

NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Wednesday, September 28, 2016
7:15 p.m.

OUR MISSION IS
*"Providing quality public services
for a better Albany community."*

OUR VISION IS
*"A vital and diversified community
that promotes a high quality of life,
great neighborhoods, balanced
economic growth, and quality public
services."*

AGENDA

Rules of Conduct for Public Meetings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the meeting.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. SPECIAL PRESENTATIONS
 - a. Certificate of appreciation for Greater Unified Albany Vexillological Association. [Page 3]
Action: _____
 - b. Government Finance Officers Association (GFOA) Awards – Don Hudson, Oregon GFOA Liaison. [Verbal]
Action: _____
5. SCHEDULED BUSINESS
 - a. Public Hearing
 - 1) Community Development Block Grant 2015 annual performance evaluation and report. [Pages 4-24]
Action: _____
 - b. Legislative Public Hearing
 - 1) DC-01-16, Floodplain Development Code text amendment. [Pages 25-70]
Action: _____ ORD. NO. _____
 - c. Business from the Public
 - d. Adoption of Resolutions
 - 1) Approving and adopting the City of Albany, Oregon, Natural Hazard Mitigation Plan dated September 2016. [Pages 71-72]
Action: _____ RES. NO. _____
 - 2) Approving exemption from competitive bidding requirements through use of an interstate cooperative procurement for the purchase of firefighting turnouts. [Pages 73-74]
Action: _____ RES. NO. _____
 - 3) Awarding a bid to Tyler Technologies (Incode) for Municipal Court software, appropriating General Fund beginning balance, and approving reclassification of the Senior Court Clerk to Court Supervisor. [Pages 75-76]
Action: _____ RES. NO. _____
 - e. Adoption of Consent Calendar
 - 1) Approval of Minutes
 - a) July 27, 2016, City Council Regular Session minutes. [Pages 77-82]
 - b) August 8, 2016, City Council Work Session minutes. [Pages 83-85]
 - 2) Liquor license recommendation to OLCC:
 - a) Grant the limited on-premises sales, off-premises sales, new outlet, liquor license application for No Rails Ale House, Inc., located at 123 First Avenue W, Suite 105 and 106. [Page 86]

- 3) Accepting and appropriating funds for the Hospital Preparedness Program grant for emergency medical service (EMS) training props to be shared by Linn County EMS providers. [Pages 87-88] RES. NO. _____
- 4) Authorizing staff to work with the City Attorney to develop a contract with Infinite Air Center for the purchase and operation of a fuel truck for the Albany Municipal Airport. [Pages 89-90]

Action: _____

f. Award of Contract

- 1) Professional Services Contract for consulting work on WC-13-01, Canal Diversion Structures. [Pages 91-93]

Action: _____

g. Report

- 1) Request for reclassification of one Police Officer position to Police Lieutenant. [Page 94]

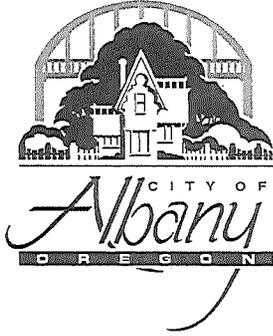
Action: _____

6. BUSINESS FROM THE COUNCIL

7. NEXT MEETING DATE: Work Session: Monday, October 10, 2016
Regular Session: Wednesday, October 12, 2016

8. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net



ALBANY, OREGON

Certificate of Appreciation

To members of the Greater Unified Albany Vexillological Association at West Albany High School and advisor Cole Pouliot for designing an official flag for the City of Albany. Confluence and Crossroads combines the elements of local geography, economy, and history that make Albany this special place.



In witness whereof I have hereunto set my hand and caused the seal of the City to be affixed.



Mayor

September 28, 2016

Date



TO: Albany City Council

VIA: Wes Hare, City Manager
Jeff Blaine, P.E., Public Works Engineering and Community Development Director *JB*

FROM: Bob Richardson, Planning Manager
Anne Catlin, Planner III *alc*

DATE: September 21, 2016, for the September 28, 2016, City Council Meeting

SUBJECT: Public Hearing on Community Development Block Grant (CDBG) 2015 Annual Report and Community Needs

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods

Action Requested:

Staff recommends that City Council hold a public hearing for two purposes:

- To consider comments on the City's 2015 Consolidated Annual Performance and Evaluation Report (CAPER); and
- To consider comments regarding the City of Albany's community development needs that could be addressed with Community Development Block Grant (CDBG) funding.

Staff also recommends Council authorize staff to submit the CAPER to the U.S. Department of Housing and Urban Development (HUD).

Discussion:

In 2013, the City of Albany became an entitlement community. This means that Albany receives an annual formula grant from HUD to implement a wide variety of community and economic development activities directed towards neighborhood revitalization and the provision of improved community facilities and services. The purpose of the CDBG Program is to develop viable communities by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income.

As part of the CDBG program, the City was required to create a 5-year Consolidated Plan. The current Consolidated Plan was created in 2013 and runs through 2017. Each year, the City is required to prepare an annual action plan that details how the City will spend the annual CDBG allocation towards achieving the goals in the Consolidated Plan. The City is also required to report annually on progress made toward achieving goals in the Consolidated Plan and the annual Action Plan. As discussed below, both the Consolidated Plan progress report and creation of the annual Action Plan require consideration through public hearing(s).

CAPER

Each year, the City is required to submit a Consolidated Annual Performance and Evaluation Report (CAPER) to HUD within 90 days of the close of each program year. The City Council hearing gives the public an opportunity to provide feedback on the City's performance in carrying out CDBG activities as reported in the 2015 CAPER.

The 2015 CAPER (Attachment A) reports the accomplishments the City has made on goals and objectives of both the five year Consolidated Plan and the 2015 Annual Action Plan during the City's 2015-2016 fiscal year. (Note: some projects accomplished during this time period were funded with money carried over from the 2013 and 2014 CDBG grants.)

In the 2015-2016 fiscal year, the City spent a total of \$220,680.50 in CDBG funds and served 183 low and moderate income Albany residents. Services included infant abuse prevention services, court appointed special advocates for children removed from their homes, shelter and case management for at-risk youth and for women and children, emergency housing assistance, housing rehabilitation, and small business development. The City finalized engineering for Sunrise Park storm drainage in preparation for a park remodel pending state and federal approvals for work in wetlands on the site. The City also worked to increase awareness of fair housing laws.

The CAPER has been available for public comment for 30 days. To date, no comments have been received. The CAPER is due to HUD October 1, 2016. Staff is seeking authorization to submit the 2015 CAPER to HUD in compliance with stipulated program timelines.

Needs Assessment

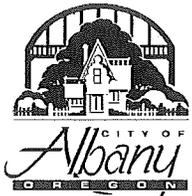
A required step in the CDBG program development process is to provide opportunities twice a year for the public to comment on the City's needs that could be addressed with CDBG funding. The hearing scheduled for September 28, 2016, is the second hearing for the year. The Community Development Commission will evaluate public comments on future community needs when it begins planning activities to be included in the 2017 Action Plan that will begin July 1, 2017. Council consideration of the 2017 Action Plan will be in April, 2017.

Budget Impact:

Receiving public input and submitting the annual report does not have a direct budget impact. However, submittal of annual reports is required in order to continue receiving CDBG funds in the future.

AC:eo

Attachment A: 2015 Consolidated Annual Performance and Evaluation Report (CAPER)



City of Albany, Oregon
Consolidated Annual Performance Evaluation and Report
For the Community Development Block Grant (CDBG) 2015 Program Year
Due to HUD: September 30, 2016

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)
This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of Albany receives an annual Community Development Block Grant (CDBG) entitlement from the U.S. Department of Housing and Urban Development (HUD). As a recipient of CDBG funds, the City is required to prepare a five-year strategic plan that identifies community needs, prioritizes these needs, and establishes goals and objectives to meet the needs. This five-year plan is called the Consolidated Plan.

Each year the City is also required to provide the public and HUD with an assessment of its accomplishments towards meeting the goals and objectives identified in the 2013-2017 Consolidated Plan. This report is called the Consolidated Annual Performance Evaluation and Report (CAPER). The CAPER also evaluates Albany's progress toward meeting the one-year goals identified in the Annual Action Plan.

The Fiscal Year 2015 Annual Plan was the City's third program year of the 2013-2017 Consolidated Plan. The City received \$378,904.00 in CDBG funding for the 2015 program year (July 1, 2015 through June 30, 2016). In addition, the City carried over \$264,592.59 in 2013 and 2014 program year funds into FY 2015.

In FY 2015, the City spent a total of \$220,680.50 in CDBG funds and served 183 Albany residents. Services included infant abuse prevention services, court appointed special advocates for children removed from their homes, shelter and case management for at-risk youth and for women and children, emergency housing assistance, housing rehabilitation, and small business development. The City finalized engineering for Sunrise Park storm drainage in preparation for a park remodel, pending state and federal approvals for work in wetlands on the site. The City also hosted a presentation and conversation on the history of discrimination in Oregon, monitored housing ads for discriminatory language, and responded to complaints.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Table 1 compares proposed and actual outcomes of the City's progress towards completing the 5-year goals identified in the Consolidated Plan and priorities identified in the FY 2015-16 Action Plan.

Table 1 – Accomplishments - Program Year and Five Year Strategic Plan to Date

Goal	Anticipated Five Year CDBG Allocation	15-16 CDBG Allocation	Indicator/Activity	Unit of Measure	Expected Five Year Outcome	Actual Five Year Outcome	Five Year Percent Complete	Expected 15-16 Outcome	Actual 15-16 Outcome	15-16 Percent Complete
1. Remove Barriers to Accessibility	\$222,000	\$55,000	Public Facility or Infrastructure Activities	Curb Ramps	50	0	0%	0	0	0%
				Persons Assisted	0	0	0%	300	0	0%
2. Improve Affordable Housing	\$400,000	\$67,300	Housing Rehabilitation	Owned Units	20	5	25%	3	1	33%
				Rental Units	20	0	0%	0	0	0%
3. Increase Economic Opportunities	\$280,000	\$0	Facade treatment/business building rehab	Businesses Assisted	2	0	0%	0	0	0%
		\$20,000	Microenterprise Assistance	Residents Assisted	150	83	55%	10	25	250%
		\$24,000	Small Business Development: Job Creation	Jobs Created	40	25	63%	3	9	300%
4. Further Fair Housing	\$10,000	\$1,000	Education and Outreach	Households Assisted	100	48	48%	20	20	100%
5. Reduce Homelessness	\$160,000	\$0	Homeless Prevention	Trans'l Beds Added	20	16	80%	0	0	0%
6. Provide Public Services	\$302,000	\$22,900	Homeless Prevention Emergency Shelter Provided	Persons Assisted	50	56	112%	40	39	98%
		\$12,900	Homeless Prevention Emergency Housing Funding	Households Assisted	0	16	n/a	5	16	320%
		\$21,000	Non-Homeless Special Needs Public Services	Persons Assisted	500	340	68%	30	71	237%
7. Eliminate Blighting Influences	\$152,000	\$80,000	Public Facility or Infrastructure Activities	Persons Assisted	4000	1000	25%	100	0	0%

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City of Albany allocated funding to address Consolidated Plan priorities and objectives in the FY 2015-16 Action Plan as listed below.

1. Remove Barriers to Accessibility:

- a) Curb Ramps and Sidewalks: The City met with residents in Census Tract 208 to identify infill sidewalk and intersection safety improvements needed to improve the safety and accessibility of routes to schools and services in the Sunrise neighborhood. A four-block infill sidewalk project on 19th Avenue went out to bid. The low bidder was awarded the contract and will complete the work in March 2017. The project will provide sidewalk connection to Sunrise Elementary School.
- b) Accessibility Improvements at or near Public Facilities: See updates under #7, Remove Blighted Conditions.

2. Maintain and Improve the Quality of Affordable Housing: In FY 2015, one low-income, owner-occupied house was rehabilitated and four single-family rehabs are underway. Numerous applications were processed that did not move forward. Grants are available to households earning 60% of the area median income located within Albany's two Target Areas, Census Tracts 204 and 208. Households must also qualify for free weatherization assistance.

3. Increase Economic Opportunities:

- a) Microenterprise and Small Business Assistance: In FY 2015, CDBG funds provided scholarships to 23 low-income Albany residents to take microenterprise and business management courses at Linn-Benton Community College (LBCC) and provided free one-on-one advising. Twelve Latino/Hispanic residents enrolled in the new introduction to business course offered in Spanish.
- b) Job Creation: Five low-mod Albany residents launched a microenterprise business as a result of LBCC courses and advising, creating five jobs for formerly unemployed residents. The City small grant program for microenterprises added four LMI jobs in FY 2015.

4. Further Fair Housing: In 2015, the City partnered with Community Services Consortium (CSC) to host a presentation and discussion on the history of housing discrimination nationally and in Oregon. Approximately 20 people attended the event. CSC received 25 housing discrimination complaints; three were referred to the Fair Housing Council of Oregon for follow up. CSC and City staff monitored housing ads for discriminatory statements and resolved one housing complaint.

5. Reduce Homelessness: FY 2015 funds supported three agencies that served 82 residents with emergency housing funds and emergency shelter and case management.

6. Public Services: FY 2015 funds provided services to Albany's special needs children to prevent child abuse and to advocate for children who are wards of the court get into permanent housing and provide shelter and case management to homeless residents.

7. Eliminate Blighting Influences in Low- and Moderate-Income Neighborhoods: The FY 2015 Action Plan and the 13-17 Consolidated Plan identified improving Sunrise Park in local target area Census Tract 208 as a priority to remove blighting influences. The park remodel project includes replacing dated and unsafe play equipment with new equipment, removing old shelters, adding a parking lot, and relocating the amenities to a more visible and accessible location within the park. The design will reduce vandalism and illegal activities that create blighting influences in the neighborhood. The parking lot required a revised environmental review record. The presence of hydric soils triggered the need for wetland delineation. The City is awaiting federal and state approvals for work in the wetlands, expected in September 2016.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

Table 1 – Table of assistance to racial and ethnic populations by source of funds

Race	Residents Assisted
White	146
Black or African American	9
Asian	1
American Indian or American Native	27
Native Hawaiian or Other Pacific Islander	1
Total Residents	183
Ethnicity	
Hispanic	31
Not Hispanic	152

Narrative

During FY 2015, CDBG programs served 183 residents with CDBG programming through public services, housing rehabilitation, and economic development opportunities. Of these, 80% of the 177 residents assisted were white. The ethnicity of Albany’s residents served included 17% of Latino/Hispanic origin.

Most of the residents and families supported with CDBG-funded programs were extremely low-income, earning 30% or below the median family income. Many of those served were children, including unaccompanied youth, children removed from their homes due to abuse or neglect, or children in families identified as at risk of child abuse.

The City translated brochures on CDBG funded housing and economic opportunity programs into Spanish and saw an increase in minority participation in these programs in FY 2015.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Table 2 – Resources Made Available

Source of Funds	Resources Made Available	Amount Expended During Program Year
CDBG	\$643,497	\$220,680

Narrative

CDBG expenditures through June 30, 2016, include funding for housing rehabilitation, microenterprise training, small business assistance, public services to Albany's low-income residents, preventing homelessness, professional services for Sunrise Park remodel designs, and planning and administrative costs.

Identify the geographic distribution and location of investments

Table 3 – Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation in 15-16	Actual Percentage of Allocation
Census Tracts 204 & 208	59%	13%

Narrative

The City allocated \$225,200 in 2015 CDBG funds to activities in Albany's two low- and moderate-income target areas, Census Tracts 204 and 208. The City completed \$49,369 in activities – including rehabilitating one house, providing emergency shelter nights, engineering and design of Sunrise Park, and wetland consultant fees.

The Sunrise Park remodel activity will remove blighting influences in the neighborhood, Census Tract 208, will make the park accessible to all residents, and is desired by residents so they don't have to travel to a park farther away. While the park remodel is Albany's priority community development project, it has been delayed due to the presence of wetlands on the site. The City is nearing final federal and state environmental approvals.

CDBG funds have also been allocated to sidewalk and curb ramp improvements in the Sunrise area to improve the safety and accessibility of primary routes to the local elementary and middle schools. The 19th Avenue Infill Sidewalk project construction contract was recently awarded and construction is planned for March 2017.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Albany's CDBG-funded activities leveraged private, state, and federal funds in the 2015 Program Year:

- Housing Rehabilitation – CDBG funds leveraged \$8,500 in Federal weatherization funding and staff expenses on one house completed to date and \$20,000 on houses underway.
- Small Business Management Program – CDBG funds leveraged approximately \$10,000 in private funding from business owners.
- Public service agencies leveraged \$136,964 in private funds for activities funded with 2015 CDBG program year funds.

No publicly owned land within the City of Albany was used to address housing, homeless, or other special needs identified in the Consolidated Plan.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

Table 4 – Number of Households

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	5	2
Number of Non-Homeless households to be provided affordable housing units	10	14
Number of Special-Needs households to be provided affordable housing units	0	0
Total	15	16

Table 5 – Number of Households Supported

	One-Year Goal	Actual
Number of households supported through Rental Assistance	5	16
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	3	1
Number of households supported through Acquisition of Existing Units	0	0
Total	8	17

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

Homeless Households Provided Affordable Housing:

- a) Fish of Albany, Inc. received a public services grant to provide emergency shelter to five homeless households consisting of extremely low-income women with children in program year 2015. The FISH board of directors decided to close the shelter in November 2015. Between August and October, FISH served two households: one homeless family and one homeless woman, and helped them get permanent affordable housing. FISH provided 187 shelter nights; 448 hours of in-shelter instruction, activities, communication, and supervision/observation; and 196.5 hours of accessing community programs including employment.
- b) Emergency Housing Assistance: This program year, Community Services Consortium received public services funding to provide emergency housing assistance to households earning between 50 and 80 percent of the median family income. Funds were prioritized to residents with special needs, and then families with children. The program helped two homeless families obtain permanent affordable housing in Albany and 14 non-homeless households keep their housing.

Non-Homeless Households Supported Through Housing Rehabilitation: The City contracted with the Community Services Consortium (CSC), the local continuum of care action agency, to manage Albany's

affordable housing rehabilitation programs and services. This past program year, the City switched from providing loans up to \$20,000 to grants up to \$10,000. This was due to dwindling demand for loans despite identified housing rehabilitation needs. Applicants for housing rehabilitation grants must also need weatherization assistance. The income eligibility threshold was reduced from 80% of area median income to households earning 60% or less of the area median income to align with income eligibility requirements for free weatherization assistance. There has been growing interest in the program, but CSC staff turnover caused delays getting the revised program going. In FY 2015, one single-family owner-occupied house was completed and four houses are in various stages of rehabilitation.

Special Needs Housing: Albany's Consolidated Plan identifies the need to improve existing affordable housing and increase the supply of housing for Albany's special needs residents, including seniors and residents with disabilities. To date, the City has focused on expanding the supply of emergency shelter beds and transitional housing for homeless and chronically homeless residents. Senior and disabled housing needs are currently being addressed without the need for CDBG resources.

- Cascades West Council of Governments, a regional governmental agency, provides services to seniors, including helping senior and disabled residents stay in their homes.
- Linn Benton Housing Authority is the primary provider of affordable senior housing and housing for Albany's disabled residents.

CDBG housing rehabilitation grants are available to improve housing for Albany's special needs populations including the elderly and disabled.

Discuss how these outcomes will impact future annual action plans.

Albany's 2013-2017 Consolidated Plan identified the following goals for affordable housing:

- Maintain and improve the quality of existing affordable housing;
- Reduce housing cost burden by reducing operating costs and improving energy efficiency of low-income housing; and
- Increase the supply of affordable and special needs housing.

The City's CDBG Action Plan programming has been targeted to the following activities:

- Housing rehabilitation loans and grants to Albany's low-income households and owners of low-income housing;
- Increasing the supply of emergency and transitional housing; and
- Public services to provide emergency housing assistance and prevent homelessness.

