



ALBANY CITY COUNCIL AGENDA

Wednesday, December 11, 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. Housing Implementation Policy Adoption – Anne Catlin [Pages 3-23]
The staff contact for this public hearing is: Anne.Catlin@albanyoregon.gov

- | | |
|---|---------------------|
| 1) Housing Construction Excise Tax (CET) Ordinance- | ORD NO. _____ p. 5 |
| 2) Housing Construction Excise Tax (CET) Resolution- | RES NO. _____ p. 12 |
| 3) Low Income Rental Housing Tax Exemption Program (LIRHTE) Ordinance | ORD NO. _____ p. 17 |
| 4) City Real Property Surplus for Housing Resolution | RES NO. _____ p. 18 |

4. Business from the public
5. Award of contract:
 - a. WTP-24-01, AM-WTP Generator Award of Contract – Nolan Nelson [Pages 24-26] MOTION _____
6. Adoption of consent agenda
 - a. Resignations [Pages 27-28]
 - 1) Accepting Evan Church's resignation from the Public Safety Commission
 - 2) Accepting Michael Thomson's resignation from the Budget Review Committee
 - 3) Accepting Carolyn McLeod's resignation from the Arts Commission

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- b. Approval of minutes [Pages 29-39]
 - 1) November 4, 2024, city council work session
 - 2) November 6, 2024, city council meeting
 - 3) November 18, 2024, city council work session
 - 4) November 20, 2024, city council meeting
- c. Adoption of resolutions [Page 40-63]
 - 1) ST-22-06, Geary Street sidewalk right-of-way dedication RES NO. _____ p. 40
 - 2) Accept and appropriate Senior Emergency Medical Services grant from the Department of Human Services – Chris Labelle RES NO. _____ p. 48
 - 3) Accept abstract of votes, Linn and Benton County RES NO. _____ p. 49
 - 4) Accept and appropriate grant funds for Deerfield Park refurbishment. – Kim Lyddane RES NO. _____ p. 57
 - 5) Approval of Assistance to Firefighters grant application – Chris LaBelle RES NO. _____ p. 59
- d. Approval of agreements
 - 1) Exemption from competitive bidding and special procurement for Navigation Software First Due Chris Labelle RES NO. _____ p. 63
- e. Recommendations to OLCC
 - 1) Approve full on-premises commercial liquor license for the 520, located at 1236 Price Road SE as a new outlet.


MOTION: _____


- 7. First reading of ordinances
 - a. Central Albany Parking Area permit zone expansion – Kris Schendel [Pages 65-66] ORD NO. _____ p. 66
 - b. Albany Municipal Code 13.90 private property impounds – Kris Schendel [Pages 67-92] ORD NO. _____ p. 68
- 8. Staff reports
 - a. Multi-Unit Property Tax Exemption (MUPT) final review – Sophie Adams [Pages 93-100]
 - b. Gibson Hill Road, Benton County road and property transfer – Staci Belcastro [Pages 101-115] RES. NO. _____ p. 103
- 9. Business from the council
- 10. City Manager Report
 - a. Recognition of outgoing councilors
- 11. Recess to executive session to discuss current litigation or litigation likely to be filed in accordance with ORS 192.660 (2)(h)
- 12. Reconvene
- 13. Possible action resulting from executive session MOTION: _____
- 14. Next meeting dates
 - Monday, January 6, 2025; 4:00 p.m. work session
 - Wednesday, January 8, 2025; 6:00 p.m. meeting
- 15. 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



MEMO

TO: Albany City Council 

VIA: Peter Troedsson, City Manager
Matthew Ruetters, Community Development Director 

FROM: Anne Catlin, Comprehensive Planning Manager *ale*
Beth Frelander, Planner II *bf*

DATE: November 27, 2024, for the December 11, 2024, City Council Meeting

SUBJECT: Public Hearing Regarding Housing Implementation Plan Policy Proposals

Relates to Strategic Plan theme: Great Neighborhoods and Effective Government

Action Requested:

Staff requests the city council hold a public hearing on the three proposed housing policies to support needed housing, deliberate, and adopt the attached ordinance to amend the Albany Municipal Code (AMC) and establish the Housing Construction Excise Tax (CET) and resolution to establish the CET tax rates, then adopt an ordinance to establish the Low Income Rental Housing Property Tax Exemption (LIRHTE) and the policy to evaluate and consider surplus property for housing.

Background:

In 2021, the council appointed the Housing Affordability Task Force (HATF), that represented a wide range of housing interests to provide strategic direction on the Housing Implementation Plan. The HATF met between February 2022 and March 2023 to evaluate a variety of strategies and actions the City could take to address Albany’s current and future housing needs. The Housing Implementation Plan (HIP), adopted in 2023, includes the strategies and actions recommended by the HATF including land use and zoning strategies, development incentives and policies, funding sources, programs and partnerships.

Over the last six months, the City has pursued and developed several priority strategies and policies to incentivize needed housing, sought public feedback on these strategies, and received council guidance at three work sessions (August 5, September 30, and November 4, 2024). Public engagement included focus groups, a survey, individual meetings and office hours. Staff received additional input on the proposed housing policies at the City’s Housing Forum held November 14, 2024.

The three policy proposals for the council’s consideration and adoption in the attached ordinances and resolutions represent the culmination of these efforts and the first phase of the HIP implementation.

Discussion:

On December 11, 2024, the city council will hold a public hearing regarding the housing policy recommendations outlined below. More details about these policies and programs are in the attached ordinances and resolutions and in the prior council work session packets.

- **Housing Construction Excise Tax (CET):** The CET is a one-time “tax” on new development charged at the issuance of building construction permits to create a stable revenue source to support needed housing. This tool was codified into state law in 2015, Oregon Revised Statutes (ORS) 320.175 to 320.195 following the passage of Senate Bill 1533. Since 2016 numerous Oregon cities of all sizes have enacted this tax to raise revenue to incentivize affordable and needed housing. The ORS allows governing bodies to enact a tax rate of up to one percent on residential development (Residential CET) and sets no limit on the tax rate on commercial and industrial development (Commercial CET). State statute allows the



City to retain up to four percent of CET revenue as an administrative fee to be applied to the cost of administering the programs and revenues. State statute also provides numerous exemptions from the CET. The council also supported an additional exemption for construction improvement projects for building permit valuations under \$50,000. Reflecting on public input received at the November 14, 2024, Housing Forum and anticipated opposition to the CET, staff propose to clarify this exemption to apply to the first \$50,000 of an improvement's permit valuation, meaning the exemption would apply to all new construction permits, thereby fully exempting smaller improvements and offering a discount to the tax assessed on all other projects. Based on past building permit history, staff predicts that revenue generated by the Housing CET will range between \$300,000 and \$900,000 annually, depending on the volume of new construction.

The attached Housing CET Ordinance would amend Title 3 of the AMC to include a new Chapter 3.09, Housing Construction Excise Tax, as detailed in ordinance Exhibit A.

CET Tax Rates: Staff presented different rate options to the council for the Residential and Commercial CET, based on research of rates enacted by other cities, and the projected revenues the tax rates could generate annually. The attached Housing CET Resolution reflects council input on the initial CET rates of one percent (1%) for residential improvements (Residential CET) and a rate of one and a half percent (1.5%) for commercial and industrial improvements (Commercial CET). Example CET fees:

- 1% tax on a 1,500 sq.ft. dwelling unit with a permit value of \$280,000 - \$50,000 = \$2,300 fee
- 1% tax on 33-unit apartment building valued at \$1,250,000 - \$50,000 = \$12,000 fee
- 1.5% tax on 6,890 sq.ft. commercial building valued at \$531,000 - \$50,000 = \$7,215 fee

Following public testimony, the council may choose to enact different tax rates than specified in the attached resolution. The CET rates may be amended at any time by resolution.

Effective Date: Staff recommends an effective date of March 15, 2025. This date will give developers three months before the new tax goes into effect and will give staff time to establish the housing fund and tax.

- **Low Income Rental Housing Tax Exemption Program (LIRHTE).** This program allows a 20-year tax exemption for any entity that provides new regulated rental housing serving low-income households. The program is effective once the City adopts the provisions of ORS 307.515-307.535 by ordinance or resolution. The proposed LIRHTE ordinance would establish the tax exemption program in accordance with ORS. The proposed LIRHTE program provisions are included in memo Attachment 3.
- **Surplus City-owned Land for Housing Policy:** The proposed policies would outline procedures for the City to take to consider surplus land for needed housing before disposing of surplus property that is not needed for a higher priority purpose or to generate revenue for the City. Steps include screening the surplus real property for suitability for housing, soliciting and considering affordable housing and needed housing proposals before selling or disposing of surplus real property for other uses. These policies are in the attached Surplus Land for Housing Resolution.

AC:BF:km

Attachments (6):

- 1: Ordinance (CET)
- 2: Resolution (CET Rate)
- 3: Program Provisions (LIRHTE)
- 4: Ordinance (LIRHTE)
- 5: Resolution (Surplus Land)
- 6: Public Testimony Received



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE (AMC) TITLE 3 BY CREATING CHAPTER 3.09 AND ENACTING A HOUSING CONSTRUCTION EXCISE TAX

WHEREAS, the 2016 Oregon Legislature authorized the governing body of a city or county to impose a construction excise tax on new construction to fund housing incentives and development programs through Senate Bill 1533 (2016), Oregon Revised Statutes (ORS) 320.170 to 320.195; and

WHEREAS, the Albany City Council appointed members to the Housing Affordability Task Force (HATF) in November of 2021, and the HATF met five times between 2022 and 2023 to review and prioritize strategies the City could consider to address Albany’s housing needs as determined by the 2020 Housing and Residential Land Needs Assessment; and

WHEREAS, the recommended housing strategies were included in the Housing Implementation Plan (HIP), adopted on June 14, 2023; and

WHEREAS, the HIP recommended the Construction Excise Tax (CET) as a priority funding strategy to generate local revenue to support needed housing through a one-time tax on construction projects; and

WHEREAS, the City of Albany sought public input on this strategy in August and September of 2024 through office hours, focus groups, and public survey; and

WHEREAS, the Albany City Council held work sessions on August 4, September 30, and November 4, 2024 to consider the CET and other housing strategies; and

WHEREAS, the City of Albany published notice in the Albany Democrat Herald on November 26, 2024 of the Albany City Council December 11, 2024 public hearing on the proposed CET; and

WHEREAS, on December 11, 2024, the Albany City Council held a public hearing on the proposed housing CET, considered public comments, and then deliberated.

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

Section 1: That Albany Municipal Code Title 3 Revenue and Finance is hereby amended as provided in Exhibit A, adding a new Chapter 3.09, “Housing Construction Excise Tax”.

Section 2: The Community Development staff shall provide reports for the City Council no less than every five years analyzing the impacts of the construction excise tax. The City Council may call for a public hearing to consider whether Chapter 3.09 should be amended or repealed.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk

Chapter 3.09

HOUSING CONSTRUCTION EXCISE TAX

Sections:

- 3.09.010 Purpose
- 3.09.020 Definitions
- 3.09.030 Imposition of Tax
- 3.09.040 Exemptions
- 3.09.050 Collection of Tax
- 3.09.060 Statement of Full Value of Improvement Required
- 3.09.070 Interest and Penalties
- 3.09.080 Refunds
- 3.09.090 Dedication of Revenues
- 3.09.100 Use of Revenue, Deed Restriction, and Annual Accounting
- 3.09.110 Administrative Fee
- 3.09.120 Appeal Procedure
- 3.09.130 Enforcement by Civil Penalty

3.09.010 Purpose

This chapter established a construction excise tax on construction improvements to provide funding for needed housing in the city.

3.09.020 Definitions

The following definitions apply in this chapter.

- (1) "Affordable housing" means a housing unit for which a person or household earning 80% or less of area median income would not pay more than 30% of their gross income for housing payments.
- (2) "Area Median Income" means the City of Albany median household income by household size as defined by the United State Department of Housing and Urban Development and published annually.
- (3) "Building Division" means the Albany Building Division.
- (4) "City Manager" means the Albany City Manager or the Manager's designee.
- (5) "Commercial" means designed or intended to be used, or actually used for uses other than residential purposes, including commercial, industrial, institutional, civic and other non-residential uses, and the non-residential portions of mixed-use property.
- (6) "Construct" or "Construction" means erecting, constructing, enlarging, altering, repairing, improving, or converting any building or structure, for which the issuance of a building permit is required by Oregon law.
- (7) "Housing units guaranteed to be affordable" means a residential dwelling unit for which a deed restriction or contractual obligation guarantees that the housing will remain affordable under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income for the area in which the construction tax is imposed , for a period of at least 60 years following the date of construction of the residential housing.

- (8) "Improvement" means a permanent addition to, or modification of, real property resulting in a new structure, additional square footage to an existing structure, or addition of living space to an existing structure.
- (9) "Net revenue" means revenues remaining after the administrative fees described in section 3.09.110 are deducted from the total construction excise tax collected.
- (10) "Structure" means something constructed or built and having a fixed base on or fixed to the ground or to another structure but does not include signs.
- (11) "Value of Improvement" means the total value of the improvement as determined in the process of issuance of the building permit."

3.09.030 Imposition of Tax (ORS 320.189-320.192)

The City Council shall set the percentage rate of the construction excise tax by resolution, in an amount not to exceed that permitted by state law. Unless subject to exemption under Section 3.09.040:

- (1) Each application for a building permit to construct Commercial improvements in the city shall be subject to the Commercial construction excise tax, in an amount based on a percentage of the full value of the improvement, as set by the City Council through resolution.
- (2) Each application for a building permit to construct Residential improvements in the city shall pay a Residential construction excise tax in an amount based on a percentage of the full value of the improvement, as set by the City Council through a resolution.
- (3) The Building Division shall calculate the amount of excise tax due under this Chapter based on the documentation provided by the permit applicant at the time of issuance of building permits and shall be based on the total value of all improvements associated with the project regardless of the number of separate building or associated development permits involved.

3.09.040 Exemptions

- (1) The following are exempt from the Housing Construction Excise Tax by Oregon Revised Statutes (ORS 320.093):
 - (a) Private school improvements.
 - (b) Public improvements as defined in ORS 279A.010 (Definitions for Public Contracting Code).
 - (c) Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction of the residential housing.
 - (d) Public or private hospital improvements.
 - (e) Improvements to religious facilities primarily used for worship or education associated with worship.
 - (f) Agricultural buildings, agricultural grading and equine facilities, as defined in ORS 455.315.
 - (g) Facilities that are operated by a not-for-profit corporation and that are:
 - (i) Long term care facilities as defined in ORS 442.015,
 - (ii) Residential care facilities as defined in ORS 443.400, or
 - (iii) Continuing care retirement communities as defined in ORS 101.020.
 - (h) Residential housing being constructed on a lot or parcel of land to replace residential housing on the lot or parcel of land that was destroyed or damaged by wildfire or another event or circumstance that is the basis for a state of emergency declared under ORS 401.165 (Declaration of state of emergency) or 401.309 (Declaration of state of emergency by city or

county) or for the exercise of authority under ORS 476.510 (Short title) to 476.610 (Payment of claims).

- (i) Any improvements to buildings and facilities that are now or hereafter exempt under state law.
- (2) The following is also exempt from the CET:
 - (a) The first \$50,000 of the value of improvement for all building permits associated with the construction of improvements to new or existing structures on the same property within a twelve-month period, or in the case of multi-tenant properties, per tenant space within a twelve-month period.
 - (3) The Community Development Director may require any person seeking an exemption to demonstrate that the improvements associated with the building permit are eligible for exemption and to establish all the facts necessary to support the exemption.
 - (4) If within 5 years of the certificate of occupancy for improvement to property receiving an exemption under this section no longer qualifies for the exemption due to a change of use or ownership, the seller of the property or owner of the property, shall be liable for the foregone tax revenue, interest and fees outlined below:
 - (a) An amount equal to the applicable construction excise tax as identified on the issued building permit;
 - (b) Interest on the tax at an annual rate of 10 percent from the date of the exemption; and
 - (c) A late fee equal to 5 percent of total applicable taxes and interest owing under this section.

Section 3.09.050 Collection of Tax

- (1) The construction excise tax shall be due and payable, and must be paid, prior to the issuance of any building permit as required by ORS 320.189.
- (2) The construction excise taxes may be paid by the owner of the subject property or any agent of the property owner authorized to apply for a building permit on the property owner’s behalf.

Section 3.09.060 Statement of Full Value of Improvement Required

It is a violation of this Chapter for any person or legal entity to fail to state, or to understate, the full value of improvements to be constructed in the city in connection with an application for a building permit.

Section 3.09.070 Interest and Penalties for Failure to Comply

All amounts of construction excise tax not paid when due shall bear interest on the entire unpaid amount at the rate of 0.833 percent simple interest per month or fraction thereof (10 percent per annum), computed from the original due date to the 15th day of the month following the date of the payment. Interest amounts may not be waived.

A penalty of five percent of the underpayment of construction excise tax shall apply to:

- (1) Any underpayment due to the improvements constructed initially failing, or later ceasing, to be exempt affordable housing under section 3.09.040 (3) prior to expiration of the applicable income restriction period or failing to be an exempt use permitted under 3.09.040.
- (2) Any underpayment involving a failure to state or an understatement of the full value of improvements.

If not paid within ten days after billing all interest and penalties shall merge with and become part of the construction excise tax required to be paid under this Chapter. From the point of merger, the previously assessed interest and penalty become part of the tax due for calculation of interest and penalty for subsequent periods.

Section 3.09.080 Refunds

The City shall issue a refund to any person who has paid a construction excise tax the amount of the tax actually paid:

- (1) If the payer establishes that the tax was paid for improvements that were otherwise eligible for an exemption under section 3.09.040.
- (2) If the payer establishes that construction of the improvements has not commenced, and the associated building permit has been cancelled by the Building Division.
- (3) Upon determination by the City Manager or the Council that the amount of any construction excise tax, penalty, or interest has been erroneously collected or paid to the City under this Chapter.

The City Manager shall either refund all amounts due under this section within 30 days of a complete application for the refund or give written notice of the reasons why the application has been denied. Any request for a refund must be submitted within three years from the date of payment.

Section 3.09.090 Dedication of Revenue

Net revenues from the construction excise tax shall be deposited into the General Fund, then used or transferred in a manner required to meet the obligations set out for these revenues under state law and by city housing program guidelines.

Section 3.09.100 Use of Revenue, Deed Restriction, and Annual Accounting

- (1) Except for the funds withheld for administrative costs under Section 3.09.110, all construction excise taxes levied upon Residential improvements shall be used in accordance with state law and as specified in subsections (a) through (c) below.
 - (a) 50 percent must be used to fund developer incentives pursuant to ORS 197.309(5)(c) and (d) and 197.309(7). Incentives include but are not limited to whole or partial fee or systems development charge reductions, land acquisition, finance-based incentives to support affordable housing unit construction, and public improvements associated with affordable housing;
 - (b) 35 percent may be used flexibly to fund developer incentives as described in (1)(a) of this section and affordable housing programs in accordance with Oregon laws, and further defined by the City, to include incentives to decrease the sale or rental price of housing units (down-payment assistance), rent buy-downs and subsidies, and foreclosure prevention assistance; and
 - (c) 15 percent to Oregon Housing and Community Services to fund home ownership programs.
 - (d) Any affordable housing unit built or purchased with the Residential CET funds shall have recorded in its chain of title a deed restriction that requires the property remain “affordable housing” as defined by this Chapter for a period of no less than 60 years from the date of restriction.
- (2) Except for the funds withheld for administrative costs under Section 3.09.110, the construction excise taxes levied upon Commercial improvements shall be used to fund housing programs as defined by the City.

- (3) The Community Development Director will provide the City Council with an annual accounting, based on the city's fiscal year, for construction excise taxes collected and the projects funded from each account in the previous fiscal year.

Section 3.09.110 Administrative Fee

As authorized by ORS 320.195, the City shall receive an administrative fee equal to four percent of the gross construction excise taxes, without regard to the subsequent reductions due to refunds, failed payments, or similar reductions.

The City shall deduct the administrative fees directly from the collected CET.

The City may recover from the construction excise taxes, any banking fees or penalties that arise from the collection of construction excise taxes such as returned check charges.

Section 3.09.120 Appeals

- (1) Any written determination issued by the Community Development Department applying the provisions of this Chapter believed to be in error, may be reviewed by the City Manager if the recipient requests review in writing delivered to the City Manager within ten days after receipt of the written determination together with all documentation required to support the request.
- (2) Any written determination from the City Manager applying the provisions of this Chapter regarding liability for payment of construction excise taxes may be appealed to the Council by filing a notice of appeal with the City Manager's office within 10 days of receiving the City Manager's written determination. The City shall determine a date and time for the City Council to hear said appeal. Action by the City Council on appeals shall be decided by a majority of the members of the Council present at the meeting where such an appeal is considered.
- (3) The filing of any appeal shall not stay the effectiveness of the written determination unless the Council so directs.

Section 3.09.130 Enforcement by Civil Action

The construction excise tax, and any assessed interest and penalties due and owing under this Chapter constitutes a debt owing to the City by the person liable for the tax as set forth in Section 3.09.030.



RESOLUTION NO. _____

A RESOLUTION SETTING THE TAX RATES FOR A HOUSING CONSTRUCTION EXCISE TAX (CET) RELATED TO ALBANY MUNICIPAL CODE SECTION 3.09.030, "IMPOSITION OF TAX"

WHEREAS, the 2016 Oregon Legislature authorized the governing body of a city or county to impose a construction excise tax on new construction to fund affordable housing incentives and housing development programs through Senate Bill 1533 (2016), Oregon Revised Statutes (ORS) 320.170 to 320.195; and

WHEREAS, the City adopted the Housing Implementation Plan (HIP) on June 14, 2023, that recommends the Council Consider adopting a CET to generate local revenue to fund needed housing; and

WHEREAS, the City enacted Section 3.09 of the Albany Municipal Code by Ordinance No. _____ to enact the CET program; and

WHEREAS, Oregon Law provides that the local government imposing the affordable housing CET may retain four percent of the CET revenues as a fee for administering the tax; and

WHEREAS, Oregon law allows the rate of the construction excise tax on residential construction to be one percent of the permit value of the construction, but imposes no limit on the rate of the CET on commercial and industrial construction; and

WHEREAS, on November 26, 2024, the City of Albany advertised the December 11, 2024, public hearing on the proposed housing CET; and

WHEREAS, the Albany City Council held a public hearing on December 11, 2024, on the Housing CET and comments were considered.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the rate of taxation under the Albany Municipal Code Section 3.09 shall be one (1) percent for the construction of residential improvements (Residential CET), and one and a half (1.5) percent for the tax on non-residential improvements (Commercial CET).

DATED AND EFFECTIVE THIS 11TH DAY OF DECEMBER 2024.

Mayor

ATTEST:

City Clerk

Low Income Rental Housing Tax Abatement Program

ORS 307.515- 307.535

Definitions (ORS 307.515)

1. *AMI or Area Median Income.* The area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.
2. *Community Development Director.* The Community Development Director of the City of Albany, or the Community Development Director's designee.
3. *Low-income.* Low income means household income at or below 60 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development;
 - (a) For the initial year that persons occupy property for which an application for exemption is filed under ORS 307.521, household income is at or below 60 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; and
 - (b) For every subsequent consecutive year that the household occupies the property, income is at or below 80 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; or
 - (c) For housing units on property that is awarded tax credits through the Federal low-income housing tax credit program and is a qualified low-income housing project meeting the requirements of 26 U.S.C. 42(g)(1)(C), persons with income at or below 80 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development, provided the average area median income of all housing units on the property is at or
4. *Qualified rental housing.* A property or portion of a property that is offered for rent solely as a residence for low-income persons.

