Creating Housing Coalition. This outreach arm of the organization helps unsheltered adults or adults at risk of losing housing access resources and services, and ultimately, find housing.
- Increase affordable housing options. Funds will go toward providing adequate security and privacy at a new confidential shelter for survivors of domestic violence, operated by Center Against Rape and Domestic Violence (CARDV). This expands access to temporary housing that allows survivors to stabilize their lives and seek permanent stable housing.
- Maintain existing affordable housing. Continue to support the housing rehabilitation loan program provided by DevNW to improve the safety, sustainability, and livability of owner-occupied by low- and moderate income (LMI) residents.
- Support Economic Opportunities for low-income residents. The City will partner with Family Connections to provide grants to small in-home childcare businesses to support job creation and retention as well as grow the availability of childcare services in Albany.
- Support public services for special needs and low-income residents. 2024 CDBG public services grants will provide case management to homeless and at-risk youth and unsheltered adults, after school and summer enrichment for youth which also serves as vital childcare for low and moderate income families, and a senior companion program for elderly home-bound adults.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Since the City of Albany has become an entitlement jurisdiction, the City has helped several local agencies to provide ongoing programs to create suitable living environments, reduce homelessness, create economic opportunities, support affordable housing, and address the needs of Albany's low- and moderate-income and other special populations. In the first year of the 2023-2027 Consolidated Plan period, the CDBG resources helped maintain and improve affordable housing, prevent homelessness, support homebound seniors, provide case management and shelter to youth, provide resource navigation and case management to unsheltered adults, provide childcare, and youth enrichment. Funds have also been used to support economic development through grants to in-home childcare businesses and low- and moderate-income neighborhood improvements through investments to Lehigh Park. These outcomes are aligned with the goals of the CDBG plan and showcase the myriad of ways CDBG funds have been used to support low- and moderate-income residents in Albany.

4. Summary of Citizen Participation Process and consultation process

The public participation and consultation process is ongoing throughout the life of the Consolidated Plan. City staff and the Community Development Commission (CDC) obtained public input on housing and community development needs through agency consultations, participation in community groups including the Homeless Engagement and Resources Team, Hispanic Advisory Council and the Multi-Agency Coordinating Group, one-on-one conversations, and outreach. The second phase of public input included solicitation and evaluation of grant proposals for CDBG funding.

The City will follow the requirements in its Citizen Participation Plan in carrying out the process to develop the 2024 Action Plan. The City will publish the draft 2024 Action Plan by May 27, 2024 and hold a 30-day review and comment period before the City Council public hearing scheduled for June 26, 2024.

5. Summary of public comments

A summary of public comments will be written into the plan after the public hearing and the close of the 30-day comment period.

6. Summary of comments or views not accepted and the reasons for not accepting them

To be completed. Historically, all comments are accepted.

7. Summary

The 2024 Action Plan describes the activities the City of Albany will support or carry out to address the community needs identified through public participation and consultation to further the goals and objectives identified in the 2023-2027 Consolidated Plan. In 2024, the CDBG funds will help to improve the livability and sustainability of existing affordable housing, create economic opportunities and expand the availability of childcare, add shelter capacity to allow domestic violence survivors to establish stable housing, and provide ongoing support to agencies that are working to reduce homelessness, serve seniors, and enrich youth from low-income households.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	ALBANY	
CDBG Administrator	ALBANY	Community Development Department/City of Albany
HOPWA Administrator		
HOME Administrator		
HOPWA-C Administrator		

Table 1 – Responsible Agencies

Narrative (optional)

The City of Albany Community Development Department is the lead agency department that prepared the 2023-2027 Consolidated Plan, the 2024 Action Plan and is responsible for administering and overseeing the City’s Community Development Block Grant funded activities as described in the 2024 Action Plan.

Consolidated Plan Public Contact Information

Beth Frelander; Planner II; beth.frelander@cityofalbany.net; 541-791-0209

Anne Catlin; Comprehensive Planning Manager; anne.catlin@cityofalbany.net; 541-917-7560

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

City staff and the Community Development Commission (CDC) consult with local housing providers, shelters, social service agencies, healthcare providers, educational institutions, the local action agency, the regional council of governments, and economic development organizations throughout the year to learn about community needs. The City consulted with other City departments to identify public facility, infrastructure, economic, and community development needs. City staff participate in outreach teams and various committees to better understand community needs. The Annual Action Plan was developed largely in consultation with area agencies, service providers, community leaders, and the public.

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

There are several efforts and activities in Albany underway to enhance coordination among housing providers, health, and service agencies. City staff participate in several of the groups described below.

- Housing for Residents with Mental Disabilities- The Albany Partnership for Housing and Community Development (APHCD), Linn-Benton Housing Authority (LBHA), and Linn County Mental Health staff collaborate to provide needed housing and supportive services to residents with mental disabilities.
- Community Outreach Assistance Team (COAT)- This outreach team helps homeless individuals connect to the Department of Human Services Senior and Disability Services staff, Community Services Consortium (CSC) case management staff, and Communities Helping Addicts Negotiate Change Effectively (CHANCE). CHANCE helps residents with addiction recovery services. Other Albany partners include Albany Helping Hands Shelter and CSC’s Supportive Services for Veteran Families program (SSVF).
- Homeless Engagement and Resource Team (HEART)- The City of Albany and numerous area agencies meet monthly to discuss local needs and enhance coordination among providers working with people experiencing or at risk of homelessness. Members include CSC (the Continuum of Care agency), representatives from emergency shelters, APHCD, Department of Human Services, Legal Aid, Creating Housing Coalition, City of Albany, McKinney Vento liaison, CHANCE, Linn County Health Services, and healthcare representatives. Members collectively assess the needs of Albany's homeless and at-risk populations, coordinate services to address those needs, and implement strategies to reduce homelessness.
- Adult Services Team (AST)- AST helps homeless or near homeless individuals and families overcome or prevent homelessness by facilitating access to comprehensive services. Services are recovery oriented to promote wellness and self-sufficiency through peer support and mentoring. The team includes the Linn County Health (mental health, addiction, developmental

disabilities), Albany Police Department, LBHA, shelters, APHCD, Samaritan Health Services, CSC, Department of Human Services (DHS) Self Sufficiency, Greater Albany Public School District, and other service agencies. AST sometimes works with individuals on parole or probation who are referred by their parole or probation officer, but individuals may be referred by other agencies or self-refer. AST helps individuals create an Individual Action Plan for attaining and retaining stable housing based on their specific needs. AST works with individuals for up to a year.

- Inter Community Health Network Coordinated Care Organization (IHN-CCO)- is a collaboration of public, private, and non-profit partners to unify health services and systems for Oregon Health Plan members in Linn, Benton, and Lincoln Counties. IHN-CCO coordinates health initiatives and efficiencies through blending services and infrastructure. The Community Health Advisory Council oversees and updates a community health assessment and Community Health Improvement Plan every five years, which recognizes the importance of healthy living to achieving improved health outcomes. Several non-profit housing agencies currently receive or have received funding through IHN-CCO programs for healthy homes and living.
- Multi-Agency Coordinating Group (MAC group)- is a collaboration among shelters, homeless service providers, local governments, and county health services, including mental health and substance abuse treatment providers, to coordinate services, identify gaps, and make strategic investments to reduce homelessness in the region. City staff participate in this group.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Rural Oregon Continuum of Care (ROCC) includes 26 counties in Oregon, which are served by several different community action agencies, all working to address homelessness and housing stability in their communities. Community Services Consortium (CSC) is the community action agency representing Linn, Benton, and Lincoln Counties, and CSC serves as a conduit for federal and state homeless program funding and through the ROCC. CSC also manages the local Supportive Services for Veteran Families (SSVF) program, through which veterans can receive case management, housing vouchers and help navigating the VA system.

The City of Albany consults CSC staff and the McKinney-Vento program coordinator at the school district annually regarding needs of homeless and at-risk populations, including families with school-aged children. The City also consults with Albany Helping Hands and Second CHANCE shelter on the extent to which they are serving homeless families with children to understand the degree of family homelessness in Albany.

CSC receives Continuum of Care (CoC) funding to provide a rapid re-housing program targeting homeless individuals and families in the three-county area. The program provides tenant-based rental assistance using scattered site housing and can assist with security deposits and move-in costs. The agency provides case management services to participants and uses a Housing First model.

To address the needs of unaccompanied youth, CSC provides funding to Jackson Street Youth Services (JSYS). JSYS provides shelters for unaccompanied youth, with 24 beds in two counties. They provide youth-specific street outreach, provide case management and other programs. JSYS participates on the State of Oregon Homeless and Runaway Homeless Youth (RHY) Advisory Committee.

The Community Outreach Assistance Team (COAT) addresses the needs of the chronically homeless and helps people who are living unsheltered. The team is led by the local nonprofit Creating Housing Coalition (CHC); COAT focuses on the City of Albany and collaborates with organizations in that service area. CSC funds supplies, and CHC organizes trainings, scouts locations, purchases supplies, and coordinates volunteers and agency staff to ensure maximum geographic coverage with limited resources. Partners in the effort include CHANCE (addiction and recovery support and shelter), Albany Helping Hands, Supportive Services for Veteran Families (SSVF), Family Assistance Resource Center, SORT in Corvallis, and resident volunteers. COAT is instrumental in reaching unsheltered adults, providing case management and resource navigation to help unsheltered adults access services and ultimately housing or shelter.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Albany does not receive Emergency Solutions Grants (ESG). CSC is the designated local community action agency receiving Continuum of Care and ESG funds. CSC develops performance standards and outcomes for the use of these funds and has policies and procedures for the operation and administration of our local Homeless Management Information System (HMIS). CSC uses ServicePoint by WellSky as the HMIS database for Coordinated Entry, to track program outcomes and to assist in identifying individuals and families who need assistance. CSC has an HMIS Data Analyst in who works on data quality and reporting across all programs and sub-grantees.

City of Albany and CSC staff consult throughout the year to discuss homelessness and emergency housing needs. CSC determines how to use ESG funds and performance outcomes to determine if there are any community and homeless needs that can be addressed with CDBG funds.

CSC uses ESG funds for rapid re-housing and homeless prevention, both in a short-term assistance manner. Other CSC programs include funding for emergency rental assistance, utility bills, the low-income home energy assistance program (LIHEAP), and weatherization services.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	CITY OF ALBANY
	Agency/Group/Organization Type	Services-Employment Service-Fair Housing Agency - Managing Flood Prone Areas Agency - Management of Public Land or Water Resources Agency - Emergency Management Other government - Local Planning organization Civic Leaders Business and Civic Leaders Grantee Department Grantee Department
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Albany Community Development Department staff seeks input from other City departments about community and economic development needs, as well as needs to reduce homelessness and address affordable housing needs. This consultation and coordination is ongoing. The City is responsible for managing flood prone areas, wetlands, riparian areas, rivers, water bodies, and public lands. The City participates in the National Flood Insurance Program, participates in a regional emergency management team, and regularly consults with the State Department of Land Conservation and Development and FEMA regarding management of water resources and flood prone areas.

2	Agency/Group/Organization	Community Services Consortium
	Agency/Group/Organization Type	Services - Housing Services-homeless Services-Employment Regional organization Continuum of Care Organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Community Services Consortium (CSC) is the area community action agency that receives a variety of state and federal funding including Emergency Solutions Grants to operate services in a three-county region that includes Albany. CSC provides veteran services, weatherization services, rent and utility assistance, job training, rapid rehousing services, and services to reduce homelessness. CSC coordinates the annual Point in Time count and sponsors applications for federal Continuum of Care funding on behalf of agencies in the region. CSC was consulted for homelessness data, needs, and gaps among existing programs. participates in the MAC Group and HEART meetings. Collaboration and consultation are ongoing.
3	Agency/Group/Organization	Linn Benton Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Market Analysis

	<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>The Linn-Benton Housing Authority (LBHA) oversees HUD Section 8 housing activities in the two-county area, provides affordable housing to Albany seniors and persons with mental disabilities, and provides self-sufficiency programs for residents to help them save for home ownership. LBHA was consulted for Section 8 housing choice voucher data and use in Albany, the demographics of Albany residents receiving vouchers and on the waiting list. Coordination and consultation are ongoing.</p>
<p>4</p>	<p>Agency/Group/Organization</p>	<p>DevNW (Corvallis Neighborhood Housing Services)</p>
	<p>Agency/Group/Organization Type</p>	<p>Housing Services - Housing Service-Fair Housing Regional organization Planning organization Community Development Financial Institution Neighborhood Organization</p>
	<p>What section of the Plan was addressed by Consultation?</p>	<p>Housing Need Assessment Economic Development Lead-based Paint Strategy</p>
	<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>DevNW, is the Community Housing Development Organization (CHDO) in the region and is also a Community Development Financial Institution. The City consulted with staff on affordable housing rehabilitation needs. DevNW receives CDBG funds to provide housing rehabilitation loans and services on behalf of the City.</p>
<p>5</p>	<p>Agency/Group/Organization</p>	<p>C.H.A.N.C.E.</p>
	<p>Agency/Group/Organization Type</p>	<p>Housing Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services - Victims Addiction Recovery Services</p>

