



ALBANY CITY COUNCIL AGENDA

Monday, July 22, 2024
4:00 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 roll call
2. Business from the public
3. Street Maintenance Public Opinion Research – Staci Belcastro [Pages 2-5]
Discussion
4. Camping and Shelter Ordinances – Kris Schendel [Pages 6-28]
Discussion
6. Business from the council
7. City manager report
8. Adjournment

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

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



MEMO

TO: Albany City Council

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

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

DATE: July 8, 2024, for the July 22, 2024, City Council Work Session

SUBJECT: Public Opinion Research on Pavement Management Funding
Relates to Strategic Plan theme: Great Neighborhoods, Effective Government

Action Requested:

Staff recommends Council receive and discuss the report (Attachment 1) and presentation from Consor outlining results of public opinion research completed on street condition and funding for street maintenance in Albany.

Discussion:

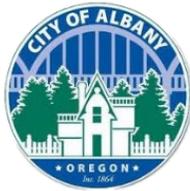
Staff initiated a series of presentations nearly a year ago to discuss transportation funding in an effort to create progress toward one of the goals in Albany's Strategic Plan, to "Provide an efficient transportation system with safe streets and alternative modes of transportation." Two objectives under this goal are to improve the condition of Albany's streets and address the need for additional funding for street maintenance. At the June 26, 2024, City Council meeting, staff provided an overview of these discussions and also shared preliminary findings from Consor, a consultant staff hired to complete public opinion research on transportation funding.

Consor has worked extensively in Oregon to help other local agencies understand community views on a variety of topics including transportation funding. Consor completed three tasks in Albany to gain valuable insights of the public's opinion on transportation funding including: 1) Interviews with community leaders, including city councilors to assess awareness of transportation funding needs, gauge support for transportation funding, and gather recommendations on public education strategies; 2) Two focus groups held in person with 8-12 individuals selected to be representative of Albany voters, to gather opinions on Albany's streets, knowledge of funding sources for street maintenance, and gauge support for a street maintenance fee and/or a local gas tax, and outreach strategies that could be successful in the community; and 3) Community wide survey of 300 individuals representative of Albany voters, to gather opinions on Albany's streets, knowledge of available funding sources for street maintenance, potential support for a street maintenance fee and/or a local gas tax, and recommendations for community outreach and education. The final findings are summarized in the report included as Attachment 1.

Budget Impact:

None at this time.

SB:ss
Attachment 1



Street Maintenance Funding Opinion Research Summary Report

July 2024



Prepared for:
City of Albany

Prepared by:
**Conсор Strategic Planning & Communications
DHM Research**



Introduction

The City of Albany is responsible for managing an efficient transportation system to help people get where they're going. However, the City lacks sufficient funds to adequately maintain the condition of local streets—over 50 percent have a “poor” pavement condition rating. In a 2023 community-wide survey, street repair was one of the lowest ranked city services at 27 percent satisfaction. To help address these challenges, the City is seeking new ways to help pay for street maintenance.

Between May and July 2024, Conсор Strategic Planning & Communication and DHM Research completed community opinion research to help the City evaluate views and potential support for new funding options. This report summarizes the opinion research process and collective findings, with reports from each of the three research tasks provided as appendices.

Research Overview

Conсор and DHM Research completed both qualitative and quantitative research to assess community views around current street conditions, priorities for improvement, awareness of current funding, and willingness to pay more for street maintenance.

Research tasks included:

- **Community Leader Interviews:** In May and June, phone interviews were completed with 15 community leaders to collect input on funding sources and future communications.
- **Focus Groups:** In May, two in-person focus groups were facilitated with a total of 22 registered Albany voters to gauge support for street maintenance funding sources.
- **Community Survey:** In July, an 11-minute phone/hybrid survey was completed with 300 registered Albany voters to assess views on a street maintenance utility fee.

Findings from each of the three research tasks helped inform the subsequent work. For example, initial interview feedback about the benefits and drawbacks of each funding option was used to develop the support and oppose messaging tested in the focus groups. Similarly, the lack of support for a gas tax solution during the focus groups led to developing and testing a specific utility fee scenario during the community survey.

Key Findings

The opinion research resulted in several key findings that are summarized below and described in more detail in the appended reports. Additional feedback and advice was collected on information needs and future communication methods.

Street Condition

Transportation is consistently seen as a top issue for Albany and dissatisfaction with street maintenance is particularly high compared to other city services.

- 29% named transportation-related issues as some of the most important concerns Albany faces today—that's nearly as high as homelessness at 31%
- 55% say the City is doing a poor job maintaining its streets—no other city service has more than 28% dissatisfaction



Improvement Priorities

Community members want to see the worst condition streets addressed first—for many these are local streets. In particular, some feel streets in older, low-income neighborhoods are neglected.

- 55% are dissatisfied with the quality of streets in their neighborhoods, and 46% are dissatisfied with the quality of the main roads
- If more funds are available, 70% prefer streets in the worst condition be prioritized
- As noted in the interviews, “If you drive in Albany, you know the local streets are garbage” and “Feels like in some of the economically disadvantaged neighborhoods the roads are worse—which is frustrating since this is a public service”

Funding Awareness

There is a knowledge gap when it comes to how streets are maintained and what amount of funding is needed for road improvements, which contributes to attitudes about new funding.

- 40% are unsure whether the City has enough funding to maintain its streets to a reasonable quality, and just 21% say the City does not have enough funding

Funding Support

The street maintenance utility fee has limited but comparably stronger support as a funding solution than the local gas tax which is hampered by questions about electric vehicles.

- Focus group participants strongly preferred a street maintenance utility fee over a local gas tax because it is viewed as a fairer and more dependable option
- 35% support a street maintenance utility fee after hearing more information
- Voters say the best reasons to support a utility fee are that the money would be dedicated to street maintenance (64%), most funding would go toward streets in the worst shape (58%), and maintaining a street is less costly than replacing (55%)

Summary

Transportation is a top-of-mind issue for Albany community members who consistently identify street maintenance as a problem that should be addressed. When it comes to funding sources, community members have a range of equity concerns but, in general, there is a common value around shared responsibility and everyone who benefits paying a share.

