

ALBANY CITY COUNCIL AGENDA

Wednesday, November 6, 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 hearing

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. CP-01-24 Comprehensive Plan and zone amendments – Jennifer Cepello [Pages 3-68]

ORD No. _____ p. 5

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

4. Business from the public

5. First reading of ordinance

- a. AMC 6.16 Wildlife Control – Kris Schendel [Pages 69-71]

ORD NO. _____ p. 70

6. Adoption of resolution

- a. Republic Services rate increase – Julie Jackson [Pages 72-80]

RES NO. _____ p. 80

7. Accepting grants

- a. ODOT grant for a DUII officer – Marcia Harnden [Pages 81-82]

RES NO. _____ p. 82

- b. Emergency Telephone Association grant – Marcia Harnden [Pages 83-84]

RES NO. _____ p. 84



8. Adoption of consent agenda
 - a. Approval of minutes [Pages 85-88]
 - 1) September 30, 2024, work session
 - 2) October 21, 2024, work session
 - b. Adoption of resolutions
 - 1) Adopting revised policies – Jeanna Yeager [Pages 89-108]
 - i) Investment policy
 - ii) Risk management policy
 - 2) Appointing Municipal Court judges pro tem RES NO. _____p.109
 - c. Approval of agreement
 - 1) Municipal Court judge agreement – Jeanna Yeager [Pages 110-114]

MOTION: _____

9. Business from the council
10. City manager report
11. Next meeting dates
Monday, November 18, 2024; 4:00 p.m. work session
Wednesday, November 20, 2024; 6:00 p.m. meeting
12. Adjournment

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

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



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 10/31*
Matthew Ruettgers, Community Development Director *MR*

FROM: Jennifer Cepello, Planner III *JC*

DATE: October 29, 2024, for the November 6, 2024, City Council Meeting

SUBJECT: Planning Files CP-01-24; ZC-01-24; PA-08-24; and NR-03-24

Relates to Strategic Plan theme: Great Neighborhoods

Action Requested:

Staff recommends that City Council hold a public hearing, deliberate, and make a decision regarding the proposed land use applications as presented in the attached staff report. If Council decides to approve the applications, staff also recommends that they adopt the attached ordinance that will change the Comprehensive Plan Map and Zoning Map as proposed.

Discussion:

On November 6th, 2024, the City Council will hold a public hearing to consider a proposal to amend the Comprehensive Plan Map and Zoning Map designation for 2.80 acres (Parcel 1) of land from Low Density Residential/ Residential Single Dwelling Unit to Medium Density Residential/Residential Medium Density; together with a land division of the 4.35-acre property into Parcel 1 2.80 acres and Parcel 2 at 1.55 acres; and a natural resource impact review for the division of land located within the Riparian Corridor. The subject property is located at 3016 Grand Prairie Road, Albany, OR 97322.

The applications have been processed concurrently through the Type IV-Q application review process in accordance with ADC 1.110(3). This process is required for Comprehensive Plan Map and Zone Change proposals includes review and a recommendation by the Planning Commission prior to a final local decision made by City Council.

On October 14, 20234, the Planning Commission held a duly advertised public hearing. At the conclusion of provided testimony continued the hearing to October 28, 2024, and voted 5-0 with 1 abstention, recommending that the City Council approve the applications noted above with a modified applicant endorsed condition that the property be clear of all municipal and development code violations prior to the acceptance of the final plat.

Options for the City Council:

City Council has three options with respect to the proposed Comprehensive Plan Map/Zoning Map amendments and accompanying partition and natural resource impact review application:

- Option 1: Approve all as proposed; or
- Option 2: Approve all proposed with modifications; or
- Option 3: Deny.

Based on the analysis provided in the Staff Report, the Planning Commission recommend City Council approve the proposed Comprehensive Plan Map/Zoning Map amendments and accompanying partition and natural resource impact review.

If Council agrees with the findings, conclusions, and conditions in the Staff Report and the ordinance as presented, then the City Attorney would read the ordinance for first time in title only, followed by a separate motion to approve the partition and site plan applications.

Budget Impact:

None.

JC:km

Attachment (1): Ordinance



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 4836, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, BY AMENDING THE ALBANY COMPREHENSIVE PLAN AND ZONING MAP AND ADOPTING FINDINGS FOR THE PROPERTY LOCATED AT LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-16 TAX LOT 1300

WHEREAS, on July 10, 2024, the Albany Community Development Department received an application for a comprehensive plan and zoning map amendment for the property located at 3016 Grand Prairie Road and identified as Linn County Assessor's Map No. 11S-03W-16, Tax Lot 1300 (Planning Files CP-01-24 and ZC-01-24); and

WHEREAS, a comprehensive plan map and zoning district map and legal description for the subject property are provided in ordinance Exhibits A and B, respectively; and

WHEREAS, the application is for a comprehensive plan map amendment to change 2.80 acres from LDR (Low Density Residential) to MDR (Medium Density Residential); and a zoning map amendment to change 2.80 acres from RS-6.5 (Residential Single Dwelling Unit) to RM (Residential Medium Density); and

WHEREAS, the application includes a partition to create two parcels, Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres; and

WHEREAS, the application includes a natural resource impact review to divide land within the riparian corridor; and

WHEREAS, the proposed comprehensive map and zoning map amendments, partition, and natural resource impact review are discussed in detail in the October 7, 2024, staff report; and

WHEREAS, on October 14 and 28, 2024, the Albany Planning Commission held a public hearing, considered public testimony, deliberated on the proposed map amendments, partition, and natural resource impact review and recommended approval of the proposal based on evidence presented in the staff report and during the public hearing; and

WHEREAS, the analysis and findings of fact and conclusions as provided in the staff report dated October 7, 2024, are presented as an attachment to this ordinance as Exhibit E; and

WHEREAS, on November 6, 2024, the Albany City Council held a public hearing on the proposal, reviewed the findings of fact and testimony presented at the public hearing, and then deliberated.

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

Section 1: The comprehensive plan map is hereby amended from LDR (Low Density Residential) to MDR (Medium Density Residential), as shown in attached Exhibit A.

Section 2: The zoning map is hereby amended from RS-6.5 (Residential Single Dwelling Unit) to RM (Residential Medium Density), as shown in attached Exhibit B.

Section 3: The partition is hereby approved to create Parcel 1 at 2.50 acres and Parcel 2 at 1.55 acres, as shown in attached Exhibit C.

Section 4: The natural resource impact review is hereby approved for a land division within the riparian corridor overlay, as shown in attached Exhibit D.

Section 5: The findings of fact and conclusions included in the staff report dated October 7, 2024, in Exhibit E of this ordinance, are hereby adopted in support of the decision.

Section 6: A copy of this ordinance shall be filed in the Office of the City Clerk of the City of Albany and these changes shall be made on the official City of Albany zoning map.

Passed by the Council: _____

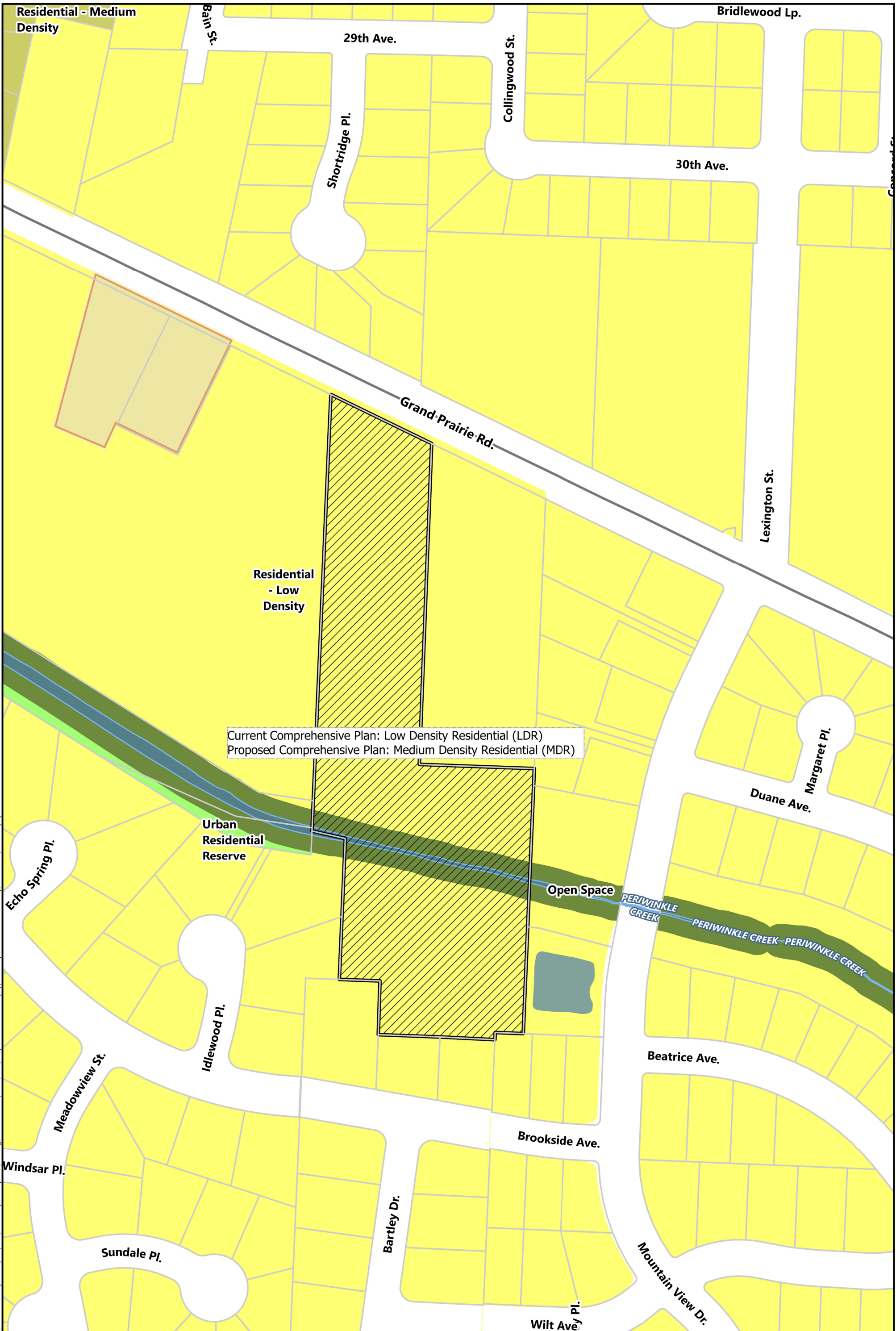
Approved by the Mayor: _____

Effective Date: _____

Mayor

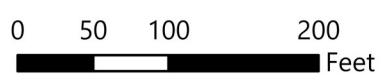
ATTEST:

City Clerk



Current Comprehensive Plan: Low Density Residential (LDR)
 Proposed Comprehensive Plan: Medium Density Residential (MDR)

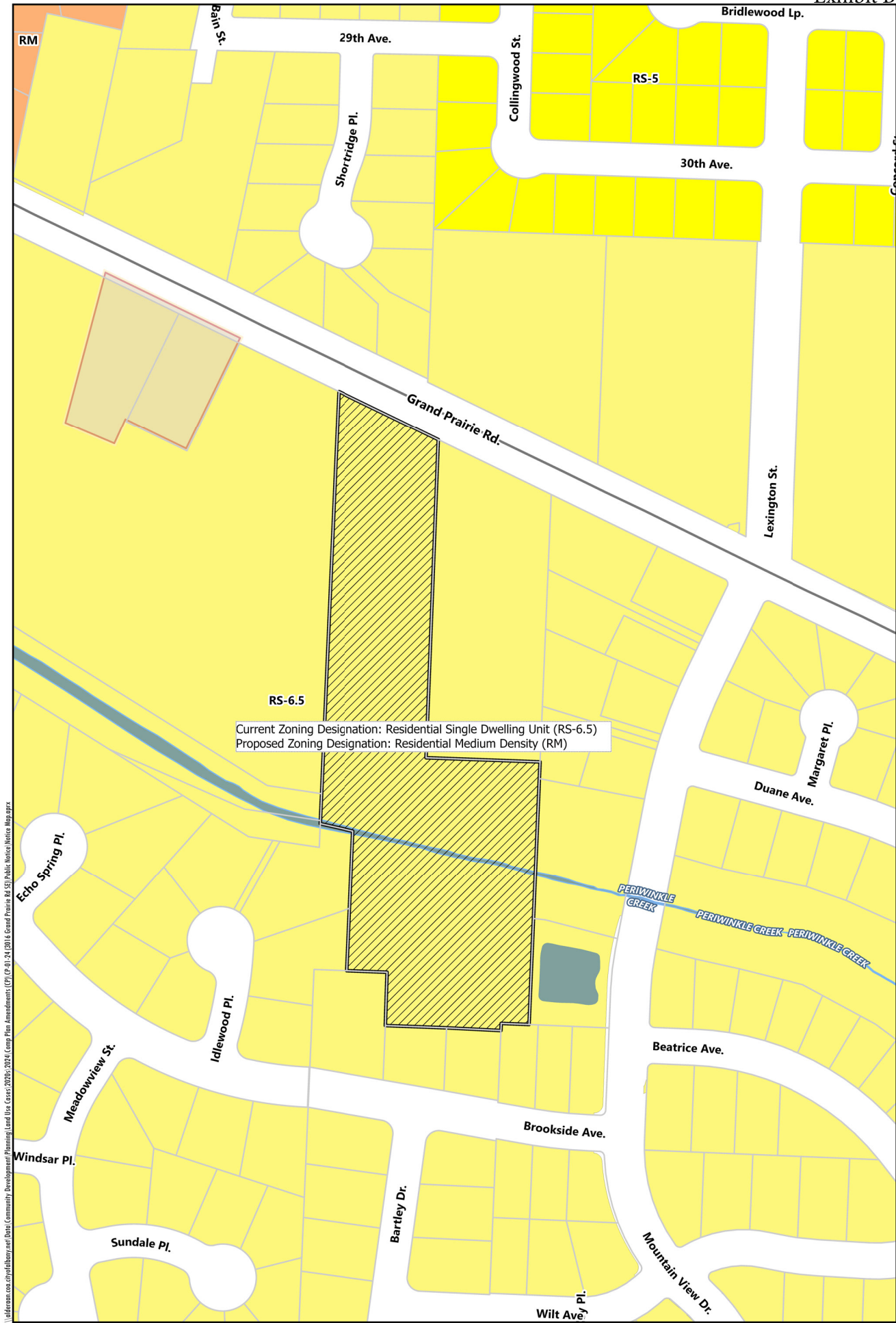
\\alderroom.coc.cityofalbany.net\Data\Community_Development\Planning\Land Use_Cases\2020s\2024\Comp Plan Amendments (CP)\CP-01-24 (3016 Grand Prairie Rd SE)\Public Notice\Notice Map.aprx



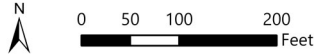
Date: 10/29/2024

3016 Grand Prairie Road

Comprehensive Plan Map



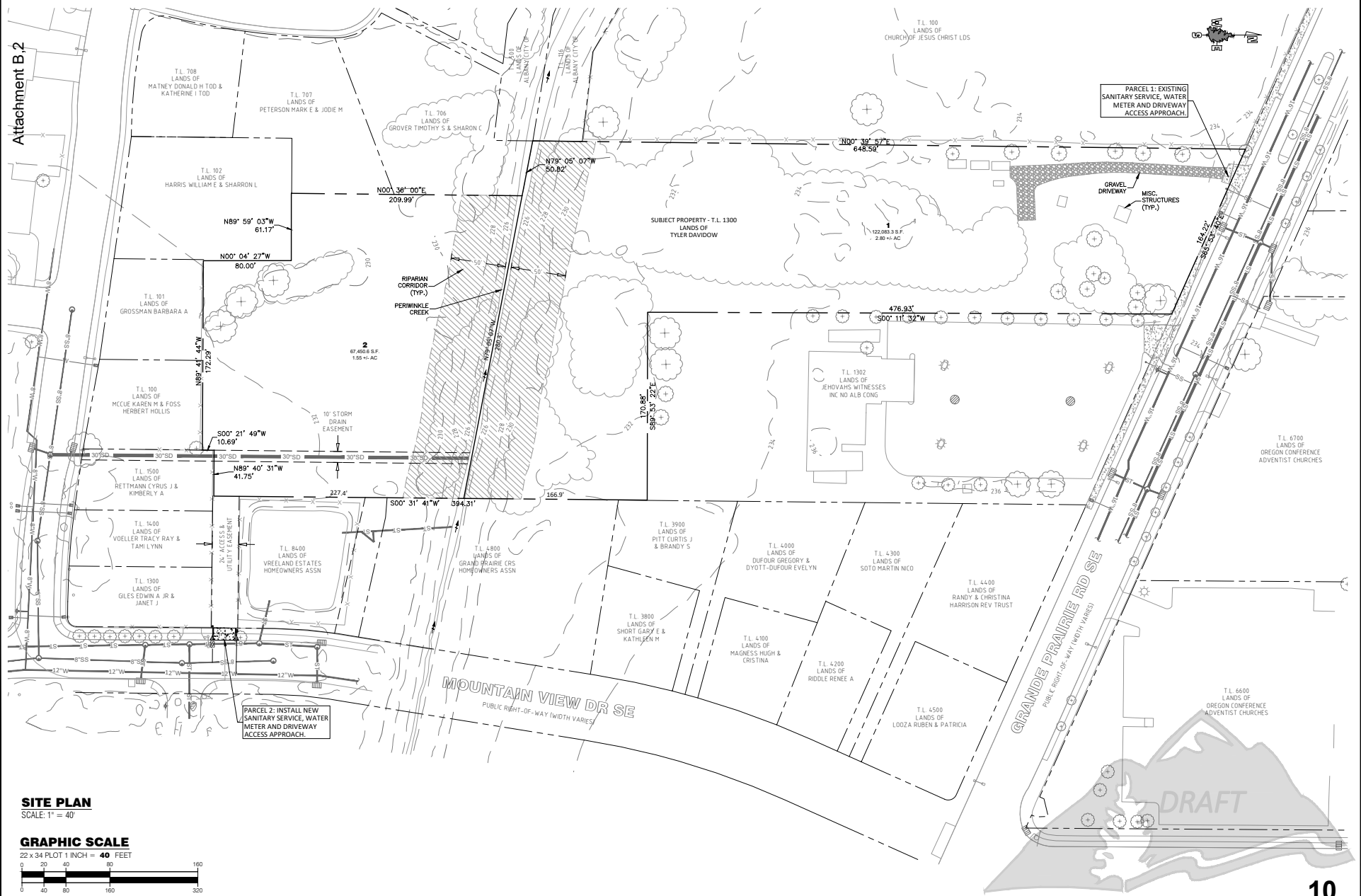
\\ddermon.cas.cityofalbany.net\Bart\Community Development\Planning\Zoning\Use Cases\2020, 2024\Comp Plan Amendments\CPA (P-01, 24, 001) & Grand Prairie Rd (S) Public Notice Map.aprx



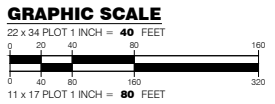
Date: 10/29/2024

3016 Grand Prairie Road

8
Zoning Map



SITE PLAN
SCALE: 1" = 40'



DATE	
REVISIONS	
NO.	PLAN REVISION(S)

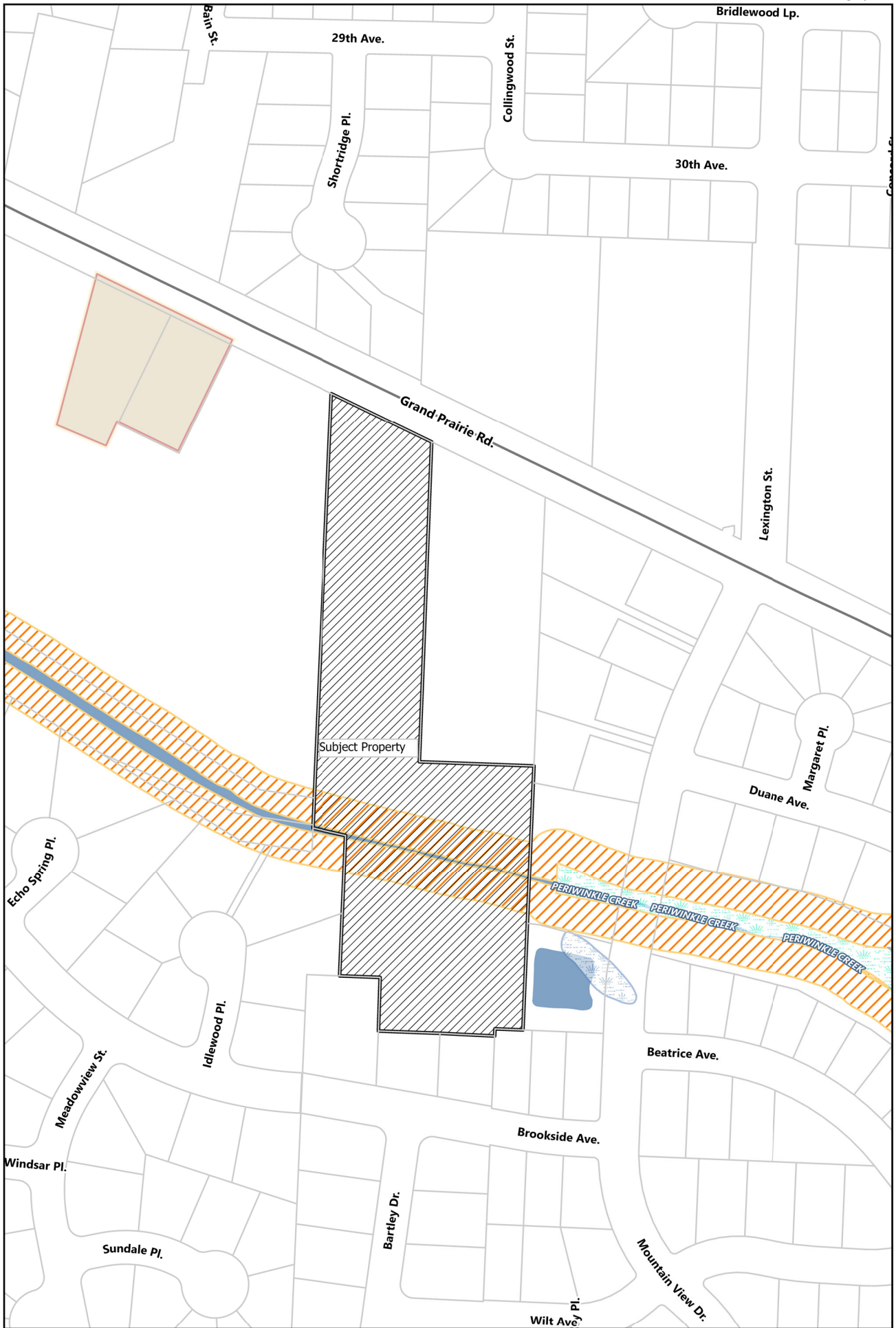


DATE:	06/07/2024
ENGINEER:	M. S. RICCI TELLO
SCALE:	AS INDICATED
GC/LC #:	2701-23
PERMIT #:	

SITE FEATURES & UTILITY
TL 1300 PARTITION
PREPARED FOR: TYLER DAVIDOW
SITING IN: ALBANY, OR (11S-03W-16 TL 1300)

10

2.0



\\alderman.com\cityofalderman\user\Dotter\Community Development\Planning\Land Use Cases\2020-2024\Comp Plan Amendments (CP) (CP 01-24) (2016 Grand Prairie Rd) Public Notice Map.aprx



0 50 100 200 Feet

Date: 10/29/2024



COMMUNITY DEVELOPMENT

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

Staff Report

Comprehensive Plan and Zoning Map Amendment, Partition, and Natural Resource Impact Review

CP-01-24 ZC-01-24; PA-08-24; and NR-02-24

October 7, 2024

Hearing Information

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, October 14, 2024, at 5:15 p.m.**

Hearing Locations: This hearing will be conducted in person and virtually:
In Person: Albany City Hall, Council Chambers, 333 Broadalbin Street SW
Virtual: At 5:15 p.m., join the meeting using the link below:
<https://council.albanyoregon.gov/groups/plc/zoom>
Phone: 1-253-215-8782 (long distance charges may apply);
 Meeting ID: 837-8633-4863; Passcode: 464432

Review Body: **City Council**

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

Hearing Locations: This hearing will be conducted in person and virtually:
In Person: Albany City Hall, Council Chambers, 333 Broadalbin Street SW
Virtual: To comment/testify, please email cdaa@albanyoregon.gov with your name, address, phone number, and if you are speaking for, against, or neutral on the topic.
Watch on YouTube: <http://www.youtube.com/user/cityofalbany>

The proposal is for a Partition to create two parcels, Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres; a Comprehensive Plan Map Amendment to change the designation of proposed Parcel 1 from Low Density Residential (LDR) to Medium Density Residential (MDR) and a concurrent Zoning Map amendment to change the proposed Parcel 1 zoning designation from Residential Single Dwelling-Unit (RS-6.5) to Residential Medium Density (RM). Parcel 2 is to remain with the existing Low Density Residential (LDR) Comprehensive Plan Map designation and Residential Single Dwelling-Unit (RS-6.5) zoning. Finally, a Natural Resource Impact Review for a land division within a Riparian Corridor.

Table 2.760-1 of the Albany Development Code (ADC) shows all Comprehensive Plan map designations and the respective zones that implement each designation. As Table 2.760-1 shows, there are multiple potential zones that implement the current Comprehensive Plan map designation (LDR) applied to the subject properties. These zones include: Residential Single Dwelling Unit (RS-10, RS-6.5, RS-5); Hackleman-Monteith (HM), Residential Reserve (RR), Office Professional (OP), and Neighborhood Commercial (NC). As Table

2.760-1 shows, there are six zones that implement the Medium Density Residential Comprehensive Plan designation. These six zones include: Residential Single Dwelling Unit (RS-5), Residential Medium Density (RM), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR), Office Professional (OP), and Neighborhood Commercial (NC). Allowable uses in the referenced zoning districts can be found in Table 3.190-1, Table 5.060-1, and Table 4.050-1 of the ADC.

The subject area consists of one ±4.8-acre property located south of Grand Prairie Road (Linn County Tax Assessor's Map No. 11S-03W-16; Tax Lot 1300). The subject property is currently undeveloped and does not propose any development.

The subject property is transected east to west by Periwinkle Creek. The northern portion of the subject property is bordered by two separate religious institutions directly to the east and west and single dwelling development as well as a religious institution to the north. The northern portion of the property has direct access to Grand Prairie Road. The southern portion of the property is bordered by single dwelling development to the east, south, and west and has access to Mountain View Drive via a private access easement.

The subject property has been zoned Residential Single Dwelling Unit (RS-6.5) since May 13, 1996, upon annexation into the City of Albany. Prior to annexation the subject property was zoned Urban Growth Area-Urban Growth Management-20 (UGA-UGM-20).

Application Information

Review Body:	Planning Commission and City Council (Type IV-Q Review)
Staff Report Prepared By:	Jennifer Cepello, project planner
Type of Applications:	A Comprehensive Plan Map Amendment to amend the Plan designation of proposed Parcel 1 from Low Density Residential (LDR) to Medium Density Residential (MDR), Zone Map Amendment to amend the zoning designation from Residential Single Dwelling Unit (RS-6.5) to Medium Density (RM), a Partition to create Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres, a Natural Resource Impact Review for a land division within the Riparian Corridor.
Property Owners:	Tyler Davidow and Amy Bean; P.O. Box 3192 Albany, OR 97321
Applicant Representative:	GREEN Cascades, LLC; C/O: Michael Riccitelli, P.E.; 717 Calapooia Street Albany, OR 97321
Address/Location:	3016 Grand Prairie Road SE
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-16; Tax Lot 1300
Comprehensive Plan Map:	Low Density Residential (LDR)
Zoning:	Residential Single Dwelling Unit (RS-6.5)
Total Land Area:	4.35 acres
Existing Land Use:	Undeveloped
Neighborhood:	Periwinkle
Surrounding Zoning:	North: Residential Single Dwelling Unit (RS-6.5) South: Residential Single Dwelling Unit (RS-6.5) East: Residential Single Dwelling Unit (RS-6.5) West: Residential Single Dwelling Unit (RS-6.5)
Surrounding Uses:	North: Institutional and single dwelling development South: Single dwelling unit development East: Institutional and single dwelling unit development West: Institutional and single dwelling unit development

Notice Information

Public notice was issued in accordance with development code requirements. A notice was issued to the Oregon Department of Land, Conservation, and Development (DLCD) on September 23, 2024, prior to the first public hearing. A notice of public hearing was mailed to property owners located within 300 feet of the subject property on September 23, 2024, at least 20 days prior to the first public hearing. The notice of public hearing was posted on the subject property by October 1, 2024. The staff report was posted on the City's website October 7, 2024. At the time this staff report was completed, no comments had been received.

Appeals

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). Per Oregon Revised Statute (ORS) 197.830, a notice of intent to appeal the plan and/or zoning map amendments shall be filed with LUBA no later than 21 days after notice of the decision is mailed or otherwise submitted to parties entitled to notice.

Analysis of Development Code Criteria

Comprehensive Plan Map Amendment (CP-01-24)

Section 2.220(3) of the ADC includes the following review criteria that must be met for this quasi-judicial map amendment to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

Criterion (a)

The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.

Findings of Fact

a.1 Current Plan Designation: The current Comprehensive Plan Map designation of the property is Low Density Residential (LDR). The LDR designation "Identifies areas predominantly suited or used for detached single-family and middle housing development. Manufactured home parks may be permitted by Site Plan Review. Cluster housing is permitted in Cluster and Planned Unit Developments with density ranging by zone. (Density as stated is gross density, unless specifically mentioned otherwise)," (Albany Comprehensive Plan, page 9-9).

a.2 Requested Designation: The request is to designate proposed Parcel 1, a 2.80-acre area of Low Density Residential (LDR) to Medium Density Residential (MDR). The MDR plan designation "Identifies areas suitable for multiple-dwelling unit development at densities up to 35 units per acre. Manufactured home parks are permitted with Site Plan Review."

a.3 The Comprehensive Plan defines a goal as, "a general statement indicating a desired end, or the direction the City will follow to achieve that end."

The Comprehensive Plan describes the City's obligation regarding goals as follows: "The City cannot take action which opposes a goal statement unless: 1) It is taking action which clearly supports another goal; 2) There are findings indicating the goal being supported takes precedence (in the particular case) over the goal being opposed," (Comprehensive Plan, page ii).

a.4 The Comprehensive Plan (page ii) defines a policy as, "a statement identifying a course of action or City position."

The Comprehensive Plan describes the City's obligation regarding policies as follows: "The City must follow relevant policy statements in making a land use decision . . . [I]n the instance where specific Plan policies appear to be conflicting, then the City shall seek solutions which maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with the statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. Also, in this weighing process, the

City shall consider whether the policy contains mandatory language (e.g., shall, require) or more discretionary language (e.g., may, encourage),” (Comprehensive Plan, page iii).

Relevant Plan Goals and Policies

a.5 The proposed Plan map amendment to change land from LDR to MDR must satisfy long-range interests of the general public as outlined in the Comprehensive Plan’s goals and policies.

The following Comprehensive Plan goals and policies are relevant in considering whether the proposed MDR designation is more supportive of the Comprehensive Plan, on balance, than the current LDR designation.

a.6 The relevant goals and policies are listed under the relevant Statewide Planning Goals and are shown in **bold** print followed by findings of fact and conclusions.

GOAL 2: LAND USE PLANNING (Chapter 9 – Land Use Planning)

Goal 1: Undertake Periodic Review and Update the Albany Comprehensive Plan to ensure the Plan:

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

Policy 2: Base approval for Comprehensive Plan amendments upon consideration of the following:

(a) Conformance with goals and policies of the Plan

a.7 How this application conforms to the goals and policies of the Comprehensive Plan is the subject of the discussion under the review criterion.

(b) Citizen review and comment

a.8 These Comprehensive Plan Map and Zoning Map Amendment applications are processed as a Type IV quasi-judicial land use decision. The City’s Development Code requires notification to surrounding property owners that Comprehensive Plan Map Amendment and Zone Map Amendment applications have been received and there will be public hearings on the applications. Signs advertising the public hearing must also be posted on the property [ADC 1.250(5)]. Mailing of the required notice of public hearing, and signage posted on-site was performed by City staff in accordance with these standards.

(c) Applicable Statewide Planning Goals

a.9 How the proposed changes comply with the Statewide Planning Goals is the subject of this section of the report.

(d) Input from affected governmental units and other agencies

a.10 ORS 197.610 requires the city to notify the Oregon Department of Land Conservation and Development (DLCD) of any proposed changes to the Comprehensive Plan Map and/or Zoning Map. Notice to DLCD was provided by City staff. Oregon Department of Transportation (ODOT), Linn County, Oregon Department of State Lands (DSL), Grand Prairie Water Control District, and the Greater Albany Public Schools (GAPS) are affected governmental and other agencies within the subject area. City staff has notified these entities of the proposed amendments. At the time of writing this staff report no comments have been received.

(e) Short- and long-term impacts of the proposed change

(f) Demonstration of public need for the change

(g) Demonstration that the proposed amendment will best meet the identified public need versus other available alternatives

(h) Any additional information as required by the Planning Commission and City Council

- a.11 The short-term and long-term impacts of the proposed change, the public need for the change, and other available alternatives are discussed in the findings below.

GOAL 10: HOUSING (Chapter 4 – Housing)

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

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

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

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

Policy 3: Provide the opportunity for a wider range of rental and ownership housing choices in Albany and encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives

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

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

Policy 15: Encourage the removal of barriers to safe neighborhoods, such as vacant lots and buildings and overgrown vegetation.

- a.12 The most recent update of the City’s Housing Needs Analysis (HNA) occurred in 2020 to stay current with population trends, income, and land availability forecast to year 2040. The HNA draws the following conclusions from this data:

“If historic trends in housing types and tenancy continue, there will likely be demand for land that can accommodate medium density housing and for higher density housing (more than 18 units an acre).”

The Portland State University (PSU) forecast uses an annual growth rate of 1.3 percent; however, under the “Alternative Forecast” scenario of 1.7 percent, the spread of land available becomes much more apparent. The alternative forecast predicts a shortage of medium-density housing, and surplus of only 895 medium-density units and 1,113 high-density units within the city limits. However, the City of Albany contains more than enough land within its Urban Growth Boundary (UGB) to address the alternate forecast’s shortage of low-density dwelling units. In the UGB, there is capacity for a potential of 276 additional medium-density units and additional 722 high-density units. Under the alternate forecast demand, the City of Albany will be unable to satisfy the estimated demand for medium density units.

- a.13 The applicant contends the old Comprehensive Plan Map Designation of LDR pre-dates the current Albany Comprehensive Plan, which was updated on November 7, 2023, incorporating the Housing Implementation Plan (HIP).

“The HIP evaluated policies and strategies that the City can employ to address Albany’s current and future housing needs, as identified in the City’s 2020 Housing Needs Analysis (HNA).”

- a.14 The HIP outlines priority implementation steps the city can take to encourage the production of needed housing. Further, it provided the foundation for updating the housing element of the Albany Comprehensive Plan. The HIP project goals include:

“Identify and assess policies and strategies to increase housing options and opportunities that meet the needs of Albany residents as projected in the 2020 HNA and raised by the public, and to evaluate incentives in House Bill 2001 to increase the affordability of middle housing.”

- a.15 The applicant contends the proposed amendment will provide a greater variety of housing sizes and types. This is further addressed by recognizing the smaller lot size allotments of the compatible zoning districts associated with the MDR Comprehensive Plan Designation which may increase the available housing potential of proposed Parcel 1 including options for mixed, affordable development.
- a.16 The HNA provides potential strategies for addressing the various density and housing shortcomings. One identified solution is to “rezone land from other residential designations and/or from non-residential designations to meet specific housing needs, assuming there is an adequate supply of land available to meet non-residential needs.” This amendment and zone change would address the identified need for housing and implement a land supply strategy identified by the HNA. Finally, the HNA identifies the proposed RM zone as suitable for addressing the City’s housing needs, stating “In addition, the city has two medium density zones (RM and RMA) that are designed to meet the needs of medium-density and higher density housing types.” Therefore, the proposed RM zoning district is more supportive of the applicable Comprehensive Plan goals and policies.

GOAL 12: TRANSPORTATION (Chapter 5 – Transportation)

Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.