	<p>What section of the Plan was addressed by Consultation?</p>	<p>Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy</p>
	<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>CHANCE was consulted about needs to support residents with addictions, residents in recovery and with mental health issues, and addressing issues of chronically homeless and shelter residents. CHANCE responds to residents in crisis and provides peer support to homeless residents in recovery programs. Second CHANCE operates both high barrier dormitory and low-barrier emergency shelter in Albany. Staff provide health care navigation services, respite beds, detox and addiction services, food, clothing, hygiene products, and more. CHANCE participates in the MAC Group and HEART meetings. Coordination and collaboration is ongoing. (www.chancerecovery.org)</p>
6	<p>Agency/Group/Organization</p>	<p>Jackson Street Youth Services</p>
	<p>Agency/Group/Organization Type</p>	<p>Services - Housing Services-Children Services-homeless</p>
	<p>What section of the Plan was addressed by Consultation?</p>	<p>Homelessness Needs - Unaccompanied youth Homelessness Strategy</p>
	<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>Jackson Street Youth Services provided input on the housing and services needs of homeless and at-risk youth in Albany as well as the young adult population ages 18 to 24. Jackson Street has been a regular recipient of CDBG funds to help provide Albany youth safe shelter, case management, and services to reduce youth homelessness in the community. Jackson Street also operates transitional housing for young adults through the Next Steps program. JSYS participates in the MAC Group and HEART meetings. Coordination and collaboration is ongoing.</p>

7	Agency/Group/Organization	Albany Partnership for Housing and Community Development
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Market Analysis Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Albany Partnership (APHCD) provides affordable rental housing and three permanent supportive housing units. APHCD participates in the monthly HEART meetings. Consultation is ongoing to assess affordable, transitional, and permanent supportive housing needs.
8	Agency/Group/Organization	Creating Housing Coalition
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Creating Housing Coalition (CHC) operates a community-supported self governing tiny house village primarily for residents that are experiencing or at risk of homelessness. CHC participates in the HEART monthly meetings and the MAC Group. Consultation is ongoing to assess how to create housing opportunities for extremely low-income residents. Consultation with CHC also included input from the Community Outreach Assistance Team (COAT) on the needs of chronically homeless people.
9	Agency/Group/Organization	Albany Helping Hands
	Agency/Group/Organization Type	Services- Homeless Services- Employment

	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs- Chronically Homeless Homeless Needs- Families with Children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Albany Helping Hands provides emergency shelter to residents experiencing homelessness. Albany Helping Hands participates in monthly HEART meetings and is part of the MAC Group. Coordination is ongoing.
10	Agency/Group/Organization	Greater Albany Public School District
	Agency/Group/Organization Type	Services-Children Services-homeless Services-Education Local school district
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Homelessness Strategy Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation with the school district (GAPS) McKinney Vento liaison and youth services coordinator is ongoing. The coordinator works with homeless and highly mobile students residing in the Albany district. The City receives homeless count data on children and unaccompanied youth in the GAPS district. In the past, the City has consulted with GAPS regarding safe routes to schools and other improvements in low-income target areas. Staff from the GAPS Welcome Center, the center serving families who speak a language other than English, are members of the Hispanic Advisory Council which City staff attend monthly to learn about needs and challenges faced by the Hispanic/Latino community.
11	Agency/Group/Organization	Oregon Cascades West Council of Governments
	Agency/Group/Organization Type	Services-Elderly Persons Services-Persons with Disabilities Other government - State Regional organization Planning organization

	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Staff consulted with Oregon Cascades West Council of Governments (OCWCOG) staff about needs for seniors and persons with disabilities. CDBG funds support the Senior Companion program. OCWCOG also provides business lending services. Consultation is ongoing.
12	Agency/Group/Organization	Family Tree Relief Nursery
	Agency/Group/Organization Type	Services-Children Services-Victims of Domestic Violence Services - Victims
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation with Family Tree Relief Nursery is ongoing. The agency works with poverty-level families, many who are minorities, to strengthen skills and abilities of parents to help reduce child abuse and foster care placements.
13	Agency/Group/Organization	Linn Benton Community College/Family Connections
	Agency/Group/Organization Type	Services-Education Services-Employment Other government - State Business and Civic Leaders
	What section of the Plan was addressed by Consultation?	Economic Development Anti-poverty Strategy Childcare needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Linn Benton Community College Small Business Development Center provides education, training, and counseling to small businesses to help improve economic opportunities within Albany and the region. The City consulted with LBCC to determine needs for micro-enterprise businesses and how to create jobs for low- and moderate-income residents. Family Connections provided information the childcare gaps in Albany and the business challenges faced by childcare providers.

14	Agency/Group/Organization	Oregon Department of Human Services
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Victims of Domestic Violence Services - Victims Child Welfare Agency Other government - State
	What section of the Plan was addressed by Consultation?	Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Local Department of Human Services staff participate in monthly HEART meetings and are involved in the MAC group. The City consults DHS data on child abuse, domestic violence, and foster home placements and to assess the needs of homeless and non-homeless families with children and victims of abuse.
15	Agency/Group/Organization	Linn County Health Services
	Agency/Group/Organization Type	Services - Housing Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-homeless Services-Health Other government - County
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Non-Homeless Special Needs HOPWA Strategy Anti-poverty Strategy Lead-based Paint Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Linn County Health Services is the primary agency providing mental health, developmental disability, and alcohol and drug treatment services in Albany. The county provides and coordinates a variety of support services for these special needs populations. The City consulted with Linn County Drug and Alcohol Services on the needs of residents with substance abuse disorders and the services the county provides for their clients. Linn County Health Services participates in the MAC Group and HAC meetings. City and county consultation and collaboration will continue to occur on an ongoing basis to address needs or special needs and at-risk residents.
16	Agency/Group/Organization	Faith Hope and Charity
	Agency/Group/Organization Type	Services-homeless Services-Health
	What section of the Plan was addressed by Consultation?	Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Faith Hope and Charity (FHC) provides peer support, mentorship to incarcerated youth, and emergency shelter during inclement weather in Linn, Benton, and Lincoln counties. FHC participates in the MAC group. (faithhopeandcharityinc.org)
17	Agency/Group/Organization	U.S. Department of Housing and Urban Development
	Agency/Group/Organization Type	Housing Other government - Federal
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City consults with HUD staff regarding program requirements and reports annually to HUD on performance. The City uses data provided by HUD to prepare plans and attends online training. City staff will continue to consult with the HUD Portland field office staff to evaluate activities, plans, and annual reports to ensure compliance with CDBG program regulations. Staff also consults with Seattle field office staff regarding environmental reviews as needed.

18	Agency/Group/Organization	Samaritan Health
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Samaritan Health operates the local hospital and many medical facilities and offices. Samaritan leads the Inter Community Health Network Community Care Organization (IHN CCO) which is responsible for assessing community health and making investments to improve public health. Samaritan Health participates in the MAC Group and HEART.
19	Agency/Group/Organization	Community Development Commission
	Agency/Group/Organization Type	Other government - Local Planning organization Business Leaders Civic Leaders Business and Civic Leaders
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Community Development Commission is appointed by the Mayor to provide oversight of the City CDBG programs. Members help identify community needs and priorities, consult with agencies, meet with community leaders, and residents. Members represent a variety of sectors and commissions.

20	Agency/Group/Organization	Department of Land Conservation and Development
	Agency/Group/Organization Type	Agency - Managing Flood Prone Areas Agency - Management of Public Land or Water Resources Other government - State Planning organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Emergency Management Plan
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City consults with Department of Land Conservation and Development (DLCD) on a regular basis for housing and economic development needs and as a participant in the National Flood Insurance Program (NFIP), which requires the City to adopt and enforce floodplain management regulations that meet the requirements of the program. DLCD coordinates implementation of the NFIP in Oregon through an agreement with the Federal Emergency Management Agency (FEMA).
21	Agency/Group/Organization	Federal Emergency Management Agency
	Agency/Group/Organization Type	Agency - Managing Flood Prone Areas Other government - Federal
	What section of the Plan was addressed by Consultation?	Emergency Management Plan
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City is responsible for regulating development in designated Special Flood Hazard Areas (SFHA). The City consults with FEMA regarding best practices and ensuring the Code complies with regulatory requirements to control development in the SFHA, reviews flood insurance rate maps for errors and amendments, maintains letters of map revision, and participates in FEMA sponsored floodplain management training. The City also consults FEMA for resources for processing environmental reviews, and to balance compliance with the Endangered Species Act.

22	Agency/Group/Organization	Boys and Girls Club of Albany
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Childcare and daycare needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City consulted with program staff of the Boys and Girls Club of Albany regarding childcare and daycare needs of area families, especially for school age youth during school gaps.
23	Agency/Group/Organization	Farm Workers Development Corporation
	Agency/Group/Organization Type	Housing Services – Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Latino community needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City consulted with Farm Workers Development Corporation to understand the housing needs of Hispanic/Latino residents and partnered on applying for a grant to address those needs.
24	Agency/Group/Organization	Mid-Willamette Family YMCA
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Childcare and daycare needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City consulted with the local YMCA regarding the need for affordable childcare among low and moderate income families in the community.
25	Agency/Group/Organization	Legal Aid
	Agency/Group/Organization Type	Service- Fair Housing
	What section of the Plan was addressed by Consultation?	Fair Housing

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Legal Aid is involved in the HEART meetings and provides insights into fair housing issues in Albany as well as the services they can provide for those who have been discriminated against. Legal Aid also provided consultation to the CDC.
26	Agency/Group/Organization	Center Against Rape and Domestic Violence
	Agency/Group/Organization Type	Services-Victims of Domestic Violence
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted on housing and shelter needs for survivors of domestic violence. The agency noted the rising cost of housing as a barrier for clients to transition out of emergency shelter into stable long-term housing.
27	Agency/Group/Organization	Fair Housing Council of Oregon
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Fair Housing
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The FHCO was partnered with on trainings related to fair housing education for landlords and policy makers. The information shared at these trainings informs the fair housing strategy and goals as well as addressing the impediment of lack of understanding of fair housing laws and resources. FHCO also provided consultation to the CDC about fair housing trends and issues in Oregon. Consultation with FHCO will continue.

Identify any Agency Types not consulted and provide rationale for not consulting

The City consulted with most agencies, area governments, civic and business leaders to develop the 2024 Action Plan. Some agencies not consulted are those that did not respond to agency consultation requests and/or because programs do not need funding, do not have eligible activities at this time, and/or provide complementary services.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Community Services Consortium	Albany falls in the Rural Oregon Continuum of Care (ROCC). Community Services Consortium is the regional agency that participates in the ROCC. The goals of the Albany 2023-2027 Consolidated Plan complement and support CSC plan goals and planning efforts.

Table 3 – Other local / regional / federal planning efforts

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The City will follow its Citizen Participation Plan to seek citizen participation during the development of the 2024 Action Plan. The Citizen Participation Plan requires the City to hold two public hearings annually and give the public opportunities to participate in the process of assessing priority needs and developing and implementing plans. The City advertises public hearings and comment periods in the local paper, the Albany Democrat Herald, press releases to the media and on the City website, and emails to interested parties.

Citizen Participation Outreach

The goal of the input process is to identify gaps in priority needs and seek partnerships for successful projects. The City solicits community input through press releases, emails, conversations with City staff, public meetings of the Community Development Commission (CDC), agencies consultation, City staff attend monthly HEART, MAC Group and Hispanic Advisory Council meetings and reach out to local agencies and institutions to assess needs.

Input on community needs to include in the 2024 Plan was gathered primarily through agency consultations, attendance at local meetings, and through the competitive application process. The CDC evaluated past performance to further determine how to most effectively allocate CDBG resources.

The Albany City Council public hearing on the 2024 Action Plan is scheduled for June 26, 2024. The 30-day comment period will run 30 days prior to the first Council hearing. The following notices about the 30-day comment period on the 2024 Action Plan and public hearing were provided a minimum of 30 days in advance of the public hearing:

- Notice in the Albany Democrat Herald (May 25th, 2024)
- Notice emailed to agencies, interested parties, and stakeholders (May 24th, 2024)
- Press release to the media (May 24th, 2024)
- The 2024 Action Plan Executive Summary in English and Spanish on the City's website with public hearing and comment period notice (May 17th, 2024)
- The 2024 Action Plan available on the City's website (May 24th, 2024)
- The 2024 Action Plan available at City Hall and libraries (May 24th, 2024)

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City will receive CDBG funds in the amount of \$349,123 in PY 2024. The city also anticipates carrying forward \$245,000 of prior year funds. However, these funds have already been allocated through prior year action plans and no changes are being made to those allocations. Therefore, the city is not including those funds as a part of this action plan. No program income is anticipated in 2024. However, given the difficulty of predicting when deferred loans will be repaid, it is possible program income could be generated.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public-federal	Admin and Planning Economic Development Housing Public Improvements Public Services	\$349,123	0	0	\$349,123	\$1,091,387	Prior year funds being carried forward have already been allocated.

Table 4 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

CDBG funds are instrumental in helping local agencies leverage other public and private funding for needed programs, especially public service subrecipients. Anticipated leveraged resources for programs proposed in the 2024 Action Plan are identified below:

- Jackson Street Youth Services – \$520,000 in federal, state, and local/private funds
- Boys and Girls Club- \$47,400 in local/private funds
- Creating Housing Coalition’s Community Outreach and Assistance Team- \$135,000 in state and local/private funds
- Oregon Cascades West Council of Governments - \$55,100 in federal funds
- Family Connections- \$384,800 in federal, state, and local/private funds

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The city’s limited surplus property may be available to address needs identified in the plan. The city will evaluate a surplus property policy that could potentially make this land more available for projects advancing the goals and priorities set forth in the current consolidated plan.