Of the funding options evaluated, the street maintenance utility fee received comparatively stronger support. Support was still low, however, with many unsure how maintenance is currently funded and generally concerned about affordability and cost increases. Promises of a dedicated fund and near-term results resonated. There is also majority support for fixing the streets in the worst condition first—with local streets frequently identified as in the worst shape.

In July, the results of the opinion research will be shared with City Council to help inform consideration of funding options and next steps to address the City’s street maintenance needs. The information that was collected about street maintenance priorities and communications advice can also be used to support the City’s ongoing transportation and outreach efforts.

Article VII. Mechanical, Fuel Systems and Equipment

EH 7.01 Prohibitions.

EH 7.02 Warnings.

Article VIII. Heating and Cooling

EH 8.01 Heat.

EH 8.02 Cooling.

Article I. Definitions

EH 1.01 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this Standard, have the meanings indicated in this chapter.

EH 1.02 Interchangeability. Words used in the present tense include the future, words in the masculine gender include the feminine and neutral, the singular number includes the plural and the plural, the singular.

EH 1.03 Terms Defined in Other Codes. Where terms are not defined in this standard and are defined in the Oregon Building Codes, such terms shall have meanings as described to them as in those codes.

EH 1.04 Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Words of common usage are given their plain, natural, and ordinary meanings. Words that have well-defined legal meanings are given those meanings.

EH 1.05 Definitions

- 1) “Approved”. Acceptable to the code official or authority having jurisdiction.
- 2) “Code Official”. City Manager or their designee.
- 3) “Emergency Transitional Housing”. Short term transitional housing, of one hundred and twenty (120) days or less, that serves as an intermediate step between houselessness and more permanent housing.
- 4) “Habitable room”. A room or enclosed floor space arranged for living, eating, or sleeping purposes, but not including closets and hallways.
- 5) “Paved”. Covered with concrete or asphalt.
- 6) “Property” A single parcel or multiple parcels under contiguous ownership.

Article II. Site Requirements

EH 2.01 Site.

- 1) Each property approved for emergency transitional housing units shall be allowed up to four (4) emergency transitional housing units.
- 2) For properties controlled by a government entity or existing approved permanent shelter operations and such entity provides 24-hour onsite management, each site shall be allowed up to (4) additional emergency transitional housing units if the property exceeds one-half acre and the lot coverage of permanent buildings is less than 50% of the property area.

EH 2.02 Monetary Obligations. Locations granted a permit through this standard shall not require payment of any fee, rent or other monetary charge for the use of such emergency transitional housing unit(s).

EH 2.03 Shared Facilities. Locations providing emergency transitional housing unit accommodations described under this standard shall provide consistent and ongoing access to water, water closet/lavatory,

shower, and garbage service on site. Any provided cooking facilities shall meet all federal, state, and local standards. Cooking facilities shall not be placed within an emergency transitional housing unit.

- 1) Shared facilities shall be accessible to comply with ADA requirements where ADA emergency transitional housing units are provided.
- 2) Water closets/lavatories and showers may be provided through a rented portable facility if such facility is regularly serviced, locked, and each occupant of the emergency transitional housing units is provided a key. Such structures shall be permitted as required in Title 18 and Title 9.
- 3) Cooking facilities may be provided through a “kitchen unit” as prescribed in this chapter. Such units shall be permitted as required in Title 18.
- 4) Where new and/or altered shared fixtures or cooking facilities are proposed, those elements shall be permitted as required in Title 18.

EH 2.04 ADA Walkways. Where ADA emergency transitional housing units are provided, the location shall also provide ADA walkways to and from the ADA parking area or public way.

EH 2.05 ADA Parking. Where ADA emergency transitional housing units are provided, the location shall also provide ADA parking.

Article III. Unit Design

EH 3.01 Unit Size. Emergency transitional housing units shall be no larger than two hundred (200) square feet in total. This includes but is not limited to covered/uncovered porches, halls, and closets.

EH 3.02 Unit Height. Emergency transitional housing unit shall have a maximum height of twelve (12) feet at the roof peak.

EH 3.03 Occupancy. Each emergency transitional housing unit shall be occupied by no more than two (2) adult aged individuals, and a maximum of two (2) minors per adult.

EH 3.04 Habitable Room Size. Habitable rooms shall be no less than seven (7) feet on any horizontal plane for a double occupied unit and no less than seven (7) feet by four (4) feet eight (8) inches for a single occupied unit.

EH 3.05 Clear Floor Space. Each room providing living space in an emergency transitional housing unit must include at least one clear floor space as provided below:

(1) No less than 20 square feet for a double occupied unit. This clear space shall be no less than 34 inches wide at any given point.

(2) No less than 10 square feet for a single occupied unit. This clear space shall be no less than 17 inches wide at any given point.

EH 3.06 Smoke Alarms. All emergency transitional housing units shall be equipped with a hardwired smoke alarm installed according to the terms of its listing and in working order.

EH 3.07 Portable Fire Extinguishers. Each emergency transitional housing unit shall be provided with a listed portable fire extinguisher with a minimum rating of 2-A:10-B:C as defined in NFPA 10, Standard for Portable Fire Extinguishers. The fire extinguisher shall be installed in accordance with its listing and shall be located outside the front door of the emergency transitional housing unit, within 24 inches of the opening.

Fire extinguishers are to be mounted with the top of the extinguisher no higher than five (5) feet from the floor.

EH 3.08 Carbon Monoxide (CO) Alarms. All emergency transitional housing units shall be equipped with a carbon monoxide alarm installed according to the terms of its listing and in working order.

EH 3.09 Minimum Height. The emergency transitional housing unit shall have a minimum ceiling height of not less than six (6) feet six (6) inches for a minimum of 50 percent of the room's floor area and within hallways. The remaining area may have a ceiling with a minimum height of six (6) feet.

EH 3.10 Sleeping Rooms. Sleeping rooms shall be provided with at least one openable window or door, to the exterior of the unit. Such openings shall have a clearing of at least twenty-four (24) inches in height and twenty (20) inches in width and provide a minimum of four (4) square feet of clear net opening. In addition to this opening, no obstructions shall exist that would impede the egress from the unit.