In FY 16-17, the City will evaluate progress on housing rehabilitation activities and consider program and Consolidated Plan amendments to align with community demand. The City will also evaluate housing needs for Albany's special needs populations, including demand for more transitional housing.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Table 6 – Number of Persons Served

Number of Persons Served	CDBG Actual
Extremely Low-income (0-30% MFI)	129
Low-income (31-50% MFI)	40
Moderate-income (51-80% MFI)	14
Total	183

MFI = Median Family Income

Narrative Information

In program year 2015, Albany’s CDBG supported programs served 183 residents through public services, small business development programs, and housing rehabilitation. Client surveys are required for Albany residents receiving CDBG funding directly. More than two thirds of the residents assisted with CDBG funds in PY 2015 were extremely low-income, earning 30 percent or less of the median family income (MFI). Of these, 20 were children under the protection of the Juvenile Court in Linn County and were presumed to be extremely low-income.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Objectives identified in the City's 2013-17 Consolidated Plan include reducing homelessness through homeless prevention activities and adding emergency and transitional housing capacity.

A local non-profit public service agency, Jackson Street Youth Shelter, received FY 2015 funding to provide support and services to youth at Albany's new youth shelter. The agency also operates the Cornerstone Outreach Center, a drop-in center near one of the local high schools and middle schools where they do more outreach to Albany's homeless and at-risk youth. The agency assesses the needs of these young residents and works to help them get into safe shelter and eventually reconnect them with their families or provide them with the skills to live independently.

The City granted public services funds to Community Services Consortium (CSC) in order to provide emergency housing funds. CSC was able to place two homeless families into permanent housing with these funds. CSC reaches out to homeless veterans, and put on the first fair for homeless veterans in the fall.

The City of Albany serves on the HEART board (Homeless Enrichment and Rehabilitation Team) along with representatives from numerous agencies that serve the homeless, as well as CSC and Samaritan Health Services. HEART puts on an annual homeless resource fair the third Thursday in May. Intake forms are collected to assess homeless needs. In May 2015, 138 intake forms were collected, representing 265 adults and 157 children.

Addressing the emergency shelter and transitional housing needs of homeless persons

FISH of Albany received FY 2015 CDBG funds to provide shelter services to Albany's homeless women with children; however the agency closed the shelter at the end of October, 2015, sheltering 3 Albany residents before closing.

Jackson Street Youth Services Albany House provided shelter to 36 youth in FY 2015. Each youth was provided with a shelter bed and basic needs such as access to laundry, showers, food, clothing, and hygiene products. The program promotes self-sufficiency and youth development, and works to reconnect youth with families or help them live on their own. The shelter also places youth in transitional housing if needed. Youth work one-on-one with staff to learn daily life skills for healthy and successful living, participate in weekly case management, and set goals to improve their situations. Shelter staff help youth access education and employment; provide quality mentoring and mental health services as needed; and provide resources/referrals.

Previous CDBG program year funds were awarded to Albany Helping Hands to help them acquire two 2015 Program Year CAPER

transitional housing units, adding seven beds. The housing units provide homeless residents with stable housing and requires them to participate in a "life-skills" program. One house has five adults and the other has two adults. Jackson Street Youth Services received funds to help purchase the property containing Albany's new youth shelter.

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

FY 2015 funds supported public service agencies that worked to prevent homelessness in Albany.

- CASA (Court Appointed Special Advocates) of Linn County served 20 children between the ages of 0 to 17 who become wards of the court when they were removed from their homes due to abuse or neglect. CDBG funds helped CASA of Linn County add and train new CASAs in order to reduce the number of children on the waiting list. Of the 20 children served, 3 were placed in permanent housing, 1 was adopted, and 2 returned home. The other cases are ongoing.
- The Family Tree Relief Nursery provided in-home infant child abuse prevention services to high-risk families and children, serving 39 residents in FY 2015. The Therapeutic Childhood Program's home-based services help prevent children from entering the foster care system by educating parents impacted by domestic violence and substance abuse in how to make safe choices and build healthy families. All of the children served this year stayed living safely with their families. In addition, the program helped parents gain valuable skills to reduce their risk of becoming homeless.
- Jackson Street Youth Services provided case management to Albany's homeless and unaccompanied youth. These services will prevent the number of youth going into correctional institutions and is available to help those leaving these institutions. Jackson Street staff helped Albany's at-risk youth gain skills to live independently and to address issues occurring within their families that caused them to become homeless.
- Community Services Consortium used CDBG funds to provide emergency housing assistance to 14 households earning between 50 and 80 percent of the area median income, and helped two homeless households get into permanent housing.

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

The 2015-16 Action Plan identified the following activities to help homeless residents transition to permanent housing and to prevent homelessness of Albany residents:

- Homeless Women with Children – FISH of Albany’s Guest House received CDBG funding to provide case management and support services to homeless women with children. In FY 2015, the Guest House rescued two adult women and one child from homelessness, representing two families. Both transitioned into permanent housing after receiving months of shelter and support.
- Unaccompanied Youth – Jackson Street Youth Services provided overnight shelter and counseling/case management to 36 of Albany’s homeless and at-risk youth. The agency’s Positive Youth Development approach promotes self-sufficiency through building life and leadership skills. The Transitional Living program is available for youth aged 15 to 18 that do not have a suitable home to return to.

Programs not supported with CDBG funds but that provide critical services to Albany’s homeless residents are noted below:

- Oxford & Recovery Houses – Albany has ten Oxford Houses and several “recovery” houses. Oxford houses provide a democratically run, self-supporting, drug free home for people in recovery from drug and alcohol addiction. The Oxford house model has had national success as a low-cost method of preventing relapse and helping persons in recovery get back on their feet and become a contributing member of the community. The other houses operate similar to Oxford houses and provide a shared living situation with faith-based support.
- Substance Abuse – Recovery center Community Helping Addicts Negotiate Change Effectively (C.H.A.N.C.E.) provides recovery support services in a safe environment. C.H.A.N.C.E. is staffed by people in recovery who have personal experience and leadership skills who work effectively with clients and help residents and their families through recovery. C.H.A.N.C.E. works directly with many residents coming out of jail and recovery. The agency helps residents obtain housing, skills, resources, support, recreational activities, and guidance needed for long-term recovery so they become healthy productive members of their families and community.
- Homeless Individuals – Albany has two homeless shelters, Albany Helping Hands (AHH) and Signs of Victory (SOV) Mission. Both shelters work with homeless and chronically homeless residents by encouraging them to enroll in their life-skills programs. SOV has an on-site wellness service and a clothes closet. AHH has several job skills training programs and requested FY 2016 CDBG funds for an employment coordinator. Both shelters provide supportive transitional housing to help transition some of Albany’s chronically homeless residents into supportive housing.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The Linn Benton Housing Authority (LBHA), the local housing authority, provides public housing and addresses needs of residents in public housing. City of Albany CDBG funds are not currently allocated to addressing needs of public housing.

The City consulted with LBHA regarding needs that could be addressed with CDBG funds. There is demand for more housing for Albany's residents with mental disabilities. LBHA is beginning to explore how to address these needs. The City will stay involved in these discussions.

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

None by the City of Albany.

Actions taken to provide assistance to troubled PHAs

None.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City of Albany's land use policies support affordable housing, including density bonuses for affordable housing and provisions for accessory apartments. Additional affordable housing strategies were identified for further evaluation and included in the Consolidated Plan. The City did not allocate resources to this effort in FY 2015; however, the City hired a consultant to recommend code amendments to remove any real or perceived barriers to housing and development in the downtown area. The consultant is reviewing parking and other standards that can add cost to development. Amendments are planned for adoption in late spring of 2017.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

Albany is fortunate to have a network of agencies that work together to meet the needs of its underserved populations, including the elderly and disabled, residents dealing with addiction, and persons with mental, physical, or developmental disabilities. Lack of CDBG funding is the primary obstacle to meeting underserved needs. The City has allocated the maximum of 15% of its entitlement grant to public services each year to date.

In FY 2015, public service agencies provided support to five agencies that provided a variety of support services to Albany's underserved residents. The focus of funding this past year was to preventing homelessness and child abuse. Funds provided emergency housing assistance, emergency shelter to unaccompanied youth and women with children, and helped child-victims get into safe, permanent housing.

Albany has experienced substantial increases in rental prices, creating demand for more affordable housing units. The City does not receive HOME funds, but is willing to provide CDBG assistance to eligible activities such as acquisition, if a project percolates. The City held agency consultations this summer to help assess community and agency needs for planning the next Consolidated Plan's projects. The City will continue to work with public and governmental agencies to identify ways to collaborate resources and programming to address underserved needs.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City's 2015-16 Action Plan identified the following actions to be taken to address lead-based paint hazards.

- Housing Rehabilitation Program Delivery: The City developed lead safe housing checklists and procedures for the housing rehabilitation program managed by Community Services Consortium.
 - Lead hazard information is distributed to all applicants applying for the housing rehabilitation assistance and for any projects involving painted structures built before 1978.
 - Grant recipients sign a lead disclosure form and documentation of receipt of the Lead Safety brochure.

- When rehabilitation projects involve homes constructed before 1978, a lead paint inspection is conducted on surfaces that are proposed to be disturbed, or it is assumed that lead is present. If lead is present or presumed present, the Lead Paint Evaluation/Presumption notice is mailed to residents. The contractor will determine the amount of disturbance and decide if the contractors working on the site are required to be lead-certified and must comply with the EPA Renovate, Repair, and Painting laws in addition to HUD's federal regulations. If the project receives more than \$5,000 in assistance, a Risk Assessment report is completed. All contractors will use lead-safe work practices and interim controls or standard treatments must be taken on all applicable painted surfaces and presumed lead-based paint hazards by a qualified contractor.
- General Public Awareness: the City distributes lead hazard information pamphlets to residents seeking information about housing repairs to historic homes. The City provides links to lead safety information and brochures produced by the EPA and HUD from the City's website.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

During the 2015 program year, the City took the following actions to reduce the number of poverty-level families in Albany:

- Increase Economic Opportunities: CDBG funding provided scholarships to low-income Albany residents to enroll in microenterprise courses to learn how to start a business. Funds also provided reduced tuition to Albany's low-income microenterprises to enroll in the Linn-Benton Community College Small Business Management Program and receive free one-on-one advising. In 2015, the City awarded two grants to start-up microenterprises to offset start-up costs. These two programs added nine full-time, low-mod jobs.
- Provide Public Services: in FY 2015, the City allocated 15% of its entitlement award to public service grants. Five agencies and programs were selected for funding and served 155 of Albany's lowest income residents, homeless residents, and at-risk children.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Albany is fortunate to have a strong institutional structure in place to coordinate delivery of services in the area. Representatives from the City of Albany, Linn and Benton Counties, Samaritan Health Services, Community Services Consortium (the continuum of care action agency), Linn Benton Housing Authority, Oregon State Extension, public service agencies and homeless and housing providers convene a few times a year to discuss issues and needs in the region. The Linn Benton Health Equity Alliance sponsors many events and discussions related to healthy homes and diversity that are well attended by public agencies and service providers. Many agencies serve on the Homeless Enrichment and Rehabilitation Team (HEART) to address issues related to homelessness.

The City continued to partner with many agencies through the City's CDBG grant programs, which helped to strengthen the institutional structure. The City also worked with subrecipients to ensure successful implementation of their programs to achieve the desired outcomes.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

In FY 2015, the City took the following actions to enhance coordination between public and private housing and social service agencies:

- Staff consulted with the local housing authority, Linn Benton Housing Authority, and Linn County Mental Health to discuss needs of Albany's residents with mental disabilities.
- City staff met with staff of the local community action agency, Community Services Consortium, to discuss affordable housing needs, housing rehabilitation, lead-safe housing standards, fair housing, and homelessness. The City has a CDBG subrecipient contract with Community Services Consortium to provide housing rehabilitation programs.
- City representatives participate in the Homeless Enrichment and Rehabilitation Team (HEART) meetings. HEART is comprised of various social service, health, housing, homeless advocates, and governmental agencies that work collaboratively to identify the needs of Albany's homeless and at-risk residents.
- Staff attended regional meetings to foster coordination between housing and social service agencies. Fortunately, other agencies are also working to make these connections, such as the Linn Benton Health Equity Alliance, the Linn Benton Housing Authority, and the Community Services Consortium.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City took the following action in FY 2015 to overcome the effects of impediments identified in *Albany's Analysis of Impediments to Fair Housing Choice and Plan* adopted in 2015.

- Lack of Understanding of Fair Housing Laws: The City hosted a forum on the history of fair housing sponsored by the Community Services Consortium. About 20 residents and agency representatives attended the forum. The Fair Housing Council of Oregon's traveling exhibit on the history of housing discrimination was installed in the Albany City Hall lobby for the public to view for three weeks.
- Linguistic and Cultural Barriers: The City of Albany has a fluent Spanish-speaking staff member that was able to communicate with several residents about housing conditions that were reported and to provide fair housing brochures. The City also hired a translator to translate housing rehabilitation program brochures.
- Discriminatory housing rental practices: The Community Services Consortium (CSC) received a grant to provide housing discrimination call intake. CSC received 25 calls from Albany residents between January 1 and June 30, 2016. Three calls were referred to the Fair Housing Council of Oregon. Gender identity, disability discrimination, and reasonable accommodation assistance were the valid responses. City staff monitored online housing ads and called or sent letters to three rental management companies or owners when discriminatory elements were identified. CSC staff also monitored rental housing ads in Linn County in February and found 20 ads with potentially discriminatory elements. Discriminatory language primarily related to familial status and disabilities. The City favorably resolved a complaint by a Hispanic resident regarding move-out charges.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

A: Pre-Assessment: During the application process for Albany CDBG funding, subrecipients were evaluated on the capacity of the organization and the organization's ability to meet national objectives, federal regulations, and complete the project. The City provides a Subrecipient Handbook to all potential applicants to review prior to submitting requests for funding.

B: Subrecipient Orientation: City staff met with each subrecipient agency prior to signing the contract to discuss the scope of work, federal regulations, performance measures, and to go over the Subrecipient Handbook. Staff also reviewed all contractual obligations and specifies applicable federal requirements, how to document national objectives compliance, and overall administrative and financial management record keeping.

C: Quarterly Monitoring: The City requires subrecipients to submit quarterly reports in order to monitor progress and identify issues on an on-going basis and offer technical assistance to subrecipients as needed. Quarterly reimbursement requests are also encouraged so that financial records can be monitored quarterly.

D: Risk Assessment for In-Depth On-Site Monitoring

The City developed risk assessment criteria to determine which subrecipients to monitor in depth each year.

1. Quarterly Desk Review Findings. More than two consecutive errors, incomplete reports, or re-submittals will trigger a technical assistance site visit and may be grounds for monitoring.
2. New Subrecipients or Organizational Change. First time CDBG subrecipients, or subrecipients experiencing organizational change or key program staff turnover, will be considered higher risk subrecipients.
3. Performance and Administrative History. Subrecipients with previous findings or concerns are considered higher risk and will be monitored to ensure corrective actions have not been fully implemented.
4. Complexity of the Activity. Housing rehabilitation programs and economic development programs have complex federal regulations, and by their nature are the highest risk programs. When housing rehabilitation projects include houses constructed before 1978, at least one project is monitored for lead-based paint compliance.

While certain activities or programs are more complex and may present more risk than others, the City will make every effort to monitor every organization once in a three year cycle.

In 2015, the City monitored the first housing rehabilitation grant to ensure compliance with lead-safe housing standards, lead paint testing, resident notices, or evaluation and clearance exams. Staff monitored the file for compliance with notifications, lead testing, and clearance exams, and had no findings or areas of concern.

The City is scheduling a monitoring visit with public service agency CASA of Linn County, a new grant subrecipient, and will monitor Linn Benton Community College due to staff changes and complexity of program delivery.

Lead Paint Monitoring: The HUD 2015 monitoring visit found that the City's monitoring forms were not adequate to ensure that lead-based paint hazard reduction standards were followed on-site with the housing rehabilitation projects. To ensure compliance with lead based paint standards, the City developed a step-by-step instruction guide and process checklists regarding lead based paint requirements for housing rehabilitation projects. At least one housing rehab project will be monitored annually using the HUD lead-paint monitoring forms to ensure future compliance with all federal lead-based paint regulations.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

A notice of the 30-day comment period and Albany City Council public hearing on Albany's 2015 CAPER was published in the local newspaper, the Albany Democrat Herald, on August 25, 2016. The City distributed press releases on the CAPER and posted the notice on the City's website. The press release was also distributed to an email list of local service and housing agencies. The CAPER was available in print at Albany's two public libraries and also at Albany City Hall beginning August 25, 2016.

All meetings of the Community Development Commission are open to the public and the agendas and agenda packets are available on the City's website. Citizens are welcome to attend all meetings.

At the September 28, 2016 hearing, the City Council accepted citizen input on community development needs that could be addressed in future action plans and on the City's performance in administering the CDBG programs. No comments have been received to date.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

After three years of being a CDBG entitlement city, the City of Albany staff has a better understanding of applicable national objectives for activities, complexity of projects involving wetlands, and what programs are effectively addressing the needs of Albany's low-income residents. Consequently, the City is considering amendments to the following programs:

Economic Development – Commercial Rehabilitation: The City started a small grant program available to new businesses to offset start up costs. Initially, the City thought the grants could help businesses remove blighting conditions in Albany's low-income Census tracts through building improvements. However, grant funds are too small for building rehabilitation. In addition, there is urban renewal financial assistance for improvements to buildings located within the urban renewal district. The City will amend the Consolidated Plan in year four to remove the commercial rehabilitation goal to improve two commercial buildings.

Housing Rehabilitation – In General: The City's housing market analysis identified thousands of aging housing units and households that are experiencing housing cost burden. The rehabilitation loan program was designed to improve the quality and affordability of Albany's housing stock. Due to the economic downturn and extremely low-incomes of residents, the City has found less demand for loans than originally anticipated. The City has changed the essential repairs grant program to offer larger grants that can be used for housing rehabilitation. This shift should enable the City to meet the housing rehabilitation objectives in the Consolidated Plan for owner-occupied units, where the demand is greatest.

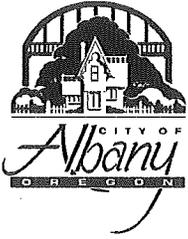
Housing Rehabilitation – Rental Units: Due to the challenges of ensuring rental units remain affordable for a minimum time period, and the limited amount of funding, it is unlikely the City will be able to rehabilitate 20 rental units in the 2013-2017 Consolidated Plan time period.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No.

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Not applicable.



TO: Albany City Council

VIA: Wes Hare, City Manager
Jeff Blaine, P.E., Public Works Engineering and Community Development Director *JB*

FROM: Bob Richardson, Planning Manager *BR*
Melissa Anderson, Project Planner *MA*

DATE: September 21, 2016, for the September 28, 2016, City Council Meeting

SUBJECT: Public Hearing Regarding ADC Text Amendments (Planning File DC-01-16)

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods
● Safe City

Action Requested:

Staff recommends that the City Council approve the attached ordinance, which would amend certain Albany Development Code floodplain development regulations.

Discussion:

On September 28, 2016, the City Council will hold a public hearing to consider legislative Text Amendments affecting floodplain provisions in Albany Development Code (ADC) Article 6 – Natural Resource Districts. The proposed amendments are presented in the attached Ordinance. The criteria for amending the Development Code are found in Albany Development Code (ADC) 2.290. These criteria are addressed in detail in the August 8, 2016, staff report to the Planning Commission.

This proposal was initiated because the Federal Emergency Management Agency (FEMA) recently updated the flood insurance rate maps for North Albany, which will take effect on December 8, 2016. Federal regulations require the City to adopt a floodplain development ordinance that references these new maps in order to comply with the National Flood Insurance Program (NFIP). In addition to including references to the new maps as required, other minor changes to the floodplain-related development code are proposed and summarized as follows:

- 1) Update the existing floodplain regulations to streamline the review process for subdivisions of 19 lots or less in the floodplain from a Type III to a Type I-L process;
- 2) Update the existing floodplain regulations to meet the minimum criteria set by the State of Oregon and the National Flood Insurance Program regarding a) historic properties; and, b) maintenance plans and emergency action plans for flood-proofed structures; and
- 3) Update the existing floodplain regulations to clarify application requirements regarding a) documentation for elevation certificates and fill projects; and, b) the use of standard engineering methodology for no-rise studies.