Criteria for Exemption (ORS 307.515-307.518)

1. To be eligible for the Low Income Rental Housing Property Tax Exemption, properties or portion of a property(ies) must meet the following criteria as provided in ORS 307.515 through 307.523.
 - a. Property is located within the limits of the City of Albany;
 - b. The housing units on the property were constructed after the City enacted this program;
 - c. The property is offered for rent solely as a residence for low-income purposes or is or held for the purpose of developing qualified rental housing within the next twelve months.
 - d. If occupied, the property is occupied solely by low-income people. Property will be deemed to be occupied by low-income people if it is made available and reserved exclusively for low-income people and has been occupied by a low-income person within the last six months. Only that portion of the real property and improvements located thereon that is occupied by low-income people will be eligible property.

- e. Property must be offered for rent to qualified low-income households for a period of no less than 20 years. If vacant, the unit(s) must be offered for rent only to qualified low-income households. The affordability period starts when the project is first occupied.
- 2. The full value of the property tax exemption must be fully passed on to renters by charging lower rent.
- 3. The tax exemption on the property must be approved by the City Council in accordance with the provisions of ORS 307.515–535.
- 4. The application for tax exemption under this ordinance must have been filed before July 1, 2030.
- 5. Eligible units are constructed after adoption of this program by Albany City Council.
- 6. For the purposes of this tax exemption, a person that has only a leasehold interest in property is deemed to be a purchaser of that property if:
 - (a) The person is obligated under the terms of the lease to pay the ad valorem taxes on the real and personal property used in this activity on that property; or
 - (b) The rent payable has been established to reflect the savings resulting from the exemption.

Property Tax Exemption (ORS 307.519)

- 1. Except as provided in subsection (2) of this section, the exemptions granted under ORS 307.515 apply only to the tax levy of the City.
- 2. The exemption granted under ORS 307.515 apply to the tax levy of all taxing districts in which property certified for exemption is located if, upon request of the City, the rates of taxation of such taxing districts whose governing boards agree to the policy of exemption under ORS 307.515 through 307.523, when combined with the rate of taxation of the City, equal 51 percent or more of the total combined rate of taxation on the property granted exemption.
- 3. Property tax exemptions approved under this chapter will be for a period of 20 years.
- 4. Applications for property tax exemption under this policy are eligible for property tax exemptions for tax years beginning on or after July 1, 2024.

Application for Exemption (ORS 307.521)

- 1. A person seeking the exemption granted under ORS 307.515 to 307.523 must file an application for exemption with the City of Albany Community Development Director on a form provided by the City of Albany.
- 2. The application must include the following information, as applicable:
 - (a) The applicant’s name, address, and contact information
 - (b) A description of the property or a portion of the property for which the exemption is requested;
 - (c) A description of the purpose of the project and whether all of a property or a portion of the property is being used for that purpose;
 - (d) If only a portion of the property is eligible, a description of the eligible portion of the property for which the exemption is requested, including the number of affordable housing units;
 - (e) A certification of income levels of low income occupants;
 - (f) A description of how the tax exemption will benefit project residents;

- (g) If the exemption is an exemption described in ORS 307.518, evidence satisfactory to the governing body that the corporation is a nonprofit corporation and meets the criteria for a public benefit corporation or a religious corporation;
 - (h) A description of the plans for development of the property if the property is being held for future low-income rental housing development; and
 - (i) A list of secured lien-holds with addresses of the lienholders; and
 - (j) Such other information as requested by the City of Albany.
3. The applicant shall verify the information in the application by oath or affirmation.
 4. Applications must be filed on or before December 1 of the calendar year immediately preceding the first assessment year for which exemption is requested and must be accompanied by the application fee required by the City. However, if the property is acquired after November 1, the application must be made within 30 days after the acquisition.
 5. An application which does not contain all the information required by this section and/or is not accompanied by payment of the proper fees will be returned. Any application returned for these reasons will be deemed to have not been filed.

Review of Application (ORS 307.521)

1. The Community Development Director will process each complete application and make a written recommendation to the City Council in sufficient time to allow the Council to take final action within 30 days of the filing of the application. Upon receipt of the Community Development Director's recommendation for approval or denial, the Council will consider the application and determine if the applicant qualifies for the exemption. Within 30 days of the filing of the application, the Council must adopt a resolution approving or denying the application.
2. Council will review the staff's findings and recommendation and determine whether or not to grant the exemption. Staff will also coordinate with other taxing districts to gain their support and approval. If there is the support of 51% of the taxing districts and Council approves the Exemption, a resolution will be adopted containing the owner's name and address, a description of the housing unit, either the legal description of the property or the county assessor's property account number, any specific conditions upon which the approval of the application is based and if only a portion of the property is approved, a description of the portion that is approved.
3. A resolution approving an application must contain findings on the criteria for approval and must certify to the Linn County or Benton County tax assessor that all or a portion of the property for which the application was made is exempt from the ad valorem property tax levy of the City of Albany.
4. If the application is denied, the City will state in writing the reasons for denial and send the notice of denial to the applicant within 10 days after the denial. The notice will inform the applicant of the right to appeal under.
5. Following approval, the City will file with the Linn County or Benton County assessor, as applicable, and send to the applicant a copy of the resolution approving the application. If the application is approved, the copy of the resolution will contain or be accompanied by a notice explaining the grounds for possible termination of the exemption prior to the end of the exemption period or thereafter, and the effects of termination. In addition, the City will file with the county assessor a document listing the same information otherwise required to be in a resolution as to each application deemed approved.

Requirements of Properties Granted Tax Exemption

1. Recipients of the property tax exemption will provide a report demonstrating compliance with the affordability requirements annually for the duration of the 20-year property tax exemption period. If the property qualifies for the property tax exemption while being held for the purpose of developing low-income housing, reporting will be required for the twenty years following the construction of the affordable rental housing units to demonstrate compliance.

Termination (ORS 307.530)

An exemption granted under ORS 307.515 to 307.523 shall be immediately terminated and additional taxes imposed as provided in ORS 307.531 if the exempt property is:

1. Is used for any purpose other than the provision of low income rental housing; or
2. Being held for future development of low-income rental housing and is used for any purpose other than the provision of low income rental housing.



ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE PROVISIONS OF OREGON REVISED STATUTES (ORS) SECTIONS 303.515 THROUGH 307.535 TO ESTABLISH A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION

WHEREAS, the 2020 Albany Housing and Residential Land Needs Assessment noted there is a need for more affordable housing and other housing types within the city limits and the City wishes to encourage the development of affordable and needed housing within Albany’s city limits; and

WHEREAS, and City adopted the Housing Implementation Plan (HIP) on June 14, 2023, that recommends the Albany City Council consider adopting a policy to use property tax exemptions to encourage affordable housing; and

WHEREAS, the Oregon Legislature authorizes a city or county to exempt property taxes for new low-income rental housing developments through Oregon Revised Statute (ORS) 307.515; and

WHEREAS, for purposes of the low-income property tax exemption, the definition of “low-income” shall be that in ORS 307.515; and

WHEREAS, the property tax exemption is limited to the tax levy of the taxing district in which the property applying for exemption is located and they adopt ORS 307.515 to 307.523 at the time of application, except that if the combined rate of taxation of the governing bodies that adopt the provisions of ORS 307.515 to 307.523 equal 51 percent or more of the total combined rate of taxation, then a full exemption shall be granted; and

WHEREAS, on November 26, 2024, the City of Albany advertised the December 11, 2024, public hearing on the proposed Low Income Rental Housing Tax Exemption program; and

WHEREAS, the Albany City Council held a public hearing on December 11, 2024 on the Low Income Rental Property Tax Exemption policy and comments were considered; and

WHEREAS, the Albany City Council must approve applications for tax exemption in accordance with ORS 307.515 to 307.535.

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

Section 1: The provisions of Oregon Revised Statues (ORS) Sections 307.515 through 307.535 are hereby adopted.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



RESOLUTION NO. _____

A RESOLUTION ADOPTING A PROCEDURE FOR THE SALE OF CITY REAL PROPERTY FOR NEEDED HOUSING PURPOSES

WHEREAS, Oregon Revised Statutes 221.725 through 221.729 outlines procedures for the City of Albany to sell city-owned real properties and procedures for the sale of real property to develop affordable housing as defined in ORS 456.270; and

WHEREAS, the 2020 Albany Housing and Residential Land Needs Assessment noted there is a need for more affordable housing and other housing types within the city limits and the City wishes to encourage the development of affordable and needed housing within Albany's city limits; and

WHEREAS, and the City of Albany adopted the Housing Implementation Plan (HIP) on June 14, 2023, that recommends the City Council consider adopting a policy to consider city-owned surplus real property to address needed housing; and

WHEREAS, from time to time the City of Albany owns various properties that are surplus to the City's needs and could be developed for needed housing purposes; and

WHEREAS, the current procedures for the sale or disposal of surplus real property are not conducive to prioritizing housing needs; and

WHEREAS, on November 26, 2024, the City of Albany advertised the December 11, 2024, public hearing on the proposed surplus real property for housing; and

WHEREAS, the Albany City Council held a public hearing to hear comments on the surplus real property for housing policy proposal on December 11, 2024, and comments were considered.

NOW, THEREFORE, THE ALBANY CITY COUNCIL RESOLVES to follow the guidance below for city-owned property before any action to dispose of the real property.

1. When the City of Albany has determined there is no priority purpose for city-owned real property, including financial needs, prior to any action to dispose of city-owned surplus real property, the City will first evaluate the property for its suitability for residential development based on zoning, size, location, and other considerations.
2. When the city-owned surplus real property has been determined suitable for residential development, the City may follow this process:
 - Invite parties interested in developing the property for use as affordable housing to submit proposals to the Albany City Council in accordance with ORS 221.729 and sell the real property for use as affordable housing if it is subject to an affordable housing covenant; or
 - Issue a request for proposals or invite bids for needed housing on the real property.
 - Make a good faith effort to first negotiate with affordable housing developers who provide a proposal for the real property.
 - The City Council may give more weight to proposals that provide more affordable units, are affordable to lower incomes, or have longer affordability periods, than other housing proposals.
 - Enter into a development agreement or outline specific terms and conditions associated with the sale or disposal of real property for housing.
3. If no affordable housing proposals are submitted or no agreement can be reached with an affordable housing developer, the City Council may consider alternative proposals for the property.

DATED AND EFFECTIVE THIS 11TH DAY OF DECEMBER 2024.

Mayor

ATTEST:

City Clerk



1142 Willagillespie Road #30, Eugene, OR 97401 / PO Box 50171 Eugene, OR 97405

November 1, 2024

Community Development-Planning
City of Albany
c/o Beth Frelander, Planner II
333 Broadalbin St. SW
Albany, OR 97321

Sent via email: Beth.Frelander@albanyoregon.gov

RE: **Housing Implementation Plan**

Ms. Frelander:

I am corresponding today in my capacity as Executive Officer of the Western Oregon Builders Association (WOBA), wanting to reach out in advance of and submit for inclusion in the public testimony portion of the upcoming hearing, our association's opinion on the Construction Excise Tax (CET).

Aside from no mention as to whether future increases, parameters or caps apply to the proposed tax, WOBA's objection to this proposal is that it comes at a time when fees for permits and Systems Development Charges (SDC) across the board have been increasing. And while there has been discussion about deferring SDC's until occupancy is certified, the September 30 published report disseminated is void of any mention of the SDC deferral.

Specific to the CET, 1% is not an insignificant number given the rising costs making homes less affordable. In the end consumers, home buyers, will pay the added cost of the CET whether they are purchasing a newly built home or an existing one. And the reason for that is because the two compete against each other in the market. Similarly, one could presume that rents will also increase in response to another tax.

In summary, given the rapid rise in permits and SDC's and limited detail on the proposed, WOBA cannot support the CET, even though we understand it's suggested intent to support affordable housing and developer incentives.

Regards,

Dan

Dan Revell

Executive Officer



P: (541) 484-5352

www.westernoregonbuildersassociation.com



DEVELOPING THRIVING COMMUNITIES

11/22/2024

Albany City Council
333 Broadalbin St SW
Albany, OR 97321

Re: Letter of Support for housing-related policy proposals (12/11 Council Meeting)

Dear Mayor Johnson and City Councilors,

I am writing to offer DevNW’s support for the slate of housing production-related policy proposals, including the surplus property policy, Construction Excise Tax (CET) and LIRPTE programs, on Council’s agenda.

DevNW is a nonprofit affordable housing developer – of both rental and homes for ownership - and an asset building organization providing financial, rental and pre-purchase education and counseling, coupled with financial resources such as downpayment assistance. Our goal is to create financial stability and generational wealth building opportunities by supporting many low- and moderate-income families to become first-time homebuyers, start small businesses, earn college degrees, or other activities that offer a long term pathway out of poverty.

As a housing developer, we see firsthand the barriers to creating affordable housing throughout our communities, with the supply of buildable land being one of the most prominent. Having access to land through a supportive partner like the City of Albany, one who understands the requirements and timeline of building affordable housing, is critically important to moving projects forward. Many private sellers are unable, or unwilling, to allow land to be held with site control as financing is secured through state or federal channels to accomplish affordable development.

The implementation of a CET is an excellent local commitment to affordable housing development. Funding from a CET supports multiple pathways to develop housing, from pre-development to capital funds, and can be a flexible tool to meet specific housing goals and



DEVELOPING THRIVING COMMUNITIES

needs within Albany. In our experience, this local funding source has the power to leverage state, federal and private funding, often by factors of 5:1, 8:1 or even 10:1.

We also support the inclusion of tax exemptions like LRPTTE as it expands the tools available to a community to spur affordable housing development throughout the continuum.

We applaud the work of staff within the City of Albany to think carefully and creatively about a wide breadth of local actions that can increase affordable housing development, from rental to ownership, and are thrilled to lend our support for the slate of housing-related policy proposals. We have seen Council's support of these ideas in past discussions, and we encourage you to pass the full slate presented at this meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Reiman".

Emily Reiman, CEO



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager
Chris Bailey, Public Works Director

FROM: Staci Belcastro, P.E., City Engineer
Nolan Nelson, P.E., Civil Engineer III

DATE: November 25, 2024, for the December 11, 2024, City Council Meeting

SUBJECT: Award of Contract for WTP-24-01, AM-WTP Generator

Relates to Strategic Plan theme: A Safe City; An Effective Government

Action Requested:

Staff recommends that City Council, by motion, and acting as the local contract review board, waive a minor bid irregularity and award this contract in the amount of \$319,732 to the low bidder, JQ Construction Inc., of Beaverton, OR.

Discussion:

On November 13, 2024, bids were opened for WTP-24-01, AM-WTP Generator. There were 5 bids submitted for this project, ranging from \$319,732 to \$465,380. The Engineer's estimate was \$420,000. A bid summary is provided as Attachment 1.

Project Description

The Albany-Millersburg Water Treatment Plant (AM-WTP) does not have standby power provisions to ensure water will be treated in the event of a power outage or significant emergency. Installation of a generator and related appurtenances at the plant will improve the resiliency of our drinking water production by enabling the AM-WTP to continue to treat water during a power outage. Council approved the city's purchase of the generator and related equipment through a purchasing co-op at the May 8, 2024, council meeting. This portion of the project is to install the generator and construct the related site improvements required for its operation.

Minor Bid Irregularity

The City protects their network from potentially dangerous emails with a security program that filters and quarantines suspicious emails. This protection can result in emails that are safe being placed in a quarantine folder until released. The bid received from JQ Construction, sent via email, was mistakenly quarantined prior to the bid opening. It was not discovered until the next morning. However, the time stamp on the email clearly shows that the bid was complete and submitted prior to the opening deadline. This was a mistake by the city and did not give the lowest bidder a competitive advantage for the bid. Therefore, staff recommends that the minor bid irregularity be waived, and the contract be awarded to the low bidder, JQ Construction.

Summary of Total Estimated Project Costs

Based on the project bid and anticipated related costs, a summary of the total estimated final project cost is shown in the table below. The amounts have been rounded to the nearest \$100.

Project Components	Estimated Cost
I. Engineering Costs	
a. Design Engineering	\$20,000
b. Consultant Engineering	\$82,500
c. Construction Management	\$10,000
<i>Engineering Subtotal</i>	\$112,500
II. Construction Costs	
a. City Supplied Equipment (Previously Approved)	\$297,800
b. Construction Contract	\$319,700
c. Construction Contingency (10%)	\$32,000
<i>Construction Subtotal</i>	\$649,500
<i>Total Estimated Project Cost</i>	\$762,000
<i>Project Budget</i>	\$1,000,000
<i>Under/ (Over) Project Budget</i>	\$238,000

Budget Impact:

This project will be funded from the Water System Capital Projects Fund (61540450) and ARPA funding.

NN:ss

Attachment 1: Bid Summary

c: Scott LaRoque, Utility Superintendent – Water
Jeff Babbitt, Public Works Business Manager



CITY OF ALBANY, OREGON
Public Works Department
Construction Contract Bids

Project: WTP-24-01, AM-WTP Generator


Bid Opening: November 13, 2024

Engineer's Estimate	JQ Construction Inc. (Beaverton, OR)	Ross Builders Northwest LLC (Hillsboro, OR)	Kronsberg Electric Inc. (Redmond, OR)	EC Electric (Albany, OR)	A C & E Electric Co. LLC (Aurora, OR)
\$426,500	\$319,732	\$355,000	\$367,809	\$370,433	\$465,380



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager 

FROM: Kinzi McIntosh, Central Services Support Specialist *KM*

DATE: November 19, 2024, for the December 11, 2024, City Council Meeting

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

Action Requested:

Council acceptance of the following resignation from the Citizen Advisory Groups:

Public Safety Commission

- Evan Church (position appointed by Councilor Montague; current term ends 12/31/2025)

Budget Review Committee

- Michael Thomson (position appointed by Councilor Newton-Azorr; current term ends 12/31/2027)

Arts Commission

- Carolyn McLeod (position appointed by Councilor Kopczynski; current term ends 12/31/2026)

Discussion:

Evan Church has notified the City of his resignation from the Public Safety Commission. Councilor Montague's appointment to fill this vacancy will be submitted at a subsequent meeting.

Michael Thomson has been elected to Albany City Council and will no longer be eligible to continue in his current position on the Budget Review Committee. Councilor Newton-Azorr's appointment to fill this vacancy will be submitted at a subsequent meeting.

Carolyn McLeod has been elected to Albany City Council and will no longer be eligible to continue in her current position on the Arts Commission. Councilor Kopczynski's appointment to fill this vacancy will be submitted at a subsequent meeting.

Budget Impact:

None.

KM

Attachment 1

McIntosh, Kinzi

From: Evan Church [REDACTED]
Sent: Monday, November 11, 2024 10:47 AM
To: Public Safety Commission; James, Rochelle; McIntosh, Kinzi
Subject: Resignation-Public Safety Commission

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hi all,

We have moved, no longer meet residency requirements, and I must resign from the Public Safety Commission. I have thoroughly enjoyed my time with the group and will always appreciate all I have learned. Keep up the good and critical work.

Evan Church

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.



MINUTES

Monday, November 4, 2024
Work Session
Council Chambers, City Hall

Approved: DRAFT

Call to Order

Mayor Alex Johnson II called the meeting to order at 4:00 p.m.

Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Matilda Novak, Steph Newton-Azorr (virtual), Ray Kopczynski, Jackie Montague, Marilyn Smith, and Ramycia McGhee (virtual)

Councilors absent: None

Business from the Public

Councilor Marilyn Smith read a letter* submitted by Kevin Goodrich about the process of giving public comment.

Finance Policies – Investment, Risk Management

4:03 p.m.

Finance Director Jeanna Yeager introduced Deanne Woodring and Frank McDonnell from Government Portfolio Advisors. Woodring said they recommend one small change to the investment policy: increasing the average maturity from two years to two-and-a-half years.

Lorin Williams, Dave Nelson, and Jennifer King, of WHA, spoke about the risk management policy. WHA started working with the City at the end of May this year. They summarized the rate and experience changes for this year and answered questions.

The policies will come back to the Wednesday, November 6, 2024, council meeting for action.

Republic Services Rate Increase

4:23 p.m.

Julie Jackson of Republic Services said Republic would like approval for a rate increase of 3.2%. Most of the increase is due to rising fuel costs.

Jackson said Republic Services will start a recycling modernization in July 2025. The new list of recyclables will be focused on packaging

Smith said Albany was the first city in Oregon to have a recycling center and the second to offer curbside recycling.

The rate increase will come back to the Wednesday, November 6, 2024, council meeting for action.

Housing Implementation Plan Policy Discussion

4:41 p.m.

Planner II Beth Frelander presented slides.* She said staff received feedback from the council just over a month ago, and hope to proceed with a public hearing next. She summarized the three policies intended to encourage the development of affordable housing:

- Construction excise tax for affordable housing
- Low-income housing tax abatement program
- Consideration of surplus City-owned land for housing

Frelander said the next step for the construction excise tax (CET) will be to amend the AMC by ordinance and then set the tax rate by resolution. Staff has added a completion reporting requirement to the policy. Frelander asked when the policy should go into effect.

Councilor Jackie Montague said the need to address housing solutions is urgent, so the policy should be implemented as soon as possible. Catlin said they can bring the necessary ordinance and resolution to the council December 11.

The council agreed to hear it on December 11.



Municipal Court Judge Contract

4:56 p.m.

Finance Director Jeanna Yeager said staff is asking for an increase in the judge's salary this year because of the expected increased volume of redlight camera citations. They will require the judge to schedule 15 hours a week, instead of the usual 10 hours.

The contract will come back to the Wednesday, November 6, 2024, council meeting for action.

OpenGov Contract Amendment

4:59 p.m.

Parks and Recreation Director Kim Lyddane said the City first started using Cartegraph (since renamed OpenGov) in 2008. Parks and Recreation is expecting several retirements soon and needs to start managing its assets in a database. The initial cost to add the parks and recreation module will be \$36,335, and it will cost \$24,875 annually after that.

Councilor Matilda Novak asked if using the program will save the City money. Lyddane said yes, it will save money. It will be worth \$25,000 in efficiency alone.

Montague said she thinks that's a fantastic price. She asked if the City has had any problems with the company in the past. Lyddane said she understands that it's a solid company.

The contract amendment will appear on the consent agenda for the Wednesday, November 6, 2024, council meeting.

Business from the Council

5:11 p.m.

Novak suggested letting people who are well off and want to help donate to a street maintenance fund, to help defray the cost for lower-income residents.

Smith said at the end of the summer break the council discussed a request to vacate an unused easement on Linn Avenue. She asked what needs to happen next. City Attorney Sean Kidd said the City can apply to vacate the easement, which would start the process.

Councilor Ray Kopczynski praised City staff for adopting the League of Oregon Cities' template for our transportation needs flyer.*

City Manager Report

5:15 p.m.

City Manager Peter Troedsson said City Engineer Staci Belcastro is working on an application to vacate the easement Smith mentioned.

Next Meeting Dates

Monday, November 18, 2024; 4:00 p.m. work session

Wednesday, November 20, 2024; 6:00 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:16 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse
City Clerk

Peter Troedsson
City Manager

**Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing cityclerk@albanyoregon.org.*



MINUTES

Wednesday, November 6, 2024

Meeting

Council Chambers, City Hall

Approved: DRAFT

Call to Order and Pledge of Allegiance

Mayor Alex Johnson II called the meeting to order at 6:00 p.m. The mayor led the pledge of allegiance.

Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Matilda Novak, Steph Newton-Azorr, Ray Kopczynski, Jackie Montague, Marilyn Smith, and Ramycia McGhee

Councilors absent: None

Public Hearing

CP-01-24 Comprehensive Plan and zone amendments

OPEN: Johnson II opened the public hearing at 6:01 p.m.

No councilors wished to declare a conflict of interest or ex parte contact.

Site visit: Councilor Marilyn Smith said she lives in the neighborhood and is familiar with the property.

No councilors wished to abstain.

No one challenged the council's right to hear the case, or the participation of any councilor.

Current Planning Manager David Martineau read the meeting procedures.

Staff report:

Planner III Jennifer Cepello showed slides.* She described the application, the property, and the hearings process. Planning staff finds that the proposal meets the applicable review criteria.

Smith asked, what is the applicant's proposed modification? Cepello said before the final plat is issued, all of the code violations will be mitigated. Councilor Steph Newton-Azorr asked what the financial consequences would be to the applicant if they are not mitigated. City Attorney Sean Kidd said fines would be imposed. He said the modification was proposed by the applicant, not by the Planning Commission.

Applicant testimony:

Applicant representative Kim Riccitelli of GREEN Cascades LLC, 717 Calapooia Street SW, said the property has ongoing issues with junk and vagrancy. The owner is working with the Albany police department to get the violations cleared. This will happen regardless of the outcome of the land use application. She described the reason for the partition and proposed zoning. The applicant believes the proposed parcels are suited for different types of development.

Public testimony:

Curtis Pitt, 3314 Mountain View Dr, said he is opposed to the application. He disagrees with the traffic report, which he said was "misleading" and "false." He said not everyone within 300 feet of the property line received notice of the public hearing.

Tracy Voeller, 3053 Brookside Avenue SE, said the staff report was inaccurate and incomplete, and the notice process was flawed. He said the Planning Commission acts as a "rubber stamp" for staff decisions. He asked that the application be denied or delayed until the Oregon Department of Transportation can assess Grand Prairie Road.

Kathleen Boatwright, 3130 Quail Avenue SE, said the impact on future students has not been addressed. There will be a negative impact on school facilities.

No one else wished to testify.



Rebuttal:

Riccitelli said the traffic impact analysis doesn't compare a medium-density development to a single-family home. It compares a medium-density development to a single-family subdivision.

Newton-Azorr asked if there's information to answer Boatwright's concern about schools. Martineau said Community Development notices GAPS when they notice a public hearing, as well as giving them a quarterly update of proposed developments.

Smith asked Martineau to explain how recent state law affects single-family zoning. Martineau said the City has had to adopt state standards that allow middle housing in all existing single-family zones.

Smith said rezoning a property doesn't change the use until a development proposal is approved. Martineau added that any use allowed in the new zone can be approved, but there are no uses proposed.

Johnson II asked about the trip generation memo. Aaron Hiemstra, engineering manager/assistant city engineer, said he went over the memo carefully and compared it to the City's manual. It is correct. The projected count is the same for 25 single-family homes as for 25 townhome units.

Procedural questions:

Voeller asked about the process to appeal. Kidd said appeals will be addressed at the end of the hearing.

CLOSE: Johnson II closed the public hearing at 6:46 p.m.

Kidd read the ordinance for the first time in title only.

MOTION: Smith moved to have the ordinance read a second time in title only. Councilor Jackie Montague seconded the motion, and it passed 6-0.

Kidd read the ordinance a second time in title only.

Smith suggested that council approval of the comprehensive plan and zone change should be contingent on the cleanup being completed and not effective until it's done.

Ruettgers said the condition proposed by the applicant is that they would be in compliance with all prior land uses before a partition. The development code and municipal code are not usually linked this way, but the applicant proposed it. Kidd said the violation case currently in municipal court is separate from this condition on this property.

Councilor Matilda Novak said the people who will be affected by the rezoning haven't had due process. She can't support approval of the application because she doesn't support increased density.

Newton-Azorr asked where the junk is coming from. Kidd said he believes it's been generated by family members. Newton-Azorr said she doesn't like to accept the promise to clean up instead of having it cleaned before coming to the council.

MOTION: Montague moved to adopt the ordinance with one modification and approve as modified the partition and natural resource impact review applications. Smith seconded the motion, which passed 4-2, with Novak and Newton-Azorr voting no. The ordinance was designated Ordinance No. 6055.

Johnson II read the appeals procedure.

Business from the Public

6:59 p.m.

Whitney Skoien said she is not a currently a resident of Albany. She and her partner want to develop a women's shelter in Albany. They would like help and direction from the council.

Boatwright identified herself as Skoien's partner. She asked how to find out if the former Maple Lawn Preschool could be used. Both Johnson II and Smith asked Boatwright and Skoien to contact them.

First Reading of Ordinance

7:05 p.m.

AMC 6.16 Wildlife Control

Code Compliance Officer Kris Schendel reminded the council that at their September 25, 2024, meeting they heard from the public about nuisance turkeys. This code section is addressed to nuisance wildlife only and doesn't prohibit feeding songbirds. The Oregon Department of Fish and Wildlife has reviewed it.

Smith asked to clarify that the proposed section defines wildlife as any animal not normally domesticated. It doesn't apply to feral cats because they can be domesticated. Schendel agreed.

Newton-Azorr asked what would happen to the turkeys, if this ordinance is passed. Schendel said if people don't feed them, they will eventually disperse.

Kidd read the ordinance for the first time in title only.

MOTION: Newton-Azorr moved to have the ordinance read a second time in title only. Councilor Ramycia McGhee seconded the motion, and it passed 6-0.

Kidd read the ordinance for a second time in title only.

MOTION: Newton-Azorr moved to adopt the ordinance. Smith seconded the motion, which passed 6-0 and was designated Ordinance No. 6056.

Adoption of Resolutions

7:14 p.m.

Republic Services rate increase

Municipal Manager Julie Jackson of Republic Services answered questions about the proposed rates.

MOTION: Smith moved to adopt the resolution. Councilor Ray Kopczynski seconded the motion, which passed 6-0 and was designated Resolution No. 7362.

Accepting Grants

7:20 p.m.

a. ODOT grant for a DUII officer

MOTION: Kopczynski moved to adopt the resolution. Smith seconded the motion, and it passed 6-0. The resolution was designated Resolution No. 7363.

b. Emergency Telephone Association grant

Police Chief Marcia Harnden said police officers' belt-worn radios cost \$11,000 each and the department's current radios are at the end of their useful life. The department is looking for grants like this to replace a few at a time.

McGhee asked how long the radios last. Harnden said ten years.

MOTION: Montague moved to adopt the resolution. Smith seconded the motion, which passed 6-0, and was designated Resolution No. 7364.

Adoption of Consent Agenda

7:25 p.m.

a. Approval of minutes

- 1) September 30, 2024, work session
- 2) October 21, 2024, work session

c. Adoption of resolutions

- 1) Adopting revised policies
 - i) Investment policy
 - ii) Risk management policy
- 2) Appointing Municipal Court judges pro tem

RES NO. 7365

d. Approval of agreement

- 1) Municipal Court judge agreement

Novak asked about the number of staff covered by City insurance. Yeager said there are about 435 full-time-equivalent staff.

MOTION: Montague moved to adopt the consent agenda as presented. The motion was seconded and passed 6-0.

Business from the Council

7:27 p.m.

Montague said the Linn Benton Loop Board has approved reducing summer service, due to low ridership in the summer months.

City Manager Report

7:35 p.m.

City Manager Peter Troedsson offered congratulations to the councilors-elect.

Next Meeting Dates

Monday, November 18, 2024; 4:00 p.m. work session
Wednesday, November 20, 2024; 6:00 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse
City Clerk

Peter Troedsson
City Manager

**Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing cityclerk@albanyoregon.org.*



MINUTES

Monday, November 18, 2024
Work Session
Council Chambers, City Hall

Approved: **DRAFT**

Call to Order

Mayor Alex Johnson II called the meeting to order at 4:00 p.m.

Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Matilda Novak, Steph Newton-Azorr, Jackie Montague, Marilyn Smith, and Ramycia McGhee

Councilors absent: Ray Kopczynski was excused.

Business from the Public

There was none.

FEMA's Pre-implementation compliance measures

4:01 p.m.

Floodplain Manager Jennifer Cepello provided a PowerPoint presentation*. She summarized the history of the implementation plan and described the floodplain in Albany. She advised that FEMA's goal is to preserve and restore the floodplain. FEMA is mandating that cities select one of three options to meet that goal:

1. Adopt a model ordinance incorporating Endangered Species Act requirements into the floodplain development code
2. Permit by permit, require every permit applicant to complete a habitat assessment to prove no net loss
3. prohibit development entirely within the Special Flood Hazard Area

Staff recommends the permit-by-permit option.

Smith asked how much of the currently undeveloped Special Flood Hazard area is developable. Cepello said quite a bit of the land is developable, in Mennonite Village and other smaller parcels specifically. Smith asked if a decision to prohibit all development would be considered a taking.

Novak asked what a taking is. Kidd said it's a situation in which a governing body prohibits any development or use of someone's property. He said that if the model ordinance option was selected, and development was restricted for an excessive length of time, it could be regarded as a taking.

McGhee asked if the council's choice would be permanent? Cepello said it would be until FEMA's permanent implementation is complete in 2027.

Newton-Azorr asked when Benton and Linn counties would complete the remapping process? Cepello said Benton County is working to complete it now, and Linn County is not slated for remapping at this time.

The council directed staff to proceed with the permit-by-permit option.

Airport economic and fiscal analysis request for proposals

4:20 p.m.

Public Works Director Chris Bailey said her goal was to provide an informational update to the council, before a request for proposal is issued. She said much of the current activity at the Albany airport is private pilots or student pilots practicing. Airports should be financially self-supporting. Albany has been able to leverage state funds, and transient lodging tax has been used for capital improvements. In the most recent biennium, expenditures are rising faster than revenues, resulting in an operating deficit. At the last strategic planning session, the council added an objective to review the highest and best use of the airport. Staff will bring the resulting report to the City Council in spring or summer of 2025 for discussion and action. The report will detail options including: maintaining current operations; enhancing current operations, modification of use with possible non-aviation development, or closure and redevelopment.



Business from the Council

4:28 p.m.

Novak expressed concern about the possible move of Valliscor to Albany. City Attorney Sean Kidd said Valliscor's application is a staff level approval, but it could be appealed to the Planning Commission and the City Council, so it will be best to limit council discussion of the matter.

Bailey said that new businesses are evaluated under the industrial pretreatment program, in close coordination with the Department of Environmental Quality and Environmental Protection Agency.

City Manager Report

4:40 p.m.

There was none.

Next Meeting Dates

Wednesday, November 20, 2024; 6:00 p.m. meeting

Monday, December 9, 2024; 4:00 p.m. work session

ADJOURNMENT

There being no other business, the meeting was adjourned at 4:40 p.m.

Respectfully submitted,

Reviewed by,

Erik Glover
City Clerk

Peter Troedsson
City Manager

**Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing cityclerk@albanyoregon.org.*



MINUTES

Wednesday, November 20, 2024

Meeting

Council Chambers, City Hall

Approved: **DRAFT**

Call to Order and Pledge of Allegiance

Mayor Alex Johnson II called the meeting to order at 6:00 p.m. The mayor led the pledge of allegiance.

Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Matilda Novak, Steph Newton-Azorr, Ray Kopczynski (virtual), Jackie Montague, Marilyn Smith, and Ramycia McGhee

Councilors absent: None

Business from the Public

6:02 p.m.

Susan Leonard spoke in support of the Greater Albany Education Association.

Christine Ferguson, coordinator of the Veterans' Day parade, said no councilors or City leaders attended the Veteran of the Year banquet.

Linn County Sheriff Michelle Duncan, Emma Deane, the Executive Director of CHANCE, and Jon Phelps, the director of the Second Chance shelter, asked the council to expand the parking enforcement area to include Jackson Street near the Sheriff's office.

Lisa Grato, Executive Director of the Albany Downtown Association, gave an update on events downtown.

Adoption of Resolutions

6:15 p.m.

a. Ambulance service fee Increase
Fire Chief Chris LaBelle said that the ambulance service fee had not increased since 2019, and the goal was to be self-sufficient with annual increases linked to CPI. He referenced a new fee called a wall time fee, which accounts for ambulance time at a hospital before the hospital staff take over care.

Montague asked if it is common to index emergency services fees to CPI. LaBelle said it is not widely common, although Dallas, Oregon, does it.

MOTION: Montague moved to adopt the resolution. Kopczynski seconded the motion, which passed 6-0 and was designated Resolution No. 7368.

Award of Contract

6:20 p.m.

a. City fuel services and products
Finance Director Jeanne Yeager said contracts are being awarded to two companies, one for card-lock services and one for bulk fuel delivery services.

MOTION: Montague moved to adopt the resolution. Smith seconded the motion, which passed 6-0 and was designated Resolution No. 7369.

Approval of agreement

6:22 p.m.

a. IGA with Linn Benton Community College
Library Director Eric Ikenouye said the agreement would allow Albany Public Library to provide cataloguing service for some Linn Benton Community College items, which wouldn't take much staff time.
Smith asked what kind of items. Ikenouye said items that require some data entry to catalogue; mostly non-typical academic items.

Newton-Azorr asked if staff has done this with Linn Benton Community College before. Ikenouye said this was a new program with LBCC, but the City has had the same request from other smaller libraries in the consortium.



Newton asked if this initiative would take anything away from other library programs or activities. Ikenouye said it would not.

MOTION: Montague moved to adopt the resolution. Newton-Azorr seconded the motion, which passed 6-0 and was designated Resolution No. 7370.

Adoption of Consent Agenda

6:26 p.m.

- a. Resignation
 - 1) Accepting Jerred Taylor's resignation from the Budget Review Committee
- b. Approval of minutes
 - 1) October 23, 2024, City Council meeting
- c. Recommendations to OLCC
 - 1) Approve full on-premises commercial liquor license application for Indian Family Kitchen LLC, 641 Hickory St NW #160
 - 2) Approve retail off-premises liquor license application for Tienda La Paloma LLC, 1101 Santiam Rd SE
- d. Approval of contract amendment
 - 1) Cartegraph/OpenGov contract increase
- e. Acceptance of grant
 - 1) SHARE Initiative grant

RES NO. 7371

MOTION: Montague moved to adopt the consent agenda as presented. Smith seconded the motion, which passed 6-0.

Staff reports

6: 34 p.m.

- a. Award of OSFM Community Wildfire Risk Reduction grant
 - LaBelle said staff requested permission in June to apply for the grant and identified a project. He noted that the grant application was awarded for \$75,000 and permission to accept was needed.

MOTION: Councilor Newton-Azorr moved to adopt the resolution. Smith seconded the motion, which passed 6-0 and was designated Resolution No. 7372.

- b. Modification of existing access/utility easement through city property
 - Ruettgers showed a PowerPoint presentation.* He described the history of the initiative, saying that in June of 2020 the Council directed staff to work on an agreement with Sorte. He noted that there were some challenges with the previous easement, and Sorte had proposed a new easement alignment to sell the property. Ruettgers said that only one home can be built on the property, due to the open-space zoning, and being grandfathered before Measure 56.

Smith asked if the property is in the flood plain inventory. Ruettgers said that it is, and FIRM maps are sometimes not fully accurate. He shared that a small section of the property could be outside of the flood plain. Ruettgers said that any development on the property will also have to coordinate with the confederated tribes, for potential cultural resources on the property.

Ruettgers said that the proposed easement is likely the best alignment, and the applicant is working to address some concerns heard previously.

MOTION: Councilor Smith moved to direct staff to proceed to vacate the existing easement and establish the proposed easement, and to authorize the City Manager to execute the documents. McGhee seconded the motion, which passed 6-0.

Recess: The mayor recessed the meeting from 6:58 p.m. to 7:04 p.m.

- c. Disposition of real property at Ninth Avenue and Jackson Street
 - Ruettgers said that this agenda item was a follow up to one from September 25, 2024. It involves three light-industrial zoned parcels at 9th and Jackson. There are several ways to dispose of the properties. One option would be to declare them as surplus; another would be to do an RFP for the highest and best use; or the council could choose an Invitation to Bid process. Ruettgers said that the City is not required to dispose of the properties, but it is an option the Council can consider.

7:04 p.m.

Montague asked if a zone change would include the whole area. Ruettgers said that it would need to be on a block level, to avoid spot zoning, and he would not recommend that the City initiate a zone change directly.

Newton asked what the fair market value of the properties is. Ruetters said the real market value is \$166,000, but it would be prudent to obtain a commercial appraisal before any potential disposition. Smith asked what a commercial appraisal would cost. Ruetters said he estimated between \$3,000 and \$4,000.

MOTION: Newton-Azorr moved to direct staff to get a commercial appraisal of the property and bring it back to a future council meeting. Kopczynski seconded the motion, which passed 5-1, with McGhee voting no.

Business from the Council

7:18 p.m.

Novak read a comment from a member of the public regarding Valliscor.

Smith said that expanding the parking zone on Jackson Street, following the earlier business from the public discussion, would be a good idea. Discussion of the boundaries of the parking zone took place. Code Compliance Officer Kris Schendel answered questions.

MOTION was made by Smith to direct staff to bring an ordinance expanding the existing parking enforcement area to include both sides of Jackson Street from the Pacific Boulevard overpass to south of 1117 Jackson Street to a future council meeting. Newton-Azorr seconded the motion, which passed 6-0.

City Manager Report

7:34 p.m.

City Manager Peter Troedsson said that the OpenGov contract is not a contract for hourly services, and the Scope of Work is descriptive. He also advised that the December 23, 2024 work session would be cancelled.

Next Meeting Dates

Monday, December 9, 2024; 4:00 p.m. work session
Wednesday, December 11, 2024; 6:00 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Reviewed by,

Erik Glover
City Clerk

Peter Troedsson
City Manager

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RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING RIGHT-OF-WAY DEDICATION

Grantor

Robert J. Gill

Purpose

Accepting a 2-foot-wide right-of-way dedication as part of Project ST-22-06, Geary Street Sidewalk.

Tax Lot 11S03W17CB00400

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this dedication.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the council and approval by the mayor.

DATED AND EFFECTIVE THIS 11TH DAY OF DECEMBER 2024.

Mayor

ATTEST:

City Clerk

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that **Robert J. Gill**, hereinafter referred to as the Grantor, does dedicate to the City of Albany for street and utility right-of-way purposes, all that real property situated in Linn County, State of Oregon, described as follows:

See legal description on attached Exhibit A, and maps on attached Exhibits B & C. Exhibits A, B and C, are attached herewith and made a part hereof this agreement.

and covenants that the Grantor is the owner of the above described property free of all encumbrances save and except reservations in patents and easements, covenants, conditions, and restrictions of record, and will warrant and defend the same against all persons who may lawfully claim the same.

The deed granted herein is in consideration of \$3,060.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:

Robert J. Gill
Robert J. Gill

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 9th day of October 2024,
by Robert J. Gill.

Sierra Holmes
Notary Public for Oregon



CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2024.

City Manager

ATTEST:

City Clerk

EXHIBIT A
Legal Description for Right-of-Way Dedication

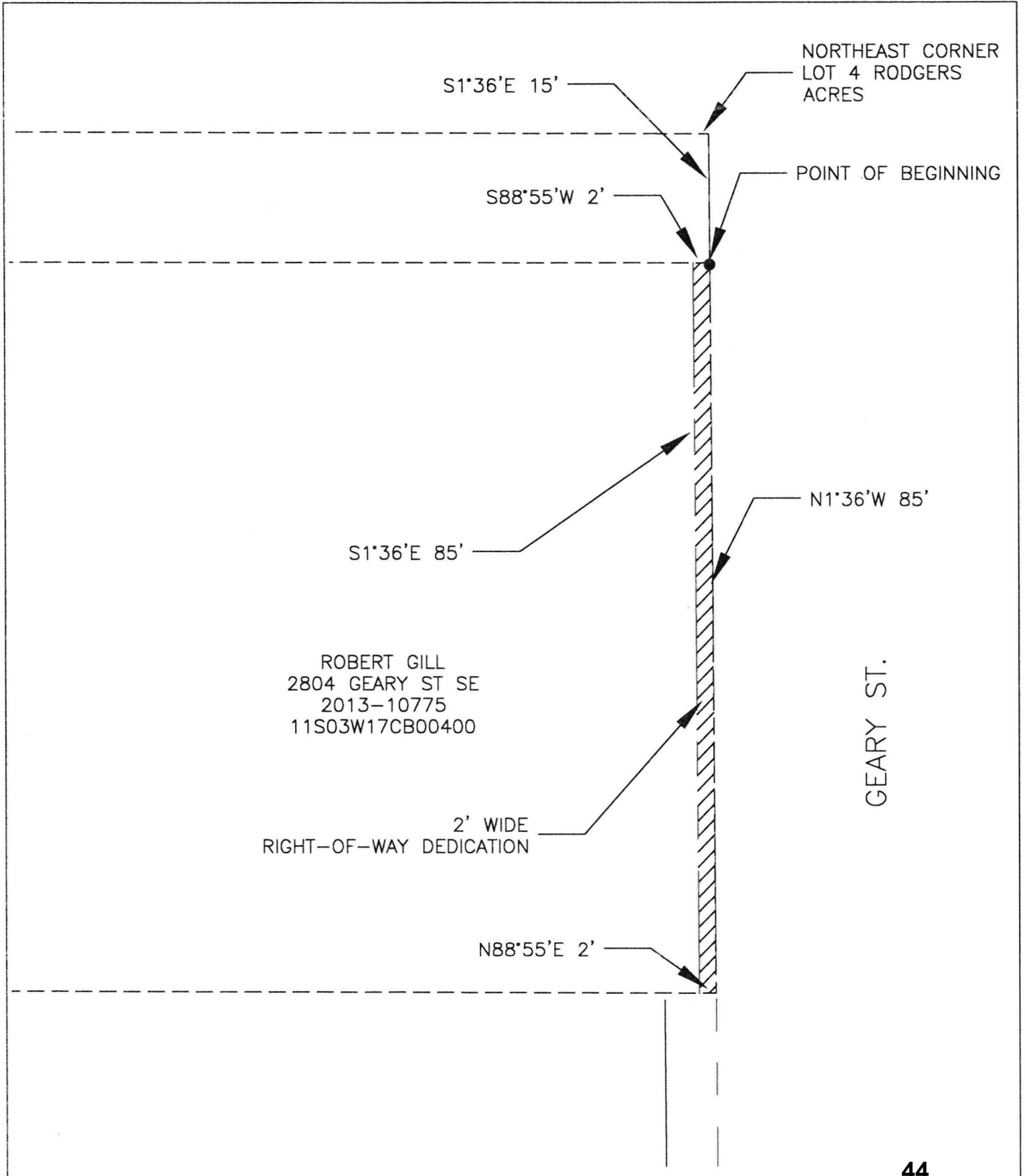
A 2-foot-wide strip of land, being a portion of that property described in Linn County Deed Reference No. 2013-10775, more particularly described below.

Beginning at a point on the East line of Lot 4 of Rodgers Acres in the City of Albany, Linn County, which point is South 1° 36' East along the East Line of said lot 15 feet from the Northeast Corner of Lot 4; thence South 88° 55' West, 2 feet; thence South 1° 36' East 85 feet parallel with the East Line of said Lot to the South Line of the Lot; thence along the lines of said Lot N 88° 55' East 2 feet and North 1° 36' West 85 feet to the point of beginning.

As shown on the attached maps labeled Exhibit B & C, attached hereto and made a part hereof this legal description.