EH 3.11 Kitchen Unit. A kitchen unit may be constructed as follows:

- 1) Shall be no larger than one hundred (100) square feet in total. This includes but is not limited to covered/uncovered porches, halls, and closets.
- 2) Shall have a minimum ceiling height of not less than six (6) feet six (6) inches for a minimum of 50 percent of the room's floor area.
- 3) Shall be provided with at least one openable window and door to the exterior of the unit. Such openings shall have a clearing of at least twenty-four (24) inches in height and twenty (20) inches in width and provide a minimum of four (4) square feet of clear net opening. In addition to this opening, no obstructions shall exist that would impede the egress from the unit.
- 4) Shall be equipped with a hardwired smoke detector installed according to the terms of its listing and in working order.
- 5) Shall be equipped with a carbon monoxide alarm installed according to the terms of its listing and in working order.
- 6) Shall be provided with a listed portable fire extinguisher with a minimum rating of 2-A:10-B:C as defined in NFPA 10, Standard for Portable Fire Extinguishers. The fire extinguisher shall be installed in accordance with its listing and shall be located outside the front door of the emergency transitional housing unit, within 24 inches of the opening. Fire extinguishers are to be mounted with the top of the extinguisher no higher than five (5) feet from the floor.
- 7) A clear floor space measuring 30 inches by 48 inches minimum is required to be adjacent to all appliances, fixtures, and operable equipment. The clear space may provide for either a front or side approach.
- 8) Shall not be occupied for living purposes.
- 9) Shall contain no more than a refrigerator, induction cook top, sink, and food storage, unless otherwise approved by the City Manager or their designee.

Article IV. Placement

EH 4.01 Applicable Standards. All emergency transitional housing units shall be located on a property containing a non-residential use, where a permitted building and approve use already exists.

EH 4.02 Setbacks. Emergency transitional housing units shall be setback at least eight (8) feet from any property line; however, in no case shall it be less than allowed than the setback requirements as outlined in the Albany Development Code and meet which ever distance is greater, measured from the farthest projection.

EH 4.03 Spacing. Emergency transitional housing units shall be spaced at least eight (8) feet away from other emergency transitional housing units and other structures on the property.

EH 4.04 Access. Emergency transitional housing units shall not hinder access to the property, fire lanes, hydrants, or utilities on site.

EH 4.05 Unforeseen Factors. When, during preparation of the site, unforeseen factors such as rock formation, high ground water levels, springs, or biological generated gasses are encountered, corrective work shall be taken prior to the siting of the emergency transitional housing unit.

EH 4.06 Base. All emergency transitional housing units shall be placed on a paved base with proper drainage to avoid standing water or well drained gravel.

EH 4.07 Anchorage. Emergency transitional housing units shall be anchored as required by the City Manager or their designee, to limit movement that could endanger inhabitants.

Article V. Construction

EH 5.01 General. All materials shall be installed in accordance with the manufacturer's installation instructions where available.

EH 5.02 Resistance to Elements. Exterior coverings and openings for window equipment or vents shall be designed to resist the infiltration of air and water into the roof or wall cavity except for ventilation.

EH 5.03 Construction The construction of emergency transitional housing units shall meet the minimum requirements for livability, basic life safety, and sanitation as outlined in Albany Municipal Code (AMC) 8.05 Property Maintenance.

Article VI. Electrical

EH 6.01 Electrical Supply. All electrical power supplied to emergency transitional housing units shall be provided and associated with the primary structure of the property. Such electrical installation shall be under an issued permit from the City of Albany Building Division and installed in accordance with AMC Title 18 and the Oregon Electrical Specialty Code.

EH 6.02 Alternative Method. Properties may provide power to emergency transitional housing units via a power pole installation. Such installation shall be under an issued permit from the City of Albany Building Division and installed in accordance with AMC Title 18 and the Oregon Electrical Specialty Code.

EH 6.03 Power Cords. Exposed cords, on the exterior of the emergency transitional housing unit, shall be protected from damage via a cable protector.

Article VII. Mechanical, Fuel Systems and Equipment

EH 7.01 Prohibitions. All mechanical, fuel systems, and equipment installation are prohibited in/on emergency transitional housing units.

EH 7.02 Warnings. Each emergency transitional housing unit shall be posted with a warning, at all door entrances, which states:

- 1) Portable fuel-burning equipment, including wood and charcoal grills and stoves, shall not be used inside the emergency transitional housing unit. The use of this equipment inside the emergency transitional housing unit can cause fires or asphyxiation.
- 2) Do not bring or store propane containers, gasoline, or other flammable liquids inside the emergency transitional housing unit as fire or explosion can result.

Article VIII. Heating and Cooling

EH 8.01 Heat. Where emergency transitional housing units are to be occupied between October and March, heating shall be provided in each transitional housing unit to provide a minimum of 65 degrees (F) indoor temperature. Such heat source shall be limited to an appropriately sized UL listed ceiling mounted device with temperature safety sensor. Required clearances around device shall be maintained and a copy of the device manual shall be readily available.

EH 8.02 Cooling. Where emergency transitional housing units are to be occupied between June and September, appropriately sized UL listed cooling devices shall be provided capable of maintaining a maximum of 75 degrees Fahrenheit indoor temperature. Required clearances around device shall be maintained and a copy of the device manual shall be readily available.

- 1) Units provided with insulation and natural ventilation in accordance with the Oregon Residential Specialty Code, shall be exempt from providing cooling facilities.



AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) CHAPTER 7.20, CAMPING REGULATIONS

WHEREAS, the City of Albany adopted AMC Chapter 7.20, Camping Regulations, in May of 2023 to adhere to Oregon State House Bill 3115; and

WHEREAS, AMC Chapter 7.20, Camping Regulations, was monitored for success and effects on the community; and

WHEREAS, AMC Chapter 7.20 created a space riddled with criminal activity and drug use; and

WHEREAS, it is incumbent upon the City to take action in addressing the safety of the community.