On August 15, 2016, the Planning Commission held a public hearing on the proposed text amendments and unanimously voted to recommend that the City Council approve the proposed amendments. Text Amendments are reviewed through the Type IV land use application procedure, requiring the City Council to also review the proposed amendments and make final local decision regarding their implementation.

Budget Impact:

None

MA:eo

Attachments 2

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE ALBANY DEVELOPMENT CODE TEXT RELATING TO FLOODPLAIN MANAGEMENT AND ADOPTING FINDINGS

WHEREAS, the Albany Planning Commission held a public hearing on August 15, 2016, and considered public testimony on the proposed text amendments to the Albany Development Code (ADC), and recommended approval based on evidence presented in the Staff Report presented at the public hearing for City of Albany Planning File DC-01-16; and

WHEREAS, the proposed text amendments to the Albany Development Code are discussed in detail in the Staff Report, and the specific text amendments are presented as Exhibit A of this Ordinance; and

WHEREAS, the Albany City Council held a public hearing on the proposal on September 28, 2016, and 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 Findings of Fact and Conclusions included in the Staff Report are hereby adopted in support of this decision.

Section 2: The Albany Development Code is hereby amended.

Passed by the Council: _____

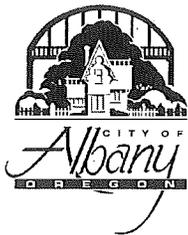
Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



Community Development Department

333 Broadalbin Street SW, P.O. Box 490
Albany, OR 97321

Phone: 541-917-7550 Facsimile: 541-917-7598
www.cityofalbany.net

STAFF REPORT

Floodplain Development Code Text Amendment (DC-01-16)

HEARING BODY:	PLANNING COMMISSION	CITY COUNCIL
HEARING DATE:	Monday, August 15, 2016	Wednesday, September 28, 2016
HEARING TIME:	5:15 p.m.	7:15 p.m.
HEARING LOCATION:	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

APPLICATION INFORMATION

DATE OF REPORT:	August 8, 2016
FILE:	DC-01-16
TYPE OF REQUEST:	Floodplain Development Code Text Amendment to the Albany Development Code (Type IV, Legislative Amendment)
REVIEW BODIES:	Planning Commission and City Council
APPLICANT:	City of Albany, Community Development Department
STAFF:	Melissa Anderson, Project Planner

SUMMARY

The proposal amends Article 6, Natural Resource Districts, of the Albany Development Code (ADC). The proposed floodplain development code text amendments are a legislative amendment and processed in accordance with the Type IV process.

This proposal was initiated because the Federal Emergency Management Agency (FEMA) recently updated flood hazard maps for North Albany. The maps include the 100-year floodplain boundary; some properties were removed from the floodplain and some were added. Albany's new FEMA floodplain maps will take effect on December 8, 2016. Federal regulations require the City to adopt a new floodplain development ordinance that references these new maps to be in compliance with the current National Flood Insurance Program (NFIP) requirements before December 8, 2016.

In addition to meeting this federal requirement, other minor changes to the floodplain-related development code are proposed. In summary, all of the the proposed text amendments include:

- 1) Reference the new Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for North Albany that will be in effect on December 8, 2016;
- 2) Update the existing floodplain regulations to streamline the review process for subdivisions of 19 lots or less in the floodplain from a Type III to a Type I-L process;
- 3) Update the existing floodplain regulations to meet the minimum criteria set by the State of Oregon and the National Flood Insurance Program regarding a) historic properties and b) maintenance plans and emergency action plans for flood-proofed structures; and
- 4) Update the existing floodplain regulations to clarify application requirements regarding a) documentation for elevation certificates and fill projects, and b) the use of standard engineering methodology for no-rise studies.

Staff finds the proposal meets all applicable review criteria and recommends that the Planning Commission recommend APPROVAL of the proposed amendments to the City Council.

NOTICE INFORMATION

Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on June 24, 2016, at least 35 days before the first evidentiary hearing on August 15, 2016, in accordance with Oregon Administrative Rule (OAR) OAR 660-018-0020 and the Albany Development Code (ADC) 1.640.

Intergovernmental project review notice was also provided on July 11, 2016, to various agencies, including Benton County and Linn County Planning, Oregon Department of Land Conservation and Development, and the Oregon Department of Transportation.

On July 26, 2016, a "Measure 56" public notice of the public hearings before the Planning Commission and the City Council was mailed directly to property owners in North Albany. Notice of the public hearing was also published in the *Albany Democrat-Herald* on August 3, 2016, at least one week before the public hearing on August 15, 2016, in accordance with ADC 1.600. In addition, the staff report for the proposed TSP amendment was posted on the City's website on August 8, 2016, at least seven days before the first evidentiary public hearing.

As of the date of this report, no other comments have been received by the Community Development Department.

APPEALS

Within five days of the City Council's final action on the proposed amendments, the Community Development Director will provide written notice of the decisions to any parties entitled to notice. A City Council decision can be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal within 21 days of the date the decision is reduced to writing and bears the necessary signatures of the decision makers.

STAFF ANALYSIS

The Albany Development Code (ADC) 2.290 "Development Code Amendments" includes the following review criteria that must be met for the proposed Development Code Text amendment to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

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

The applicable Comprehensive Plan goals and policies are identified in *italic type*.

FINDINGS OF FACT

1.1 Albany Comprehensive Plan, Chapter 2—Special Areas—Flood Hazards & Hillides (Statewide Planning Goal 7)—Flood Hazards:

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

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

Finding: The proposed amendments will bring the City into compliance with the NFIP requirements, and enable the City to continue participation in this federal program.

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

Finding: The proposed amendments clarify floodplain permit application requirements; update existing floodplain regulations to meet the minimum criteria set by the State of Oregon and the NFIP and bring the City into compliance with NFIP.

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

Policy 10: *For construction, remodeling, or major repairs to structures (including prefabricated and mobile homes) within the floodplain, review building permits to ensure that: (a) Building location and grading are designed to protect the structure during a base year flood;*

Finding: The proposed amendments bring the City into compliance with NFIP by referencing the new flood insurance rate maps that establish the boundaries and base flood elevation of the floodplain/flood fringe for North Albany.

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

Finding: The proposed amendments clarify floodplain permit application requirements and reference the new FEMA flood insurance rate maps, which will be used to review development proposals relative to protection of property and public safety.

1.2 Albany Comprehensive Plan, Chapter 8–Urbanization (Statewide Planning Goal 14)–Development Review:

Goal: *Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance with Comprehensive Plan goals and policies and ordinance standards.*

Finding: The proposed amendments update the existing floodplain regulations to allow for more expeditious review of subdivisions of 19 lots or less in the floodplain.

Policy 3: *Give special attention to proposals in areas identified as in need of special review (greenway, floodplains, floodways, open space, airport, etc), ensuring that developments in these areas are specially designed in recognition of the particular concern for that area.*

Finding: The proposed amendments would reference the new FEMA flood insurance rate maps, which will be used to review development proposals relative to the protection of life and property

1.3 Albany Comprehensive Plan, Chapter 8–Urbanization (Statewide Planning Goal 14)–North Albany Planning Area–Natural and Cultural Resources:

Policy 1: *Minimize potential impacts to riparian vegetations, stream hydrology, and adjacent land uses.*

Policy 2: *Protect wetlands, floodplains, riparian corridors and other critical natural resources.*

Finding: The proposed amendments will reference the new FEMA flood insurance rate maps that establish the boundaries and base flood elevation of the floodplain for North Albany. This would support protection of floodplains and minimize impacts to stream hydrology to the extent possible by managing development in the floodplain using the most current information.

CONCLUSIONS

- 1.1 The proposed amendments better achieve the Comprehensive Plan goals and policies of Chapter 2 related to Flood Hazards by clarifying floodplain permit application requirements and by ensuring the City is in compliance with the State of Oregon and NFIP.
- 1.2 The proposed amendments better achieve the Comprehensive Plan goals and policies of Chapter 2 related to flood hazards by referencing the new FEMA flood insurance rate maps, which will be used to review development proposals relative to protection of property and public safety.
- 1.3 The proposed amendments better achieve the Comprehensive Plan goals and policies of Chapter 8 related to Urbanization by allowing for more expeditious review of subdivisions of 19 lots or less in the floodplain, and by using of the most current information to manage development in the floodplain to minimize the impacts of development in the floodplain.

CRITERION 2: *The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.*

The applicable Development Code policies and purposes are identified in *italic type*.

FINDINGS OF FACT

2.1 ADC Article 1–General Administration–Section 1.020 states *the general purpose of this Code is to set forth and coordinate City regulations governing the development and use of land. The Code is more specifically intended to do the following:*

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

Finding: The proposed amendments are intended to manage development in the floodplain in a way that promotes public and environmental health and safety and minimizes economic loss and social disruption caused by flood events.

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

Finding: One of the City's roles in participating in NFIP is to review proposed development to ensure that it is reasonably safe from flooding using the base flood elevations and 100-year floodplain boundary (1% chance flood) as the basis. The proposed amendments bring the City into compliance with NFIP by referencing the new flood insurance maps that establish the base flood elevations and 100-year floodplain boundary for North Albany. The proposed amendments also bring the City into compliance with Statewide Planning Goal 7.

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

Finding: The proposed amendments clarify floodplain permit application requirements and facilitate prompt review of development proposals by streamlining the review process for subdivisions of 19 lots or less that are located in the floodplain.

(4) *Provide for public information, review, and comment on development proposals that may have a significant impact on the community.*

Finding: On July 26, 2016, notices of public hearings were sent to over 600 owners of properties in North Albany that contain the 100-year floodplain per the updated FEMA maps. The proposed Development Code amendments were posted on the City's Web site on July 26, 2016. A notice of public hearing was published in the *Albany Democrat-Herald* on August 3, 2016.

(6) *Establish procedures and standards requiring that the design of site improvements and building improvements (are) consistent with applicable standards and design guidelines.*

Finding: The proposed amendments reference the new FEMA flood insurance rate maps, which will be used to review development proposals consistent with applicable floodplain development standards and design guidelines.

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

Finding: The intent of the proposed amendments is to manage development in the floodplain in order to promote public and environmental health and safety and to minimize the economic loss and social disruption caused by flood events.

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

Finding: The amendments are intended to meet the minimum criteria set by the State of Oregon and the NFIP and bring the City into compliance with NFIP. The impact to property owners of these amendments is minimal, and the benefits will be passed on to all flood insurance holders through discounted insurance rates.

- 2.2 ADC Article 6–Floodplain–Section 6.070 states that the *Floodplain overlay district (/FP) standards are intended to manage development in the floodplain in a way that promotes public and environmental health and safety and minimizes the economic loss and social disruption caused by impending flood events.*

Finding: The proposed amendments reference the new FEMA flood insurance rate maps, clarify and streamline existing regulations intended to promote public and environmental health and safety, and minimize the economic loss and social disruption caused by flooding.

CONCLUSIONS

- 2.1 The proposed amendments are consistent with Article 1–General Administration–Purpose by protecting public health and safety, streamlining the floodplain review process for small subdivisions, complying with the state and federal requirements of NFIP, and notifying the public of the proposed amendments.
- 2.2 The proposed amendments are consistent with Article 6–Floodplain–Purpose because they reference the new FEMA flood insurance rate maps, clarify and streamline existing regulations intended to promote public and environmental health and safety, and minimize the economic loss and social disruption caused by flooding.

OVERALL CONCLUSION

The proposed Floodplain Development Code Text Amendments meet all of the applicable review criteria as outlined in this report.

OPTIONS FOR THE CITY COUNCIL

The City Council has three options with respect to the proposed development code amendments:

- Option 1: Approve the proposed text amendments;
- Option 2: Approve the proposed text amendments as modified by the City Council; or
- Option 3: Deny the proposed text amendments.

STAFF RECOMMENDATION

Based on the analysis in this report, staff recommends the City Council pursue Option 1 and approve the Floodplain Development Code Text Amendments.

Motion:

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

I MOVE that the City Council ADOPT the text amendments to the Albany Development Code floodplain development regulations as presented in the Ordinance with the associated Exhibit for planning file DC-01-16. This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

ATTACHMENTS

- A. Proposed Floodplain Development Code Text Amendments
- B. Letter of Final Determination from FEMA and Summary of Map Actions (dated June 8, 2016)

Proposed Code Amendments

Proposed code amendments are written in red with additions underlined and deletions in strike-out.

**ARTICLE 6
NATURAL RESOURCE DISTRICTS**

FLOODPLAIN

6.070 Purpose. The Floodplain overlay district (/FP) standards are intended to manage development in the floodplain in a way that promotes public and environmental health and safety and minimizes the economic loss and social disruption caused by impending flood events. [Ord. 5746, 9/29/10]

6.075 Definitions. As used in this Article the following words and phrases have the following meanings: [Ord. 5746, 9/29/10]

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

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

Basement: The portion of a structure with its floor sub grade (below ground level) on all sides.

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

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

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

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

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

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

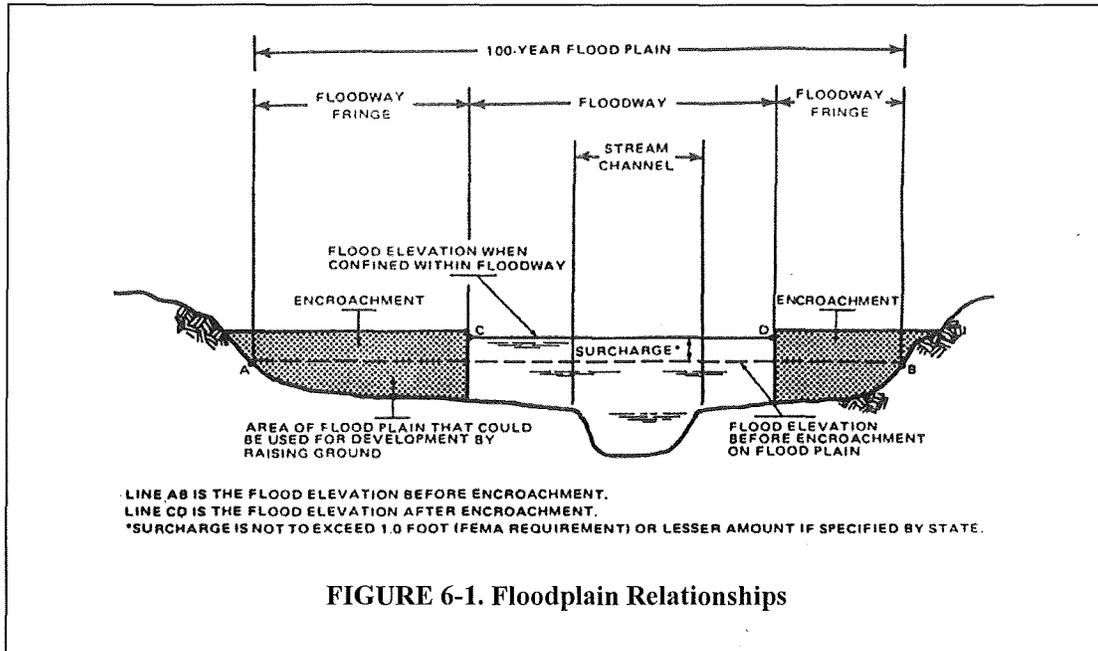
- (a) the overflow of inland or tidal waters; and/or
- (b) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Fringe: Those areas on either side of the floodway within the Special Flood Hazard Area (100-year floodplain). This area is subject to inundation by the base flood but conveys little or no velocity flows. Zone designations on Flood Insurance Rate Maps for Albany include A and AE. Note Floodplain Relationships diagram (Figure 6-1).

Flood Insurance Rate Map (FIRM): The official map on which FEMA has delineated the Base Flood Elevations, regulatory floodways, and Special Flood Hazard Areas.

Flood Insurance Study (FIS): The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.

Floodplain: The combined area of the floodway and the flood fringe. Also known as the 100-year floodplain, and the Special Flood Hazard Area. Note Floodplain Relationships diagram in Figure 6-1.



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

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

Floodway: The regulatory floodway is the stream channel plus that portion of the overbanks that must be kept free from encroachment in order to discharge the 1-percent-annual-chance flood without increasing flood levels by more than 1.0 foot. Note Floodplain Relationships diagram in Figure 6-1.

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

- (a) Hazardous waste as defined in ORS 466.005;
- (b) Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under 469.605 and radioactive substances as defined in 453.005;
- (c) Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;
- (d) Hazardous substances designated by the United States Environmental Protection Agency under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
- (e) Substances listed by the United States Environmental Protection Agency in 40 Code of Federal

Regulations Part 302 -- Table 302.4 (List of Hazardous Substances and Reportable Quantities) and amendments;

- (f) Material regulated as a Chemical Agent under ORS 465.550;
- (g) Material used as a weapon of mass destruction, or biological weapon;
- (h) Pesticide residue;
- (i) Dry cleaning solvent as defined by ORS 465.200(9).

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

Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area;

Letter of Map Revision (LOMR): A revision based on technical data showing that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric (horizontal) features. One common type of LOMR, a LOMR-F, is a determination that a structure or parcel has been elevated by fill above the Base Flood Elevation and is excluded from the special flood hazard area; and

Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does NOT amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking vehicles, building access or storage, in any area other than a basement area, is not considered a building's lowest floor, provided that the enclosure is not built so as to render the structure in violation of the applicable design requirements of this Article found in Section 6.121(1).

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

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

Oregon Drainage Law: Oregon, through court decisions, has adopted a civil law doctrine of drainage. Generally, under this doctrine, adjoining landowners are entitled to have the normal course of natural drainage maintained. The lower landowner must accept water that naturally comes to his land from above, but he is entitled not to have the normal drainage changed or substantially increased. The lower landowner may not obstruct the runoff from the upper land, if the upper landowner is properly discharging the water. The drainage law has developed without legislative action; therefore there are no

Oregon Revised Statutes, rules or other laws to cite. Note that this definition is intended to provide general information and should not be used as the basis for legal advice or legal decisions.

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

Recreational Vehicle: A vehicle that is:

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

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

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

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

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

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

The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
- (b) Any restoration or rehabilitation of a structure on the City's adopted-Local Historic Inventory or the National Register of Historic Places (additions and new construction are not exempt);
- (c) Maintenance, replacement, or repair of prior lawfully constructed improvements.