Goal 2: Provide a safe transportation system.

- a.17 The northern portion of the subject property has access to Grand Prairie Road, a paved minor arterial street, with vehicle travel lanes in both directions, center turn lane, and no on-street parking. The southern portion of the subject property has access to Mountain View Drive SE, a local road, via private easement across tax lot 4800. Mountain View Drive is developed with vehicle travel lane in both directions, sidewalk, curb and gutter.
- a.18 Transportation findings are fully addressed in findings under Criterion Two of the Zoning Map amendment, later in this report. In summary, the trip generation analysis completed by Green Cascades, LLC, concluded that the proposed zone change would meet the requirement of the Transportation Planning Rule (TPR).

GOAL 14: URBANIZATION (Chapter 8)

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

Policy 13: Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.

Implementation Strategy 8: Provide for medium- or high-density development adjacent to streets designated and designed as arterials and collectors or, if compatible, adjacent to major employment centers and ensure that traffic does not negatively impact the surrounding area.

- a.19 The applicant proposes a Comprehensive Plan Map Amendment and concurrent Zone Amendment for proposed Parcel 1. The proposed amendments would change the Comprehensive Plan Map Designation from Low Density Residential (LDR) to Medium Density Residential (MDR) and the zoning designation from Residential Single Dwelling Unit (RS-6.5) to Residential Medium Density (RM).
- a.20 The applicant proposes to partition the 4.35-acre property to create Parcel 1 at 2.8 acres and Parcel 2 at 1.55 acres. Proposed Parcel 1 is to be located south of an arterial street, Grand Prairie Road. The property is naturally divided by Periwinkle Creek. The northern portion of the property abuts a religious institution to the east and west with residential development and a religious institution to the north. The southern portion of the property is abutted by residential development to the south, east, and west.
- a.21 The zone amendment from RS-6.5 to RM would create a density buffer between a minor arterial right-of-way surrounded by existing institutional development and low-density residential development.

Conclusions

Findings and conclusions of the evaluation of the Plan goals and policies relevant to this request are summarized below.

- a.1 Goal 2, Land Use Planning. Notification has been sent to all affected agencies and surrounding property owners. Two public hearings will be scheduled to consider the proposed Comprehensive Plan and zoning map amendments.
- a.2 Goal 10, Housing. If the proposed map amendments are approved, 2.80 acres of land currently undeveloped will be added in the MDR area, and an equivalent amount of LDR land will be removed from the inventory.
- a.3 Goal 12, Transportation. The TPR requires zoned changes to be evaluated to determine if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under current designation, and if so, the additional trips would result in a “significant affect.” The proposed land use would not significantly impact transportation facilities.
- a.4 Goal 14, Urbanization. The property lies between existing institutional and residential uses that have been built.
- a.5 On balance, the evidence supports changing the Comprehensive Plan designation of the subject property from LDR to MDR, and the zoning from RS-6.5 to RM.
- a.6 For the reasons stated above, this criterion is found to be met.

Criterion (b)

The requested designation is consistent with any relevant area plans adopted by the City Council.

Findings of Fact

- b.1 “Relevant area plans”, as used here, means land use plans. For example, the city has relevant area plans for areas such as North Albany, South Albany, and East Albany. There are no relevant area plans for the area where the subject property is located.

Conclusion

- b.1 This review criterion is not applicable because there are no relevant area plans for the area where the property is located.

Criterion (c)

The requested designation is consistent with the Comprehensive Plan Map pattern.

Findings of Fact

- c.1 The Comprehensive Plan does not, in broad terms, describe ideal land use or map patterns. Typically, it is good practice to locate uses with negative off-site impacts away from residential areas, avoid “spot zoning,” provide a transition from higher intensity land uses to less intense residential uses, encourage compatible infill, and discourage low-density sprawl.
- c.2 Particular Comprehensive Plan goals and/or policies provide guidance about what kind of uses and land patterns are desirable. For example, one Plan policy says, “Encourage residential [and] professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood,” (Comprehensive Plan, page 8-3).
- c.3 Currently, the Comprehensive Plan Map designation in the vicinity of the subject property is predominantly Low Density Residential (LDR). The properties to the north, south, east, and west have a Comprehensive Plan designation of LDR.
- c.4 The proposed Plan amendment would change the designation of the northern 2.80 acres of the subject property from LDR to MDR. The proposed change would still be consistent with residential development but will allow more density and lot variability.

- c.5 Throughout Albany, the MDR designation is typically located near General Commercial (GC) lands as a method of limiting the impact of commercial uses on surrounding properties. MDR designations are also located near collector and arterial streets. The subject property is surrounded by LDR developed lands and abuts a minor arterial street. The amendment from LDR to MDR is more consistent with the existing development transition from institutional to low density residential.
- c.6 The LDR designation “Identifies areas predominately suited or used for detached single and middle housing development. Manufactured home parks may be permitted by Site Plan Review. Cluster housing is permitted in Cluster and Planned Unit Developments with density ranging by zone.” (Albany Comprehensive Plan, page 9-9). The MDR designation “identifies areas suitable for multiple and attached single-family development at densities up to 35 units per acres,” (Albany Comprehensive Plan, page 9-9).
- c.7 Due to a variety of factors including changing development patterns, business concepts, community needs, and other factors that cannot be specifically anticipated, the zoning patterns within areas of a community cannot always remain static.
- c.8 The proposed Comprehensive Plan Map amendment and zone change would reflect the transitional aspect between more intense existing land uses that typically take place at the intersections of higher volume arterial roadways, the less intensive residential neighborhood typically located on lower volume roadways, and non-signalized intersections.

Conclusions

- c.1 The Albany Comprehensive Plan does not describe a specific pattern for evaluating comprehensive plan map amendments. The predominant map pattern for this location is General Commercial (GC), Light Commercial (LC), and Medium Density Residential (MDR).
- c.2 The proposal to change the Plan designation to MDR with the concurrent zone change to RM is expected to result in development compatible with surrounding uses. The existing development surrounding the subject property is compatible within the MDR designation and the RM zone.
- c.3 The required Plan designation is consistent with the Comprehensive Plan map patterns reflecting a transition between medium intensity and low intensity land uses.
- c.4 This review criterion is met.

Criterion (d)

The requested designation is consistent with the statewide planning goals.

Findings of Fact

- d.1 Oregon’s 19 Statewide Planning Goals constitute the framework for a statewide program of land use planning. The Statewide Goals are achieved through local comprehensive planning. The Albany Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in 1982 as being in compliance with the Statewide Planning Goals. The Statewide Planning Goals were evaluated under the Comprehensive Goals and Policies in Review Criterion (a) above. The Findings of Fact and Conclusions are hereby included by reference.

Conclusions

- d.1 The requested MDR designation for this site is consistent with the Statewide Planning Goals.
- d.2 This criterion is met.

Quasi-Judicial Zoning Map Amendment File (ZC-01-24)

Section 2.740 of the ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

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

Findings of Fact

- 1.1 The application request includes a proposal to change the zoning of 2.80 acres, proposed Parcel 1, from Residential Single Dwelling (RS-6.5) to Residential Medium Density (RM) district.
- 1.2 The current Comprehensive Plan Map designation of the subject site is Low Density Residential (LDR). The proposed RM zoning is not consistent with LDR plan designation of the site; therefore, a concurrent request to change the Comprehensive Plan Map designation from LDR to Medium Density Residential (MDR) has been submitted.
- 1.3 As shown on the Plan Designation Zoning Matrix (ADC 2.760, Table 2-1), the RM zone designation is consistent with the proposed MDR designation of the property.

Conclusions

- 1.1 A concurrent application for a Comprehensive Plan Map amendment to MDR has been submitted with this application. The proposed RM zoning is consistent with the MDR designation.
- 1.2 This criterion is satisfied, provided the amendment to the Comprehensive Plan Map is approved.

Criterion 2

Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation (ADC 2.740 (2)).

Findings of Fact

- 2.1 The site is located south of Grand Prairie Road, a minor arterial right-of-way. The application involves a concurrent comprehensive plan map amendment, zoning map amendment, partition, and natural resource impact review. The partition will create two parcels. The north parcel (Parcel 1) will be 2.80 acres in size, is currently vacant, and is proposed to change from RS-6.5 to RM. The south parcel (Parcel 2) will be 1.55 acres in size, is currently vacant, and will retain its current RS-6.5 zoning district.
- 2.2 Zone amendments are required to comply with the Transportation Planning Rule (TPR). The rule holds that a “significant affect” occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility. The TPR refers to Action 1F.05 in the Oregon Highway Plan, which states that if there is a small increase in daily traffic (less than 400 trips) between the existing plan and the proposed amendment, it can be determined that the proposed zone amendment will cause “no further degradation” to the surrounding roadway network.
- 2.3 The application package included a trip generation using the Institute of Transportation Engineers (ITE) Trip Generation Manual. The analysis was performed by Green Cascades, LLC (Attachment D). The analysis compared the number of average daily and peak hour vehicle trips that could be generated by development of the site under the current RS-6.5 zoning designation with trips that could result from development under the requested RM designation. The analysis determined the max density of the RS-6.5 zone using townhome and single detached dwelling units as allowed in the RS-6.5 zone and the max unit density allowed in the RM zone to determine the impact of the zone change. The max density in the RM zone is 25 units per gross acre, which can be single detached dwellings, townhomes, or multiple dwelling unit development.
- 2.4 The ITE established trip generation rate for attached single family homes, townhomes, is 7.20 vehicle trips per day, and 0.57 trips during the p.m. peak hours, per unit and has been used as the basis of the conducted study.
- 2.5 The trip generation estimates for max density in the existing RS-6.5 zoning designation had a range of 137 and 518 average daily trip (ADT) with 11 to 41 PM peak hour trips.
- 2.6 The trip generation estimate for the proposed RM zoning designation, with the max density of 25 units

- per gross acre, would create 504 ADT, with 40 PM peak hour trips.
- 2.7 The zone change from RS-6.5 to RM for this property showed a reduction in trips from 518 ADT to 504 ADT, and 41 PM peak hour trips to 40 PM peak hour trips.
- 2.8 The analysis estimated that a reasonable “worse-case” development under the requested RM zone designation. The study found a reduction in site generated ADT when developed with townhomes, reduction of 14 trips, and small increase, an increase of 115 trips, when developed with single-dwelling units compared to reasonable worse case uses allowed under the current RS-6.5 zone designation.
- 2.9 Chapter 3.2 of the ODOT Development Review Guidelines (p. 33) excludes amendments generating less than 400 ADT from a TPR impact analysis:
- “If an amendment subject to TPR Section 0060 increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless the change in trips falls below the thresholds listed:*
- The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:*
- *Any proposed amendment that does not increase the average daily trips by more than 400.”*
- 2.10 Based on the study results and ODOT Development Review Guidelines, the zone change would not result in a potential increase of more than 400 ADT to the site. As a result, the proposed amendments are not subject to TPR Section 0060.

Conclusions

- 2.1 The proposed zone change would change the designation of the site from RS-6.5 to RM.
- 2.2 The TPR requires zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than what could have occurred under current designation, and if so, the additional trips would result in a “significant affect”.
- 2.3 Based on the ODOT Development Review Guidelines, the one change would not result in a potential increase of more than 400 ADT in site generated trips and as a result is not subject to TPR Section 0060.
- 2.4 Based on ODOT Development Review Guidelines are based on and mirror the TPR review standards contained in Oregon Highway Plan Action 1F.5.

Criterion 3

Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area (ADC 2.740 (3)).

Findings of Fact

Sanitary Sewer

- 3.1 City utility maps show an eight-inch public sanitary sewer main in Grand Prairie Road SE and an eight-inch public sanitary sewer in Mountain View Drive SE. The subject property is not currently connected to City sanitary sewer.
- 3.2 It is anticipated the existing public sanitary sewer system in this area is capable of serving any development that would be allowed under the proposed zoning designation.

Water

- 3.3 City utility maps show a 16-inch public water main in Grand Prairie Road SE and a 12-inch public water main in Mountain View Drive SE. The subject property is not currently connected to City water.
- 3.4 The public water system in this area is capable of serving any development that would be allowed under the proposed zoning designation.

Storm Drainage

- 3.5 City utility maps show a 12-inch public storm drainage system in Grand Prairie Road SE, and a 30-inch piped storm drainage system located in the middle of the site from Brookside Avenue that discharges into Periwinkle Creek, an open drainage, which traverses through the middle of the subject property.
- 3.6 Grand Prairie Water Control District has an existing easement over Periwinkle Creek that ranges 30-40 feet wide on either side of the creek.
- 3.7 A public drainage easement is needed over the open drainage system, Periwinkle Creek, that traverses the subject property.

Schools

- 3.8 The property is currently zoned for Residential Single Dwelling Unit (RS-6.5) development. The submitted requested comprehensive plan map amendment, zone change, partition, and natural resource impact review does not include any ground disturbing development or any dwelling units. The Greater Albany Public Schools (GAPS) has been notified of the proposed application and has not submitted comments expressing concern.

Police and Fire Protection

- 3.9 The Albany Police Department and Fire Department provide services to all development in Albany. No deficiencies in providing police and fire protection to this property have been identified.

Conclusions

- 3.1 Public sanitary sewer, water systems, and storm drainage facilities are available to the subject property.
- 3.2 The existing public utilities in this area are capable of serving the proposed development that would be allowed under the proposed RM zoning designation.
- 3.3 This criterion is satisfied without conditions.

Criterion 4

The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan (ADC 2.740 (4)).

Findings of Fact

- 4.1 The subject property is currently zoned RS-6.5. The applicant is requesting a zone amendment to 2.80 acres of the subject property, proposed Parcel 1, from RS-6.5 to the RM district.

Zoning District Purposes

- 4.2 According to Section 3.020(6) of the ADC, the RM district is “The RM District is primarily intended for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. Multiple dwelling and townhouse development may not exceed 25 units per gross acre”
- 4.3 Allowable uses that are permitted in the RM district include single detached dwelling units, two detached dwelling units, middle housing units, and multiple dwelling unit development. A limited number of institutional and commercial uses are allowed conditionally (see ADC 3.050).
- 4.4 According to Section 3.020(3) of the ADC, the RS-6.5 district “is intended primarily for low-density urban residential development. The average minimum detached single-dwelling unit lot size is 6,500 square feet.” It is noted that Grand Prairie Road is classified as a minor arterial.
- 4.5 Allowable uses that are permitted in the RS-6.5 district include single detached dwelling units, two detached dwelling units, and middle housing units. A limited number of institutional and commercial uses are allowed conditionally (see ADC 3.050).
- 4.6 The applicant asserts the proposed Parcel 1 is more consistent with the RM zoning designation. The location of proposed Parcel 1 borders existing institutional developments and abuts an arterial right-of-way.

- 4.7 The Findings and Conclusions under Review Criterion (a) of the concurrent Comprehensive Plan Map amendment are included here by reference. In summary, those findings found that the proposed map amendments on the subject property were, on balance, more supportive of listed Plan policies.

Conclusions

- 4.1 The RM zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
- 4.2 This criterion has been met.

Criterion 5

The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan, or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study (ADC 2.740 (5)).

Findings of Fact

- 5.1 Albany's TSP was developed with the assumption that this site would be occupied by residential uses. The proposed zone change does not alter that assumption.
- 5.2 The proposed zone change will not result in any changes to the road system and will not alter the transportation pattern in the TSP.
- 5.3 The TSP does not identify any capacity or level of service problems associated with the proposed Zone Map amendment.
- 5.4 There are no other applicable City-contracted or funded land use, transportation plan, or study that applies to the subject area.

Conclusions

- 5.1 The proposal will not conflict with the transportation system as shown in the TSP.
- 5.2 The proposal is in accordance with the transportation pattern as shown in the TSP.
- 5.3 This criterion is met.

Tentative Plat Review Criteria (PA-08-24)

Section 11.180 of the ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this section.

Findings of Fact

- 1.1 The applicant has applied for a Comprehensive Plan Map amendment and a Zoning Map amendment to change the Comprehensive Plan Map from Low Density Residential (LDR) to Medium Density Residential (MDR) and to amend the zoning map from Residential Single Dwelling Unit (RS-6.5) to Residential Medium Density (RM) for proposed Parcel 2. Parcel 1 is to remain within the RS-6.5 zoning designation.
- 1.2 The subject property is a 4.35-acre property and is currently undeveloped. The applicant proposes to create two parcels with Parcel 1 consisting of 2.80 acres to be located to the north of Periwinkle Creek; Parcel 2 will consist of 1.35 acres to be located south of Periwinkle Creek.
- 1.3 The minimum width standard in the RM zone is 20 feet for townhomes, and 30 feet for all other uses. Proposed Parcel 1 will have a width of approximately 164 feet at its narrowest and 280 feet at its widest portion. Proposed Parcel 1 will exceed the minimum width standard for the RM zoning district.

- 1.4 The minimum width standard for the RS-6.5 is 20 feet for townhomes, and 50 feet for all other uses. Proposed Parcel 2 will have a width of approximately 172 feet at its narrowest and 280 feet at its widest portion. Proposed Parcel 2 will exceed the minimum width standard for the RS-6 zoning district.
- 1.5 According to ADC Table 3.190-1, the minimum setback standards in the RM zoning district are as follows: 15-foot front (building), 20-foot front (vehicle entrance), 10-foot side yard setback except for single-dwelling units, SRO development with up to 6 units, or middle housing, which have a minimum setback of 3-foot side (one story), 5-foot side, (two plus stories). Maximum height is 45 feet and maximum lot coverage is 70 percent. The subject property is currently undeveloped. The submitted application did not propose any development. Based upon the site plan submitted by the applicant, (Attachment B) the new property lines will meet the required setbacks of the RM zoning district. All future development of Parcel 1 will be reviewed for compliance with setbacks at the time of building permits.
- 1.6 According to ADC Table 3.190-1, the minimum setback standards in the RS-6.5 zoning district are as follows: 15-foot front (building), 20-foot front (vehicle entrance), 5-foot side (one story), 8-foot side, (two plus stories), or zero for zero lot line dwellings. Maximum height is 30 feet and maximum lot coverage is 60 percent. The subject property is currently undeveloped. The submitted application did not propose any development. Based upon the site plan submitted by the applicant, (Attachment B) the new property lines will meet the required setbacks of the RS-6.5 zoning district. All future development of Parcel 2 will be reviewed for compliance with setbacks at the time of building permits.
- 1.7 In any land division for single-dwelling unit residential or middle housing development, lots and blocks shall conform to standards listed in ADC 11.090 and other applicable provisions of the Code. Standards relevant to this proposed partition are addressed below.
- 1.8 ADC 11.090(1) states lots must be arranged such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all proposed lots in compliance with the requirements of the Code. Parcels 1 and 2 are currently undeveloped.
- 1.9 According to ADC 11.090(2), when lots are more than double the minimum area designated by the zoning district, those lots must be arranged to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. An urban conversion plan may be required in conjunction with submittal of tentative subdivision or partition plat. Both Parcels 1 and 2 are created at greater than double the minimum lot size for the RM and RS-6.5 zoning districts. As a part of the application, an urban conversion plan has been submitted (Attachment F). Based upon the submitted urban conversion plan both proposed Parcels could be further subdivided and developed.
- 1.10 ADC 11.090(3) states double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector or arterial street status or to overcome specific disadvantages of topography and/or orientation. No double frontage parcels are proposed.
- 1.11 ADC 11.090(4) states side yards of lots shall run at right angles to the street the property faces. All proposed parcels have side yards that run at right angles to the street the property faces.
- 1.12 According to ADC 11.090(5), block dimensions shall be determined by existing street and development patterns, connectivity needs, topography, and adequate lot size. The average block length shall not exceed 600 feet unless adjacent layout or physical conditions justify a greater length. Block length is defined as the distance along a street between the centerline of two intersecting through-streets. Physical conditions may include existing development, steep slopes, wetlands, creeks, and mature tree groves. The proposed partition does not create any new streets, and therefore, does not create any new blocks. This standard is not applicable.
- 1.13 ADC 11.090 (7) provide standards for townhomes on cul-de-sacs. The proposed development does not include townhomes on a cul-de-sac. This standard is not applicable.
- 1.14 ADC 11.090(8) states flag lots are allowed only when the City Engineer has determined that the dedication and improvement of a public street is not feasible or not practical. The subject property is

naturally separated by Periwinkle Creek. The northern portion of the property has direct access to Grand Prairie Road, a minor arterial. The southern portion of the property is served by an existing 24-foot-wide access and utility easement to Mountain View Drive, a local road. The proposed partition does not create a new flag lot. This standard is not applicable.

- 1.15 According to ADC 11.090(9), street intersections must be constructed so there is not less than a 20-foot radius along the curb line. This standard ensures all public improvements, including accessibility ramps, can be contained in the public right-of-way at the corresponding street corners. Proposed Parcel 1 has access to an existing public street, Grand Prairie Road, and proposed Parcel 2 has access to Mountain View Drive via an existing 24-foot-wide access and utility easement. All parcels will have access to an existing public street, and therefore, no new intersections are proposed. This standard is not applicable.

Conclusions

- 1.1 The proposal meets the standards of the existing and proposed underlying zoning districts.
- 1.2 There are no foreseeable difficulties in securing building permits to develop upon either parcel.
- 1.3 The proposed partition does not propose to create new blocks, intersections, cul-de-sacs, or double-frontage lots.
- 1.4 The proposal meets the underlying development and lot and block standards of the RM zoning district for Parcel 1 and the standards of the RS-6.5 zoning district for Parcel 2.
- 1.5 This criterion is satisfied without conditions.

Criterion 2

Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.

Findings of Fact

- 2.1 The proposal will divide a single 4.35-acre property into two parcels, Parcel 1 at 2.80 acres; and Parcel 2 at 1.55 acres.
- 2.2 The proposed partition will divide the entire property owned by the applicant.
- 2.3 The property owner does not propose any further division of the property.

Conclusions

- 2.1 There is no other remainder of land to consider. All the land area within the parent property will be allocated to the two proposed parcels.
- 2.2 This review criterion is not applicable.

Criterion 3

Adjoining land can be developed, or is provided access that will allow its development, in accordance with this Code.

Findings of Fact

- 3.1 This review criterion has been interpreted by the City Council to require only that adjoining land either have access, or be provided access, to public streets.
- 3.2 ADC 12.060 requires that development must have frontage on or approved access to a public street currently open to traffic.
- 3.3 The property currently has access to Grand Prairie Road, a minor arterial to the north and an existing 24-foot-wide access and utility easement to Mountain View Drive to the south. The applicant proposes

to partition the subject property into two parcels. Parcel 1 will retain frontage onto Grand Prairie Road; Parcel 2 will retain the 24-foot-wide access easement to Mountain View Drive.

- 3.4 ADC 12.110 states new streets may be required to be located where the City Engineer determines additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties.
- Properties to the north: The properties to the north of the subject property have direct access to Grand Prairie Road.
 - Properties to the east: The properties to the east of the subject property have direct access to Mountain View Drive.
 - Properties to the south: The properties to the south of the subject property have access to Brookside Avenue.
 - Properties to the west: The properties to the west of the subject property have direct access to Grand Prairie Road and Waverly Drive.
- 3.5 All adjoining properties have independent access to a public street, and the proposed partition will not impact the access of adjoining properties.

Conclusions

- 3.1 All adjoining properties to the subject property have existing access to a public street in accordance with ADC 12.060. The proposed partition will not remove that access.
- 3.2 Adjoining land is developed or can be developed in accordance with ADC 12.060.
- 3.3 This criterion is met.

Criterion 4

The Public Works Director has determined that transportation improvements area available to serve the proposed subdivision or partition in accordance with Article 12 or will be available at the time of development.

Findings of Fact

- 4.1 The project is located on a vacant parcel at 3016 Grand Prairie Road SE. The application involved a concurrent land partition and comprehensive plan, zoning amendment and natural resource impact review. The project will partition the subject property along Periwinkle Creek creating two parcels: Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres. The parcel is currently undeveloped with the zone change from RS-6.5 to RM on Parcel 1 (north of Periwinkle Creek) and Parcel 2 will retain its current RS-6.5 zoning designation.
- 4.2 ADC 12.060 requires that all streets within and adjacent to new development be improved to city standards.
- 4.3 ADC 12.290 requires new development to install public sidewalk improvements on all public streets within and adjacent to the development.
- 4.4 Grand Prairie Road is classified as a minor arterial street and is improved to city standards along the frontage of the development site. Improvements include curb and gutter; two vehicle travel lanes in each direction; a center turn lane, and on-street bike lanes.
- 4.5 The City improved Grand Prairie Road to current standards. The subject property did not participate in the improvements to Grand Prairie Road.
- 4.6 Albany's Transportation System Plan (TSP) does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.7 Access to the site is currently provided by two separate means. The northern portion of the site has direct access to Grand Prairie Road, the southern portion of the site has access to Mountain View

- Drive via an existing 24-foot-wide access and utility easement. No changes are proposed with this application to the site's access.
- 4.8 City records show no previous public street improvements assessment has been paid for the subject property, so a connection charge for the existing public street improvements in Grand Prairie Road will be due prior to the City's approval of the final partition plat.
- 4.9 Albany's Transportation System Plan does not identify any congestion or capacity issues occurring along the frontage of the site.

Conclusions

- 4.1 ADC 12.060 and 12.290 requires all public streets adjoining new development be improved to city standards. The adopted city standard for street improvement includes curb, gutter, and sidewalk.
- 4.2 Connection charges will be due for the existing public infrastructure (street improvements) in Grand Prairie Road. These charges must be paid before the city will approve the final partition plat.
- 4.3 Albany's Transportation System Plan (TSP) does not identify any congestion or capacity issues occurring along the frontage of the site.

Criterion 5

The location and design allow development to be conveniently served by various public utilities.

Findings of Fact

Sanitary Sewer

- 5.1 City utility maps show an 8-inch public sanitary sewer in Grand Prairie Road SE and an 8-inch public sanitary sewer in Mountain View Drive SE. The subject property is not currently connected to City sanitary sewer.
- 5.2 AMC 15.30.010 states that a Connection Charge shall be due and payable when accessing the City's sanitary sewers from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the sanitary sewer has not been paid by the property owner or predecessor thereof.
- 5.3 City records show no previous sewer assessment has been paid for the subject property, so a connection charge for the existing public sanitary sewer main in Grand Prairie Road will be due before the City will approve the final plat for any phase of the proposed subdivision.
- 5.4 AMC 10.01.080(2) states that before the City will issue a Building Permit, the applicant must pay to the City the necessary System Development Charges and any other applicable fees for connection to the public sanitary sewer system.
- 5.5 The public sanitary sewer system is available for the proposed development. The development shall connect to the public sanitary sewer system at the time of development.
- 5.6 In order to regulate connections to the public sewers, to ensure the proper installation of connections to the public sewers, and to ensure the property construction of private service laterals, no unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining an encroachment permit. (AMC 10.01.120).

Water

- 5.7 City utility maps show a 16-inch public water main in Grand Prairie along the subject property's northern frontage and a 12-inch public water main in Mountain View Drive to the east of the subject property.
- 5.8 AMC 15.30.010 states a connection charge shall be due and payable when any person, corporation, or legal entity, connects to or accesses the City's sanitary sewers, water distribution facilities, storm drains,

and/or improved streets, from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the sanitary sewer, water distribution facility, storm drain, and/or improved street has not been paid by the property owner or predecessor thereof. The City Council shall by separate resolution establish, and may from time to time amend, a methodology which shall be used to determine the criteria by which a determination will be made concerning the application of any connection charge to any particular property within the City. (Ord. 5565 § 4, 2003).

- 5.9 City records show no previous water assessment has been paid for the subject property, so a connection charge for the existing public water main in Grand Prairie Road will be due before the City will approve the final plat for any phase of the proposed subdivision.
- 5.10 AMC 11.01.100 states before a building permit will be issued, the applicant must pay to the City, or arrange for financing of, the required System Development Charges and other applicable fees or charges for connection to the public water system
- 5.11 The public water system is available for the proposed development. The development shall connect to the public water system at the time of development.

Storm Drainage

- 5.12 City utility maps show a 21-inch piped storm drainage system in Grand Prairie Road SE and a 30-inch piped storm drainage system located in the middle of the site from Brookside Avenue that discharges into Periwinkle Creek which traverses through the middle of the subject property. Periwinkle Creek traverses through the site as an open drainage.
- 5.13 Grand Prairie Road is improved to city standards with curb and gutter.
- 5.14 Grand Prairie Water Control District has an existing easement over Periwinkle Creek that ranges 30-40 feet wide on either side of the creek.
- 5.15 AMC 15.30.010 states a connection charge shall be due and payable when any person, corporation, or legal entity, connects to or accesses the City's sanitary sewers, water distribution facilities, storm drains, and/or improved streets, from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the sanitary sewer, water distribution facility, storm drain, and/or improved street has not been paid by the property owner or predecessor thereof. The City Council shall by separate resolution establish, and may from time to time amend, a methodology which shall be used to determine the criteria by which a determination will be made concerning the application of any connection charge to any particular property within the City. (Ord. 5565 § 4, 2003).
- 5.16 City records show no previous public street and storm assessment has been paid for the subject property, so a connection charge for the existing public street and storm main in Grand Prairie Road will be due before the City will approve the final partition plat.
- 5.17 A public drainage easement is needed over the open drainage system, Periwinkle Creek, that traverses the subject property.

Conclusions

- 5.1 Public sanitary sewer, water, and storm drainage facilities are in place and adequate to serve the proposed development.
- 5.2 A new separate sanitary sewer service will need to be installed to provide separate sanitary sewer services to each parcel. Before the applicant can make a new sewer service connection to the public sewer system an Encroachment Permit must be obtained from the Public Works Department.

- 5.3 Connection charges will be due for the existing public infrastructure (sanitary sewer, water, storm drainage, and street improvements) in Grand Prairie Road. These charges must be paid before the city will approve the final partition plat.
- 5.4 A public drainage easement is needed over the open drainage system, Periwinkle Creek. The drainage easement shall be measured in width to cover the 100-year floodplain line or 15 feet from the top of recognized bank.

Conditions:

Condition 1 Before the City will issue final plat approval, the applicant must pay the required connection charges for existing public infrastructure (sanitary sewer, water, storm drainage, and street improvements) along the subject property's Grand Prairie Road frontage.

Condition 2 Before the City will issue final plat approval, the applicant shall dedicate a public drainage easement over the open drainage system, Periwinkle Creek. The drainage easement shall be measured in width to cover the 100-year floodplain line or 15 feet from the top of recognized bank.

Criterion 6

Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

Findings of Fact

- 6.1 Article 4: Airport Approach District. According to Figure 4.410-1 of the ADC, the subject property is located within the Conical Area of the Airport Approach Overlay Zone. The application does not propose any development on either parcel. At the time of vertical development, the applicant must provide evidence the proposed building height will not conflict with the Airport Approach Overlay.
- There are no design features of the proposed development with navigational signals or radio communications, or that would induce confusing light patterns, or create bird-strike hazards that would endanger or interfere with aircraft intending to use the airport. Sound buffering features are not warranted because the location of the proposed development is located outside the "noise sensitive property" defined by 55 and 60 ldn noise contours.
- 6.2 Article 6: Significant Natural Vegetation and Wildlife Habitat. *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, does not show any areas of significant natural vegetation or wildlife habitat on the property.
- 6.3 Article 6: Riparian Corridor. *Comprehensive Plan Plate 6: Natural Vegetation and Wildlife Habitat*: Periwinkle Creek, a water resource with an associated riparian corridor, transects the property. The associated riparian corridor extends upland 50 feet, measure horizontally from the edge of the significant wetland. As shown on the site plan (Attachment B), no development is proposed within the Riparian Corridor Overlay. Land divisions within a riparian corridor is subject to a natural resource impact review. The natural resource impact review criterion (a) addressed later within this staff report and an incorporated here by reference.
- 6.4 Article 6: Steep Slopes. *Comprehensive Plan Plate 7* indicates there are portions of land within proposed Parcel 1 that have slopes between 12 and 25 percent. The submitted application materials do not propose any land development to the proposed parcels. At the time of development of Parcel 1 a geotechnical report prepared and stamped by a certified engineering geologist or licensed civil engineer, licensed in the specialty of geotechnical engineering with the State of Oregon must be submitted.
- 6.5 Article 6: Floodplains. *Comprehensive Plan Plate 5*: Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM# 41043C0527G, dated September 29, 2010), the subject property contains portions located within the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain. Periwinkle Creek runs east to west through the middle of the property. The

FRIM Panel #41043C0527G notes that the SFHA is contained within the channel of the creek. Albany Development Code section 6.110 requires all subdivision and other proposed new development greater than four lots, four acres, whichever is lesser shall include Base Flood Elevation data. The applicant submitted a flood study which determined the Base Flood Elevation for the subject property's reach of Periwinkle Creeks (Attachment E). Based upon this study it was determined that the SFHA is contained within Periwinkle Creek's channel.

- 6.6 Article 6: Wetlands. *Comprehensive Plan Plate 6* does not show any wetlands on the property. The National Wetlands Inventory (NWI) does not show wetlands on the property. This property is not included in a local wetlands inventory.
- 6.7 Article 7: Historic and Archaeological Resources. *Comprehensive Plan, Plate 9* shows the property is not in a historic district. There are no known archaeological sites on the property.

Conclusions

- 6.1 The subject property is not located within the special purpose districts described in Article 7 (Historic), Article 4 (Airport), Article 6 (Significant Natural Vegetation and Wildlife Habitat), or Article 6 (Wetlands).
- 6.2 The subject property is located within the special purpose district described in Article 6 (Steep Slopes). At the time of development of proposed Parcel 1, a geological technical report meeting the requirements of ADC 6.200 must be submitted with the development permit.
- 6.3 The subject property is located within a special purpose district described in Article 6 (Riparian Corridor Overlay). The applicant does not proposed development within the Riparian Corridor. The land division requires a Natural Resource Impact Review to be completed. The findings for the Natural Resource Impact Review are addressed within this staff report and incorporated here by reference.
- 6.4 The subject property is located within the Article 6 (Floodplains) special purpose district. The submitted floodplain study found that the SFHA is contained within Periwinkle Creek's channel
- 6.5 This review criterion is met.

Natural Resource Impact Review Standards (NR-02-24)

Section 6.310(A) and (B) of the ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

The proposed activity is allowed under the requirements of the base zone.

Findings of Fact and Conclusions

- 1.1 The applicant has applied for a concurrent Comprehensive Plan Map Amendment, Zoning Map Amendment, Partition, and Natural Resource Impact Review upon the 4.35-acre subject property. The applicant proposes to change the Comprehensive Plan Map from Low Density Residential (LDR) to Medium Density Residential (MDR) and to amend the zoning map from Residential Single Dwelling Unit (RS-6.5) to Residential Medium Density (RM) for proposed Parcel 1. Parcel 2 is to remain within the RS-6.5 zoning designation. The partition would create Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres, both proposed parcels are currently undeveloped land.
- 1.2 If the application packet is approved, proposed Parcel 1 will be located within the RM zoning district has a range minimum lot sizes based upon the proposed development. These sizes range from 1,500 square feet for townhome lots; 3,500 square feet for single dwelling units, duplexes; 5,000 square feet for triplexes; and 7,000 square feet for fourplexes and cottage clusters. Multiple-dwelling units are allowed in the RM zoning district with the lot size dictated by the number of bedrooms per unit.

- 1.3 Proposed Parcel 2 is located within the RS-6.5 zoning district which has a minimum lot size of 1,500 for townhouses; 6,500 square feet for single dwelling units, duplexes, and triplexes; and 7,000 square feet for fourplexes and cottage clusters.
- 1.4 Based on these facts, the proposed land division meets the existing and proposed base zone.
- 1.5 This criterion is met without conditions.

Criterion 2

There are no other reasonably feasible options or locations outside the Significant Natural Resource overlay districts for the proposed activity on the subject parcel.

Findings of Fact and Conclusions

- 2.1 The applicant has applied for a concurrent Comprehensive Plan Map Amendment, Zoning Map Amendment, Partition, and Natural Resource Impact Review upon the 4.35-acre subject property. The applicant proposes to change the Comprehensive Plan Map from Low Density Residential (LDR) to Medium Density Residential (MDR) and to amend the zoning map from Residential Single Dwelling Unit (RS-6.5) to Residential Medium Density (RM) for proposed Parcel 1. Parcel 2 is to remain within the RS-6.5 zoning designation. The partition would create Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres, both proposed parcels are currently undeveloped land.
- 2.2 The applicant is not proposing any ground disturbing work in conjunction with the proposed partition.
- 2.3 This criterion is met without conditions.