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

Section 1. AMC 7.84.120, Prohibited Camping, is hereby repealed.

Section 2. Amending AMC Chapter 7.20, Camping Regulations. AMC Chapter 7.20, Camping Regulations, is hereby amended as follows:

**Chapter 7.20
CAMPING REGULATIONS**

Article I. Administration

- [7.20.005](#) Title.
- [7.20.010](#) Scope.
- [7.20.015](#) Interpretation.
- [7.20.020](#) Interchangeability.
- [7.20.025](#) Terms not defined.
- [7.20.030](#) Definitions.

Article II. Camping

- [7.20.035](#) Prohibited camping.
- [7.20.03540](#) Permitted camping.
- [7.20.040](#) Private property camping permit.
- [7.20.045](#) Unpermitted camping.
- [7.20.050](#) Prohibited camping.
- [7.20.0545](#) Open flame- Fire Safety
- [7.20.0650](#) Utilities.

Article III. Compliance

- [7.20.0655](#) Storage of personal property.
- [7.20.0760](#) Cleanup and posting.
- [7.20.0765](#) Nonexclusive remedy.

~~7.20.080~~ ~~Right of entry.~~
~~7.20.085~~ ~~Maintenance.~~
~~7.20.070~~ ~~Special Permit.~~
~~7.20.0975~~ Violation – Penalty.

Article I. Administration

7.20.005 Title.

These provisions shall be known as the Albany camping regulations and shall be cited as such and will be referred to herein as “this regulation.” (Ord. 6015 § 1, 2023).

7.20.010 Scope.

The provisions of this regulation apply to all public property and public right-of-way located within the city of Albany as defined herein. (Ord. 6015 § 1, 2023).

7.20.015 Interpretation.

This regulation is to be interpreted consistent with applicable state statutes and providing the protection required by state statutes. (Ord. 6015 § 1, 2023).

7.20.020 Interchangeability.

Words used in the present tense include the future, words in the masculine gender include the feminine and neutral, the singular number includes the plural, and the plural, the singular. (Ord. 6015 § 1, 2023).

7.20.025 Terms not defined.

Where terms are not defined through the methods authorized by this article, such terms shall have ordinarily accepted meanings such as the context implies. Words of common usage are given their plain, natural, and ordinary meanings. Words that have well-defined legal meanings are given those meanings. (Ord. 6015 § 1, 2023).

7.20.030 Definitions.

(1) “Camp” or “camping” means to pitch, erect, create, use, or occupy camp facilities for the purpose of habitation, as evidenced by the use of camp paraphernalia.

(2) “Camp facilities” includes, but is not limited to, tents, huts, temporary shelters, motor vehicles, or recreational vehicles.

(3) “Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, outdoor cooking devices or utensils, and similar equipment.

(4) “Motor vehicle” means a vehicle that is self-propelled or designed for self-propulsion.

(5) “Public property” means any real property or structures owned, leased, or managed by the city, including public rights-of-way.

(6) “Public rights-of-way” means all property dedicated to the public for transportation purposes and administered by the city, including streets, roads, alleys, lanes, -sidewalks, trails, paths, bridges, viaducts, and all other public ways and areas managed by the city.

(a) Includes public utility easements to the extent that the easement allows use by the permittee planning to use or using the public utility easement. “Right-of-way” includes the subsurface under and airspace over these areas.

(b) “Right-of-way” does not include the airwaves for purposes of commercial mobile radio services, broadcast television, direct broadcast satellite and other wireless providers, or easements or other property interests owned by a single utility or entity.

(7) "Recreational vehicle" or "RV" means a vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by the Oregon Department of Transportation in OAR Chapter [735](#), Division [022](#).

(8) "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

(9) "Vehicle" means a motor vehicle or recreational vehicle. (Ord. 6015 § 1, 2023).

Article II. Camping

7.20.035 Prohibited camping.

It is unlawful for any person to camp in or upon any public property or public right-of-way if the person has access to reasonable alternate shelter, has means to acquire reasonable alternate shelter, or has otherwise been offered, rejected, and/or been disqualified from reasonable alternate shelter.

7.20.04035 Permitted camping.

(1) Camping within the city of Albany shall be permitted as follows:

(a) In accordance with a duly executed emergency declaration by the Albany city manager.

(b) On ~~the~~ publicly owned property, designated by the Albany city manager, when there is no alternate shelter available.

(i) Each occupant shall follow all posted rules in addition to the rules set herein.

(ii) Each occupant shall be actively working with local service providers to gain alternative housing.

(iii) Each occupant shall store all items and materials within their camping facility.

~~(ii) Each site shall be provided with a portable restroom and sink facility.~~

~~(iii) Each site shall be provided with 1 2A:10B:C fire extinguisher which shall be mounted in a conspicuous location within 75 feet of the permitted camping area.~~

~~(A) Extinguisher shall be annually serviced and maintained by the owner/controlling party of the property.~~

(iv) Each camp may occupy a space no greater than 12 feet by 12 feet.

(v) Any individual may only occupy and/or control a single camp at any time.

~~(vi) Camping facilities shall be spaced at least 10 feet apart.~~

(viii) Each camp shall be maintained in a clean, sanitary, and safe condition.

(vii) Camping facilities left unoccupied for more than twenty-four (24) hours shall be considered abandoned.