Discussion

The City will use CDBG funds in partnership with subrecipients to leverage private, local, state, and federal funds to address the goals and strategies outlined in the Consolidated Plan. Grants to subrecipients for public services or economic development are anticipated to leverage other funding sources. The housing rehab program is a deferred loan program and repaid loans are used to create a revolving loan that is used to support additional home rehabilitation projects. Over time, this should decrease this program’s reliance on new grant funding each year.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Increase affordable housing options (Center Against Rape and Domestic Violence)	2023	2027	Affordable Housing	City of Albany, Linn County	Reduce homelessness	\$40,900	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 30 Persons Assisted
2	Maintain the existing affordable housing stock (DevNW)	2023	2027	Affordable Housing	Census Tract 204 Census Tract 208.1 Census Tract 205 Census Tract 208.2 City of Albany, Linn County	Affordable Housing	\$125,000	Homeowner Housing Rehabilitated: 3 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Support Economic Opportunities for LMI residents (Family Connections)	2023	2027	Economic Development	City of Albany, Linn County	Expand economic opportunities	\$61,043	Businesses assisted: 5 Businesses Assisted
4	Support public services for LMI residents (Creating Housing Coalition/COAT, Jackson Street Youth Services, OCWCOG Senior Companions, Boys and Girls Club)	2023	2027	Homeless Non-Homeless Special Needs	Census Tracts: 204, 208.1, 208.2 City of Albany, Linn County	Reduce homelessness Public Services	\$52,360	Public service activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted
5	Planning and Administration	2023	2027	Affordable Housing Homeless Non-Homeless Special Needs Non-Housing Community Development	City of Albany, Linn County	Affordable Housing Reduce homelessness Public Services Expand economic opportunities Strengthen and revitalize LMI neighborhoods.	\$69,820	NA

Table 5 – Goals Summary

Goal Descriptions

1	Goal Name	Increase affordable housing options
	Goal Description	Support the opening of a new confidential, safe shelter for survivors of domestic violence through funds for vital security features for the shelter. This shelter will provide residents safety, stability, and support while they seek permanent housing. Any added capacity along the housing pipeline helps our housing system and those seeking permanent housing. It ensures survivors have a safe and stable place to live while pursuing housing, jobs, services, or other actions needed to gain independence from their abuser.
2	Goal Name	Maintain the existing affordable housing stock
	Goal Description	Maintain and improve the quality of Albany's affordable housing stock through housing rehabilitation programs.
3	Goal Name	Support Economic Opportunities for LMI residents
	Goal Description	Funds will be used to provide grants to small businesses, specifically in home childcare businesses owned by low- or moderate-income residents. These grants will support low-income residents, create jobs, and add or maintain needed childcare slots.
4	Goal Name	Support public services for LMI residents
	Goal Description	To support non homeless populations, funds will be used to offer assistance with basic tasks for seniors who are homebound and affordable childcare and youth services for low- and moderate-income families. To reduce homelessness, funds will be used to offer case management and shelter to homeless youth and provide outreach, case management, and resources to unsheltered homeless people in Albany.
5	Goal Name	Planning and Administration
	Goal Description	Provide planning and administration for the city Community Development Block Grant programs and fair housing training and education.

Projects

AP-35 Projects – 91.220(d)

Introduction

This section lists and describes the projects that will be carried out under the City of Albany Community Development Block Grant program during federal PY 2024. The projects reflect priorities that were identified in the development of the 2023-2027 Consolidated Plan and needs identified during the development of the 2024 Plan. Project details are provided in Section AP-38 Project Summary.

Projects

#	Project Name
1	2024 Housing Rehabilitation
2	2024 Needed Public Services
3	2024 Homeless Shelter and Outreach Support
4	2024 Small Business Assistance
5	2024 Public Facility Improvement
6	2024 Planning and Administration

Table 6 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The Community Development Commission (CDC) assessed community needs, evaluated performance of existing subrecipients, and reviewed applications for to determine allocation priorities for the 2024 program year and considered activities continuing with prior year funding. The CDC evaluated 2024 proposals against priority needs, number of extremely low and low-income residents served, existing resources and programs, gaps in service delivery, financial resources, and organizational capacity to carry out the activity within a timely manner. Affordable housing continues to be a substantial need, but there were no agencies prepared to apply for funds for projects that would result in new affordable housing this year. This is an obstacle to addressing the need for new affordable housing.

AP-38 Project Summary

Project Summary Information

1	Project Name	2024 Affordable Housing Rehabilitation
	Target Area	Census Tracts 204, 205, 208.1, 208.2
	Goals Supported	Maintain the existing affordable housing stock
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$125,000
	Description	Improve the livability and sustainability of single-family housing occupied by low- and moderate-income residents through the housing rehabilitation revolving loan program.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	It is estimated that three low- or moderate-income homeowner families will benefit from the housing rehabilitation loan program.
	Location Description	The housing rehabilitation loan program is available to any low- or moderate-income homeowners in the Albany city limits. It is likely that most clients will be in one of the local target area census tracts.
	Planned Activities	DevNW will manage the housing rehabilitation program that provides deferred payment loans to low-mod homeowners for housing rehabilitation and energy efficiency improvements. Repaid loans will develop a revolving loan fund to continue the program.
2	Project Name	2024 Needed Public Services
	Target Area	Census Tracts 208.1, 208.2
	Goals Supported	Support public services for LMI residents
	Needs Addressed	Public Services
	Funding	CDBG: \$14,800

	Description	In the 2024 program year, the City will provide public services grants to agencies that serve poverty level, low-income and vulnerable populations through access to affordable childcare and youth services and services that help seniors remain in their homes.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	It is estimated 19 children will receive scholarships to attend youth programming after school and in the summer providing crucial childcare services during the gaps between school time and common hours of employment for parents. An estimated 15 seniors will benefit from assistance with daily tasks.
	Location Description	<ol style="list-style-type: none"> 1. Senior Companion Program - Oregon Cascades West Council of Governments is in Census Tract 208.02 at 1400 Queen Avenue SE. Services are provided to seniors throughout the city. 2. Boys and Girls club is in Census Tract 208.01. Services are provided to households across the city.
	Planned Activities	<ol style="list-style-type: none"> 1. Senior Companion Program - The Senior Companion Program matches low-income (200 percent poverty level) mobile seniors aged 55+ with homebound seniors in exchange for a small stipend (other funds). Companions provide friendship and assistance to adults who have difficulty with daily living tasks, such as shopping or paying bills, and give families or professional caregivers time off. As a result, many seniors can remain independent in their homes instead of having to move to more costly institutional care. 2. The Boys and Girls club will provide quality affordable childcare and youth services to low- and moderate-income households.
3	Project Name	2024 Homeless Shelter and Outreach Support
	Target Area	Census Tract 204 City of Albany, Linn County
	Goals Supported	Support public services for LMI residents
	Needs Addressed	Reduce homelessness
	Funding	CDBG: \$37,560

	Description	Help the youth shelter emergency overnight shelters provide safe facilities, case management and support services and support outreach and case management services to unsheltered homeless residents.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	It is estimated that 70 homeless or at-risk youth will benefit from services and shelter at the Albany youth shelter and 400 unsheltered homeless people will benefit from outreach and case management services.
	Location Description	The Albany House youth shelter is located at 1240 7th Avenue SE, Albany, OR which is in Census Tract 204. COAT is an outreach organization that provides services across the county, targeting areas where unsheltered homeless people tend to be.
	Planned Activities	Youth Shelter Services: Planned activities include providing both overnight and transitional shelter, meals, basic needs, case management, and support services to homeless and at-risk Albany youth ages 10 to 18. Staff help youth with school, leadership opportunities, life skills building, and reconnecting safely with family. Homeless Outreach Services: This program will provide resource connection, case management, basic necessities, and service navigation support to unsheltered homeless adults in Albany with the goal to help unsheltered residents find shelter or suitable, stable housing.
4	Project Name	2024 Small Business Assistance
	Target Area	City of Albany, Linn County
	Goals Supported	Support Economic Opportunities for LMI residents
	Needs Addressed	Expand economic opportunities
	Funding	CDBG: \$61,043
	Description	Funds will be used to provide grants to low- or moderate-income small business owners operating in home childcare.

	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	It is estimated that 5 low- or moderate- income business owners will benefit from small business assistance to create or sustain their in-home childcare business.
	Location Description	The small business grant program is available to any low- or moderate-income business owners or any small business that will create a low/mod job in the Albany city limits.
	Planned Activities	This activity will provide small grants to microenterprises to create jobs and access capital with the end goal of supporting low- and moderate-income business owners and opening much needed additional childcare slots in Albany.
5	Project Name	2024 Public Facility Improvement
	Target Area	City of Albany, Linn County
	Goals Supported	Increase affordable housing options
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$40,900
	Description	Funds will be used to add key security features to a new confidential shelter for domestic violence survivors. This will allow the shelter to open and survivors to have a safe place to stay while they find permanent housing and gain stability.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	It is estimated that the shelter will serve 30 Albany residents in 2024.
	Location Description	The location of the shelter is kept confidential for the safety of future shelter residents.
	Planned Activities	This project will add security cameras, locks, and secure private fencing to a new shelter for survivors of domestic violence.

6	Project Name	2024 Planning and Administration
	Target Area	City of Albany, Linn County
	Goals Supported	Planning and Administration
	Needs Addressed	Affordable Housing Reduce homelessness Public Services Expand economic opportunities Strengthen and revitalize LMI neighborhoods.
	Funding	CDBG: \$69,820
	Description	Provide planning and administration for the city Community Development Block Grant programs and fair housing training and education.
	Target Date	6/30/25
	Estimate the number and type of families that will benefit from the proposed activities	Administering the CDBG programs will not provide any direct benefit to families and individuals. Approximately 540 Albany residents will directly benefit through the other Action Plan activities that will be carried out in the 2024 program year.
	Location Description	Planning and Program administration occurs at Albany City Hall located at 333 Broadalbin Street SW, Albany, OR.
	Planned Activities	Staff time and expenses to plan, manage, oversee, monitor all aspects of the CDBG program, and ensure compliance to include the following: prepare Action Plans, CAPER, coordinate citizen participation, agency consultations, attend agency meetings, prepare subrecipient contracts and reporting forms, monitor subrecipients and grant projects, prepare environmental review records, process IDIS reimbursements and report accomplishments, coordinate fair housing education and outreach, etc.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Four census tracts in the City of Albany qualify as low-income tracts because over 50% of the households have incomes less than 80% of the area median income. The qualifying census tracts are: 204, 205, 208.01, and 208.02. The target areas also have a higher concentration of residents of Hispanic origin and other minority populations. These tracts are centrally located in older areas of the city where housing, public infrastructure, and public facilities are older and often in need of improvements or replacement.

Geographic Distribution

Target Area	Percentage of Funds
Census Tract 204	10
Census Tract 208.1	4
Census Tract 205	0
Census Tract 208.2	1.5
City of Albany, Linn County	85.1

Table 7 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

2024 CDBG priorities are to provide housing rehabilitation, reduce homelessness, provide safe shelter and stability needed while residents obtain permanent housing, provide needed public services, and create economic opportunities. The geographic distribution in Table 62 only includes the subrecipient agencies and activities that are in or anticipated to be within the city’s target areas. Some activities will likely occur in or benefit residents of the target census tracts, such as low-income homeowner rehabilitation loans and small business grants. However, it is not yet known which census tracts will benefit because recipients of these loans or grants have not been selected. Additionally, many programs serve residents throughout the city, and while most beneficiaries of CDBG funds likely to live in target area census tracts, the city does not receive enough beneficiary data to include activities or recipients served by these programs in the geographic distribution table above.

Discussion

The city can determine that 15% of its allocation, excluding administrative expenses, will be spent in the target census tracts. The youth shelter, youth enrichment funded through scholarships, and senior services are all based out of target census tracts. The city anticipates that some additional portion of the 2024 allocation will benefit residents in target census tracts through home rehabilitation loans, small business grants, or accessing public services offered citywide, but that amount is not yet known.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

In this section of the Plan, HUD asks jurisdictions to indicate the number of households that will be assisted with an affordable housing program such as rental assistance, housing rehabilitation, or new housing.

In the 2024 program year, the Albany housing rehabilitation program will improve the quality and livability of 3 owner-occupied households using 2024 funds. Additionally, 27 units of affordable housing will continue to be available to low- or moderate-income residents through the tiny home village which was supported with CDBG funds previously.

CDBG funds will help the emergency shelter for youth, shelter for survivors of domestic violence, and provide services and case management to help residents get into permanent housing; however, these figures are not included in the tables below. The funds will support the opening of a new shelter for domestic violence survivors, increasing access to temporary housing while survivors obtain permanent housing.

Community Services Consortium (CSC) administers emergency rental assistance and rapid rehousing programs, so there has not been a need to allocate limited CDBG public services funds these needs.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	3
Special-Needs	0
Total	3

Table 8 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	3
Acquisition of Existing Units	0
Total	3

Table 9 - One Year Goals for Affordable Housing by Support Type

Discussion

The City of Albany is committed to keeping LMI homeowners in their homes and improving livability and costs. The City supports creation of new housing units to help LMI residents get into stable affordable

housing. CDBG resources devoted to site clearance for affordable housing in 2021 has resulted in new affordable housing units for LMI residents and will continue to benefit Albany residents in need of affordable housing for years to come. The City receives limited opportunities to use CDBG funds to support affordable housing, but through supporting shelters and adding shelter capacity, the City is assisting residents in having the stability and support needed for these residents to obtain permanent housing, albeit an indirect outcome.

AP-60 Public Housing – 91.220(h)

Introduction

There are no public housing units in the City of Albany. Section AP-60 is not applicable.

Actions planned during the next year to address the needs to public housing

The local housing authority, Linn-Benton Housing Authority (LBHA), owns and manages 113 units of affordable housing units in Albany, primarily for seniors and people with disabilities. None of the LBHA-owned units qualify as “public housing” as defined. LBHA also administers rental assistance through the Section 8 Housing Choice Voucher (HCV) program.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

While Albany does not have any public housing residents as defined by CFRs, LBHA provides a Family Self Sufficiency (FSS) program for Section 8 participants. FSS clients can participate in an Individual Development Account (IDA), which is a matched savings program, that helps clients achieve goals of homeownership, education and/or advancement in employment.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The local housing authority, Linn Benton Housing Authority, is not designated as troubled.

Discussion

Albany does not have any public housing as defined by CFR 91.220.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City assessed unmet demand for services through agency consultations, involvement in homeless coordination teams, and a competitive grant application process to identify the CDBG-funded activities that will address priority unmet needs and provide the most benefit to Albany's homeless and non-homeless special needs residents.