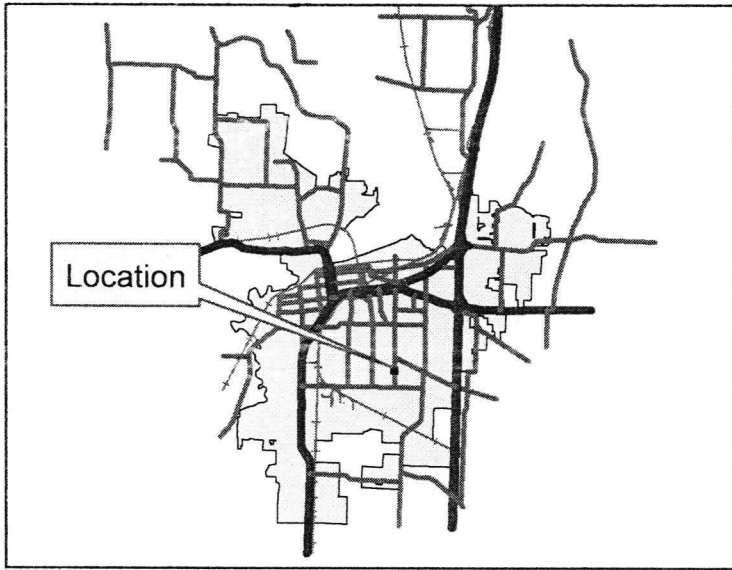
EXHIBIT B
RIGHT-OF-WAY DEDICATION
ROBERT J. GILL



RIGHT-OF-WAY EXHIBIT C

11S03W17CB00400

A 2 Foot Right-of-Way Acquisition
as part of Geary Street Sidewalk, ST-22-06



Geographic Information Services



Consent

The undersigned, holder of that certain \$150,800 Deed of Trust, (recorded in Linn County Oregon Deed Records 2013-10776) which encumbers the property with the attached easement, hereby consents to the above 2-foot-wide Dedication Deed for parcel 11S03W17CB00400, and agrees that said dedication shall be a permitted exception under said Deed of Trust.

IN WITNESS WHEREOF, the undersigned has executed this consent as of this 7 day of October 2024.

Financial Institution: Umpqua Bank

By: _____

Name: Matthew Hay

Title: AVP-HLD Default Litigation Supervisor

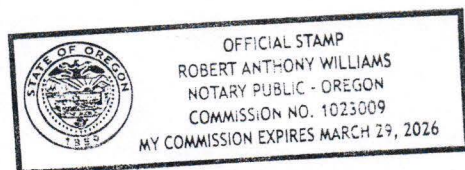
STATE of OREGON)
) ss
County of WASHINGTON)

The foregoing instrument was acknowledged before me this 7 day of October 2024, by Matthew Hay an AVP-HLD Default Litigation Supervisor of Umpqua Bank, on behalf of said institution.

Robert Anthony Williams

Notary Public for Oregon

My Commission Expires: 3-29-2026





MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager



FROM: Chris LaBelle, Fire Chief

DATE: November 27, 2024, for the December 11, 2024, City Council Meeting

SUBJECT: Accept and Appropriate Senior Emergency Medical Services Grant from the Department of Human Services

Relates to Strategic Plan theme: A Safe City; An Effective Government

Action Requested:

Council approval by resolution to accept and appropriate a grant from the State Department of Human Services (DHS) to provide lifting devices in care homes in Albany.

Discussion:

The fire department’s community paramedic program conducts activities to support vulnerable populations including senior and disabled citizens as part of its mission to prevent and protect from harm. The department has been awarded a grant by DHS for \$68,500 to conduct a pilot project to fund lifting devices to be distributed to care homes in Albany. Staff at those locations can use the devices to lift patients who have fallen more safely and efficiently. This will help prevent injuries to staff and patients, and will reduce calls to 9-1-1 for non-emergency lift-assists. Fire personnel already use these devices and is optimistic that they will be a benefit to the care homes. The department will provide training and follow-up as part of the grant project. All activities under the grant are to be completed by December 31, 2026.

Budget Impact:

There is no budget impact from accepting this grant. Funds will be managed from 20325805.

Attachments - Resolution





RESOLUTION NO. _____

A RESOLUTION ACCEPTING AND APPROPRIATING FUNDS FROM THE DEPARTMENT OF HUMAN SERVICES FOR THE SENIOR EMERGENCY MEDICAL SERVICES PILOT PROJECT GRANT.

WHEREAS, the mission of the Albany Fire Department is to prevent and protect from harm; and

WHEREAS, the Albany Fire Department conducts community paramedic activities aimed at supporting vulnerable populations in the city; and

WHEREAS, the Albany Fire Department was awarded a grant by the Department of Human Services to participate in a pilot program to address emergency services to senior and disabled citizens; and

WHEREAS, Oregon Local Budget Law provides that expenditures in the year of receipt of grants, gifts, bequests, or devices transferred to local government in trust for a specific purpose may be made after enactment of a resolution or ordinance authorizing the expenditure (ORS 294.326(3));

WHEREAS, funds must be spent by December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the Fire Department is approved and authorized to receive funds not to exceed \$68,500 from the Department of Human Services; and

BE IT FURTHER RESOLVED that the Fire Adapted Home grant is hereby appropriated as follows:

Resources:	Debit	Credit
20325805-469015		\$68,500
Requirements:		
20325805-610405	\$68,500	

DATED AND EFFECTIVE THIS 11TH DAY OF DECEMBER 2024.

Mayor

ATTEST:

City Clerk



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE ABSTRACT OF VOTES REGARDING THE BALLOTS CAST IN THE STATE OF OREGON GENERAL ELECTION HELD TUESDAY, NOVEMBER 5, 2024, REGARDING CANDIDATES FOR CITY OF ALBANY OFFICES

WHEREAS, the abstract of votes prepared by Marcie Richey, the duly elected, qualified county clerk of the county of Linn, state of Oregon; as to the ballots cast in the Linn County election, held Tuesday, November 5, 2024, regarding the duly elected officers of the City of Albany, has been certified; and

WHEREAS, the abstract of votes prepared by James Morales, the duly appointed, qualified county clerk/records and elections department director of the county of Benton, state of Oregon; as to the ballots cast in the Benton County election, held Tuesday, November 5, 2024, regarding the duly elected officers of the City of Albany, has been certified.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the same is hereby accepted.

TOTAL CERTIFIED

Mayor: Two-year term beginning January 1, 2025, and ending December 31, 2026.

Mayor	Candidates	Linn County	Benton County	Total	Result
	Alex Johnson II	14,129	3,725	17,854	Elected

Councilor: Four-year term beginning January 1, 2025, and ending December 31, 2028.

Councilor	Candidates	Linn County	Benton County	Total	Result
Ward I-B	Michael Thomson	2,053	2,430	4,483	Elected
	Trevor M Lee	1,167	1,762	2,929	
	Courtney Rose Stubbs	917	577	1,494	
Ward II-B	Carolyn McLeod	2,546	--	2,546	Elected
	Kevin Kreitman	2,481	--	2,481	
Ward III-B	Marilyn Smith	4,430	--	4,430	Elected
	Bryan Munson	3,680	--	3,680	

BE IT FURTHER RESOLVED that the city clerk is hereby directed to issue certificates of election to the above elected candidates.

DATED AND EFFECTIVE THIS 11th DAY OF DECEMBER 2024.

Mayor

ATTEST:

City Clerk

Office Report
Linn County

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16:56:31

General Presidential Election November 05, 2024
All Precincts, All Districts, All Counter Groups, All ScanStations, All Contests, All Boxes
Final and Official

Total Ballots Cast: 72249, Registered Voters: 100599, Overall Turnout: 71.82%

City of Albany - Mayor (Vote for 1)

Precinct	Ballots Cast	Reg. Voters	Total Votes	Alex Johnson #	Alex Johnson %	Write-in	Write-in %	Over Votes	Under Votes
Precinct 001	1766	2309	1123	1044	92.97%	79	7.03%	0	643
Precinct 005	1990	3248	1230	1164	94.63%	66	5.37%	0	760
Precinct 008	830	1063	469	441	94.03%	28	5.97%	0	361
Precinct 009	1163	2039	729	696	94.10%	43	5.90%	0	434
Precinct 010	1689	2541	1052	1006	95.63%	46	4.37%	0	637
Precinct 011	2688	3769	1625	1556	95.75%	69	4.25%	0	1063
Precinct 012	828	1248	522	478	91.76%	43	8.24%	0	306
Precinct 013	1428	2164	884	786	89.93%	89	10.07%	0	544
Precinct 014	1660	2875	990	934	94.34%	56	5.66%	0	670
Precinct 016	1692	2133	1029	981	95.34%	48	4.66%	0	663
Precinct 018	2269	3000	1416	1353	95.55%	63	4.45%	0	853
Precinct 048	2255	2893	1362	1302	95.59%	60	4.41%	0	893
Precinct 061	1433	2001	906	853	94.26%	52	5.75%	0	528
Precinct 067	1337	1843	844	790	93.60%	54	6.40%	0	493
Precinct 082	1335	2014	797	745	93.48%	52	6.52%	0	538
Total	24363	35129	14977	14128	94.34%	848	5.66%	0	9386

I hereby certify this copy to be a true, full and correct copy of the original now on record in my office.

MARCIE RICHEY

Marcie Richey
12/2/24
County Clerk
Deputy

Office Report
Linn County

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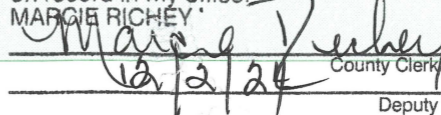
General Presidential Election November 05, 2024
All Precincts, All Districts, All Counter Groups, All ScanStations, All Contests, All Boxes
Final and Official

Total Ballots Cast: 72249, Registered Voters: 100599, Overall Turnout: 71.82%

City of Albany Councilor - Ward I-B (Vote for 1)

Precinct	Ballots Cast	Reg. Voters	Total Votes	Trevor M Lee	Michael Thomson	Courtney Rose Stubbs	Write-In	Over Votes	Under Votes
Precinct 001	1766	2309	1408	334 23.72%	808 57.39%	259 18.39%	7 0.50%	0	358
Precinct 005	1990	3248	1427	397 27.82%	643 45.06%	374 26.21%	13 0.91%	0	563
Precinct 016	1692	2133	1325	436 32.91%	602 45.43%	284 21.43%	3 0.23%	0	367
Total	5448	7690	4160	1167 28.05%	2053 49.35%	917 22.04%	23 0.55%	0	1288

I hereby certify this copy to be a true,
full and correct copy of the original now
on record in my office.

MARGIE RICHEY

County Clerk
Deputy

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I hereby certify this copy to be a true,
full and correct copy of the original now
on record in my office.
MARKIE RICHEY
Deputy
County Clerk
11/27/24

City of Albany Councilor - Ward II-B (Vote for 1)

Total Ballots Cast: 72249, Registered Voters: 100599, Overall Turnout: 71.82%
Final and Official
All Precincts, All Districts, All Counter Groups, All ScanStations, All Contests, All Boxes
General Presidential Election November 05, 2024
Linn County
Page: 31 of 89
2024-11-27 16:56:31

Precinct	Ballots	Reg. Voters	Total	Kovari-Kraemer	Gandy-McLeod	Write-In	Over	Under
Precinct 009	1163	2039	795	389	401	5	0.63%	0
Precinct 012	828	1248	596	250	341	5	0.84%	0
Precinct 014	1660	2875	1124	519	592	13	1.16%	0
Precinct 018	2260	3000	1648	876	760	12	0.73%	1
Precinct 062	1335	2014	909	447	452	10	1.10%	0
Total	72255	11178	5072	2481	2546	45	0.80%	1

Office Report
Linn County

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2024-11-27
16:56:31

General Presidential Election November 05, 2024
All Precincts, All Districts, All Counter Groups, All ScanStations, All Contests, All Boxes
Final and Official

Total Ballots Cast: 72249, Registered Voters: 100599, Overall Turnout: 71.82%

City of Albany Councilor - Ward III-B (Vote for 1)

Precinct	Ballots Cast	Reg. Voters	Total Votes	Bryan Munson		Marilyn Smith		Write-in		Over Votes	Under Votes
Precinct 008	830	1063	561	272	48.48%	284	50.62%	5	0.89%	1	268
Precinct 010	1689	2541	1213	556	45.84%	650	53.59%	7	0.58%	0	476
Precinct 011	2688	3768	1834	802	43.73%	1020	55.62%	12	0.65%	0	854
Precinct 013	1428	2154	996	489	49.15%	488	49.05%	18	1.81%	1	432
Precinct 048	2255	2893	1617	630	38.96%	975	60.30%	12	0.74%	0	638
Precinct 061	1433	2001	1006	501	49.80%	497	49.40%	8	0.80%	0	427
Precinct 067	1337	1843	953	430	45.12%	516	54.14%	7	0.73%	1	383
Total	11660	16263	8179	3680	44.99%	4430	54.16%	69	0.84%	3	3478

I hereby certify this copy to be a true, full and correct copy of the original now on record in my office.

MARCIE RICHEY

Marcie Richey
County Clerk
12/2/24
Deputy

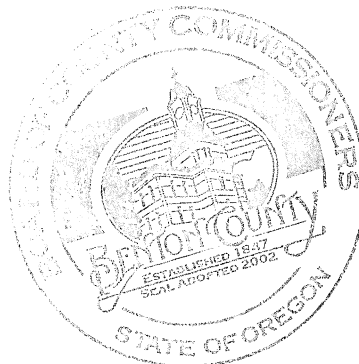
Copy

Mayor City of Albany
Vote For 1

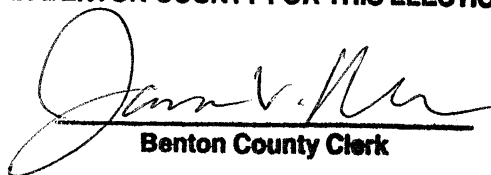
	TOTAL	VOTE %
Alex Johnson II	3,725	94.04%
Write-In Totals	236	5.96%
Overvotes	0	
Undervotes	2,087	
Contest Totals	6,048	

Albany City Council Ward 1
Vote For 1

	TOTAL	VOTE %
Trevor M Lee	1,762	36.82%
Michael Thomson	2,430	50.78%
Courtney Rose Stubbs	577	12.06%
Write-In Totals	16	0.33%
Overvotes	0	
Undervotes	1,263	
Contest Totals	6,048	




I HEREBY CERTIFY THE TALLY OF VOTES
RECORDED, ON THIS ABSTRACT, TO
CORRECTLY SUMMARIZE THE VOTES CAST
IN BENTON COUNTY FOR THIS ELECTION.


Benton County Clerk



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager 

FROM: Kim Lyddane, Parks and Recreation Director

DATE: November 22, 2024, for the December 9, 2024, City Council Meeting Work Session and the December 11, 2024, City Council Meeting

SUBJECT: Accept and appropriate grant funds for Deerfield Park refurbishment.

Action Requested:

Council approval by resolution to accept and allocate \$485,000 from the Local Government (LG) Grant through the Oregon Parks and Recreation Department (OPRD).

Discussion:

Deerfield Park was identified in the 2021 Parks Master Plan for rehabilitation. The Park was developed in the 1950s and was previously owned by the Greater Albany Public School District. The 10.89-acre park was purchased by the City of Albany in 2018. The neighborhood park is in significant need of repair, as it has not been improved since the playground equipment was purchased and installed 40 years ago.

In March staff received approval from Council to apply for a Local Government Grant through OPRD to contribute to the Deerfield refurbishment. After a competitive process, the \$485,000 Deerfield grant request was approved by OPRD in October. This funding, alongside an already budgeted \$750,000 match supported by City Services Fee revenues will allow for the full scope of planned park refurbishments including:

- 8' wide ADA-compliant permeable concrete pathways with new connections to adjacent neighborhood streets
- Soft-surface perimeter walking trail
- New 6,500 sq. ft. universally accessible play area with new accessible play equipment and artificial turf play safety surfacing
- New ADA-compliant picnic areas
- New ADA-compliant seating areas
- New full-size ADA-compliant basketball court
- New ADA-compliant drinking fountain
- Permanent 9-hole disc golf course
- Retain all existing trees
- Add new trees for shade
- Retain and repair existing lawn areas

Without this award, key pieces of the project, including the trail and play area would have been scaled back or removed from the project entirely. Staff request Council approval to accept and appropriate funds for the

project. If approved, the project will go out for bid at the start of the new year with construction to start in Spring 2025. We are thrilled to begin this renovation and give a much-loved park the update it deserves.

Budget Impact:

The funds will go into Parks and Recreation Department's Capital Improvement Program 20250515-700510 account. The match is already budgeted.

KL

Attachments: Resolution (1)



A RESOLUTION ACCEPTING AND APPROPRIATING OREGON PARKS AND RECREATION GRANT FUNDS TO REFURBISH DEERFIELD PARK.

WHEREAS, the Albany Parks and Recreation Department applied for a Local Government Grant through Oregon Parks and Recreation to refurbish Deerfield Park; and

WHEREAS, the Albany Parks and Recreation Department was selected as a recipient of a Local Government Grant for \$485,000; and

WHEREAS, the grant funds will be used to add new playground equipment, replace an aging basketball court, add assessable pathways, replace benches, and add a nine-hole disc golf course, and

WHEREAS, Deerfield Park provides the community with a way to participate in positive, healthy activities; and

WHEREAS, Oregon Local Budget Law provides that expenditures in the year of receipt of grants, gifts, bequests, or devices transferred to local government in trust for a specific purpose may be made after enactment of a resolution or ordinance authorizing the expenditure (ORS 294.326(3)).

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the Parks and Recreation Department is approved to receive and appropriate Oregon Parks and Recreation Grant funds in the amount of \$485,000; and

BE IT FURTHER RESOLVED that the Oregon Parks and Recreation Grant funds are hereby planned as follows:

Resources:	Debit	Credit
20250515-469015		\$485,000
Requirements:		
20250515-700510	\$485,000	

DATED AND EFFECTIVE THIS 11TH DAY OF DECEMBER 2024.

Mayor

ATTEST:

City Clerk



MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager

FROM: Chris LaBelle, Fire Chief

DATE: November 27, 2024, for the December 11, 2024, City Council Meeting



SUBJECT: Application for Assistance to Firefighters Grant

Relates to Strategic Plan theme: A Safe City

Action Requested:

Council approval by resolution to apply for the FY24 Assistance to Firefighters Grant (AFG) through the Department of Homeland Security for a new Type I fire engine.

Discussion:

The fire department has established a standard to replace fire engines after 25 years of service to our community. This is necessary to keep pace with technology and advances in safety features. In addition, older vehicles typically experience an increased amount of out-of-service time due to needed repairs. The oldest fire engine currently in service for the fire department is 23 years old and was manufactured prior to the latest safety standards in place for fire apparatus. Currently, a new engine takes three years to manufacture and deliver.

Earlier this year, one of the department’s newer engines was destroyed while fighting a field fire. The insurance payout is not enough to replace it, and the department does not have sufficient funds to purchase a new engine at this time, which costs approximately \$1,000,000. However, the AFG prioritizes funding for front-line apparatus to fire departments with vehicles over 20 years old and provides a maximum award of \$1,000,000 to departments of Albany’s size. In 2022 the department was awarded the same grant and purchased one Pierce Enforcer fire engine with a four-door aluminum cab and body, single rear axle, 1750 GPM mid-mounted pump from Hughes Fire Equipment, Inc., through an existing interstate cooperative contract between Houston-Galveston Area Council (HGAC) and Pierce Manufacturing, Inc. This same purchasing process would be pursued if grant funds were awarded.

Budget Impact:

If awarded the full grant amount of \$1,000,000, a required 10 percent local match would be paid from equipment replacement (21725710-700000). The department has sufficient funds for the match and associated equipment that was not salvaged from the totaled engine.

Attachments - Resolution





RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ALBANY FIRE DEPARTMENT TO APPLY FOR FUNDS NOT TO EXCEED \$1,000,000 THROUGH THE U.S. DEPARTMENT OF HOMELAND SECURITY FISCAL YEAR 2024 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM (AFG) TO PURCHASE ONE FIRE ENGINE

WHEREAS, the U.S. Department of Homeland Security provides funding for front-line apparatus to eligible fire departments; and

WHEREAS, the Albany Fire Department's standard is to replace fire engines after 25 years of service; and

WHEREAS, the Albany Fire Department has one fire engine that is 23 years old this fiscal year; and

WHEREAS, the current timeline for a new engine is three years; and

WHEREAS, the program requires a 10 percent match; and

WHEREAS, the application period for this grant closes December 20, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council authorizes the fire department to apply for a \$1,000,000 grant for one fire engine.

DATED AND EFFECTIVE THIS 11TH DAY OF DECEMBER 2024.

Mayor

ATTEST:

City Clerk



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager

FROM: Chris LaBelle, Fire Chief

DATE: November 27, 2024, for the December 11, 2024, City Council Meeting

SUBJECT: Exemption from Competitive Bidding and Special Procurement for Navigation Software
Relates to Strategic Plan theme: An Effective Government, A Safe City

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 for the fire chief to procure mapping software through Locality Media, Inc., DBA First Due allowing emergency response personnel to navigate to scenes; and
- 2) Authorize the fire chief to negotiate, award, and execute class special procurement contracts for navigation software and additional modules from Locality Media, Inc., DBA First Due as needed over five years, with options to extend the contract additional terms.

Discussion:

The fire department uses a mapping software program to navigate to emergency calls and pre-incident plans that include site specific information for emergency response such as building construction type, site maps, and access locations. The current program, Incident View, will become obsolete by March 2025, posing significant risks to the ability to respond to 9-1-1 calls. The department has identified a replacement from the vendor First Due, that includes more features and allows for inter-agency collaboration, which is critical for mutual aid calls. Several mutual aid partners have already switched to the proposed software or are adopting it soon. The advantages will position the department to better serve the community while adapting to future needs. Additional benefits of using First Due are a modular design that allows for integration with software currently in use such as staffing and fleet management and adopting other modules at a reduced cost due to AFD's regional participation in the Willamette Valley Operations (WVOPS) Consortium.

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 Oregon Revised Statutes (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.** The competing vendors for mapping software exhibit several critical shortcomings that make them non-viable options. These include the lack of turn-by-turn navigation, absence of support for Windows-based platforms, no pre-planning functionality, and limited operational capabilities for seamless sharing across platforms and between agencies.

- **The special procurement is reasonably expected to result in substantial cost savings to the contracting agency or to the public.** The mapping software module is comparable in price to the current program in place but includes more functionality and potential to incorporate other existing software and operating systems used by the City. The City will receive a discounted price because other local agencies are purchasing the system in a regional collaboration.
- **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.** First Due capabilities will streamline operations with mutual aid partners, offer more functionality than other choices, and provide the possibility of future benefits from other navigation modules that the company provides.

Public notice of this request will be made in accordance with state purchasing requirements, (ORS) 279B.085 and Oregon Administrative Rules (OAR) 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 procurement requirements.

Budget Impact:

Software for the first year is \$10,185 and one-time fees are \$3,300. The initial contract will be for five years and includes a maximum three (3) percent increase annually. Funds will be paid from 10025010-602305.