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

GENERAL PROVISIONS

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

In addition, the City Council may adopt by resolution more current floodplain studies or boundary information. If the new information conflicts with the current effective Flood Insurance Study of Flood Insurance Rate Maps, the more restrictive information will apply. [Ord. 5773, 02/08/12]

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

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

- 6.081 Warning and Disclaimer of Liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased as a result of failure of manmade structures and/or natural causes. This article does not imply that the land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This article does not create any duty or liability on the part of the City of Albany or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder. [Ord. 5746, 9/29/10]
- 6.082 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, Building Codes, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. [Ord. 5746, 9/29/10]

ADMINISTRATION

6.090 Floodplain Administrator. The Community Development Director is appointed to administer and implement this Article in accordance with its provisions. Duties of the local floodplain administrator shall include, but are not limited to: [Ord. 5746, 9/29/10]

- (1) Review all development permit applications to determine whether proposed new development will be located in Areas of Special Flood Hazard.
- (2) Review applications for modifications of any existing development in Areas of Special Flood Hazard for compliance with the requirements of this Article.
- (3) Interpret flood hazard area boundaries, provide available flood hazard information, and provide Base Flood Elevations, where they exist.
- (4) Review proposed development to assure that necessary permits have been received from governmental agencies from which approval is required by federal or state law, including but not limited to section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Oregon Removal-Fill permits. Copies of such permits shall be maintained on file.
- (5) Review all development permit applications to determine if the proposed development is located in the floodway, and if so, ensure that the standards in Sections 6.100 through 6.110 are met.
- (6) When Base Flood Elevation data or floodway data are not available, then the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation and floodway data available from a federal, state or other authoritative source in order to administer the provisions of this Article.
- (7) When Base Flood Elevations or other engineering data are not available from an authoritative source, the Floodplain Administrator shall take into account the flood hazards, to the extent they are known, to determine whether a proposed building site or subdivision will be reasonably safe from flooding.
- (8) Where interpretation is needed of the exact location of the Special Flood Hazard Boundary, including regulatory floodway, the Floodplain Administrator shall make the interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.091.
- (9) Issue floodplain development permits when the provisions of this Article have been met, or disapprove the same in the event of noncompliance.
- (10) Coordinate with the Building Official to assure that applications for building permits comply with the requirements of this Article.
- (11) Obtain, verify and record the actual elevation in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no BFE is available, of the lowest floor level, including basement, of all new construction or substantially improved buildings and structures.
- (12) Obtain, verify and record the actual elevation, in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no BFE is available, to which any new or substantially improved buildings or structures have been flood-proofed. When flood-proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect.
- (13) Ensure that all records pertaining to the provisions of this Article are permanently maintained in the Community Development Department and shall be open for public inspection.
- (14) Make inspections in Areas of Special Flood Hazard to determine whether development has been undertaken without issuance of a floodplain development permit, ensure that development is undertaken in accordance with a the floodplain development permit and this Article, and verify that existing buildings and structures maintain compliance with this Article.
- (15) Coordinate with the Building Official to inspect areas where buildings and structures in flood

hazard areas have been damaged, regardless of the cause of damage, and notify owners that permits may be required prior to repair, rehabilitation, demolition, relocation, or reconstruction of the building or structure.

- (16) Make Substantial Improvement or Substantial Damage determinations based on the definitions described in Section 6.075.

6.091 Appeals. Appeals to the interpretations of the Floodplain Administrator shall be reviewed by the Hearings Board as a Type II procedure in accordance with Sections 1.040 and 1.520 of this Code. Appeals to the land use decisions (Types I-L, II, and III) resulting from the Floodplain Development Permit applications shall be reviewed in accordance with Section 1.520 of this Code. [Ord. 5746, 9/29/10]

6.092 Variances. Variances from the terms of this section shall be granted only, when because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this section deprives such property of privileges enjoyed by other property in vicinity and under identical zoning classifications. Variances as interpreted in the National Flood Insurance Program are based on the physical characteristics of the land and are not dependent upon the occupants, type, or use of a structure. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare. [Ord. 5746, 9/29/10]

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

Variances from the floodplain management regulations of this section shall be reviewed as a Type II procedure and shall be approved if the review body finds that all of the following criteria have been met: [Ord. 5746, 9/29/10]

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

Upon issuing the variance, the Floodplain Administrator will notify the applicant in writing that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property. [Ord. 5746, 9/29/10]

6.093 Floodplain Development Permit Required. A Floodplain Development Permit is required prior to initiating floodplain development activities, as defined in Section 6.075, in the Special Flood Hazard Area. This Article cannot anticipate all development activities that may be located within the Special Flood Hazard Area. The floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and thereafter pursued to completion. [Ord. 5746, 9/29/10]

All development activities that require a Floodplain Development Permit shall be processed in accordance with ADC Section 1.200, Land Use Application Procedures. When ambiguity exists concerning the appropriate classification of a particular activity, the use may be reviewed as a conditional use when the Floodplain Administrator determines that the proposed activity is consistent with other activities allowable within the subject district due to similar characteristics and impacts. When a development proposal involves a combination of activities, the more restrictive provisions of this Code shall apply. [Ord. 5746, 9/29/10]

A. The following activities will be processed through a Type I procedure as established in ADC 1.320:

- (1) Any structure 200 square feet or more.
- (2) Any substantial improvement to an existing structure as defined in this code.
- (3) Placement of a recreational vehicle more than 180 consecutive days, as described in 6.124(2)-(3).
- (4) Solid fences and walls that require a permit as listed in Section 6.125.
- (5) Any ~~Site Plan Review site improvement~~ for development in the floodplain pursuant to Section 6.110 that is not exempt under Section 6.094 and does not already require a permit elsewhere in this Section of the Code.

B. The following activities will be processed through a Type I-L procedure as established in ADC 1.330:

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

C. The following activities will be processed through a Type II procedure as established in ADC 1.350:

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

D. The following will be processed through a Type III procedure as established in ADC 1.360:

- (1) Land Divisions of 20 or more lots, Cluster Developments and Planned Developments pursuant to Section 6.110, ~~will be reviewed through the Planned Development or appropriate Land Division process.~~
- (2) Manufactured home parks pursuant to Section 6.110 will be reviewed through the Manufactured Home Park application process.

6.094 Floodplain Development Permit Exemptions. The following development activities in the flood fringe do not require a Floodplain Development Permit. These exemptions do not apply to development in the

floodway. (Note: Federal and State laws and regulations, including Oregon Drainage Law, may still apply to exempted development activities.) [Ord. 5746, 9/29/10]

- (1) Structures less than 200 square feet that meet the provisions of 6.122.
- (2) Grading, excavation, fill or paving less than 50 cubic yards (cumulative).
- (3) Retaining walls not associated with a grading, fill, excavation, and paving review.
- (4) Open barbless wire, pipe, rail, chain link, or wood fences that meet the design guidelines in Section 6.125 of this Article.
- (5) Agricultural activities, not including structures.
- (6) Short-term storage of equipment or materials that in time of flooding could either be removed from the area, or would not cause harm to property, humans, animals or the environment by becoming buoyant or hazardous.
- (7) Signs, markers, aids, etc., placed by a public agency to serve the public.
- (8) Minor repairs or improvements to existing structures provided that the alterations do not increase the size or intensity of use, and do not constitute repair of substantial damage, or substantial improvement as defined in this Article.
- (9) Customary dredging to maintain existing channel capacity consistent with State or Federal laws and permits.
- (10) Replacement of utility facilities that are necessary to serve established and permitted uses, and that are of equal or lesser size and impact.
- (11) Subsurface public utility projects that will not ultimately result in modification to existing topography.
- (12) Transportation facility rehabilitation and maintenance projects that will not result in modifications to existing topography.

6.095 General Information Requirements. In addition to the information required in other sections of this code, the application for any development proposed in the Special Flood Hazard Area (100-year floodplain) must include the following information:

- (1) Elevations of the original contours.
- (2) Final elevations of proposed fills and excavations.
- (3) Base flood (100-year flood) elevations of the site based on North American Vertical Datum (NAVD) 1988.
- (4) Location of any designated floodway and base flood boundary. If no floodway is designated, estimate the location of the floodway boundary per Section 6.100
- (5) Location of any designated wetlands and/or wildlife habitat (if applicable).
- (6) Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures (if applicable).
- (7) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development (if applicable).
- (8) If floodproofing is required, the proposed description and elevation of floodproofing.
- (9) Elevation certificate. The base flood elevation shall be determined based on the applicable flood insurance study and flood profile. A copy of the flood profile with the base flood elevation identified on the flood profile shall be included with the elevation certificate as evidence for determining the base flood elevation.
- (10) For requests involving the placement 50 or more cubic yards of fill (cumulative), documentation to show compliance with the Endangered Species Act of 1973, 16 U.S.C. 1531-1544.

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

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

PROVISIONS FOR FLOOD HAZARD REDUCTION

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

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

For temporary storage of materials or equipment:

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

If a floodway boundary is not designated on an official FEMA map available to the City, the floodway boundary can be estimated from available data and new studies. Proposed development along the estimated floodway boundary shall not result in an increase of the base flood level greater than one foot as certified by a registered professional engineer.

6.101 Alteration of a Watercourse. A Watercourse is considered altered when any changes occur within its banks, including installation of new culverts and bridges, or size modifications to existing culverts and bridges. [Ord. 5746, 9/29/10]

- (1) No development shall diminish the flood-carrying capacity of a watercourse.
- (2) Subject to the foregoing regulation, no person shall alter or relocate a watercourse without necessary approval from the Floodplain Administrator. [Ord. 5746, 9/29/10]
- (3) Prior to approval, the applicant shall provide a 30-day written notice to the City, any adjacent community, the Natural Hazards Program of the Oregon Department of Land Conservation and Development, and the DSL. [Ord. 5746, 9/29/10]

- (4) The applicant shall be responsible for ensuring necessary maintenance of the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. [Ord. 5746, 9/29/10]

6.110 Site Improvement, Land Division and Manufactured Home Park Standards. Site improvements, land divisions, and manufactured home parks in the Special Flood Hazard Area (100-year floodplain) shall be reviewed by the Planning Division as a part of the land use review process. An application to develop property that has floodplain on it, but where no development is proposed in that floodplain will be processed as otherwise required in this Code. In the case of a land division, "no actual development" means the floodplain area has been excluded from the land division. This can be done by setting the property aside for some other purpose than later development (for example, as a public drainage right-of-way). [Ord. 5746, 9/29/10]

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

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

6.111 Grading, Fill, Excavation, and Paving. A floodplain development permit is required for grading, fill, excavation, and paving in the Special Flood Hazard Area (100-year floodplain), except activities exempted in Section 6.094 of this Article. No grading will be permitted in a floodway, except when the applicant has supplied evidence prepared by a professional engineer that demonstrates the proposal will not result in any increase in flood levels during the occurrence of the 100-year flood. The permit will be approved if the applicant has shown that each of the following criteria that are applicable have been met: [Ord. 5746, 9/29/10]

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

- (2) The proposal will be approved only where adequate provisions for stormwater runoff have been made that are consistent with the Public Works Engineering standards, or as otherwise approved by the City Engineer.
- (3) The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area.
- (4) No grading, fill, excavation, or paving will be permitted over an existing public storm drain, sanitary sewer, or water line unless it can be demonstrated to the satisfaction of the City Engineer that the proposed grading, fill, excavation, or paving will not be detrimental to the anticipated service life, operation and maintenance of the existing utility.
- (5) In areas where no floodway has been designated on the applicable FIRM, grading will not be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed grading, fill, excavation, or paving when combined with all other existing and planned development, will not increase the water surface elevation of the base flood more than a maximum of one foot (cumulative) at any point within the community.
- (6) The applicant shall notify the City of Albany, any adjacent community, and the Natural Hazards Mitigation Office of the Oregon Department of Land Conservation and Development of any proposed grading, fill, excavation, or paving activity that will result in alteration or relocation of a watercourse (See Section 6.101).
- (7) All drainage facilities shall be designed to carry waters to the nearest practicable watercourse approved by the designee as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down spouts and diffusers or other devices.
- (8) Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Building Official or designee.

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

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

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

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

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

6.120 Building Standards. Applications for building permits within the Special Flood Hazard Area, as established in Section 6.080, shall be reviewed by the Building Official pursuant to locally adopted state building codes. In addition to building code criteria, all development in the Special Flood Hazard Area, except that exempted in Section 6.094, is subject to the following building standards: [Ord. 5746,

9/29/10]

- (1) Property owners or developers shall file with the City two elevation certificates in a format that is acceptable to FEMA. These certificates must be approved by the Building Official, prepared by a registered surveyor or professional engineer, architect or surveyor, and maintained for public inspection. A Pre-Construction Elevation Certificate shall be submitted and approved prior to setback and foundation inspection approval. A Post-Construction Elevation Certificate shall be submitted and approved prior to final inspection approval for all building permits when the Pre-Construction Elevation Certificate shows the building site to be within a Special Flood Hazard Area and lowest adjacent grade to be at or below the base flood elevation (BFE). The Post-Construction certificate must contain: 1) the actual elevation (in relation to mean sea level) of the lowest floor including basement of all new or substantially improved structures; 2) the elevation of any flood proofing; and 3) whether or not the structure contains a basement.
- (2) The lowest floor, including basement, of any proposed structure (including residential and non-residential structures) shall be placed at least one (1) foot above the 100-year flood as determined by the latest Flood Insurance Study.
- (3) When elevation data is not available either through the Flood Insurance Study, FIRM, or from other sources of floodplain and floodway data as described in Section 6.080, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., when available.
- (4) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (5) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (6) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during a flood.
- (7) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement and shall be installed or constructed using materials, methods, and practices that minimize flood damage.
- (8) All new and replacement public water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (9) All new and replacement public sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood water. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (10) If floodproofing methods are required as per Section 6.121(2), the property owners or developers shall file with the City a certification by a registered professional engineer or architect that the floodproofing methods meet or exceed FEMA standards. The City will maintain the certification available for public inspection. [Ord. 5146, 9/14/94; Ord. 5281, 3/26/97]

6.121 Flood Hazard Reduction Standards for Structures. All applicable flood hazard reduction measures are required and must be certified as required in 6.120 (1) and (10) above to at least meet the following standards (these standards do not apply to structures exempted in Section 6.122): [Ord. 5746, 9/29/10]

- (1) In all structures that will not be floodproofed, as described in 6.121(2), fully enclosed areas below the lowest floor (crawl spaces, parking areas or building access) and lower than 1 foot above the 100-year flood level must meet or exceed the following criteria:
 - (a) At least two openings, having a total net area of not less than one square inch for every

square foot of enclosed area subject to flooding, shall be provided.

- (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 - (d) The interior grade below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
 - (e) The height of the below-grade area, measured from the interior grade to the top of the foundation wall must not exceed four (4) feet at any point.
 - (f) There must be an adequate drainage system that removes floodwaters from the interior area. The enclosed area should be drained within a reasonable time after a flood event.
 - (g) It will be used solely for parking vehicles, limited storage, or access to the building and will never be used for human habitation.
 - (h) The property owner of the building shall sign and record on the title to the property a nonconversion agreement, guaranteeing not to improve, finish, or otherwise convert the enclosed area below the lowest floor and lower than 1-foot above the 100-year flood level and granting the City the right to inspect the enclosed area.
- (2) Nonresidential construction meeting the certification requirements of 6.120 (1) and (10) can have the lowest floor and attendant utility and sanitary facilities located lower than one foot above the 100-year flood elevation if all of the following is met:
- (a) The structure is floodproofed so that areas lower than one foot above the 100-year flood level are watertight with walls substantially impermeable to the passage of water.
 - (b) The structure has structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (c) The applicant is notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level.
 - (d) The applicant files a certification by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. The certification shall be provided to the Building Official as set forth in 6.120(1). [Ord. 5146, 9/14/94; Ord. 5281, 3/26/97]
 - (e) Applicants supply a Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
 - (f) Applicants supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

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

- (1) Accessory structures shall not be used for human habitation.

- (2) Accessory structures shall be designed to have low flood damage potential.
- (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (4) Accessory structures shall be firmly anchored to prevent flotation that may result in damage to other structures.
- (5) Service facilities such as electrical and heating equipment shall be elevated and/or floodproofed. [Ord. 5281, 3/26/97]

6.123 Manufactured Homes. New and replacement manufactured dwellings fall within the scope of the Building Codes. All new manufactured dwellings and replacement manufactured dwellings shall be installed using methods and practices that minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. [Ord. 5338, 1/28/98; Ord. 5746, 9/29/10]

6.124 Recreational Vehicles. Recreational vehicles placed on sites within the flood fringe are required to either: [Ord. 5746, 9/29/10]

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

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

Table 6-1 below is provided to assist in selecting appropriate fencing in the flood fringe. All fences and walls also must meet the standards in other sections of the Code. [Ord. 5746, 9/29/10]

TABLE 6-1. Fence type selection for flood fringe areas.

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

- (1) Acceptable are materials and installation methods that allow for the entry and exit of floodwater.
- (2) Wood fence boards should be spaced to allow for the entry and exit of floodwater.
- (3) Solid fences and freestanding walls must include a flap or opening in the areas at or below the Base Flood Elevation at least once every three fence panels or 24 feet, whichever is less. Fences less than 24 feet in length shall have at least one flap or opening in the areas at or below the Base Flood elevation. The minimum dimensions of the flap or opening shall not be less than 12"x12" or 8"x18". Openings shall not include any screening of any type or size. If flaps are used, they may be secured to allow closure during normal use, but must be capable of self release and opening to full dimensions when under pressure of no greater than 30

pounds per sq. ft. These standards do not apply to retaining walls which shall meet the same standards as other building, paving, and grading activities.

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

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



Federal Emergency Management Agency
Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-A

June 8, 2016

The Honorable Sharon Konopa
Mayor, City of Albany
City Council Office
632 35th Avenue Southeast
Albany, Oregon 97322

Community: City of Albany,
Linn County, Oregon
Community No.: 410137
Map Panels Affected: See FIRM Index

Dear Mayor Konopa:

On July 1, 2015, you were notified of proposed modified flood elevation determinations affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the City of Albany, Oregon. The statutory 90-day appeal period that was initiated on July 15, 2015, when the Federal Emergency Management Agency (FEMA) published a notice of proposed Base Flood Elevations (BFEs) for your community in the *Albany Democrat-Herald*, and *Corvallis Gazette-Times*, has elapsed.

FEMA did receive an appeal during that 90-day period. The technical data submitted in support of the appeal have been evaluated, and the appeal has been resolved. Therefore, the determination of the Agency as to the BFEs for your community is considered final. The final BFEs will be published in the *Federal Register* as soon as possible. The modified BFEs and revised map panels, as referenced above, are effective as of December 8, 2016, and revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the map and must be used for all new policies and renewals.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report made by this map revision, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to December 8, 2016, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Section 60.3 (d) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all of the standards specified in Paragraph 60.3 (d) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

- Amending existing regulations to incorporate any additional requirements of Paragraph 60.3 (d);
- Adopting all of the standards of Paragraph 60.3 (d) into one new, comprehensive set of regulations; or,
- Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3 (d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

Mr. David Ratté
Engineer, Federal Emergency Management Agency, Region X
130 - 228th Street Southwest
Bothell, WA 98021-8627
(425) 487-4657

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our Map Information eXchange, toll free, at 1-877-336-2627. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Bothell, Washington, at 1-877-336-2627 for assistance for assistance. If you have any questions concerning mapping issues in general, please call FMIX at the number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations, Answers to Questions About the NFIP, Use of Flood Insurance Study (FIS) Data as Available Data, Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures, and National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfid>. Paper copies of these documents may also be obtained by calling FMIX.