The 2024 PIT count found 500 homeless people in Linn County. Linn County's unsheltered count was 294, with 206 in shelter. The results of the PIT count were not disaggregated by city so it's impossible to determine the exact number of people experiencing homelessness in Albany. COAT reports serving more than 800 unique individuals who are unsheltered in the Albany area over the course of the year, though not all are Albany residents.

There are three local shelters for people who are homeless, including one for youth, and shelters for survivors of domestic violence. Local shelters frequently report being at or near capacity in their high barrier dormitories, often with a waitlist. Second CHANCE expanded their low barrier shelter to 42 beds and about half are full nightly. Many of the unsheltered homeless suffer from mental illness and/or addiction which affects their willingness and ability to seek shelter.

The number of students experiencing homelessness in the 2022-23 school year count of Greater Albany Public School District students was 416 students. As of March 2024, there are 342 students experiencing homelessness in the current school year in the Greater Albany Public School District.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

In PY 2024, CDBG funds will support the following actions to reduce homelessness, reach out to homeless persons and assessing individual needs:

- Jackson Street Youth Shelter (JSYS) conducts outreach to youth through events, the Cornerstone Youth Center, and the local shelter and provides needed supplies and needs to create connections with youth who may be in need. 2024 CDBG funds will support JSYS's Albany House emergency and transitional shelter for vulnerable youth, ages 10 to 17. JSYS provides a safe, stable environment with 24-hour supervision, healthy meals and snacks, clothes, case management, and works with each youth to develop a plan to reunite with their family or find other safe housing.
- COAT will conduct outreach to unsheltered homeless adults and provide resources, service and housing connections, case management, basic necessities, and other services to these residents.

The City will undertake the following actions to reduce homelessness and reach out to homeless persons

in 2024:

1. Support and work with the COAT (Community Outreach Assistance Team). Creating Housing Coalition (CHC)'s outreach team program abbreviated COAT, provides unhoused Albany residents with assistance, including connecting unhoused residents with service agencies and housing services. COAT has members from CHC, CSC, CHANCE (Communities Helping Addicts Negotiate Change Effectively), Linn County Mental Health, Linn County Alcohol and Drug, Family Assistance and Resource Center, Albany Helping Hands Shelter, Jackson Street Youth Services, and Albany Police Department.
2. Support and work with CHANCE and Second CHANCE shelter. CHANCE provides a 24/7 emergency hotline and meets "curb side", at jail, or on location within 30 minutes of a call.
3. Support and work with Albany Helping Hands shelter. Albany Helping Hands provides shelter to adults including adults with criminal backgrounds who have few other shelter options.
4. Actively participate in the Homeless Engagement and Resource Team (HEART) for ongoing planning, coordination, and consultation around addressing issues related to homelessness.
5. Actively participate in the Multi-Agency Coordination Group for ongoing coordination around addressing homelessness in the region and any state or federal funding opportunities that may arise to reduce homelessness in the region.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City consulted with shelters and service providers and the Homeless Engagement and Resources Team (HEART) to keep current on emergency and transitional housing needs of homeless persons. The City used a competitive grant application process to identify the activities that will address priority unmet needs and provide the most benefit to Albany's homeless and non-homeless special needs residents. Emergency shelter and transitional housing needs will also be addressed by local agencies and programs including Albany Helping Hands and Second CHANCE shelter. No emergency shelters or transitional housing construction, rehabilitation, or expansion projects directly for housing people experiencing homelessness were submitted for CDBG funding in 2024. Shelters are aware of CDBG funding but may need time to do the necessary capacity building before requesting funds for capital or infrastructure projects. City staff are in continuous communication with shelters and continue to look for opportunities to support shelters in meeting the needs of homeless residents in Albany. CARDV will receive funds in PY 2024 for security features on a new confidential shelter for survivors of domestic violence. This will allow CARDV to serve more residents in need of safe and confidential emergency shelter.

The Albany House youth shelter operated by Jackson Street Youth Services (JSYS) provides safe shelter for youth ages 10 to 17 and transitional housing if stay extends beyond 72 hours. JSYS also operates transitional houses for young adults ages 18-20 for up to 18 months and recently expanded this program to include a house in Albany with 10 units. CDBG funds will support case management and shelter services

at JSYS in 2024 to address the reduce homelessness goal.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Adult Services Team (AST). This team of numerous agencies, including counties, the City, school district, and more, works to help homeless or near homeless individuals/families overcome or prevent the conditions of homelessness by facilitating access to comprehensive community-based services leading to stabilized lives. AST works with willing adults referred to the team to identify needs and develop a plan that is person centered, recovery oriented, and community based that empowers clients through decision making with peer advocacy and mentoring.

Rapid Re-Housing Program. The CSC Supportive Housing Program is a permanent, rapid re-housing program targeting homeless individuals and families in Linn, Benton, and Lincoln counties of Oregon using a Housing First model. The program provides tenant-based rental assistance using scattered site housing and can assist with security deposits and last month's rent. CSC provides intensive case management services tailored to the individual household's needs and provides connection to mainstream benefits and employment services for 12 months.

Participants are connected to a CSC Housing Placement Advocate who assists them with their housing search. Advocates are certified Rent Well instructors and help participants address barriers to housing such as bad credit, criminal background, or poor rental history with prospective landlords.

CSC also coordinates the annual Point-in-Time count, provides eviction prevention assistance, supportive services for veteran families, and rental and utility assistance to help residents stay in their homes. 245 Albany households requested assistance with rent to prevent eviction.

CSC also manages the Supportive Services for Veteran Families, a program specifically designed to support veterans with housing assistance and other needs.

Supportive Housing. Albany Partnership for Housing and Community Development also operates supportive housing in coordination with Linn County Mental Health (LCMH). Residents receive mental health support and skills training as well as a rental subsidy from Linn Benton Housing Authority (LBHA). Many of their residents have experienced homelessness at some point. Creating Housing Coalition's Hub City Village has reserved 8 units of their tiny home village for people with mental illness. They are partnering with LCMH to provide case management services to those residents and will have a peer support specialist live on site. Additionally, the entire tiny home village is meant for residents who are

experiencing homelessness or housing insecure to be able to have permanent affordable housing.

Jackson Street Youth Services works with youth to safely reunite them with their family or find other stable housing. They also offer transitional housing for young adults.

Homeless outreach. COAT'S outreach mission is to connect unsheltered residents to housing and help unsheltered residents transition out of homelessness. Their case management includes referrals to housing services and other resources. COAT continues their case management services after housing as been established to ensure residents have the skills and resources to keep their housing.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

Emergency Housing Assistance. CSC programs prevent eviction and homelessness and offer rapid-rehousing assistance for homeless residents. CSC's SSVF program helps homeless and near-homeless veterans gain permanent housing and promotes housing stability among very low-income veteran families. CSC also provides utility and rental assistance and financial fitness classes.

Foster Care. There is an independent living housing program which provides funding for youth transitioning out of foster care to go toward their housing costs. Family Tree Relief Nursery has received CDBG funds to prevent foster care placements by providing a home-based intervention service for families at risk of domestic violence and substance abuse but did not need CDBG funding support this year. Therapists work to strengthen families, keep families unified, and prevent abuse and foster care placements.

Youth and Young Adult Housing. JSYS provides emergency shelter for youth 10 to 17 and has two houses where young adults ages 18 to 20 can stay for up to 18 months and meet weekly with a case manager. CDBG funds will support these services.

Inmate Discharge. CHANCE helps inmates develop a re-entry plan for housing and other essential services when released. CHANCE provides emergency hotel stays, bus tickets, and takes clients to detox centers if beds are available. CHANCE also offers a "Second Chance" grant to provide rent support to help people get housing, necessary IDs, and birth certificates. The Linn County Corrections Treatment Program works to give people on probation or post-prison supervision an opportunity to address their substance abuse and mental health issues. The program assists in treatment and rehabilitation of offenders who want to change their circumstances, work towards addiction recovery, while also addressing mental illness and criminal behaviors while in correctional facilities so that re-entry is successful. CHANCE also conducts

outreach to the jail in coordination with Linn County. Albany Helping Hands can and does house people who are on the sex offender registry. Faith Hope and Charity provides mentorship to incarcerated youth and continues services through reintegration.

Recovery Support Services and Housing. CHANCE provides recovery support to residents through peer support, self-help groups, and help residents get into recovery and stay housed. CHANCE helps hard-to-house residents get into case-managed housing. Ten Albany Oxford Houses provide housing for more than 130 people recovering from addiction and several faith-based transitional houses help residents discharged from institutions. Linn County Alcohol and Drug Services also has limited funding for rent and move in assistance for residents actively engaged in addiction treatment.

Persons with Intellectual or Developmental Disabilities. Linn County Health Services (LCHS) provides mental health evaluation, treatment, and crisis intervention services to residents. LCHS, in coordination with the DHS, provides housing support (including group homes, foster care homes, supported living and state-run community programs), in-home services, and transportation to appointments to residents with mental health and developmental disabilities. LBHA, Oregon Mennonite Residential Services, and the Chamberlin House Inc. own and operate several houses and facilities for seniors and residents with disabilities. OCWCOG can provide information and connections to adult foster homes.

Mental Institutions. APHCD coordinates with LCMH to provide supportive housing to clients. CHANCE may pursue creating transitional housing for people with mental illness, including those discharged from the Oregon State Hospital, but funding has been an obstacle. Creating Housing Coalition's tiny house village has set aside 8 units for residents with severe mental illness, though not necessarily reserved for people discharged from mental institutions.

Discussion

The City held agency consultations and solicited requests for applications to assess additional housing and supportive services needs for homeless and non-homeless residents that may have other special needs to determine 2024 CDBG priorities.

2024 funds will provide services and companionship to help homebound seniors remain in their homes and will support the housing rehabilitation loan program for LMI homeowners, which improve the sustainability and cost of housing enabling loan recipients to remain housed. The Jackson Street Youth Services' Albany House will also be supported by 2024 CDBG funds and will provide emergency shelter, services, and opportunities for transitional housing to homeless youth. CARDV will use 2024 funds to assist survivors of domestic violence by supplying safe shelter for those fleeing abuse. COAT will use 2024 CDBG funds for their homeless outreach program. 2024 funds will also provide affordable childcare and youth services to low-income families and expand childcare services in Albany.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Housing costs continue to rise both in the rental and homeownership markets. The median rent went up from \$1,047 in 2020 to \$1,194 in 2022 and the median mortgage rose from \$1,535 in 2020 to \$1,728 in 2022. Many Albany households experience housing cost burden, with a majority being renters. Forty-three percent of Albany’s renter households pay 35% or more of their income on rent compared to 19% of homeowners with a mortgage. For agencies serving low- and moderate-income residents and special populations, affordable housing is a top concern and priority. The price of land, code barriers, and the lack of funding or incentives for affordable housing are barriers to affordable housing in Albany.

Actions planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

In 2024, the city will continue efforts to implement the recommended strategies from the Housing Implementation Plan (HIP) including amending the Albany Development Code and pursuing policies to decrease or offset the cost of creating affordable housing in Albany. The changes to the development code will include encouraging small dwellings through reduced lot sizes, removing code barriers to multiple dwelling unit developments, increasing flexibility for ADUs, height bonuses for affordable or accessible housing, removing max densities in certain residential zones, and removing code barriers to single room occupancy housing and micro housing. In summary, the goal is to adopt policies and code updates identified in the HIP to encourage and incentivize production of needed housing types in Albany.

The city will explore a surplus city owned land policy, revisions to the city’s tax abatement policy and a construction excise tax. Each of these policies has the potential to either reduce the costs associated with building new affordable housing or provide revenue to offset the costs of creating new affordable housing.

Discussion:

Many variables affect housing affordability. Housing affordability and homelessness continue to be challenges for Albany and many cities. The City has taken several steps to evaluate housing needs, including the needs of low- and moderate-income residents, and is taking measures to remove barriers to the development of needed housing. The actions outlined in this action plan build on the actions taken already including removing vehicle parking requirements, allowing middle housing in single dwelling unit zones, and using CDBG funds to support affordable housing creation or preservation when possible.

AP-85 Other Actions – 91.220(k)

Introduction:

The City of Albany, through implementation of this Action Plan, will support agencies working to address obstacles to meeting underserved needs, foster and maintain affordable housing, reduce lead-based paint hazards, reduce the number of poverty-level families, assist in the development of the community's institutional structure, and enhance the coordination of public/private housing and services efforts.

Actions planned to address obstacles to meeting underserved needs

Each year, the City consults with area agencies and other public and governmental entities to identify opportunities to partner and collaborate resources and programming to address as many of Albany's underserved needs as possible. There are more needs than resources to meet those needs within the City of Albany, especially for public services due to the public services cap of 15 percent.

The City prioritizes CDBG funds to activities that will have the greatest impact on serving Albany's low-to moderate-income populations and other special populations, improving livability and sustainability, and increasing economic opportunities. To date, the City has allocated the full 15 percent of its CDBG award to support public services for Albany's low-income and special needs populations, including seniors and survivors of domestic violence. The city has also strategically allocated economic development funding to support LMI childcare businesses in expanding childcare services in Albany, a much-needed service for families, especially LMI families, in Albany.

Actions planned to foster and maintain affordable housing

Consultation with area housing providers to assess agency capacity and resources for adding new affordable housing units is ongoing. Affordable housing units created on a site cleared using CDBG funds will house LMI residents beginning in program year 2023, into 2024 and beyond. The city is now experiencing the benefits of the early CDBG investment.

In the 2024 program year, CDBG funds will continue to support the housing rehabilitation revolving loan fund program. The program provides deferred payment loans to LMI homeowners to improve and maintain Albany's existing affordable housing supply and reduce operating and rehabilitation costs. The city will also pursue strategies outside the CDBG program to reduce barriers to creating affordable and other needed housing in Albany.