Attachment – Resolution



RESOLUTION NO. _____

A RESOLUTION OF THE ALBANY CITY COUNCIL, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, WAIVING COMPETITIVE BIDDING AND AWARDING A CLASS SPECIAL PROCUREMENT CONTRACT TO LOCALITY MEDIA, INC., DBA FIRST DUE; AND AUTHORIZING THE FIRE CHIEF TO AWARD AND EXECUTE A CONTRACT WITH LOCALITY MEDIA, INC., DBA FIRST DUE TO PROCURE MAPPING SOFTWARE

WHEREAS, Albany Municipal Code 2.66.060(11), Oregon Revised Statutes 279B.085, and OAR 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 Albany Fire Department (AFD) requires mapping software to navigate to emergency scenes; and

WHEREAS, AFD's existing software with Active 9-1-1 Incident View will become obsolete in 2025; and

WHEREAS, no other vendors can provide a system that offers turn-by-turn directions, support for Windows-based platforms, pre-planning functionality, and sharing across platforms, therefore competition will not be diminished; and

WHEREAS, the proposed software module is comparable in price to the current system but includes more functionality and potential to incorporate other existing software and operating systems used by the City; and

WHEREAS, a special procurement will promote the public interest in a manner that could not be realized complying with another method; and

WHEREAS, the First Due software will streamline operations with mutual aid partners, offer more functionality than other choices, and provide the possibility of future benefits from other modules that the company provides.

NOW, THEREFORE, BE IT RESOLVED THAT THE ALBANY CITY COUNCIL, ACTING AS THE LOCAL CONTRACT REVIEW BOARD:

SECTION 1. Adopts the following findings:

1. The City requires a special procurement process to procure Locality Media, Inc., DBA First Due software. There are few vendors that can provide the functionality and future module options offered by First Due. Procurement of this software would be unlikely to diminish competition or encourage favoritism in awarding contracts.
2. Awarding a contract to First Due will achieve department cost savings and efficiencies. The mapping software module is comparable in price to the current system provided by Active 9-1-1 Incident View but includes expanded functionality and potential to incorporate other existing software and operating systems used by the City. The City will receive a discounted price because other local agencies are purchasing the mapping software system in a regional collaboration.
3. First Due capabilities will streamline operations with mutual aid partners, offer more functionality than other software choices, and provide the possibility of future benefits from incorporating additional modules that the company provides.

SECTION 2. Notwithstanding the provisions of Albany Municipal Code Section 2.66.060, the fire chief is authorized and directed to use a class special procurement method to procure mapping and navigation software for AFD from Locality Media, Inc., DBA First Due; and

SECTION 3. The fire chief is hereby directed to negotiate, award, and execute class special procurement contracts with Locality Media, Inc., DBA First Due over five years, with options to extend the contract for additional terms, for mapping and navigation software 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 11TH DAY OF DECEMBER 2024.

Mayor

ATTEST:

City Clerk




MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager

A handwritten signature in blue ink, appearing to be "PT", located to the right of the "VIA" line.

FROM: Marcia Harnden, Chief of Police 

DATE: November 21, 2024, for the December 11, 2024, City Council Meeting

SUBJECT: New Outlet, Full On-Premises, Commercial, Liquor License Application for The 520, Located at 1236 Price Rd SE

Action Requested:

I recommend the new outlet, full on-premises, commercial, liquor license application for The 520, located at 1236 Price Rd SE, be approved.

Discussion:

The 520, has applied for a new outlet, 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.

MH:rij



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager 
Marcia Harnden, Police Chief

FROM: Kristopher Schendel, Code Compliance Officer

DATE: December 3, 2024, for December 9, 2024, Work Session and December 11, 2024, City Council Regular Session

SUBJECT: Central Albany Parking Area - Expansion

Relates to Strategic Plan theme: Great Neighborhoods and Effective Government

Action Requested:

Staff recommends the City Council amend Albany Municipal Code (AMC) Section 13.21.112(a) to add Jackson Street SE from the railroad crossing to 13th Avenue SE.

Discussion:

On March 11, 2020, the Albany Municipal Code (AMC) 13.21.112 Central Albany Parking Area went into effect and subsequently reduced the police calls to the area.

On November 20, 2024, the Linn County Sheriff's Office and 2nd CHANCE Shelter requested City Council amend AMC 13.21.112 to include street front along Jackson Street SE from the railroad crossing to 13th Avenue SE. This request was made in hopes of reducing safety concerns both groups were seeing from individuals not associated with either entity.

At this same City Council meeting, Council requested that staff adjust the boundaries to include the requested area.

Budget Impact:

None.

KS:de



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE (AMC) SECTION 13.21.112(a), CENTRAL ALBANY PARKING AREA.

WHEREAS, the City of Albany added AMC Chapter 13.21.112, Central Albany Parking Area, to address an increased level of unlawful activity unrelated to surrounding structures; and

WHEREAS, these specific areas attract unlawful activity and pose health and welfare hazards to the public; and

WHEREAS, on November 20, 2024, an amendment was requested by the Linn County Sheriff's Office and 2nd CHANCE Shelter, who make up the street frontage; and

WHEREAS, the Albany City Council requested that Albany Municipal Code Section 13.21.112 Central Albany Parking Area be amended to add Jackson Street SE in south of the railroad crossing to 13th Avenue SE.

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

Amending AMC Title 13, Vehicles and Traffic. AMC Section 13.21.112(a) is hereby amended to:

13.21.112 Central Albany parking area.

(1) It is unlawful for any vehicle to park on the public streets, listed below, without a valid Central Albany parking area permit.

(a) Area.

- (i) 11th Avenue SE, west of Jackson Street SE to Montgomery Street SE.
- (ii) Montgomery Street SE, west of 11th Avenue SE to 13th Avenue SE.
- (iii) 13th Avenue SE, west of Jackson Street SE to Industrial Way SW.
- (iv) Howard Drive SE, north of 13th Avenue SE to dead end.
- (v) Industrial Way SW, south of 13th Avenue SE to Queen Avenue SW.
- (vi) Ninth Avenue SE, east of Jackson Street SE to Route 99E.
- (vii) Jackson Street SE, south of Pacific overpass to 13th Avenue SE~~railroad crossing~~.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager

FROM: Kristopher Schendel, Code Compliance Officer

DATE: December 3, 2024, for December 9, 2024, Work session and December 11, 2024, City Council Regular Session

SUBJECT: Albany Municipal Code 13.90 Private Property Impounds

Relates to Strategic Plan theme: Effective Government

Action Requested:

Staff requests the City Council repeal Albany Municipal Code (AMC) Chapter 13.90 Private Property Impounds.

Discussion:

In 2017 the Albany City Council adopted Albany Municipal Code (AMC) Chapter 13.90 Private Property Impounds to address concerns of predatory towing practices throughout the City. These predatory towing practices left people without vehicles based on items such as backing into their parking spot. Most vehicles were towed without the property managers' knowledge after they had signed contracts with out-of-city tow companies.

On July 19, 2021, the Oregon Senate passed Bill 300 to establish the Oregon State Board of Towing to address multiple city concerns regarding tow companies across the State.

On July 23, 2024, the Oregon State Board of Towing adopted a Private Property Impound Public Policy that closely resembles AMC 13.90 Private Property Impounds. With the passing of the policy at the State level, it is no longer required that the City has a code.

Staff requests the City Council to repeal AMC 13.90 Private Property Impounds to free up staff time for other obligations.

Budget Impact:

Reduction in staff work time needs to address AMC 13.90 and maintain permits.

KS:de

Attachment: Oregon State Board of Towing Private Property Impound Public Policy.



AN ORDINANCE REPEALING ALBANY MUNICIPAL CODE CHAPTER 13.90, PRIVATE PROPERTY IMPOUNDS

WHEREAS, the City of Albany adopted Albany Municipal Code (AMC) Chapter 13.90, Private Property Impounds, in 2017; and

WHEREAS, on July 19, 2021, Oregon Senate Bill 300 established an Oregon State Board of Towing; and

WHEREAS, on July 23, 2024, the Oregon State Board of Towing adopted a Private Property Impound Public Policy; and

WHEREAS, repealing AMC Chapter 13.90, Private Property Impounds, will reduce staff time while maintaining the protections it granted for the community.

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

Chapter 13.90 Private Property Impounds is hereby repealed.

Chapter 13.90
PRIVATE PROPERTY IMPOUNDS

Sections:

- ~~13.90.010—General provisions.~~
- ~~13.90.020—Definitions.~~
- ~~13.90.030—Conditions.~~
- ~~13.90.040—Prohibitions.~~
- ~~13.90.050—Photographs.~~
- ~~13.90.060—Offer transportation assistance to vehicle owner/owner's agent.~~
- ~~13.90.070—Animals in towed vehicles.~~
- ~~13.90.080—Notification following the tow.~~
- ~~13.90.090—Release of vehicle.~~
- ~~13.90.100—Release at scene.~~
- ~~13.90.110—Regulations.~~
- ~~13.90.120—Predatory tow practices.~~
- ~~13.90.130—Towing and storage rates.~~
- ~~13.90.140—Penalty.~~
- ~~13.90.150—Citizen complaints.~~
- ~~13.90.160—Operator's license.~~

~~13.90.010 General provisions:~~

- ~~(1) Purpose. The purpose of the Private Property Impound (PPI) Code is to require that towing from private parking facilities be performed safely and at a reasonable price. Because towing from private parking facilities affects City residents and visitors, regulation is necessary to ensure that the public safety and convenience are protected.~~
- ~~(2) Conformity to State Laws. The PPI Code shall be construed in conformity with the laws and regulations of the State of Oregon Motor Vehicle Code regarding towing from private property.~~
- ~~(3) Savings Clause. If any provision of the PPI Code is found by a court of competent jurisdiction to be invalid, illegal, or unenforceable, such holding shall not affect the validity, legality, and enforceability of any other provision of the PPI Code. (Ord. 5888 § 1, 2017).~~

~~13.90.020 Definitions:~~

~~For the purposes of the PPI Code, the following definitions apply. Terms, phrases, words, abbreviations, and their derivatives used, but not specifically defined in this section, either shall have the meanings defined in the State of Oregon Motor Vehicle Code, or if not therein defined, shall have the meanings commonly accepted in the community.~~

- (1) "Owner's agent" means a person bearing documentation from the registered owner officially authorizing them to possess or operate the vehicle.
- (2) "Private parking facility" means any property used for motor vehicle parking at which the property owner or manager restricts or reserves parking, including, but not limited to, mobile home parks, apartment complexes, private gated communities and business or shopping centers or malls.
- (3) "Private parking facility owner" means the owner, operator, lessee, manager or other person(s) in lawful possession of a private parking facility, or any designated agent of the private parking facility owner.
- (4) "Private property impound(s)" or "PPI" means the impoundment of a vehicle from a private parking facility at the request of the property owner, operator, lessee, manager, or person in lawful possession of the private property facility, without the prior consent of the vehicle's registered owner.
- (5) "Release at scene fee" (RAS fee) means the fee allowed to be charged when a vehicle owner/owner's agent returns before the PPI tower has departed in tow. Not applicable until the hookup is complete and tow truck is in motion.
- (6) "Temper fee" means an additional charge assessed by a tow driver when someone uses offensive language or is perceived as aggressive.
- (7) "Towing" means to draw or pull along a vehicle by means of a tow truck or car carrier.
- (8) "Towing firm" or "tower" means any entity whose business includes the towing of motor vehicles from private parking facilities and the subsequent storage of such towed vehicles.
- (9) "Vehicle owner" means the person registered with the Department of Motor Vehicles as the owner of the vehicle. (Ord. 5888 § 1, 2017).

13.90.030 Conditions.

All PPI towers operating within the City of Albany shall:

- (1) Perform all PPI tows in a safe manner, taking care not to cause damage to the person or property of others while towing or storing a vehicle; and
- (2) Practice courtesy and professionalism when dealing with police and persons redeeming or seeking to redeem a towed vehicle; and
- (3) Cooperate fully with any police agency to facilitate processing of evidence associated with any PPI towed vehicle identified as a possible stolen vehicle; and
- (4) Be considered in possession of any vehicle towed under this chapter, and therefore entitled to charge a release at scene fee, when the hookup is complete and the tow truck has begun towing the motor vehicle by engaging the tow truck's transmission and moving forward. (Ord. 5888 § 1, 2017).

13.90.040 Prohibitions.

PPI towers operating within the City of Albany under this chapter shall not:

- (1) Require any vehicle owner/owner's agent to make any statement or sign any document promising not to dispute validity of the tow or fees assessed or relieving the PPI tower from responsibility for the condition of the vehicle or its contents;
- (2) Solicit PPI towing business by means of payment of a gratuity, commission or any other consideration to the private property owner, operator, manager or employee;
- (3) Remove a vehicle from a private parking facility unless the hookup has been completed and all safety equipment has been attached;
- (4) Use predatory tow practices, as described in AMC 13.90.120;
- (5) Charge or assess a temper fee;
- (6) Charge fees in excess of those in AMC 13.90.130; or
- (7) Place towed vehicles in storage outside of the City of Albany. Exemptions may be granted by the Police Chief or his/her designee but at no greater distance than three miles outside of the City of Albany. (Ord. 5888 § 1, 2017).

13.90.050 Photographs.

Prior to performing private property facilities impound, using a digital camera with time and date stamp, the PPI tower shall photograph the vehicle to be towed and the parking facility signage. Such

~~photographs shall illustrate the conditions of the vehicle's location that warrant such an impound, and be made available upon request by the Police Chief or his/her designee, pursuant to a complaint investigation or audit. The tow company is not allowed to charge a fee for photographs. (Ord. 5888 § 1, 2017).~~

~~13.90.060 Offer transportation assistance to vehicle owner/owner's agent.~~

~~Pursuant to ORS 822.230(3)(d), PPI towers shall offer to either provide transportation for the vehicle owner/operator from the immediate vicinity of the location from which the vehicle was towed to the tower's storage lot for release of the vehicle, or make a call on behalf of the vehicle owner to arrange transportation. (Ord. 5888 § 1, 2017).~~

~~13.90.070 Animals in towed vehicles.~~

~~Vehicles with any live animal will not be towed. (Ord. 5888 § 1, 2017).~~

~~13.90.080 Notification following the tow.~~

~~The PPI tower shall notify the Albany Police Department within 15 minutes after the PPI tower takes possession of a vehicle by providing the details of the tow including:~~

- ~~(1) Vehicle license plate (to verify against prior notice information);~~
- ~~(2) Issuer state of license plate;~~
- ~~(3) Expiration date of license plate;~~
- ~~(4) VIN (vehicle identification number), if visible;~~
- ~~(5) Make of vehicle;~~
- ~~(6) Model of vehicle;~~
- ~~(7) Style of vehicle;~~
- ~~(8) Year of vehicle;~~
- ~~(9) Color of vehicle;~~
- ~~(10) Address from which the vehicle was towed or released at the scene;~~
- ~~(11) Address to which the vehicle was towed;~~
- ~~(12) Name of the business and person who authorized the tow;~~
- ~~(13) Name and phone number of tow company. (Ord. 5888 § 1, 2017).~~

~~13.90.090 Release of vehicle.~~

- ~~(1) Upon release of the vehicle to the registered owner/owner's agent, the PPI tower must provide an itemized receipt of tow charges.~~
- ~~(2) Within 15 minutes of releasing a vehicle to the registered owner/owner's agent or foreclosing on possessory lien, the PPI tower shall notify the Albany Police Department by telephone.~~
- ~~(3) The PPI tower must have personnel available at the storage facility to release a vehicle within 30 minutes after receiving a request for vehicle release. (Ord. 5888 § 1, 2017).~~

~~13.90.100 Release at scene.~~

- ~~(1) If the vehicle owner or operator returns to the vehicle while the tower is still attaching equipment to the vehicle, or the vehicle is fully attached but the tow driver is still outside the cab of the tow truck, or if the tow driver has entered the cab of the tow truck but has not yet engaged the tow truck's transmission to begin removal of the towed vehicle; the PPI tower shall release the vehicle to the vehicle owner or operator at no charge.~~
- ~~(2) If the vehicle owner or operator stops the PPI tower when the hookup is complete and the tow truck is in motion with the vehicle, the PPI tower shall immediately halt the tow and inform the vehicle owner of the amount of the RAS fee, and that the vehicle owner has up to 15 minutes, without additional charge, to provide payment of the RAS fee. If the RAS fee is collected, the tower shall unhook the vehicle and release it to the vehicle owner/owner's agent. If the vehicle owner/owner's agent fails to provide payment within 15 minutes, the PPI tower may proceed to tow the vehicle to the storage facility. (Ord. 5888 § 1, 2017).~~

13.90.110 Regulations.

- ~~(1) It shall be unlawful to tow a vehicle from a private parking facility unless:~~
- ~~(a) The private parking facility owner/operator gives the private property impound (PPI) tower express written authorization identifying the specific vehicle, signed at the time of the tow.~~
- ~~(2) Signage. It shall be unlawful to tow a vehicle from a private parking facility unless the private parking facility meets the following signage requirements:~~
- ~~(a) At least one sign shall be posted and readily visible at each entryway into the parking lot, not more than 10 feet from the public right-of-way or street edge. Such signs shall:~~
- ~~(i) Be posted so that the center of the sign is not more than eight feet or less than four feet above the ground; and~~
- ~~(ii) Be at least 16 inches by 24 inches in size; and~~
- ~~(iii) Be printed in letters not less than one inch high; and~~
- ~~(iv) State that parking is prohibited, reserved or otherwise restricted; and~~
- ~~(v) State who is authorized to park and the hours during which parking is restricted. (Example: "Parking for customers of _____ only during _____ hours"); and~~
- ~~(vi) State that towing and storage of a vehicle will be at the owner's expense; and~~
- ~~(vii) Prominently display the PPI tower's name and 24-hour telephone contact number for release of a vehicle; and~~
- ~~(viii) Be maintained so as to remain legible and unobstructed by any tree, shrub, bush, vehicle or other obstacle; and~~
- ~~(ix) When replacing missing or defaced signs, new signs must be posted for a minimum of 24 hours before towing commences or resumes.~~
- ~~(b) When a private parking facility is shared by multiple business operations (e.g., shopping mall or office park), parking spaces must be marked, or signs posted, so as to indicate which spaces are reserved for each business.~~
- ~~(c) PPI towers may request an exception to the rules for sign location. Such request shall be made to the Police Chief or his/her designee and must be made in writing and offer an alternative posting for approval.~~
- ~~(d) Fire lanes from which vehicles may be towed shall be marked in compliance with the Oregon Fire Code.~~
- ~~(e) Signage shall not be required if the vehicle being towed has been properly posted as abandoned per ORS 98.830. (Ord. 6031, 2023; Ord. 5918 § 1, 2018; Ord. 5888 § 1, 2017).~~

13.90.120 Predatory tow practices.

~~It shall be unlawful for a PPI tower to do any of the following:~~

- ~~(1) Park within 1,000 feet of a private parking facility for the purpose of covert observation in order to obtain PPI tows;~~
- ~~(2) Post any observer at or near a private parking facility for the purpose of monitoring and ordering towing; and~~
- ~~(3) Patrol private parking facilities for the purpose of monitoring motor vehicles to tow. (Ord. 5888 § 1, 2017).~~

13.90.130 Towing and storage rates.

- ~~(1) Rates and fees for PPI towing, RAS, and storage shall be set by Council resolution.~~
- ~~(2) The PPI tower must accept at least the following methods of payment for any fees or rates assessed:~~
- ~~(a) Cash. Adequate cash must be available at all times at the storage facility and with the tow driver for the purpose of making change. (Ord. 5888 § 1, 2017).~~

13.90.140 Penalty.

- ~~(1) Any violation of this chapter shall be deemed a misdemeanor as provided under AMC 1.04.010 and 1.04.020, unless the City requests it to be treated as a violation.~~
- ~~(a) Violation: a civil penalty of not more than \$1,000 or such sum as may be provided in the ordinance defining the offense.~~

~~(b) Misdemeanor: a fine of not more than \$2,500 or imprisonment not to exceed one year, or both such fine and imprisonment.~~

~~(2) Upon a finding of a violation of any section of this PPI Code by a PPI tower, the Albany Municipal Court may direct release of a vehicle at no charge, or a refund of all or part of fees paid by a vehicle owner/owner's agent for towing and storage, in lieu of, or in addition to civil penalties or other remedies under this code.~~

~~(3) Nothing in this section is intended to prevent any person from pursuing private legal remedies. (Ord. 5888 § 1, 2017).~~

13.90.150 Citizen complaints:

~~(1) A vehicle owner/operator whose vehicle has been impounded, or who has paid an RAS fee, has 90 days from the date of the tow to file a written complaint against the PPI tower with the Police Chief or his/her designee.~~

~~(2) The Police Chief or his/her designee shall provide a copy of the written complaint to the PPI tower within 15 days of receipt.~~

~~(3) The PPI tower shall provide a written statement of response within 10 days of the date it received the complaint, unless an extension is granted by the Police Chief or his/her designee. The response shall include all documentation requested by the Police Chief or his/her designee, including a copy of the agreement or signed invoice authorizing the tow, an explanation for how the circumstances justified the tow, an itemized receipt of tow charges, and the photograph of the vehicle and signs at the scene of the tow as required by this chapter.~~

~~(4) After reviewing the complaint and the response provided by the PPI tower, Police Chief or his/her designee shall determine whether the tow was properly performed under this chapter and, if not, the appropriate remedy as set forth under AMC 13.90.140. The Police Chief or his/her designee shall submit a written decision and mail it to each party within 75 days from the date of receipt of the original complaint. The PPI tower and/or vehicle owner/operator can seek remedies through civil process. (Ord. 5888 § 1, 2017).~~

13.90.160 Operator's license:

Each applicant for an operator's license shall apply to the Albany Police Department for such license upon such form as prescribed by the Albany Police Department and shall include thereon the following information:

(1) Name and post office address of the business;

(2) Name and post office address of the owner/applicant (if a partnership or joint venture, the application must so state and contain the names and addresses of all parties thereto);

(3) Address of storage yard(s) where PPI tows will be taken to;

(4) A license under this section expires annually on December 31st;

(5) A license under this section may be suspended or revoked for a violation of ORS 98.854 or 98.859.

(Ord. 5888 § 1, 2017).

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



State Board of Oregon
Private Property Impound (PPI) Public Policy
Adopted: July 23, 2024

Public policies clarify the intent and meaning of Oregon's statutes and administrative rules AND identify best practices, professional standards, and expectations for members of the industry, the public, property owners and managers, stakeholders, and government entities.

Adoption of public policy does not change or rewrite the laws. Changes to the law are made by the legislature. If a public policy contradicts a relevant statute or rule, the statute or rule will prevail.

The Board's authority to investigate complaints and vote for disciplinary actions is established in Oregon's law, and is not limited to the date of adoption of public policy.

While the Board has adopted a progressive discipline model for compliance actions the Board may, at its discretion, assess sanctions and civil penalties against a tower when the Board finds a tower's actions were reasonably deliberate, intentional and willful violations of the plain language of the law, or expressly egregious and unethical which resulted in unacceptable risk or harm to a member of the public.



State Board of Towing Public Policy

Policy No.:
PP-24-001

Supersedes:
NA

Reference:
ORS 98.853
ORS 98.854

Subject:
Private Property Impounds – General Provisions

Effective Date:
July 23, 2024

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

(a) Necessary for the administration of the laws that the board is charged with administering.

(b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.812 Towing of unlawfully parked vehicle

(1) If a vehicle has been left or parked in violation of ORS 98.810 (Unauthorized parking of vehicle on proscribed property prohibited), the owner of the parking facility or the owner of the proscribed property may have a tower tow the vehicle from the parking facility or the proscribed property and place the vehicle in storage at a secure location under the control of the tower.

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

(a) Statutes that assist members of the public in avoiding involuntary loss of use of motor vehicles and in expediting recovery of motor vehicles and the personal property in the motor vehicles promote the safety and welfare of members of the public.