Criterion 3

The proposed activity is designed, located, and constructed to minimize excavation, grading, structures, impervious surfaces, loss of native vegetation, erosion, and adverse hydrological impacts on water resources. All activities are located as far from the water resources, and use as little of the surface area of the Significant Natural Resource overlay districts, to the extent reasonably feasible.

Findings of Fact and Conclusions

- 3.1 The applicant has applied for a concurrent Comprehensive Plan Map Amendment, Zoning Map Amendment, Partition, and Natural Resource Impact Review upon the 4.35-acre subject property. The applicant proposes to change the Comprehensive Plan Map from Low Density Residential (LDR) to Medium Density Residential (MDR) and to amend the zoning map from Residential Single Dwelling Unit (RS-6.5) to Residential Medium Density (RM) for proposed Parcel 1. Parcel 2 is to remain within the RS-6.5 zoning designation. The partition would create Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres, both proposed parcels are currently undeveloped land.
- 3.2 The subject property is currently undeveloped. The applicant does not indicate that any further development is proposed. Any future development upon either parcel may require a Natural Resource Impact Review as necessary.
- 3.3 This criterion is met without conditions.

Criterion 4

Any proposed impacts to significant natural resources will be mitigated per the standards in Sections 6.400 and 6.410.

Findings of Fact and Conclusions

- 4.1 There are no proposed impacts to Periwinkle Creek or the associated riparian corridor with this application.
- 4.2 This criterion is met without conditions.

Criterion 5

Any applicable local, state, and federal permits are secured.

Findings of Fact and Conclusion

- 5.1 The Oregon Department of State Lands (DSL) does not require a wetland delineation to complete a partition.
- 5.2 This criterion is met without conditions.

Criterion 6

The additional requirements of ADC 6.310(B) will be met.

Findings of Fact and Conclusions

- 6.1 Findings addressing ADC 6.310(B) are addressed below and are incorporated herein by reference.
- 6.2 This criterion is met without conditions.

Natural Resource Impact Review Standards (ADC 6.310(B))

Criterion 1

Land Division. In addition to the regulations in Article 11, land partially situated in one of the City's natural resource districts can be divided only if there is sufficient land outside of any significant Natural Resource overlay districts to establish a development site area and/or separate a developed area from the natural resource area. For the purposes of this section, for residential land division "sufficient land" means a minimum of 2,000 square feet per proposed lot or parcel. Applicants may also elect to follow the Cluster Development standards for land divisions in Article 11.

Findings of Fact

- 1.1 The applicant has applied for a concurrent Comprehensive Plan Map Amendment, Zoning Map Amendment, Partition, and Natural Resource Impact Review upon the 4.35-acre subject property. The applicant proposes to change the Comprehensive Plan Map from Low Density Residential (LDR) to Medium Density Residential (MDR) and to amend the zoning map from Residential Single Dwelling Unit (RS-6.5) to Residential Medium Density (RM) for proposed Parcel 1. Parcel 2 is to remain within the RS-6.5 zoning designation. The partition would create Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres, both proposed parcels are currently undeveloped land.
- 1.2 Parcel 1 has approximately 2.4 acres (104,752 square feet) of land located outside of the natural resource area. Parcel 2 has approximately 1.2 acres (52,346 square feet) of land located outside of the natural resource area. Based on these facts, both parcels meet the definition of "sufficient land" for a residential land division.
- 1.3 This criterion is met without conditions.

Overall Conclusion

Based on the analysis in this report, the proposed Partition to divide a 4.35-acre property into one parcel (Parcel 1) at 2.80 acres and one parcel (Parcel 2) at 1.55 acres concurrent with a Comprehensive Plan Map Amendment from LDR to MDR; a Zoning Map Amendment from RS-6.5 to RM; and a Natural Resource Impact Review meets all the applicable review criteria as outlined in this report.

Conditions of Approval

Condition 1: Before the City will issue final plat approval, the applicant must pay the required connection charges for existing public infrastructure (sanitary sewer, water storm drainage, and street improvements) along the subject property's Grand Prairie Road frontage.

Condition 2 Before the City will issue final plat approval, the applicant shall dedicate a public drainage easement over the open drainage systems, Periwinkle Creek. The drainage easement shall be measured in width to cover the 100-year floodplain line or 15 feet from the top of the recognized bank.

Staff Recommendation

With respect to the proposed **Comprehensive Plan Map amendment**, the Planning Commission has two options:

Option 1: Recommend that the City Council approve the Comprehensive Plan Map amendment request; or

Option 2: Deny the Comprehensive Plan map amendment request. The City Council will only consider the proposal on appeal by the applicants.

Similarly, the Planning Commission has two options with respect to the proposed **Zoning Map amendment** request:

Option 1: Recommend that the City Council approve the Zoning Map amendment request; or

Option 2: Deny the Zoning Map amendment request. The City Council will only consider the proposal on appeal by the applicants.

The Planning Commission has two options with respect to the proposed **Partition** request:

Option 1: Recommend that the City Council approve the partition request; or

Option 2: Deny the partition request. The City Council will only consider the proposal on appeal by the applicants.

Similarly, the Planning Commission has two options with respect to the proposed **Natural Resource Impact Review**

Option 1: Recommend that the City Council approve 1: the Natural Resource Impact Review; or

Option 2: Deny the Natural Resource Impact Review. The City Council will only consider the proposal on appeal by the applicants.

Based on the analysis in this report, staff recommends that the Planning Commission recommend that the City Council approve the Comprehensive Plan map amendment; the Zoning Map amendment; Partition and Natural Resource Impact Review request.

I move that the planning commission recommend that the city council approve the proposed Comprehensive Plan Map amendment, Zoning Map amendment, Partition, and Site Plan review under planning files CP-01-24, ZC-01-24, PA-08-24; and NR-02-24. This motion is based on the findings and conclusions in the October 7, 2024, staff report and the findings in support of the application made by the planning commission during deliberations on this matter.

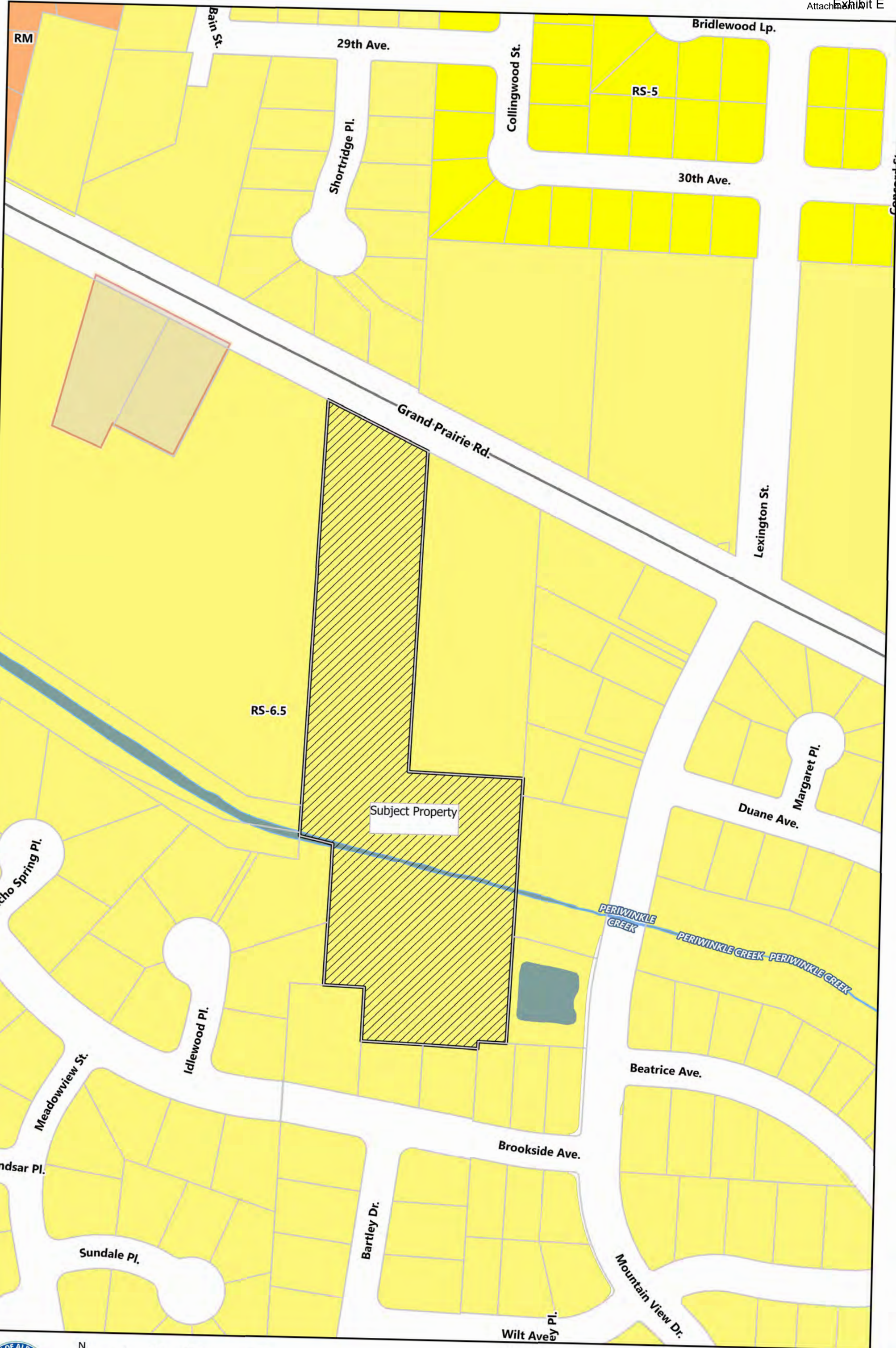
Attachments

- A. Location Map
- B. Tentative Partition Plat
- C. Applicant's Narrative
- D. Trip Generation Letter
- E. Flood Study
- F. Urban Conversion Plan

Acronyms

AASHTO	American Association of State Highway and Transportation Officials
ADC	Albany Development Code
ADT	Average Daily Traffic
AMC	Albany Municipal Code
DLCD	Oregon Department of Land Conservation and Development
GC	General Commercial Comprehensive Plan Designation
ITE	Institute of Transportation Engineers
LC	Light Commercial Comprehensive Plan Designation
LDR	Low Density Residential Comprehensive Plan Designation
LOS	Level of Service
LUBA	Oregon Land Use Board of Appeals
MDR	Medium Density Residential Comprehensive Plan Designation
ODOT	Oregon Department of Transportation
RM	Residential Medium Density Zoning District
RS-6.5	Residential Single Dwelling Unit
TPR	Transportation Planning Rule
TSP	Transportation Systems Plan

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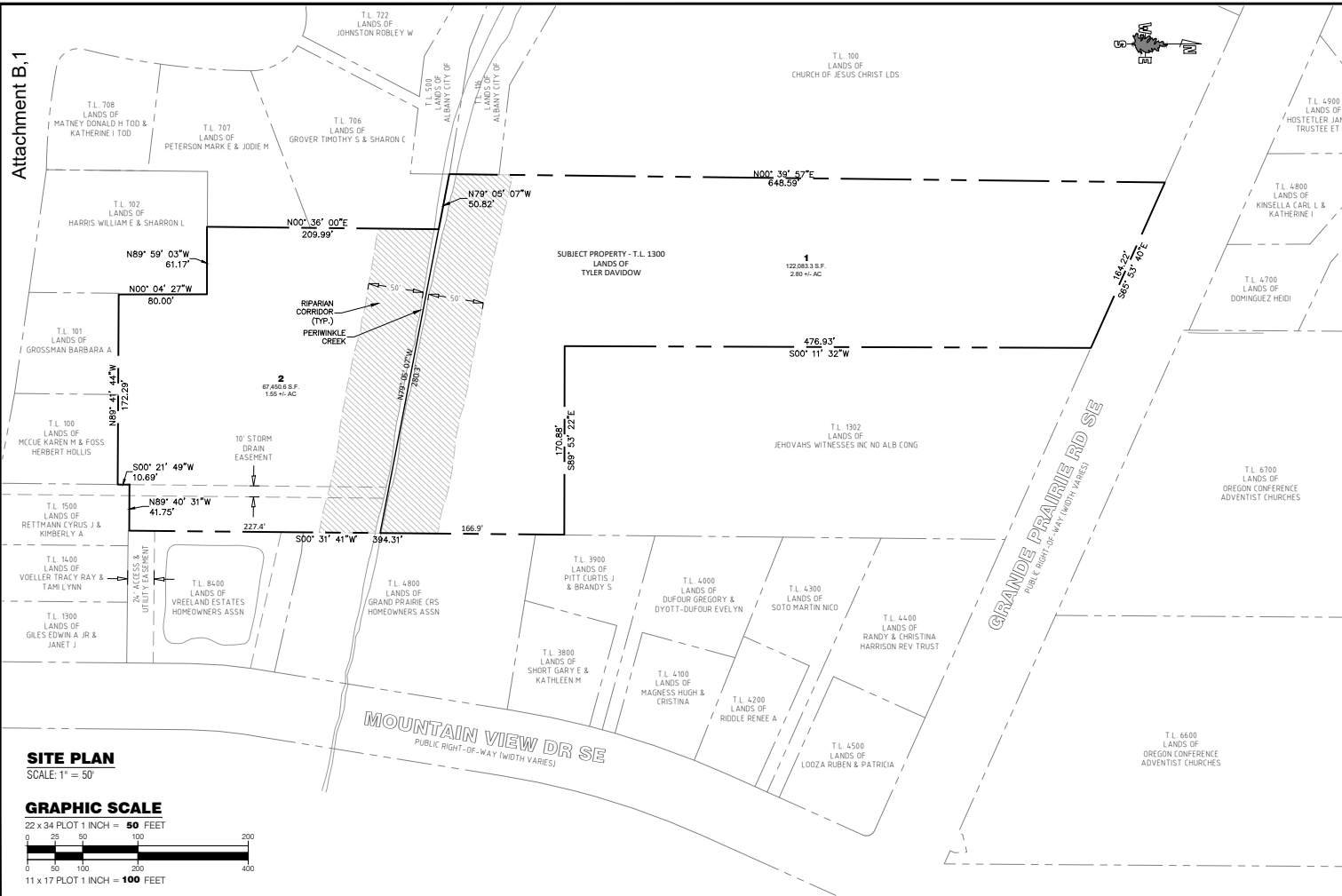


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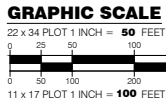
Date: 8/23/2024

3016 Grand Prairie Road

Attachment B.1



SITE PLAN
SCALE: 1" = 50'



LEGEND:

PROPERTY LINE / R-O-W	---
EASEMENT LINE / BUILDING RESTRICTION LINE	---
CENTERLINE	---
TREELINE	~~~~~
WETLAND BOUNDARY	~~~~~
RIPARIAN BOUNDARY	~~~~~
TREES	● ○
CONCRETE	▒
GRAVEL	▒

EXISTING	PROPOSED
SS	SS
FM	FM
W	W
ST	ST
RD	RD
IRR	IRR

EXISTING	PROPOSED
OHE	OHE
UGE	UGE
COM	COM
GAS	GAS
W	W

TENTATIVE PLAT PLAN

PREPARED FOR
T.L. 1300 PARTITION
ALBANY, OR

APPLICANT/OWNER:
TYLER DAVIDOW
PO BOX 3192
ALBANY, OR 97321
TELEPHONE: 541-248-3903
EMAIL: abean1976@gmail.com

CIVIL ENGINEERING:
GREEN CASCADES, LLC
C/O MICHAEL RICCI TELLE, PE
717 CALAPOOIA STREET SW
ALBANY, OR 97321
TELEPHONE: 541-231-0372
EMAIL: Michael@GreenCascadesOR.com

SITE LOCATION:
3016 GRAND PRAIRIE RD SE
ALBANY, OR 97322
TAX MAP: 115-0003W-16
TAX LOT: 1300

WATER SYSTEM:
WATER DISTRIBUTION IS BY THE CITY OF ALBANY

SANITARY SEWER:
SANITARY SEWER IS BY THE CITY OF ALBANY

ZONING:
R5-6.5 - RESIDENTIAL SINGLE FAMILY COMPREHENSIVE PLAN - LOW DENSITY RESIDENTIAL

ADJACENT ZONES & USE:
NORTH: R5-6.5 - RESIDENTIAL NEIGHBORHOOD, RELIGIOUS INSTITUTION
SOUTH: R5-6.5 - RESIDENTIAL NEIGHBORHOOD
EAST: R5-6.5 - RESIDENTIAL NEIGHBORHOOD, RELIGIOUS INSTITUTION, STORMWATER FACILITY FOR NEIGHBORING SUBDIVISION
WEST: R5-6.5 - RESIDENTIAL NEIGHBORHOOD, RELIGIOUS INSTITUTION

PARTITION AREAS:

PARCEL 1: ±122,083 SQ. FT. (2.80 ACRES)
PARCEL 2: ±67,450 SQ. FT. (1.55 ACRES)
T.L. 1300 GROSS: ±189,533 SQ. FT. (4.35 ACRES)

NO PUBLIC LAND DEDICATIONS ARE PROPOSED WITH PARTITION

EXISTING SITE DATA:
EXISTING SITE DATA INCLUDING BUT NOT LIMITED TO: UTILITIES, CONTOURS, PROPERTY LINES AND SITE FEATURES ARE PER ALBANY CITY GIS FILES AND MODIFIED BY GCLLC BASED ON REVIEW OF GOOGLE EARTH IMAGERY DATED 03/17/2024.

FLOOD PLAIN NOTE:
THIS SITE IS LOCATED FULLY WITHIN ZONE "X", OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP (FIRM) NUMBER 4104C05276, LAST REVISED 09/29/2010.

SHEET INDEX:
TENTATIVE PLAT 1.0
SITE FEATURES & UTILITY 2.0

Exhibit E

DATE	
PLAT REVISION(S)	

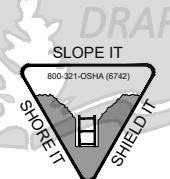


DATE:	06/07/2024
ENGINEER:	M. S. RICCI TELLE
SCALE:	AS INDICATED
GCLLC #:	2701-23
PERMIT #:	

TENTATIVE PLAT
TL 1300 PARTITION
PREPARED FOR:
TYLER DAVIDOW
SITING IN:
ALBANY, OR (11S-03W-16 T.L. 1300)



ATTENTION EXCAVATORS:
OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MUST NOTIFY THE CENTER AT LEAST TWO BUSINESS DAYS BUT NOT MORE THAN TEN BUSINESS DAYS BEFORE COMMENCING AN EXCAVATION. CALL 800-668-4001



APPLICATION NARRATIVE – FINDINGS OF FACT

ALBANY PARTITION, ZONE MAP AMENDMENT & COMPREHENSIVE PLAN AMENDMENT

Site Location: 3016 Grand Prairie Rd SE
Albany, OR 97322

Linn County Assessor’s Map: 11S-03W-16 Tax Lot 01300

Property Owner/Applicant: Tyler Davidow & Amy Bean
PO Box 3192
Albany, OR 97321
Tel: (805) 248-3903
Email: abean1976@gmail.com

Engineer: GREEN Cascades LLC
c/o: Michael Riccitelli, P.E.
717 Calapooia St
Albany, OR 97321
Tel: (541) 231-0375
Email: michael@greencascadesOR.com

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PROJECT DESCRIPTION
PARTITION
COMPREHENSIVE PLAN MAP AMMENDMENT
ZONE MAP AMMENDMENT
CONCLUSION

EXHIBITS

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EXHIBIT B: ALBANY ZONING MAP
EXHIBIT C: LEGAL DESCRIPTION 2010-9112
EXHIBIT D: QUITE CLAIM DEED 2022-03114
EXHIBIT E: C.S. 27499
EXHIBIT F: C.S. 25902 – ACCESS EASEMENT
EXHIBIT G: FIRMETTE

SITE PLAN

0.0 - TENTATIVE PLAT
2.0 – SITE FEATURE & UTILITY

URBAN CONVERSION PLAN

1.0 – URBAN CONVERSION PLAN

BACKGROUND

Subject property, T.L. 1300 on Linn County Assessor's Map No. 11S03W16 Albany (Exhibit A) is zoned Residential Single Family (RS-6.5) on the Albany Zoning Map (Exhibit B) with a comprehensive plan designation of Low Density Residential. The legal description and quit claim deed document, which reduced the total parcel size to the current 4.35 acres, are included with this narrative (Exhibits C & D). The current property is described within County Survey 27499 (Exhibit E).

Periwinkle Creek runs east/west through the site, physically separating the Tax Lot, into "North" and "South" areas.

Existing Conditions North: An existing driveway near the northwest corner of the property provides access from Grand Prairie Rd SE. This portion of the parcel was formerly improved with a single-family mobile residence that was razed in 2022. Municipal utilities currently serve the property from public facilities in Grand Prairie Rd SE.

Existing Conditions South: The southern portion of the property remains undeveloped and can be accessed through a 24-ft wide access and utility easement which runs from Mountain View Drive to the southeastern corner of the subject property (Exhibit F). Municipal utilities are available in Mountain View Drive that could be accessed to serve the southern half of the property.

Adjacent zones and uses are as follows:

North: A residential neighborhood and a religious institution both zoned RS-6.5.

South: A residential neighborhood zoned RS-6.5

East: A residential neighborhood, a religious institution, and a stormwater facility for neighboring subdivision all zoned RS-6.5.

West: A residential neighborhood, and a religious institution both zoned RS-6.5.

PROJECT DESCRIPTION

This application is for Tentative Partition Plat of T.L. 1300, dividing the existing 4.35-acre (189,531 +/- sq. ft.) parcel along Periwinkle Creek to create two separate lots. The resulting North Parcel 1 will total 2.80 acres (122,083 +/- sq. ft.) and South Parcel 2 will total 1.55 acres (67,450 +/- sq. ft.).

The applicant requests concurrent Zone Map and Comprehensive Plan Map amendments for North Parcel 1. Parcel 1 is currently zoned Residential Single Family (RS-6.5) and designated Low Density Residential (LDR). The applicant is proposing to rezone the subject property to Residential Medium Density (RM) with a Comprehensive Map Plan designation of Medium Density Residential (MDR).

The South Parcel 2 will remain under existing RS-6.5 zoning and LDR Comprehensive Plan designation. No developments or construction activities, other than those necessary to establish two separate lots, are proposed at this time.

The owner of the property is the applicant and has authorized the proposed land use actions as indicated by signature on the application form. A pre-application meeting was conducted on November 2nd, 2022.

The following findings of fact, in combination with provided plans and exhibits, explain how the application meets all required criteria shown in Albany Development Code (ADC). In this narrative, references to Code sections are separated by brackets and preceded by the prefix ADC followed by the applicable section number, for example [ADC 2.450].

PARTITION

ALBANY DEVELOPMENT CODE - ARTICLE 11

[ADC 11.180] *Review Criteria*

Criterion 1: The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Article.

Facts: The partition application to divide T.L 1300 into two parcels is submitted concurrently with Zone Map change and Comprehensive Plan Map change applications for resultant Parcel 1. Below Findings discuss how the proposal will meet the zoning district criteria [ADC Article 3] and applicable lot & block standards [ADC 11.090]

Zoning District Standards:

The entire property is currently zoned RS-6.5 (Residential Single Family) and suitable for lower density residential uses. The average minimum detached single-family lot size is 6,500 sq. ft. [ADC 3.020].

Proposed Parcel 2 totals 1.55 acres (67,450 +/- sq. ft.) and will remain RS-6.5 zoning. The following residential uses are permitted outright: single-family detached, duplex, townhouse, triplex, fourplex, and cottage cluster [ADC 3.050]. No development to South Parcel 2 is proposed with this application.

Concurrent with the partition application the applicant requests Zone Map & Comprehensive Plan Map changes for the 2.80-acres (122,083 +/- sq. ft.) Parcel 1. The applicant is proposing to rezone the Parcel 1 to RM with a Comprehensive Map Plan designation of MDR. The RM zoning district is primarily intended for medium-density residential urban development. The following residential uses are permitted outright: single-family detached, two single-family detached, duplex, townhouse, triplex, fourplex, and cottage cluster. Additionally, multiple dwelling units may be permitted through Site Plan Review [ADC 3.050]. Minimum parcel size for a detached single dwelling unit is 3,500 sq.ft. [ADC Table 3.190-1]. No development to Parcel 1 is proposed with this application.

New RM districts should be located on a collector or arterial street [ADC 3.020]. North Parcel 1 fronts Grand Prairie Rd SE, a minor arterial street.

Proposed Parcels 1 and 2 exceed the minimum development standards for single-family and middle housing residential uses. Minimum parcel widths in the RS-6.5 and RM zones are both 20-ft wide for townhomes and 50-ft wide (RS-6.5) or 30-ft wide (RM) for all other uses [ADC TABLE 3.190-1]. Parcel 1's narrowest lot width is 150-ft and Parcel 2 lot narrowest width is 214-ft. Both Parcels will exceed minimum lot width standards.

Other development standards such as setbacks, height, lot coverage, and landscaping described under ADC TABLE 3.190-1 will be reviewed with future application for development and criteria do not apply at this time.

Lot and Block Arrangement:

Lot arrangement must be such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of this Code with the exception of lots designated Open Space [ADC 11.090(1)]. The proposed lots meet the development standards of the underlying zoning. The size and dimension of the proposed lots will allow for setbacks to be met while providing an adequate building envelope. Therefore, there will be no foreseeable difficulties in obtaining building permits for the lots within the proposed subdivision.

When lots are more than double the minimum area designated by the zoning district, those lots must be arranged to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots [ADC 11.090(2)]. Proposed Parcel 1 and 2 are both more than double the minimum

area designated by the zoning district. An Urban Conversion Plan showing how lots may be further divided is included with the application.

Double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector and arterial street status or to overcome specific disadvantages of topography and/or orientation [ADC 11.090(3)]. No double frontage lots are proposed with this application and no new driveway access is proposed to Grand Prairie Rd SE, a minor arterial street.

Side yards of a lot shall run at right angles to the street the property faces, except that on a curved street the side property line shall be radial to the curve [ADC 11.090(4)]. All parcels will have side yards that will run at right angles to the street frontage.

The average block length shall not exceed 600 feet [ADC 11.090(5)]. The proposed partition does not create any new streets, and therefore does not create any new blocks.

Off-street pedestrian pathways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a public street connection is not feasible [ADC 11.090 (6)]. No off-street pedestrian pathways are proposed with this application. Included Urban Conversion Plans describe how future development will connect to existing public streets.

With the minimum of townhouse development, the minimum frontage of a lot on a cul-de-sac shall be 22 feet as measured perpendicular to the radius [ADC 11.090(7)]. No cul-de-sacs are proposed with this Application.

Flag lots are allowed only when the City Engineer has determined that the dedication and improvement of a public street is not feasible or not practical [ADC 11.090(8)]. No flag lots are proposed with this Application.

At all street intersections, an arc along the property lines shall be established so that construction of the street at maximum allowable width, centered in the right-of-way, shall require not less than a twenty-foot radius of the curb line [ADC 11.090(9)]. Proposed Parcel 1 and 2 both have access to an existing public street and no new intersections are proposed.

Conclusion: The proposed partition with zone, and Comprehensive Map changes will meet underlying zone district standards of Article 3 and the lot and block standards of Article 11. Future subdivision to ADC standards is described in the Urban Conversion Plan. The proposed plan meets Review Criterion 1.

Criterion 2: Development of any remainder of property under the same ownership can be accomplished in accordance with the Code.

Facts: Proposed Parcels 1 and 2 are both more than double the minimum area designated by the zoning district and may be further developed. An Urban Conversion Plan has been provided showing that this may be done in conformance with the Code. The combined areas of Parcel 1 (122,083 +/- sq. ft.) and Parcel 2 (67,450 +/- sq. ft.) equal the total area of the Existing Tax Lot 1300 (189,531 +/- sq. ft.). There is no other remainder land to consider.

Conclusion: An Urban Conversion Plan is provided showing how the Proposed parcels may be further subdivided. There is no other remainder of land to consider. All the land area within the parent property will be allocated to the two proposed parcels. The proposed plan meets Review Criteria 2.

Criterion 3: Adjoining land can be developed or is provided access that will allow its development in accordance with the Code.

Facts: The property currently is provided access to Grande Prairie Rd SE through a driveway approach and a 24-ft wide access easement connection to Mountain View Drive. After partition, Parcel 1 will continue to take access from Grand Prairie and Parcel 2 will require driveway access improvement on Mountain View Drive. All other adjoining properties have independent access to a public street, and the proposed partition will not impact the access of adjacent properties.

Conclusion: The proposed parcels are provided with access that will allow their development in accordance with the Code. The proposed partition does not impede or affect adjoining land, all the adjoining land has, and will continue to have, access to public streets. The proposed plan meets Review Criteria 3.

Criterion 4: The Public Works Director has determined that transportation improvements are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.

Facts: Proposed Parcel 1 takes access from Grand Prairie Rd SE through an existing driveway approach. Per the Albany Transportation System Plan (TSP), Grand Prairie Rd is a Minor Arterial Street, fully improved to city standards. The Grand Prairie Road Street Improvements Project was completed by the city in 2007 in anticipation for 2030 population estimates. Improvements included sidewalks and bicycle lanes on both sides of the street. Public Transportation is available at the intersection of Grand Prairie and Waverly Drive, approx. 925-ft west of the property. No capacity or safety deficiencies are identified on the section of Grand Prairie Rd adjacent to the proposed parcel.

Parcel 2 is connected via access easement to Mountain View Drive. Per the TSP, Mountain View Drive is a Minor Collector Street which is fully improved to city standards, including sidewalk on both sides of the street.

The partition will not generate enough trips to require submittal of a trip generation analysis or Traffic Impact Analysis (TIA) and no development is proposed at this time.

The applicant is requesting concurrent Zone Change for Parcel 1 to RM designation. The RM designation would allow future developers to increase the housing density of this parcel. [ADC 3.191(1)(b)] states that the maximum number of townhomes per acre in the RM district is 25. The gross acreage of proposed Parcel 1 is 2.80 acres. Therefore, a maximum of 70 townhome units could be constructed on the subject property. The ITE trip generation rate for attached single family homes, duplexes and townhomes is 7.20 vehicle trips per day, and 0.57 trips during the p.m. peak hours, per unit. Construction of 70 units would add about 504 new vehicle trips per day to the public street system, with 40 occurring during the peak p.m. traffic hours, per day to the public street system.

The threshold for requiring submittal of a trip generation analysis is 50 peak hour trips. The threshold for submittal of a TIA is 100 peak hour trips. The development will not generate enough trips to require submittal of a trip generation analysis or Traffic Impact Analysis (TIA).

Conclusion: Transportation improvements are available to serve Parcel 1 from Grand Prairie Rd and Parcel 2 from Mountain View Drive. The proposed partition, including zone map amendment, is not projected to generate enough trips to require submittal of a trip generation estimate or traffic impact analysis. Parcel 2 will require a new access approach as a condition of the partition.

Criterion 5: The Public Works Director has determined that the public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.

Facts: Public facilities available to serve the partition are described below.

Sanitary Sewer:

Parcel 1 – There is an 8-inch public sanitary sewer main in Grand Prairie Rd. The subject property is currently served by a 4-inch sewer lateral which will not be affected by the partition.

Parcel 2 - There is an 8-inch public sanitary sewer main in Mountain View Drive. The parcel 2 portion of the site will require independent sanitary service as a condition of the partition.

Water:

Parcel 1 – There is a 16-inch ductile iron waterline located in Grand Prairie Rd. This parcel is currently served by a 1-inch water service line which will not be affected by the partition.

Parcel 2 – There is a 12-inch ductile iron waterline located in Mountain View Drive. The parcel 2 portion of the site will require independent water service as a condition of the partition.

Storm Drainage:

Parcel 1 – There is a 24-inch public storm main in Grand Prairie Rd. The right-of-way is fully improved with curb, gutter, and curb inlet catch basin in the Parcel 1 frontage area. No development is proposed with this application which affects grading or storm drainage onsite. Future improvements will require additional review to ensure grading improvements do not negatively impact existing drainage patterns on site.

Parcel 2 - There is a 30-inch public storm main in Mountain View Drive. The right-of-way is fully improved with curb and gutter. No development is proposed with this application which affects grading or storm drainage onsite. Future improvements will require additional review to ensure grading improvements do not negatively impact existing drainage patterns on site.

Conclusion: Public sewer, water and storm improvements are available to serve Parcel 1 from Grand Prairie Rd and Parcel 2 from Mountain View Drive. Parcel 2 will require independent sewer and water services as a condition of the partition. No grading or drainage improvements are proposed at this time.

Criterion 6: Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic) as applicable.

Facts: Special purpose districts related to the site are described below.

[ADC Article 4] (Airport Approach): The subject property is located within the Airport height restriction zone, elevation 472-ft [ADC Fig. 4.410-1]. The proposed partition does not include any vertical development which would trigger the review of airport height restrictions.

Conclusion: The airport approach review criterion does not apply at this time.

[ADC Article 6] (Natural Resources):

Open Space Zoning District - The subject property does not have an Open Space (OS) designation per Albany Zoning Map (Exhibit B).

Floodplain Overlay District - The subject property is located in Zone "X" which is outside of the 0.2% annual chance floodplain as designated on the flood insurance rate map (FIRM) number 41043C0527G, last revised September 29th, 2010 (Exhibit G).

Hillside Development Overlay District – According to Plate 7 of the Albany Comprehensive Plan, the subject property does not contain any steep slopes over 12%. No development is proposed on either parcel at this time.

Significant Natural Resource Overlay Districts – The Periwinkle Creek bisects the subject property and is the basis of the proposed land division. A Riparian Corridor overlay district extends 50 feet upland from the Ordinary High-Water mark, measured horizontally north and south of the creek. A Natural Resource Impact Review is required with the Land division [ADC 6.300.A(1)]. The Site Features & Utility sheet 2.0 of the included site plan set includes topographic contours and other location data pertaining to [ADC 6.300.B]. The applicable review standards of [ADC 6.310] are discussed below:

[ADC 6.310.A] General Requirements for Significant Natural Resource overlay districts.

Criterion 1: The proposed activity is allowed under the requirements of the base zone.

Facts: This application is for Tentative Partition Plat of T.L. 1300, dividing the existing 4.35-acre parcel along Periwinkle Creek to create two separate lots. The resulting North Parcel 1 is proposed to be 2.80 acres and South Parcel 2 proposed to be 1.55 acres.

No development is proposed at this time.

Conclusion: The proposed partition with Zone, and Comprehensive Map changes will meet underlying zone district standards of Article 3 as discussed previously under response to [ADC 11.180(1)] and incorporated here by reference. The proposal meets the review criterion.

Criterion 2: There are no other reasonably feasible options or locations outside the Significant Natural Resource overlay districts for the proposed activity on the subject parcel.

Facts: The applicant has applied to divide the existing lot into two parcels and is not proposing any ground disturbing work in conjunction with the proposed partition.

Conclusion: The proposed partition meets the review criterion.

Criterion 3: The proposed activity is designed, located, and constructed to minimize excavation, grading, structures, impervious surfaces, loss of native vegetation, erosion, and adverse hydrological impacts on water resources. All activities are located as far from the water resources and use as little of the surface area of the Significant Natural Resource overlay districts, to the extent reasonably feasible.

Facts: The applicant has applied to divide the existing lot into two parcels and is not proposing any ground disturbing work in conjunction with the proposed partition.

Conclusion: The proposed partition meets the review criterion. Any future development will require its own Natural Resources Impact Review as necessary.

Criterion 4: Any proposed impacts to significant natural resources will be mitigated per the standards in Sections 6.400 and 6.410.

Facts: The applicant has applied to divide the existing lot into two parcels and is not proposing any ground disturbing work in conjunction with the proposed partition. There are no proposed impacts to significant natural resources with this application.

Conclusion: The proposed partition meets the review criterion. Any future development will require its own Natural Resources Impact Review as necessary.

Criterion 5: Any applicable local, state, and federal permits are secured.

Facts: The applicant has applied to divide the existing lot into two parcels and is not proposing any ground disturbing work in conjunction with the proposed partition. The Oregon Department of State Lands (DSL) does not require a wetland delineation to complete a partition.

Conclusion: The proposed partition meets the review criterion.

Criterion 6: The additional requirements of ADC 6.310 (B) will be met.