Actions planned to reduce lead-based paint hazards

Subrecipients that administer housing rehabilitation programs or property acquisition programs must follow federal lead safe housing and renovation rules. The City developed a lead safe housing checklist

on housing constructed before 1978. The checklist follows the federal requirements for lead safe housing and includes evaluation, testing, implementing safe work practices, compliance with the EPA's Renovator, repair and painting laws, clearance exams, or risk assessments as required. In addition, the DevNW will distribute lead-hazard information to each recipient of a housing rehabilitation loan.

Lead-hazard information pamphlets are available on the City's website and at City Hall for residents living in older homes.

The City will continue to closely monitor each housing rehabilitation project involving housing units constructed before 1978 for compliance with the federal standards and processes.

Actions planned to reduce the number of poverty-level families

The City of Albany's anti-poverty strategies include the following actions:

- Support public service agencies that serve poverty level individuals and families and that help residents develop the skills and access resources needed to become employed, housed, and/or self-sufficient;
- Increase economic opportunities for residents in poverty through technical assistance, education, and economic opportunity grants to microenterprises;
- Increase Albany's affordable housing supply – support local housing agencies' efforts to acquire and develop property;
- Improving affordable housing through housing rehabilitation to reduce overhead costs to residents.

Actions planned to develop institutional structure

Albany is fortunate to have a spectrum of public, private, and institutional agencies with well-established service delivery structures within the City. The City works closely with agencies, institutions, and the Community Services Consortium (action agency) to identify needs and select subrecipients to carry out activities that address priority needs identified in the Consolidated Plan and in the community. Coordination and communication result in partnerships and collaboration among agencies and ensure successful implementation of the CDBG programs and desired outcomes.

Actions planned to enhance coordination between public and private housing and social service agencies

City staff and CDC members look for opportunities to facilitate partnerships among public and private housing and service providers and other organizations and institutions in the community that serve

Albany's vulnerable and LMI residents.

During the 2024 program year, the City's efforts to enhance coordination between public and private housing and social service agencies will include:

- Participating in HEART (Homeless Enrichment and Rehabilitation Team) and attending monthly meetings.
- Collaborating with other housing and service agencies, governmental agencies, and institutions including Linn County Health Services, Samaritan Health Services, and Department of Human Services to assess community needs, identify opportunities to address them, and plan projects for both short- and long-term implementation.
- Support the COAT (Community Outreach Assistance Team). Creating Housing Coalition (CHC) created a new assistance team program abbreviated COAT. The team goes out into the Albany community to provide unhoused neighbors with assistance, including connecting unhoused residents with service agencies and housing services. COAT is comprised of members from CHC, CSC, CHANCE (Communities Helping Addicts Negotiate Change Effectively), Family Assistance and Resource Center, Albany Helping Hands Shelter, Jackson Street Youth Services, and Albany Police Department. City staff will continue to collaborate with Creating Housing Coalition and support the efforts of COAT.
- Participating in the MAC group and attending monthly meetings.

Discussion:

The City of Albany will continue coordinating with and providing CDBG funding to area agencies to advance the goals of the 2024 Action Plan. 2024 funds will be used strategically to address the needs of low- and moderate- income and vulnerable residents in Albany. Additionally, the City of Albany will pursue actions beyond the CDBG program to address the housing needs of residents through the enacting strategies from the Housing Implementation Plan.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

Program income is gross income that is directly generated from a CDBG-funded activity. Housing rehabilitation loan repayments will be made to the subrecipient managing the revolving loan fund and retained to continue the housing rehabilitation program. The City of Albany estimates there will be no program income funds generated in 2024 and no program income carried over from 2023.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	0
5. The amount of income from float-funded activities	0
Total Program Income	0

Other CDBG Requirements

1. The amount of urgent need activities	0
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MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 6/20*

FROM: Chris LaBelle, Deputy Chief *CL*

DATE: June 14, 2024, for the June 26, 2024, City Council Meeting

SUBJECT: Apply for OSFM Community Wildfire Risk Reduction Grant
 Relates to Strategic Plan theme: A Safe City

Action Requested:

Council approval by resolution to apply for the 2024 Community Wildfire Risk Reduction Grant through the Oregon State Fire Marshal (OSFM) for a community protection project to reduce fuel and create defensible space.

Discussion:

The 2024 Community Wildfire Risk Reduction Grant is intended to increase defensible space in Oregon by funding wildfire mitigation projects. Projects must be timely and are to be completed by August 31, 2026. The Fire Department will use awarded funds to remove invasive vegetation between the Calapooia River and a neighborhood on 53rd Avenue SW. This area of the community has just one ingress and one egress and has been identified as an area to target in the Linn County Community Wildfire Protection Plan (CWPP). Work crews and equipment will be used to remove the vegetation while preserving native plants, which will help prepare the area for further restoration efforts in the future.

Budget Impact:

The project will cost \$75,000 and will be managed out of 20325800 Fire Grants.

CL:rb
 Attachments (1)



RESOLUTION NO. _____

A RESOLUTION APPROVING APPLICATION OF THE 2024 COMMUNITY WILDFIRE RISK REDUCTION GRANT THROUGH THE OREGON STATE FIRE MARSHAL (OSFM) FOR VEGETATION REMOVAL NOT TO EXCEED \$75,000.

WHEREAS, the 2024 Community Wildfire Risk Reduction Grant is intended to increase defensible space in Oregon by funding wildfire mitigation projects; and

WHEREAS, The City of Albany owns areas identified in the Linn County Community Wildfire Protection Plan that are at a higher risk of wildfire; and

WHEREAS, the Fire Department would use funding to remove invasive vegetation and create defensible space; and

WHEREAS, the grant period opened on May 20, 2024, and closes on July 19, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the Fire Chief is approved to apply for the 2024 OSFM Community Wildfire Risk Reduction Grant in an amount not to exceed \$75,000 for vegetation removal.

DATED AND EFFECTIVE THIS 26TH DAY OF JUNE 2024.

Mayor

ATTEST:

City Clerk



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 6/20*
Chris Bailey, Public Works Director *CB*

FROM: Craig Prosser, Wastewater Superintendent *CP*

DATE: June 14, 2024, for the June 26, 2024, City Council Regular Session

SUBJECT: Exemption from Competitive Bidding for Replacement of Vertical Loop Reactors Turning Vanes
Relates to Strategic Plan Theme: An Effective Government

Action Requested:

Staff recommends city council, acting as the local contract review board, adopt the attached resolution (Attachment 1) that will:

1. Waive competitive bidding, adopt written findings, and approve the use of a special procurement method to complete the maintenance and parts replacement for the Vertical Loop Reactors (VLR); and
2. Authorize the Public Works director to negotiate, award, and execute a special procurement contract with MPP Piping to complete the maintenance and parts replacement for the VLR.

Discussion:

The VLR is a key component in the treatment of the City's wastewater. It is a large structure containing six individual cells that provide secondary aeration treatment for biological nutrient removal. The structure is built in a way that wastewater moves in a loop around a center "floor" within each cell, resembling a racetrack that is set on its side. At the end of each "floor" is a series of parts that guide the water in a looped pattern, help with the aeration process, and protect the concrete from wear and tear of the turning action. These parts are called turning vanes and are subjected to a very harsh environment and significant forces. Each cell of the VLR currently requires many parts to be replaced to function properly. Because of the harsh environment, staff is replacing the current galvanized components from the original manufacturer with stainless steel parts. Stainless steel is best for the harsh environments of the VLR and offers durability and longevity. Due to the technical nature of the installation and the need for custom made parts, staff recommends that the City contract with MPP Piping of Scio, Oregon to obtain and install the custom fabricated parts to replace the remaining turning vanes.

Staff is completing inspections and necessary repairs on the turning vanes on each VLR cell. Due to operational constraints, staff is able to drain, inspect, and do maintenance on only one cell at a time to ensure capacity for treating incoming wastewater. To date, two cells have undergone turning vane replacements. The first utilized standard manufacturer parts, while the second employed custom fabricated components at a reduced cost. MPP Piping completed both projects following informal requests for quotations (RFQs) per project. If inspections of the remaining cells reveal structural deficiencies and warrant replacing any part of the structure, those replacements and repairs will be scheduled at that time.

During previous construction, staff and the contractor learned technical lessons and made adjustments to the turning vane structures, leveraging the unique abilities of MPP Piping, which has demonstrated significant value to the City. MPP Piping is familiar with this unique and specialized equipment and its operations and is able to fabricate custom parts out of stainless steel, which has allowed the City to forgo purchasing an entire parts

package from the manufacturer. Selecting MPP Piping for the remaining turning vane replacements will enable the City to capitalize on this value and expertise, ensuring a superior outcome for the City's infrastructure.

Existing state purchasing rules, which have been adopted by the City, allow for exceptions to competitive bidding requirements and allow purchases to be made under a "Special Procurement" with approval of the city council, acting as the local contract review board. Staff has determined this special procurement request meets all requirements of ORS 279B.085 and has provided required written findings below:

- **The special procurement is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts.** This project is of limited scope that caters to the expertise and specialties of MPP Piping. Few local vendors can provide the unique, customized stainless-steel product and the specialized knowledge of the City's VLR.
- **The special procurement is reasonably expected to result in substantial cost savings to the contracting agency or to the public.** By contracting with MPP Piping, the City would save administrative and operation costs to convey the extensive knowledge MPP Piping already possess from previous fabrication and repair work. MPP Piping's provision of custom stainless-steel parts will prevent the City from purchasing a complete parts package from the standard manufacturer, which includes unnecessary components and uses materials that are less durable in our specific environment.
- **The special procurement will promote the public interest in a manner that could not practicably be realized by complying with the other available methods of procurement.** A special procurement is required to be able to procure the unique expertise and experience MPP Piping offers. Their knowledge and experience will be most valuable in managing the inherent scheduling difficulties at the wastewater plant. Shutdowns must occur at particular times of the year and with much coordination with the City. The typical design-bid-build process with an inexperienced fabricator would take a significant amount of time and likely cause missed windows of opportunity to complete the work.

Public notice of this request will be made in accordance with state purchasing requirements, Oregon Revised Statutes (ORS) 279B.085 and Oregon Administrative Rules 137-047-0285. This will allow prospective suppliers an opportunity to provide input or feedback to the city council prior to the notice of award. After seven days' notice and no protests received, a contract will be negotiated to obtain contract terms that are advantageous to the City. The attached resolution authorizes the use of a special procurement process after adopting the written findings needed to satisfy City and State purchasing requirements.

Budget Impact:

The current estimate per turning vane in a single VLR cell is \$73,450. There are adequate funds in Sewer Fund capital reserves (60140350) for replacement of the turning vanes in the remaining cells. There are potentially four cells remaining to be repaired and, if warranted, repairs for the remaining cells will be scheduled between FY2025 – FY 2027.

NN:CP:kc:lr



RESOLUTION NO. _____

A RESOLUTION OF THE ALBANY CITY COUNCIL, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, WAIVING COMPETITIVE BIDDING AND AWARDING A SPECIAL PROCUREMENT CONTRACT TO MPP PIPING AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO AWARD AND EXECUTE A CONTRACT WITH MPP PIPING FOR VERTICAL LOOP REACTOR MAINTENANCE AND REPLACEMENT

WHEREAS, Albany Municipal Code 2.66.060(11), Oregon Revised Statute 279B.085, and Oregon Administrative Rule 137-047-0285 allow the city council, acting as the local contract review board, to authorize the use of a class special procurement process for the selection of goods and services for a special purpose and for a series of related contracts; and

WHEREAS, such authorization must be based on written findings submitted by the department seeking the exception that describe the selected special procurement method to be used and the circumstances to support the use of the special procurement; and

WHEREAS, the Vertical Loop Reactor (VLR) is a key component in the treatment of the City's wastewater; and

WHEREAS, MPP Piping has experience with and expertise in the City's VLR and its components; and

WHEREAS, MPP Piping is able to fabricate the required VLR components using stainless steel, which will provide durability and longevity of the components;

WHEREAS, there are few vendors that can provide the same type of fabrication and expertise in the City's components and operations and is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and

WHEREAS, procuring only the required parts, rather than entire parts packages from the original equipment manufacturer, will provide the department cost savings and efficiencies.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council, acting as the local contract review board, that:

1. The City requires a special procurement process to enter into a contract with MPP Piping for VLR components maintenance and replacement. There are few vendors that provide the same type of fabrication and expertise in the City's components and operations as MPP Piping. Procurement of this service would be unlikely to diminish competition or encourage favoritism in awarding the contract.
2. Awarding a contract to MPP Piping will achieve department cost savings and efficiencies by utilizing a contractor who has provided the same specialized parts and installation and has acquired expertise.
3. Entering into a class special procurement with MPP Piping would result in proper installation and maintenance for the entire VLR, allowing for durability of the components.

BE IT FURTHER RESOLVED that notwithstanding the provisions of the Albany Municipal Code Section 2.66.060, the Public Works Director is authorized to use a class special procurement method to enter into a contract with MPP Piping; and

BE IT FURTHER RESOLVED that the Public Works Director is hereby directed to negotiate, award, and execute a class special procurement contract with MPP Piping for VLR Replacement after the City has given public notice for seven days of its intent to award a contract per OAR 137-047-0285 and ORS 279B.085.

DATED AND EFFECTIVE THIS 26TH DAY OF JUNE 2024.