Purpose:

The purpose of the Board’s Private Property (PPI) Public Policy is to ensure fair and equitable towing practices and protect the safety and well-being of the public, parking facility owners, and the towing industry by providing:

1. Clarity of the intent of the ORSs assigned to the Board to administer.
2. Authoritative definitions of the requirements under ORS 98.853 and 98.854.
3. Establish statewide practice standards and expectations within the towing industry.
4. Ensure compliance of the laws through education, outreach, and defining authority and responsibility of all parties involved with PPIs.
5. The Board’s policies are not intended to circumvent or replace the legal requirements, obligations, or restrictions of a tenant, landlord, or property manager under ORS Chapter 90.

Policy Series:

The Board’s PPI Public Policies incorporate the following attachments:

PP-24-001-A: Private Property Impounds (PPI) Signed Authorization Requirements
PP-24-001-B: Private Property Impounds (PPI) Authorization under ORS 98.853 (1)
PP-24-001-C: Private Property Impounds (PPI) Required Photographs
PP-24-001-D: Private Property Impounds (PPI) Release of Vehicle
PP-24-001-E: Private Property Impounds (PPI) Monitoring and Patrolling Parking Facilities

Private Property Impound (PPIs) Purpose:

1. PPIs are a professional towing service meeting the needs of private parking facility owners and their tenants.
2. PPIs are to be completed in compliance with Oregon’s laws and administrative rules and the professional and ethical standards of the towing industry.
3. Each PPI requires an individual signed authorization, signed and dated at the time of the tow by the parking facility owner, their legal agent, or another person authorized to authorize the towing of a vehicle.
4. By statute, towers and their employees are prohibited from acting as a parking facility owner’s agent for the purposes of authorizing vehicles for the purpose of PPIs or from towing a vehicle from a parking facility.

Board Investigation and Action:

1. The Board reviews submitted complaints for compliance or violation of Oregon’s laws.
2. When a tower’s actions and records comply with Oregon’s laws, administrative rules, and the Board’s public policy, the complaint will be closed with no formal action against the tower.
3. If review of the allegations or circumstances of a PPI indicate possible violations of Oregon’s laws or the Board’s administrative rules or public policy:
 - A. The Board will investigate the allegations of the complaint.
 - B. The Board, at its own discretion, may determine if the violations were reasonably:
 - a. Willful or intentional.
 - b. Negligent or reckless.
 - c. Inadvertent or in good faith.
4. The Board, at its discretion, will determine the appropriate course of corrective action and progressive discipline by:
 - A. Focusing, when reasonable, on the education of the tower and the towing community.
 - B. Progressive discipline: increasing the severity of the steps or measures against a person, persons, or entity when there is a failure to correct behavior or

conduct, or when subsequent instances of inappropriate behavior and conduct occur.

- C. To protect the safety and well-being of the public and the towing industry, the Board may determine, at its sole discretion, that the harm to the public or the egregiousness of the violations is cause for immediate escalation of the progressive disciplinary action by the Board without notice to the offending party.

5. The Board will consider mitigating circumstances as required under OAR 750-080-0020, including:

- A. The tower's history of compliance with Oregon's laws and rules;
- B. The effect of the violation on public safety and welfare;
- C. Whether the conduct or action(s) was inadvertent or intentional;
- D. The degree to which the action subject to sanction violates professional ethics and standards of the profession;
- E. Any mitigating or aggravating factors the Board may choose to consider.

Compliance and Violations

1. PPIs completed in violation of one or more of Oregon's statutes or the Board's administrative rules render the tow both unlawful and invalid.
2. Towers will adopt and publicly post its policies and process for:
 - A. How consumers may contest the legality of a tow.
 - B. How consumers can request the signed authorization and photographs from the tow.
 - C. How and when the requested documents will be made available or delivered to the requestor.
3. Requests for signed authorizations and photographs should be reviewed and responded to by the tower or tower's staff no later than the end of the next business day after receipt of the request.
4. Failure to provide either the copies of the appropriate signed authorization or the required photograph(s) to the requester within the reasonable time defined under the Board's public policy is grounds for the tow to be found unlawful and invalid and grounds for Board disciplinary actions.
5. Copies of all correspondence and documentation regarding the towing of a vehicle should be kept on file for a minimum of two years and made available to Board staff and other state and local authorities upon request.
6. Towers who find that a tow was completed without the required signed authorization, photos, or failure to release a vehicle prior to, or upon

completion of the hook up when required by law, is expected to reimburse the vehicle owner any costs of fees paid for an unlawful tow and return the vehicle to owner.

7. Towers are responsible for the actions and conduct of their employees; lack of training or education of tow operators on PPI requirements and regulations is not recognized by the Board as an affirmative defense.
8. The Board may, at its discretion, assess a civil penalty in an amount greater than the Schedule of Civil Penalties, or may suspend, revoke, or deny a tow certificate issued by DMV, when it is determined by the Board that a tower's violations of Oregon's laws:
 - A. Is especially egregious.
 - B. Causes demonstratable, unnecessary and avoidable risk or harm to the public and others.
 - C. Is below the minimum professional and ethical standards of the towing industry.

Exclusions

Tows excluded from the Board's PPI Public Policy:

- Tows requested by the owner or operator of the vehicle.
- Tows authorized by law enforcement, code enforcement, or other state or local agency conducting government business.
- Tows from property not designated as a private parking facility.
- Nothing in the Board's policy restricts the ability of a private property owner from instituting and enforcing regulations and conditions for towing vehicles from a private parking facility.

Tower to be Held Harmless

1. It is the intent of the Board that a tower who lawfully tows a vehicle under the Board's PPI public policy is held harmless from disciplinary action or sanction when the tower provides:
 - A. A signed authorization, meeting the requirements under the Board's public policy, signed and dated at the time of the tow by the private parking facility owner, their legal, authorized agent, or other individual with the authority to authorize the tow.
 - B. Photos clearly demonstrating the towed vehicle parked in violation of the parking facility regulations prior to the tow.
 - C. When applicable: Release of the vehicle to the reasonable owner or operator of the vehicle prior to completion of hook up (at no charge) or prior to commencement of the tow.
2. Nothing within the Board's public policies is meant to grant immunity for
 - A. Failure to conduct a PPI in full compliance with Oregon's laws, rules, and regulations;

B. Any loss, damage or injury arising out of any negligent or willful damage to, or destruction of, the vehicle that occurs during the course of the towing.

Reference:

- Initial Concept Summary Document and attachments
- Board Meeting Minutes and Work Session Notes, March 2024 - June 2024



State Board of Towing Public Policy

Policy No.:
PP-24-001-A

Supersedes:
NA

Reference:
ORS 98.854 (2), (3) and (4)

Subject:
Private Property Impounds, Authorization to Tow

Effective Date:
July 23, 2024

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

- (a) Necessary for the administration of the laws that the board is charged with administering.
- (b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.854 Prohibitions placed on tower.

A tower may not:

- (2) Except as provided in ORS 98.853 (Conditions allowing towing), tow a motor vehicle from a parking facility without first contacting the owner of the parking facility or the owner’s agent at the time of the tow and receiving signed authorization from the owner of the parking facility or the owner’s agent that the tower should tow the motor vehicle. The tower shall maintain for at least two years, in electronic or printed form, each signed authorization received under this subsection. Upon request, the tower shall provide a copy of the signed authorization to the owner or operator of the motor vehicle at no additional charge.
- (3) Serve as an agent of an owner of a parking facility for the purpose of signing an authorization required by subsection (2) of this section.
- (4) Tow a motor vehicle from a parking facility if the owner of the parking facility or the owner’s agent is an employee of a tower.

Purpose:

The purpose of this Public Policy is to interpret and define:

- 1. The requirements of a signed authorization prior to towing a vehicle from a private parking facility.
- 2. The prohibition of a tower, the tower’s employees, or a tower’s representative to act as an agent or representative of the private parking facility owner for the purpose of identifying or authorizing a vehicle to be towed.

Policy:

Signed Authorization Requirements:

1. No vehicle may be involuntarily towed from a parking facility without an authorization signed by the private parking facility owner or owner's lawful agent at the time of the tow showing:
 - A. The location of where the vehicle to be towed is parked.
 - B. The color, make, model, and license plate number of the vehicle to be towed.
 - C. The reason for the tow.
 - D. The signature, printed name and title of the person authorizing the tow.
 - E. Contact information for questions regarding the authorization of the tow.
2. Signed authorizations for PPIs will include the date and time of the:
 - A. Request and authorization of the tow (if different).
 - B. Arrival of the tow operator at the vehicle to be towed (if different).
 - C. Completion of the hook up for the tow.
 - D. Completion of the tow.
3. The following forms of signature are acceptable:
 - A. Wet signature on a paper form signed by the parking facility owner or their agent at the time of tow.
 - B. A fax, email, or an electronic document showing the sender and recipient, time and date stamped, with the information required under paragraph (1) and (2) of this section.

Signature Authority Requirements:

1. Except for the provisions under ORS 98.853 (1), a private parking facility owner or their lawful agent must sign each authorization for the tow of a vehicle from a private parking facility either:
 - A. At the time of the request and authorization of a tow OR
 - B. At the time of tow.
2. Towing service agreements do not meet the requirements of an authorization signed at the time of the tow and are in violation of the intent of ORS 98.854 (2), (3) and (4).
3. The tower will have in their possession the signed authorization prior to initiating hook up and towing of a vehicle.
4. Use of pre-signed or pre- or post-dated authorizations to tow are not acceptable.
5. Each PPI must be conducted under a separate tow authorization, signed at the time of tow, prior to hook up.
6. Signed authorizations are valid for the time of the tow only; PPIs must be conducted within 24 hours after the authorization is signed.

7. An updated or new signed authorization must be obtained from the parking facility's owner or the owner's agent if the vehicle has moved from where it was parked at the time of the original authorization to tow.

Prohibition of a tower, their employees or designees acting as a parking facility owner's agent:

1. A tower or an employee of tower, including dispatch, office staff, tow operator, independent contractor, or agent of any company or business owned or contracted by the tower, cannot act as the agent of a parking facility owner for the purposes of authorizing a tow from a private parking facility.
2. A tower cannot contract with a third-party to act as the owner's agent for the purpose of authorizing PPIs.
3. A parking facility owner cannot designate a tower, or the towers employees or agents, to act as the owner's agent under a Towing Services Agreement.

Retention requirements:

1. Both the tower and the private parking facility owner should retain a copy of the signed authorization for a minimum of two years.
2. Upon request, a tower will provide a copy of the signed authorization to the owner or operator of the motor vehicle, the Board, and any agency with proper jurisdiction at no additional charge.
 - A. The signed authorization is to be provided at the time of the request.
 - B. If unable to provide a copy of the signed authorization at the time of the request, the tower will provide a copy of the signed authorization no later than the next business day or at time of release of vehicle, whichever comes first.

Violations:

The following are grounds for Board investigation or disciplinary action:

1. Towing or impounding a vehicle without an authorization signed by the parking facility owner or owner's agent at the time of the tow.
2. A tower, their employee, agent, or representative acting as the parking facility owner or owner's agent in authorizing the tow.
3. Falsifying information contained in a signed authorization, including signing the parking facility owner or owner's agent's name on the signed authorization.
4. Failure to provide a copy of the signed authorization to the vehicle owner, operator, the Board, or an agency of proper jurisdiction within the time defined in Board policy.

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.



State Board of Towing Public Policy

Policy No.:
PP-24-001-B

Supersedes:
NA

Reference:
ORS 98.854 (4)
ORS 98.853 (1)

Subject:
Private Property Impounds, ORS 98.853 (1)

Effective Date:
July 23, 2024

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

(a) Necessary for the administration of the laws that the board is charged with administering.

(b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.853 Conditions allowing towing

(1) A tower may tow a motor vehicle if the motor vehicle:

(a) Blocks or prevents access by emergency vehicles;

(b) Blocks or prevents entry to the premises;

(c) Blocks a parked motor vehicle; or

(d) Parks without permission in a parking facility used for residents of an apartment and:

(A) There are more residential units than there are parking spaces;

(B) The landlord has issued parking tags or other devices that identify vehicles that are authorized to be parked on the premises; and

(C) There are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.

Purpose:

The purpose of this Public Policy is to interpret and define:

1. The requirements for an authorization to tow under ORS 98.853 (1).
2. The restrictions and requirements for authorizing a tow under ORS 98.853 (1) (d).
3. The prohibition of a tower, the tower's employees, or a tower's representative to act as an agent or representative of the private parking facility owner for the purpose of identifying or authorizing a vehicle to be towed.

Policy:

Signed Authorization Requirements:

1. No vehicle may be involuntarily towed from a parking facility without an authorization signed by the private parking facility owner or owner's lawful agent at the time of the tow showing:
 - A. The location of where the vehicle to be towed is parked.
 - B. The color, make, model, and license plate number of the vehicle to be towed.
 - C. The reason for the tow.
 - D. The signature, printed name and title of the person authorizing the tow.
 - E. Contact information for questions regarding the authorization of the tow:
 - a. For use by the parking facility owner, the tower, the Board, and other persons authorized to confirm the tow.
 - b. The contact information of the authorization signatory is not required to be provided to the vehicle owner or operator unless the signatory is the parking facility owner.

1. Signed authorizations for PPIs must include the date and time of the:
 - A. Request and authorization of the tow (if different).
 - B. Arrival of the tow operator at the vehicle to be towed (if different).
 - C. Completion of the hook up for the tow.
 - D. Completion of the tow.

2. The following forms of signature are acceptable:
 - A. Wet signature on a paper form signed by the parking facility owner or their agent at the time of tow.
 - B. A fax, email, or an electronic document showing the sender and recipient, time and date stamped, with the information required under paragraph (1) and (2) of this section.

Signature Authority Requirements - ORS 98.853 (1) (a) - (c):

For the purposes of ORS 98.853 (1) (a) - (c):

1. ORS 98.853 (1) (a) - (c) allows towing of a vehicle without first contacting the owner of the parking facility or the owner's agent.
2. The Board finds the exceptions for the parking facility owner authorization under ORS 98.853 (1) (a) - (c) is reasonable to ensure the safety and wellbeing of the public.
3. The Board finds ORS 98.853 (1) (a) - (c) is not meant to allow the tower to act as a parking facility owner's agent or allow the tower to independently authorize a tow.
4. The authorization for tows under ORS 98.853 (1) (a) - (c) can be made by a tenant, a facility employee, or other individuals when a vehicle is parked in clear violation of ORS 98.853 (1) (a) - (c).

5. Towers, their employees, or their agents cannot serve as an agent of the parking facility owner for the purpose of authorizing towing a vehicle from the parking facility under ORS 98.853 (1) (a) - (c).

Signature Authority Requirements - ORS 98.853 (1) (d):

Whereas:

1. Only the landlord, complex manager, or property management company can verify compliance with the specific requirements of ORS 98.853 (1) (d) (A) - (C), specifically:
 - A. At the time of the authorization of tow, there are more residential units assigned than there are designated parking spaces available for tenant use.
 - B. That the vehicle is parked in violation of the parking facility's parking policy and in violation of the terms of a tenant or rental agreement.
 - C. That when parking spaces are assigned to tenants, reasonable attempts are made to contact the tenant to confirm that the vehicle is parked without the tenant's permission.
 - D. That a parking sticker, placard, or indicator was assigned to the vehicle.
 - E. That a vehicle has not been given authorization to park in the parking facility.
2. The Board has received information and documentation demonstrating unlawful towing of vehicles from private parking facilities under ORS 98.853 (1) (d) when the requirements of ORS 98.853 (1) (d) (A) - (C) are not met.

The Board finds:

A vehicle towed for violation of ORS 98.853 (1) (d) requires a signed authorization from the private parking facility owner or their legal agent who can verify and confirm the conditions of ORS 98.853 (1) (d) are applicable to the vehicle identified to be towed.

Prohibition of a tower, their employees or designees acting as a parking facility owner's agent:

1. A tower or any employee of tower, including dispatch, office staff, tow operator, independent contractor, or agent of any company or business owned or contracted by the tower, cannot act as the agent of a parking facility owner for the purposes of authorizing a tow from a private parking facility.
2. An owner's agent must be the parking facility owner's legal or contracted agent. A tower cannot contract with a third-party to act as the owner's agent for the purpose of authorizing PPIs.
3. A parking facility owner cannot designate a tower, or the towers employees or agents, to act as the owner's agent under a Towing Services Agreement.

Retention requirements:

1. The tower will retain a copy of the signed authorization for a minimum of two years.

2. Upon request, a tower will provide copies of the signed authorization to the owner or operator of the motor vehicle and to any agency with proper jurisdiction to request the document at no additional charge.
 - A. The signed authorization is to be provided to the requester at the time of the request.
 - B. If unable to provide a copy of the signed authorization at the time of the request, the signed authorization is to be provided to the requestor no later than the next calendar day or at time of release of vehicle, whichever comes first.

Violations:

The following are grounds for Board investigation or disciplinary action:

1. Towing or impounding a vehicle without an authorization signed at the time of the tow.
2. A tower, their employees, or other agent or representative of the tower acting as the parking facility owner or owner's agent in authorizing the tow.
3. Falsifying any information contained in a signed authorization, including signing the signed authorization using a fictitious name or the name of another.
4. Failure to provide a copy of the signed authorization to the vehicle owner, operator, the Board, or an agency of proper jurisdiction within the time defined in Board policy.

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.



State Board of Towing Public Policy

Policy No.:
PP-24-001-C

Supersedes:
NA

Reference:
ORS 98.853 (2)

Subject:
Pre-Tow Photographs, ORS 98.853 (2)

Effective Date:
July 23, 2024

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

(a) Necessary for the administration of the laws that the board is charged with administering.

(b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.853 Conditions allowing towing.

(2) Prior to towing a motor vehicle pursuant to ORS 98.812 (Towing of unlawfully parked vehicle), a tower shall take at least one photograph of the motor vehicle and record the time and date of the photograph. The photograph must show the motor vehicle as it was left or parked at the time the tower arrived to conduct the tow. The tower shall maintain for at least two years, in electronic or printed form, each photograph taken along with the date and time of the photograph. Upon request, the tower shall provide a copy of any photographs to the owner or operator of the motor vehicle at no additional charge.

Purpose:

The purpose of this Public Policy is to interpret and define the intent and requirements of the photographs required under ORS 98.853 (2).

Policy:

The Board finds:

1. The purpose and intent of the photograph required under ORS 98.853 (2) is to demonstrate to the vehicle owner, the Board, and other authorities that the vehicle was parked in violation of the private parking facility requirements.
2. The photo must show the vehicle as it was parked at the time the tower arrived to conduct the tow.
 - A. While not required, towers should be aware that more than one photo may be required to sufficiently show the parking violation.
 - B. The photo is to be either date time stamped on the photograph or documented as attachments to the signed authorization.

Retention requirements:

1. The tower will retain copies of the photographs associated with the tow for at least two years.
2. Upon request, a tower is to provide copies of the photographs to the owner or operator of the motor vehicle, the Board, and any agency with proper jurisdiction at no additional charge.

- A. Copies of the photographs are to be provided to the requester at the time of the request.
- B. If unable to provide copies of the photographs at the time of the request, the photographs are to be provided to the requestor no later than the next business day or at time of release of vehicle, whichever comes first.

Violations:

The following are grounds for Board investigation or disciplinary action:

1. Failure to produce photographs showing the vehicle parked prior to the tow within the time defined in Board policy.
2. Provided photographs do not show the vehicle prior to the tow.
3. Provided photographs do not demonstrate violation of the parking facility regulations.

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.



State Board of Towing Public Policy

Policy No.:
PP-24-001-D

Supersedes:
NA

Reference:
ORS 98.853 (3)
ORS 98.854 (14)

Subject:
Private Property Impounds – Release of Tow
ORS 98.853 (3), ORS 98.854 (14)

Effective Date:

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

- (a) Necessary for the administration of the laws that the board is charged with administering.
- (b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.853 Conditions allowing towing:

(3) (a) If the owner or operator of the motor vehicle is present at the time of the tow, the tower shall release the motor vehicle at no charge unless the hookup is complete. If the hookup is complete, the tower shall release the motor vehicle and may charge the owner or operator of the motor vehicle a fee that does not exceed the charge to hook up for that type of tow as listed in a written statement described in ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle).

ORS 98.854 A tower may not:

(14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853 (Conditions allowing towing).

The Board has tabled discussion of this policy for further consideration before adopting a public policy.

The Board finds that the language under the statute are clear, and will continue to investigate complaints for violation of the plain language of the law.



State Board of Towing Public Policy

Policy No.:
PP-24-001-E

Supersedes:
NA

Reference:
ORS 98.854 (8)

Subject:
Private Property Impounds – Monitoring and
Patrolling Parking Facilities
ORS 98.854 (8)

Effective Date:
July 23, 2024

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

- (a) Necessary for the administration of the laws that the board is charged with administering.
- (b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.854

A tower may not:

(8) Park a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the parking facility for towing business.

Purpose:

The purpose of this Public Policy is to define the intent of ORS 98.854 (8) to include patrolling, observing, surveillance, and other methods of monitoring a parking facility for towing business.

Policy:

A tower may not:

1. Monitor a parking facility for towing business, including:
 - A. Park within 1000 feet of a parking facility.
 - B. Park within a private parking facility.
 - C. Patrol by vehicle or on foot a private parking facility, or
 - D. Otherwise conduct surveillance of a private parking facility.
2. It is not the intent of this public policy to prevent or interfere with a private parking facility owner, or their agent, contracting with security firms, security personnel, and other third-party contractors to monitor and patrol their parking facility.
3. Towers, their employees, or contractors, or affiliates with whom the tower has a financial interest, may not act as the parking facility owner's agent or contractor for the purposes of monitoring, patrolling, or conducting surveillance of a parking facility for towing business to:
 - A. Preserve the professional standards and integrity of the towing industry
 - B. Avoid any real or potential conflict of interest of a tower monitoring a parking facility for the purpose of soliciting towing business.

4. Avoid a tower, or the towers employees, staff, or designee, acting as a parking facility owner's agent in violation of ORS 98.854 (2) - (4).

Violations:

It is a violation of Oregon's laws and rules, subject to investigation and disciplinary action by the Board, for a tower, their employee, or affiliate with whom the tower has a financial interest to patrol, monitor, or survey private parking facilities for the purpose of identifying vehicles to be towed by the tower, their employee, of other affiliate with whom the tower has a financial interest.

Reference:



- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager

FROM: Matthew Ruetters, Community Development Director 
Sophie Adams, Economic Development Manager 

DATE: November 27, 2024, for the December 11, 2024, City Council Meeting

SUBJECT: Multi-Unit Property Tax Exemption (MUPTE) Final Review

Relates to Strategic Plan theme: Great Neighborhoods, Healthy Economy

Action Requested:

Provide final feedback on MUPTE Program Guide, specifically regarding public benefit options.

Discussion:

The Multi-Unit Property Tax Exemption, or MUPTE, is a program outlined in the Oregon Revised Statutes (ORS) to stimulate the construction of multiple-unit housing and improve the balance between residential/commercial areas and ensure full-time use of the areas as places where residents can live as well as work.

A project that meets the council-approved guidelines would be eligible for up to ten years of property tax exemption on the value of the new or converted multi-unit housing projects, excluding the land and improvements not part of the housing project. Standards and guidelines are primarily set in ORS, including review and construction timelines and minimum public benefits.

The MUPTE tool is recommended in Albany's Housing Implementation Plan, developed with the help of the Housing Affordability Task Force, staff, housing stakeholders, and the broader community. MUPTE has been specifically identified as a requirement for some affordable and mixed-use developers to base projects in Albany and will help ensure Albany remains competitive with surrounding communities for housing and mixed-use developers.