~~(c) On religious organization or transitional shelter property that holds a private property camping permit as outlined in AMC [7.20.040](#).~~

~~(i) Each permitted site shall host a maximum of four camping facilities.~~

~~(ii) Permitted sites shall make such accommodations free of charge.~~

~~(iii) All items and materials are stored within the camping facility or in a separate storage area that is screened from the view of adjacent properties and public rights of way.~~

~~(iv) Locations providing camping accommodations described under this regulation shall provide consistent and ongoing access to water, water closet/lavatory, and garbage service on site. Any provided cooking facilities shall meet all federal, state, and local standards.~~

~~(A) Water closets/lavatories and showers may be provided through a rented portable facility, as described in Chapter 9.04 AMC, if such facility is locked, and each occupant of the camping area has access to a key. Such structures shall be permitted as required in AMC Title 18.~~

~~(B) Where new and/or altered accommodations or cooking facilities are proposed, those elements shall be permitted as required in AMC Title 18.~~

~~(v) One 2A:10B:C fire extinguisher which shall be mounted in a conspicuous location within 75 feet of the permitted camping area.~~

~~(A) Extinguisher shall be annually serviced and maintained by the owner/controlling party of the property.~~

~~(vi) Each camp may occupy a space no greater than 12 feet by 12 feet.~~

~~(vii) Any individual may only occupy and/or control a single camp at any time.~~

~~(viii) Camping facilities shall be spaced at least 10 feet apart.~~

~~(ix) Each camp shall be maintained in a clean, sanitary, and safe condition. (Ord. 6015 § 1, 2023).~~

7.20.040 Private property camping permit.

~~(1) Application.~~

~~(a) Scaled site plan of the proposed property, to include at minimum:~~

~~(i) Site layout demonstrating compliance with all setback and spacing requirements;~~

~~(ii) Location of camping facilities;~~

~~(iii) Location of all accommodations;~~

~~(iv) Location of any fire hydrants and/or fire lanes on site and/or adjacent to the proposed property;~~

~~(v) Details demonstrating compliance with the requirements set forth in this regulation; and~~

~~(vi) Any other information requested by the city manager or designee.~~

~~(2) Records Management.~~

~~(a) Locations shall provide a list of names and dates of birth for all individuals staying on site to the Albany Police Department. This list shall be kept up to date and resubmitted every time an individual joins or leaves the camp site as a resident.~~

~~(i) This information shall be for the purpose of ensuring sex offender registration requirements are met and that any outstanding violent persons are not utilizing the facilities.~~

~~(3) Establishment of camps on private property within the city limits of Albany shall be prohibited unless a private property camping permit is obtained from the city manager or designee. Each approved property shall be allowed 1 continuous 120 calendar day permit within a 365 calendar day period.~~

~~(4) In issuing a private property camping permit, the city manager or designee shall consider impacts to the surrounding area and city department responses to the site.~~

~~(5) Permit fees shall be set by council resolution.~~

~~(6) Denial, Revocation, or Suspension of Permit.~~

~~(a) The city manager or designee may deny, revoke, or suspend the permit upon finding that any provision herein or condition of approval will be or has been violated.~~

~~(b) The city manager or designee may deny, revoke, or suspend the permit upon finding that any issuance or continued allowance of a permit poses a risk to peace, safety, health, or welfare of the City.~~

~~(c) The city manager or designee may deny, revoke, or suspend the permit upon finding that any issuance or continued allowance of a permit causes impacts to the surrounding area~~

and city department responses to the site. Determination of impacts is at the sole discretion of the city manager or designee.

(d) Upon denial, revocation, or suspension the city manager or designee shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason. The action shall be effective immediately and units shall be removed no more than three calendar days after such decision.

(7) Private Property Camping Facility Removal. All camping facilities shall be removed no more than three calendar days after the location's permit expires. (Ord. 6015 § 1, 2023).

7.20.045 Unpermitted camping.

At no time is camping allowed in the following areas:

(1) Residential zones, unless a permit has been obtained from the City of Albany as provided under AMC 7.20.035;

(2) Albany city parks;

(3) Historic downtown;

(4) Upon a sidewalk;

(5) Within a flood zone;

(6) Within 300 feet of a water way; and

(7) Within 600 feet of a school or childcare facility, to include the YMCA and Boys and Girls Club. (Ord. 6015 § 1, 2023).

7.20.050 Prohibited camping.

It is unlawful for any person to camp in a location not permitted through AMC 7.20.035. (Ord. 6015 § 1, 2023).

7.20.0545 Fire Safety Open flame.

At no time shall there be any of the following at campsites without prior approval by the Albany Fire Chief or their designee. open flames in/on private property or public property campsites. (Ord. 6015 § 1, 2023).

(1) Open flame;

(2) Propane;

(3) Flammable/combustible liquid;

(4) Heat producing appliance; or

(5) Smoking/vaping.

7.20.0650 Utilities.

No utilities shall be connected or supplied to any camping facility. (Ord. 6015 § 1, 2023).

Article III. Compliance

7.20.0655 Storage of personal property.

Except as expressly authorized by AMC, it shall be unlawful for any person to store personal property on public property or within the public right-of-way. (Ord. 6015 § 1, 2023).

7.20.0760 Cleanup and posting.

(1) The cleanup of permitted public property campsites may be scheduled by the city manager or their designee.

(a) Occasional cleanup of permitted public property campsites may be necessary to ensure the health and safety of the community.

(i) Prior to such cleanups, the property shall be posted as pursuant to ORS ~~195.500-203.077~~.

(ii) In addition to this notice, the location~~(s)~~ of other ~~permitted camping reasonable alternate shelter areas~~ will be provided.

(b) This subsection does not release individuals of the requirement to maintain a clean, sanitary, and safe area around their camp nor negate the conditions of any other AMC titles and/or chapters.

~~(2) Private property campsite hosts shall ensure that the property is kept in a clean, sanitary, and safe condition.~~

~~(a) This does not release camping individuals of the requirement to maintain the space in a clean, sanitary, and safe condition as well.~~

(2) The cleanup of ~~prohibited unlawful public property~~ campsites will be scheduled by the city manager or their designee.

(a) All ~~unlawful prohibited~~ campsites shall be posted and cleaned pursuant to ORS ~~195.500-203.077~~.

(3) No posting is required prior to removing debris, garbage, or items that are clearly discarded on public property or within the right-of-way. The city manager or their designee is expected to use objectively reasonable discretion in determining whether advanced notice should be provided when it cannot be clearly determined that items were discarded and are not personal property. (Ord. 6015 § 1, 2023).

7.20.0765 Nonexclusive remedy.

The remedies described in this chapter shall not be the exclusive remedies of the City for violations of this chapter. (Ord. 6015 § 1, 2023).