Mayor

ATTEST:

City Clerk



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *BT 6/20*

FROM: Jeanna Yeager, Finance Director
Diane Murzynski, Contracts & Procurement Officer

DATE: May 27, 2024, for the June 26, 2024, City Council Meeting

SUBJECT: Award of Contract for Banking and Procurement Card Services
RELATES TO STRATEGIC PLAN THEME: An Effective Government

Action Requested:

Staff requests that council adopt the attached resolution accepting the proposal and awarding a contract to Wells Fargo, Portland, OR, for banking and procurement card services; and authorize the finance director to negotiate and sign a contract with Wells Fargo, for five years with an option to extend the contract an additional five-year term.

Discussion:

The City's current contracts for banking services and procurement card services are with US Bank and Bank of America, respectively. The banking services contract will expire November 1, 2024, and began approximately 15 years ago, and the procurement card services contract commenced in 2013 and is on a month-to-month basis.

On February 26, 2024, the City advertised a competitive Request for Proposals (RFP) for Banking, Merchant, and Procurement Card Services. The solicitation closed on April 4, 2024, and the City received three responsive, responsible proposals. The firms submitting responses were US Bank, Seattle, WA; JP Morgan Chase, Seattle, WA; and Wells Fargo, Portland, OR.

The City's evaluation committee was comprised of representatives from both the finance and public works departments. Staff evaluated all three firms' technical proposals for Category 1 - Banking Services, and Category 2 - Procurement Card Services. Both proposals were scored based on their management letter and financial strength; knowledge, experience, and qualifications of key personnel; project approach and understanding; security measures; implementation process and timeline; technical requirements of the firm's software; cost proposal; and references. All three firms were interviewed and requested to demonstrate their software and ease of use functionality for both categories of services.

Department staff who regularly use the software platform participated in scoring the demonstrations. The City's objective is to award a contract to a firm that meets the service requirements and demonstrates the necessary experience and professional qualifications to provide the required services, while meeting IT security standards, and providing a level of service and quality at a reasonable price.

Based on the technical review, cost proposal, and demonstrations, the scoring for both categories of services reflected Wells Fargo as the apparent successful proposer. The competitive process reflected final scores within a range of fourteen points for procurement card services; and twenty-five points for banking services.

The evaluation committee recommends Council award a contract to Wells Fargo for a five-year term, with an option to extend the contract for an additional five-year term for both banking and procurement card services. In addition, the bundling of both services with one firm will allow for additional savings.

Budget Impact:

The monthly service analysis fees will be approximately \$1,658. This fee will be offset by an Earnings Credit Rate (ECR) of 3.5% (18 months), and interest earnings of 1.75% (12 months). Additional savings may be leveraged by increasing the average collected balance. Implementation, set-up charges, and technology fees will be waived; credits will be applied for technology (\$3,750) and miscellaneous supplies (\$1,250). Earned rebates from the Commercial Card program are anticipated to be \$144,456 annually and may be greater based on increased payment frequency to the provider, as well as increased accounts payable payments made to vendors by procurement card.

DM

Attachment (1) Resolution



RESOLUTION NO. _____

A RESOLUTION AWARDING A CONTRACT TO WELLS FARGO, PORTLAND, OR, FOR BANKING AND PROCUREMENT CARD SERVICES; AND AUTHORIZING THE FINANCE DIRECTOR TO ENTER INTO A CONTRACT WITH WELLS FARGO TO PROVIDE BANKING AND PROCUREMENT CARD SERVICES

WHEREAS, the current contracts for banking services and procurement card services are with US Bank and Bank of America, respectively, and expire within approximately six months; and

WHEREAS, on February 26, 2024, the City advertised a competitive Request for Proposals (RFP) for banking, merchant, and procurement card services; and

WHEREAS, the solicitation closed on April 4, 2024, and the City received three responsive, responsible proposals; and

WHEREAS, the firms submitting responses were US Bank, Seattle, WA; JP Morgan Chase, Seattle, WA; and Wells Fargo, Portland, OR; and

WHEREAS, the proposals received from the firms were for both categories of services, category 1 - banking services, and category 2 - procurement card services; and

WHEREAS, the City's evaluation committee, comprised of representatives from finance and public works staff evaluated and scored the firms' management letter and financial strength; knowledge, experience, and qualifications of key personnel; project approach and understanding; security measures; implementation process and timeline; technical requirements of the firm's software; cost proposal; references; interviews and the softwares' ease of use functionality and features; and

WHEREAS, the final scores supported Wells Fargo as the apparent successful proposer for both banking and procurement card services that can meet the service requirements, provide the necessary experience and professional qualifications, meet IT security standards, and provide a quality level of service and at a reasonable price; and

WHEREAS, the evaluation committee recommends Council award a contract to Wells Fargo, for an initial five-year term, commencing approximately July 1, 2024, with an option to extend the contract an additional five-year term.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby accepts the proposal and awards a contract to Wells Fargo to provide banking and procurement card services over a five-year term, beginning July 1, 2024, with the option to extend the contract an additional five-year term; and

BE IT FURTHER RESOLVED that the finance director is hereby authorized to sign a contract with Wells Fargo for banking and procurement card services.

DATED AND EFFECTIVE THIS 26TH DAY OF JUNE 2024.

Mayor

ATTEST:

City Clerk



MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *B 6/20*

FROM: Chris LaBelle, Deputy Chief *CL*

DATE: June 14, 2021, for the June 26, 2024, City Council Meeting

SUBJECT: Intergovernmental Agreement Between City of Albany and City of Corvallis for Use of Public Education Prop

Relates to Strategic Plan theme: A Safe City

Action Requested:

City Council approval to direct the Albany Fire Department to enter into an intergovernmental agreement with the City of Corvallis for use of an inflatable public education prop.

Discussion:

The Fire Department participates in public outreach and education events as often as possible within its mission to “Prevent and Protect from Harm.” Hands-on education and props that assist in these efforts are invaluable to the quality of our programs. The City of Corvallis Fire Department (CFD) had a mobile prevention trailer that was shared with Albany Fire at no cost, but it was recently decommissioned. CFD subsequently purchased an inflatable prevention “house” education prop with similar features that enhance fire safety learning, such as escape drills in the home, and can be moved to different locations. This agreement would allow Albany Fire Department access to the asset for training purposes at no cost to the City of Albany.

Budget Impact:

None.

CL:rb

Attachments (1)



**INTERGOVERNMENTAL AGREEMENT
CITY OF CORVALLIS AND CITY OF ALBANY
FOR USE OF INFLATABLE EDUCATION PROP**

PARTIES

The CITY OF CORVALLIS, a municipal corporation of the State of Oregon, 501 SW Madison Avenue, Corvallis, OR 97330, hereinafter referred to as "CORVALLIS", and the CITY OF ALBANY, a municipal corporation of the State of Oregon, 333 Broadalbin Street SW, Albany, Oregon 97321, hereinafter referred to as "ALBANY", and jointly referred to as "PARTIES", or individually as a "PARTY".

RECITALS

1. WHEREAS, ORS 190.007 et seq. provides for intergovernmental cooperation in the interest of furthering economy and efficiency of local government; and
2. WHEREAS, ORS 190.003 for purposes of such intergovernmental cooperation defines a unit of local government as including a county, city, district, or other public corporation, commission, authority, entity organized and existing under statute or city charter; and
3. WHEREAS, ORS 190.010 provides that a unity of local government may enter into a written agreement with any other unit or units of local government for the performance of any or all functions and activities that a party to the Agreement, its officers or agencies, have authority to perform; and
4. WHEREAS, in an effort to further economy and efficiency, the Parties hereto wish to cooperatively support the sharing of equipment during times of need, and
5. WHEREAS, the parties wish to establish this collaborative agreement to ensure continued consideration of opportunities for cooperation which may arise.

NOW, THEREFORE, IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:

AGREEMENTS

Article 1: Scope of Services

1.1 Shared Equipment

The City of Corvallis Fire Department will make available and allow the City of Albany Fire Department to share an inflatable education fire house prop that is used for fire prevention activities such as "escape drills" in the home. The house has multiple features that enhance fire safety learning. It can be transported to different locations for public education purposes. The City of Corvallis Fire Department makes no representations or warranties as to the safety or suitability of the equipment, and the City of Albany Fire

Department shares the use of the prop at its sole risk. The parties believe that the City of Albany Fire Department may, at the City of Albany Fire Department's sole risk, transport, utilize, and operate the City of Corvallis Fire Department's inflatable education fire house prop for their own public education initiatives.

1.2 Permissible Places of Operation

The City of Corvallis Fire Department agrees to permit the City of Albany Fire Department to operate the equipment in the following places within its service areas: Albany parks, Albany schools, Linn County Fairgrounds, City of Millersburg, and fire stations operated by Albany Fire.

Article 2: Term/Time of Performance

The terms of this Agreement shall become effective upon the final signature of the parties and shall remain in effect until it is terminated by mutual agreement of the parties. This Agreement shall be reviewed annually.

Article 3: Compensation

None of the parties is responsible to compensate or provide any other benefit to the other for the performance of the terms of this Agreement.

Article 4: Change or Modification

This Agreement contains the entire agreement between the parties hereto and supersedes any and all prior express and/or implied statements, negotiations and/or agreements between the parties, either oral or written. Any party to this Agreement may from time-to-time request changes in the scope of the agreement as set forth herein. No change, modification, or waiver of any provision in this Agreement shall be valid or binding upon the parties except upon written amendment executed by all of the parties.

Article 5: Transfer of Interest

No party to this Agreement shall assign or transfer any interest in or duty under this Agreement without the written consent of the other parties, and no assignment shall be of any force or effect whatsoever unless and until the other parties shall have so consented in writing.

Article 6: Indemnity

Each aforementioned party agrees to defend, hold harmless, and indemnify the other parties, their officers, employees, board members, and agents from any and all liability, damages, costs, expenses, and attorney fees arising out of the parties' negligence while engaged in the activities arising out of this Agreement.

Subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 et seq., and Article XI, Section 10 of the Oregon Constitution, each party to this agreement shall be solely responsible for its own actions and/or failure to act and shall indemnify and hold the other party harmless from any liability, cost or damage arising there from. Provided, however, that neither party shall be required to indemnify the others for any claim, loss or liability arising solely out of

the wrongful act of the other's officers, employees, or agents. The provisions of this paragraph shall survive the expiration or sooner termination of this agreement.

Article 7: Insurance/Release

Each party agrees to provide and be responsible for their employees' workers' compensation insurance. Additionally, each party shall be responsible for any and all liability arising out of its use of the equipment by its respective officers, employees, board members, agents, or volunteers. Each party further agrees to be responsible for and make repairs or replacements required due to any physical damage to the equipment while it is in the custody of that party or being used, stored, or parked by that party. The City of Corvallis makes no warranties, express or implied, as to the condition of the Trailer or any equipment contained therein. The City of Albany Fire Department acknowledges that its representatives have examined the Trailer, and the City of Corvallis Fire Department has made no warranties to its condition or suitability for use.

Article 8: Severability

Invalidation of any term or provision herein by judgment or court order shall not affect any other provisions that remain in full force and effect.

Article 9: Termination/Withdrawal

Any party may request termination/withdrawal of this Agreement for any reason with 30 days written notice to the other party. Each party shall continue to carry out the provisions of this Agreement during the period after the giving of notice to the effective date of termination/withdrawal.

Article 10: Operations of Agreement

In any decisions regarding the operation of this Agreement, it is the intent of both parties hereto that the specific provisions of this Intergovernmental Agreement shall govern. Decisions necessary to implement this Agreement that are not covered by the specific provisions of this Agreement shall require the agreement of both parties. Such agreement shall be provided through their designated representatives. In the event that the parties do not reach an agreement on a decision or a particular course of action, the matter will be referred to the nonelected chief executive officers of the respective parties to this Agreement for resolution. Those officers will meet and make a decision regarding this matter. In the event that the chief executive officers are unable to agree, then the issue will be processed in accordance with Article 11.

Article 11: Disagreement/Arbitration

In the event the parties to this Agreement are unable to agree, as specified in Article 10, either party may apply to the presiding judge of Linn County requesting the appointment of a neutral arbitrator. The arbitrator thus selected shall establish the procedures for arbitration of the dispute and his/her decision shall be final. The parties shall share equally in all arbitration fees and costs.

Article 12: Attorneys' Fees

In the event a suit or action is commenced to enforce the terms of this Agreement, the prevailing party shall recover and the losing party shall pay the prevailing party court costs and reasonable

attorney fees incurred in the suit or action. This provision specifically includes any court costs and attorneys' fees incurred by the party prevailing on appeal.

IN WITNESS WHEREOF, the parties have herewith executed their signatures.

CITY OF CORVALLIS, OREGON

CITY OF ALBANY, OREGON

Mark Shepard, City Manager

Chris LaBelle, Fire Chief

Date

Date

Peter Troedsson, City Manager

Date

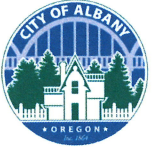
Approved as to Form:

Jim Brewer, City Attorney

M. Sean Kidd, City Attorney

Date

Date



MEMO

TO: Albany City Council
VIA: Peter Troedsson, City Manager *PT 6/20*
FROM: Jeanna Yeager, Finance Director
DATE: June 12, 2024, for the June 26, 2024, City Council Meeting

SUBJECT: Intergovernmental Agreement with Linn County for TLT Revenue Collection
Relates to Strategic Plan theme: An Effective Government

Action Requested:

Council approval of an intergovernmental agreement (IGA) between the City of Albany and Linn County providing collection of Transient Lodging Tax (TLT) revenues for a five-year term.

Discussion:

On October 10, 2018, Council approved an intergovernmental agreement with Linn County for the collection of Linn County's portion of TLT revenues. The process has worked well; the City collects the revenues and remits quarterly payments to the County. For providing this service, the City retains an administration fee of five percent of the collected amounts.

The current agreement has expired, and the two agencies would like to continue this relationship. On May 14, 2024, the Linn County Board of Commissioners adopted Resolution 2024-142 approving this agreement. With Council's adoption of the attached resolution, this agreement will commence on July 1, 2024, for a five-year period.