Facts: Findings addressing ADC 6.310(B) are addressed below.

Conclusion: The proposed partition meets the review criterion.

[ADC 6.310.B] Additional Requirements

Criterion 1: Land Divisions. In addition to the regulations in Article 11, land partially situated in one of the City's natural resource districts can be divided only if there is sufficient land outside of any Significant Natural Resource overlay district to establish a development site area and/or separate a developed area from the natural resource areas. For the purposes of this section, for residential land divisions, "sufficient land" means a minimum of 2,000 square feet per proposed lot or parcel. Applicants may also elect to follow the Cluster Development standards for land divisions in Article 11. [Ord. 5947, 1/01/21]

Facts: The applicant has applied to divide the existing 4.35-acre parcel along Periwinkle Creek to create two separate lots.

The resulting North Parcel 1 includes 2.80 acres (122,083 +/- sq. ft.) total. Parcel 1 has approximately 104,490 +/- sq. ft. of land located outside of the natural resource area.

The South Parcel 2 includes 1.55 acres (67,450 +/- sq. ft.) total. Parcel 2 has approximately 52,492 +/- sq. ft. of land located outside of the natural resource area.

Conclusion: Both parcels meet the definition of “sufficient land” for a residential land division. The proposed plan meets the review criterion.

[ADC Article 7] (Historic): According to Plate 9 of the Albany Comprehensive Plan, the subject property is not inside one of the city’s four historic overlay districts.

Conclusion: Activities and developments within special purpose districts comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic). The proposed plan meets [ADC 11.180] review Criterion 6.

COMPREHENSIVE PLAN MAP AMENDMENT

The applicant requests comprehensive plan map amendment changing the zone designation of North Parcel 1 from Low Density Residential (LDR) to Medium Density Residential (MDR).

ALBANY DEVELOPMENT CODE - ARTICLE 2

[ADC 2.220] *Review Criteria*

1. *A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.*

Facts: Goal 10 (Housing) of the Albany Comprehensive plan states generally that there is a current and projected need for more affordable housing opportunities for many Albany households. Single dwelling unit detached housing units are expected to make up the greatest share (62%) of new housing development over the planning period (2020-2040). If historic trends in housing types and tenancy continue, there will likely be demand for land that can accommodate medium density housing.

The subject property supports Goal 10 Policies as described below:

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

Policy 3: Provide the opportunity for a wider range of rental and ownership housing choices in Albany and encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives.

Response to Policies 2 & 3: By designating Parcel 1 as MDR the property will be able to provide a greater variety of lot and housing sizes and types. MDR designation allows for a smaller, more affordable, single family detached lot size (3,500 sq. ft.) and multiple dwelling units to be constructed on the property.

Policy 4: Encourage residential development that conserves energy and water, uses renewable resources, and promotes the efficient use of land, conservation of natural resources, easy access to public transit, and easy access to parks and services

Policy 16: Provide opportunities for higher density residential and mixed-use developments within ¼ mile of public transportation.

Response to Policies 4 & 16: The subject property is within city limits and takes access from Grand Prairie Rd, an arterial street which promotes efficient use of land with in-fill development. Increasing housing density in residential areas adjacent to major

streets can reduce energy needs by encouraging the use of public transit. Public transportation is available at the intersection of Grand Prairie and Waverly Drive, approx. 925-ft (0.18 miles) west of the property.

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

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

Policy 15: Encourage the removal of barriers to safe neighborhoods, such as vacant lots and buildings and overgrown vegetation.

Response to Policies 6, 7, & 15: The subject property is currently vacant, and the lack of occupancy encourages vegetative overgrowth. The land is a barrier between existing neighborhoods and facilities along Grand Prairie right-of-way between the Mountain View Dr. SE and Waverly.

Public utility and franchise services are readily available from Grand Prairie and may be extended economically into any future development. The Grand Prairie Road Street Improvements Project was completed by the city in 2007 in anticipation for 2030 population estimates. Improvements included sidewalks and bicycle lanes on both sides of the street.

The parcel is located 1/4 mile from Grand Prairie Park and 3/4 mile from Albany Community Pool and South Albany High School. New, affordable, medium density development would be well sustained by the existing utility and social facilities. Rezoning the proposed parcel to Medium Density will allow for smaller lot size and possible multiple dwelling unit construction, making this parcel an attractive location for renters, home buyers and developers which will encourage improvement on the lot.

Conclusion: Changing the Comprehensive Plan Map designation of Parcel 1 to MDR will encourage a variety of residential development types to be constructed on a lot which is already serviced by city facilities. The site is within ¼ mile of public transportation and close to parks and schools. Grand Prairie Rd is a fully developed arterial road designed to support increased traffic densities that may be created by future Medium Density development on this property.

The proposed Comprehensive Plan Map change is consistent with the goals and policies of the Comprehensive Plan. Consistency with State planning goals and any relevant area plans adopted by the Council are described following and incorporated here by reference (refer to response 3.b. and 3.d.).

2. A legislative amendment is needed to meet changing conditions or new laws.

Facts: The Albany Housing Needs and Economic Opportunities Analyses states “Depending on the rate of growth, the city is projected to add between 16,800 and 23,300 new residents to 2040, requiring between 6,750 and 9,400 new housing units after factoring for group quarters.”

Conclusion: The proposed comprehensive map amendment will increase the potential number of units that may be constructed on Parcel 1. Increasing the density potential of this property will help meet the increasing need for dwelling units within city limits.

The proposed amendment is needed to meet changing population needs.

3. The requested designation for a quasi-judicial map amendment meets all of the following tests:

a. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance is more supportive of the Comprehensive Plan as a whole than the old designation.

Facts: The old designation of LDR pre-dates the Current Albany Comprehensive Plan Last Updated November 07, 2023. The City of Albany Website states:

“The Albany City Council adopted the Housing Implementation Plan (HIP) in June of 2023. The HIP evaluated policies and strategies that the City can employ to address Albany’s current and future housing needs, as identified in the City’s 2020 Housing Needs Analysis (HNA).”

“The HIP outlines priority implementation steps the city can take to encourage the production of needed housing. Further, it provided the foundation for updating the housing element of the Albany Comprehensive Plan.”

The HIP project goals include:

“Identify and assess policies and strategies to increase housing options and opportunities that meet the needs of Albany residents as projected in the 2020 HNA and raised by the public, and to evaluate incentives in House Bill 2001 to increase the affordability of middle housing.”

The proposed MDR designation would increase the available housing potential of the lot including options for mixed, affordable development.

Conclusion: The requested designation is more supportive of the current Comprehensive Plan than the existing designation.

b. The requested designation is consistent with any relevant area plans adopted by the City Council.

Facts: According to the 2022-2026 Capital Improvement Program, there are no on-going or scheduled projects in the area of the subject property.

According to the 2022-2026 City of Albany Strategic Plan, Approved by City Council on September 28, 2022, theme pertaining to Great Neighborhoods. Goal 1 states, the council will “Encourage diversified housing options for households of all income levels and sizes.”

The proposed comprehensive plan designation of MDR on the subject parcel will increase available land within city limits that is available for diverse housing options.

Conclusion: The requested designation is consistent with relevant area plans adopted by the City Council.

c. The requested designation is consistent with the Comprehensive Plan Map pattern.

Facts: There are several other MDR properties along Grand Prairie Road and in the near vicinity of the subject property. A MDR designation would be consistent with existing patterns on the Comprehensive Plan Map, which includes Medium Density areas along arterial streets with good connectivity to area shopping, parks, and schools.

New RM districts should be located on a collector or arterial street [ADC 3.020]. North Parcel 1 fronts Grand Prairie Rd SE, a minor arterial street.

Conclusion: The requested designation is consistent with the Comprehensive Plan Map pattern.

d. The requested designation is consistent with the statewide planning goals.

Facts: The Oregon Housing and Community Services program states:

“Housing has emerged as a paramount concern. The lack of available housing, high rents and high home prices are driving rapid increases in housing instability and homelessness.”

To combat the lack of affordable housing, The Oregon Legislature passed House Bill 2001 (HB 2001) in August 2019 to help provide Oregonians with more housing choices. Statewide planning priorities include creating more affordable housing.

The proposed MDR designation would increase the available housing potential of the lot including options for mixed, affordable development.

Conclusion: The requested designation is consistent with the statewide planning goals.

ZONING MAP AMENDMENT

ALBANY DEVELOPMENT CODE - ARTICLE 2

[ADC 2.740] *Review Criteria*

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

Facts: A Plan map amendment has also been applied for, see previous.

Conclusion: The proposed Zone Map designation is contingent upon included Comprehensive Plan Map amendment.

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

Facts: Parcel 1 takes access from Grand Prairie Rd SE through an existing driveway approach. Per the Albany TSP, Grand Prairie Rd is a Minor Arterial Street, fully improved to city standards. The Grand Prairie Road Street Improvements Project was completed by the city in 2007 in anticipation for 2030 population estimates. Improvements included sidewalks and bicycle lanes on both sides of the street. Public Transportation is available at the intersection of Grand Prairie and Waverly Drive, approx. 925-ft west of the property. No capacity or safety deficiencies are identified on the section of Grand Prairie Rd adjacent to the proposed parcel.

Conclusion: The existing transportation facilities are adequate to accommodate the increased density under the proposed zone change.

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

Facts: Public facilities available to serve the partition are described below.

Water:

There is a 16-inch ductile iron waterline located in Grand Prairie Rd. Further development on the site could necessitate the installation of additional fire hydrants, but that would likely be the case for development under either LDR or MDR comprehensive plan designations.

Sanitary Sewer:

There is an 8-inch public sanitary sewer main in Grand Prairie Rd. Future development would be required to connect to the city system. The Capital Improvement Program for the wastewater system identifies projects that are needed to upgrade and expand the system for future users ensuring that it continues to serve current customers. According to the 2022-2026 Capital Improvement Program, there are no on-going or scheduled wastewater projects in the area of the subject property.

Storm Drainage:

There is a 24-inch public storm main in Grand Prairie Rd. The right-of-way is fully improved with curb, gutter, and curb inlet catch basin. A Stormwater management plan would be required to treat and detain

any water exiting the site after development. The post development run-off rate would be required to match pre-development conditions.

Schools:

Children residing in a future residential development on the subject property would attend schools in the Greater Albany Public School District (GAPS).

Police & Fire Protection:

The Albany Police Department and Fire Department provide services to all development in Albany.

Conclusion: The Existing services (water, sanitary sewers, storm sewers, schools, police, and fire protection) can accommodate potential development.

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

Facts: The goals and policies of the Comprehensive Plan are discussed in detail under previous response to [ADC 2.220(1)]. Those findings and conclusions are incorporated here by reference.

Conclusion: The intent and purpose of the proposed MDR zoning designation best satisfies the goals and policies of the Comprehensive Plan.

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

Facts: No transportation patterns are proposed to be altered with this proposal.

Conclusion: The criterion does not apply.

CONCLUSION

The proposed Tentative Partition Plat, Zone, and Comprehensive Plan Map changes substantially comply with all zoning and development code requirements. We respectfully request approval of these Land Use Applications.

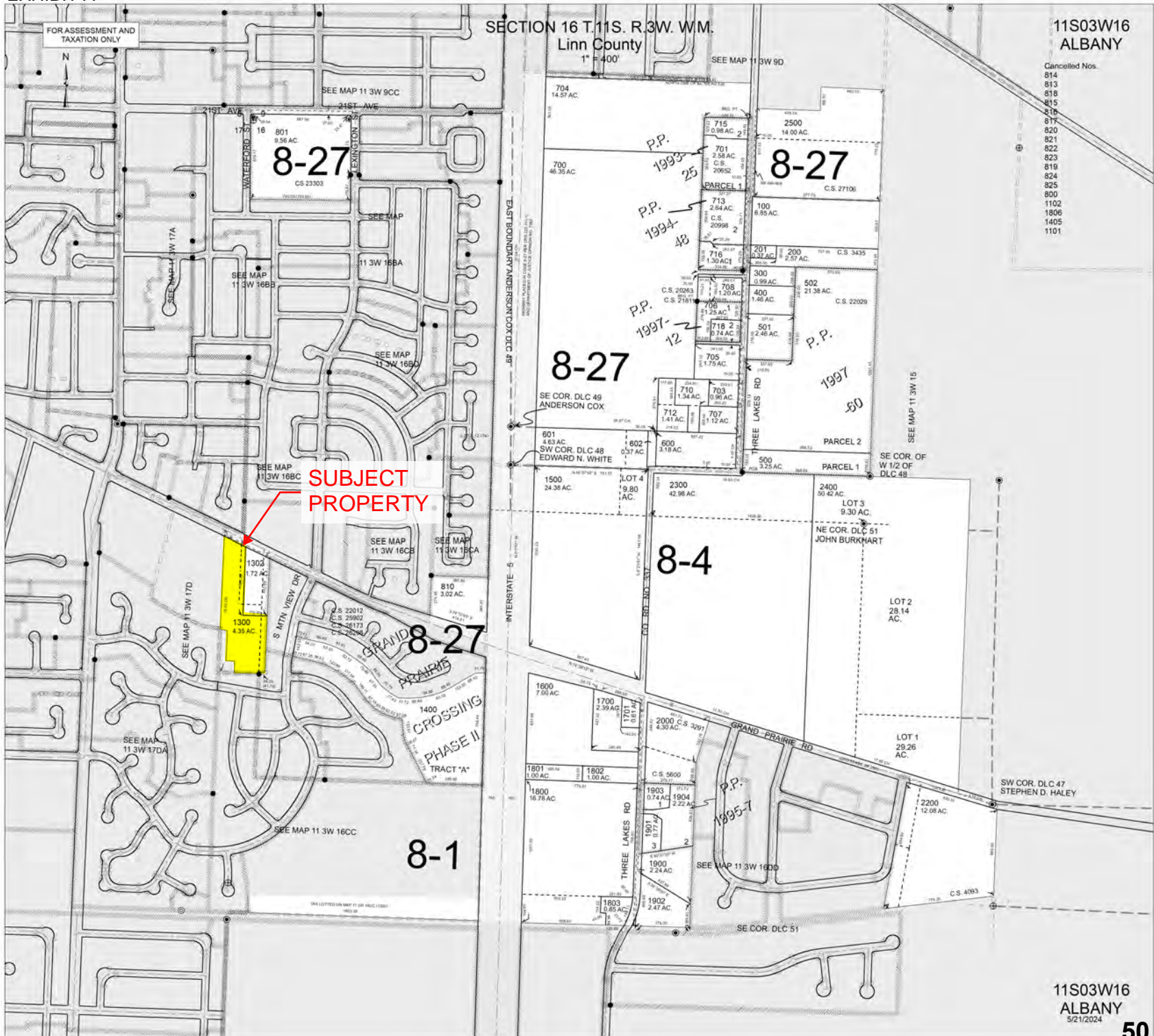
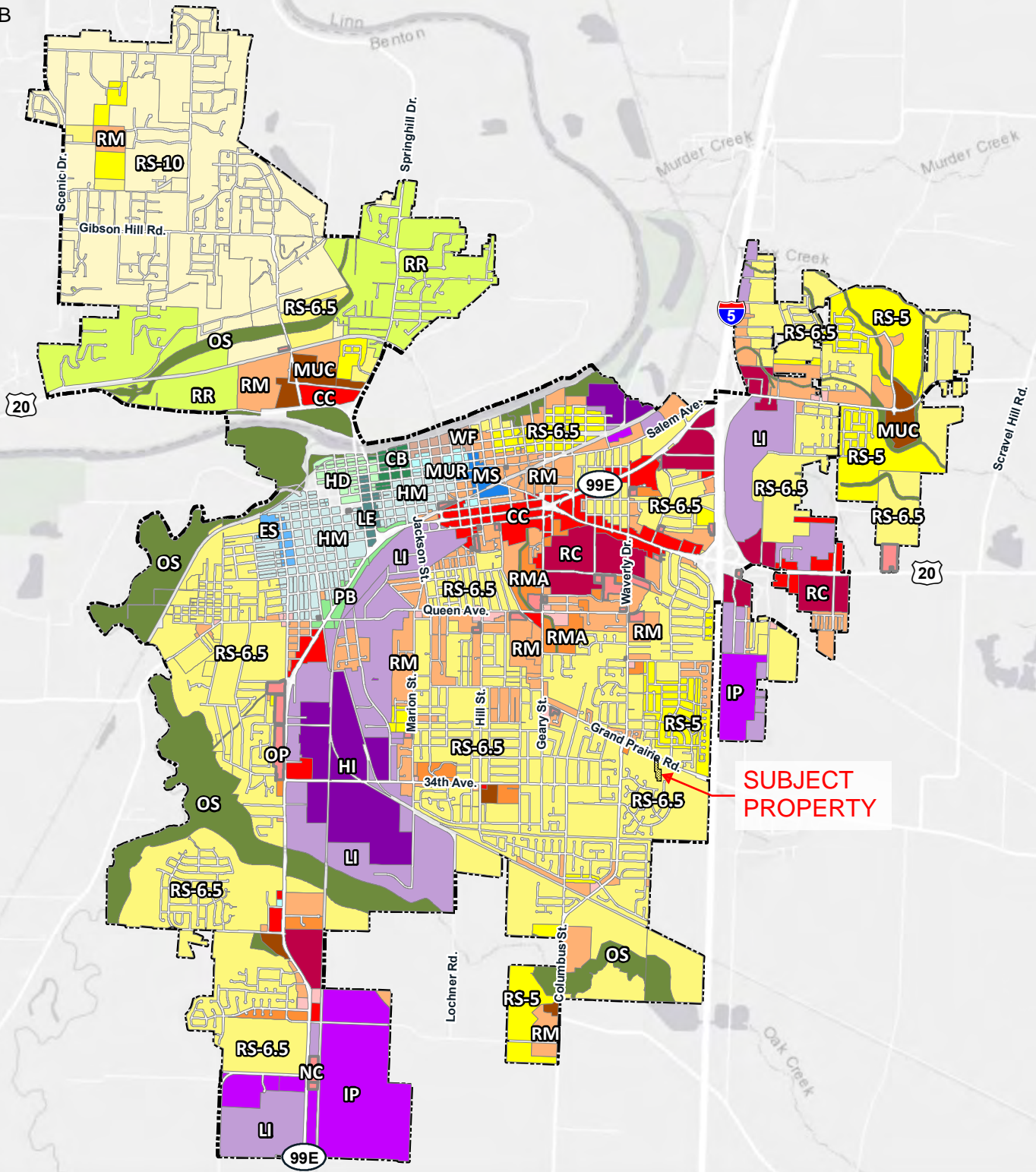


EXHIBIT B



SUBJECT PROPERTY

J:\ArcMap_Projects\Planning\Zoning\MXD_Zoning.mxd



Date: 3/2020 Map Source: City of Albany, Esri

Zoning Designations

EXHIBIT C

Fidelity National Title # 10-24630

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

GRANTOR'S NAME:
Cathryn Davidow, who acquired title as Cathryn Davidow-Root

GRANTEE'S NAME:
Cathryn Davidow

SEND TAX STATEMENTS TO:
Cathryn Davidow
2685 Happy Street NW
Albany, OR 97321

AFTER RECORDING RETURN TO:
Cathryn Davidow
2685 Happy Street NW
Albany, OR 97321

LINN COUNTY, OREGON 2010-09112
D-BS
Cnt=1 Str=7 S. WILSON 06/03/2010 03:38:28 PM
\$10.00 \$11.00 \$15.00 \$9.00 \$10.00 \$55.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

Escrow No: FT100024630-FTMWV01

SPACE ABOVE THIS LINE FOR RECORDER'S USE

BARGAIN AND SALE DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Cathryn Davidow, who acquired title as Cathryn Davidow-Root, Grantor, conveys to

Cathryn Davidow, Grantee, the following described real property, situated in the County of Linn, State of Oregon,

SEE LEGAL DESCRIPTION ATTACHED HERETO

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES 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, AS DEFINED IN ORS 30.930, AND TO 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The true consideration for this conveyance is \$0- (to correct vesting). (See ORS 93.030).

Dated: June 3, 2010

Cathryn Davidow

State of OREGON
COUNTY of LINN

This instrument was acknowledged before me on June 3, 2010 by Cathryn Davidow.

Notary Public - State of Oregon
My commission expires: 3/9/13



LEGAL DESCRIPTION

Beginning at a point in the center of the County Road which is 3.70 chains South and 2.30 chains West from the Northeast corner of the Southeast quarter of Section 17, in Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence South 15 chains; thence East 4.31 chains; thence North 13.65 chains to the center of the aforesaid County Road; thence North 65° West to the place of beginning. Excepting a strip therefrom off the West side thereof 20 feet wide to be used as Wagon Road.

Together with: Beginning at a point which is South 89°45 '00"East 118.80 feet and South 00°15 '00"West 314.64 feet from the Northwest corner of the Southwest quarter of Section 16, in Township 11 South, Range 3 West of the Willamette Meridian, in Linn County, Oregon, said point being in the centerline of Grand Prairie Road; and running thence South 00°15 '00"West 870.07 feet; thence South 89°45 '00"East 68.20 feet; thence North 00°32 '28"East 837.97 feet to said centerline; thence North 65°50 '52"West 79.25 feet to the true point of beginning.

Save and Except the following:

Beginning at a point which is South 89°45 '00"East 18.20 feet and South 00°15 '00"West 270.06 feet from the Northwest corner of the Southwest quarter of Section 16 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon, said point being in the centerline of Grand Prairie Road; thence South 00°15 '00"West 520.68 feet; thence South 89°45 '00"East 170.80 feet; thence North 00°32 '28"East 443.99 feet to said centerline; thence North 65°50 '32" West 189.29 feet to the true point of beginning.

Recording Cover Sheet

All Transactions (ORS 205.234)

After Recording Return To:

TYLER DAVIDOW
PO 3192
ALBANY, OR 97321

Mail Tax Statements To:


TYLER DAVIDOW
PO 3192
ALBANY, OR 97321

LINN COUNTY, OREGON **2022-03114**
 D-QD
 Cnt=1 Str=10130 COUNTER 02/17/2022 11:42:36 AM
 \$15.00 \$60.00 \$19.00 \$10.00 **\$104.00**



00431046202200031140030037

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

1. Name / Title of Transaction (ORS 205.234 (1a))

QUIT CLAIM DEED

2. Grantor / Direct Party Name (ORS 205.125 (1b), 205.160 & 205.234 (1b))

CATHRYN DAVIDOW
PO Box 3192
ALBANY, OR 97321

3. Grantee / Indirect Party Name (ORS 205.125 (1b), 205.160 & 205.234 (1b))

TYLER DAVIDOW
PO 3192
ALBANY, OR 97321

4. True and Actual Consideration (ORS 93.030)

\$175,000 ONE HUNDRED SEVENTY FIVE THOUSAND

5. If this instrument is being re-recorded, complete the following statement (ORS 205.244)

Re-recorded at the request of Cathryn Davidow
to correct THE LEGAL DESCRIPTION
Previously recorded in Book _____ and page _____ or DN 2022-734

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

Legal Description

ALL of that tract of land conveyed to Cathryn Davidow by Bargain and Sale Deed recorded in Document Number 2010-09112 in the Linn County Deed Records on June 3rd, 2010 (hereinafter referred to as "Davidow Tract") EXCEPTING THEREFROM three (3) portions of said Davidow Tract that are more particularly described as follows:

Portion # 1

Beginning at a point that is North 00°36'00" East 28.00 feet of the southeast corner of Lot 20 of Block 1 of "MEADOWBROOK PARK", a subdivision recorded in the Linn County, Oregon Book of Plats which point being on the west line of said Davidow Tract; thence North 00°36'00" East, along said west line, 145.30 feet; thence South 79°05'07" East 50.82 feet; thence South 00°36' 00" West 116.63 feet to 5/8 inch rod; thence South 69°13'12" West 53.70 feet to the Point of Beginning.

Portion # 2

Beginning at a point that is North 00°36'00" East 28.00 feet of the southeast corner of Lot 20 of Block 1 of "MEADOWBROOK PARK", a subdivision recorded in the Linn County, Oregon Book of Plats which point being on the west line of said Davidow Tract; thence North 69°13'12" East 53.70 feet to a 5/8 inch rod; thence South 00°36'00" West 93.34 feet to a 5/8 inch rod; thence North 89°41'37" West 50.00 feet to a point on the east line of Lot 21 of said Block 1 which point also being on the west line of said Davidow Tract; thence North 00°36' 00" East 74.02 feet to the Point of Beginning.

Portion # 3

Beginning at a point that is South 00°36'00" West 46.02 feet of the southeast corner of Lot 20 of Block 1 of "MEADOWBROOK PARK", a subdivision recorded in the Linn County, Oregon Book of Plats which point being on the west line of said Davidow Tract; thence South 89°41'37" East 50.00 feet to a 5/8 inch rod; thence South 89°41'37" East 61.26 feet to a 5/8 inch rod; thence South 00°36'00" West 80.00 feet to the northeast corner of Lot 1 of Block1 of "EDGEWOOD ESTATES", a subdivision recorded in the Linn County, Oregon Book of Plats; thence North 89°41'37" West 111.26 feet to the northwest corner of said Lot 1 which point also being the southwest corner of said Davidow Tract; thence North 00°36' 00" East 80.00 feet to the Point of Beginning.

February 4, 2022
RE-CONFIGURED DAVIDOW
(17-68) JJC:ls
File Ref. z:/projects/2017/17-68/surveying/documents/Legal Description-4.doc



BLK

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



CATHRYN S DAVIDOW
 410 5TH AVE SW
 ALBANY, OR 97321

Grantor's Name and Address

TYLER DAVIDOW
 PO BOX 3219
 ALBANY, ORE 97321

Grantee's Name and Address

After recording, return to (Name and Address):
 TYLER DAVIDOW
 PO BOX 3192
 ALBANY, OR 97321

Until requested otherwise, send all tax statements to (Name and Address):
 TYLER DAVIDOW
 PO BOX 3192
 ALBANY, OR 97321

LINN COUNTY, OREGON 2022-00734
 D-QD
 Cnt=1 Stn=10130 COUNTER 01/12/2022 03:42:04 PM
 \$5.00 \$11.00 \$60.00 \$19.00 \$10.00 \$105.00



00428440202200007340010019

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
 Steve Druckenmiller - County Clerk



KNOW ALL BY THESE PRESENTS that CATHRYN S. DAVIDOW

hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto TYLER DAVIDOW hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in LINN County, State of Oregon, described as follows (legal description of property):

BEGINNING AT A POINT THAT IS NORTH 00°36'00" EAST 28.00 FEET OF THE SOUTHEAST CORNER OF LOT 20 OF BLOCK 1 OF MEADOW BROOK PARK, A SUBDIVISION RECORDED IN THE LINN COUNTY OREGON BOOK OF PLATS WHICH POINT BEING ON THE WEST LINE OF SAID DAVIDOW TRACT; THENCE NORTH 00°36'00" EAST, ALONG SAID WEST LINE, 145.30' FEET; THENCE SOUTH 79°05'07" EAST 50.82 FEET; THENCE SOUTH 00°36'0" WEST 116.63 FEET TO A 5/8 INCH ROD; THENCE SOUTH 69°13'12" WEST 53.70 FEET TO THE POINT OF THE BEGINNING.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 175,000.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the the whole (indicate which) consideration. (The sentence between the symbols [Ⓢ], if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on _____: any signature on behalf of a business or other entity is made with the authority of that entity.

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 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, AS DEFINED IN ORS 30.930, AND TO 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.

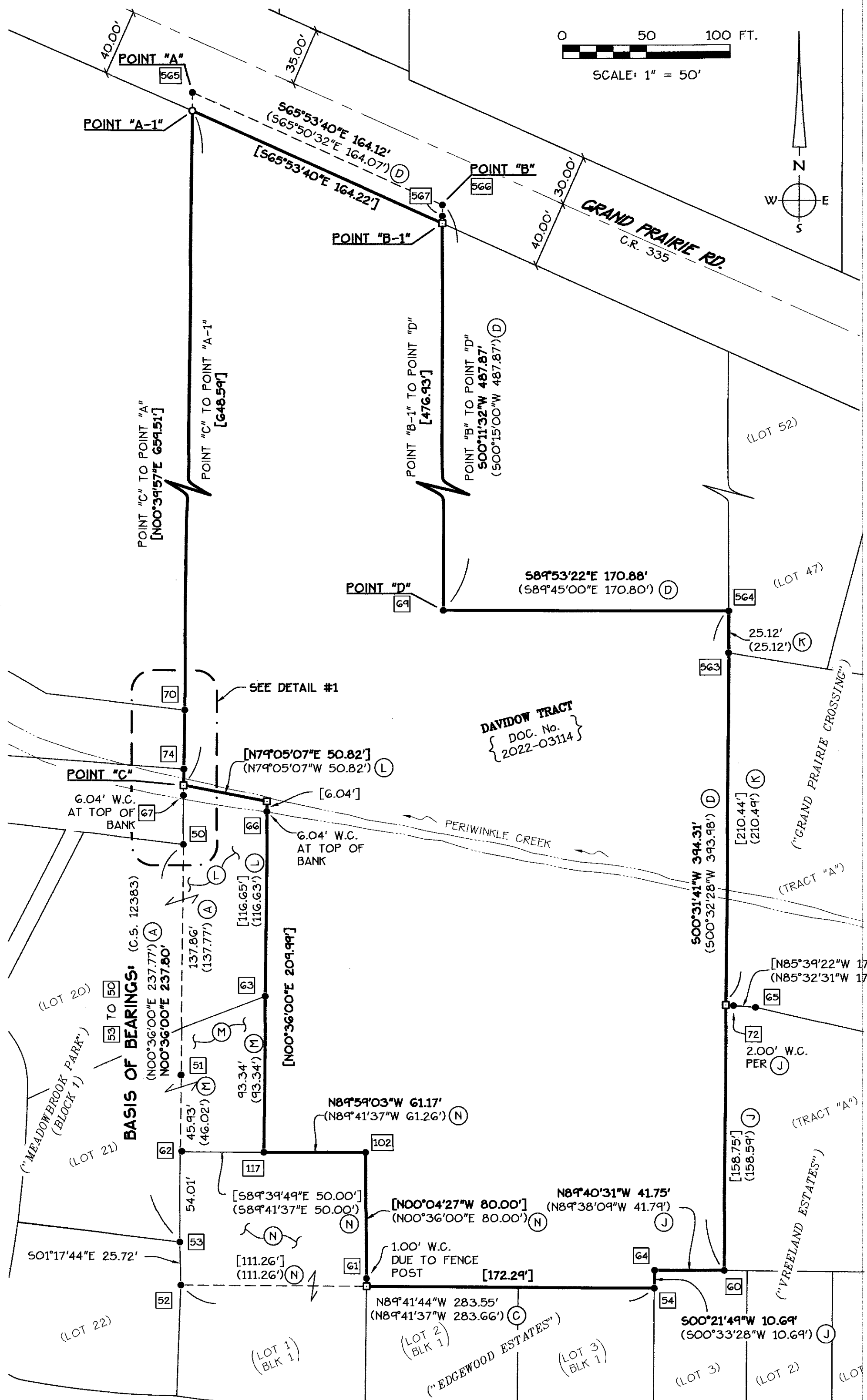
Cathryn S. Davidow

STATE OF OREGON, County of linn) ss. _____
 This instrument was acknowledged before me on January 12th 2022
 by Cathryn Sue Davidow

This instrument was acknowledged before me on _____
 by _____
 as _____
 of _____

Keri E Ragsdale
 Notary Public for Oregon
 My commission expires July 14 2024





NARRATIVE:

PURPOSE:

THE PURPOSE OF THIS SURVEY IS TO MONUMENT MISSING CORNERS OF THAT PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2022-03114

BOUNDARY DETERMINATION:

THE FOUND MONUMENTS, SET MONUMENTS AND CALCULATED POINTS WERE HELD TO ESTABLISH THE BOUNDARY AS SHOWN ON THE MAP.