Sincerely,



Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository
Melissa Anderson, Planner, City of Albany
Christine Shirley, Oregon Department of Land Conservation and Development, State NFIP
Coordinator

FINAL SUMMARY OF MAP ACTIONS

Community: ALBANY, CITY OF

Community No: 410137

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on December 8, 2016.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	199531717MBJ	06/02/1979	MEADOWVIEW ADDITION, 2ND PLAT, BLOCK 1, LOTS 1-35; BLOCK 2, LOTS 1-7; BLOCK 3, LOTS 1-14	H410137B 04	41043C0213H
LOMA	97-10-054A	11/18/1996	380 NW WALKER LANE -- PORTION OF A.M. RAINWATER DLC NO. 39, T11S, R4W, W.M.	4100080050C	41043C0213H
LOMA	97-10-353A	10/30/1997	LAKESIDE ACRES, LOT 10-- 1185 GREEN ACRES LOOP NW	4100080050C	41043C0213H
LOMA	98-10-377A	07/31/1998	3416 NW HIGHWAY 20 -- PORTION OF SECTION 2, T11S, R4W, W.M.	4100080050C	41043C0200H
LOMA	99-10-026A	12/11/1998	624 QUARRY ROAD NW -- PORTION OF SECTION 31, T10S, R4W, W.M.	4100080050C	41043C0211H
LOMA	99-10-037A	12/16/1998	625 PEACOCK LANE NW -- PORTION OF A.M. RAINWATER DLC NO. 39, T11S, R4W, W.M.	4100080050C	41043C0213H
LOMR-F	99-10-125A	12/31/1998	CABINS AT PERIWINKLE CREEK, LOTS 2-7	4101370002E	41043C0214H
LOMA	99-10-321A	04/15/1999	3138 NW HIGHWAY 20 -- PORTION OF SECTION 2, T11S, R4W, W.M.	4100080050C	41043C0200H

FINAL SUMMARY OF MAP ACTIONS

Community: ALBANY, CITY OF

Community No: 410137

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	99-10-319A	04/21/1999	FAIRWAY TERRACE, SARAH ADKINS DLC NO. 45, LOT 25 -- 220 NW COUNTRY CLUB LANE	4100080050C	41043C0211H
LOMA	99-10-492A	07/15/1999	LAKESIDE ACRES, LOTS 8 & 9 -- 1175 GREEN ACRES LOOP NW	4101370001F	41043C0213H
LOMA	99-10-490A	07/15/1999	A PARCEL ADJACENT TO SOUTH LINE OF JOHN Q. THORNTON DONATION LAND CLAIM	4101370003F	41043C0213H
LOMA	99-10-491A	07/15/1999	720 EAST THORNTON LAKE DRIVE -- A PORTION OF CLAIM NO. 37, T10S, R4W, W.M.	4101370001F	41043C0213H
LOMA	99-10-489A	07/15/1999	246/248, 256/258, & 222/224 NW 14TH AVENUE -- PARCELS 2-4	4101370001F	41043C0213H
LOMA	99-10-488A	07/15/1999	STRAWBERRY ACRES FIRST ADDITION, BLOCK 3, LOT 3, & BLOCK 1, LOT 1 -- 1330 ROSA LANE & 1675 MAYVIEW	4101370002F	41043C0211H 41043C0213H
LOMA	99-10-530A	08/19/1999	1120 NORTH ALBANY ROAD -- PORTION OF SECTION 1, T10S, R4W, W.M.	4101370001F	41043C0213H
LOMA	00-10-066A	01/12/2000	LAKESIDE ACRES, LOT 13 -- 311 GREEN ACRES LANE	4101370001F	41043C0213H
LOMA	00-10-151A	02/24/2000	GOLF CLUB ADDITION, BLOCK 3, LOT 6 -- 130 NE CLOVERDALE DRIVE	4101370001F	41043C0213H
LOMR-F	00-10-422A	08/30/2000	HICKORY HILLS M.D.P. -- 820 NORTH ALBANY ROAD	4101370003F	41043C0213H
LOMA	01-10-074A	12/18/2000	GOLF CLUB ADDITION, BLOCK 2, LOT 2 -- 112 GREEN COURT NE	4101370001F	41043C0213H
LOMA	01-10-042A	03/02/2001	630/632, 634/636, 638/640, 642/644, 646/648, & 650/652 EAST THORNTON LAKE DRIVE -- PORTION OF JOHN	4101370001F	41043C0213H
LOMR-F	01-10-415A	06/27/2001	NORTH ALBANY SELF STORAGE, PARCEL 3, PARTITION PLAT 94-63, PORTION OF SECTION 1, T11S, R4W, W.M. --	4101370003F	41043C0213H
LOMA	02-10-219A	03/20/2002	GOLF CLUB ADDITION, BLOCK 2, LOT 12 -- 128 FAIRWAY DRIVE NE	4101370001F	41043C0213H
LOMA	03-10-0034A	11/13/2002	1250 NE HILL STREET; PARCEL 1	4101370002F	41043C0213H 41043C0214H
LOMR-F	03-10-0324A	04/23/2003	N. P. M. SUBDIV PHASE 1, LOTS 3-4, 6-7, 9	4101370003F	41043C0213H
LOMA	03-10-0630A	08/19/2003	206 BENTON PLACE NW -- PORTION OF JOHN Q. THORNTON DLC NO. 37, T11S, R3W, W.M. (TL: 3800)	4101370001F	41043C0213H
LOMA	03-10-0739A	09/03/2003	HACKLEMAN'S 4TH ADDITION, BLOCK 6, LOTS 3 & 4 -- 110 CLEVELAND STREET SE	4101370004F	41043C0214H

FINAL SUMMARY OF MAP ACTIONS

Community: ALBANY, CITY OF

Community No: 410137

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	04-10-0080A	12/03/2003	SCHMEER'S CENTRAL ADDITION, LOTS 13-16 -- 1520 SE 2ND AVENUE	4101370004F	41043C0214H
LOMA	04-10-0163A	01/09/2004	1030 GREEN ACRES LANE -- PORTION OF J. QUINN THORNTON DLC NO. 37, T10 & 11, R3 & 4W, W.M.	4101370001F	41043C0213H
LOMA	04-10-0338A	03/10/2004	526 NE SOUTH NEBERGALL LOOP -- PORTION OF SECTION 31, T10S, R3W, W.M.	4101370002F	41043C0211H
LOMA	04-10-0345A	03/25/2004	317 NE SOUTH NEBERGALL LOOP -- PORTION OF SECTION 31, T10S, R3W, W.M.	4101370001F	41043C0211H
LOMA	04-10-0864A	12/08/2004	1455 HARPER LANE NW -- PORTION OF SECTION 31, T10S, R3W, W.M.	4101370001F	41043C0213H
LOMR-F	04-10-0874A	12/28/2004	1275 NW HILL STREET	4101370002F	41043C0214H
LOMR-F	05-10-0313A	03/28/2005	N.P.M. SUBDV PHASE 1, LOTS 8, 10 -12	4101370003F	41043C0213H
LOMA	05-10-0487A	06/01/2005	1380 MURPHY LANE NW, A PARCEL OF LAND IN BENTON COUNTY	4101370001F	41043C0213H
LOMA	05-10-0755A	09/08/2005	350 CHERRY LANE	4101370002F	41043C0211H
LOMR-F	05-10-0791A	10/06/2005	1014 GREEN ACRES LANE	4101370001F	41043C0213H
LOMA	06-10-0057A	11/03/2005	695 LAWRIDGE STREET NW	4101370001F	41043C0213H
LOMA	06-10-0097A	12/21/2005	935 NW SPRINGHILL DRIVE	4101370001F	41043C0213H
LOMR-F	06-10-0154A	01/10/2006	555 NORTH ALBANY ROAD	4101370003F	41043C0213H
LOMR-F	07-10-0129A	02/08/2007	LEGEND AT N.P., LOTS 1-63	4101370003F	41043C0213H
LOMA	07-10-0348A	03/20/2007	2377 HIGHWAY 20 NW (OR)	4101370003F	41043C0200H
LOMR-F	07-10-0441A	05/08/2007	LEGEND AT N.P., LOTS 1-63	4101370003F	41043C0213H
LOMR-F	07-10-0508A	05/24/2007	NORTHWOOD SUBDIV, LOT 1 -- 1215 SPENCER MOUNTAIN DRIVE NW	4101370001F	41043C0213H
LOMA	07-10-0583A	06/26/2007	236 WALKER LANE NW	4101370003F	41043C0213H

FINAL SUMMARY OF MAP ACTIONS

Community: ALBANY, CITY OF

Community No: 410137

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	08-10-0042A	11/01/2007	754 QUARRY ROAD NW	4101370001F	41043C0213H
LOMA	08-10-0176A	01/10/2008	634 SOUTH NEBERGALL LOOP NE -- Sec 31, T10S, R3W, W.M.	4101370002F	41043C0211H
LOMR-F	08-10-0115A	01/15/2008	389 CHERRY LANE NE -- A portion of Section 31, T10S, R3W, W.M.	4101370002F	41043C0213H
LOMR-F	08-10-0158A	03/13/2008	NORTH POINTE MEADOWS SUBDIV PHASE 1, LOTS 1, 2 & 5 -- 603, 643 & 655 SPYGLASS COURT NW	4101370003F	41043C0213H
LOMR-F	08-10-0229A	04/24/2008	NORTH ALBANY VILLAGE SHOPPING CENTER	4101370003F	41043C0213H
LOMR-F	08-10-0849A	10/14/2008	NORTH ALBANY VILLAGE SHOPPING CENTER	4101370003F	41043C0213H
LOMA	09-10-0565A	05/28/2009	RANCH ACRES, LOT 8 -- 1432 MAYVIEW DRIVE NE	4101370002F	41043C0213H
LOMA	09-10-0780A	07/16/2009	730 HICKORY STREET	4101370003F	41043C0213H
LOMR-F	10-10-0206A	01/26/2010	640 HICKORY STREET	4101370003F	41043C0213H
LOMA	10-10-0302A	03/04/2010	LOT 4, BLOCK 2, GULF CLUB ADDITION -- 115 NORTHEAST PUTTER PLACE	4101370001F	41043C0213H
LOMR-F	10-10-0878A	08/03/2010	A PORTION OF SECTION 1, T11S, R4W, W.M.	4101370003F	41043C0213H
LOMA	11-10-0155A	12/28/2010	PARCEL 1, PARTITION PLAT NO. 2004-57 -- 1505 & 1507 2ND AVENUE SOUTHEAST	41043C0214G	41043C0214H
LOMA	11-10-0315A	02/04/2011	LOT 7, RANCH ACRES SUBDIVISION -- 1470 MAYVIEW DRIVE NORTHEAST	41043C0213G	41043C0213H
LOMA	11-10-0622A	02/24/2011	1015 GREEN ACRES LANE NORTHWEST	41043C0213G	41043C0213H
LOMA	11-10-0831A	04/26/2011	246 & 248 14TH AVENUE NORTHWEST	41043C0213G	41043C0213H
LOMA	11-10-0832A	04/26/2011	222 & 224 14TH AVENUE NORTHWEST	41043C0213G	41043C0213H
LOMA	11-10-0862A	05/19/2011	615 NORTHWEST RAINWATER LANE	41043C0200G	41043C0200H
LOMA	11-10-0260A	01/12/2012	Lot 20, The Ridge at Cascade Heights Subdivision - 1892 Eagles Nest Circle Northwest	41043C0211G	41043C0211H

FINAL SUMMARY OF MAP ACTIONS

Community: ALBANY, CITY OF

Community No: 410137

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMR-F	12-10-0938A	05/08/2012	NORTH POINTE MEADOWS SUBDIV PHASE 1, LOTS 1, 2 & 5 -- 603, 643 & 655 SPYGLASS COURT NORTHWEST	41043C0213G	41043C0213H
LOMA	12-10-1229A	07/31/2012	LOT 22, THE RIDGE AT CASCADE HEIGHTS -- 1910 NORTHWEST EAGLES NEST CIRCLE	41043C0211G	41043C0211H
LOMA	13-10-0903A	04/09/2013	HACKLEMAN'S FOURTH ADDITION, BLOCK 6, PORTION OF LOTS 1 & 2 -- 105 HARRISON STREET SOUTHEAST	41043C0214G	41043C0214H
LOMA	13-10-1759A	10/22/2013	RANCH ACRES, LOT 6 -- 1500 MAYVIEW DRIVE NORTHEAST	41043C0213G	41043C0213H
LOMA	14-10-0842A	02/27/2014	LOT 1, BLOCK 3, FIRST ADDITION TO STRAWBERRY ACRES -- 1510 MAYVIEW DRIVE NORTHEAST	41043C0213G	41043C0213H
LOMA	14-10-1310A	04/24/2014	A PORTION OF LOTS 5 AND 6, BLOCK 7, HACKLEMAN'S FOURTH ADDITION -- 106 CLEVELAND STREET NORTHEAST	41043C0214G	41043C0214H
LOMA	14-10-1237A	05/22/2014	LOT 1, BLOCK 2, GOLF CLUB ADDITION -- 108 GREEN COURT NORTHEAST	41043C0213G	41043C0213H
LOMA	14-10-1457A	05/20/2014	1540 HARDER LANE NORTHWEST	41043C0213G	41043C0213H
LOMA	15-10-0006A	11/25/2014	LOT 6, BLOCK 2, BRYANT'S SECOND ADDITION -- 420 CLEVELAND STREET SOUTHEAST	41043C0214G	41043C0214H
LOMR-F	15-10-0908A	05/20/2015	BLOSSOM CROSSING, LOTS 23-26	41003C0113F	41003C0113G
LOMR-F	15-10-1225A	07/24/2015	NORTH ALBANY CENTER, LOT 8 -- 625 HICKORY STREET	41003C0113F	41003C0113G

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMA	99-10-225A	06/14/1999	EVERGREEN ACRES, LOT 10 -- 1417 NE SHERMAN ST.	2
LOMR-F	09-10-0874A	07/28/2009	CASCADE HEIGHTS SUBDIV, LOT 25 -- 1930 HERON POINT COURT NW	2
LOMA	11-10-1930A	09/29/2011	THE RIDGE AT CASCADE HEIGHTS, LOT 17 -- 1800 HORSESHOE LAKE CIRCLE	2

FINAL SUMMARY OF MAP ACTIONS

Community: ALBANY, CITY OF

Community No: 410137

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMA	14-10-0285A	12/05/2013	850 NORTHWEST SPRINGHILL DRIVE	5

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		



Federal Emergency Management Agency
Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-I

June 8, 2016

Roger Nyquist
Chair, Board of Commissioners
Linn County Courthouse
300 Southwest Fourth Avenue
Albany, Oregon 97321

Community: Linn County, Oregon
(Unincorporated Areas)
Community No.: 410136
Map Panels Affected: See FIRM Index

Dear Mr. Nyquist:

On July 1, 2015, you were notified of proposed modified flood elevation determinations affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the Unincorporated Areas of Linn County, Oregon. The statutory 90-day appeal period that was initiated on July 15, 2015, when the Federal Emergency Management Agency (FEMA) published a notice of proposed Base Flood Elevations (BFEs) for your community in the *Albany Democrat-Herald*, and *Corvallis Gazette-Times*, has elapsed.

FEMA received no valid requests for changes in the BFEs. Therefore, the determination of the Agency as to the BFEs for your community is considered final. The final BFEs will be published in the *Federal Register* as soon as possible. The modified BFEs and revised map panels, as referenced above, are effective as of December 8, 2016, and revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the map and must be used for all new policies and renewals.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report for your community made by this map revision, certain additional requirements must be met under Section 1361 of the 1968 Act, as amended, within 6 months from the date of this letter. Prior to December 8, 2016, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Section 60.3 (d) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all of the standards specified in Paragraph 60.3 (d) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

- Amending existing regulations to incorporate any additional requirements of Paragraph 60.3 (d);
- Adopting all of the standards of Paragraph 60.3 (d) into one new, comprehensive set of regulations; or,
- Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3 (d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

Mr. David Ratté
 Engineer, Federal Emergency Management Agency, Region X
 130 - 228th Street Southwest
 Bothell, WA 98021-8627
 (425) 487-4657

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our Map Service Center, toll free, at 1-877-336-2627. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Bothell, Washington, at 1-877-336-2627 for assistance for assistance. If you have any questions concerning mapping issues in general, please call FMIX at the number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Use of Flood Insurance Study (FIS) Data as Available Data*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling FMIX.

Sincerely,



Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository
Angie Thompson, County Administrator, Linn County
Christine Shirley, Oregon Department of Land Conservation and Development, State NFIP
Coordinator

FINAL SUMMARY OF MAP ACTIONS

Community: LINN COUNTY

Community No: 410136

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on December 8, 2016.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	03-10-0459A	05/09/2003	38568 CONSER ROAD NE -- PORTION OF CHILCOTE TRACT (TL: 102)	4101360025B	41043C0211H
LOMA	11-10-1842A	10/04/2011	38296 CONSER ROAD - METES AND BOUNDS #1	41043C0211G	41043C0211H
LOMR-F	12-10-0421A	01/17/2012	38296 CONSER ROAD - METES AND BOUNDS #2	41043C0211G	41043C0211H

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
			NO CASES RECORDED	

FINAL SUMMARY OF MAP ACTIONS

Community: LINN COUNTY

Community No: 410136

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		



Federal Emergency Management Agency
Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-N

June 8, 2016

The Honorable Clayton Wood
Mayor, City of Millersburg
City Hall
4222 Northeast Old Salem Road
Albany, Oregon 97321

Community: City of Millersburg,
Linn County, Oregon
Community No.: 410284
Map Panels Affected: See FIRM Index

Dear Mayor Wood:

On November 29, 2013, the Federal Emergency Management Agency (FEMA) provided you with Preliminary copies of the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Linn County, Oregon and Incorporated Areas for your review and comment. Those Preliminary copies presented revised flood hazard information for your community, but did not present revised elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). Therefore, no appeal period was required.

Your community was provided with a 30-day review period, and that period has now elapsed. No comments or concerns about the preliminary revised FIRM and FIS report were submitted to FEMA; therefore, the revised FIRM panels, as referenced above, will be effective as of December 8, 2016, and revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the FIRM panels being revised are indicated on the panels and must be used for all new policies and renewals.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report for your community made by this map revision, certain additional requirements must be met under Section 1361 of the 1968 Act, as amended, within 6 months from the date of this letter. Prior to December 8, 2016, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3 (d) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all of the standards specified in Paragraph 60.3 (d) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

- Amending existing regulations to incorporate any additional requirements of Paragraph 60.3 (d);

- Adopting all of the standards of Paragraph 60.3 (d) into one new, comprehensive set of regulations; or,
- Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3 (d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

Mr. David Ratté
 Engineer, Federal Emergency Management Agency, Region X
 130 - 228th Street Southwest
 Bothell, WA 98021-8627
 (425) 487-4657

To assist your community in maintaining the FIRM, we reviewed our records to determine if any previous Letters of Map Change (i.e., Letters of Map Amendment, Letters of Map Revision) will be superseded when the revised FIRM panels referenced above become effective. According to our records, no Letters of Map Change were issued previously for the affected FIRM panels.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our Map Service Center, toll free, at 1-877-336-2627. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Bothell, Washington, at 1-877-336-2627 for assistance for assistance. If you have any questions concerning mapping issues in general, please call FMIX at the number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Use of Flood Insurance Study (FIS) Data as Available Data*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, and *National*

Flood Insurance Program Elevation Certificate and Instructions, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling FMIX.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luis Rodriguez', with a large, stylized flourish at the end.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

cc: Community Map Repository
Barbara Castillo, City Administrator, City of Millersburg
Christine Shirley, Oregon Department of Land Conservation and Development, State NFIP
Coordinator



Federal Emergency Management Agency
Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-I

June 8, 2016

Annabelle Jaramillo
Chair, Board of Commissioners
Benton County Administration Building
205 Northwest Fifth Street
Corvallis, Oregon 97330

Community: Benton County, Oregon
(Unincorporated Areas)
Community No.: 410008
Map Panels Affected: See FIRM Index

Dear Ms. Jaramillo:

On July 1, 2015, you were notified of proposed modified flood elevation determinations affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the Unincorporated Areas of Benton County, Oregon. The statutory 90-day appeal period that was initiated on July 15, 2015, when the Federal Emergency Management Agency (FEMA) published a notice of proposed Base Flood Elevations (BFEs) for your community in the *Albany Democrat-Herald*, and *Corvallis Gazette-Times*, has elapsed.

FEMA received no valid requests for changes in the BFEs. Therefore, the determination of the Agency as to the BFEs for your community is considered final. The final BFEs will be published in the *Federal Register* as soon as possible. The modified BFEs and revised map panels, as referenced above, are effective as of December 8, 2016, and revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the map and must be used for all new policies and renewals.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report for your community made by this map revision, certain additional requirements must be met under Section 1361 of the 1968 Act, as amended, within 6 months from the date of this letter. Prior to December 8, 2016, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Section 60.3 (d) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all of the standards specified in Paragraph 60.3 (d) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

- Amending existing regulations to incorporate any additional requirements of Paragraph 60.3 (d);
- Adopting all of the standards of Paragraph 60.3 (d) into one new, comprehensive set of regulations; or,
- Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3 (d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

Mr. David Ratté
 Engineer, Federal Emergency Management Agency, Region X
 130 - 228th Street Southwest
 Bothell, WA 98021-8627
 (425) 487-4657

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our Map Service Center, toll free, at 1-877-336-2627. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Bothell, Washington, at 1-877-336-2627 for assistance for assistance. If you have any questions concerning mapping issues in general, please call FMIX at the number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Use of Flood Insurance Study (FIS) Data as Available Data*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfid>. Paper copies of these documents may also be obtained by calling FMIX.