The city council discussed the program concept in March 2024 and provided feedback, all of which was included in the now-developed program guide. After this final review, staff will incorporate any additional feedback and bring back a resolution for final adoption.

Budget Impact:

None at this time. If implemented, this program would only exempt taxes on the improved new value of qualified projects, which may not be built without incentives like MUPTE. Application fees would offset the administrative costs to city and county staff and in-lieu-of fees would be used to facilitate public affordable housing projects within the city.

SA:km

Attachments (2):

- 1: Program Guide
- 2: Boundary Map



Multi-Unit Property Tax Exemption

DRAFT Program Guide 2025-2032

Overview

The Multi-Unit Property Tax Exemption (MUPTEx) is a tool designed to incentivize housing development within the City of Albany's current and future mixed-use centers supported by transit.

This program provides up to ten years of property tax exemption on new investment of multi-unit housing production within designated areas.

This program is enabled by Oregon Revised Statutes 307.600-637 and is locally implemented and controlled, in accordance with City Council Resolution *insert here* and this Program Guide.

This program is a recommended strategy in the Housing Implementation Plan and supports the creation of multi-unit development as identified in the Albany's Housing Needs Analysis, Albany Comprehensive Plan, and as an incentive to create vibrant mixed-use centers in the East Albany Plan.

Program Goals

This program aims to remove barriers and incentivize the production of housing in mixed-use and commercial centers within the City to improve opportunities for housing close to employment, transit and services. The goals of this program are to support the development of needed housing in areas where residents can live and work and support the creation of livable and vibrant mixed-use centers near transit. It is the intent of this program to assist in the creation of new or converted multi-dwelling housing units to accommodate the growing population.

Eligibility Criteria

Project eligibility is determined by six factors: location, number of units, type of project, completion timeline, demonstrated need through third-party financial review, and public benefit.

Location

Projects must be located within a quarter mile of a fixed route transit service. See attached map (map will update as transit system updates over time).

Number of Units

Projects must include at least five dwelling units to qualify for exemption.

Type of Project

Development or redevelopment of multi-unit housing projects that are newly constructed, additions to existing multi-unit housing, or structures converted in whole or in part from another use to dwelling units are eligible. The commercial portion of a project is eligible for an exemption if it meets one or more of the stated public benefit criteria. Student housing and transient/vacation occupancy are excluded. Land and improvements not exempted according to these guidelines will continue to be taxed during the MUPTÉ period.

Timeline

Application for MUPTÉ shall be submitted and approved on any project prior to any Certificate of Occupancy is issued. Application, approval, and project work must occur entirely within the program window: *insert month* 2025-January 1, 2032.

Financial Review

The City will contract with an independent, outside consultant (and confirm there is not a conflict of interest) to review the project's financial pro-formas submitted with the application on an ongoing, as needed basis. The costs of that review to be paid for by the applicant from within the application fee. Analysis of the project pro forma must establish whether the project would be built in the absence of the MUPTÉ benefit. Within one month, the consultant will provide a completed memorandum summarizing review findings to city staff. See application for pro-forma guidelines.

Public Benefit

Projects must include either option 1 or 2 below.

- 1) Housing that is affordable* to different household income levels per one of the options below with an affordability period of at least 30 years:
 - a. 15% of the units are affordable to households earning 80% or less of the area median income as determined annually by the Oregon Housing and Community Services Department; or
- 2) Make a commensurate "in-lieu-of" payment to the City that is equal to 10% of total forgone taxes on new eligible improvements. Fees must be used by the city to facilitate or develop affordable

housing. Project owner can choose to pay the fee annually during the abatement period or upfront with a five percent discount.

*Housing is affordable when no more than 30% of household income is spent on housing costs including utilities.

To qualify for seven years of abatement, projects must also include two or more of the public benefits listed below and to qualify for ten years of abatement, projects must also include three or more of the following public benefits:

1. **Placemaking, Open and Active Public Spaces.** The project provides public amenities scaled to project size beyond city standards and are accessible by the public, such as a shared community space, plaza, green space, art, or spaces meant for people to spend time and build community. This could also include common meeting rooms that would not refer to a conference room internal to a business, but rather one that is available for rent or free use by any group. This amenity must be created for the primary purpose of being a public place.
2. **Public parking.** Parking is designed to provide, to the greatest extent possible, shared parking, shared parking facilities within a structure, parking structures, Level 2 and Level 3 electric vehicle charging stations, locations for car sharing, and safe pedestrian/bicycle connections between parking and adjacent buildings and streets. This provision is most valuable in dense areas where parking is already at a premium. Added public parking must have a substantial impact on parking supply.
4. **Childcare facilities.** Provide childcare facilities within the proposed project and demonstrate how these will be provided beyond the duration of the exemption. Childcare facilities are defined as an Oregon State licensed childcare facility. When applying, Site Plan included in application must demonstrate location of childcare facilities that meet all code requirements for proposed facilities and identify which childcare provider that the applicant plans to locate in the facility, if available at the time of the application.
5. **Economic opportunities or catalytic effect.** The project will include spaces that have an economic catalytic effect that will be of bigger benefit to the community than a small set of individuals. The project will work with contractors and/or companies that are owned by disadvantaged, minority women, or service-disabled individuals, or an emerging small business. Service or commercial uses which are permitted and needed at the project site but are not available for economic reasons also qualify under this category.
6. **Transit amenities when applicable or transit or pedestrian-oriented design elements.** The proposal employs a mixture of project elements that encourage biking and transit use, enriches the streetscape, and supports community comfort and safety at all hours. Transit supportive amenities such as covered shelters, a bench to serve the transit stop, Level 2 and Level 3 electric vehicle charging stations, and improved lighting are eligible public benefits. Dedicated pathways and pedestrian crossing treatments, wayfinding and other items that contribute to a walkable downtown are other options. To meet this criterion, the applicant must submit a letter from Albany Transit System (ATS) stating that the applicant has coordinated with ATS on the proposed transit and mobility supportive amenities and demonstrate how the applicant considered the comments of ATS.
7. **Development or redevelopment of underutilized, blighted, or historically significant property.** Applicant develops vacant or under-utilized sites, rather than sites where sound or re-habitable multiple-unit housing exists; The applicant must include in their application a detailed description of how this project

will be remedying a blighted building or property or preserving a historic property or historic component(s). A project is characterized as blight due to obsolescence, deterioration, dilapidation, shifting of uses, or presence of brownfields. Preservation activities may include seismic retrofitting or improving a designated historic building.

8. **Accessible units beyond code requirements.** Provide at least five percent (5%) but not less than two dwelling units of the total project dwelling units as Type A accessible, all other units within the project shall be TYPE C units, where not required to be Type B under the building code. This should not be construed as simply providing compliance with ADA code requirements. It would apply to provisions above and beyond those required by the code, such as including fully accessible dwelling units, or providing an elevator.
9. **Energy Efficiency/Green Building Certification.** The development is built using sustainable practices such as LEED, Earth Advantage, or similar recognized green building program (with staff approval) or goes above and beyond building codes by at least ten percent (10%) for energy efficiency and sustainability. Alternative energy, green captures, etc. can also be considered of varying value as a public benefit. The applicant should provide preliminary certification in support of a claim under this category. Green building requirements apply only to the residential occupancy areas and common areas such as hallways, stairwells, centralized HVAC or hot water heating, and laundry facilities. The requirements do not apply to the commercial areas or ancillary amenities such as parking garages* and recreation facilities.
10. **Local Labor, Materials or Ownership.** To ensure that a substantial portion of the local tax benefit yields a benefit to the local community, developer must show proof of business registration within the state of Oregon. Projects also qualify for this benefit if they can demonstrate that most of the hours spent on this project were compensated at 150% of the Linn County median wage.

Note that development still must include all improvements required by state and local building and planning regulations.

Process

The application is available online at *insert link*

Applications must be received by **February 1** of the year prior to the first exemption year but are encouraged before the land use process begins to ensure project feasibility.

The first year of exemption is the assessment year beginning **January 1** immediately following the calendar year in which construction, addition or conversion is completed, as evidenced by a final Certificate of Occupancy.

Eligibility Meeting

A mandatory meeting between the applicant and city staff is required prior to applying to determine eligibility, convey information about the program, and give the potential applicant preliminary feedback about the City's likely approval or denial.

Application Fee

An application fee should be made payable to the City of Albany and is due at time of submission. Fees will cover the cost of the third-party financial review and City administration; any remaining portion will go to the County Assessor for deposit into the General Fund.

Application Review and Decision

Following receipt of a completed application, the City shall retain an independent, outside consultant to review the project's financial pro-forma, with the costs of that review to be paid for by the applicant from within the application fee. The consultant will make a recommendation to staff regarding the financial feasibility and financial need of the proposed project. Based on the financial analysis provided by the consultant and an evaluation by city staff of the public benefits and other requirements, staff will determine whether the application meets the criteria for the MUPTÉ program and provide any other comments about the project's financial projections.

Notice of approval will be sent to the applicant as well as the county assessor along with a copy of the complete application.

Timeline for Review and Decision

- Application deadline: A complete application and fee must be received by **February 1** immediately preceding the first assessment year for which the exemption is requested. e.g. an applicant seeking benefit beginning in 2026 must submit a complete application no later than February 1, 2025.
- No later than **180** days following the submission of a complete application and fee, applicant will receive a recommendation that the application be approved, approved subject to conditions, or denied.
- Applications not acted upon within **180** days of receipt are automatically approved.

Post-Approval Requirements

After a project is approved for a MUPTÉ, project owners must comply with the identified requirements before, during, and after construction.

During Construction

On or before **December 1** of each year following an approved application up until first year of exemption, the owner or preferred contact shall submit a report to the Community Development Director verifying the status of the project and the projected completion date.

After Construction

Applicants must submit the following documentation before staff will certify the exemption with the Linn County Assessor's Office:

- Proof of certificate of occupancy.
- Documentation for any requirements of public benefits used to qualify the project for the exemption.

- Provide contact information for owner and lender associated with the project including name, address, email, and phone number as well as preferred contact information for staff to use for annual reporting requirements.

During the Exemption Period

On or before **March 1** of each year, the owner or preferred contact must provide the following annual reporting requirements:

- Documentation that all public benefits are in continuation.
- Documentation of required affordable and/or middle-income housing units OR in-lieu-of fee as described in this document has been paid.

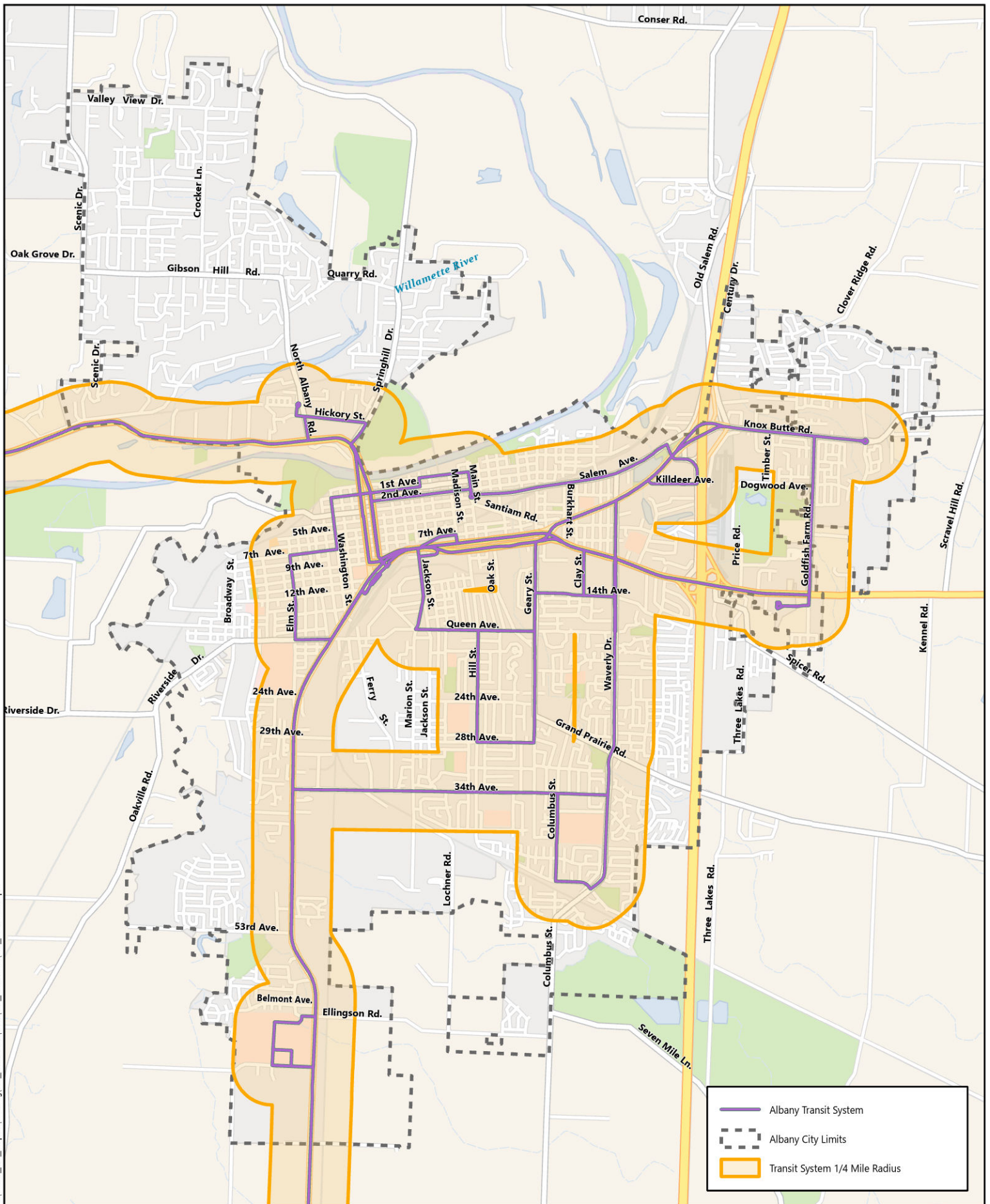
Non-compliance and Termination

- If after receiving the annual report in December, the Community Development Department finds that any of the conditions of the approval are not being met or that the project has not been completed by January 1, 2032, the Director shall send the owner of the property a notice of termination of the exemption.
- The notice will list the reasons for termination and require the owner to respond in writing within twenty days and show cause why the exemption should not be terminated.
- If the owner does not respond and show cause, the Director will send the notice of termination to all known lenders and allow them thirty days to cure noncompliance or show, to the satisfaction of the Director, how it will be cured in a reasonable amount of time.
- If neither the owner nor any lenders show cause why the exemption should not be terminated, the decision becomes final. Copies of the notice will be sent to the owner and the county assessor within ten days of finalization.

Extensions and Appeal

- If the Community Development Director finds that, owing to circumstances beyond the control of an owner who is acting in good faith, the multi-unit housing cannot be completed by the project deadline, it may grant an extension of up to one year.
- In the event of termination, the owner can appeal the decision to the Community Development Commission by contacting staff and requesting an appeal at the next available opportunity, but not later than two months from time of request.

Unless a project is specifically extended as outlined in the above section, the work must occur entirely within the program window established by the statute and ordinance, i.e. built after *insert month* 2024 and completed on or before January 1, 2032.



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Date: 11/26/2024 Map Source: OCWCOG, City of Albany

MUPT Boundary

Multi-unit property tax ¹⁰⁰exemption



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager
Chris Bailey, Public Works Director

FROM: Staci Belcastro, P.E., City Engineer

DATE: November 22, 2024, for the December 11, 2024, City Council Meeting

SUBJECT: Benton County Road and Property Transfer

Action Requested:

Staff recommends City Council, by motion, approve the transfer of road jurisdiction and property jurisdiction from Benton County to the City of Albany as described in the attached resolution (Attachment 1)

Discussion:

At the September 9, 2015, City Council meeting, the Council approved an Intergovernmental Agreement (IGA) (Attachment 2) with Benton County outlining terms and a schedule for the jurisdictional transfer of a number of roads located within the City of Albany but under Benton County jurisdiction. The transfers of jurisdiction defined in the IGA mutually benefits Benton County and the City of Albany. The county is not responsible for the costs of long-term operations and maintenance of roads not under their jurisdiction. The city has control over roads located within city limits, avoiding confusion for residents who want issues addressed that can arise on roads located in the city but under county jurisdiction. The city can more efficiently review and approve development proposals or other capital projects that impact these roads.

Consistent with the terms outlined in the IGA, the Council has previously approved the transfer of streets identified within *Section 2 Near-term Improvements and Transfer*. The last two near-term items defined in the IGA requiring council action include the jurisdictional transfer of NW Gibson Hill Road and the title transfer of a county-owned property located at the southwest corner of North Albany Road and NW Gibson Hill Road. A vicinity map showing Gibson Hill Road, the county-owned property, and the streets that have been previously transferred is included as Attachment 3.

The IGA specified the jurisdictional transfer of NW Gibson Hill Road should occur after Benton County completes street, stormwater, and sidewalk improvements on Gibson Hill Road between Scenic Drive and North Albany Road. The required improvements were completed in 2022, and the project is no longer under warranty. The Benton County Board of Commissioners authorized the jurisdictional transfer of Gibson Hill Road at the September 3, 2024, board meeting, and authorized the transfer fee title of the property described in Benton County Deed Record M-57929-84 to the City of Albany at the October 1, 2024, board meeting. Approval of the attached resolution will transfer jurisdiction of NW Gibson Hill Road to the City of Albany and authorizes the City Manager to execute the Bargain Sale Deed (Attachment 4) transferring the fee title of the property described in Benton County Deed Records M-57929 to the City of Albany.

Benton County retains jurisdiction, control, and maintenance responsibility over a number of roads in North Albany within city limits such as Quarry Road and Scenic Drive. These roads are not identified for near-term transfer in the IGA and will remain under county jurisdiction pending development or other improvements resulting in the roads transitioning from a rural to urban standard. City and county staff will work together to put forward such transfers as they may be warranted.

Budget Impact:

City assumption of jurisdiction will not have a measurable near-term impact on the budget.

SB:kc

- Attachment 1: Resolution
 - Attachment 2: Intergovernmental Agreement
 - Attachment 3: Vicinity Map
 - Attachment 4: Bargain and Sale Deed
- c: Kristin Preston, Operations Manager
Robb Romeo, Transportation Manager



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE TRANSFER OF JURISDICTION OF NW GIBSON HILL ROAD AND THE TRANSFER OF FEE TITLE OF THE PROPERTY DESCRIBED IN BENTON COUNTY DEED RECORDS M-57929 FROM BENTON COUNTY.

WHEREAS, NW Gibson Hill Road and the property described in Benton County Deed Records M-57929 are located within the Albany city limits; and

WHEREAS, NW Gibson Hill Road has been improved to an urban level acceptable to the City of Albany; and

WHEREAS, the City Council approved an Intergovernmental Agreement with Benton County for the transfer of said street and property; and

WHEREAS, the Benton County Board of Commissioners has, by Order No. D2024-051, initiated the transfer of said street; and

WHEREAS, the Benton County Board of Commissioners has, by Order No. D2024-052, initiated the transfer of fee title of said property; and

WHEREAS, the City of Albany wishes to accept the jurisdiction of said street and the title of said property.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the City of Albany hereby accepts jurisdiction of NW Gibson Hill Road and fee title of the property described Benton County Deed Records M-57929 from Benton County.

DATED AND EFFECTIVE THIS 11TH DAY OF DECEMBER 2024.

Mayor

ATTEST:

City Clerk

ATTACHMENT 2

Benton County and City of Albany Intergovernmental Agreement for Jurisdictional Road Transfer

This Intergovernmental Agreement made and entered into in duplicate original as of the 21ST day of October 2015, by and between The City of Albany, a municipal corporation of the State of Oregon, hereinafter referred to as CITY and Benton County, a political subdivision of the State of Oregon, hereinafter referred to as COUNTY, and jointly referred to as PARTIES, or individually as a PARTY, identifies terms for jurisdictional road transfers.

RECITALS

WHEREAS, Oregon Statutes grant general authority for Intergovernmental Agreements by units of local government pursuant to the provisions of ORS 190.010 to 190.110; 368.016(2); 373.260; and 294.950(2); and

WHEREAS, certain roadways presently exist within the CITY's Urban Growth Boundary and City Limits for which the COUNTY presently retains jurisdiction, control, and maintenance responsibility; and

WHEREAS, the CITY and the COUNTY entered into an Intergovernmental Agreement dated May 11, 2005, that outlined an orderly process, method and timeliness for the transfer of jurisdiction and maintenance responsibility of COUNTY roads within the CITY's Urban Growth Boundary (UGB) to the CITY; and

WHEREAS, the COUNTY and CITY agree that the parties operated well under the May 11, 2005, intergovernmental agreement (IGA); and

WHEREAS, specific streets have been transferred from COUNTY to CITY jurisdiction and maintenance responsibility under the terms of the May 11, 2005, IGA; and

WHEREAS, additional negotiations between the COUNTY and CITY have made replacing the May 11, 2005 IGA timely; and

WHEREAS, this agreement replaces and supersedes the Intergovernmental Agreement between the CITY and the COUNTY dated May, 11, 2005; and

WHEREAS, the CITY and the COUNTY desire to agree upon the responsibilities of the operation, maintenance and safety of certain streets, hereinafter "subject streets," in a timely manner; and

WHEREAS, the CITY and the COUNTY acknowledge and agree that a systematic process for transfer of subject streets is desirable; and

WHEREAS, it is in the best interest of the CITY, COUNTY and public that permitting, inspection, and regulation of subject streets responsibilities be transferred to the CITY as soon as possible; and

WHEREAS, a subset of the "subject streets" are identified for near term transfer; and

WHEREAS, the identified improvements and timelines associated with said subset are considered as an overall transfer improvement package and are not separable without agreement between both PARTIES; and

WHEREAS, COUNTY will transfer title of that COUNTY-owned property described in M-57929-84, Benton County Deed Records, located at the southwest corner of North Albany Road and NW Gibson Hill Road to the CITY as part of the transfer of jurisdiction of the above said roads; and

WHEREAS, improvements will be constructed within the timelines identified herein and jurisdictional transfers will be completed in phases.

ATTACHMENT 2

NOW THEREFORE, in consideration of the recitals above and mutual covenants, terms, provisions, and performances as set forth below, the PARTIES agree as follows:

1. ROADWAYS SUBJECT TO THIS INTERGOVERNMENTAL AGREEMENT

- A. Set forth below are the COUNTY roads within the CITY's Urban Growth Boundary (UGB) which are expressly subject to the terms of this Agreement. This list may be supplemented or modified from time to time by mutual agreement of the PARTIES. Roads identified with an asterisk (*) are the subset of streets subject to a near term transfer plan as described herein. Crocker Lane, Valley View Drive, and West Thornton Lake Drive have portions of the existing roads that are subject to near-term transfer and portions that do not yet have an assigned transfer schedule. The limits of the near-term transfer are identified in the following sections:

SUBJECT STREETS

Crocker Lane *	Robinhood Lane *
East Thornton Lake Drive *	Scenic Drive (Portions within City Limits)
Gibson Hill Road *	South Nebergall Loop (Spring Hill Drive to City Limits)
Grandview Drive *	Spring Hill Drive (HWY 20 to City Limits)
Meadow Wood Drive *	Squire Place *
North Albany Road (HWY 20 to Roundabout)*	Squire Street *
North Nebergall Loop (Spring Hill Drive to City Limits)	Valley View Drive*
Old Quarry Road	West Thornton Lake Drive*
Pineview Drive	Wildwood Drive *
Quarry Road	

This agreement acknowledges that all other streets in North Albany are either under City jurisdiction, State jurisdiction, or are private. This agreement does not obligate the City to any specific level of maintenance on any roads now identified as under City jurisdiction.