POINT "A-1"

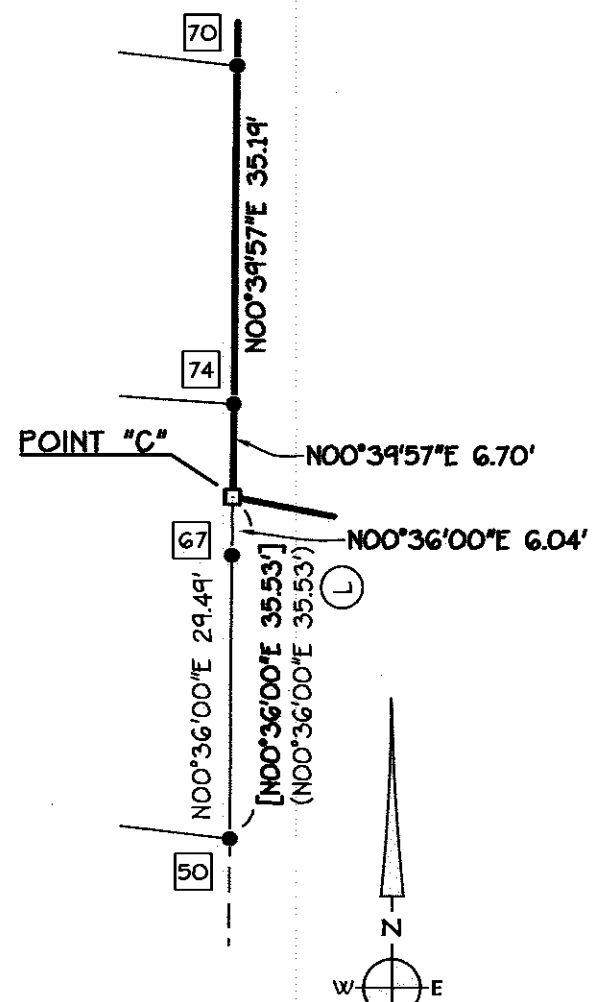
POINT "A-1" WAS SET AT THE INTERSECTION OF A LINE ESTABLISHED BY POINT "A" AND POINT "C" WITH A LINE THAT IS 10.00 FEET SOUTHERLY WHEN MEASURED AT RIGHT ANGLES OF A LINE ESTABLISHED BY POINT "A" AND POINT "B"

POINT "B-1"

POINT "B-1" WAS CALCULATED AT THE INTERSECTION OF A LINE ESTABLISHED BY POINT "B" AND POINT "D" WITH A LINE THAT IS 10.00 FEET SOUTHERLY WHEN MEASURED AT RIGHT ANGLES OF A LINE ESTABLISHED BY POINT "A" AND POINT "B"

LEGEND:

- FOUND MONUMENT; SEE "FOUND MONUMENT LIST"
- CALCULATED DATA
- SET 5/8" X 30" ROD W/YPC STAMPED: "K+D ENGR. LS 58561"
- () RECORD DATA; SEE "RECORD REFERENCE LIST"
- I.R. IRON ROD
- I.P. IRON PIPE (INSIDE DIAMETER)
- RPC RED PLASTIC CAP
- YPC YELLOW PLASTIC CAP
- C.R. COUNTY ROAD
- C.S. COUNTY SURVEY
- MF MICROFILM
- VOL VOLUME
- W.C. WITNESS CORNER
- [50] FOUND MONUMENT REFERENCE; SEE "FOUND MONUMENT LIST"
- (A) RECORD SURVEY REFERENCE; SEE "RECORD REFERENCE LIST"



FOUND MONUMENT LIST:

- [50] FOUND 3/4" I.P. (A)
- [51] FOUND 3/4" I.P. (A)
- [52] FOUND 2" I.P. (C)
- [53] FOUND 3/4" I.P. (A)
- [54] FOUND 5/8" I.R. (B)
- [60] FOUND 5/8" I.R. (D)
- [61] FOUND 5/8" I.R. (N) ; W/YPC STAMPED "K+D ENGR LS 58561"; THAT IS N00°04'27"W 1.00' FROM TRUE CORNER
- [62] FOUND 5/8" I.R. (N)
- [63] FOUND 5/8" I.R. (M) ; W/YPC STAMPED "K+D ENGR LS 58561"
- [64] FOUND 5/8" I.R. (F) ; W/YPC STAMPED "PLS 2267"
- [65] FOUND 5/8" I.R. (J) ; W/RPC STAMPED "NORTHSTAR SURVEYING"
- [66] FOUND 5/8" I.R. (L) ; W/YPC STAMPED "K+D ENGR LS 58561"
- [67] FOUND 5/8" I.R. (L) ; W/YPC STAMPED "K+D ENGR LS 58561"
- [69] **POINT "D"**
FOUND 5/8" I.R. (D) ; W/YPC STAMPED "1687"
- [70] FOUND 5/8" I.R. (G) ; W/YPC STAMPED "K.DOHERTY LS 2738"
- [72] FOUND 5/8" I.R. (J) ; W/RPC STAMPED "NORTHSTAR SURVEYING"; THAT IS 585°39'22"E 2.00' FROM TRUE CORNER
- [74] FOUND 5/8" I.R. (E)
- [102] FOUND 5/8" I.R. (N) ; W/YPC STAMPED "K+D ENGR LS 58561"
- [117] FOUND 5/8" I.R. (M) ; W/YPC STAMPED "K+D ENGR LS 58561"
- [563] FOUND 5/8" I.R. (K) ; W/YPC STAMPED "MULTI/TECH ENG."
- [564] FOUND 5/8" I.R. (D)
- [565] **POINT "A"**
FOUND 5/8" I.R. (H) ; W/YPC STAMPED "K+D ENGR LS 58561"
- [566] **POINT "B"**

Attachment 25902
CS 25902

VRELAND ESTATES
for
MOUNTAIN WEST
INVESTMENT CORPORATION

in
SW 1/4 OF SECTION 16
T 11 S, R 3 W, W.M.
CITY OF ALBANY
LINN COUNTY, OREGON
DECEMBER 22, 2014

SHEET 1 OF 3

I, THE UNDERSIGNED,
HEREBY CERTIFY
THAT THIS IS AN
EXACT COPY OF THE
ORIGINAL PLAT.
David Lee Schlosser Jr.
DAVID LEE SCHLOSSER JR.
P.L.S. 72617

* Affidavit of Correction
Recorded May 5, 2015
IN Doc. No. 2015-6750

MONUMENT NOTES:

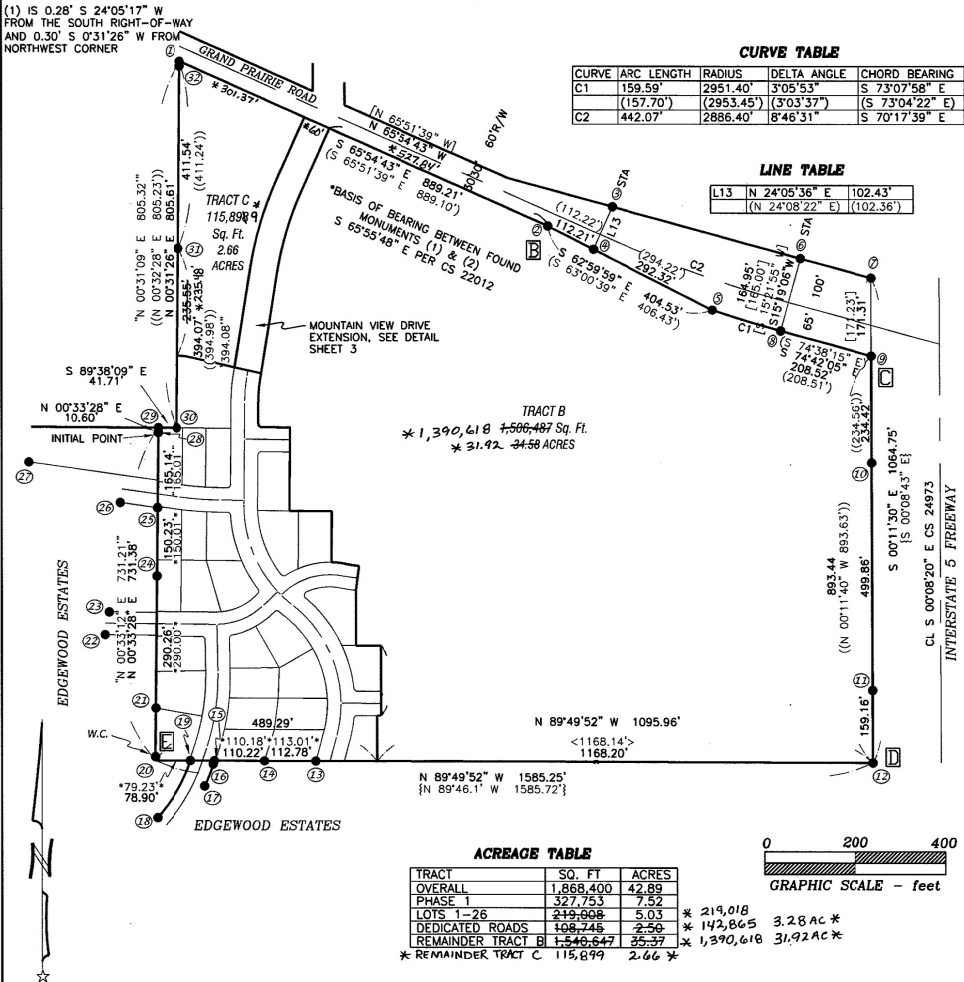
- ① = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ② = 5/8" SMOOTH ROD, DOWN 0.6' PER ODOT CS 19221
- ③ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ④ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ⑤ = 5/8" SMOOTH ROD DOWN 0.6' PER ODOT CS 19221
- ⑥ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ⑦ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ⑧ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ⑨ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ⑩ = 5/8" IR DOWN 1.7' SET BY O.S.H.D.
- ⑪ = 5/8" IR DOWN 0.1' SET BY O.S.H.D.
- ⑫ = 5/8" IR DOWN 0.1' PER CS 13247
- ⑬ = 5/8" IR DOWN 0.5' PER CS 14535
- ⑭ = 5/8" IR IN CONC PER CS 14535
- ⑮ = 5/8" IR DOWN 0.1' PER CS 14535
- ⑯ = 5/8" IR FLUSH PER CS 14535
- ⑰ = 5/8" IR FLUSH PER CS 14535
- ⑱ = 5/8" IR DOWN 0.8' BENT PER CS 14535
- ⑲ = 5/8" IR DOWN 0.8' PER CS 14535
- ⑳ = 5/8" IR FLUSH WC W/YPC "PLS 2267" PER CS 22012
- ㉑ = 5/8" IR DOWN 0.4' PER CS 14535
- ㉒ = 1/2" IP DOWN 0.9' PER CS 14535
- ㉓ = 5/8" IR DOWN 1.6' PER CS 14535
- ㉔ = 5/8" IR UNDER CONC PER CS 14535 IS 0.6' W OF LINE
- ㉕ = 5/8" IR DOWN 0.1' PER CS 14535
- ㉖ = 5/8" IR DOWN 1.7' PER CS 14535
- ㉗ = 1/2" IP DOWN 0.3' PER CS 14535
- ㉘ = 5/8" IR DOWN 1.4' PER CS 13247
- ㉙ = 5/8" IR FLUSH W/YPC "PLS 2267" PER CS 22012
- ㉚ = 5/8" IR DOWN 0.3' PER CS 19036
- ㉛ = 5/8" IR DOWN 0.3' PER CS 19036
- ㉜ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561" PER CS 25334

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	159.59'	2951.40'	3°05'53"	S 73°07'58" E	159.57'
	(157.70')	(2953.45')	(3°03'37")	(S 73°04'22" E)	(157.68')
C2	442.07'	2886.40'	8°46'31"	S 70°17'39" E	441.64'

LINE TABLE

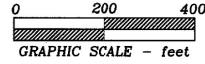
LINE	ANGLE	DISTANCE
L13	N 24°05'36" E	102.43'
	(N 24°08'22" E)	(102.36')



ACREAGE TABLE

TRACT	SQ. FT	ACRES
OVERALL	1,868,400	42.89
PHASE I	327,753	7.52
LOTS 1-26	219,698	5.03
DEDICATED ROADS	108,748	2.50
REMAINDER TRACT B	1,540,647	35.37
REMAINDER TRACT C	115,899	2.66

* 219,018 3.28 AC *
* 1,390,618 31.92 AC *



EASEMENT CURVE TABLE

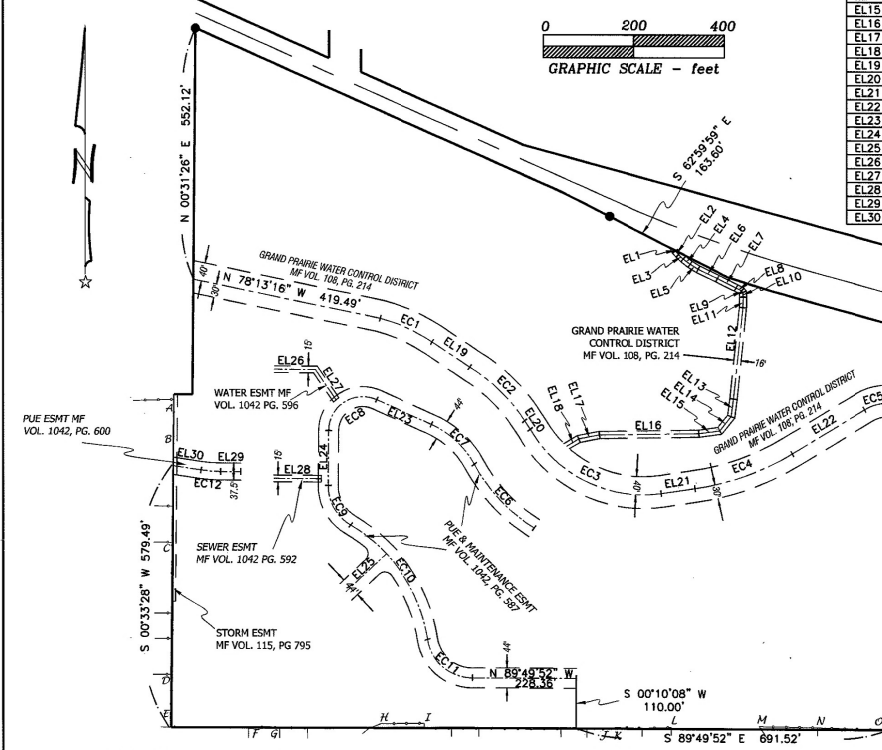
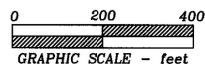
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
EC1	381.97'	127.67'	127.08'	N 63°38'47" W	19°09'02"
EC2	381.97'	170.11'	168.71'	N 45°45'44" W	25°31'00"
EC3	286.48'	341.83'	321.91'	N 64°03'18" W	68°21'57"
EC4	572.96'	229.83'	228.29'	S 70°16'13" W	22°58'58"
EC5	100.52'	52.85'	52.25'	S 73°50'34" W	30°07'32"
EC6	375.00'	194.42'	192.25'	S 43°12'09" E	29°42'19"
EC7	200.00'	130.70'	128.39'	N 47°04'17" W	37°26'34"
EC8	75.00'	148.62'	135.58'	S 57°21'57" W	13°41'28"
EC9	100.00'	104.78'	100.05'	S 29°30'16" E	6°01'59"
EC10	355.00'	314.35'	304.18'	N 34°09'19" W	50°44'06"
EC11	100.00'	141.45'	129.95'	S 49°18'31" E	81°02'42"
EC12	311.25'	42.18'	42.14'	S 85°20'26" E	7°45'50"

EASEMENT LINE TABLE

LINE	ANGLE	DISTANCE
EL1	S 25°39'03" E	1.59'
EL2	S 41°06'39" E	10.43'
EL3	S 47°07'14" E	14.23'
EL4	S 51°36'10" E	18.66'
EL5	S 58°47'40" E	20.94'
EL6	S 64°18'32" E	46.90'
EL7	S 63°57'57" E	46.26'
EL8	S 62°31'39" E	13.83'
EL9	N 60°03'48" E	6.35'
EL10	S 04°05'04" E	10.52'
EL11	S 01°29'06" W	22.21'
EL12	S 05°56'45" W	201.71'
EL13	S 07°38'28" W	39.16'
EL14	S 38°57'59" W	40.21'
EL15	S 82°01'30" W	46.86'
EL16	S 89°09'44" W	220.48'
EL17	S 79°01'58" W	46.15'
EL18	S 59°27'01" W	31.21'
EL19	N 56°04'16" W	99.42'
EL20	N 33°33'16" W	22.21'
EL21	S 81°45'44" W	75.08'
EL22	S 58°46'44" W	188.02'
EL23	S 65°47'34" E	133.71'
EL24	N 00°30'47" E	120.88'
EL25	N 48°52'12" E	122.21'
EL26	N 89°29'13" W	66.83'
EL27	S 34°21'57" E	79.91'
EL28	S 89°28'35" E	104.90'
EL29	S 89°49'30" E	44.43'
EL30	S 81°27'31" E	66.13'

LEGEND

- FOUND MONUMENT AS NOTED
- SEE TABLE ABOVE
- CS.....COUNTY SURVEY
- ESMT.....EASEMENT
- PG.....PAGE
- PUE.....PUBLIC UTILITY EASEMENT
- VOL.....VOLUME
- W.C.....WHITNESS CORNER
- ().....CS 25334
- { }.....CS 24598
- < >.....CS 13247
- < >.....CS 14259
- *.....CS 14535
-CS 22012
- ().....CS 19036
- ①.....MONUMENT REFERENCE NO.
- A.....FENCE TIE NOTE



FENCE TIES

- A...CORNER OF 6' WOOD FENCE IS 0.7' E & 0.5' S OF CORNER
- B...S END OF 6' WOOD FENCE IS ON THE LINE
- C...6' WOOD FENCE "T" IS 0.5' W OF CORNER
- D...CORNER OF 6' WOOD FENCE IS 0.4' W OF CORNER
- E...S END OF 6' WOOD FENCE IS 0.9' E OF CORNER & E/W CHAIN LINK FENCE IS 5' 1.9'
- F...CORNER OF 6' WOOD FENCE IS 1.0' N OF LINE
- G...6' WOOD FENCE "T" IS S 65 W 0.5' OF CORNER
- H...W END OF 6' WOOD FENCE IS N 9.2' OF LINE
- I...CORNER OF 6' WOOD FENCE IS N 10.2' OF LINE
- J...STORAGE BUILDING IS 0.9' N OF LINE
- K...4' PICKET FENCE IS 2.5' N OF LINE
- L...5' CHAIN LINK FENCE CORNER IS 3.1' N 10.2' OF LINE
- M...CORNER OF 4' WOOD FENCE IS N 6.3' OF LINE
- N...4' WOOD FENCE "T" IS 4.2' N OF LINE
- O...CORNER OF 4' WOOD FENCE IS S 55 E 0.5' FROM CORNER AND S END OF 6' CHAIN LINK FENCE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David Lee Schlosser Jr.

OREGON
JUNE 10, 2014
DAVID LEE SCHLOSSER JR.
72617

RENEWS: 06/30/2016

NORTHSTAR SURVEYING, INC.
720 N.W. 4th Street
Corvallis, Oregon 97330
Phone: 541-757-9050

SUBJECT PROPERTY T.L.1300

25900
Attachment 22
VREILAND ESTATES
for
MOUNTAIN WEST INVESTMENT CORPORATION
in
SW 1/4 OF SECTION 16
T 11 S, R 3 W, W.M.
CITY OF ALBANY
LINN COUNTY, OREGON
DECEMBER 22, 2014
SHEET 2 OF 3

LEGEND
● FOUND MONUMENT AS NOTED ON PG. 1
○ SET 5/8" ROD WITH RED PLASTIC CAP STAMPED "NORTHSTAR SURVEYING".
○ SET 5/8" ROD WITH A 2" ALUMINUM CAP STAMPED "NORTHSTAR SURVEYING".
○ SET REFERENCE MONUMENT A 5/8" ROD WITH RED PLASTIC CAP STAMPED "NORTHSTAR SURVEYING".
.....COMPUTED POINT, NOTHING FOUND, NOTHING SET
FUE.....FRANCHISE UTILITY EASEMENT
REF MON.....REFERENCE MONUMENT
ROW.....RIGHT OF WAY
SF.....SQUARE FEET
.....CS 13247
.....CS 14535
.....CS 22012
(()).....CS 19036

CURVE TABLE

CURVE	ARC	RADIUS	DELTA	CHORD BEARING	CHORD
C3	271.70	770.00	20°13'11"	N 28°10'37" E	270.29
C4	51.55	428.00	10°23'33" E	N 51°51'11" E	51.51
C5	146.55	375.00	22°23'31" N	S 30°31'28" E	145.62
C6	60.41	405.00	8°32'45" S	S 04°47'08" W	60.35
C7	56.00	375.00	8°33'24" S	S 04°47'29" W	55.95
C8	51.45	345.00	6°32'38" S	S 04°47'08" W	51.40
C9	12.57	8.00	90°00'00" S	S 44°29'13" E	11.31
C10	12.57	8.00	90°00'00" S	S 45°30'47" W	11.31
C11	12.57	8.00	90°00'00" S	S 45°30'47" W	11.31
C12	32.37	87.00	22°21" N	S 89°06'33" E	32.37
C13	51.39	673.00	4°22'29" S	S 84°32'38" E	51.37
C14	4.32	673.00	0°22'03" S	S 82°10'22" E	4.32
C15	91.60	700.00	7°29'53" S	S 85°44'17" E	91.54
C16	10.77	727.00	0°50'55" S	S 82°24'48" E	10.77
C17	55.18	727.00	4°20'55" S	S 85°00'43" E	55.16
C18	29.19	727.00	2°18'02" S	S 88°20'13" E	29.19
C19	11.93	87.00	8°48'52" N	N 48°46'37" W	10.85
C20	12.10	245.00	7°49'45" S	S 00°54'07" E	12.10
C21	151.83	245.00	35°30'22" S	S 20°04'10" E	149.41
C22	209.63	275.00	43°40'36" S	S 21°19'31" E	204.59
C23	102.10	305.00	19°10'48" S	S 13°38'45" E	101.62
C24	71.90	305.00	13°30'27" S	S 29°59'22" E	71.74
C25	11.67	8.00	85°34'47" N	N 05°02'48" E	10.86
C26	32.93	8.00	85°34'47" N	N 05°02'48" E	10.86
C27	30.17	17.00	9°46'00" S	S 62°07'07" W	30.13
C28	75.02	177.00	24°17'05" S	S 79°08'40" W	74.46
C29	29.89	177.00	9°04'26" S	S 85°52'34" E	29.85
C30	31.57	473.00	3°49'28" S	S 80°57'05" E	31.57
C31	33.37	500.00	3°49'28" S	S 80°57'05" E	33.37
C32	147.15	150.00	56°12'30" N	N 72°51'24" E	141.32
C33	35.18	527.00	3°49'28" S	S 80°57'05" E	35.17
C34	75.71	123.00	8°18'56" S	S 83°18'41" W	74.52
C35	16.09	8.00	11°15'22" S	S 08°04'01" W	13.51
C36	81.94	123.00	38°10'12" N	N 65°55'17" E	80.43
C37	11.92	123.00	5°33'05" S	S 87°46'56" E	11.91
C38	3.35	150.00	1°16'45" N	N 89°58'06" E	3.35
C39	111.11	150.00	4°22'26" S	S 68°03'28" E	108.59
C40	12.33	8.00	88°20'33" N	N 45°18'15" W	11.15
C41	11.09	8.00	79°42'54" N	N 38°16'00" W	69.28
C42	55.11	177.00	17°50'17" N	N 69°23'18" E	54.88
C43	42.11	177.00	13°37'58" N	N 53°39'10" E	42.02
C44	11.67	8.00	83°34'47" N	N 88°37'35" W	10.66
C45	13.68	305.00	2°34'12" S	S 50°52'08" E	13.68
C46	96.28	245.00	22°30'56" N	N 40°53'49" W	95.66
C47	114.80	245.00	26°50'48" N	N 16°12'57" W	113.75
C48	69.51	245.00	18°13'29" N	N 15°40'38" W	69.28
C49	7.33	245.00	11°42'53" S	S 14°19'17" W	7.33
C50	73.83	275.00	15°22'53" S	S 07°30'51" W	73.60
C51	249.48	275.00	51°58'40" S	S 26°08'56" E	241.01
C52	33.15	275.00	6°54'24" S	S 07°42'03" E	33.13
C53	10.00	275.00	2°05'02" S	S 44°12'21" E	10.00
C54	131.91	305.00	24°46'48" N	N 37°10'16" W	130.88
C55	97.01	305.00	18°13'29" N	N 15°40'38" W	96.60
C56	11.63	8.00	83°18'56" S	S 14°19'17" W	10.63
C57	11.71	8.00	83°53'06" S	S 48°13'35" W	10.69
C58	47.35	305.00	8°53'42" N	N 10°43'53" E	47.30
C59	57.29	527.00	6°13'41" N	N 02°00'52" E	57.26
C60	69.87	527.00	7°35'45" N	N 08°55'35" E	69.81
C61	49.34	527.00	5°21'52" N	N 15°24'24" E	49.32
C62	167.45	500.00	18°17'38" N	N 08°29'41" E	166.67
C63	61.80	473.00	7°49'09" N	N 14°20'43" E	61.76
C64	96.61	473.00	11°42'09" N	N 04°45'08" E	96.44

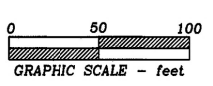
LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°38'08" E	41.71'
L2	S 89°45'00" E	41.79'
L3	N 09°04'13" E	12.41'
L4	(N 00°32'22" E)	(10.62')
L5	N 89°49'52" W	30.98'
L6	N 89°49'50" W	34.33'
L7	N 89°49'52" W	34.33'
L8	N 89°49'50" W	34.33'
L9	N 89°49'52" W	26.17'
L10	N 89°49'52" W	26.65'
L11	N 89°49'50" W	26.31'
L12	N 00°33'28" E	2.04'
L13	N 00°33'28" E	25.00'
L14	N 00°33'28" E	25.00'
L15	N 00°33'28" E	25.00'
L16	N 00°33'28" E	25.00'
L17	N 00°33'28" E	25.00'
L18	N 00°33'28" E	25.00'
L19	N 00°33'28" E	25.00'
L20	N 00°33'28" E	25.00'
L21	N 00°33'28" E	25.00'
L22	N 00°33'28" E	25.00'
L23	N 00°33'28" E	25.00'
L24	N 00°33'28" E	25.00'
L25	N 00°33'28" E	25.00'
L26	N 00°33'28" E	25.00'
L27	N 00°33'28" E	25.00'
L28	N 00°33'28" E	25.00'
L29	N 00°33'28" E	25.00'

I, THE UNDERSIGNED,
HEREBY CERTIFY
THAT THIS IS AN
EXACT COPY OF
THE ORIGINAL PLAT.
David Lee Schlosser Jr.
DAVID LEE SCHLOSSER JR.
P.L.S. 72617

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 10, 2014
DAVID LEE SCHLOSSER JR.
72617
RENEWS: 06/30/2016



NORTHSTAR SURVEYING, INC.
720 N.W. 4th Street
Corvallis, Oregon 97330
Phone: 541-757-9050

DECLARATION:

KNOWN ALL PERSONS BY THESE PRESENTS, THAT MOUNTAIN WEST INVESTMENT CORPORATION, ARE THE RECORDED OWNER OF THE LAND REPRESENTED ON THIS PLAT, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYORS CERTIFICATE, AND HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED AND PLATTED INTO LOTS, STREETS AND TRACTS AS SHOWN ON THE ACCOMPANYING MAP AND TO BE DEDICATED "VREELAND ESTATES."

WE HEREBY DEDICATE TO PUBLIC USE FOREVER FOR STREET AND PUBLIC UTILITY PURPOSES THE 54 FOOT-WIDE STRIPS LABELED "BEATRICE AVENUE", "BROOKSIDE AVENUE", "WILT AVENUE", "BARTLEY STREET", AND "36TH AVENUE" TOGETHER WITH A 60 FOOT-WIDE STRIP LABELED " MOUNTAIN VIEW DRIVE."

WE HEREBY CREATE 10 FOOT WIDE EASEMENTS ADJACENT TO STREET RIGHT-OF-WAY AS SHOWN ON LOTS 1 -26 FOR FRANCHISE UTILITY PURPOSES.

WE HEREBY CREATE A 24 FOOT WIDE INGRESS / EGRESS ACCESS AND UTILITY EASEMENT ALONG THE SOUTH LINE OF TRACT "A" AS SHOWN HEREON, WHICH BENEFITS CATHRYN DAVIDOW, HER HEIRS AND ASSIGNS, BEING THE OWNER OF THAT CERTAIN TRACT LYING DIRECTLY WEST OF SAID TRACT "A".

WE HEREBY CREATE A INGRESS AND EGRESS ACCESS EASEMENT FOR GRAND PRAIRIE WATER DISTRICT ALONG THE NORTH LINE OF TRACT "A" HERON AS SHOWN..

CS. **25902**
VREELAND ESTATES

for
MOUNTAIN WEST INVESTMENT CORPORATION

in
NE 1/4 OF SECTION 16
T 11 S, R 3 W, W.M.
CITY OF ALBANY
LINN COUNTY, OREGON
DECEMBER 22, 2014

SHEET 3 OF 3

I, THE UNDERSIGNED,
HEREBY CERTIFY
THAT THIS IS AN
EXACT COPY OF
THE ORIGINAL PLAT.
David Lee Schlosser Jr.
DAVID LEE SCHLOSSER JR.
P.L.S. 72617

NARRATIVE:

Attachment C.23

THE PURPOSE OF THIS SURVEY IS TO DIVIDE THAT CERTAIN PROPERTY CONVEYED TO MWIC ALBANY, LLC, AN OREGON LIMITED LIABILITY COMPANY PER INSTRUMENT NO. 2014-08158, LINN COUNTY RECORDS, INTO TRACTS, LOTS AND RIGHT-OF-WAYS. SAID PROPERTY IS MORE PARTICULARLY DEPICTED ON C.S. 22012. THIS PLAT IS THE RESULT OF THE CITY OF ALBANY COMMUNITY DEVELOPMENT DEPARTMENT FILE SD-03-14.

THE PARENT BOUNDARY DEPICTED ON THIS PLAT IS BASED UPON THE BOUNDARY RESOLUTION FROM C.S. 22012. I HAVE REVIEWED THE DOCUMENTS AND OTHER SURVEYS REFERRED TO IN THE C.S. 22012 "NARRATIVE" AND CONCUR WITH DECISIONS MADE THEREIN. I FOUND AND CONFIRMED THE POSITIONS OF ALL MONUMENTS THAT I HAVE SHOWN, AND FEEL THAT THEY ACCURATELY FIT THE DEED POSITIONS PER SAID 2012-08158. THE FOLLOWING IS DESCRIBES MY FINDINGS:

THE NORTHWEST CORNER AT [A] WAS ESTABLISHED BY HOLDING 0.28' OFFSET TO MONUMENTS [A] PER CS 25334 AND THE LINE FROM MONUMENT [B], ALONG WITH AN EXTENSION OF THE WEST LINE BETWEEN THE OTHER FOUND MONUMENTS WHICH ALL FIT NICELY ON LINE. THE REST OF THE SOUTHERLY RIGHT-OF-WAY WAS CALCULATED BETWEEN FOUND MONUMENTS AS SHOWN.

THE NORTHEAST CORNER AT [C] WAS ESTABLISHED BY INTERSECTING THE SOUTH RIGHT-OF-WAY OF GRAND PRAIRIE WITH THE FOUND MONUMENTS PER CS 13247 LOCATED ALONG THE WEST RIGHT-OF-WAY FOR INTERSTATE 5.

THE SOUTHEAST CORNER AT [D] WAS ESTABLISHED BY HOLDING THE 5/8" IRON ROD PER 13247.

THE SOUTHWEST CORNER WAS ESTABLISHED BY HOLDING MONUMENTS AS FOUND PER EDGEWOOD ESTATES AND 2.00 FOOT FROM THE WITNESS CORNER AT [E].

THE REMAINDER OF THE LINES WERE BETWEEN THE FOUND MONUMENTS AS STATED ABOVE FROM CS 22012.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS USED FOR THIS SURVEY IS S 65°55'48" E BETWEEN THE 5/8" IRON ROD MONUMENT S 00°31'26" W 0.30 FEET FROM [A] AND THE 5/8" IRON ROD MONUMENT AT [B] HERON AND AS SHOWN ON CS 22012.

SURVEY CERTIFICATION:

I DAVID LEE SCHLOSSER JR., REGISTERED LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY AND DECLARE THAT DURING THE MONTH OF NOVEMBER 2014, I DID ACCURATELY SURVEY, SUBDIVIDE, AND PLAT INTO LOTS, TRACTS, AND RIGHTS-OF-WAY THE LANDS REPRESENTED ON THE ATTACHED MAP OF "VREELAND ESTATES" THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO MWIC ALBANY, LLC, AN OREGON LIABILITY COMPANY, PER DOCUMENT NO. 2014-08158, LINN COUNTY RECORDS, LYING IN THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON. SAID TRACT BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT A 5/8" IRON ROD WHICH MARKS THE NORTHEAST CORNER OF LOT 3, BLOCK 1 OF EDGEWOOD ESTATES, THENCE NORTH 00°33'28" EAST FOR A DISTANCE OF 10.69 FEET TO THE SOUTH LINE OF THAT PROPERTY DESCRIBED IN DEED VOLUME 420, PAGE 518, THENCE SOUTH 89°38'09" EAST FOR A DISTANCE OF 41.71 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN DEED VOLUME 420, PAGE 518; THENCE NORTH 00°31'26" EAST FOR A DISTANCE OF 805.61 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND PRAIRIE ROAD FROM WHICH A 5/8" IRON ROD LIES SOUTH 00°31'26" WEST 0.30 FEET, THENCE ALONG SAID RIGHT-OF-WAY SOUTH 65°54'43" EAST, 889.21 FEET; THENCE SOUTH 62°59'59" EAST, 404.53 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2951.40 FEET AND AN ARC LENGTH OF 159.59 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 73°07'58" EAST FOR A DISTANCE OF 159.57 FEET, THENCE SOUTH 74°42'05" EAST, 208.52 FEET TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 5, THENCE LEAVING SAID GRAND PRAIRIE ROAD SOUTH 00°11'30" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 5, 893.44 FEET; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 89°49'52" WEST 1585.25 FEET TO THE NORTHWEST CORNER OF LOT 5, BLOCK 5, SAID EDGEWOOD ESTATES, THENCE NORTH 00°33'28" EAST, 731.69 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM A PORTION OF SAID LAND IS DEDICATED TO CITY OF ALBANY BY DEED RECORDED JUNE 17, 1999 IN VOLUME 1042, PAGE 0610, MICROFILM RECORDS.

APPROVALS:

Planning Case File No. SD-09-14

Robert Richardson 1-20-15
Community Development Director date
City of Albany

Jonathan Stellerstein for Mark Shepard 1-20-15
Public Works Director date
City of Albany

Steve Rignuit 1/21/2015
Chairperson, date
Linn County Commissioner

[Signature] 21 JAN 15
Linn County Commissioner date

[Signature] 1/21/15
Linn County Commissioner date

Charles W. Gibbs 2-06-15
Linn County Surveyor date

I hereby certify that pursuant to O.R.S. 92.095 all ad valorem taxes, fees and other charges required by law to be placed on the 2014-2015 tax roll, which become a lien or will become a lien during this tax year on this subdivision, but not yet certified to the tax collector for collection have been paid to me this 4th day of February, 2015.

by *[Signature]*
Linn County Assessor/Tax Collector

State of Oregon)

s.s.

County of Linn)

I hereby certify that this Subdivision Plat was received and duly recorded by me in the Linn County Record Book of Plats in Volume 24, Page 39, on this 6th day of

February, 2015, at 9:47 o'clock AM. Target Sheet recorded in Deed Records Document No. 2014-1536.

BY: *[Signature]*
Linn County Clerk

STATE OF OREGON)
COUNTY OF LINN)

s.s.

SIGNED AND ATTESTED BEFORE ME ON THIS 19 DAY OF

January, 2015, BY MWIC ALBANY, LLC, AN OREGON LIMITED LIABILITY COMPANY, MANAGER

[Signature] SIGNATURE OF NOTARY

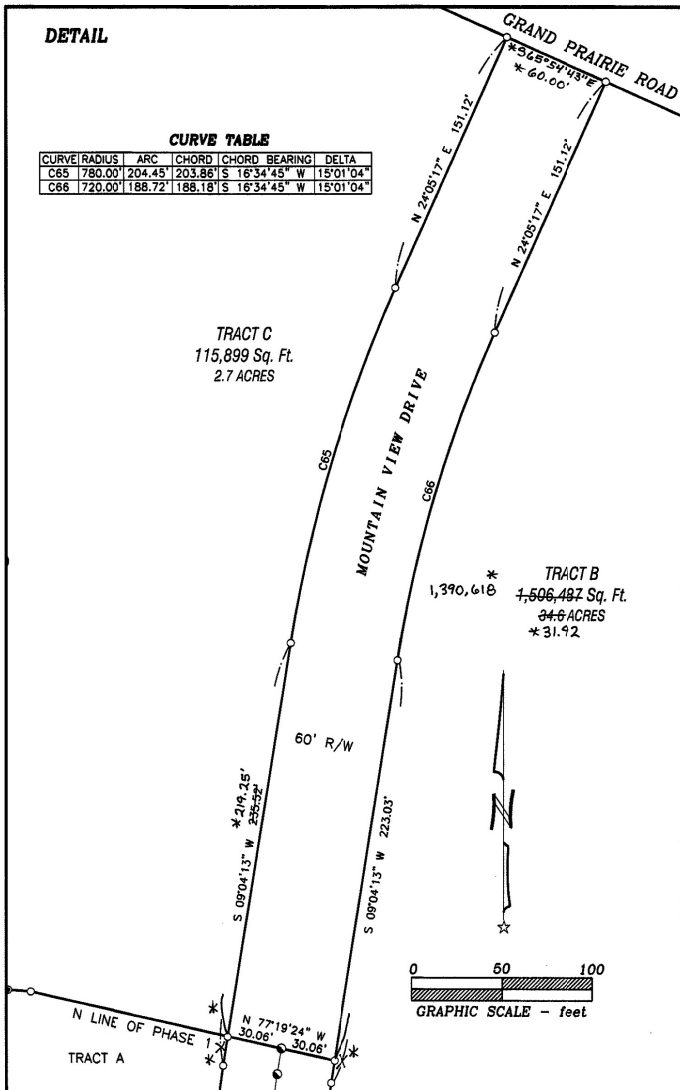
Hillary Banks PRINTED NAME OF NOTARY

NOTARY PUBLIC - STATE OF OREGON
COMMISSION No. 152239
MY COMMISSION EXPIRES May 4, 2015

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 10, 2014
DAVID LEE SCHLOSSER JR.
72617

RENEWS: 06/30/2016

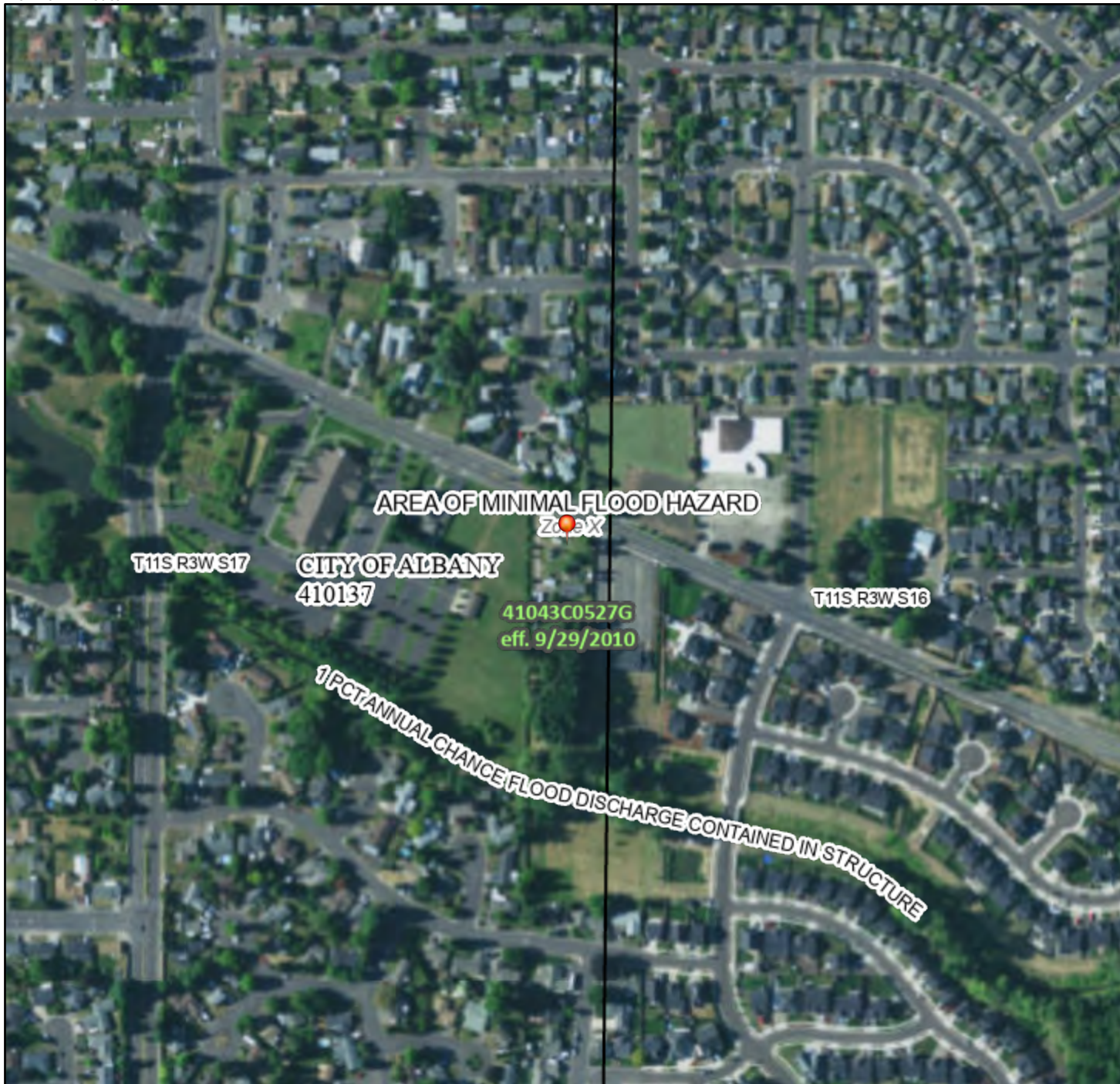


NORTHSTAR SURVEYING, INC.
720 N.W. 4th Street
Corvallis, Oregon 97330
Phone: 541-757-9050

National Flood Hazard Layer FIRMMette



123°4'28"W 44°36'59"N



Legend Attachment C.24

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
OTHER FEATURES		Profile Baseline
		Hydrographic Feature

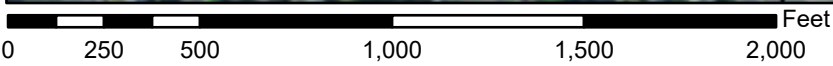
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/29/2024 at 4:40 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas can be used for regulatory purposes.