Budget Impact:

Staff estimates administration fee revenues of \$15,000 per fiscal year.

JLY
Attachment - Resolution



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH LINN COUNTY TO PROVIDE TRANSIENT LODGING TAX (TLT) COLLECTIONS FOR FIVE YEARS

WHEREAS, ORS 190.010 provides that a unit of local government may enter into a written agreement with any other unit or units of local government for the performance of any and all functions and activities that a party to the Agreement, its officers, or agents have the authority to perform; and

WHEREAS, the City has a long history of collecting Transient Lodging Taxes (TLTs); and

WHEREAS, the City has been collecting TLT revenues on behalf of Linn County since October 2018; and

WHEREAS, entering into an intergovernmental agreement with Linn County is beneficial for both governments.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the Finance Director execute an intergovernmental agreement for five years with Linn County to provide TLT collections (Exhibit A – Intergovernmental Agreement).

DATED AND EFFECTIVE THIS 26TH DAY OF JUNE 2024.

Mayor

ATTEST:

City Clerk

INTERGOVERNMENTAL AGREEMENT
(Pursuant to Resolution & Order No. 2024-142)

THIS AGREEMENT is made and entered into by and between **LINN THE COUNTY**, a political subdivision of the State of Oregon, acting by and through its Linn County Board of Commissioners, of P.O. Box 100, Albany, Oregon, 97321 (hereinafter referred to as the “County”), **CITY OF ALBANY**, of P.O. Box 490, Albany, OR 97321, a political subdivision of the State of Oregon (hereinafter referred to as the “City.”)

WHEREAS, pursuant to ORS 190.003 to 190.130, the County and the City desire to enter into an intergovernmental agreement; and

WHEREAS, the County requires the work and services described herein, and the City agrees to perform all the work and services described herein; now, therefore, IT IS AGREED:

1. **Term of Intergovernmental Agreement.** This Agreement shall be effective and services required hereunder shall commence on July 1, 2024 and shall terminate on June 30, 2029, unless otherwise terminated or extended as provided herein.
2. **Consideration.** The City shall retain five (5%) of the Transient Lodging Tax (TLT) revenues collected by the City on behalf of the County as required under this Agreement.
3. **Services to Be Provided by the City.** The City agrees to perform the following services as requested by the County:
 - a. The City shall be the County’s designated tax collector for all revenue received pursuant to Linn County Code 770, the Linn County Transient Lodging Tax Code, which was adopted on July 3, 2018 pursuant to Ordinance No. 2018-197 (hereinafter referred to as the “Tax.”) The City shall only be responsible for collecting the Tax from those applicable entities that are located within the City of Albany.
 - b. The City shall forward the Tax revenue received, minus the 5% outlined in Section 2, to the County according to the following ongoing quarterly schedule: February 15; May 15; August 15; November 15. With the Tax payment, the City shall include an accounting of the Tax collected from each entity. The County reserves the right to request a copy of any remittance form, tax return form, or other document that is submitted to the City by the entity in relation to the Tax.
 - c. The City shall continuously forward to the County a copy of any registration form received from a Tax-paying entity located within the City.
 - d. The City is not in any way responsible for enforcement of the Tax in the event of nonpayment. However, the City shall notify the County if/when an entity that is mandated to pay the Tax fails to submit payment as required.
4. **Declaration of the nature of the contractual relationship.** The City and the County are independent contractors and not employees of or agents of each other. Neither party shall be responsible for any claims, demands or causes of action of any kind or character arising in favor of any person, on account of personal injuries, or death, or damage to property occurring, growing out of, incident to, or resulting directly or indirectly from the operations or activities of the other party.

5. Representations and Warranties.

- a. The County Representations and Warranties.** The County represents and warrants to the City that:
- i.** The County is a unit of local government duly organized and validly existing under the laws and jurisdiction of the State of Oregon. The County has the power and authority to enter into and perform this Agreement pursuant to ORS 190.003 to 190.130;
 - ii.** The making and performance by the County of this Agreement (a) has been duly authorized by all necessary action of the County, (b) does not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any the County ordinance or other organizational document and (c) does not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which the County is party or by which the County may be bound or affected. No authorization, consent, license, approval of, or filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by the County of this Agreement, other than those that have already been obtained;
 - iii.** This Agreement has been duly executed and delivered by the County and constitutes a legal, valid and binding obligation of the County enforceable in accordance with its terms;
- b. The City Representations and Warranties.** The City represents and warrants to the County that:
- i.** The City is a unit of local government duly organized and validly existing under the laws and jurisdiction of the State of Oregon. The City has the power and authority to enter into and perform this Agreement pursuant to ORS 190.003 to 190.130;
 - ii.** The making and performance by the City of this Agreement (a) has been duly authorized by all necessary action of the City, (b) does not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency and (c) does not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which the City is party or by which the City may be bound or affected. No authorization, consent, license, approval of, or filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by the City of this Agreement, other than those that have already been obtained; and
 - iii.** This Agreement has been duly executed and delivered by the City and constitutes a legal, valid and binding obligation of the City enforceable in accordance with its terms.
 - iv.** The City has the skill and knowledge possessed by well-informed members of the industry, trade or profession most closely involved in providing the services under this Agreement, and the City will apply that skill and knowledge with care and diligence to perform its obligations under this Agreement in a professional manner and in accordance with the highest standards prevalent in the related industry, trade, or profession; and
 - v.** The City shall, at all times during the term of this Agreement, be qualified, professionally competent, and duly licensed to perform its obligations under this Agreement.

6. Amendments. This Agreement may be amended to the extent permitted by applicable statutes, administrative rules, ordinances, and Linn County Code. No amendment shall bind either party unless in writing and signed by both parties.

7. Insurance.

- a. Workers Compensation.** To the extent applicable, each party represents and warrants that it maintains and will maintain in full force and effect coverage sufficient to meet the requirements of Oregon workers' compensation law.
- b. General Liability.** To the extent applicable, each party represents and warrants that it maintains and will maintain in full force and effect liability insurance covering activities and operations described in this Agreement for the duration of the Agreement.
- c. Professional Liability.** To the extent applicable, each party shall obtain and at all times keep in effect professional liability insurance as required by law.

8. **Indemnification.** To the fullest extent permitted by law, and in accordance with Article XI, Section 10, of the Oregon Constitution and the Oregon Tort Claims Act, each party shall indemnify, defend, save, and hold harmless the other party and its officers, employees and agents from and against all claims, suits, actions, liabilities, damages, losses, or expenses, arising out of the acts or omissions of the party, its officers, agents, or employees performing under this Contract.
9. **Compliance with Laws.** Each party agrees to comply with all federal, state, and local laws, codes, regulations, and ordinances applicable to the provision of services under this Agreement, including, without limitation, the provisions of ORS 279B.220 through 279B.235 and the provisions of: (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 (Pub L No 101- 336), ORS 659.425, and all amendments of and regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations.
10. **Termination.**
- a. **For Convenience.** Either party may terminate this Agreement without specifying any reason for termination by giving written notice of intent to terminate, in writing, mailed at least thirty (30) days before the intended termination date to the party at the party's address given above. Such termination shall be without liability or penalty. No such termination shall prejudice any obligations or liabilities of either party already accrued prior to the effective date of termination.
 - b. **For Cause.** It is further agreed that either party may immediately terminate this Agreement without liability or penalty for any of the following causes:
 - i. A party breaches any of the provisions of this Agreement and fails to remedy said breach within thirty (30) days of its receipt of written notice of the breach;
 - ii. A party lacks lawful funding, appropriations, limitations, or other expenditure authority at levels sufficient to allow either party to perform in accordance with the provisions of this Agreement; or
 - iii. Federal, state, or local laws, regulations, or guidelines are modified or interpreted in such a way that the services under this Agreement are thereafter prohibited.
 - c. **Force Majeure.** Neither party to this Agreement shall be held responsible for delay or default caused by fire, riot, acts of God, and/or war, which is beyond the party's reasonable control. The affected party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligations under this Agreement. Either party may terminate this Agreement upon written notice after determining such delay or default will reasonably prevent successful performance of this Agreement.
11. **Waiver.** The failure of either party to enforce any provision of this agreement shall not constitute a waiver by that party of that or any other provision of this agreement, or the waiver by that party of the ability to enforce that or any other provision in the event of any subsequent breach.
12. **Records Maintenance; Access.** Both parties shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles. In addition, both parties shall maintain any other records pertinent to this Agreement in such a manner as to clearly document Contractor's performance hereunder. Parties acknowledge and agree that the County, the Oregon Secretary of State's Office, the Federal Government and their duly authorized representatives shall have access to such fiscal records and all other documents that are pertinent to this Agreement for the purpose of performing audits and examinations and making copies, transcripts and excerpts. All such fiscal records and documents shall be retained by parties for a minimum of ten (10) years (except as required longer by law) following final payment and termination of this Agreement, or until the conclusion of any audit, controversy, or litigation arising out of or related to this Agreement, whichever date is later.
13. **Assignment; Delegation; Successors.** Neither party shall assign, delegate, nor transfer any of its rights or obligations under this Agreement without the other party's prior written consent. A party's written consent does not relieve the other party of any obligations under this Agreement, and any assignee, transferee, or delegate is considered the agent of that party. The provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties to the Agreement and their respective successors and assigns.

14. **Severability.** If any provision of this Agreement shall be held invalid or unenforceable by any court or tribunal of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision, and the obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
15. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties on the subject matter hereof. No waiver, consent, modification or change of terms or provisions of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.
16. **Governing Law, Jurisdiction, Venue, & Attorney Fees.** This Agreement shall be governed and construed in accordance with the laws of the State of Oregon, without resort to any jurisdiction's conflict of laws rules or doctrines. Any claim, action, suit, or proceeding (collectively, "the claim") between the County (and/or any other agency or department of Linn County) and the City that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Linn County for the State of Oregon. Provided, however, if the claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. Each party hereby consents to the in personam jurisdiction of said courts. Each party shall at all times be responsible for the party's attorney fees, costs, and disbursements in regards to the claim, including any appeals.
17. **Notices.** Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be mailed by certified mail, return receipt requested, postage prepaid, addressed to the parties at the addresses first set forth below. Any notice or other communication shall be deemed to be given at the expiration of forty-eight (48) hours after the deposit in the United States mail. The addresses to which notices or other communications shall be mailed may be changed from time to time by giving written notice to the other party as provided in this section.

a. **The County Contact Information**

Darrin L. Lane
Linn County Administrator
PO Box 100
Albany, OR 97321-0031
(541) 967-3825
dlane@co.linn.or.us

b. **The City Contact Information**

Jeanna Yeager
Finance Director
City of Albany
P.O. Box 490
Albany, OR 97321
(541) 917-7521
Jeanna.Yeager@albanyoregon.gov

18. **Survival.** All rights and obligations shall cease upon termination of this agreement, except for those rights and obligations that by their nature or express terms survive termination of this agreement. Termination shall not prejudice any rights or obligations accrued to the parties prior to termination.

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IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by the duly authorized persons whose signatures appear below. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original. Each party, by the signature below of its authorized representative, hereby acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and conditions. Each person signing this agreement represents and warrants to have the authority to execute this Agreement.

CITY OF ALBANY

LINN COUNTY BOARD OF COMMISSIONERS

Name



Roger Nyquist, Chairman

Title



William C. Tucker, Vice Chair

Date



Sherrie Sprenger, Commissioner

date: 5-14-2024

APPROVED AS TO CONTENT:



Darrin L. Lane
County Administrator for Linn County

APPROVED AS TO FORM:



Phillip Van Leuven
Deputy County Attorney for Linn County



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager

FROM: Kinzi McIntosh, Central Services Support Specialist

DATE: June 12, 2024, for the June 26, 2024, City Council Meeting

SUBJECT: Resignation from Citizen Advisory Groups

Relates to Strategic Plan theme: An Effective Government

Action Requested:

Council acceptance of the following resignation from the Human Relations Commission:

Greg Soriano (position appointed by Councilor Kopczynski; current term ends 12/31/25)

Discussion:

Greg Soriano has notified the City of his resignation from the Human Relations Commission. Councilor Kopczynski's appointment to fill this vacancy will be submitted at a subsequent meeting.

Budget Impact:

None.

KM

attachment

[WARNING! This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

----- Forwarded Message -----

From: "Gregory Soriano" [REDACTED]

To: "Ray Kopczynski" [REDACTED]

Cc:

Sent: Thu, Jun 6, 2024 at 8:27 PM

Subject: Re: You still in the game? (HRC)

Good evening Ray,,,,

First of all I really enjoy my edition of the Saab magazine. you do great job. My job schedule does not allow me to get home by 6pm HRC meetings.. I think it is time to let someone else take my place in the HRC. It was a good run and my attendance was perfect until the 6pm starts. Thank you for opportunity to help serve Albany. Greg



MEMO

TO: Albany City Council
VIA: Peter Troedsson, City Manager *PT 6/20*
FROM: Kinzi McIntosh, Central Services Support Specialist *KM*
DATE: June 12, 2024, for the June 26, 2024, City Council Meeting

SUBJECT: Appointments to Citizen Advisory Groups
Relates to Strategic Plan theme: An Effective Government

Action Requested:

Council ratification of the following appointment:

Library Board

- Amy Roberts, Ward 1 (Councilor Novak's appointment to a new term)

Discussion:

Mayor and councilor appointments for any remaining vacancies on the City's citizen advisory groups will be submitted for approval at subsequent city council meetings.

Budget Impact:

None.