Sincerely,



Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository
Toby Lewis, CFM, Associate Planner, Benton County
Christine Shirley, Oregon Department of Land Conservation and Development, State NFIP
Coordinator

FINAL SUMMARY OF MAP ACTIONS

Community: BENTON COUNTY

Community No: 410008

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on December 8, 2016.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	RX-218-70-R	12/21/1992	1586 THORNTON LAKE DRIVE NW	4100080050C	41003C0113G
LOMA	900000123FIA	05/12/1993	1505 HARDER LANE	4100080050C	41003C0113G
LOMA	93-RX-0149	09/23/1993	GOLF CLUB ADDITION, BLOCK 2, LOT 1 - 108 GREEN COURT NE	4100080050C	41003C0113G
LOMA	94-RX-0034	12/16/1993	GOLF CLUB ADDITION, BLOCK 2, LOT 2 - 112 GREEN COURT NE	4100080050C	41003C0113G
LOMA	94-RX-0057	01/21/1994	2350 WEST THORNTON LAKE DRIVE	4100080050C	41003C0094G
LOMA	94-RX-0159	06/21/1994	1009 JONES AVENUE NW -- PORTION OF SECTION ??, T11S, R4W, W.M.	4100080050C	41003C0113G
LOMA	94-RX-0172	07/15/1994	533 SOUTH NEBORGALL LOOP N.E.	4100080050C	41003C0111G
LOMA	94-RX-0213	09/12/1994	1431 NW HIGHWAY 20	4100080050C	41003C0113G

FINAL SUMMARY OF MAP ACTIONS

Community: BENTON COUNTY

Community No: 410008

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	95-R10-056	02/22/1995	249 JUNIPER LANE NW	4100080000	41003C0094G
LOMA	95-R10-101	04/24/1995	1037 NORTH ALBANY ROAD	4100080000	41003C0113G
LOMA	95-R10-160	07/05/1995	1415 HARDER LANE	4100080050C	41003C0113G
LOMA	95-R10-165	09/28/1995	721 NE LAYFAYETTE PLACE -- A PORTION OF LAND FROM LOT 5, BLOCK 6, ROLLING GREEN	4100080050C	41003C0113G
LOMA	96-R10-065	12/05/1995	515 NW RAINWATER LANE	4100080050C	41003C0094G
LOMA	96-10-147A	06/07/1996	A PARCEL ADJACENT TO THE SOUTH LINE OF THE JOHN Q. THORNTON DONATION LAND CLAIM; 831 RIDDERS LANE N.W	4100080050C	41003C0113G
LOMA	96-10-076A	06/19/1996	PORT. OF SARAH ADKINS DONATION LAND CLAIM NO. 45, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLIMETTE MERIDI	4100080050C	41003C0113G
LOMA	97-10-154A	04/01/1997	STRAWBERRY ACRES FIRST ADDITION, BLOCK 3, LOT 3-- 1330 ROSA LANE	4100080050C	41003C0113G
LOMA	97-10-156A	04/03/1997	1642 CHRISTMAS TREE DRIVE-- PORTION OF THE GALLATIN ADKINS DLC NO. 79, T10S, R3W, W.M.	4100080050C	41003C0111G
LOMA	97-10-276A	07/15/1997	STRAWBERRY ACRES, BLOCK 1, LOT 1-- 1675 MAYVIEW DRIVE NE	4100080050C	41003C0111G
LOMA	98-10-045A	12/03/1997	LAKESIDE ACRES, LOTS 8-9-- 1175 GREEN ACRES LOOP NORTHWEST	4100080050C	41003C0113G
LOMA	98-10-046A	12/03/1997	720 EAST THORNTON LAKE DRIVE--A PORTION OF CLAIM NO. 37, T10S, R4W, W.M.	4100080050C	41003C0113G
LOMA	98-10-334A	06/30/1998	435 QUARRY ROAD -- A PORTION OF SECTION 31, T10S, R3W, W.M.	4100080050C	41003C0111G
LOMA	01-10-061A	12/18/2000	3380 & 3378 NW HIGHWAY 20 -- PORTION OF SECTION 2, T11S, R4W, W.M.	4100080050C	41003C0094G
LOMA	03-10-0026A	11/15/2002	1345 NEBERGALL LOOP NE -- PORTION OF SECTION 32, T10S, R3W, W.B.&M.	4100080050C	41003C0112G
LOMA	05-10-0311A	03/28/2005	543 NEBERGALL LOOP SOUTH	4100080050C	41003C0111G
LOMA	06-10-B287A	06/13/2006	Cascade Heights, Lot 8 -- 608 Alpine Meadow NW	4100080050C	41003C0111G
LOMA	07-10-0197A	01/30/2007	435 NW QUARRY ROAD -- PORTION OF SECTION 31, T10S, R3W, W.M.	4100080050C	41003C0111G

FINAL SUMMARY OF MAP ACTIONS

Community: BENTON COUNTY

Community No: 410008

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	11-10-0242A	01/28/2011	3502 HIGHWAY 20 NORTHWEST	4100080050C	41003C0094G
LOMA	13-10-0021A	10/18/2012	4028 SPRINGHILL DRIVE NORTHWEST	41003C0111F	41003C0111G
LOMA	14-10-1044A	04/03/2014	3440 SPRINGHILL DRIVE	41003C0111F	41003C0111G

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
			NO CASES RECORDED	

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: John R. Bradner, Fire Chief *JRB*
DATE: September 22, 2016, for the September 28, 2016, City Council Meeting
SUBJECT: Adoption of the Natural Hazard Mitigation Plan
RELATES TO STRATEGIC PLAN THEME: ● A Safe City

Action Requested:

City Council approval and adoption by resolution of the City of Albany, Oregon, Natural Hazard Mitigation Plan dated September 2016.

Discussion:

On December 19, 2005, the City Council approved and adopted the initial City of Albany Natural Hazard Mitigation Plan by Resolution No. 5217. A Natural Hazard Mitigation Plan (Plan) is required for the City to receive federal mitigation grant funding. It is also required that the Plan be reviewed and updated; adopted by the Council; and subsequently approved by the Federal Emergency Management Agency (FEMA) every five years. The most recent plan was adopted January 26, 2011 (Resolution No. 5977).

Over the past year, the City's Natural Hazard Mitigation Steering Committee has reviewed and updated the Plan. The draft was reviewed by Oregon Emergency Management, which provided valuable input to Plan improvements. A final draft was then reviewed by Oregon Emergency Management and the U.S. Department of Homeland Security (DHS). Brett Holt, Regional Mitigation Planning Program Manager for FEMA Region X, provided the following comments, "I would like to emphasize that the City of Albany developed a stellar natural hazard mitigation plan. It's obvious that both emergency management and community planning were key players in the update of the plan. In addition it's great to see a jurisdiction complete the plan on their own without contract support. This demonstrates high capacity in natural hazard mitigation planning."

After Council adoption of the Plan, a copy of the resolution will be provided to FEMA for the final step in their approval process.

Budget Impact:

None.

JB/keh

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ADOPTING THE CITY OF ALBANY, OREGON,
NATURAL HAZARD MITIGATION PLAN DATED SEPTEMBER 2016

WHEREAS, the Albany City Council approved and adopted the City of Albany Natural Hazard Mitigation Plan (Resolution No. 5977) on January 26, 2011; and

WHEREAS, the City of Albany is required to review, update, and provide City Council adoption of the City of Albany Natural Hazard Mitigation Plan every five years to continue eligibility for federal mitigation grant funding; and

WHEREAS, the City's Natural Hazard Mitigation Steering Committee performed a review in 2015 and has updated the City of Albany Natural Hazard Mitigation Plan.

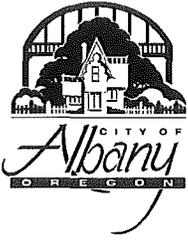
NOW, THEREFORE, BE IT RESOLVED the Albany City Council approves and adopts the City of Albany, Oregon, Natural Hazard Mitigation Plan dated September 2016.

DATED AND EFFECTIVE THIS 28TH DAY OF SEPTEMBER 2016.

ATTEST:

Mayor

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: John Bradner, Fire Chief *JRB*
DATE: September 21, 2016, for the September 28, 2016, City Council Meeting
SUBJECT: Resolution Approving Use of an Interstate Cooperative Procurement to Purchase Firefighting Turnouts

RELATES TO STRATEGIC PLAN THEME: ● A Safe City

Action Requested:

Staff recommends City Council approve, by resolution, an exemption from the competitive bidding requirements for Janesville V-Force Turnouts through an existing interstate cooperative contract with Kent Fire Department Regional Fire Authority and SeaWestern, Inc., not to exceed \$165,000; and award a contract to SeaWestern, Inc.

Discussion:

The fiscal year 2016-17 budget includes new firefighting turnouts. A committee of Albany Fire Department members conducted research and a comprehensive evaluation process of firefighting turnouts, and as a result identified Janesville V-Force Turnouts to best meet the needs of the Department.

The committee evaluated six different turnout brands and conducted wear trials with four of the brands. The wear trial evaluated the fit/function, drag rescue device system, suspender/belt option, closure, pocket placement/functionality, and identification markings. The Janesville V-Force Turnouts were a unanimous decision of the Committee to have the best balance between protection, durability, weight, thermal protective performance, total heat loss, comfort, and fit.

The Fire Department's current primary turnouts will be repurposed as backup turnouts to be used when an employee's primary set is being cleaned, removed from service for bi-annual inspection, or require repair.

Kent Fire Department Regional Fire Authority in Washington has a cooperative purchasing agreement with SeaWestern, Inc. for Janesville V-Force Turnouts that meets the specification needs of the Fire Department and the purchasing requirements of ORS 279A.220 and OAR 137-046-0450.

The Notice of Intent to Award a contract would be advertised on October 3, 2016, with a protest period ending October 11, 2016. Contingent on City Council approval to use an interstate cooperative agreement and no protests received, the Fire Department will award a contract to SeaWestern, Inc. for Janesville V-Force Turnouts.

Budget Impact:

Not to exceed \$165,000 from the Capital Replacement Fund/Equipment Replacement Program (217-10-1010)

Attachment

RESOLUTION NO. _____

A RESOLUTION APPROVING EXEMPTION FROM THE COMPETITIVE BIDDING REQUIREMENTS THROUGH A CONTRACT WITH KENT FIRE DEPARTMENT REGIONAL FIRE AUTHORITY AND SEAWESTERN, INC.; ISSUING A NOTICE TO AWARD A PROPOSED CONTRACT WITH SEAWESTERN, INC.; AND AUTHORIZING THE FIRE CHIEF TO ENTER INTO A CONTRACT WITH SEAWESTERN, INC. NOT TO EXCEED \$165,000 FOR JANESVILLE V-FORCE TURNOUTS.

WHEREAS, Kent Fire Department Regional Fire Authority conducted a formal, competitive process for Janesville V-Force Turnouts that meets the specification needs identified by the Albany Fire Department; and

WHEREAS, ORS 279A.220 and OAR 137-046-0400 through 137-046-0480 allow for use of interstate cooperative procurements for government agencies;

WHEREAS, purchasing Janesville V-Force Turnouts from a competitively bid, cooperative contract with Kent Fire Department Regional Fire Authority and SeaWestern, Inc. would not reduce competition or give favoritism and would provide both time and cost savings to the City; and

WHEREAS, the Albany Fire Department would advertise a Notice of Intent to Award a contract to SeaWestern, Inc. for Janesville V-Force Turnouts; and

WHEREAS, the Notice of Intent to Award must be advertised seven days prior to awarding the procurement contract; and

WHEREAS, if the City does not receive any formal protests to the Notice of Intent to Award, the Fire Chief may award a contract to SeaWestern, Inc. for Janesville V-Force Turnouts.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council authorizes an exemption from the competitive bidding process for Janesville V-Force Turnouts through the use of an interstate cooperative agreement between Kent Fire Department Regional Fire Authority and SeaWestern, Inc.; and

BE IT FURTHER RESOLVED that the Albany City Council authorizes the Fire Department to award a contract to SeaWestern, Inc. contingent on no protests received by October 11, 2016, following the seven-day required notice period; and

BE IT FURTHER RESOLVED that the Albany City Council authorizes the Fire Chief to enter into a contract not to exceed \$165,000 with SeaWestern, Inc. for Janesville V-Force Turnouts.

DATED AND EFFECTIVE THIS 28TH DAY OF SEPTEMBER 2016.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Stewart Taylor, Finance Director
DATE: September 23, 2016, for the September 28, 2016, City Council Meeting
SUBJECT: Municipal Court Software Contract Award, Appropriation, and Reclassification
RELATES TO STRATEGIC PLAN THEME: ● Effective Government

Action Requested:

The Finance Director recommends that the City Council, by resolution, award the Municipal Court Software contract to Tyler Technologies in the amount of \$140,177, approve an appropriation of \$120,177 from unappropriated beginning balance, and approve the reclassification of the Senior Court Clerk to the Court Supervisor position with the reclassification being effective October 1, 2016, and the Nonbargaining salary range set at N220 (\$4,628-\$5,691).

Discussion:

The Albany Police Department (APD) and the Linn County Sheriff's Office are in the process of migrating to a new computer-aided dispatch and records management system (CAD-RMS). The new system is scheduled go-live on April 1, 2017.

The Albany Municipal Court currently uses Jaylan court software that is housed on the Linn County AS400 computer. The Jaylan software is very dated and is no longer supported with upgrades, but it is compatible with the current APD information system. When the new CAD-RMS system comes on-line, the Jaylan software will no longer be compatible and the Linn County AS400 computer will no longer be available.

An invitation to participate in the Request for Proposals (RFP) for new Municipal Ct Software was sent to 13 possible vendors and advertised in the Daily Journal of Commerce and the Albany Democrat-Herald. The City received one proposal from Tyler Technologies. The proposal meets all of the conditions of the RFP and is deemed to be a competitive bid. The Tyler product (Incode) is currently used in 17 municipal courts in Oregon. The comments from users have all been very positive.

The migration from Jaylan to Incode will require a tremendous amount of oversight and attention to detail by both IT and court personnel. The person in the municipal court that will be primarily responsible for the transition is September Ridgeway, the Senior Court Clerk. September has been the Senior Court Clerk since Mary Stankey retired in July 2015. September has grown in the position and is currently performing all of the supervisory duties in the court. With the added migration to the new software, it is appropriate to reclassify her to the supervisor position.

Budget Impact:

The cost of the Incode software implementation is \$140,177 and the reclassification is \$6,000. Neither cost was included in the current budget. Staff recommends that \$120,177 of General Fund beginning balance be appropriated to supplement \$26,000 currently budgeted in court equipment replacement.

ST:md
Attachment

RESOLUTION NO. _____

A RESOLUTION AWARDDING A BID TO TYLER TECHNOLOGIES (INCOTE) FOR MUNICIPAL COURT SOFTWARE, APPROPRIATING GENERAL FUND BEGINNING BALANCE, AND APPROVING RECLASSIFICATION OF THE SENIOR COURT CLERK TO COURT SUPERVISOR.

WHEREAS, the Albany Police Department (APD) and the Linn County Sheriff's Office are in the process of migrating to a new computer-aided dispatch and records management system (CAD-RMS) that is scheduled go-live on April 1, 2017; and

WHEREAS, the Albany Municipal Court currently uses Jaylan court software that is housed on the Linn County AS400 computer and is very dated and no longer supported with upgrades; and

WHEREAS, the Jaylan software is not compatible with the new CAD-RMS system and the county AS400 will no longer be available when the new CAD-RMS goes live; and

WHEREAS, a Request for Proposals (RFP) for new Municipal Court Management Software was sent to 13 possible vendors and the City received one proposal from Tyler Technologies; and

WHEREAS, the proposal meets all of the conditions of the RFP and is deemed to be a competitive bid; and

WHEREAS, the additional duties associated with the migration to the new software make it appropriate to reclassify the Senior Court Clerk position to Court Supervisor; and

WHEREAS, the first year costs of the municipal court software purchase and the reclassification were not included in the current budget.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council hereby awards the contract for municipal court software to Tyler Technologies (Incote) in the amount of \$140,177 and appropriates \$120,177 from the General Fund beginning balance as follows:

100-10-1029-70005 Capital Equipment	\$120,177	
100-10-1002-49905 Beginning Balance		\$120,177

2. The City Council approves the reclassification of the Senior Court Clerk to Court Supervisor to be effective October 1, 2016, and the Nonbargaining salary range set at N220 (\$4,628-\$5,691).

DATED AND EFFECTIVE THIS 28TH DAY OF SEPTEMBER 2016.

Mayor

ATTEST:

City Clerk

CITY OF ALBANY
 CITY COUNCIL
 Council Chambers
 Wednesday, July 27, 2016
 7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Mayor Sharon Konopa and Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins.

Councilors absent: None.

SCHEDULED BUSINESS

Communication

Accepting Wendy Ezell's resignation from the Planning Commission.

MOTION: Councilor Bessie Johnson moved to accept Ezell's resignation. Councilor Ray Kopczynski seconded the motion, which passed 6-0.

Business from the Public

Konopa said that tonight's actions on the marijuana agenda items are just to refer the questions to the voters.

Tré Mork, 2614 Prairie Place, Albany, read a letter (see agenda file) discussing marijuana dispensaries. He said dispensaries employ citizens and lower unemployment. The Council has allowed growth by letting Lowe's and WinCo locate in the City, but is trying to restrict or ban marijuana's small business owners. They won't stand for it any longer. If the Council overly restricts their businesses, they will take legal action against the Council.

Ray Hilts, 2748 Foxglove Loop SE, in Mennonite Village, said he used to live at 38th Avenue and Takena Street. At that time, the street was slurried, so it stayed nice and clean and didn't need reconstruction. Water Street and other streets are deteriorating. He has researched what a 5-cent gas tax could do for our streets. A little over a million dollars would not fix everything in one year, but it would over a period of years. He asked the Council to put a five-cent tax for street repair to the vote of the people.

Konopa said the Council wanted to put a gas tax to the voters at the same time as Corvallis, but Corvallis is not ready. Hilts doesn't think that is important. The price of gas in Corvallis is higher than in Albany.

Rhea Graham, owner of Canna Kitchen, who lives at 1440 Lawnridge Street SW, said that medicine is not taxed in Oregon, so medical marijuana would not offer tax money. Tonight's agenda includes renewal of several liquor licenses but the Council won't let marijuana businesses in. The OLCC is putting 10 more liquor stores in each of Linn, Benton, and Lane Counties. She hopes the Council will fight as hard in opposition to the liquor stores as they do in opposition to recreational marijuana. She hopes that on the ballot, a "no" vote will mean not to allow the sale of marijuana.

Cindy Etzel, 15241 Skelton Road, Jefferson, said she owns a business in Albany at 820 SE Pacific Boulevard. She read a document (see agenda file) regarding marijuana. She said using marijuana is the same as using wine. The voters voted twice to allow recreational marijuana, but the Council continues to find ways to restrict it. She read the City's Mission and Vision statement and related it to marijuana discussion. She asked why the Council is manipulating and enforcing puritan rules. Yes should mean yes and no should mean no. She said, make the measure so clear that a seven-year-old could comprehend it.

Reconsideration of Ordinance

Amending Albany Municipal Code 2.04.060 concerning voting abstentions at City Council meetings and declaring an emergency.

City Attorney Jim Delapoer pointed out that the Ordinance in the agenda packet contains corrected scrivener errors.

Konopa said the Ordinance had a first reading on December 7, 2015, and a second reading on January 13, 2016, but no action was taken at that time. Tonight's action is a reconsideration of the ordinance.

Kopczynski said the opportunity for abstention is in the Charter for a reason. It's a valid tool that is used nationwide, even in the federal congress. There is no reason to change it. The action is disingenuous because the Council is doing what they did with Measure 91 by removing the will of the voters. He is not in favor of changing the ground rules. Councilor Dick Olsen agreed.