1:6,000 123°3'51"W 44°36'34"N



Albany Planning Department
333 Broadalbin SW
Albany, OR 97321

Subject: TRIP GENERATION MEMO
Land Use Application CP-01-24
GREEN Cascades Project No. 2701-23

The Proposed Zone Map with Comprehensive Plan Map Amendment application associated with this project are required to comply with the Oregon Transportation Planning Rule (TPR), OAR 660-012 Planning Goal 12. TPR section 0060 applies only to applications that include a comprehensive plan map or text amendment, a functional plan, a zoning map or zoning code text amendment.

Trip generation is provided to determine if the proposed zone change meets the “significant effect” threshold on an existing or planned transportation facility. Chapter 3.2 of the ODOT Development Review Guidelines reads:

If an amendment subject to TPR Section 0060 increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless the change in trips falls below the thresholds listed:

The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:

- *Any proposed amendment that does not increase the average daily trips by more than 400.*

The Institute of Transportation Engineers (ITE) established trip generation rate for attached single family homes, duplexes and townhomes is 7.20 vehicle trips per day, and 0.57 trips during the p.m. peak hours, per unit and has been used as the basis of this study.

The following table compares ADT and PM peak trips between maximum density at current RS6.5 and proposed RM zones. Both Townhome and Single Dwelling Unit (SDU) developments have been compared. The delta to upzone depicts the change in anticipated traffic between the existing and proposed zoning designations.



CP-01-24 (Lot 1 - Maximum Trip Generation)

Townhome Development								
Zone Designation	Area (AC)	Area (SF)	Max Density	Total Possible Units	ITE Average Daily Trips	Total Trips per day	ITE Peak Hour Trips	Total Peak trips per day
RS6.5	2.8	122,083	1,700sf min. lot size	72	7.20	518	0.57	41
RM	2.8	122,083	25 townhomes per AC	70	7.20	504	0.57	40
Delta to upzone RS6.5 to RM:						-14		-1

Single Dwelling Unit Development								
Zone Designation	Area (AC)	Area (SF)	Max Density	Total Possible Units	ITE Average Daily Trips	Total Trips per day	ITE Peak Hour Trips	Total Peak trips per day
RS6.5	2.8	122,083	6,500 sf min lot size (SDU)	19	7.2	137	0.57	11
RM	2.8	122,083	3,500 sf min lot size (SDU)	35	7.2	252	0.57	20
Delta to upzone RS6.5 to RM:						115		9

If the parcel is developed with Townhomes, the proposed zone change represents a potential decrease of 14 average daily trips. If the parcel is developed with Single Dwelling Units, the proposed zone change represents a potential increase of 115 average daily trips.

In both cases the proposed zone change will not increase daily trips by more than 400 and therefore NOT meet the threshold for "significant effect" on an existing or planned transportation facility. No further Transportation Impact Analysis is required.

Michael S. Riccitelli, PE

GREEN Cascades, LLC



EXPIRES: 12.31.24

August 5, 2024



Albany Planning Department
333 Broadalbin SW
Albany, OR 97321

Subject: FLOODPLAIN LAND USE APPLICATION
Land Use Application #0001-24
GREEN Cascades Project No. 2701-23

The land partition application associated with this project triggers a floodplain study. Although the majority of the site is located within Zone X, outside the 500-year floodplain, the Periwinkle Creek bisecting the site is located within Zone A, base flood elevations determined and contained within the canal. Because the proposed development involves four or more acres, elevation data is required.

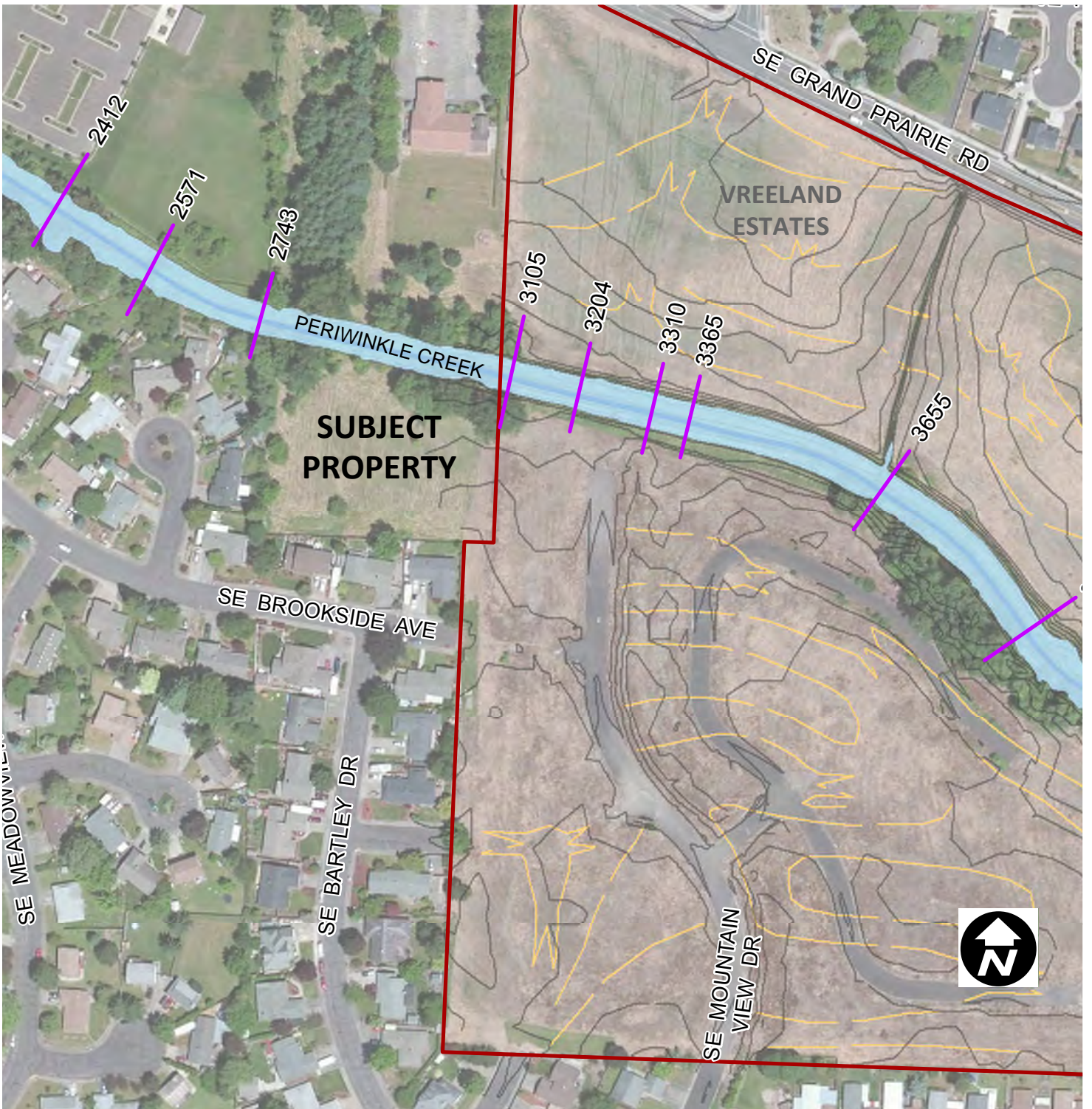
In 2014, a flood study was completed for the adjacent property to the east. I have reviewed this No-rise Certification and Report for the Periwinkle Creek at Mountain View Drive SE as prepared by AMEC Environment & Infrastructure, Inc. The subject property falls within the study area of this report. Based on the findings in the study, it is determined that the 100-year food elevations at the east and west side of the property are 231.83 and 230.93 respectively. These elevations fall within banks of Periwinkle Creek and the 100-ft wide riparian corridor that runs concurrent to the Periwinkle Creek.

Attached exhibits have been provided detailing this data and conclusion.

Michael S. Riccitelli, PE
GREEN Cascades, LLC



EXPIRES: 12-31-2024



Snippet from No-rise report (p/o Figure 4)

SITE PLAN

NOT TO SCALE

SECTION MAP

PROJECT:

TL 1300 PARTITION

PREPARED FOR:

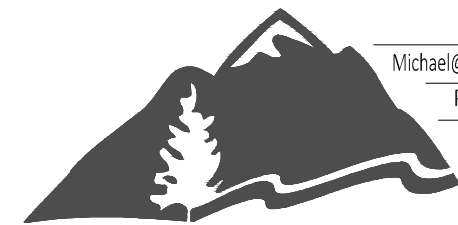
TYLER DAVIDOW

SITUATE IN:

ALBANY, OREGON

SCALE: AS INDICATED

DRAWN BY: M.S.R.	PROJECT#: 2701-23	DATE: 08-05-2024
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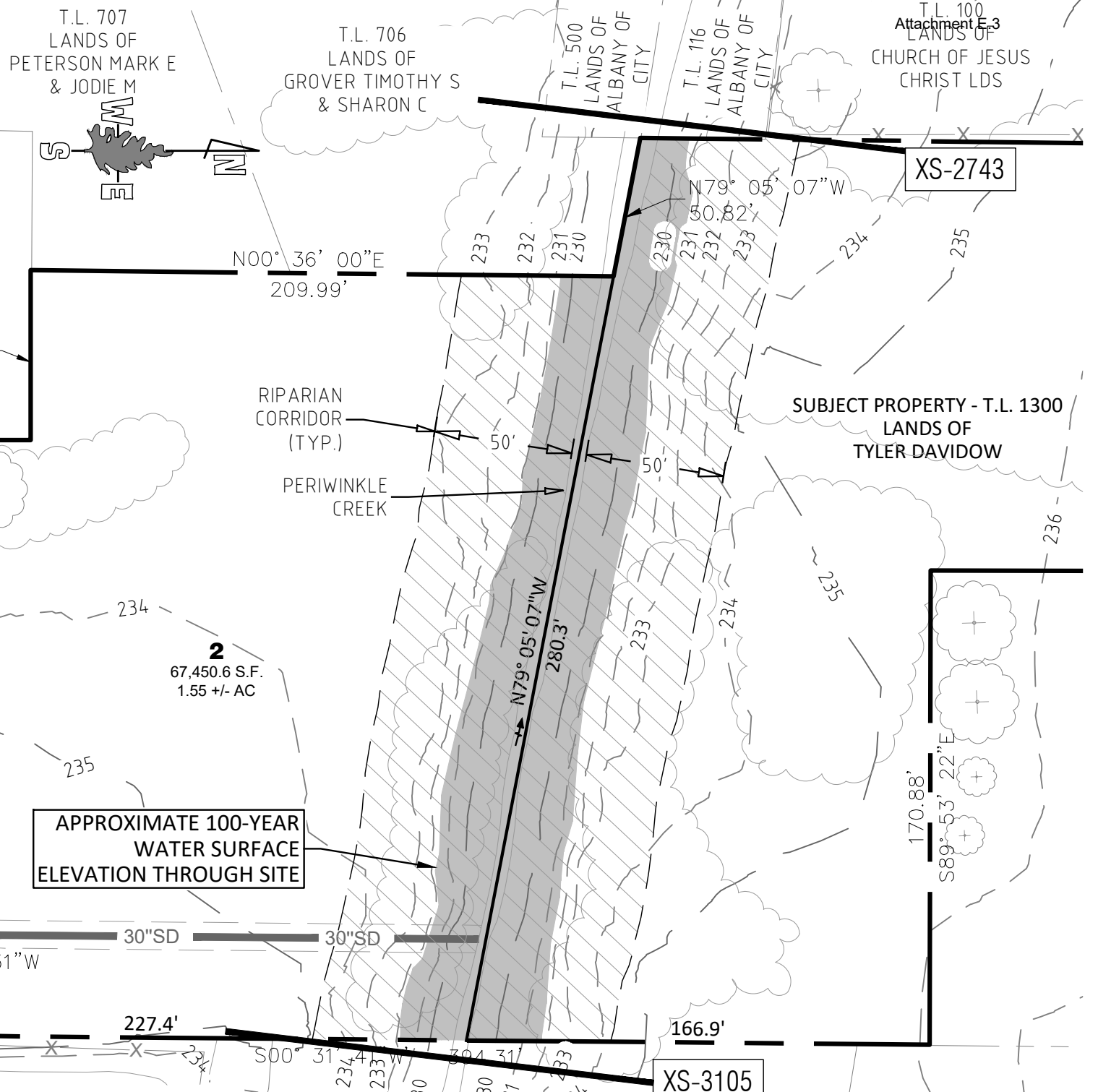
GREEN Cascades, LLC
 CIVIL DESIGN & CONSTRUCTION ENGINEERING 65

Michael@GreenCascadesOR.com

PH: 541.231.0375

717 CALAPOOIA STREET SW
ALBANY, OR 97330

SHEET #:	1
of	3

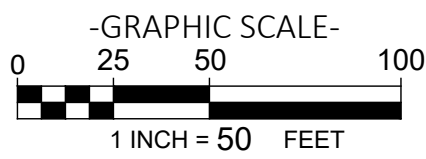


SITE PLAN

SCALE: 1" = 50'

FLOOD PLAIN EXHIBIT

PROJECT:
 TL 1300 PARTITION
 PREPARED FOR:
 TYLER DAVIDOW
 SITUATE IN:
 ALBANY, OREGON
 SCALE: AS INDICATED

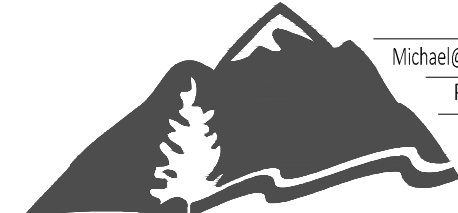


XS-3105

XS-2743

T.L. 4800
 LANDS OF
 GRAND PRAIRIE CRS
 HOMEOWNERS ASSN

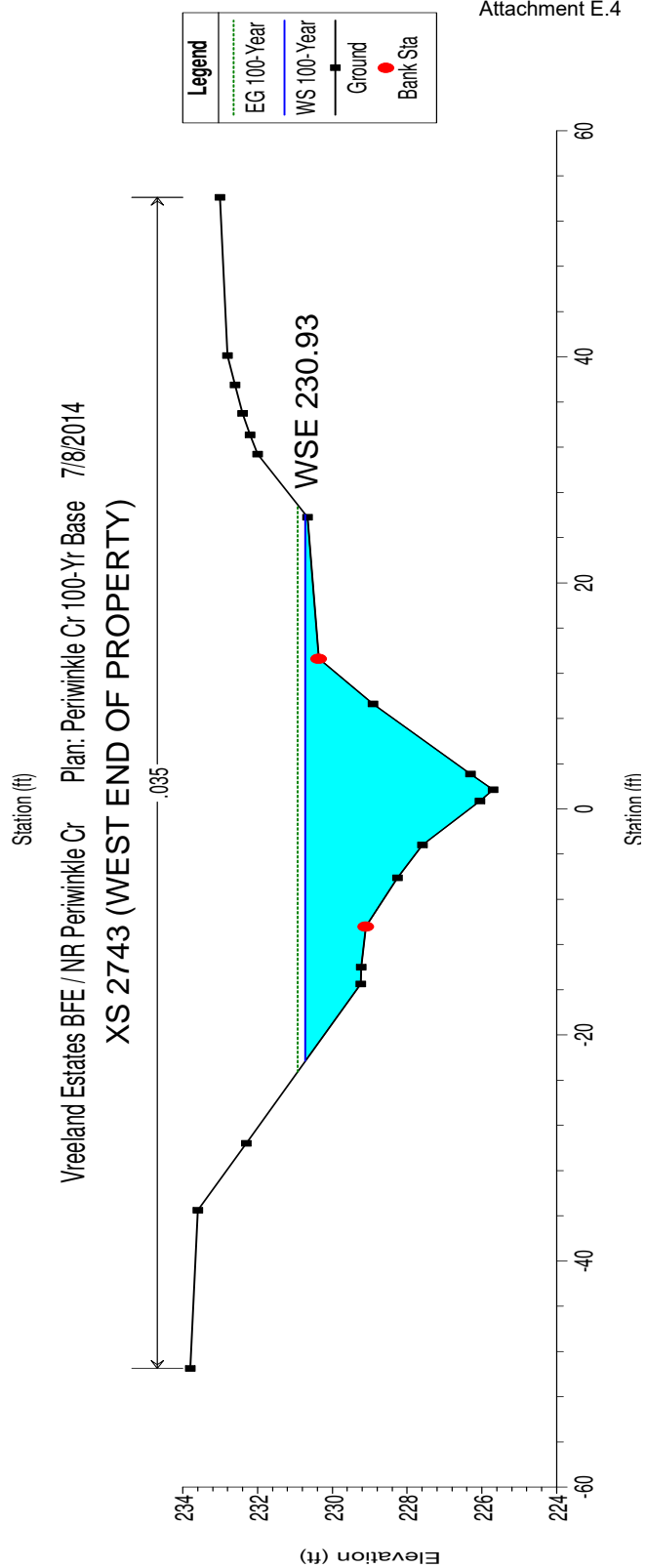
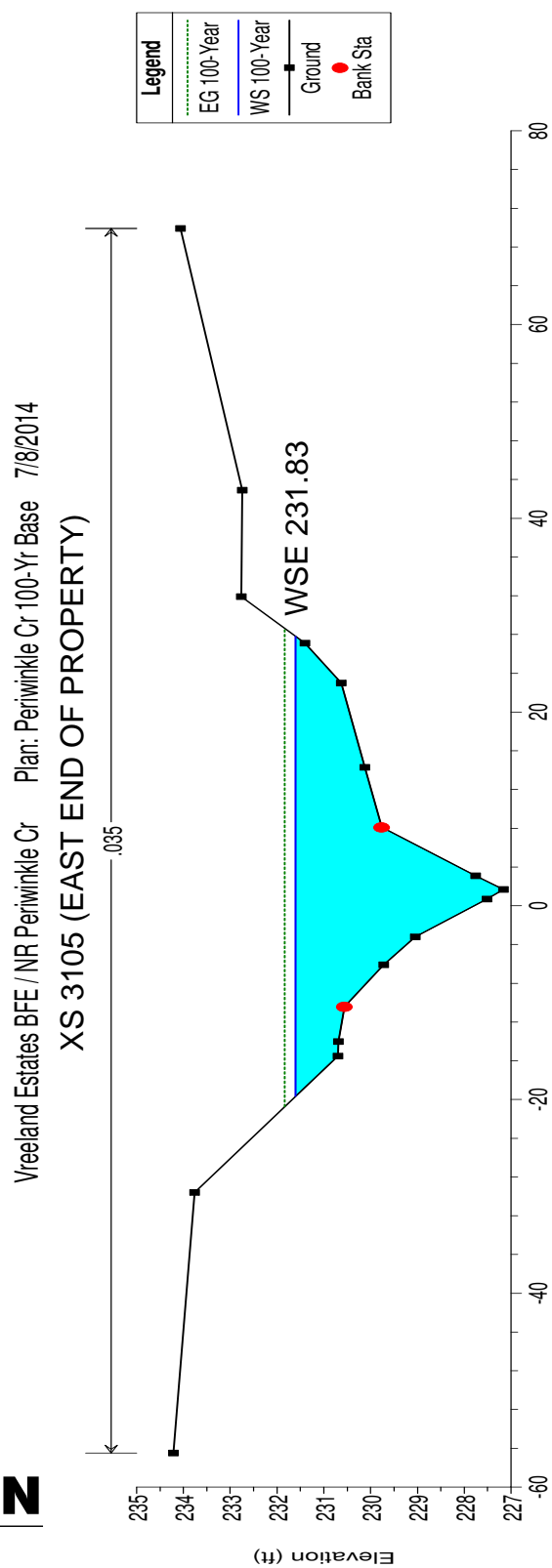
T.L. 3900
 LANDS OF
 PITT CURTIS J
 & BRANDY S



GREEN Cascades, LLC
 CIVIL DESIGN & CONSTRUCTION ENGINEERING 66

Michael@GreenCascadesOR.com
 PH: 541.231.0375
 717 CALAPOOIA STREET SW
 ALBANY, OR 97330

SHEET #:
2
 of
3



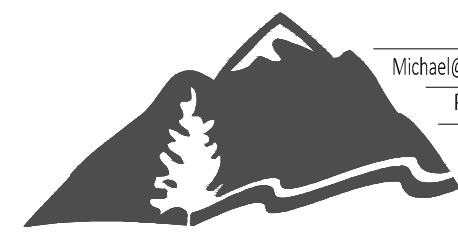
SITE PLAN

NOT TO SCALE

CROSS SECTIONS

PROJECT:
 TL 1300 PARTITION
 PREPARED FOR:
 TYLER DAVIDOW
 SITUATE IN:
 ALBANY, OREGON
 SCALE: AS INDICATED

DRAWN BY: M.S.R.	PROJECT#: 2701-23	DATE: 08-05-2024
------------------	-------------------	------------------



GREEN Cascades, LLC
 CIVIL DESIGN & CONSTRUCTION ENGINEERING 67

Michael@GreenCascadesOR.com
 PH: 541.231.0375
 717 CALAPOOIA STREET SW
 ALBANY, OR 97330

SHEET #:
3
 of
3



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager

Handwritten signature and date: 10/31

FROM: Kristopher Schendel, Code Compliance Officer

DATE: October 22, 2024, for November 6, 2024, City Council Regular Session

SUBJECT: Wildlife feeding ordinance.

Relates to Strategic Plan theme: Great Neighborhoods and Effective Government

Action Requested:

Staff requests the City Council adopt Albany Municipal Code (AMC) Chapter 6.16 Wildlife Control.

Discussion:

During the September 25, 2024, Albany City Council meeting, community members shared an issue they were having with wild turkeys in the southeast part of Albany. They stated that some of these issues stemmed from individuals feeding wild turkeys. This issue is also being experienced in the southwest parts of the City and staff has taken complaints of similar feeding issues and wild turkey populations going back approximately six years.

After hearing from the community members, Albany City Council asked staff to come back with a proposed code to address the issue while also being cognizant of not restricting the feeding of song birds or water fowl.

KS:de

Attachments: AMC Chapter 6.16 Wildlife Control.





AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE (AMC) TITLE 6 BY THE CREATION OF CHAPTER 6.16 TITLED WILDLIFE CONTROL

WHEREAS, the City of Albany is adding AMC Chapter 6.16, Wildlife Control, to address wildlife populations within the city; and

WHEREAS, the feeding of wildlife is extremely disruptive to the natural feeding habits of wildlife; and

WHEREAS, the intentional feeding of wildlife attracts predators and can result in wildlife being concentrated at artificial feeding areas, making them more susceptible to disease transmission; and

WHEREAS, wildlife concentrated at artificial feeding areas constitute a public nuisance;

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

Amending AMC Title 6, Animals. AMC Title 6 is hereby amended to add Section 6.16 titled Wildlife Control:

Sections:

- 6.16.010 Definitions**
- 6.16.020 Feeding of Wildlife Prohibited**
- 6.16.030 Abatement**
- 6.16.040 Penalties**
- 6.16.050 Severability**

6.16.010 Definitions.

As used in this ordinance, the following terms shall have the meaning indicated:

“City” – City of Albany

“Songbirds” – Any of many bird species in which the vocal organ is developed in such a way as to provide various sound notes commonly known as bird song.

“Waterfowl” – Any bird that frequents the water or lives around rivers, lakes, and other bodies of water, including, but not limited to, ducks, geese, swans, and herons.

“Wildlife” – Shall include any animal that is not normally domesticated including, but not limited to, nutria, coyotes, deer, foxes, groundhogs, opossums, raccoons, skunks, and turkeys.

6.16.020 Feeding of Wildlife Prohibited.

Feeding of wildlife within the city limits of Albany is declared a public nuisance and shall be prohibited at all times. Feeding of wildlife includes any manner by which a person allows food or other attractants to be given with the intent of attracting and/or feeding wildlife. Nothing contained in this ordinance shall prohibit the feeding of songbirds or waterfowl provided that the feed shall be contained in receptacles which are reasonably designed to avoid access by wildlife.

6.16.030 Abatement.

In the event that any part of the city is experiencing the presence of wildlife populations that threaten the health and welfare or endanger the property of Albany citizens, the City may take those steps authorized by the appropriate regulatory agency to disperse or otherwise control the offending wildlife.

6.16.040 Penalties.

Any person violating any of the provision of this chapter is subject to those penalties set forth in AMC 1.04.010.

6.16.050 Severability.

Every section of this ordinance or subdivision or separate part thereof shall be considered a separate provision to the intent that if any portion shall be declared unconstitutional, it shall not affect the remaining parts of this ordinance.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



Sustainability in Action

October 1, 2024

Mayor Johnson
Albany City Council
City Staff

Dear Mayor Johnson, City Council and Staff,

Republic Services is proud to serve the City of Albany as your waste hauler. Along with our day-to-day work in Albany, we have been involved in some exciting things over the past year:

- As you may be aware, there has been a flurry of activity surrounding recycling in Oregon that will result in innovative changes in 2025. You have heard us talk about the Oregon Recycling Modernization Act for several years. It will come to fruition on July 1, 2025. Republic Services worked with the City of Albany, City of Corvallis, Linn County and many other communities in 2024 to assist in two surveys from DEQ and their Producer Responsibility contractor, Circular Action Alliance, who will operate the new program. Watch for more news about changes to recycling in 2025.
- We donated more than \$60,000 in cash and in-kind donations in the Albany and Linn County area.
- We continue to support fleet electrification as a method to reduce Green House Gases, with several trucks arriving in Salem, Bend and the Portland area soon.

In this packet you will find information about the Refuse Rate Index for 2025. The index of 3.2% for residential service is due to a combination of CPI and the increased cost of operations and disposal at Coffin Butte Landfill and Pacific Region Compost and equates to an average increase of \$.95 per customer.

We look forward to your comments,

Bret Davis
General Manager
Bret.davis@republicservices.com

Julie Jackson
Municipal Manager
jjackson6@republicservices.com

Republic Services - City of Albany RRI

	Index: June 30, 2023	Index: June 30, 2024	% Change	Weight	Refuse Index
CPI - West Size Class B/C All Urban Consumers	187.354	193.555	3.3%	65%	2.2%
CPI - West Coast Ultra Low Sulfur Diesel	4.415	4.42	0.1%	10%	0.0%
Coffin Butte Disposal Rate (4.0% cap)	\$ 56.00	\$ 58.25	4.0%	25%	1.0%
Rate Adjustment %					3.2%
					100.0%
Adjustment Factor					103.2%



Plastic Pollution and Recycling Modernization Act

The Plastic Pollution and Recycling Modernization Act updates Oregon’s recycling system by building on local community programs and leveraging the resources of producers to create an innovative system that works for everyone. The law requires packaging producers to share responsibility for effective management of their products after use. **The new law goes into effect January 1, 2022 and program changes will start in July 2025.**

KEY BENEFITS



Shares and scales responsibility across the recycling system. Producers will be brought into the recycling system to fund improvements and expand recycling services. Cost to producers will be based on what materials they use and how much they sell into Oregon.



Creates one statewide list of what can be recycled. The uniform collection list will provide clarity to households and businesses about what can be recycled, and create efficiencies in recycling operations across the state.



Increases access to recycling. The new law will provide recycling services to people who didn't previously have it, such as those who live in apartments and rural areas.



Incentivizes sustainable products. Producer fees will be higher for non-recyclable products and those creating more environmental pollution.



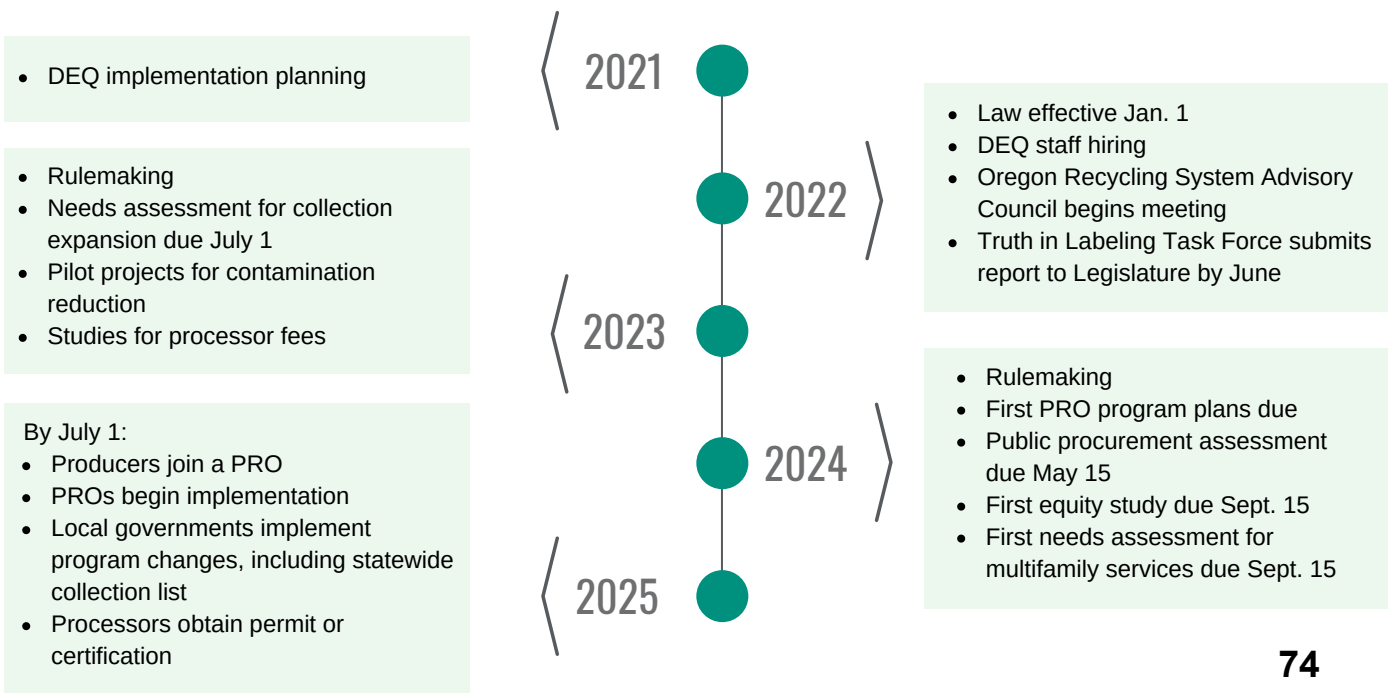
Prevents plastic pollution. Ensures collected materials are recycled responsibly and keeps plastic and other trash out of our waterways and communities — both domestically and overseas.



Creates accountability to outcomes. DEQ will permit and audit recycling processors, and a Governor-appointed advisory council will review producer program plans, the statewide collection list and educational resources.

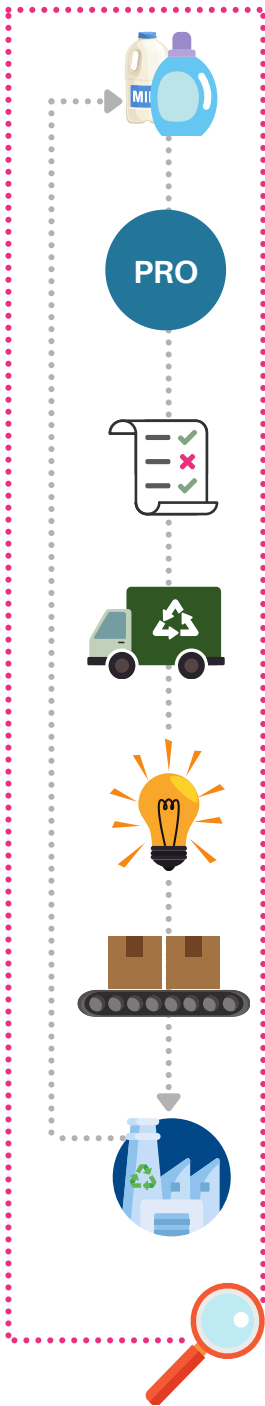
WHAT'S NEXT?

Below are key dates through 2025. Stakeholder engagement, project planning and research extend throughout implementation.



How the Recycling Modernization Act Works

The Recycling Modernization Act requires producers of packaging, paper products and food serviceware to share responsibility for effective management of their products after use. These producers will finance improvements to the recycling system and perform specific functions to make Oregon's recycling programs convenient, accessible and responsible. Local governments will maintain their role overseeing collection and education in their communities.



PRODUCERS will join and pay a membership fee to a nonprofit Producer Responsibility Organization (PRO) that will fund improvements and ensure that collected recyclables go to responsible end markets. Producers will also be required to meet new recycling goals for plastic packaging and food serviceware.

PRODUCER RESPONSIBILITY ORGANIZATIONS will collect producer membership fees and use them to ensure improved and expanded recycling services. Most collection will continue to be overseen by local governments, but PROs will provide services for certain hard-to-recycle materials. PROs will also fund waste prevention grants, and several studies to assess challenges and recommend improvements to improve multifamily recycling conditions, equity in the recycling system, and litter and marine debris.

ONE COLLECTION LIST will allow individuals and businesses to recycle the same items across the state, at home and at work. PRO funding will enable collection of the same items regardless of location or distance from recycling markets.

RECYCLING SERVICES will be expanded under the direction of local governments, with support from the PROs, especially for rural communities and people living in apartments. The same private collection companies will continue to provide recycling services.

EDUCATION about how to recycle will continue to be offered by local governments, along with new programs to reduce contamination (trash) in our recyclables. PROs will create accessible educational resources that local governments can use and that meet the needs of diverse communities.

PROCESSING of recyclables will be done in facilities that meet new performance standards, including for material quality, reporting, and paying living wages to workers. These facilities will be required to obtain a permit from DEQ or meet similar standards to receive material from Oregon communities. Local governments will make sure material collected in their communities goes to approved facilities.

END MARKETS that can handle the material appropriately — without creating plastic pollution or other harms — can purchase it after sorting and recycle it into something new. Producers and processors will be obligated to make sure materials collected in Oregon reach responsible end markets.