~~7.20.080 Right of entry.~~

~~Where it is necessary to make an inspection on private property to enforce the provisions of this regulation, or whenever the city manager or designee has reasonable cause to believe that there exists a violation of AMC, the city manager or designee is authorized to enter the premises at reasonable times to inspect or perform the duties imposed by this regulation; provided, that if such premises is occupied the city manager or designee shall present credentials to the occupant and request entry. If such unit or premises is unoccupied, the city manager or designee shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the premises and request entry. If entry is refused, the city manager or designee shall have recourse to the remedies provided by law to secure entry. (Ord. 6015 § 1, 2023).~~

~~7.20.085 Maintenance.~~

~~Properties shall stay in compliance with all other applicable Albany Municipal Codes. (Ord. 6015 § 1, 2023).~~

7.20.070 Special Permit.

Upon finding it to be in the public interest and consistent with City goals and policies, the city manager or their designee, in the instance of park events, may exempt a special event from the prohibitions of this section through permit or other decree and shall specify the period and location covered by the exemption.

7.20.09075 Violation – Penalty.

Violations of any provisions of this chapter are punishable as follows:

(1) ~~By a fine of not more than \$100 upon first offense.~~

(2) ~~By a fine of not more than \$100 and/or community service upon second offense.~~

(3) By a fine of not more than \$100, community service, and/or imprisonment for a period not to exceed seven days upon any additional offense. ~~Any person violating any of the provisions of this chapter is guilty of a violation and is subject to those penalties set forth under AMC 1.04.010.~~ (Ord. 6015 § 1, 2023).

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) TITLE 8 BY ADDING A NEW CHAPTER 8.06 TITLED TEMPORARY EMERGENCY SHELTERS

WHEREAS, the City of Albany is adding AMC Chapter 8.06, Temporary Emergency Shelters, to adhere to Oregon State House Bill 2006; and

WHEREAS, the City of Albany needs to be responsive to ever changing community needs and state laws; and

WHEREAS, Oregon Revised Statutes 197.010(1)(a) requires the governing body at both the local and state level to adopt such provisions.

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

Amending AMC Title 8 Community Livability. AMC Title 8 is hereby amended to add Chapter 8.06 titled Temporary Emergency Shelters as follows:

8.06 Temporary Emergency Shelters

Article I. Administration

- 8.06.005 Title.
- 8.06.010 Definitions.
- 8.06.015 Scope.
- 8.06.020 Limitations.

Article II. Requirements

- 8.06.025 Approval.
- 8.06.030 Operation.
- 8.06.035 Scope.
- 8.06.040 Process.

Article I. Administration

8.06.005 Title. These provisions shall be known as the Temporary Emergency Shelter standards and shall be cited as such herein.

8.06.010 Definitions. As used in this chapter, “Temporary Emergency Shelter” means a building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.

8.06.015 Scope. A building or cluster of buildings used as a Temporary Emergency Shelter under an approval granted under Article II of this chapter per ORS 197.783 or Section 11, Chapter 12, Oregon Laws 2020 (first special session) may:

- 1) Resume its use as a Temporary Emergency Shelter after an interruption or abandonment of that use for two years or less, notwithstanding ORS 215.130 (7).
- 2) Not be used for any purpose other than as a Temporary Emergency Shelter except upon application for a permit demonstrating that the construction of the building and its use could be approved under current land use laws and local land use regulations.

8.06.020 Limitations. An approval of a Temporary Emergency Shelter under Article II of this chapter per ORS 197.783 or Section 11, Chapter 12, Oregon Laws 2020 (first special session), is void unless the shelter is operating within two years following the approval.

Article II. Requirements

8.06.025 Approval. The city shall approve an application for the development or use of land for Temporary Emergency Shelter, as defined in Article I and as per ORS 197.782, on any property, notwithstanding this chapter or ORS Chapter 195, 197A, 215 or 227 or any statewide land use planning goal, rule of the Land Conservation and Development Commission or the City's comprehensive plan and Albany Development Code, if the Temporary Emergency Shelter:

- 1) Includes sleeping and restroom facilities for clients;
- 2) Will comply with applicable building codes;
- 3) Is located inside an urban growth boundary or in an area zoned for rural residential use as defined in ORS 215.501;
- 4) Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards, including flood plains or mapped environmental health hazards, unless the development complies with regulations directly related to the hazard;
- 5) Has adequate transportation access to commercial and medical services; and
- 6) Will not pose any unreasonable risk to public health or safety.

8.06.030 Operation. A Temporary Emergency Shelter allowed under this chapter must be operated by:

- 1) A local government as defined in ORS 174.116;
- 2) An organization with at least two years' experience operating a Temporary Emergency Shelter using best practices that is:
 - a. A local housing authority as defined in ORS 456.375;
 - b. A religious corporation as defined in ORS 65.001; or
 - c. A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under Section 501(a) of the Internal Revenue Code for at least three years before the date of the application for a shelter; or
- 3) A nonprofit corporation partnering with any other entity described in this chapter.

8.06.035 Scope. A Temporary Emergency Shelter approved under this chapter:

- 1) May provide on-site for its clients and at no cost to the clients:
 - a. Showering or bathing;
 - b. Storage for personal property;
 - c. Laundry facilities;
 - d. Service of food prepared on-site or off-site;
 - e. Recreation areas for children and pets;
 - f. Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or
 - g. Any other services incidental to shelter.
- 2) May include youth shelters, winter or warming shelters, day shelters and family violence shelter homes as defined in ORS 409.290.
- 3) A Temporary Emergency Shelter approved under this chapter may also provide additional services not described in 8.06.035(1) of this chapter to individuals who are transitioning from unsheltered homeless status. An organization providing services under this subsection may charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services.

8.06.040 Process. Pursuant to this chapter, Temporary Emergency Shelter approvals shall be deemed granted upon issuance of a final Certificate of Occupancy following final inspection of all required building permits for the use issued by the City.