KM

Attachment



Citizen Advisory Group Application

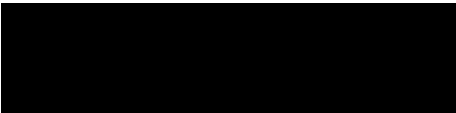
Applying To Library Board

Received May 21, 2024

Name Amy Roberts

In City Limits? Yes (Ward 1)

Are you currently employed? Yes ()



Employer:

GAPS

List current or most recent occupation, business, trade, or profession:

Library Assistant sub

Please summarize what qualifications and experience you have that would apply to this position:

I have worked in many different school libraries and am familiar with the various ways that libraries are essential to the communities they serve. I have also been on the current library board for a number of years.

List community/civic activities in which you are or have been active:

I am active in my church, as well as in the schools where I work.

How many Library Board meetings have you attended/viewed?

7 or more

What is your understanding of the role of a Library Board member and what contributions do you hope to make to the board?

I believe the role is to listen to the executive director and fellow board members during meetings and contribute to meaningful discussion. It is also important to participate in library activities as you can and keep yourself informed of the needs of the library and staff. Stay plugged into how the library serves the community and contribute to ways those services can be improved.

When did you last visit the Albany Public Library? Tell us about your experience during that visit.

I last visited about three weeks ago (so long because I have been out of town). I went to the Friends of the Library book store and purchased many books. I then looked through the new book selection. I found a complete book series in fiction and four books in non-fiction to check out.

What role does the Albany Public Library play in making Albany a livable community?

It plays an extremely important role, not just in providing books to the community, but also in computer use and help, literacy and job services, a library of things, a safe space for many in our community, meeting spaces for groups, activities for all ages, and a source of learning and growing.

How can the Library Board improve policies and services offered by the Albany Public Library?

Listen to the needs and experiences of the executive director and library staff, as well as the community at large.

Have you reviewed the meeting schedule for this board and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.

Yes

If there are currently no vacancies for this board, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

Current board member





MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *JT 6/20*

FROM: Rochelle James, Administrative Assistant, Albany Police Department

DATE: June 10, 2024, for June 26, 2024, City Council Meeting

SUBJECT: Annual Liquor License Renewals

Action Requested:

Council approval for these annual liquor license renewals.

Discussion:

The following is a list of businesses that have applied for liquor license renewal. These businesses have paid their fees:

Loafers Station	D.J.R. Enterprises LLC	222 Washington St SW
Bi-Mart #606	Bi-Mart Corp.	PO Box 2310, Eugen OR
Stop N Save Market #8	Preet Inc.	1737 Salem Ave SE
Sybaris Bistro	Sybaris, Inc.	442 1 st Ave W
Carino's Italian Restaurant	Johnny Carino's of Albany, LLC	1825 14 th Ave SE
Applebee's Grill and Bar	Apple Oregon LLC	1525 Geary St SE
Chipotle Mexican Grill	Chipotle Mexican Grill Inc.	1961 14 th Ave SE
Red Robin Restaurant	Restaurant Development Co. of Albany	1845 14 th Ave SE
Costco Wholesale #682	Costco Wholesale Corp.	3130 Killdeer Ave SE
North Albany IGA	North Albany Supermarket, LLC	621 Hickory St NW
American Legion Post #10	American Legion Post #10 Albany	1215 Pacific Blvd SE
Flowers-N-More	BC Investments, LLC	740 Madison St SE
Sizzler	Sizzler USA- Corp	2148 Santiam Hwy SE
Dinghow Buffet and Grill	Dinghow Buffet and Grill LLP	2732 Pacific Blvd SE
Osake Sushi and Ramen Restaurant	Osake Sushi and Ramen Restaurant LLC	2195 14 th Ave SE Suite 102
Dari Mart Store #21	Dari-Mart Stores Inc.	1005 Queen Ave W
Dari Mart Store #22	Dari-Mart Stores Inc.	105 Clover Ridge Rd
Wheeler Dealer Liquidation	J & B Liquidators, Inc.	1740 Geary St SE
Rainbow House	Rainbow House Inc.	1236 Price Rd SE
Vault 244	Vault 244 Inc.	244 SW 1 st St.
Brick & Mortar Café	Brick & Mortar Café LLC	222 1 st Ave W # 110 -120
Safeway Store #1659	Safeway Inc.	1990 14 th Ave SE
The Food Store	CECO Inc.	4175 Santiam Hwy SE



Walgreens #06530	Walgreen Co	1700 Pacific Blvd SE
US Market #250	US Market #250 LLC	1012 34 th Ave SE
US Market #170	US Market #170 LLC	2211 Waverly Dr SE #7
US Market #180	US Market #180 LLC	1709 Hill St
Rancho Hacienda Real	Rancho Hacienda Real Inc.	2845 Santiam Hwy SE
PizzAmore	Albany Pizza Company Inc.	2212 Santiam Hwy SE
Geary Street Market	BP Mart LLC	2805 Geary St SE
Mexico Lindo ll	Mexico Lindo ll Inc.	637 Hickory St #130
Taqueria Alonzo	Gutierrez, Alonzo	250 Broadalbin SW #107
Albany Liquor	He Got All The Whiskey Inc.	2530 Pacific Blvd SE
Margin Coffee	Margin Coffee LLC	206 2 nd Ave SW
Tom Tom Deli & Market	Virk Petroleum Albany LLC	321 Airport Rd SE
Sweet Waters Family Restaurant	Sweet Waters Inc.	2830 Santiam Hwy SE
Rite Aid #5365	Thrifty Payless Inc.	1235 Waverly Dr SE
Walmart #5396	Walmart Inc.	1330 SE Goldfish Farm
Ma's Dair Farm	Kelly Yee Inc.	3411 Pacific Blvd SW
Jinda Thai Restaurant	Bai Bua Thai Kitchen LLC	236 1 st Ave SW
Fred Meyer #005	Fred Meyer Stores Inc.	2500 Santiam Blvd SE
West Albany Towne Pump	Younger Oil Company	522 SW Pacific Blvd
VFW Post #584 Albany	VFW Post #854	1469 Timber St SE
Chasers Bar & Grill	Chaser's Bar & Grill LLC	435 2 nd Ave SE
Ping's Garden Restaurant	Win Lei LLC	1206 9 th Ave SE
Albany Food Market	DS Albany LLC	3135 Santiam Hwy SE
Los Tequilas	Los Tequilas Inc.	2525 Santiam Hwy SE
Cellar Selections	Marcia Morse	1907 Marion St SE
Cork & Bottle Shop	Noorani, Saleem S	1236 Pacific Blvd SE
The Barn At Hickory Station	2 Hovs and a Tubbs LLC	640 Hickory St NW
Lucky Larry's Lounge	AMKO Inc.	1295 Commercial Wy
Hwy 20 Truck Stop	INR Inc.	4196 Santiam Hwy SE
Pop's Branding Iron Restaurant & Lounge	Heuvel-Finley & Assoc. Inc.	901 Pacific Blvd SE
Linger Longer Tavern	Ruth Smith Enterprises Inc.	145 Main St SE
La Aguila Mexican Store	La Aguila Mexican Store LLC	1776 Geary St SE #1
Abby's Legendary Pizza of Albany	Abby's LLC	3033 Santiam Hwy SE
Vivacity Spirits	Veracity Spirits LLC	140 Hill St NE
Calapooia Brewing	Veracity Spirits LLC	140 Hill St NE
Simply Ramen	Ramen Spot LLC	1800 Geary St SE
Los Dos Amigos Hacienda	Dos Amigos Hacienda Inc	2133 Santiam Hwy SE
Circle K #9640	Circle K Stores Inc.	33125 Hwy 34 SE
Cascade Grill & Bar	Cascade Grill & Bar LLC	110 Opal Ct NE
Front Street Bar & Grill	Boatys Corporation	2300 Front St N
GameTime Sports Bar & Grill	Kurt Waggle	2211 Waverly Dr SE
Favorite Mistake	Nyquist Hospitality Inc.	5420 Pacific Blvd SW
US Mini Mart 21	New Gary Inc.	2515 Geary St SE
Momiji Japanese Restaurant	Yong's Inc.	641 Hickory St

Pix Theatre	Movie Geek Enterprises	321 2 nd Ave SW
Winco Foods	Winco Foods LLC	3100 Pacific Blvd SE
The Squeaky Cork	The Squeaky Cork LLC	136 1 st Ave SW
Elmer's Restaurant	Southern Oregon Elmer's LLC	2802 Santiam Hwy SE
Vitto's Trattoria	AJLL LLC	211 1 st Ave Suite 102
Casetta Di Pasta	Casetta Di Pasta LLC	300 2 nd Ave SW #112
GPS Market	Kaur, Surinder	1655 Queen Ave SW
Stop N Save #9	ATWAL Inc	423 2 nd Ave SE
7-Eleven #21911E	Paras Enterprises Inc	6190 Pacific Blvd SW
7-Eleven #23216D	Jasbir Ghuman Enterprises Inc	1815 Queen Ave SE
7-Eleven #38802A	Aulakh & Ghumman Enterprise Inc	300 Queen Ave SE
7-Eleven #38799A	Aulakh & Ghumman Enterprise Inc	333 34 th Ave SE
Lake Shore Lanes	Nyquist Bowl Inc	5432 Pacific Blvd SW
Tacos El Machin	Tacos El Machin LLC	1642 Pacific Blvd SE
House of Noodle	House of Noodle LLC	2025 Santiam Hwy SE
Deluxe Brewing Co & Sinister Distilling Co	Albany Steamworks LLC	635 NE Water Ave Suite B
Deluxe Brewing Co & Sinister Distilling Co	Albany Steamworks LLC	635 NE Water Ave Suite D
Deluxe Brewing Co	Albany Steamworks LLC	635 NE Water Ave
No Rails Ale House Inc	No Rails Ale House Inc	117 1 st Ave NE #105
Charli's On I-5	Ukiah Partnership LLC	325 Airport Rd SE
Blue Agave	Tacos El Machin LLC 2	2195 14 th Ave SE Suite C
Fraternal Order of Eagles #2255	Albany Aerie No. 2255, Fraternal Order	127 Broadalbin St SW

Budget Impact:

Revenue of \$3115.00

KL



MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 6/20*

FROM: Jerry Drum, AIC Chief of Police *Jerry Drum*

DATE: June 13, 2024, for the June 26, 2024, City Council Meeting

SUBJECT: Change of Ownership, Full-On Premises, Commercial, Liquor License Application for Golf Club of Oregon., Located at 905 NW Springhill Drive.

Action Requested:

I recommend the change of ownership, full-on premises, commercial, liquor license application for Golf Club of Oregon, located at 905 NW Springhill Drive, be approved.

Discussion:

Golf Club of Oregon, has applied for a change of ownership, full-on premises, commercial, liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicant has no criminal record.

Budget Impact:

None.

JD:rj





MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT*

FROM: Chris Bailey, Public Works Director *CB*

DATE: June 14, 2024, for the June 24, 2024, City Council Work Session

SUBJECT: Pavement Management Funding Discussion
Relates to Strategic Plan theme: Great Neighborhoods, Effective Government

Action Requested:

Staff recommends Council discuss and provide direction on additional funding for city streets.

Discussion:

This is the latest in a series of presentations discussing the need for additional funding to improve pavement conditions on Albany streets. If the council would like to review the previous information in this series, a summary of the dates and topics is provided below. Additionally, links to memos, presentations, and handouts can be found online under Street Maintenance <https://albanyoregon.gov/streets/meetings>.

- October 9, 2023 - the council received a detailed discussion on how streets are constructed, how they fail, the costs to provide various maintenance treatments, and the overall average condition of the three categories of streets in Albany. The Pavement 101 White Paper attached to the staff report for that meeting was provided as a primer on street classification, construction, and pavement condition index (PCI) ratings.
- November 6, 2023 - staff provided information describing overall funding for the street fund. Based on current pavement condition ratings, the city would need to generate an additional \$12.8 million per year for 40 years over current street funding levels to achieve a PCI of 60 or greater for all classifications of streets.
- December 11, 2023 - staff discussed a long list of available funding mechanisms that could be used to pay for street improvements. Attachment A to that council memo is a good resource for the council as it provides significant detail on these funding options, how they could be implemented, the history of funding for streets in Albany, and additional considerations for each potential funding source.
- January 22, 2024 – staff discussed establishing a new Level of Service for the street system, adding a target PCI for local streets to existing goals for arterials and collectors, and proposed revenue targets to address the gap in current funding for pavement management. Council supported the new Level of Service and establishing a new funding mechanism, focused on either a local fuel tax, utility fee, or both.

After the January work session, staff began further research into both the Transportation Utility Fee (TUF) and local fuel tax funding options. Additionally, we engaged with a public research consultant to gather information from the community on both options. Based on this work, research on probable revenue from a local fuel tax versus a TUF, lessons learned from other communities, and feedback from the public, staff recommends council consider adopting an ordinance establishing a TUF in the near-term and defer the consideration of a local fuel tax to a future date. Following adoption of the ordinance, staff will provide options for an initial rate and a fee structure for a TUF that council can deliberate on. The TUF would be established by resolution requiring council approval. The proposed timeline would allow staff to begin developing the rate structure in earnest with our consultants with time to bring a recommended initial rate resolution to the council prior to development of the department's draft budget for the next biennium.

While staff does not recommend moving forward with a local fuel tax at this time, it is possible that council could consider that option in future years. The majority of people participating as a stakeholder, member of a focus group, or in the community-wide survey strongly opposed a fuel tax. The lack of support from the public for a fuel tax, combined with uncertainty about how to address equity with hybrid and electric vehicles, and the relatively small amount of expected funding that would be received with a reasonable fuel tax are arguments against pursuing a local fuel tax at this time. Should conditions change and public opinion move toward support of such a tax, the council could reconsider placing it on a future ballot.

More information on this will be presented at the work session. Staff requests council provide direction on moving forward with a TUF ordinance this summer, followed by the development of the fee structure and amounts prior to the next biennial budget.

Budget Impact:

None at this time.

CB:kc