OVERSIGHT AND INTEGRATION will be provided by DEQ, with accountability from all participants. DEQ will plan and implement changes required by the new law, and oversee the recycling system and provide enforcement where necessary. A new Governor-appointed advisory council will provide feedback to DEQ and PROs about important elements of the new system. PROs, recycling processors and local governments will track and report more information about where our recyclables go and ensure that they are managed responsibly and used to make new products.

Albany Rates

New Service Increase Rates Effective 1/1/2025	
Residential Rate:	3.20%
Commercial Rate:	3.20%
Industrial Rate:	3.20%

RESIDENTIAL SERVICE RATES:				
Residential Roll Cart	Current Monthly	Current Bi-Monthly	New Monthly	New Bi-monthly
1 Can (hand pickup)	\$28.67	\$57.35	\$29.59	\$59.18
20 gal	\$24.10	\$48.20	\$24.87	\$49.74
32 gal	\$27.41	\$54.82	\$28.29	\$56.58
32 gal on-call (per pickup)	\$16.86	N/A	\$17.40	N/A
32 gal w/income assistance discount	\$21.91	\$43.82	\$22.61	\$45.22
64 gal	\$34.30	\$68.60	\$35.40	\$70.79
90 gal	\$41.18	\$82.36	\$42.50	\$84.99
Extra Rec	\$11.46	\$22.93	\$11.83	\$23.66
Extra YC	\$15.02	\$30.04	\$15.50	\$31.00
Monthly Recycling Processing Surcharge	\$2.00	\$4.00	\$2.00	\$4.00
Rec only	\$11.46	\$22.93	\$11.83	\$23.66
Up the drive	\$24.54	\$49.09	\$25.33	\$50.66
YC Only	\$15.02	\$30.04	\$15.50	\$31.00

Misc. Charges and Limited Services	Current Rate	New Rate
APP-Appliance Without Freon	\$36.12	\$37.27
APN-Appliance With Freon	\$49.83	\$51.43
FUR-Furniture	\$40.16	\$41.44
BU 1 - Dead large animal	\$150.73	\$155.56
MAT - Mattress or Boxspring	\$33.48	\$34.55
EXB-Extra 32 gal can/bag/box/heavy	\$11.46	\$11.83
EXC- Wash Cart	\$29.50	\$30.45
TIR-Tires w/o rim	\$16.28	\$16.80
BU3-Tires with rim	\$24.54	\$25.33
Truck Tires-ADTB	\$36.13	\$37.28
Truck Tires with rim-ADTB	\$52.39	\$54.07
Residential Extra Pickup (same day)	\$32.75	\$33.80
Residential Extra Pickup (off day)	\$65.62	\$67.72
Residential Container Exchange (one time per year no charge)	\$26.20	\$27.04
Residential Delivery - Per Cart	\$10.00	\$10.00

Albany Rates

COMMERCIAL SERVICE RATES:				
Temporary Commercial			New Rate	
Container Size	DUMP	MAX RENT	DUMP	MAX RENT
300g YW (On service day only)	\$48.25	\$33.12	\$49.79	\$34.18
3 yd On Call	\$108.52	\$44.27	\$112.00	\$45.68
3yd daily rent (starts on 8th day after delivery)	RENT		RENT	
	\$4.69		\$4.84	
NO HEAVY & NON BURNABLES (SOD, DIRT, SHEETROCK, CONCRETE, ROOFING) Rent starts next day				

Commercial Front Load - Automatic Container Size	Weekly Collection Frequency (# Collections Per Week)						New Rate					
	1	2	3	4	5	EXT	1	2	3	4	5	EXT
1.5 yd	\$152.66	\$284.07	\$415.33	\$546.76	\$678.16	\$51.30	\$157.55	\$293.16	\$428.62	\$564.26	\$699.87	\$52.94
2 yd	\$185.48	\$347.07	\$493.81	\$671.01	\$832.77	\$61.77	\$191.41	\$358.17	\$509.61	\$692.49	\$859.41	\$63.75
3 yd	\$230.85	\$432.94	\$637.22	\$840.20	\$1,043.19	\$76.82	\$238.23	\$446.79	\$657.61	\$867.09	\$1,076.57	\$79.28
4 yd	\$275.10	\$519.45	\$763.54	\$1,007.76	\$1,252.10	\$96.54	\$283.91	\$536.08	\$787.97	\$1,040.01	\$1,292.16	\$99.62
6 yd	\$379.07	\$722.17	\$1,065.40	\$1,408.64	\$1,751.72	\$138.86	\$391.20	\$745.28	\$1,099.49	\$1,453.71	\$1,807.78	\$143.31
8 yd	\$462.77	\$881.03	\$1,299.56	\$1,718.06	\$2,177.54	\$17.25	\$477.58	\$909.23	\$1,341.14	\$1,773.04	\$2,247.22	\$17.80

Commercial Front Load - Manual Container Size	Weekly Collection Frequency (# Collections Per Week)						New Rate							
	1	2	3	4	5	ON CALL / EXT	RENT	1	2	3	4	5	ON CALL / EXT	RENT
1.5 yd	\$180.92	\$342.96	\$505.11	\$667.16	\$829.03	\$51.30	\$37.53	\$186.71	\$353.93	\$521.27	\$688.50	\$855.56	\$52.94	\$38.73
2 yd	\$221.45	\$421.42	\$621.49	\$821.31	\$1,021.27	\$61.77	\$40.95	\$228.54	\$434.91	\$641.38	\$847.59	\$1,053.95	\$63.75	\$42.26
3 yd	\$282.56	\$537.94	\$803.26	\$1,050.77	\$1,311.40	\$76.82	\$44.27	\$291.60	\$555.15	\$828.97	\$1,084.40	\$1,353.37	\$79.28	\$45.68
4 yd	\$337.43	\$643.41	\$947.35	\$1,252.65	\$1,556.45	\$96.54	\$47.59	\$348.23	\$664.00	\$977.66	\$1,292.74	\$1,606.26	\$99.62	\$49.11
6 yd	\$468.71	\$900.05	\$1,326.56	\$1,753.78	\$2,180.15	\$138.86	\$50.75	\$483.71	\$928.85	\$1,369.01	\$1,809.91	\$2,249.91	\$143.31	\$52.38
8 yd	\$568.14	\$1,084.98	\$1,592.43	\$2,099.34	\$2,596.74	\$17.25	\$54.32	\$586.32	\$1,119.70	\$1,643.38	\$2,166.51	\$2,679.84	\$17.80	\$56.06

Commercial Compactors Container Size	Weekly Collection Frequency (# Collections Per Week)						New Rate					
	1	2	3	4	5	EXT	1	2	3	4	5	EXT
2 yd	\$442.94	\$842.82	\$1,243.03	\$1,642.64	\$2,042.54	\$123.54	\$457.11	\$869.80	\$1,282.80	\$1,695.21	\$2,107.90	\$127.50
3 yd	\$565.11	\$1,075.86	\$1,606.53	\$2,101.54	\$2,622.82	\$153.62	\$583.19	\$1,110.29	\$1,657.94	\$2,168.79	\$2,706.75	\$158.54
4 yd	\$674.87	\$1,286.85	\$1,894.68	\$2,505.34	\$3,112.89	\$193.04	\$696.47	\$1,328.03	\$1,955.31	\$2,585.51	\$3,212.50	\$199.22
5 yd	\$806.14	\$1,543.62	\$2,273.94	\$3,006.30	\$3,736.87	\$231.68	\$831.94	\$1,593.02	\$2,346.71	\$3,102.50	\$3,856.45	\$239.10
6 yd	\$937.43	\$1,800.10	\$2,653.14	\$3,507.56	\$4,000.30	\$277.72	\$967.43	\$1,857.71	\$2,738.04	\$3,619.80	\$4,128.31	\$286.61
8 yd	\$1,136.26	\$2,169.95	\$3,184.86	\$4,198.69	\$5,193.47	\$357.70	\$1,172.62	\$2,239.39	\$3,286.78	\$4,333.05	\$5,359.66	\$369.15

COMPACTORS CHARGED AT 3X'S THE STANDARD PICKUP RATE

Misc. Charges and Limited Services	Current Rate	New Rate
Commercial Food Waste - Emptied Weekly	\$71.42	\$73.70
Commercial Food Waste - Emptied Weekly- extra cart (each)	\$11.13	\$11.49
Commercial Container Delivery/Redelivery	\$35.00	\$35.00
Commercial Exchange	\$54.88	\$56.64
Dry Run/Empty Removal-DRY (Commercial)	\$32.75	\$33.80
Each Extra Person Req To Pu Loose Garbage Per Min-EP1	\$2.06	\$2.13
Time per minute to p/u loose garbage-MIN	\$2.06	\$2.13
EP1- Container Off-route pickup- in area (25 min)	\$65.62	\$67.72
EP1- Container Off-route pickup- out of area (25 min)	\$65.62	\$67.72
Extra loose garbage per yard-EXY	\$29.50	\$30.45
EXY- Extra Yardage (Commercial)	\$29.50	\$30.45
LLK-Locking Container Set Up (Commercial)	\$75.27	\$77.67
LOC-Lock & Key	\$31.03	\$32.02
XCS- Container overweigh charges per 500lbs	\$29.64	\$30.59

On Call Containers/EXT Rates	Current Rate	Current Rate	New Rate	New Rate
	Dump Fee	Rent	Dump Fee	Rent
1yd	NA	NA	NA	NA
1.5yd	\$ 51.30	\$ 37.53	\$ 52.94	\$ 38.73
2yd	\$ 61.77	\$ 40.95	\$ 63.75	\$ 42.26
3yd	\$ 76.82	\$ 44.27	\$ 79.28	\$ 45.68
4yd	\$ 96.54	\$ 47.59	\$ 99.62	\$ 49.11
6yd	\$ 138.86	\$ 50.75	\$ 143.31	\$ 52.38
8yd	\$ 178.85	\$ 54.32	\$ 184.57	\$ 56.06

Albany Rates

INDUSTRIAL SERVICE RATES:									
					New Rate				
Drop Box - Solid Waste - Open Top/Lidded					10	20	30	40	
PREPAYMENT					\$325.00	\$325.00	\$325.00	\$325.00	\$325.00
Delivery		N/A	\$57.23	\$57.23	\$57.23	N/A	\$59.06	\$59.06	\$59.06
Haul		N/A	\$261.47	\$277.31	\$293.04	N/A	\$269.84	\$286.18	\$302.42
Disposal		PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH
Environmental Fee		PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH
Dry Run		N/A	\$57.08	\$57.08	\$57.08	N/A	\$58.90	\$58.90	\$58.90
Temp Rent - starts day after delivery		N/A	\$421.53	\$421.53	\$421.53	N/A	\$435.02	\$435.02	\$435.02
Perm Rent		N/A	\$153.88	\$153.88	\$153.88	N/A	\$158.81	\$158.81	\$158.81
Perm Rent Lidded		N/A	\$172.37	\$172.37	\$180.38	N/A	\$177.88	\$177.88	\$186.15
Perm Rent Lidded not crank		N/A	\$207.83	\$207.83	\$215.67	N/A	\$214.48	\$214.48	\$222.57
					New Rate				
Drop Box - Asbestos					10	20	30	40	
PREPAYMENT					\$325.00	\$325.00	\$325.00	\$325.00	\$325.00
Delivery		N/A	\$57.23	\$57.23	\$57.23	N/A	\$59.06	\$59.06	\$59.06
Haul		N/A	\$404.32	\$420.16	\$435.90	N/A	\$417.26	\$433.61	\$449.84
Disposal		PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH
Environmental Fee		PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH
Dry Run		N/A	\$57.08	\$57.08	\$57.08	N/A	\$58.90	\$58.90	\$58.90
Temp Rent - starts day after delivery		N/A	\$421.53	\$421.53	\$421.53	N/A	\$435.02	\$435.02	\$435.02
Perm Rent		N/A	\$153.88	\$153.88	\$153.88	N/A	\$158.81	\$158.81	\$158.81
Perm Rent Lidded		N/A	\$172.37	\$172.37	\$180.38	N/A	\$177.88	\$177.88	\$186.15
Perm Rent Lidded not crank		N/A	\$207.83	\$207.83	\$215.67	N/A	\$214.48	\$214.48	\$222.57
					New Rate				
Drop Box - Concrete/Dirt/Brick					10yd Only	10yd Only			
PREPAYMENT					\$325.00	\$325.00			
Delivery			\$57.23	\$59.06					
Haul			\$261.47	\$269.84					
Disposal (if container is contaminated, cust will be charged MSW rate)			\$80.80	\$83.39					
Environmental Fee			PASS THROUGH	PASS THROUGH					
Dry Run			\$57.08	\$58.90					
Temp Rent - starts day after delivery			\$421.53	\$435.02					
Perm Rent			\$153.88	\$158.81					
Perm Rent Lidded			\$172.37	\$177.88					
Perm Rent Lidded not crank			\$207.83	\$214.48					

Albany Rates

Drop Box - Woodwaste/Yardwaste					New Rate			
	10	20	30	40	10	20	30	40
PREPAYMENT	\$325.00	\$325.00	\$325.00	\$325.00	\$325.00	\$325.00	\$325.00	\$325.00
Delivery	N/A	\$57.23	\$57.23	\$57.23	N/A	\$59.06	\$59.06	\$59.06
Haul	N/A	\$261.47	\$277.31	\$293.04	N/A	\$269.84	\$286.18	\$302.42
Disposal (if container is contaminated, cust will be charged MSW rate)	N/A	\$59.59	\$59.59	\$59.59	N/A	\$61.50	\$61.50	\$61.50
Environmental Fee	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH
Dry Run	N/A	\$57.08	\$57.08	\$57.08	N/A	\$58.90	\$58.90	\$58.90
Temp Rent - starts day after delivery	N/A	\$421.53	\$421.53	\$421.53	N/A	\$435.02	\$435.02	\$435.02
Perm Rent	N/A	\$153.88	\$153.88	\$153.88	N/A	\$158.81	\$158.81	\$158.81
Perm Rent Lidded	N/A	\$172.37	\$172.37	\$180.38	N/A	\$177.88	\$177.88	\$186.15
Perm Rent Lidded not crank	N/A	\$207.83	\$207.83	\$215.67	N/A	\$214.48	\$214.48	\$222.57

Compactor - Solid Waste/ Cardboard					New Rate			
	15	20	30	40	10	20	30	40
PREPAYMENT	\$325.00	\$325.00	\$325.00	\$325.00	\$325.00	\$325.00	\$325.00	\$325.00
Delivery	\$57.10	\$57.23	\$57.23	\$57.23	\$58.92	\$59.06	\$59.06	\$59.06
Haul - trash	\$337.00	\$337.00	\$363.91	\$363.91	\$347.78	\$347.78	\$375.56	\$375.56
Haul - cardboard	\$56.56	\$56.56	\$56.56	\$56.56	\$58.37	\$58.37	\$58.37	\$58.37
Disposal - trash only	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH
Environmental Fee	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH	PASS THROUGH
Dry Run	\$391.46	\$421.53	\$421.53	\$421.53	\$403.98	\$435.02	\$435.02	\$435.02
Temp Rent - starts day after delivery	\$145.76	\$153.88	\$153.88	\$153.88	\$150.43	\$158.81	\$158.81	\$158.81
Perm Rent	\$169.89	\$172.37	\$172.37	\$180.38	\$175.33	\$177.88	\$177.88	\$186.15
Perm Rent Lidded	\$204.36	\$207.83	\$207.83	\$215.67	\$210.90	\$214.48	\$214.48	\$222.57
Perm Rent Lidded not crank	\$204.36	\$207.83	\$207.83	\$215.67	\$210.90	\$214.48	\$214.48	\$222.57

Security Box		New Rate	
		40	40
Delivery per hour, one hour minimum		\$75.00	\$75.00
Rent		\$120.00	\$120.00

Misc. Charges and Limited Services	Current Rate	New Rate
Delivery - Industrial	\$57.23	\$59.06
Dry Run/Empty Removal-DRY (Industrial)	\$57.08	\$58.90
EXC - Industrial Exchange	\$57.23	\$59.06
EXC - Industrial Exchange Offsite	\$57.23	\$59.06
Industrial Relocate-REL	\$57.23	\$59.06

Fee	Current	New
Account Origination Fee	\$ 10.00	\$ 10.00
Cart Recovery/Replacement	\$ 75.00	\$ 75.00
Commercial Container Recovery Fee	\$ 480.00	\$ 480.00
Industrial Container Recovery Fee	\$ 3,000.00	\$ 3,000.00
Contaminated Recycle or Yard Waste Cart	\$ 15.00	\$ 15.00
Late Fee	\$ 30.00	\$ 30.00
Monthly Recycle Processing Surcharge	\$ 2.00	\$ 2.00
Returned Check Fee	\$ 25.00	\$ 25.00
Service Interrupt Fee	\$ 30.00	\$ 30.00
Bin replacement	\$ 15.00	\$ 15.00



RESOLUTION NO. _____

A RESOLUTION APPROVING AN INCREASE TO THE APPROVED RATE SCHEDULE FOR COLLECTION AND DISPOSAL SERVICES PROVIDED BY ALBANY-LEBANON SANITATION, D/B/A REPUBLIC SERVICES

WHEREAS, Albany-Lebanon Sanitation, d/b/a Republic Services, has an exclusive franchise agreement with the City of Albany whereby Republic Services is permitted to collect, transport, and convey solid waste and recyclable materials within the city and to reuse, recycle, or otherwise recover materials or energy from such solid waste and dispose of the remainder; and

WHEREAS, the methodology for annual rate adjustments for those services provided by Republic Services is outlined in Resolution No. 6019; and

WHEREAS, Republic Services provided a presentation at the November 9, 2022, city council work session, on increasing rates using the methodology provided for in Resolution No. 6019.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the rates for collection and disposal services provided by Republic Services as part of their exclusive franchise agreement with the City of Albany shall be amended to reflect an increase of **3.2 percent**; and

BE IT FURTHER RESOLVED that future rate and service adjustments shall continue to be evaluated using the methodology and process provided for in Resolution No. 6019; and

BE IT FURTHER RESOLVED that the rate increase will be effective January 1, 2025.

DATED AND EFFECTIVE THIS 6TH DAY OF NOVEMBER 2024.

Mayor

ATTEST:

City Clerk



MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 10/31*

FROM: Marcia Harnden, Police Chief

DATE: October 18, 2024, for the November 6, 2024, City Council Meeting

SUBJECT: Accept an Oregon Department of Transportation – Transportation Safety Office Grant
 Relates to Strategic Plan theme: A Safe City, An Effective Government

Action Requested:

Staff requests city council accept a grant from the Oregon Department of Transportation – Transportation Safety Office (TSO) to hire a dedicated Driving Under the Influence of Intoxicants (DUII) police officer for the Albany Police Department (APD) traffic team.

Discussion:

The city council previously approved an application for an Oregon Department of Transportation – TSO grant at the August 7, 2024, city council meeting. APD staff applied for the grant and have been awarded funding to hire a DUII police officer for the traffic team. This dedicated DUII police officer position will enhance patrol efforts to identify and apprehend impaired drivers. Removing impaired drivers from the road will result in fewer serious injury and fatal crashes in the community.

The Oregon Department of Transportation – TSO grant will cover 100% of eligible expenses in the first year, 75% of eligible expenses in the second year, and 50% of eligible expenses in the third year.

Budget Impact:

The city match will be met through the Police Department’s operating budget.

Resources:		Credit
20320800-469505		\$160,000
Requirements:	Debit	
20320800-510010	\$160,000	

MH:de





A RESOLUTION ACCEPTING GRANT FUNDS TO HIRE A DUII POLICE OFFICER THROUGH THE OREGON DEPARTMENT OF TRANSPORTATION – TRANSPORTATION SAFETY OFFICE (TSO) GRANT

WHEREAS, the Albany Police Department applied for an Oregon Department of Transportation – TSO grant to add a specific DUII police officer position to the traffic team; and

WHEREAS, the department was awarded a grant to fund a DUII police officer position; and

WHEREAS, removing impaired drivers from the road will result in fewer serious injury and fatal crashes in the community; and

WHEREAS, Albany police officers have made 682 DUII-related arrests and responded to 175 DUII-related vehicle crashes since 2020; and

WHEREAS, the grant will fund 100 percent of eligible expenses in the first year, 75 percent of eligible expenses in the second year, and 50 percent eligible expenses in the third year; and

WHEREAS, the program requires continued funding for a period of 12 months after the grant period ends; 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 police department is approved and authorized to receive funds from the Oregon Department of Transportation – TSO grant; and

BE IT FURTHER RESOLVED that the Oregon Department of Transportation – TSO grant funds are hereby planned as follows:

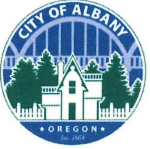
Resources:		Credit
20320800-469505		\$160,000
Requirements:	Debit	
20320800-510010	\$160,000	

DATED AND EFFECTIVE THIS 6TH DAY OF NOVEMBER 2024.

Mayor

ATTEST:

City Clerk



MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *10/31*

FROM: Marcia Harnden, Police Chief

DATE: October 18, 2024, for the November 6, 2024, City Council Meeting

SUBJECT: Accept an Emergency Telephone Association Grant
 Relates to Strategic Plan theme: A Safe City, An Effective Government

Action Requested:

Staff requests city council accept a grant from the Emergency Telephone Association (ETA) Grant to purchase five portable radios.

Discussion:

The Albany Police Department must replace 100 portable radios over the next two years. Staff submitted a grant application to the ETA to help alleviate the cost burden of this large procurement project. The ETA has awarded the Albany Police Department \$20,000 to use for the purchase of five Motorola portable radios.

The Department’s current portable radios are over ten years old and beginning to fail. It is imperative that staff have the tools they need to respond quickly and effectively to emergency situations. These new Motorola radios will ensure seamless communication among all emergency response agencies within the region. Streamlined communication efforts allow our officers to deploy resources to our community, which is essential during critical incidents.

Budget Impact:

The total cost for five Motorola portable radios is \$48,890. The grant will cover \$20,000 and the Albany Police Department will use equipment replacement funds to pay the remaining amount of \$28,890.

Resources:		Credit
20320800-428010		\$20,000
Requirements:	Debit	
20320800-610430	\$20,000	

MH:de





A RESOLUTION ACCEPTING GRANT FUNDS TO PURCHASE RADIOS THROUGH THE EMERGENCY TELEPHONE ASSOCIATION GRANT

WHEREAS, the Albany Police Department (APD) applied for an Emergency Telephone Association (ETA) grant to purchase portable radios; and

WHEREAS, the department has been awarded a grant of \$20,000 to assist with purchasing five Motorola portable radios; and

WHEREAS, APD must replace 100 radios over the next two years; and

WHEREAS, the current radios are over ten years old, beginning to fail, and aren't meeting the communication capability requirements necessary for first responders; and

WHEREAS, replacing these portable radios will ensure seamless communication among all emergency response agencies within the region; and

WHEREAS, this portable radio replacement project will include training for personnel to maximize effectiveness.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the police department is approved and authorized to receive funds from the ETA grant; and

BE IT FURTHER RESOLVED that the ETA grant funds are hereby planned as follows:

Resources:		Credit
20320800-428010		\$20,000
Requirements:	Debit	
20320800-610430	\$20,000	

DATED AND EFFECTIVE THIS 6TH DAY OF NOVEMBER 2024.

Mayor

ATTEST:

City Clerk



MINUTES

Monday, September 30, 2024

Work Session

Council Chambers, City Hall

Approved: DRAFT

Call to Order

4:00 p.m.

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, Jackie Montague, Steph Newton Azorr, Ray Kopczynski, Ramycia McGhee, and Marilyn Smith

Councilors Absent: None

Business from the public

4:01 p.m.

None.

Housing Implementation Plan

4:01 p.m.

Planner II Beth Frelander shared slides* and a brief background of the Housing Implementation Plan (HIP), which was adopted in 2023 and identified ways that the City can help address Albany's current and future housing needs.

She shared the efforts made to get public feedback on the proposed housing policy and Albany Development Code (ADC) changes, which included focus groups, office hours and an online survey.

Housing policy and incentives strategies

4:06 p.m.

Frelander introduced Brendan Buckley, of Johnson Economics, who talked about policy priorities that were identified in the HIP. He said that additional research has been done, public input gathered, and staff would like additional direction on recommendations made regarding:

- Construction Excise Tax (CET)
- Low-Income Rental Housing Tax Abatement Program (LIRHT)
- Surplus City-owned Land for Housing Policy

Councilor Ray Kopczynski asked if a developer could build a project, pay the CET and then apply for funding to develop low-income housing. Comprehensive Planning Manager Anne Catlin said that low-income housing would be exempt from paying the tax.

Councilor Matilda Novak shared support for CET being for extremely low income and non-profit housing.

Councilor Jackie Montague noted that the list of exemptions included religious facilities, which she did not feel should be exempt. Frelander replied that the state may require the exemption but she will double check.

Councilor Steph Newton Azorr asked how the recommended CET percentages compared to other cities, which staff said were similar.

Newton Azorr also asked if the LIRHT program would have a limit on how many applicants or programs could be sustained. Catlin said that they are proposing a 20-year tax exemption and that there are other factors to consider.

Newton Azorr asked if the Multi-Unit Property Tax Exemption (MUPT) would be for 10 years or if there was an annual renewal process. Catlin said that Economic Development staff would come back to council with program specifics but confirmed that it would be a one-time application rather than an annual renewal.

Novak said she only supports LIRHT for non-profit developers.

Mayor Alex Johnson II said that he thinks that the LIRHT should be reapproved each year. Catlin responded that it was not set up that way but liked the idea of having program recipients provide reporting on a determined schedule.

The council showed support for a reporting requirement with the LIRHT, and staff will confirm what the state reporting requirements are, so they require reporting in the same timeframe.

Newton Azorr asked if there were state reporting requirements for the MUPT. Staff were unsure of the states requirements but will find out and bring back to council.

Johnson II asked if a recipient was found to be out of compliance with the program requirements if the benefit would be removed. Catlin said yes, and they would be required to pay back the taxes for the time they were out of compliance.

Novak shared her concerns with a 20-year tax break.

Montague asked how the tax break timeline was determined. Catlin said state law is 20 years, but council could determine a different timeline.

Catlin explained that for-profit and non-profit development would be required to provide public benefits with the MUPTE, and affordable housing is a public benefit. Councilor Smith inquired about the give and take of this type of tax break and how this would affect the ability to provide services to more people.

Novak said that she thinks Albany is built out "to the moon" and she is not in favor of further development.

Councilor McGhee asked at what rate we are seeing affordable housing developers. She shared her support for additional affordable housing development. Frelander said that affordable housing developers generally gravitate to cities that have these tax incentive "tools" available.

City Manager Peter Troedsson said that a surplus land for housing policy was not necessary because the current process already allows for this. Montague asked if the current process has a policy for how applicants can apply for surplus land and how those applications are evaluated. Discussion followed.

Councilors showed general support for a policy to screen surplus land for housing, and screen proposals when this would be an appropriate option.

Development code strategies

4:43 p.m.

Catlin shared additional slides* showing the policy timeline as well as the ADC amendment strategy suggestions.

Novak asked if the proposed smaller lot sizes would have a backyard for children. Staff said that development would still have to meet lot coverage and setback requirements, including a backyard setback.

Smith asked if there had been complaints from residents in rear-loaded developments regarding parking in the rear of houses. Catlin said no. Novak said she was curious if alley-loaded parking worked well and said that she would ask around to find out.

Kopczynski inquired if cottage cluster housing had the same utility connections as standard developments. Catlin said yes.

Newton Azorr asked about fire access with reduced courtyard areas for cottage cluster housing. Catlin said reduced area does not restrict access.

Novak and McGhee said that they do not support the suggestion to reduce private open spaces/balconies for apartments and other multiple housing units. Montague said that it would be helpful to allow developers flexibility to provide variety.

Staff discussed a proposal to require green space in new residential subdivisions. Smith asked if the pocket parks would be maintained by a homeowner's association (HOA). Catlin said yes, unless the parks department wanted to take them over. Catlin explained that HOAs are now required due to new stormwater quality facility requirements. There was general support for this proposal.

Staff will come back to a regular council meeting in January 2025 for action.

ADJOURNMENT

Hearing no further business, the meeting was adjourned at 5:23 p.m.

Respectfully submitted,

Reviewed by,

Kaitlin Martin
Administrative Services Coordinator

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.gov.*



MINUTES

Monday, October 21, 2024
Work Session
Council Chambers, City Hall

Approved: DRAFT

Call to Order and Pledge of Allegiance

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

Patrick Winczewski, the founder of the Albany Mushroom Festival, said the festival was a success. Over 100 local businesses participated, and several food trucks sold out. He thanked sponsors and supporters.

Arts Commission presentation

4:05 p.m.

Arts Commission Chair Keth Lohse gave a brief history of the commission, with slides*. The commission manages the City Hall art gallery, where over 100 artists have been shown since 2022. He asked the council to consider including the commission in the City budget.

The arts commission gave awards to individual artists Eileen Hinkle and Stephanie Lowe. The group award went to Albany Civic Theater's Youth Camp.

FEMA pre-implementation compliance measures

4:24 p.m.

Floodplain Manager Jennifer Cepello showed slides*. She summarized the history of the implementation plan and described the floodplain in Albany. She said FEMA's goal is to preserve and restore the floodplain. They are requiring cities to decide among three options to meet that goal:

1. prohibiting any development in the floodplain,
2. adopting an ordinance incorporating Endangered Species Act requirements into our floodplain development code, or
3. requiring every permit applicant to complete a habitat assessment to prove no net loss.

Planning staff estimates that the burden on the City of the last two options is the same.

Councilor Marilyn Smith asked about the difference between floodplain and floodway, and how much of each is developable. Cepello said she will have that information for the council at the November 18, 2024, meeting.

Councilor Matilda Novak objected to defining an "area of hazard" as having a one-percent risk of flooding in any given year. She wants to see the science and engineering used by FEMA.

Director of Community Development Matthew Ruetters said in Albany, floodplain is a limited amount of land, most of which has already been developed.

Business from the Council

4:49 p.m.

Novak said she wished to note publicly her gratitude that the City of Lebanon has asked its citizens to vote on continuing to add fluoride, which she said is "a proven neurotoxin," to their drinking water.

Smith said the League of Oregon Cities conference in Bend the week before showed her that the City of Albany is doing a lot of things right in our interactions with Albany residents. She reminded everyone that we serve "residents" of Albany, not just "citizens."

City Manager Report

4:56 p.m.

City Manager Peter Troedsson said that while the council is able to make decisions about fluoridation, the City's water fluoridation is completely within the health and safety standards established by health authorities and the FDA.



Next Meeting Dates

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

ADJOURNMENT

There being no other business, the meeting was adjourned at 4:56 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.*

City of Albany Investment Policy




	<p>City of Albany Finance Policy Policy #: F-06-08-009 Title: Investment Policy</p>	
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I. INTRODUCTION

The City of Albany, (hereinafter referred to as "Albany" or "City") was founded in 1848. Albany is the eleventh largest city in the state of Oregon, and is the county seat of Linn County. Albany has a home rule charter and is a Council-Manager form of government where the full time appointed City Manager administers the day-to-day operations and is the chief administrative officer of the City.

The average monthly balance of funds invested in the City's general portfolio and project funds is between \$60,000,000 and \$100,000,000. The highest balances occur when taxes are collected.

II. GOVERNING BODY

It is the policy of the City of Albany that the administration of its funds and the investment of those funds shall be handled with the highest public trust. Investments shall be made in a manner that will assure security of principal. Parameters will be set to limit maturities and increase diversification of the portfolio while meeting the daily cash flow needs of the City and conforming to all applicable state and City requirements governing the investment of public funds. The receipt of a market rate of return will be secondary to safety and liquidity requirements. It is the intent of the City to be in complete compliance with local, state, and federal law. The earnings from investments will be used in a manner that best serves the public trust and interests of the City.

All funds within the scope of this policy are subject to regulations established by the state of Oregon. Any revisions or extensions of these sections of the ORS shall be assumed to be part of this Investment Policy immediately upon being enacted.

III. SCOPE

This policy applies to activities of the City of Albany with regard to investing the financial assets of all funds. Funds held by trustees or fiscal agents are excluded from these rules; however, all funds are subject to regulations established by the state of Oregon.

The City commingles its daily cash into one pooled investment fund for investment purposes of efficiency and maximum investment opportunity. The following funds, and any new funds created by the City, unless specifically exempted by the City Council and this policy, are defined in the City's Comprehensive Annual Financial Report:

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Projects Funds
- Enterprise Funds
- Internal Service Funds
- Permanent Funds

These funds will be invested in compliance with the provisions of all applicable Oregon Revised Statutes (ORS). Investments of any tax-exempt borrowing proceeds and any related Debt Service funds will comply with the arbitrage restrictions in all applicable Internal Revenue Codes.

IV. OBJECTIVES AND STRATEGY

It is the policy of the City that all funds shall be managed and invested with three primary objectives, listed in the following order of priority:

1. Safety of Principal

- Safety of principal is the foremost objective of the City. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
- Diversification of the portfolio will include diversification by maturity and market sector and will include the use of multiple broker/dealers for diversification and market coverage.

2. Liquidity

The City's investment portfolio will remain sufficiently liquid to enable it to meet all operating requirements that might be reasonably anticipated.

3. Yield-Return

The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints and the cash flow of the portfolio. "Market rate of return" may be defined as the average yield of the current three-month U.S. Treasury bill or any other index that most closely matches the average maturity of the portfolio.

Effective cash management is recognized as essential to good fiscal management. Cash management is defined as the process of managing monies in order to ensure maximum cash availability. The City shall maintain a comprehensive cash management program that includes collection of accounts receivable, prudent investment of its available cash, disbursement of payments in accordance with invoice terms, and the management of banking services.

V. STANDARDS OF CARE

1. Delegation of Investment Authority

- a. Investment Officer. The Finance Director, acting on behalf of the City Council, is designated as the Investment Officer of the City and is responsible for investment management decisions and activities. The Finance Director, as the Investment Officer, may further delegate the authority to invest City funds to additional City Finance personnel. The Council is responsible for considering the quality and capability of investment advisors and consultants involved in investment management and procedures. All participants in the investment process shall seek to act responsibly as custodians of the public trust.

The Investment Officer and those delegated with investment authority under this policy, when acting in accordance with the written procedures and this policy, and in accord with the

Prudent Person Rule, shall be relieved of personal responsibility and liability in the management of the portfolio.

- b. Investment Advisor. The City may enter into contracts with external investment management firms on a non-discretionary basis.

If an investment advisor is hired, the adviser will serve as a fiduciary for the City and comply with all requirements of this Investment Policy. Exceptions to the Investment Policy must be disclosed and agreed upon in writing by both parties. The Investment Officer remains the person ultimately responsible for the prudent management of the portfolio.

- c. Staff Designation. The Investment Officer shall designate a staff person as a liaison/deputy in the event circumstances require timely action and the Investment Officer is not available.

2. Prudence

The standard of prudence to be used in the investment function shall be the "prudent person" standard and shall be applied in the context of managing the overall portfolio. This standard states:

"Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the expected income to be derived."

3. Ethics and Conflict of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees, officers, and their families shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City. Officers and employees shall, at all times, comply with the state of Oregon Government Ethics as set forth in ORS 244.

VI. AUTHORIZED FINANCIAL INSTITUTIONS

1. Broker/Dealer Approval Process

The Investment Officer shall maintain a list of all authorized brokers/dealers and financial institutions that are approved for investment purposes or investment dealings. Any firm is eligible to make an application to the City of Albany and upon due consideration and approval will be added to the list. Additions and deletions to the list will be made at the discretion of the Investment Officer.

At the request of the City of Albany, the firms performing investment services shall provide their most recent financial statements or Consolidated Report of Condition for review. Further, there should be in place, proof as to all the necessary credentials and licenses held by employees of the brokers/dealers who will have contact with the City of Albany as specified by, but not necessarily limited to the Financial Industry Regulatory Authority (FINRA), Securities and Exchange Commission

(SEC), etc. The Investment Officer shall conduct an annual evaluation of each firm's credit worthiness to determine if it should remain on the list.

- a. Broker/Dealer firms must meet the following minimum criteria:
 - i. Be registered with the Securities and Exchange Commission (SEC);
 - ii. Be registered with the Financial Industry Regulatory Authority (FINRA).
 - iii. Provide most recent audited financials.
 - iv. Provide FINRA Focus Report filings.
- b. Approved broker/dealer employees who execute transactions with the City must meet the following minimum criteria:
 - i. Be a registered representative with the Financial Industry Regulatory Authority (FINRA);
 - ii. Be licensed by the state of Oregon;
 - iii. Provide certification (in writing) of having read; understood; and agreed to comply with the most current version of this investment policy.