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- 1) The approval or denial of a Temporary Emergency Shelter under this chapter is made without a hearing and per ORS 197.783 is not a land use decision. Approval or denial is subject to review only under ORS 34.010 to 34.100.
 - 2) A reviewing court shall award attorney fees to:
 - a. A local government, and any intervening applicant, that prevails on the appeal of a local government's approval; and
 - b. An applicant that prevails on an appeal of a local government's denial.
 - 3) An application for a Temporary Emergency Shelter is not subject to approval under this article if, at the time of filing, the most recently completed point-in-time count, as reported to the United States Department of Housing and Urban Development under 24 C.F.R. part 578, indicated that the total sheltered and unsheltered homeless population was less than 0.18 percent of the state population, based on the latest estimate from the Portland State University Population Research Center.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) TITLE 8 BY ADDING A NEW CHAPTER 8.07 TITLED EMERGENCY TRANSITIONAL HOUSING

WHEREAS, the City of Albany is adding AMC Chapter 8.07, Emergency Transitional Housing, to allow for more transitional housing options; and

WHEREAS, there are often short-term needs for housing while individuals move into more permanent alternatives; and

WHEREAS, such a standard allows for an additional layer to the housing continuum.

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

Amending AMC Title 8 Community Livability. AMC Title 8 is hereby amended to add Chapter 8.07 titled Emergency Transitional Housing as follows:

8.07 Emergency Transitional Housing

Article I. Administration

- 8.07.005 Title.
- 8.07.010 Scope.
- 8.07.015 Limitations.
- 8.07.020 Utility Connections.
- 8.07.025 Locations.
- 8.07.030 Other Laws.
- 8.07.035 Partial Invalidity.
- 8.07.040 Notification.
- 8.07.045 Alterations or Repairs.
- 8.07.050 Gasoline and Diesel Fuel Systems.
- 8.07.055 Internal Combustion Engine Generators.
- 8.07.060 Placement and Construction.

Article II. Permit Requirements

- 8.07.065 Permit Application.
- 8.07.070 Records Management.
- 8.07.075 Permits.
- 8.07.080 Issuance.
- 8.07.085 Fees.

Article III. Compliance

- 8.07.090 Responsibilities.
- 8.07.095 Maintenance.
- 8.07.100 Inspections.
- 8.07.105 Right of Entry.
- 8.07.110 Denial, Revocation, or Suspension of Permit.
- 8.07.115 Emergency Transitional Housing Unit Removal.
- 8.07.120 Penalties and Abatement.

Article I. Administration

8.07.005 Title. These provisions shall be known as the Emergency Transitional Housing standard and shall be cited as such and will be referred to herein as “this standard.”

8.07.010 Scope. The provisions of this standard shall apply to the location and use of temporary detached, single-story emergency transitional housing units.

8.07.015 Limitations. The use of emergency transitional housing units described in this standard shall be limited to persons who lack permanent shelter and cannot be placed in other low-income housing or other temporary shelter facilities.

8.07.020 Utility Connections. Emergency transitional housing units are limited to an approved electrical connection and shall not be connected to any fuel, water, sanitary sewer, storm water, or other utility unless required by the city engineer.

8.07.025 Locations. Emergency transitional housing units shall only be allowed on properties with approved non-residential land uses where the standards herein have all been met.

8.07.030 Other Laws. The provisions of this standard shall not be deemed to nullify any provisions of local, state, or federal law.

8.07.035 Partial Invalidity. In the event any part or provision of this standard is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions.

8.07.040 Notification. Host sites are required to notify all property owners within 150-feet of their property line, prior to submitting a permit application.

8.07.045 Alterations or Repairs. Alterations, or repairs to any unit shall conform to the requirements for a new structure. Alterations and/or repairs shall not cause an existing unit to become unsafe or adversely affect the performance of the unit. An unsafe condition shall be deemed to have been created if an alteration will cause the existing unit to become structurally unsafe or overloaded, will not provide adequate egress in compliance with the provisions of this standard, or will obstruct existing exits, create a fire hazard, reduce required fire resistance, or otherwise create conditions dangerous to human life.

8.07.050 Gasoline and Diesel Fuel Systems. Emergency transitional housing units shall not be equipped with gasoline/diesel fuel storage or fuel transfer/dispensing systems.

8.07.055 Internal Combustion Engine Generators. Emergency transitional housing units shall not be equipped with or served by internal combustion engine generators or preparations for the later installation of an internal combustion engine generator.

8.07.060 Placement and Construction. Placement and construction of emergency transitional housing units shall comply with the *Albany Emergency Transitional Housing Unit Placement and Construction Standard*.

Article II. Permit Requirements

8.07.065 Permit Application. Each permit application shall contain the following.

- 1) Letter stating the limitation and need for the emergency transitional housing units to include why the housing cannot be provided via other low-income housing or temporary shelter facilities.
- 2) Proof of Notification.
- 3) Scaled site plan of the proposed property, to include at minimum:
 - a. Site layout demonstrating compliance with all setback and spacing requirements;
 - b. Location of emergency transitional housing units;
 - c. Location of accessible emergency transitional housing unit(s);
 - d. Location of the accessible route from the public way to accessible emergency transitional housing units;

- e. Location of all site utilities and proposed electrical system;
 - f. Location of shared facilities, including access to accessible facilities;
 - g. Location of any fire hydrants and/or fire lanes on site and/or adjacent to the proposed property;
 - h. Details demonstrating compliance with the requirements set forth in this standard and the *Albany Emergency Transitional Housing Unit Placement and Construction Standard*; and
 - i. Any other information requested by the city manager or their designee.
- 4) Emergency transitional housing unit build plans, to include at minimum:
- a. Floor plan and elevations;
 - b. Materials list for the construction of each unit;
 - c. Details demonstrating compliance with the requirements set forth in this standard the *Albany Emergency Transitional Housing Unit Placement and Construction Standard*; and
 - d. Any other information requested by the city manager or their designee.

8.07.070 Records Management.

- 1) Locations shall maintain and provide a list of names and dates of birth for all individuals staying on site to the Albany Police Department. This list shall be kept up to date and resubmitted every time an individual joins or leaves the emergency transitional housing unit(s) as a tenant.
 - a. This information shall be for the purpose of ensuring that sex offender registration requirements are met and that any outstanding violent persons are not utilizing the facilities.
- 2) Locations shall maintain a record of an individual's length of stay and provide this information to the city manager or their designee on January 1st of each year or upon request.
- 3) Records shall be retained for a minimum of four (4) years.