Konopa said this is not just about this particular issue. It has set a precedent for this type of action, with one Councilor holding up a decision of the Council. Discussion followed about the Charter and the Albany Municipal Code (AMC). Delapoer explained the rule. The Charter provides for the Council to adopt rules for conducting its business. The Council has a rule in an ordinance that silence equals a "yes" vote, but if a Councilor states that he or she is abstaining, then the abstention is not counted. Delapoer said, how you classify the effect of an abstention is not in the Charter; it is in the ordinances of the AMC. The Council can change the rule, and it would not be a change to the Charter.

Councilor Rich Kellum said, if you have four people on the Council who want to do something and a person who is opposed would have voted no, but instead just keeps the majority from making a decision, that's a problem. We aren't here to play games or win at any cost. We win some and we lose some, but we should get along with each other in the process.

MOTION: Kellum moved to adopt the ordinance regarding abstentions and Councilor Floyd Collins seconded the motion.

Kopczynski said his job is to do the best thing for the entire community. Abstention is a tool to make the City Council rethink problems and maybe find better solutions. It's a tool that is used nationally. He sees no problem with keeping it the way it is. This amendment would kill something that hasn't happened yet for fear that it might be used.

Konopa said, we may not agree, but it isn't fair for a minority to hold up the majority. Kopczynski said that is what happened when the Council passed the recreational marijuana ban over the will of the voters. Discussion followed.

Councilor Bill Coburn said he is struggling with the issue. The current process is that when an issue comes up, you vote, and you win or you lose. The process is not to try to find a way to obstruct the process. This is the kind of thing that goes on in Washington, D.C. that people are so tired of. He said, call it what you want, but the point is, the intent should not be to obstruct the process. A suggestion in one discussion was to allow the Mayor to vote on every issue; he thinks that would be a better system.

Konopa said that this rule was put into place by a previous Council. No matter what they decide tonight, a future Council can change it whenever they wish. Making the change tonight would at least get this Council through the marijuana time, place, and manner issues.

Olsen said one reason the Mayor votes only to break a tie is so that a minority Mayor doesn't get overridden repeatedly. He thinks there's an advantage to being able to block an unfortunate motion or ordinance. He thinks what he and Kopczynski have been doing is similar to the Mayor's ability to veto an ordinance. He wants to keep this ordinance intact.

VOTE: A vote was taken on the motion and it passed 4-1, with Kopczynski voting no and Olsen abstaining. The motion was designated Ordinance No. 5872.

Second Reading of Ordinance

Imposing a three percent tax on the sale of marijuana items by a marijuana retailer and referring ordinance.

The ordinance was read for the first time in title only on July 25, 2016.

Delapoer said this is not a fee but a tax, so no public hearing is required. In the interest of the public process, he suggested that the Mayor allow another opportunity to comment for anyone else who wishes to. To the audience, he said that the purpose of the ordinance is to send to the voters the question of whether the Council's ban on recreational marijuana should be continued, and to impose a tax on recreational marijuana if the voters choose to overturn the ban.

Konopa called for public comment on the question of the tax.

Graham asked what the Council plans to do with the tax money. Konopa said the Council will consider what to do with the tax money if the ban is overturned by the voters.

Delapoer reminded everyone that the public comment is not for the public to question the Council, but to comment.

Mork said he hopes the Council puts the issue on the ballot.

Delapoer read the ordinance for the second time in title only: AN ORDINANCE OF THE CITY OF ALBANY IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER AND REFERRING ORDINANCE.

MOTION: Johnson moved to adopt the ordinance. Kellum seconded the motion, which passed 6-0 and was designated Ordinance No. 5873.

Adoption of Resolutions

Approving referral to the electors of the city of Albany the question of imposing a tax on the sale of marijuana items by a marijuana retailer within the city.

MOTION: Collins moved to adopt the resolution. Kellum seconded the motion, which passed 6-0 and was designated Resolution No. 6527.

Approving referral to the electors of the city of Albany the question of banning recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and recreational marijuana retailers within the city.

MOTION: Collins moved to adopt the resolution and Kellum seconded the motion.

Kopczynski said regardless of tonight's comments, he thinks the ballot question is straightforward. It says, "shall the City of Albany prohibit . . ." Olsen said he thinks it would be better if it was rewritten for a yes for approval. City Attorney Sean Kidd said it is written in the negative because the League of Oregon Cities (LOC) advised that cities and counties not put a question on the ballot to allow something that is still illegal under federal law. Kidd said a lot of other local cities and counties are voting on this same issue.

Delapoer said a Council could impose a ban if the voters in the community did not pass the legalization by at least 55% of the vote. Discussion followed.

Johnson said she doesn't like the wording that makes a yes vote mean no.

VOTE: A vote was taken on the motion to adopt the resolution and it passed 6-0, and was designated Resolution No. 6528.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) May 23, 2016, Work Session minutes.
 - b) May 25, 2016, Regular Session minutes.
 - c) June 6, 2016, Work Session minutes.
 - d) June 8, 2016, Regular Session minutes.
- 2) Annual liquor license renewals.

MOTION: Kopczynski moved to adopt the Consent Calendar as presented. Johnson seconded the motion, and it passed 6-0.

Award of Contract

Professional services agreement for Albany Municipal Airport projects.

Public Works Engineering and Community Development Director Jeff Blaine said the City is required by the FAA to go through this process. The City has gone through the process once already. The successful bidder this time is the same consultant the City has used in the past.

Collins asked if there were other responders. Blaine said there was one other. It's a qualification-based selection process. Both responders were qualified. Collins explained that when using the qualification-based process, which the state requires, we don't get the price until we negotiate with the best-qualified responder. The LOC is trying to get that law overturned.

MOTION: Collins moved to award the professional services agreement for Albany Airport Projects to Precision Approach Engineering. Kopczynski seconded the motion, and it passed 6-0.

Report

Marijuana time, place, and manner regulations.

Kidd referred to the draft ordinance on the dais (see agenda file). At the last Work Session, Council asked for a map to mirror Map 3. This does that. The ordinance limits all recreational uses of marijuana. It removes the industrial exceptions, and redefines the measurement of 300 feet is from property boundary to property boundary.

He asked the Council if they would like staff to come back with an ordinance that also includes medical marijuana. Staff was confused about whether that was requested by the Council, so Kidd did not put it in this ordinance.

Kopczynski passed out a two-page document (see agenda file). He asked, what is wrong with Map 2? Why do we need to remove the industrial exception, and why is 300 feet important? Why not less? He said, some marijuana-related operations have more security than recreational retailers, and no public access. Konopa said the 300-foot limit has been in the Code for years for adult entertainment businesses. Kopczynski said they are two radically different industries. Kellum said the discussion could be about 300 feet versus a thousand feet; he doesn't think a thousand feet is necessary, but it's just as reasonable as 200. He wants to go the extra mile to protect kids. The District Attorney's office says that driving under the influence of alcohol is down but driving under the influence of marijuana has increased. Minors in possession of marijuana is also way up. Marijuana is having an effect.

Kopczynski asked Albany Police Captain Jeff Hinrichs, who was in the audience, to address the statistics Kellum cited. Hinrichs said he doesn't have statistics with him, so he can only speak anecdotally. The police have seen a small rise in marijuana-involved incidents. He said Kellum's comment that there has been an increase is accurate. There may have been 100 incidents total in the City of Albany. Konopa said the Benton County Sheriff told her that they have had a big rise in marijuana driving under the influence. Kellum said his information came from Tori Lynn, the Director of Linn County Juvenile Department.

Kopczynski asked how the 300-foot limit could be enforced, if anyone can grow marijuana in their back yard. He suggested using 250 instead of 300, especially for wholesalers, growers, and producers, and keeping the industrial zone exemption. He thinks the Council is intentionally trying to reduce properties available for marijuana uses to such a small number, that they are in effect using the Code to stifle recreational sales in the city.

Konopa suggested that the Council try 300 feet and if it doesn't work, it can be changed later. Some voters who are against marijuana might vote for it if there are time, place, and manner regulations in place. Regulating zoning is looking out for property values. Discussion followed about the purpose of zoning.

Kopczynski asked the City Attorney how restrictive the Council can be before it becomes unreasonable. Delapoer said that until the courts give us guidelines, we really don't know. He said that if the effect of the restrictions was to preclude recreational sales and the ban was lifted by the voters, he thinks the regulations would be difficult to defend. The Council has to judge for themselves whether or not they are precluding recreational sales.

Kopczynski said he thinks the three options in question all cross the line. He is concerned that the Council seems to be stuck on just these three options. He would like to have staff come up with a similar proposed ordinance for Option 2, leaving the industrial exemption and changing the distance to 250 feet.

Coburn asked the City Attorney what the ordinance does with the industrial exception. Kidd said Map 3 removes the industrial exception. Coburn said, so if we favored Map 2, we would need to add back the industrial exception. Kidd said he believes Map 2 mirrors the current Albany Development Code.

Planning Manager Bob Richardson said Map 2 was focused on dispensaries and recreational sales and not on all marijuana uses.

Delapoer said if the Council decreases the distance requirement or keeps the industrial exemption, there will be more possible sales locations. The Council doesn't have to do both.

Johnson said she is concerned that limiting locations will result in marijuana uses being concentrated in one area. She thinks the Council needs to be careful about restrictions.

The Council discussed scheduling the next discussion of the time, place, and manner issue. This item will come back to a future meeting.

City Manager Pro tem Jorge Salinas said staff is struggling to come up with information because it is not clear what the Council wants. It's a moving target. Delapoer suggested that the Council not try to draft ordinance language, but talk to each other (fewer than four at a time) and come up with ideas. Staff could use ideas that seemed to have at least four supporters to draft an ordinance and make a map. Konopa said seeing the Council's ideas in ordinance form tonight helped the discussion.

Kopczynski referenced item no. 7 on his handout, regarding edibles. He suggested that banning advertisement of edibles and flavors that would be attractive to minors would help to protect kids. He also mentioned item no. 6, regarding visibility, suggesting exempting marijuana producers and labs from the time, place, and manner restrictions. These types of businesses are not open to the public and won't be advertising.

Blaine suggested that the City needs to be careful not to appear to mislead. There are two separate sections in the AMC, one for recreational sales and one for medical sales. This ordinance only applies to recreational sales. If

the Council wants to have ordinance language for medical marijuana, they need to direct staff to include it. He is concerned specifically about the possibility of measuring 300 feet differently for medical and recreational facilities.

Kidd explained the difference in the way the 300 feet would be measured. Current Code for medical marijuana says that the 300 feet is measured to the zone. Tonight's ordinance applies to recreational marijuana and proposes measuring 300 feet between property lines. Including medical marijuana in this ordinance would be a drastic change.

Blaine said staff needs clear direction whether the requested language is to apply to medical marijuana uses, or only to recreational.

The Council indicated agreement that they do not want staff to add medical uses to this ordinance.

Blaine said staff created some maps showing the effect of the ordinance on recreational uses and the effect if it was also applied to medical. He handed out the maps (see agenda file).

Richardson said there are lots of nuances and generalizations in the maps. In making the maps, staff looked at various zones, and asked, if someone wanted to grow something, where could they do that? Both residential and industrial zones allow agricultural uses. Most commercial zones allow retail sales and services, which includes plant nurseries. The same method was used for processing and wholesale.

Konopa asked, what about odor? Richardson said the state has odor regulations in place. He suggested that the Council think about what particular impacts concern them, and staff can look at what the state regulations say.

Delapoe reminded the Council that place is in the zoning and manner is an overlay, like the Council's regulations on pawn shops and second-hand dealers. If the Council would tell staff what values they want to protect, it would help. So far, the Council has only given staff direction on proximity, in hopes that it would provide protection for other values.

Collins said he would like to see what the state regulations are. Staff will provide copies of the state regulations.

BUSINESS FROM THE COUNCIL

Olsen said he heard a news item on public broadcasting about the Council's struggles with marijuana, and thinks it's strange that we are about the only people doing a puritanical prohibition. Konopa said there are more cities statewide that do not allow recreational marijuana than there are that do allow it. Kopczynski said Olsen was alluding to an NPR interview with himself (Kopczynski) and Konopa. He will provide the link to the interview to the other Councilors.

Collins said he and Olsen received an email from an elderly woman in their Ward. She is on a fixed income, but earns too much to be eligible for water and sewer subsidies. He is not sure how recently we have updated the threshold to qualify, and wants the Council to look at it again. As we continue to raise rates, if people's fixed income isn't rising as fast as the rates, then our threshold may need to change. Blaine said a 35-cent surcharge funds the subsidy. The City is only spending about 50% of that revenue on the subsidy, but it would be nice to offer the program to more residents. There isn't a good way to estimate what percentage to raise it to in order to come out even. Konopa would like to see it reviewed and come back to Council.

Collins said he will not be here for the August 1, 2016, City Council Work Session.

Konopa said that in order to have a gas tax on the November ballot, the City would have to have an ordinance adopted by August 10, 2016. Kellum said, if Corvallis is not putting a gas tax on the ballot, then Albany gas retailers would lose business. It's a good idea to do it at the same time.

Olsen said he agrees with Kellum.

Salinas informed the Council that staff is working on a plan to do lead testing in City facilities including City Hall, the two libraries, Maple Lawn Preschool, and the Senior Center.

Collins said for clarification that all lead testing is facility based. The water in the City mains does not exceed the action level. There is no threat from the city water supply. Blaine said the testing is proactive. There is no reason to believe any threat exists. Blaine explained that Public Works carefully controls the pH of the City's water, which reduces the potential for the water to pull lead out of fixtures. Discussion followed.

Blaine presented a draft letter (see agenda file) for the Mayor's signature. The DEQ has released the stormwater permit for public comment. Staff will likely submit several hundred comments, as they did on the last draft. The letter comments on the big-picture items and will be submitted with the staff comments. He asked the Council to authorize the Mayor to sign the letter.

Albany City Council Regular Session
July 27, 2016

MOTION: Collins moved to authorize the Mayor to sign the letter addressed to the Hearings Officer for the Oregon Department Environmental Quality regarding the Phase Two MS4 stormwater permit. Kopczynski seconded the motion, which passed 6-0.

NEXT MEETING DATE: Work Sessions on Monday, August 1, 2016, and Monday, August 8, 2016; and a Regular Session on Wednesday, August 10, 2016.

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Jorge Salinas
Assistant City Manager/Chief Information Officer

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, August 8, 2016
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:00 p.m.

ROLL CALL

Councilors present: Mayor Sharon Konopa and Councilors Rich Kellum, Ray Kopezynski, Floyd Collins, Dick Olsen, and Bill Coburn.

Councilors absent: Councilor Bessie Johnson was excused.

BUSINESS FROM THE PUBLIC

There was none.

RECORDS INFORMATION MANAGEMENT POLICIES REVIEW

City Clerk Mary Dibble updated the Council on Information Management policies. A past Council had requested this update yearly. The current Council has not made that request. No action is required. None of the changes in the policies are substantive. In the future, the Clerk will bring only significant changes or changes that require Council action to the Council.

Councilor Ray Kopezynski said he has heard a number of comments about lack of transparency. He asked how long it usually takes to respond to public records requests, and how many redactions are usually made. Dibble said most records requests are completed in two to four days. When it takes longer, that's usually because we have to track down the requested documents in the Recorder files or forward the request to the City Attorney. We seldom have to redact what we release. City Manager Wes Hare said we would all like to see as much archived material as possible put up on the Web. The problem is that past archiving was done before the Web was envisioned, so archived documents may have confidential information we aren't allowed to release. In order to be sure, we have to go through all the archived records. Our eventual goal is to make every document available at any time.

Councilor Dick Olsen asked Dibble if there is anything in the policies that staff hoped the Council would notice. She said no, just that staff works hard to keep the policies current. The Clerk has over 6,000 Recorder files. Some of them have Social Security numbers, copies of checks, driver's licenses, etc. in them. Payroll Accountant Allison Liesse has been working to identify and redact information that cannot be released; we don't want just anyone to do the job, but someone with a librarian's mind and who cares about the records. Releasing documents before they're inspected and the personal information cleaned up would be a huge liability.

401 MAIN STREET PROPERTY UPDATE

Public Works Operations Director Chris Bailey referred to the memo in the agenda packet. Although the City had to close the 2014 Request for Proposals (RFP), there is continued interest in the property. The City could sell it outright, lease it (or lease to buy), or do another RFP. Originally the Council wanted to be involved in selecting the final use for the property, which is why staff did the previous RFP. It will take a lot of money and dedication to get the property rehabilitated. Does the Council still want to do an RFP?

Economic Development and Urban Renewal Director Kate Porsche said she has a spreadsheet with a list of interested parties. There is one interested local person who could probably do it right. The 2014 RFP only had two responses.

Kopezynski said the building is deteriorating. He asked if Bailey could say how the bidders think they will make money? Bailey said the person Porsche mentioned works at restoring older structures and could probably do most of the work himself. It might take longer, but he would do a good job. The other proposal received in 2014 was from someone who has restored a similar property and leases it for church services and community events. Staff had some concerns that he might not have estimated his proposal correctly.

Porsche said the person mentioned before would not only do much of his own work, but would house his business in the building, so it would be a long-term investment for him.

Councilor Bill Coburn said if we just put the property up for sale, someone could buy it and tear it down. If there's interest in restoring the building, he thinks the RFP process makes sense. There would be no guarantee, but you

can't put conditions on a market sale. Porsche said she and Bailey have received a lot of email from citizens who want to see the building restored and used.

Councilor Rich Kellum asked if the City has any legal obligation from the 2014 RFP. Bailey said no. The RFP was written with the condition that the City could cancel it at any time. Purchasing Coordinator Diane Murzynski sent a letter to both parties who had responded to the RFP.

The Council discussed the zoning of the property and parking availability.

Kopczynski said the City pulled money out of the street fund at the first RFP. He's concerned that a new owner would want additional money from CARA.

Konopa said we don't have many historic structures like this one left in Albany. She's worried that the longer we wait, the more the building deteriorates. That's not a good location, and the building should be moved. The risk is that it could fall apart if moved. She thinks we should see if there's interest in an RFP, and if not, just move it ourselves and sell it to someone to revitalize. Kellum agreed that the building would be a huge challenge to move. Coburn said he would not agree to the City taking the risk. Konopa asked if the Council wants it there long-term. Kellum said the Council shouldn't micro-manage. If someone can do it where it is, and get it back on the tax rolls, if not, we can rethink. Olsen agreed. He said it's in the CARA district and is a landmark in that neighborhood. If it were used for a church, there is plenty of parking available nearby. He thinks the City should do an RFP, and be prepared to give a hand with CARA. Kellum suggested giving bidders the fewest restrictions we can to encourage a buyer. Konopa asked if staff had talked to a moving company to see if it's movable. Bailey said no. When the property was purchased, the assumption was that Santiam Road would be rerouted through the property. At that time, a structural engineer evaluated it, but not with the idea of moving it. Staff has had some contact from people who thought about moving it, but after they looked at it, they didn't want it. Councilor Floyd Collins suggested a two-option approach: where is/as is, or acquire/move. Bailey there was a lot of flexibility in the last RFP, but respondents didn't seem to really understand that the City would be flexible. This time, staff will make sure prospective bidders understand that. Konopa suggested using the Preserve Oregon Facebook page to get the word out. Whatever we do we need to do it soon.

The Council agreed that staff should move forward with an RFP.

FOOD CART REGULATIONS

Planning Manager Bob Richardson gave a PowerPoint presentation (see agenda file). In January, the Council asked staff for information about food cart policies. That's what he has today – an overview of issues related to food carts. There are three ways to operate a food cart in Albany: by 30-day license, temporary site plan permit, or full site plan review through the Planning Commission. Albany's Municipal Code and Development Code weren't designed to deal with food carts, so the permitting can get clumsy. If changes are to be made, the Council needs to decide whether to encourage food carts, discourage them, or maintain the status quo.

Kellum said some carts on the map Richardson presented are still operating, though their 30-day permits have expired. Richardson said the 30-day permits are good for 30 days on one site. They can move to a different site and get another 30-day permit. Tracking and enforcement are a challenge. Collins said food carts have to be licensed by the Health Department. If they move to a different site, do they have to get a new Health Department license? Could we work with the Health Department to get notice when carts move? Richardson said staff have had conversations with the Health Department to see how we can coordinate.

Richardson presented a slide listing issues to consider. Konopa said the Council talked about this kind of thing when coffee kiosks became popular. Richardson said yes, there are regulations in the Code for them. They are permanent buildings. The difference is for the carts that want to be temporary. For temporary businesses, the Development Code doesn't require parking, but has some other requirements attached, like landscaping and a paved surface. The question is, if it's temporary, what site improvements can we reasonably require?

Richardson said the issues on his slides primarily relate to a food-cart pod rather than stand-alone food carts. He listed some of the issues that would need to be considered. Site plan review criteria can be used for food carts, but they weren't designed for food carts. There are no specific requirements for how to deal with wastewater, for instance. We talk about those kinds of things in the permit process, but it's not as direct. Site plan review can take a month and a half to two months, and might not have much of an impact on the outcome for a food cart.

Richardson said there are several possible options: keep the current policy; make minor revisions to the policy; revise the policy to encourage food carts; or revise it to discourage them. Staff recommends Option 2, keeping the present policy and making minor revisions.

Kellum said there are two issues: food cart pods, and short-term food carts. Our primary concern is safety, including illness, fire, and mess. For short-term carts, we could use the same regulations we use for festivals like Art and Air, plus require them to demonstrate that they're in good standing with the Health Department and have a Form 941. This wouldn't require a lot of staff time. Staff could set minimum standards for location, waste disposal, etc. If they have the documentation available when they apply for a permit, it wouldn't take much staff time.

Konopa restated that staff is recommending Option 2. She asked the Council if that's what they want staff to pursue. Kopczynski said he'd like to use Option 2 with the long-term goal of using Option 3 to encourage food carts. Richardson said staff could use regulations from other communities as examples. He likes the City of Sandy's review process. Kopczynski said we should look at communities whose regulations are working.

Hare said no policy will solve all the issues. You end up with a policy you can live with. Our policy isn't in crisis. The carts succeed or fail because people in the community want them to succeed or fail. The issue deserves more attention, but we won't ever make everyone happy.

Richardson said he talked to the cities of Corvallis and Springfield. They have both spent a lot of time on food carts, but there aren't many carts in Corvallis and none in Springfield. The Council should consider how important this problem is compared to the time required to solve it. Coburn said he's not interested in doing anything. If the Council wants to look at it further, he'll go along, but he's not interested in looking at it, especially if it takes "several years" of staff time as in Option 3. He asked, what's the return on investment? He doesn't see it in a transient food cart. This is not Portland.

There was discussion about disposal of gray water.

Collins said he doesn't want to discourage the little mobile cart guys, like the non-motorized cart pulled by a pickup. If they're taking care of their waste, he doesn't care about regulating them. If we want to talk pods and spend City time, we need to know if the public wants that. Where's the clamor for food pods?

Olsen said he is in a quandary. Where does a little guy get a chance to get a start? But some towns are less fussy about regulations, and they attract people and it becomes more like the county fair. Maybe that's the kind of place for food carts. But you have to have some standards about waste. Maybe we should just try food carts and if a problem develops, then solve the problem.

The Council agreed that they support Option 2.

Public Works Engineering and Community Development Director Jeff Blaine asked if the 30-day permit process should be moved from the City Manager's office to the Planning Department? Hare said yes.

BUSINESS FROM THE COUNCIL

Kellum asked if a place has been found for the time capsule in one of the new buildings? Public Information Officer/Management Assistant Marilyn Smith said yes, it will be at the Police station.

The Council discussed logistics for the ground-breaking at the new Fire and Police stations tomorrow.

CITY MANAGER REPORT

Hare spoke about his trip to China and his experience on the Great Wall.

Blaine said the flashing crosswalk lights around Grand Prairie Park and at 34th won't be getting funding from ODOT. He asked if they are still a Council priority. Konopa asked if they are SDC-eligible. Blaine said no, but we might be able to get some of them done from reserves. Collins suggested prioritizing the lights we want and pursue the ODOT application. Blaine will bring a map and list of the crossing locations to the meeting on Wednesday, August 10.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:25 p.m.

Respectfully submitted,

Allison Liesse
Accounting Specialist

Reviewed by,

Wes Hare
City Manager



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Mario Lattanzio, Chief of Police

M. LATTANZIO

DATE: September 21, 2016, for September 28, 2016, City Council Meeting

SUBJECT: Limited On-Premises Sales, Off-Premises Sales, New Outlet, Liquor License Application for No Rails Ale House, Inc., located at 123 First Avenue SE, Suite 105 and 106.

Action Requested:

I recommend the Limited On-Premises Sales, Off-Premises Sales, New Outlet, Liquor License Application for No Rails Ale House, Inc., located at 123 First Avenue SE, Suite 105 and 106, be approved.

Discussion:

Joshua Clist, James W. Van Deusen, James M. Van Deusen, and Shannon Guerin-Van Deusen, on behalf of No Rails Ale House, Inc., have applied for an Limited On-Premises Sales, Off-Premises Sales, New Outlet, liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicants have no criminal record.

Budget Impact:

None.

MSR



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: John R. Bradner, Fire Chief *JRB*
DATE: September 21, 2016, for the September 28, 2016, City Council Meeting
SUBJECT: Acceptance and Appropriation of Hospital Preparedness Program Grant

RELATES TO STRATEGIC PLAN THEME: ● A Safe City

Action Requested:

City Council approval by resolution to accept and appropriate funds for the Hospital Preparedness Program Grant for EMS training props to be shared by Linn County Emergency Medical Service (EMS) providers.

Discussion:

Through the National Bioterrorism Hospital Preparedness Program (CFDA 93.889), the Oregon Health Authority identified Hospital Preparedness Program (HPP) grant funding for Linn County EMS providers. The funding must be used for EMS equipment or supplies that provide countywide benefit. Linn County EMS providers identified EMS training props that will be available for use by all EMS providers in the county as a valuable use of the grant funds.

The Oregon Health Authority requested that Albany Fire Department be the fiduciary agent on behalf of the Linn County EMS providers.

There are no matching funds required for the Hospital Preparedness Program Grant.

Budget Impact:

\$4,000 – Hospital Preparedness Program Grant (203-25-5120)

JB:ljh

Attachment

A RESOLUTION ACCEPTING AND APPROPRIATING FUNDS FOR THE HOSPITAL PREPAREDNESS PROGRAM GRANT FOR EMERGENCY MEDICAL SERVICE (EMS) TRAINING PROPS TO BE SHARED BY LINN COUNTY EMS PROVIDERS.

WHEREAS, the Oregon Health Authority directs funding from the Hospital Preparedness Program Grant through the National Bioterrorism Hospital Preparedness Program to support regional healthcare system preparedness; and

WHEREAS, the Oregon Health Authority has identified funding for EMS supplies or equipment to benefit Linn County EMS providers; and

WHEREAS, the Linn County EMS providers have identified EMS training props as a countywide need for use of the Hospital Preparedness Program Grant funds; and

WHEREAS, the Hospital Preparedness Program Grant does not require any matching funds; and

WHEREAS, the Oregon Health Authority requested that the Albany Fire Department be the fiduciary agent for receipt and distribution of the grant funds on behalf of the Linn County EMS providers; and

WHEREAS, Oregon Local Budget Law provides that expenditures in the year of receipt of grants, gifts, bequests or devices transferred to the 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, the Albany City Council authorizes the Fire Department to receive funds in the amount of \$4,000 from the Hospital Preparedness Program Grant for EMS training props to be shared by Linn County EMS providers.

BE IT FURTHER RESOLVED, the Hospital Preparedness Program Grant funds are hereby appropriated as follows:

Resources:	Debit	Credit
203-25-5120-42017		\$4,000

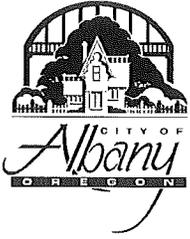
Requirements:		
203-25-5120-61024	\$ 4,000	

DATED AND EFFECTIVE THIS 28TH DAY OF SEPTEMBER 2016.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager
Chris Bailey, Public Works Operations Director *CB*

FROM: Jon Goldman, Transportation Superintendent

DATE: September 21, 2016, for the September 28, 2016, City Council Meeting

SUBJECT: Contract to Purchase a Jet A Fuel Truck

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government

Action Requested:

Staff requests Council authorization to work with the City Attorney to develop a contract with Infinite Air Center, our Fixed Base Operator (FBO), for the purchase and operation of a fuel truck for the Albany Municipal Airport.

Discussion:

The ability to sell Jet-A fuel has been in the Albany Municipal Airport's long-range plans for many years. Currently, the Airport only offers Avgas for sale from a City-owned, above ground tank and pump. Development of Jet-A fuel is a key piece in plans to expand the customer and tenant base of the Airport, and is likely to encourage the construction of additional private hangars. The Airport Master Plan includes the addition of an additional above ground fuel tank for Jet-A fuel within the twenty-year planning period.

Prior to developing a capital project to install a new tank for Jet-A fuel, staff and the FBO discussed developing a pilot project using a fuel truck. Using a truck will allow staff and the FBO to develop a sense of the potential demand for Jet-A fuel without the significant capital cost of a new tank. The usefulness of the fuel truck will not be lost if a tank is installed, because it will provide a method to get the fuel from the tank to the aircraft. Jet powered aircraft are typically not going to taxi to the fuel tank, but could be filled remotely using a truck.

Infinite Air approached staff with a proposal regarding the purchase of a used fuel truck approved to dispense Jet-A fuel. Total cost of this truck is estimated to be \$31,000, and Infinite Air has placed a down payment of \$2,000. The request from Infinite Air is for the City to pay the remaining balance to purchase the truck. Infinite Air will then purchase the truck from the City over a five-year period. Additionally, Infinite Air is proposing a profit sharing relationship over those five years rather than paying a fuel flowage fee. Our existing contract with the FBO requires that they pay the City six cents per gallon of Avgas sold. Applying this flowage rate to the estimated Jet-A fuel sales results in revenue to the City of \$7,200 over five years. The 25% profit sharing model proposed by the FBO would provide the City almost \$20,000 over five years for the same amount of fuel sold. Additionally, the FBO would be responsible for all costs related to the fuel truck including insurance and maintenance.

If for some reason the FBO is not able to complete the purchase of the fuel truck, staff would then discuss with Council either managing Jet-A fuel sales with the truck using City staff, or simply selling the truck to recover our costs.

This proposal has been shared with the Airport Advisory Commission, which supports the development of a Jet-A fuel sales using this fuel truck option. The Airport Capital budget has adequate reserves to purchase the fuel truck. Staff requests Council direction regarding the options for revenue from the profit sharing model or the fuel flowage fee model.

Budget Impact:

Expenditure

211-50-1115	Fuel Truck Purchase	\$29,000
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Revenue (over five years)

211-50-1115	Repayment of Purchase	\$29,000
	Profit Sharing Model est.	\$19,850 or
	Fuel Flowage Fee est.	\$ 7,200

JCG:CB:rk

CC: Sean Kidd, City Attorney



TO: Albany City Council

VIA: Wes Hare, City Manager
Jeff Blaine, P.E., Public Works Engineering and Community Development Director JB

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

DATE: September 21, 2016, for the September 28, 2016, City Council Meeting

SUBJECT: Award of Professional Services Contract for Consulting on WC-13-01, Canal Diversion Structures

RELATES TO STRATEGIC PLAN THEME:

- A Safe City
- An Effective Government

Action Requested:

Staff recommends Council award a professional services agreement in the amount of \$373,900 to Cardno of Portland, OR.

Discussion:

On June 30, 2016, proposals were received for consultant services for WC-13-01, Canal Diversion Structures, in response to a Request for Proposals (RFP). One proposal was submitted (Cardno of Portland, OR) in response to the publicly advertised RFP. This was the second request for proposals, as the first request did not generate any interest.

A three-member selection review team determined that Cardno's proposal met the minimum criteria and they were qualified to provide the design services defined in the RFP. The team reviewed Cardno's cost proposal and determined that their costs were reflective of the work to be performed. Cardno's scope of work includes much more than a standard design, as there are significant pre-design and permitting efforts required for these improvements. Coordination and approval of design is required with at least eight different agencies.

Project Background

Cardno's work efforts will focus on three separate, but related, structures on the Santiam-Albany Canal. There are existing inadequate and deteriorated structures in all three locations. Project drivers include hydropower license requirements, Water Resource Department requirements related to our water rights, and our newly negotiated Intergovernmental Agreement (IGA) with the City of Lebanon. Improvements to CZ Gates and the Marks Slough diversion are required to redirect Lebanon's stormwater flows away from the Canal. Consistent with the terms of the IGA, Lebanon has already contributed \$500,000 towards these improvements with additional funds being contributed towards stormwater removal in future years. A vicinity map showing the location of each facility is provided as Attachment 1.

Diversion Structures at Marks and Hospital Sloughs

Constructed in the early 1900s, both of these structures have exceeded their service life and are in a state of disrepair. Seasonal water diversions into Marks and Hospital Slough are necessary to comply with hydropower license requirements (Federal Energy Regulatory Commission, Article 416) regarding protection of threatened and endangered species habitat. In response, the City has transferred water rights to these locations. The Oregon Water Resources Department requires installation of more accurate diversion/monitoring equipment before certifying the transferred

rights. Additionally, the existing structures are not constructed to control flows in the manner required under the hydropower license or as necessary to divert Lebanon's stormwater flows away from the Canal. Improvements are also needed to facilitate operation and maintenance activities in a way that is compliant with Occupational Safety and Health Administration (OSHA) standards.

Crown Zellerbach (CZ) Gates

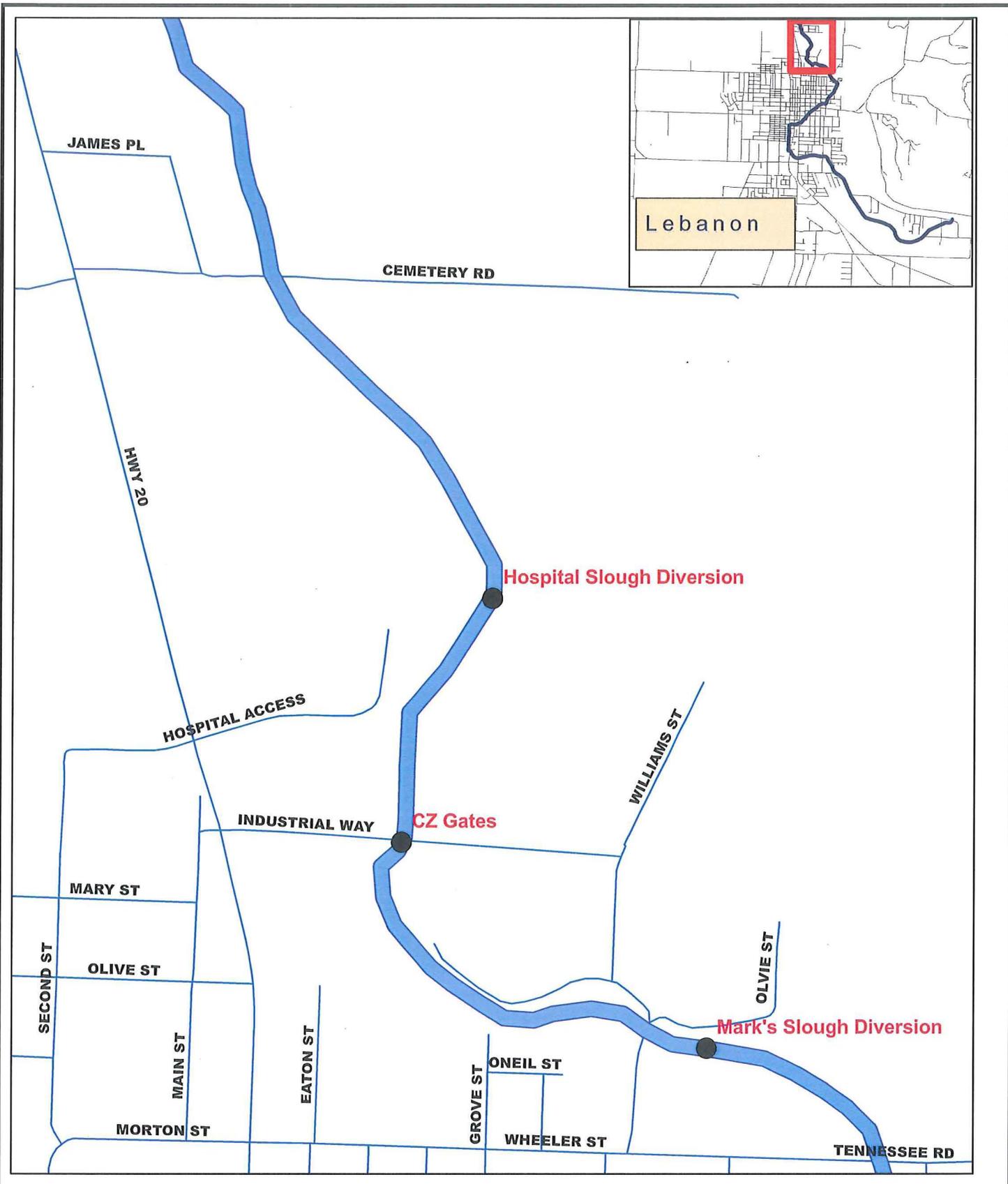
The CZ Gates are flow control facilities located on the Santiam-Albany Canal within the City of Lebanon. The purpose of CZ gates is to regulate flows to Marks Slough by backing Canal flows upstream to the Marks Slough Weir. Design and construction of the CZ gates improvements is being coordinated with the Canal Diversion structures because of this influence. Constructed in the 1940s, the CZ Gates and their ancillary equipment have deteriorated significantly over the years. There are five bays making up the gate structure; however, only three of them have control gates, and only two of the gates are operable. The concrete structure has significant spalling and deterioration. Because of its condition and lack of operational control, rehabilitation and/or replacement is required under our FERC license. Rehabilitation and/or replacement is also required in order to effectively divert Lebanon's stormwater flows away from the Canal.

Budget Impact:

This project will be funded from Water System Capital Projects (615-50-1308).

NN:SB:rk

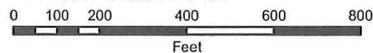
ATTACHMENT 1



Santiam-Albany Canal



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



Attachment 1: WC-13-01 Canal Diversion Structures Vicinity Map

City of Albany - 310 Waverly Dr. NE, Albany, Oregon 97321 (541) 917-7600



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Mario Lattanzio, Chief of Police 
DATE: September 19, 2016, for the September 28, 2016, City Council Meeting
SUBJECT: Reclassification Request

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government
● A Safe City

Action Requested:

Council authorization for the reclassification of one Police Officer position to Police Lieutenant effective January 1, 2017.

Discussion:

In January 2016, Linn County was designated as a High Intensity Drug Trafficking Area (HIDTA). This designation allows access to federal dollars to help address drug issues in our community. Since receiving the HIDTA designation, Linn County Law Enforcement Agencies, along with the Drug Enforcement Administration, have been working together to form a Linn Interagency Narcotics Enforcement (LINE) Task Force. With this new Task Force, the Albany Police Department will be assigning a Police Lieutenant to be the LINE Team Commander as well as one Detective. In order to accomplish this, a Police Officer position needs to be reclassified to a Police Lieutenant position.

The Agencies participating in the LINE Task Force include Albany Police Department, Linn County Sheriff's Office, Lebanon Police Department, Sweet Home Police Department, Oregon State Police, Linn County District Attorney's Office, and the Drug Enforcement Administration. An Intergovernmental Agreement regarding LINE is in the process of being finalized and will be presented to the City Council for consideration in the next few months.

Budget Impact:

The cost for reclassification of this position is \$29,500 for six months. The cost can be absorbed into the department's current budget for Fiscal Year 2016-2017.

ML:de

c: David Shaw, Human Resources Director