2. NEAR-TERM IMPROVEMENTS AND TRANSFER

- A. The COUNTY shall transfer to the CITY and the CITY shall accept jurisdiction of the streets identified in Sections 2-F through 2-J below based on the improvements and timelines outlined herein. Road transfers shall include the transfer of associated easements (i.e. road drainage or slope easements), or assignment of rights/responsibilities for associated easements, as legally allowed. In the event any of the rights for easements, etc. are not assignable, COUNTY agrees, pursuant to ORS 190.030, that CITY is vested with all powers, rights and duties relating to those easements that are vested with COUNTY.
- B. The PARTIES shall hold a pre-construction meeting prior to constructing any of the identified improvements to ensure that the scope and extents of the work is clearly defined before commencing construction. For major improvements requiring engineering design and development of construction drawings, the COUNTY will provide ample opportunities for the CITY to review and comment on the proposed improvements. Improvements shall be constructed consistent with the most recent version of the City of Albany Engineering Standards and Standard Construction Specifications.
- C. COUNTY and the CITY agree that jurisdictional transfer will occur only upon completion of the improvements identified in Sections 2-F through 2-J below. Completion shall be achieved upon written notice by COUNTY to CITY that such improvements have been accomplished, and CITY by written notice to COUNTY that said improvements have been satisfactorily completed. The COUNTY and the CITY acknowledge that if unforeseen circumstances arise, the timeline set forth may be adjusted and revised upon mutual written consent.
- D. Both PARTIES agree that until such time as the jurisdictional transfers of each identified street occurs, the PARTIES will retain their current operation and maintenance responsibilities, including those identified in the Letters of Understanding provided as Exhibits A and B.

ATTACHMENT 2

- E. The PARTIES agree that upon completion by COUNTY and acceptance by CITY, COUNTY shall initiate the road(s) transfer and the CITY agrees it shall accept such transfer. The PARTIES agree that such transfers may occur singly, or as a combination of some or all of the identified streets. Public Works staff for both PARTIES shall work together to put forward such transfers.
- F. Roads to be transferred by December 2015, with no additional improvement required:
- NW Wildwood Drive (County Road Number 14301);
 - NW North Albany Road (County Road Number 14400);
 - NW West Thornton Lake Drive (County Road Number 04420) easterly 470 feet.
- G. Roads to be transferred by December 2015 upon completion of the following improvements by COUNTY:
- NW Valley View Drive (County Road Number 04441) from NW Crocker Lane to NW Ridgeview Lane: spot repairs and additional 2-inch overlay approximately 170 feet on the east end – work to be completed by October 2015;
 - NW East Thornton Lake Drive (County Road Number 14402): spot repairs, 2-inch overlay – work to be completed by October 2015.
- H. Roads to be transferred by December 2016 upon completion of the following improvements to be performed by COUNTY:
- NW Robinhood Lane (County Road Number 04435): widen road to approximately 26 feet and apply a 2-inch overlay;
 - NW Meadow Wood Drive (County Road Number 04434): 75 feet of a 2-inch overlay starting at the intersection of Crocker and double chip seal. CITY shall complete water line replacement within project area prior to COUNTY completing said improvements.
 - NW Squire Street (County Road Number 04433): repaint striping in 2016;
 - NW Squire Place (County Road Number 04437): spot repairs, crack seal and chip/slurry seal - work to be completed by October 2016;
 - NW Grandview Drive (County Road Number 04436): spot repairs, crack seal and chip/slurry seal – work to be completed October 2016.
- I. Roads to be transferred by December 2021 upon completion of the following improvements to be performed by COUNTY:
- NW Gibson Hill Road (County Road Number 04910): drainage improvements including shallowing ditches and replacing deteriorated or undersized stormwater piping, incorporation of post-construction stormwater quality facilities as required by City standards, pedestrian facilities including sidewalks and crossings (see Exhibit C), structural repairs and treatments resulting in a structural section that will withstand a 20-year design traffic-loading period with 90 percent reliability and acceptable ride quality, and new thermoplastic pavement markings. CITY and COUNTY shall collaborate and agree on the scope of improvements proposed to meet the specified criteria prior to initiating construction. Improvements shall be completed as not to interfere with future intersection treatments anticipated at the intersection with Gibson Hill Road and Crocker Lane. These improvements will be phased over several years.
- J. Roads to be transferred following completion of urban upgrades by the CITY and \$200,000 payment from COUNTY to CITY for said upgrades:
- NW Crocker Lane (County Road Number 04403): northerly 2,090 feet between Valley View Drive and Meadow Wood Drive. The COUNTY shall make the \$200,000 payment to the CITY no later than December 31, 2017.

ATTACHMENT 2

3. LONG-TERM IMPROVEMENTS AND TRANSFERS

- A. Subject Streets, and remaining sections of Subject Streets, not identified for improvement and transfer in Section 2 shall remain in COUNTY jurisdiction until such time that the street has been brought up to urban standards consistent with the CITY's Development Code, Engineering Standards, and Standard Construction Specifications, or as otherwise agreed by both PARTIES; AND the CITY has agreed to accept jurisdiction. If CITY is accepting from COUNTY a roadway that has been improved to qualifying standards, the CITY shall accept the roadway without any additional maintenance compensation.
- B. Where CITY accepts jurisdiction and maintenance responsibility of a roadway in its existing condition without improvement to urban standards prior to transfer, COUNTY shall pay to CITY, in lieu of construction, the twenty- (20) year present worth value of anticipated maintenance costs. Calculations shall be made consistent with the principles described within the latest edition of *Principles of Engineering Economy*, by Grant and Iverson, or other method mutually agreed upon by the PARTIES.
- i. In determining the twenty- (20) year present worth calculation, the PARTIES shall use the current *R.S. Means* as the basis for estimating construction costs, current value, and salvage value (if any), unless they mutually agree to use other estimating techniques.
- ii. The items to be considered in order to maintain the roadway for its intended twenty- (20) year future life shall be:
- Slurry Seal at seven (7) years and at fourteen (14) years; and
 - A two-inch grind/overlay at twenty (20) years; and
 - The value of sweeping the roadway once a month; and
 - The value of re-striping the roadway once per year.
 - Any known wetland constraints/mitigation requirements for planned maintenance, improvement, or urban conversion.
- All other items which are not specifically identified shall be excluded.
- iii. The sum of twenty- (20) year maintenance shall include an interest factor that shall be calculated by utilizing the preceding three- (3) year rolling averages of the LGPI published interest rate for municipal investments.
- iv. PARTIES agree that some roadways will require an alternate method for determining the basis for computing the cash equivalent in lieu of roadway improvement. Various road classifications and partially improved roadways will likely require unique methods and negotiations to determine the cash equivalent. Any alternate methods shall be mutually agreed upon in writing by the PARTIES.
- v. Nothing herein obligates COUNTY to transfer a road at CITY request.
- C. PARTIES agree that individual IGAs will be executed for each individual or group transfer of roads. These IGAs shall outline the specific details of each transfer agreement.
- D. PARTIES agree that road transfers shall include the transfer of associated easements (i.e. road drainage or slope easements), or assignment of rights/responsibilities for associated easements, as legally allowed. In the event any of the rights of easements, etc, are non-assignable, COUNTY agrees, pursuant to ORS 190.030, that CITY is vested with all powers, rights and duties relating to those easements that are vested with COUNTY.

4. NOTIFICATIONS REGARDING POTENTIAL ROADWAY IMPROVEMENTS

- A. CITY agrees to notify COUNTY of proposed Site Improvement projects, Site Plan Reviews, or potential Local Improvement Districts that might result in the improvement of COUNTY roads within the CITY's urban growth boundary.
- B. COUNTY agrees to notify CITY of proposed construction or reconstruction of any COUNTY roads within CITY's urban growth boundary to ensure proper coordination of various improvements.

ATTACHMENT 2

5. MAINTENANCE AGREEMENTS AND RESOURCE SHARING

- A. PARTIES agree that individual maintenance and jurisdictional agreements may be made as is beneficial and approved by both PARTIES. This may allow jurisdictional changes or maintenance agreements to occur in conjunction with or independent of IGA transfer agreements.
- B. In order to minimize the cost of various roadway maintenance activities to the citizens of the CITY and COUNTY, the PARTIES agree to contract with one another (subject to availability and to the extent that it is economically feasible) for the performance of services in connection with this Agreement in those circumstances where one PARTY has the expertise or resources to perform the service in the most cost-effective manner.

6. LAW ENFORCEMENT

- A. Nothing in this agreement shall affect the jurisdiction or responsibilities of the law enforcement agencies of the CITY or COUNTY.

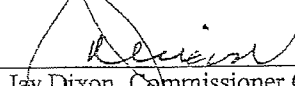
7. DISPUTE RESOLUTION

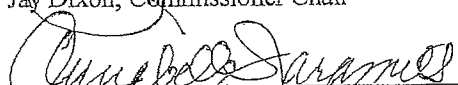
- A. The PARTIES agree to resolve all disputes that may arise pursuant to the terms of this Agreement by binding Arbitration. In the event the PARTIES cannot agree upon a single mutually acceptable Arbiter, they shall apply to the presiding Judge of Benton County for the appointment of such Arbiter. The costs of Arbitration shall be borne equally by both PARTIES and the Arbiter's decision shall be binding and final. Except for the streets identified for near-term improvement and/or transfer in Section 2, this Arbitration Clause shall not obligate either PARTY to transfer or accept a roadway in the event of a disagreement. Arbitration shall only be utilized to resolve disputes that arise subsequent to a transfer decision having been made and accepted.

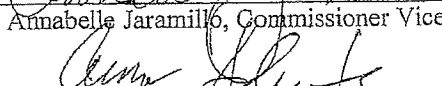
8. TERM

- A. This Agreement shall be perpetual so long as there are COUNTY roads within the CITY urban growth boundary. With the exception of the provisions outlined in Section 2, either PARTY may terminate this agreement upon two (2) years written notice to the other. Notwithstanding the right to terminate, the PARTIES agree that all near-term improvements and transfers as described above in Section 2 shall be completed by the PARTIES.
- B. If COUNTY terminates this agreement prior to the CITY utilizing the full cash equivalent of in-kind services due from COUNTY, COUNTY shall make a cash payment to CITY for the cash equivalent of in-kind services.

FOR COUNTY OF BENTON:



 Jay Dixon, Commissioner Chair

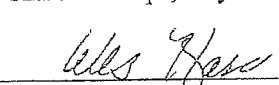

 Annabelle Jaramillo, Commissioner Vice Chair


 Anne Schuster, Commissioner

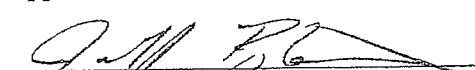
Approved as to Content:

FOR CITY OF ALBANY:

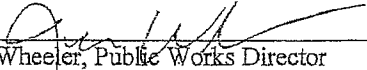

 Sharon Konopa, Mayor


 Wes Hare, City Manager

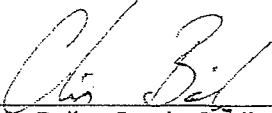
Approved as to Content:


 Jeff Blaine, P.E., Interim Public Works Engineering and Community Development Director

ATTACHMENT 2



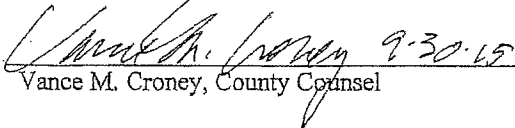
Joshua Wheeler, Public Works Director




Chris Bailey, Interim Public Works Operations Director

Approved as to Form:

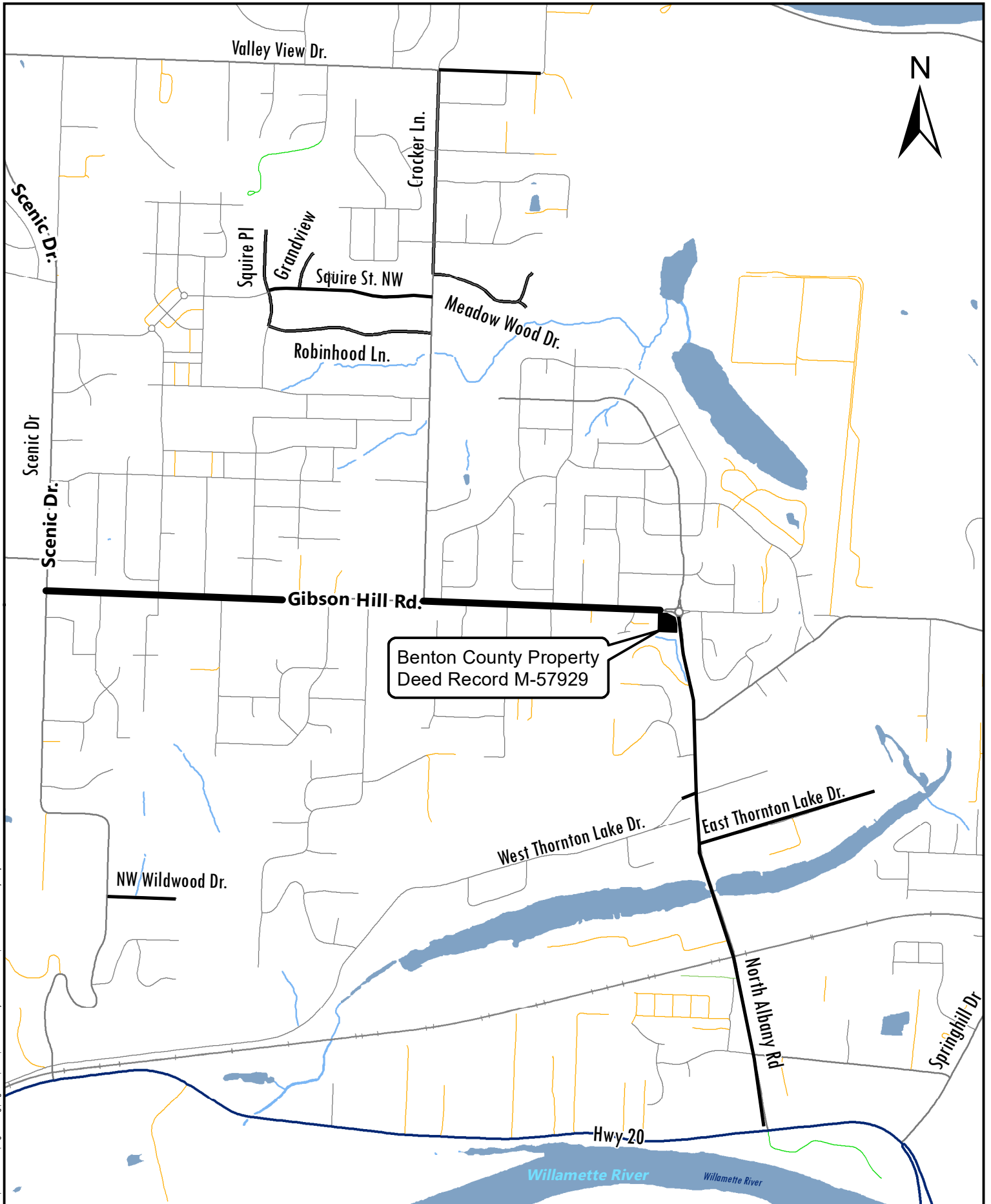
Approved as to Form:



Vance M. Croney, County Counsel



James Delapoe, City Attorney
M. Sean Kell



G:\Public Works\Engineering\Trans\Benton County Road Transfers\Attachment3 Vicinity Map.mxd



1,300 650 0 1,300 Feet

Date: 11/25/2024 Map Source: City of Albany, Benton County

Attachment 3 Vicinity Map

AFTER RECORDING RETURN TO:

Benton County Public Works
360 SW Avery Avenue
Corvallis, OR 97333

SEND TAX STATEMENTS TO:

City of Albany
Finance Department
333 Broadalbin Street SW
Albany, OR 97321

BARGAIN AND SALE DEED

KNOW ALL PEOPLE BY THESE PRESENTS, that **BENTON COUNTY, OREGON, a political subdivision of the State of Oregon**, hereinafter called Grantor, conveys to **The City of Albany, Oregon, a municipal corporation**, hereafter called Grantee, unto Grantee's heirs, successors and assigns all of that certain real property with tenements, hereditaments and appurtenance thereunto belonging or in anywise appertaining, situated in the County of Benton, State of Oregon described as follows to wit:

Legal Description

See legal description on attached Exhibit "A" and map on attached Exhibit "B" attached hereto and made part hereof this description.

To Have and to Hold the same unto said Grantee and Grantee's heirs, successors and assigned forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ _0_.

In construing this deed and where the context so requires, the singular includes plural and all grammatical changes shall be implied to make the provisions hereof apply to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES

M:\avery proj\mgmt\City of Albany\Bargain and Sale Deed form Benton Count, Oregon to City of Albany.docx

NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT. THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, DEFINED IN ORS 30.930, AND INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 1st day of October, 2024



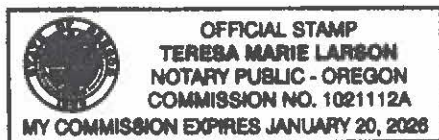
Xanthippe, Augerot, Chair
Benton County Board of Commissioners

State of OREGON)
) ss
County of BENTON)

This instrument was acknowledged before me on October 1, 2024, by Xanthippe, Augerot, Chair of the Benton County Board of Commissioners.



NOTARY PUBLIC FOR OREGON



ACCEPTED BY CITY OF ALBANY:

STATE OF OREGON)

County of Linn)ss.

City of Albany)

I, Peter Troedsson as City Manager of the City of Albany, Oregon pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the attached instrument pursuant to the terms thereof this _____ day of _____ 2024.

Peter Troedsson, City Manager

STATE OF OREGON)

County of Linn)ss.

City of Albany)

The instrument was acknowledged before me this _____ day of _____ 2024, by Peter Troedsson, City Manager, as representative of the City of Albany, Oregon.

NOTARY PUBLIC FOR OREGON

10-4-36DB TAX LOT 100

EXHIBIT "A"

A tract of land described within a Warranty Deed Recorded M-57929-84, said property being a portion of the J.Q. Thornton Donation Land Claim No. 37, lying within Section 36, Township 10 South, Range 4 West, Willamette Meridian, Benton County, Oregon more particularly described as follows:

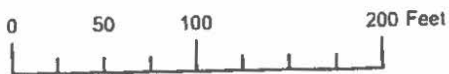
Beginning at a point on the North line of J. Quinn Thornton Donation Land Claim No. 37, 3975.84 feet Easterly along the claim line from the Northwest corner of said claim, being the Northeast corner of the property described in Book 148, Page 502, Deed Records of Benton County, Oregon; thence South 0° 02' East 227 feet along the East line of said property; thence South 89° 58' West parallel with the claim line a distance of 191.90 feet; thence North 0° 02' West parallel with the East line a distance of 227 feet to the claim line; thence North 89° 58' East 191.90 feet to the point of beginning, in the County of Benton and the State of Oregon.

EXCEPT: All that right of way that was dedicated to the county and all that right of way dedicated to the City of Albany per the dedication recorded as document 2005-389426.

This tract of land contains 0.81 acres more or less.

SUBJECT TO: Easements of record and an easement to PacifiCorp, an Oregon Corporation per document 2005-385958.

W.M.



10 4 36DB

EXHIBIT "B"

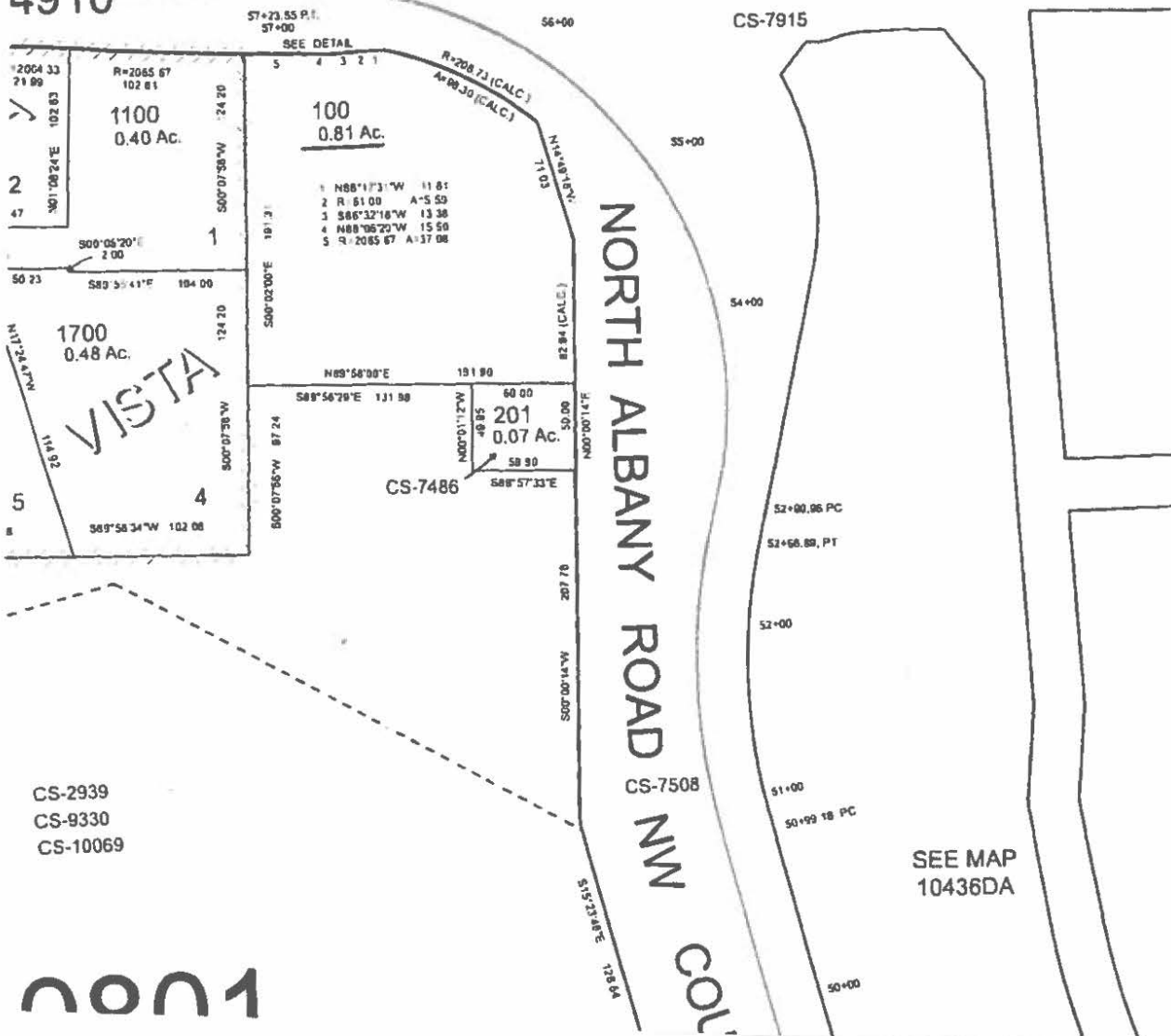
3/12/2019

Cancelled Nos.

- 203
- 300
- 400
- 402
- 404 THRU 407
- 408
- 502
- 507 THRU 513
- 515
- 516
- 590
- 600
- 1400
- 514
- 410

SEE MAP
10436AD

4910



CS-2939
CS-9330
CS-10069

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