If the City hires an investment advisor to provide investment management services, the Advisor is authorized to transact with its direct dealer relationships on behalf of the City. A list of approved dealers must be submitted to the investment officer prior to transacting business. The investment officer can assign the responsibility of broker/dealer due diligence process to the Advisor, and all licensing information on the counterparties will be maintained by the Advisor and available upon request.

The advisor broker/dealer review should include:

- i. FINRA Certification check
 - Firm Profile
 - Firm History
 - Firm Operations
 - Disclosures of Arbitration Awards, Disciplinary and Regulatory Events
 - State Registration Verification
- ii. Financial review of acceptable FINRA capital requirements or letter of credit for clearing settlements.

The advisors must provide the City with any changes to the list prior to transacting on behalf of the City.

2. Investment Advisor

An Investment Advisor may be selected through a competitive RFP process and must meet the following criteria:

- a. The investment advisor firm must be registered with the Securities and Exchange Commission (SEC) or licensed by the state of Oregon if assets under management are less than \$100 million.
- b. All investment advisor firm representatives conducting investment transactions on behalf of the City must be registered representatives with FINRA.
- c. All investment advisor firm representatives conducting investment transactions on behalf of the City must be licensed by the state of Oregon.

- d. Factors to be considered when hiring an investment advisory firm may include, but are not limited to:
 - i. The firm's major business
 - ii. Ownership and organization of the firm
 - iii. The background and experience of key members of the firm, including the portfolio manager expected to be responsible for the City's account
 - iv. The size of the firm's asset base, and the portion of that base which would be made up by the City's portfolio if the firm were hired
 - v. Management fees
 - vi. Cost analysis of the adviser
 - vii. Performance of the investment advisory firm, net of all fees, versus the Local Government Investment Pool over a given period of time

A periodic (at least annual) review of all investment advisors under contract will be conducted by the Investment Officer to determine their continued eligibility within the portfolio guidelines. The Investment Advisor must notify the City immediately if any of the following issues arise while serving under a City contract:

- a. Pending investigations by securities regulators.
- b. Significant changes in net capital.
- c. Pending customer arbitration cases.
- d. Regulatory enforcement actions.

3. Financial Bank Institutions

All financial banks that provide bank deposits, certificates of deposits or any other deposit of the bank to the City must either be fully covered by the FDIC or the bank must be a participant of the Public Funds Collateralization Program (PFCP). ORS Chapter 295 governs the collateralization of Oregon public funds and provides the statutory requirements for the PFCP. Bank depositories are required to pledge collateral against any public fund deposits in excess of deposit insurance amounts. The PFCP provides additional protection for public funds in the event of a bank loss.

4. Competitive Transactions

The Investment Officer will obtain telephone, faxed or emailed quotes before purchasing or selling an investment. The Investment Officer will select the quote which best satisfies the investment objectives of the investment portfolio within the parameters of this policy. The Investment Officer will maintain a written record of each bidding process including the name and prices offered by each participating financial institution.

In the instance of a security which there is no readily available competitive bid or offering on the same specific issue, the Investment Officer shall document quotations for comparable or alternative securities.

The investment advisor must provide documentation of competitive pricing execution on each transaction. The advisor will retain documentation and provide upon request.

VII. SAFEKEEPING AND CUSTODY, CONTROLS

1. Safekeeping and Custody Securities

The laws of the state and prudent treasury management require that all purchased securities be bought on a delivery versus payment basis and be held in safekeeping by the City, an independent third-party financial institution, or the City's designated depository.

All safekeeping arrangements shall be designated by the Investment Officer and an agreement of the terms executed in writing. The approved broker/dealer or investment advisor shall provide the City with a confirmation ticket listing the specific instrument, issuer, coupon, maturity, CUSIP number, purchase or sale price, transaction date, and other pertinent information. The broker/dealer which executes the transaction on the City's behalf shall deliver all securities on a delivery versus payment method to the designated third party trustee at the direction of the Investment Officer. The City will have online access through the safekeeping bank for verification of the account holdings and transactions.

2. Safekeeping of Funds at Bank Depositories

The City may hold bank deposits or certificates of deposits at banks qualified under ORS 295.

3. Accounting Methods

The City shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of authoritative bodies including but not necessarily limited to, the Governmental Accounting Standards Board (GASB); the American Institute of Certified Public Accountants (AICPA); and the Financial Accounting Standards Board (FASB).

4. Pooling of Funds

Except for cash in certain restricted and special funds, the City will consolidate balances from all funds to maximize investment opportunities. Investment income will be allocated to the various funds based on their respective participation and in accordance with Generally Accepted Accounting Principles.

5. Internal Controls

The City will maintain a structure of internal controls sufficient to assure the safekeeping and security of all investments. All out of compliance situations under this policy will be corrected and brought into compliance as soon as prudently possible.

The Investment Officer shall develop and maintain written administrative procedures for the operation of the investment program that are consistent with this investment policy. Procedures will include reference to safekeeping, wire transfers, banking services contracts, and other investment-related activities.

The Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials and staff. No officer or

designee may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer and approved by the Council.

VIII. AUTHORIZED AND SUITABLE INVESTMENTS

1. Authorized Investments

All investments of the City shall be made in accordance with Oregon Revised Statutes: ORS 294.035 (Investment of surplus funds of political subdivisions; approved investments), ORS 294.040 (Restriction on investments under ORS 294.035), ORS 294.052 (Definitions; investment by municipality of proceeds of bonds), ORS 294.135 (Investment maturity dates), ORS 294.145 (Prohibited conduct for custodial officer), ORS 294.805 to 294.895 (Local Government Investment Pool). Any revisions or extensions of these sections of the ORS shall be assumed to be part of this Investment Policy immediately upon being enacted.

2. Suitable Investments

The City will diversify investments across maturities, security types and institutions to avoid incurring unreasonable risks. Minimum percentages and credit limits apply at the time of purchase.

The City has further defined the eligible types of securities and transactions as follows:

U.S. Treasury Obligations: Direct obligations of the United States Treasury whose payment is guaranteed by the United States.

U.S. Agency Obligations: Federal agency and instrumentalities of the United States or enterprises sponsored by the United States Government (GSE) and whose payment is guaranteed by the United States, the agencies and instrumentalities of the United States or enterprises sponsored by the United States Government.

Municipal Debt: Lawfully insured debt obligations of the States of Oregon, California, Idaho, and Washington and political subdivisions of those states if the obligations have a long-term rating on the settlement date of AA- or better by S&P or Aa3 or better by Moody's or equivalent rating by any nationally recognized statistical rating organization, or are rated on the settlement date in the highest category for short-term municipal debt by a nationally recognized statistical rating organization.

Corporate Indebtedness: Corporate indebtedness subject to a valid registration statement on file with the Securities and Exchange Commission or issued under the authority of section 3(a)(2) or 3(a)3 of the Securities Act of 1933, as amended. Corporate indebtedness must be rated on the settlement date AA- or better by S&P or Aa3 or better by Moody's or equivalent rating by any nationally recognized statistical rating organization.

Commercial Paper: Corporate indebtedness subject to a valid registration statement on file with the Securities and Exchange Commission or issued under the authority of section 3(a)(2) or 3(a)3 of the Securities Act of 1933, as amended. Commercial Paper must be rated A1 by Standard and Poor's or P1 by Moody's or equivalent rating by any nationally recognized statistical rating organization. Issuer constraints for commercial paper combined with corporate notes will be limited by statute to 5% of market value per issuer.

Bank Time Deposit/Savings Account: Time deposit open accounts or savings accounts in insured institutions as defined in ORS Section 706.008, in credit unions as defined in ORS Section 723.006 or in federal credit unions, if the institution or credit union maintains a head office or a branch in this state.

Certificates of Deposit: Certificates of deposit in insured institutions as defined in ORS Section 706.008, in credit unions as defined in ORS Section 723.006, or in federal credit unions, if the institution or credit union maintains a head office or a branch in this state.

Bankers' Acceptance: A short-term credit investment created by a non-financial firm and guaranteed by a qualified financial institution* whose short-term letter of credit rating is rated in the highest category without any refinement or gradation by one or more nationally recognized statistical rating organizations.

Oregon Intermediate Fund: The Oregon Local Government Intermediate Fund (OLGIF) is a commingled investment pool for local governments offered by Oregon State Treasury due to Legislation HB2140 and pursuant to ORS Chapter 294. OLGIF provides qualified local government participants with a vehicle to invest assets over an intermediate time horizon (three to five years).

Local Government Investment Pool: State Treasurer's local short-term investment fund up to the statutory limit per ORS Section 294.810.

*For the purposes of this paragraph, "qualified financial institution" means: (i) A financial institution that is located and licensed to do banking business in the State of Oregon; or (ii) A financial institution that is wholly owned by a financial holding company or a bank holding company that owns a financial institution that is located and licensed to do banking business in the State of Oregon [ORS Section 294.035(3)(h)].

3. Collateralization

Time deposit open accounts, Certificates of Deposit and savings accounts shall be collateralized through the Public Funds Collateralization Program in accordance with ORS Section 295.018. All depositories must be on the State of Oregon's qualified list. Additional collateral requirements may be required if the Investment Officer deems increased collateral is beneficial to the protection of the monies under the City's management.

IX. INVESTMENT PARAMETERS

1. Diversification

The City will diversify the investment portfolio to avoid incurring unreasonable risks, both credit and interest rate risk, inherent in over investing in specific instruments, individual financial institutions or maturities.

DIVERSIFICATION CONSTRAINTS ON TOTAL HOLDINGS: LIQUIDITY AND CORE FUNDS

Issue Type	Maximum % Holdings	Maximum % per Issuer	Ratings S&P, Moody's, or Equivalent NRSRO	Maximum Maturity
US Treasury Obligations	100%	None	N/A	5.25 years
US Agency Obligations	100%	35%	N/A	5.25 years
Municipal Bonds (OR, WA, ID, CA)	25%	5%	AA- / Aa3 Short Term*	5.25 years
Corporate Notes	35%**	5%***	AA- / Aa3	5.25 years
Commercial Paper			A1 / P1	270 days
Bank Time Deposits/Savings	20%	10%	Oregon Public Depository	N/A
Certificates of Deposit	10%	5%	Oregon Public Depository	5.25 years
Banker's Acceptance	10%	5%	A1 / P1	180 days
Oregon Intermediate Fund	10%	None	N/A	N/A
Oregon Short Term Fund	Maximum allowed per ORS 294.810	None	N/A	N/A

**Short Term Ratings: Moody's - P1/MIG1/VMIG1. S&P - A-1/SP-1, Fitch F1

**35% maximum combined corporate and commercial paper per ORS.

***Issuer constraints apply to the combined issues in corporate and commercial paper holdings.

2. Investment Maturity

The City will not directly invest in securities maturing more than 5.25 years from the date of purchase.

- a. The maximum weighted average maturity of the total portfolio shall not exceed 2.5 years. This maximum is established to limit the portfolio to excessive price change exposure.
- b. Liquidity funds will be held in the State Pool or in money market instruments maturing six months and shorter. The liquidity portfolio shall, at a minimum, represent three months budgeted outflows.
- c. Core funds will be the defined as the funds in excess of liquidity requirements. The investments in this portion of the portfolio will have maturities between 1 day and 5.25 years and will be only invested in high quality and liquid securities.

Total Portfolio Maturity Constraints:

Maturity Constraints	Minimum % of Total Portfolio
Under 30 days	10%
Under 1 year	25%
Under 5.25 years	100%
Maturity Constraints	Maximum of Total Portfolio in Years
Weighted Average Maturity	2.5 years
Security Structure Constraint	Maximum % of Total Portfolio
Callable Agency Securities	25%

Reserve or Capital Improvement Project monies may be invested in securities exceeding 5.25 years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds

3. Prohibited Investments

- **Private Placement or “144A” Securities:** The City shall not invest in “144A” private placement securities, this includes commercial paper privately placed under section 4(a)(2) of the Securities Act of 1933.
- **Securities Lending:** The City shall not lend securities nor directly participate in a securities lending or reverse repurchase program.
- **14 Day Settlement:** The City shall not purchase securities with a delayed settlement in excess of 14 business days per ORS statute.
- **Derivatives or Reverse Repurchase:** The purchase of derivatives and use of reverse repurchase agreements are specifically prohibited by this policy.
- **Mortgage-Backed Securities:** The City shall not purchase mortgage-backed securities.
- **Equity Securities:** The City is not allowed to buy equity securities by statute.

X. INVESTMENT OF PROCEEDS FROM DEBT ISSUANCE

Investments of bond proceeds are restricted further and will not include corporate bonds in the dedicated bond proceed portfolio. All other allowable investments including: US Treasury, US Agency and

Commercial Paper may be utilized. The investments will be made in a manner to match cash flow expectations based on managed disbursement schedules.

Liquidity for bond proceeds will be managed through the OSTF Pool or Bank deposit balances.

Funds from bond proceeds and amounts held in a bond payment reserve or proceeds fund may be invested pursuant to ORS 294.052. Investments of bond proceeds are typically not invested for resale and maturity matched with expected outflows.

Information will be maintained for arbitrage rebate calculations.

XI. INVESTMENT OF RESERVE OR CAPITAL IMPROVEMENTS

Pursuant to ORS 294.135(1)(b), reserve or capital Improvement project monies may be invested in securities exceeding 5.25 years when the funds in question are being accumulated for an anticipated use that will occur more than 18 months after the funds are invested, then, upon the approval of the governing body of the county, municipality, school district or other political subdivision, the maturity of the investment or investments made with the funds may occur when the funds are expected to be used.

XII. POLICY COMPLIANCE AND PERFORMANCE EVALUATION

1. Compliance Report

A compliance report shall be maintained quarterly to document the portfolio versus the investment policy.

2. Compliance Measurement and Adherence

- a. Compliance Measurement: Guideline measurements will use market value of investments.
- b. Compliance Procedures: If the portfolio falls outside of compliance with adopted investment policy guidelines or is being managed inconsistently with this policy, the Investment Officer shall bring the portfolio back into compliance in a prudent manner and as soon as prudently feasible.
- c. Violations of portfolio guidelines as a result of transactions; actions to bring the portfolio back into compliance and; reasoning for actions taken to bring the portfolio back into compliance shall be documented and reported to the City Council.
- d. **Due** to fluctuations in the aggregate surplus funds balance, maximum or minimum percentages for a particular issuer, investment type, or maturity constraint may be surpassed at a point in time. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made to ensure that appropriate diversification is maintained.
- e. As determined on any date that the security is held within the portfolio. If the credit rating of a security is subsequently downgraded below the minimum rating level for a new investment of that security, the Investment Officer shall evaluate the downgrade on a case-by-case basis in order to determine if the security should be held or sold. The Investment Officer will apply the general objectives of Safety, Liquidity, Yield, and Legality to make the decision. If the City has hired the services of an Investment Advisor, the Investment Officer will act on the recommendation of the Advisor.

3. Performance Measurement

- a. The City yields will be compared to the OST Pool rates.
- b. The portfolio will be invested into a predetermined structure that will be measured against a selected benchmark portfolio. The structure will be based upon a chosen minimum and maximum effective duration and will have the objective to achieve market rates of returns over long investment horizons. The purpose of the benchmark is to appropriately manage the risk in the portfolio given interest rate cycles. The core portfolio is expected to provide similar returns to the benchmark over interest rate cycles, but may underperform or outperform in certain periods. The portfolio will be positioned to first protect principal and then achieve market rates of return. The benchmark used will be a 0-3 year or 0-5 year standard market index and comparisons will be calculated monthly and reported quarterly.
- c. When comparing the performance of the City's portfolio, all fees and expenses involved with managing the portfolio shall be included in the computation of the portfolio's rate of return. This would include any in-house management of the funds, as well as outside management.
- d. Mark to market pricing will be calculated monthly and be provided in a monthly report.

XIII. REPORTING REQUIREMENTS

The Investment Officer shall submit quarterly and annual reports to the local governing board containing sufficient information to permit an informed outside reader to evaluate the performance of the investment program. More frequent reports may be provided when market conditions merit or if requested by the governing board.

Minimum quarterly reporting requirements for total portfolio:

- Earnings Yield
- Holdings Report (including mark to market)
- Transactions Report
- Weighted Average Maturity or Duration
- Compliance Report

XIV. INVESTMENT POLICY ADOPTION BY GOVERNING BOARD


This investment policy will be formally adopted by the Albany City Council. The policy shall be reviewed on an annual basis by the Investment Officer and the Albany City Council. Material revisions to this policy will require a review by the Oregon Short Term Fund Board, pursuant to ORS.

Supersedes: Res No.7279	Created/Amended by/date: September 20, 2024	Effective Date: November 6, 2024	Reviewed by Council: November 4, 2024
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City of Albany

Risk Management Policy



	<p>City of Albany Finance Policy Policy #: F-08-08-007 Title: Risk Management</p>	
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I. POLICY STATEMENT

It is the policy of the City of Albany to proactively identify and manage the inherent risks of providing municipal services. Potential losses will be mitigated through employee safety committees, loss prevention programs, property and liability insurances, workers' compensation, and employee health, life, and disability benefits.

II. GENERAL RESPONSIBILITIES

The City Council has the responsibility to set the control environment for the organization based on integrity and ethical values. The internal controls that support the control environment are tested on an annual basis by an independent auditor and reported to the City's Audit Committee.

Each employee of the City is responsible for contributing to a safe environment for all employees and the public. Employees should help identify and correct unsafe conditions and should follow all established safety laws, policies, and practices. In addition, employees have a responsibility to report any instance of fraud, waste, abuse, or unethical behavior to management or to the City Council.

The City Manager and department directors are responsible for protecting the City of Albany's assets by identifying and managing risks. Primary objectives include containing costs, minimizing accidents and injuries to employees and the public, reducing the frequency and severity of property loss, and promoting a healthy employee workforce and working environment.

Department directors are responsible for managing the risks of operations in their respective departments. They ensure that effective safety and loss prevention programs are implemented and oversee the investigation of claims and losses.

Department directors coordinate their efforts with the Finance Manager who acts as the City's Risk Manager. The Risk Manager is responsible for facilitating claims processing and working closely with third party property and liability insurers.

The City Manager may choose to retain professional advisors, consultants, insurers, brokers, and agents of record to assist the City in placing appropriate insurances and developing effective safety and loss prevention programs.

III. SPECIFIC RESPONSIBILITIES

1. Human Resources Director.

- a. Coordinate and promote city-wide employee wellness programs.
- b. Manage the City's worker's compensation and health insurance programs to contain costs and promote safety and wellness for employees and their families.

2. Finance Director.

- a. Recommend appropriate levels of property and general liability insurance to the City Manager and City Council.
- b. Coordinate periodic inventories of all property, buildings, equipment, vehicles, and other capital assets and verify that appropriate insurance is in place.
- c. Maintain policies, bonds, and other legal documentation of insurance.
- d. Provide an annual report to the City Council showing claims experience and the costs of insurance programs.

3. Fire Chief.

- a. Conduct fire and life safety inspections of City facilities on a periodic basis according to the level of risk in each facility.

- b. Verify that all facilities are in compliance with recognized fire code standards for fire and life safety.
 - c. Coordinate and promote city-wide safety awareness.
4. **City Attorney.**
- a. Develop templates of contracts and leases which include language to identify and mitigate liability and other potential losses.
 - b. Notify the City Manager of changes in state statutes and common law that affect municipal liability.
 - c. Assist insurers in the investigation and settlement of claims against the City.
 - d. Review insurance and bond contracts.
5. City Emergency Manager/Safety Officer
- a. Develop, recommend, and implement emergency management programs to ensure effective emergency services.
 - b. Plan, develop, and coordinate mitigations, preparedness, and response and recovery activities.
 - c. Work with private and public sector agencies to obtain a coordinated preparedness and response effort.
 - d. Administer City safety program.

IV. RETAINING AND TRANSFERING RISK

1. **Reserve Account.**

A Risk Management Fund will be maintained with a working balance of up to \$2,000,000 for unforeseen catastrophic events and major deductibles. Each department will be responsible for claims and deductibles up to \$10,000 per occurrence resulting from losses in their respective operations.

2. **Insurance Coverages.**

The following minimum policy limits and deductibles will be maintained:

Property/Boiler & Machinery

Limit:	Determined each year by the filed value of insured property.	
Deductibles:	Buildings/Contents	\$10,000
	Mobile Equipment	\$5,000
	Boiler & Machinery	\$10,000
	Earthquake	\$25,000
	Limit	\$20,000,000
	Flood	\$25,000
	Limit	\$20,000,000
	Excess Cyber Liability	\$5,000
	Limit	\$1,000,000

Tort Liability

Limit:	\$5,000,000
Deductibles:	\$10,000 per occurrence

Auto Liability

Limit:	\$5,000,000
Deductibles:	\$10,000 per occurrence

Auto Physical Damage

Deductibles: Comprehensive	\$1,000
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Collision	\$1,000
Airport Liability	
Limit:	\$5,000,000
Volunteer Accident Policy	
Limit:	\$50,000
Workers Compensation Policy	
Limit:	\$3,000,000 Each Accident \$3,000,000 Disease Aggregate \$3,000,000 Disease Each Employee

3. Self-Insurance.

The City shall self-insure to the extent it is more cost effective than commercial insurance and does not present unacceptable financial or other risks to the City.

V. ALLOCATION OF INSURANCE COSTS

Departments and programs that have dedicated revenue sources or are independent legal entities will be charged insurance costs specific to the risk exposures of the operations of those departments and programs.

Premiums and related costs for liability insurance, workers' compensation, and property insurance will be allocated to each department based on claims experience and risk exposure. Property insurance costs are allocated according to the specific properties used and operated by each department or program.

VI. CONFIDENTIALITY OF RECORDS

All personally identifiable and confidential information will be maintained in compliance with the Identity Theft Protection Policy, Finance Policy Number F-04-08. All employee medical records and long-term disability claims held by the City will be maintained in separate locked files and access will be controlled through the City Manager and Human Resources Departments.

All police reports will be kept confidential unless the Albany Police Department and/or the City Attorney approve release.

VII. REPORTING PROPERTY/CASUALTY ACCIDENTS AND LOSSES

1. Accidents and losses must be reported promptly and in accordance with prescribed procedures. The benefits of timely reporting include enhanced citizen confidence, better protection of the City's interests, reduced time lost for employees and equipment, and savings realized through prompt settlements.

Reports of general liability claims and automobile accidents should be immediately reported to the Risk Manager. The following information should be included in every report:

- a. Date, time, and location of accident or event
- b. Description of vehicle, equipment, or property involved
- c. Name(s) of person(s) involved
- d. Name(s) of person(s) injured
- e. Description of any medical attention received

- f. Nature of damage/loss and estimated cost
- g. Description of circumstances; diagram of events if possible
- h. Insurance Policy Numbers, Agents, and/or Agencies
- i. Name(s) and addresses of witnesses
- j. Appropriate signatures
- k. Copy of DMV report, if filed
- l. Copy of police report, if filed

In addition, procedures described in Human Resources Policy HR-SF-02-001 (Property Loss/Damage) must be followed.

2. The Risk Manager will process all accident/loss notices, except workers' compensation, and will notify the appropriate insurance company.
3. The Human Resources Department will file workers' compensation accident reports with the appropriate insurance company. Workers' compensation incidents will be processed in accordance with Human Resources Policy HR-SF-03-001 (Reporting On-the-Job Injuries).
4. Accidents of a serious nature and those occurring on weekends or holidays should be called in to the appropriate supervisor and followed up with the proper accident forms and information. The Risk Manager should be notified of the accident on the first day back to work.
5. As required by law, on-the-job injuries to employees that result in overnight hospitalization for treatment (not just observation), must be reported to OR-OSHA within twenty-four (24) hours of the injury. An on-the-job accident that results in the hospitalization of three or more employees, or in a fatality, must be reported to OR-OSHA within eight (8) hours of the accident. In either of these situations, the Human Resources Generalist or Human Resources Director should be notified immediately so they may make notification to OR-OSHA.

VIII. REPORTS TO BE FILED

1. All Property/Casualty claims reports will be filed with the Risk Manager.
2. Minutes of City Council meetings, safety meetings, and all other City committee meetings in which Risk Management policy or procedure decisions are made will be filed as appropriate.
3. Inspection reports when the building inspector or Fire Department inspects City premises will be filed with the Risk Manager or the Fire Department.
4. Long-term disability and life insurance claims and workers' compensation claims and reports will be filed with the Human Resources Department.

IX. RISK MANAGER RECORDS

The Risk Manager shall keep the following records:

1. An inventory of current locations, descriptions, and insurable values of all property/vehicles owned or leased by the City.
2. An insurance register, outlining all coverages in force and including premiums, policy numbers, servicing agents, terms of coverage, and expiration dates.

3. Premium payment and allocation records.
4. Claims filed and pending.
5. Loss records subdivided into property, liability, and other liability claims paid by the insurer under existing insurance policies.
6. Claim recoveries received from third parties who have damaged City property or who are reimbursing City wages paid.

Supersedes: Res No. 7278	Created/Amended by/date: October 25, 2024	Effective Date: November 6, 2024	Reviewed by Council: November 4, 2024
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RESOLUTION NO. _____

A RESOLUTION APPOINTING MUNICIPAL COURT JUDGES PRO TEM AND REPEALING RESOLUTION NO. 7292

WHEREAS, an active pool of judges pro tem shall be maintained so that the work for the Municipal Court will not be interrupted when the judge is absent from her position; and

WHEREAS, the contract between the City of Albany and Judge Jessica Meyer specifies that she shall submit to the City Council the names of persons whom she wishes to nominate as judges pro tem for the duration of her current contract; and these persons shall be members of the Oregon State Bar and in good standing.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the following persons are hereby appointed as Municipal Court Judges pro tem for the Albany Municipal Court of the City of Albany, Oregon:

- Tyler H Reid
- Timothy J Felling
- John E Kennedy

BE IT FURTHER RESOLVED that Resolution No. 7292 is hereby repealed.

DATED AND EFFECTIVE THIS 4TH DAY OF NOVEMBER 2024.

Mayor

ATTEST:

City Clerk



CONTRACT TO PROVIDE MUNICIPAL COURT SERVICES

THIS AGREEMENT is made and entered into this 6th day of November 2024, by and between the CITY OF ALBANY, Oregon, a municipal corporation, hereinafter referred to as "CITY" and JESSICA MEYER, Attorney at Law, hereinafter referred to as "MEYER," and is effective November 6, 2024.

WITNESSETH:

WHEREAS, the CITY desires the services of MEYER as Municipal Judge, pursuant to Section 23 of the Charter of the city of Albany; and

WHEREAS, MEYER desires to serve in said capacity; and

WHEREAS, the Internal Revenue Service defines a Judge as a public official and an employee of the government for whom he or she serves and, therefore, the CITY is responsible for withholding and paying Federal income tax, social security, and Medicare taxes, and issuing a Form W-2 Wage and Tax Statement to the public official; and

WHEREAS, it is the desire of both parties hereto to establish and set forth their mutual responsibilities one to the other.

NOW, THEREFORE, in consideration of the mutual promises contained herein, it is hereby agreed as follows:

- 1) Duties. The CITY hereby contracts with MEYER to perform all functions and duties specified in Section 23 of the Charter and in the ordinances of the city of Albany, and to perform such other legally permissible and proper duties and functions as outlined within the Municipal Court Judge job description (Attachment A).
- 2) Independent. In performing the duties of Municipal Court Judge, MEYER shall serve as an employee of the CITY. However, the CITY shall have no right or responsibility to control or influence the manner in which MEYER carries out her judicial responsibilities, save and except that MEYER agrees to carry out her duties in a timely, consistent, and impartial manner. MEYER shall have no management or administrative responsibility or authority over other City employees.
- 3) Term. This agreement shall commence November 6, 2024, and shall continue until October 31, 2025. This contract may be renewed annually upon the terms set forth herein or upon any other terms mutually acceptable to both parties. Notwithstanding the foregoing, MEYER shall serve at the pleasure of the Albany City Council. No rights, responsibilities, salary, or other benefits shall extend beyond the term of this agreement and nothing in this agreement shall be deemed to vest in MEYER any property interest in the duties, responsibilities, or compensation provided in this contract or any right to the continuation thereof.
- 4) Compensation. For her service from November 6, 2024, through October 31, 2025, MEYER shall be paid gross compensation of \$5,927.64 (Increase in FTE and 2% COLA effective January 1, 2024, and 2% COLA effective July 1, 2024) per semi-monthly pay. Effective November 1, 2025, MEYER shall be entitled to have her compensation increased by the cost-of-living adjustment(s) granted to Nonbargaining employees during the previous contract year.

5) Benefits.

- a) Public Employees Retirement System (PERS). MEYER's employment with CITY, being less than 600 hours per calendar year, would not alone qualify her for PERS service credit; however, since MEYER is currently employed by both CITY and Linn County for a combined total of more than 600 hours in a calendar year, her service with CITY will be reported to PERS. If MEYER ceases to be employed by any combination of PERS-participating employers for 600 hours or more per calendar year, her service with CITY shall no longer be reported to PERS.
- b) Professional Leave (Personal Leave). CITY shall provide MEYER with up to \$4,500 of professional leave each calendar year in the form of City-paid pro tem services. Unused professional leave does not carry over to the following calendar year. In the event that total costs of pro tem services for use of professional leave exceeds \$4,500 in a given year, MEYER shall pay the excess over \$4,500 and shall hold the City harmless therefrom.
- c) Sick Leave. CITY shall provide MEYER with 24 hours of sick leave per year to be accrued at a rate of one (1) hour per semimonthly pay period up to a maximum of two years' accruals (48 hours) in accordance with the City of Albany sick leave policy, HR-BC-14.
- d) To accommodate MEYER 's use of professional leave or sick leave as provided in Sections (5)a and (5)b above, CITY agrees to pay for judge pro tem services at a rate established in accordance with Section (6)d of this agreement; however, MEYER shall make reasonable efforts to provide advanced notice to the court supervisor so that court schedules may be adjusted to accommodate MEYER 'S absence and avoid pro tem costs when possible.
- e) Conflicts of Interest, Absences for Professional Development and other Court Business. CITY shall provide MEYER with up to \$3,000 per calendar year of judge pro tem services to be used when conflicts of interest may exist or when MEYER must be absent for professional development or other Albany Municipal Court business. Unused funds for pro tem services do not carry over to the following calendar year. In the event that total costs of pro tem services for conflicts of interest, professional development, or other Court business exceeds \$3,000 in a given year, MEYER shall pay the excess over \$3,000 and shall hold the City harmless therefrom.
- f) No Cash Value. Leave hours and payment of pro tem services outlined in Sections (5)a through (5)d above have no cash value to MEYER and are not paid out upon contract expiration or termination.
- g) Except as set forth specifically in this agreement, MEYER is not eligible for any benefits offered by the CITY other than those required under federal or state law.

- 6) Pro Tem Services. While it is agreed that MEYER shall personally serve as Municipal Judge and shall generally be available to fill the duties of that office, it is anticipated that ethical conflicts, professional development requirements, vacations, or illness will occasionally require the employment of pro tem municipal judges. It is understood that it is in the interest of both parties to maintain an active pool of pro tem judges so that the work for the Municipal Court will not be interrupted when MEYER must be absent from her position. Therefore:

- a) By November 15 of each and every year that this contract remains in effect, MEYER shall submit to the City Council the names of those persons whom she wishes to nominate as pro tem judges for the 12 months following the date of such appointment. These persons shall all be members of the Oregon State Bar, in good standing, and must be satisfactory to the Albany City Council. Upon receiving such list of proposed pro tem judges, the City Council shall, at its next regularly scheduled meeting, or as soon thereafter as may be convenient, review the list of persons nominated by MEYER and approve or deny their appointment as pro tem municipal judges. Any pro tem municipal judge shall also be an independent contractor and not an employee of the City of Albany and shall exercise the same functions, duties, powers, and responsibilities as those assumed by MEYER pursuant to this agreement.
 - b) MEYER shall make a reasonable effort to maintain a pool of at least three pro tem municipal judges who all will be reasonably familiar with Municipal Court procedures should their service be necessary.
 - c) MEYER shall instruct all pro tem judges concerning procedures and customary sentences in order to promote uniformity to the greatest extent possible.
 - d) CITY shall be responsible for negotiation with the pro tem judges and setting their per hour fee for services rendered.
- 7) Hours of Work. MEYER shall be employed for the hours equivalent to a .38 FTE employee; however, it is recognized that the hours devoted by the judge in the performance of her responsibilities may vary with the caseload of the Court. The judge shall complete a semimonthly timesheet outlining the number of hours she is devoting to judicial duties as well as any pro-tem hours, sick leave, or professional leave used.
 - 8) Periodic Review. The City Council may review the performance and compensation of the Municipal Court Judge by such method and at such times as the Council shall deem appropriate.
 - 9) Dues and Subscriptions. The Municipal Court Judge shall maintain membership in the Oregon Judge's Association, formerly the Oregon Municipal Judges Association, and all fees required for such membership shall be paid by the CITY. In addition, the CITY encourages the Municipal Judge to participate in national, regional, and state and local associations and organizations necessary and desired for her continued professional growth and advancement and to improve her performance as Municipal Judge of the city of Albany. Should the Municipal Judge desire to incur any expenditure for any of the proposed activities outlined above, she may obtain prior budgetary approval from the Finance Director, in which event the CITY shall be obligated to reimburse for such pre-authorized expenses, or the Municipal Judge may submit a request for reimbursement without prior authorization, in which event the CITY, in the exclusive exercise of discretion, may reimburse for such expenses.
 - 10) Professional Development. The CITY agrees to reimburse the Municipal Judge for registration, travel, and subsistence expenses for professional and office travel, meetings, and occasions deemed necessary or desirable to continue the professional development of the Municipal Judge. The procedures for reimbursement shall be the same as those for Nonbargaining employees.

- 11) Professional Liability. The CITY agrees to defend, hold harmless, and indemnify MEYER on any and all claims brought against MEYER arising out of MEYER 'S actions within the scope of the employment relationship with CITY. The CITY agrees to carry appropriate insurance through CITY'S insurance program.
- 12) Use and Return of CITY Property. All personal property provided by CITY to MEYER shall be and remain the property of CITY. MEYER will preserve, use, and hold CITY property only for the benefit of CITY and to carry out CITY'S business. When MEYER 'S employment terminates, or upon demand of the Albany City Council pending or during any review of MEYER 's conduct, MEYER will immediately deliver to CITY all CITY property that MEYER has in her possession or control.
- 13) Relationship of the Parties. The relationship between the parties is that of employer and employee. MEYER shall have no authority to enter into any contracts binding upon CITY.
- 14) Termination. MEYER shall serve at the pleasure of the Albany City Council and may be removed by a majority vote of the City Council with or without cause under the following terms:
 - a) Termination Without Cause. This agreement may be terminated without cause upon 30 days' written notice from either party. If MEYER terminates this agreement, all cases under advisement shall be completed no later than MEYER's last day of employment.
 - b) Termination With Cause. This agreement may be terminated by CITY immediately in the event that MEYER is indicted on any legal act, no longer meets the minimum requirements described in the Albany Charter or is no longer a member in good standing of the Oregon Bar Association.

Whether terminated with or without cause, MEYER shall be entitled to all compensation then due.

- 15) Modifications or Amendments. This employment agreement may be unilaterally modified by CITY to comply with any applicable changes in federal or state law. CITY and MEYER may negotiate other changes to this agreement at such time as the contract is being considered for renewal.
- 16) Severability. If any provision or any portion of any provision in this employment agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of the agreement, provision, or portion shall be severed and remain in full force and effect.
- 17) Attorney Fees. In the event suit or action is instituted to interpret or enforce the terms of this employment agreement or seek damages for its breach, the prevailing party shall be entitled to recover from the other party such sums as the court may adjudge reasonable as attorney fees at trial or on appeal of such suit or action.
- 18) General Provisions. This agreement shall constitute the entire agreement between the parties and supersedes any previous agreements or understandings. If any provisions or a portion thereof contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect. No other benefits, consideration, or compensation of any kind shall be due from CITY to MEYER or any pro tem judge other than as set forth herein.

CITY OF ALBANY:

JUDGE:

Peter Troedsson, City Manager

Jessica Meyer, Albany Municipal Court Judge

Date

Date

Holly Roten, Human Resources Director

Date