8.07.075 Permits. Establishment of emergency transitional housing units within the city limits of Albany shall be prohibited unless an emergency transitional housing unit permit is obtained from the city manager or their designee.

8.07.080 Transitional Timing. Individuals utilizing emergency transitional housing shall be working toward finding more permanent housing. Permitted locations shall maintain an average occupancy rate of 120 days or less. An individual's occupancy length shall reset 365 days after their initial occupancy.

8.07.080 Issuance. In issuing an emergency transitional housing unit permit, the city manager or their designee shall consider impacts to the surrounding area and city department responses to the site.

8.07.085 Fees. Fees shall be set by Council resolution.

Article III. Compliance

8.07.090 Responsibilities. Property owners and/or accountable parties shall monitor the property and are responsible for the conduct and behavior of individuals on site. This is in addition to the maintenance and upkeep of the property and emergency transitional housing units being the ultimate responsibility of the property owner and/or responsible persons. This section does not negate the responsibilities of unit occupants.

8.07.095 Maintenance. Units shall stay in compliance with applicable property maintenance codes under Albany Municipal Code (AMC) Chapter 8.05.

8.07.100 Inspections. The city manager or their designee shall make all the required inspections or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing by the inspecting individual. The city manager or their designee is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise.

8.07.105 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this standard, or whenever the city manager or their designee has reasonable cause to believe that there exists a violation of AMC, the city manager or their designee is authorized to enter the premises at reasonable times to inspect or perform the duties imposed by this standard, provided that if such premises is occupied the code official shall present credentials to the occupant and request entry. If such unit or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner’s authorized agent or other person having charge or control of the premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

8.07.110 Denial, Revocation, or Suspension of Permit.

- 1) The city manager or their designee may deny, revoke, or suspend the permit upon finding that any provision herein or condition of approval will be or has been violated.
- 2) The city manager or their designee may deny, revoke, or suspend the permit, upon finding that any issuance or continued allowance of a permit, poses a risk to the peace, safety, health, or welfare of the City.
- 3) The city manager or their designee may deny, revoke, or suspend the permit upon finding that any issuance or continued allowance of a permit due to impacts to the surrounding area and city department responses to the site. Determination of impacts is at the sole discretion of the city manager or their designee.
- 4) Upon denial, revocation, or suspension, the city manager or their designee shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason. The action shall be effective immediately and units shall be removed no more than ten (10) calendar days after such decision.

8.07.115 Emergency Transitional Housing Unit Removal. All Emergency Transitional Housing Units shall be removed no more than ten (10) calendar days after the locations permit expires.

8.07.120 Penalties and Abatement. Violations of this chapter shall be deemed a misdemeanor as provided under AMC 1.04.010. Such violations shall also be declared a public nuisance and shall be processed in accordance with the applicable sections of AMC Title 8 including abatement as described in AMC Chapter 8.37.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) TITLE 8 BY ADDING A NEW CHAPTER 8.08 TITLED CONVERSIONS FOR EMERGENCY SHELTERS OR AFFORDABLE HOUSING

WHEREAS, the City of Albany is adding AMC Chapter 8.08, Conversions for Emergency Shelters or Affordable Housing, to adhere to Oregon State House Bill 2006; and

WHEREAS, the City of Albany needs to be responsive to ever changing community needs and state laws; and

WHEREAS, Oregon Revised Statutes 197.010(1)(a) requires that the governing body at both the local and state level adopt such provisions.

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

Amending AMC Title 8 Community Livability. AMC Title 8 is hereby amended to add Chapter 8.06 titled Conversions for Emergency Shelters or Affordable Housing as follows:

8.08 Conversions for Emergency Shelters or Affordable Housing

Article I. Administration

- 8.08.005 Title.
- 8.08.010 Definitions.
- 8.08.015 Scope.
- 8.08.020 Location.
- 8.08.025 Limitations.

Article I. Administration

8.08.005 Title. These provisions shall be known as the Conversion of Hotel or Motel to Emergency Shelter or Affordable Housing standards and shall be cited as such herein.

8.08.010 Definitions. As used in this Article:

- 1) “Affordable housing” means housing in which all units are affordable to households with incomes equal to or less than 60 percent of the area median income as defined in ORS 458.610 and whose affordability is enforceable by an affordable housing covenant, as described in ORS 456.270 to 456.295, for a duration of no less than 30 years.
- 2) “Conversion” includes an alteration to a building that changes the number of units but does not expand the building footprint.
- 3) “Emergency shelter” means a building that provides shelter on a temporary basis for individuals and families who lack permanent housing.
- 4) “Lawful use” includes a nonconforming use as described in ORS 215.130 (6) or any other non-conforming situation as allowed through the Albany Development Code.

8.08.015 Scope. Except as provided in this Article and notwithstanding any statewide land use planning goals or provision of the Albany Development Code, the City shall unconditionally allow the conversion of the lawful use of a property:

- 1) From use as a hotel or motel, to use as an emergency shelter.
- 2) From use as a hotel or motel, or a hotel or motel that was converted to an emergency shelter under paragraph 1) of this section, to use as affordable housing.

8.08.020 Location. This Article applies only to areas:

- 1) Within an urban growth boundary;
- 2) Not bearing a land use designation for heavy industrial use;
- 3) With adequate transportation access to commercial and medical services; and
- 4) Not within an area designated for a statewide land use planning goal relating to natural disasters or hazards, including flood plains or mapped environmental health hazards, unless the converted use complies with regulations directly related to the disasters or hazards.

8.08.025 Limitations.

- 1) The converted use under this article shall comply with all of the following:
 - a. Applicable building codes;
 - b. Occupancy limits;
 - c. For uses under 8.08.015 (2) of this article, uses shall comply with standards relating to siting and design of the Albany Development Code.
- 2) A conversion under this article is not a land use decision as defined in ORS 197.015.
- 3) Per ORS 197.748, the City is not required to consider whether the conversion significantly affects an existing or planned transportation facility for the purposes of implementing a statewide land use planning goal relating to transportation.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk