RESOLUTION NO. 2823

A RESOLUTION ADOPTING THE 1988 URBAN GROWTH MANAGEMENT AGREEMENT AND REPEALING RESOLUTION NO. 2279

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does adopt the attached Exhibit " 2 " known as the **"Agreement Between the City of Albany, Oregon and Benton County, Oregon for the Management of the Albany Comprehensive Plan as it Pertains to the Urban Growth Boundary and the Urban Growth Area"**. This agreement will be the governing procedure for continued implementation of the Albany Urban Growth Boundary and plan for the Albany Urban Fringe pursuant to ORS 197.190.

Be it further resolved that Resolution No. 2279 is hereby repealed.

Dated this 26th day of October, 1988

Tom Holman
Mayor

ATTEST:

City Recorder

Goal 11: Water Service (Continued)

13. Coordinate with other local jurisdictions and state and federal agencies to ensure a safe water supply.

Goal 11: Storm Drainage

1. Protect existing drainage systems and easements, allowing modification to existing open drainageways upon approval and in conformance with other Comprehensive Plan policies.*

2. Cooperate with the Department of Environmental Quality and the Environmental Protection Agency to restrict discharge of polluted storm water into any waters of the state.

3. Encourage drainage systems which utilize natural drainageways unless it can be shown that a conventional piped drainage system is a more suitable alternative.

Goal 11: Wastewater Treatment

2. Review and regulate development proposals to ensure adequate wastewater service improvements will be provided to the development and to future developments and ensure that adequate assurances have been secured for participation in the public system when these services become available.

3. Prioritize extension of sanitary sewer service as follows:

   a. Declared health hazard areas within the city limits.
   b. Declared health hazard areas within the Urban Growth Boundary.
   c. Properties within the city limits of Albany.
   d. Unincorporated buildable lands within the Albany Urban Growth Boundary, where there is an agreement to annex.
   e. Other incorporated cities.

   Base criteria for extension of service on findings that provision of service to low priority areas will not impair the City's ability to serve a higher priority area and in recognition of the City's contractual service obligations.

4. Require execution of annexation or consent to annex agreements to receive sewer service in unincorporated areas.

5. Prevent the development, or expansion of "stand alone" wastewater treatment plant systems within the Urban Growth Boundary that are not planned as part of the City's facility.

8. Continue to develop specific plans and funding mechanisms for expansion of the wastewater treatment plant which includes proposed resolution of domestic wastewater treatment for the city of Millersburg, North Albany, and other expanding areas of the Urban Growth Boundary.

Goal 11: Solid Waste

1. Ensure that the solid waste franchise continues to provide a full range of solid waste disposal services including a recycling program that:
   a. Increases awareness for the need to recycle.
   b. Considers the needs of the residential, commercial, and industrial waste generators.
   c. Promotes utilization of recycling efforts.

3. Work with Linn and Benton Counties and other nearby jurisdictions to assure continuous provision of regional, cost effective solid waste disposal.

Goal 11: Other Utilities

2. Easements necessary for the provision of utility services shall be protected.

Goal 11: Police and Fire Protection Services

2. Ensure that all development can be provided with adequate police and fire protection. Particular consideration shall be given to:

   a. Fire hydrant distribution and sufficient water flow capabilities for adequate fire protection to promote a high level of public safety.
   b. Street layout and site design features that promote easy emergency vehicle access and building identification.
   c. Exterior site lighting.
   d. Building layout, and site landscaping.
   e. Building proximity and relationship to other buildings on and off the site.

3. Work with county, state and federal agencies to coordinate improvement of City and County law enforcement and justice services.

Goal 11: Education

1. Encourage the siting of future elementary schools in locations which are separated from arterial streets and minimize the need for children to cross arterial streets.

2. Review all major residential proposals for:

   a. Safe and efficient access to school and park sites.
   b. Potential impacts on the school system.
   c. The adequacy of existing facilities and the need for new facilities.

COMMUNITY NEEDS
SOCIAL AMENITIES

Goal 8: Parks and Recreation

1. Continue to provide and develop a system of multi-purpose parks and facilities that consider:

   a. Opportunities for both passive and active recreation.
   b. Recreation and leisure needs of Albany's special populations (i.e. the handicapped, elderly, low-income, and others whose activity capabilities or geographic mobility are limited).
   c. Protection and enhancement of natural environmental qualities and values.
   d. Albany's existing natural resources such as drainageways, rivers, woodland areas, and other scenic and open space features.

5. Develop Albany's Willamette River parklands and encourage development of those parklands within proximity to the Albany area as a major recreational focus. In particular, promote the following:

   a. Continued use of Monteith Riverpark for a variety of cultural and social events.
   b. The development of Takena Landing Park as a "river-user" resource by developing boat launching, nature trails, and camping opportunities.
   c. The development of pedestrian and bicycle paths along the Willamette River linking major recreation facilities and nearby communities.

Goal 5: Aesthetics

1. Expansion and new development projects shall be designed and landscaped to complement and enhance the appearance of the development site and surrounding area.

5. Recognize and protect the unique aesthetic contribution that the Willamette and Calapooia Rivers lend to the Albany area.

CHAPTER 3: GROWTH MANAGEMENT PROCESS

Goal 14: Directing Growth

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

2. Discourage low density sprawl development within the unincorporated portion of the urban growth boundary that cannot be converted to urban uses when urban services become available.

Goal 14: Directing Growth (Continued)

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

4. Allow the development of existing lots designated for residential use on the Albany Comprehensive Plan within the unincorporated portion of the urban growth boundary, subject to the following criteria:

   a. Prior to development, of a new residence on a lot that does not meet the designated minimum parcel size for that zone, an annexation agreement is recorded for the property that provides for non-remonstrance to annexation.
   b. Prior to development of a new residence, which requires an urban level of services (such as sanitary sewer or city or service district water), an annexation agreement is recorded for the property that provides for non-remonstrance to annexation.
   c. All applicable County development standards are met including on-site sewage disposal system approval and legal access to a public street,
   d. An urban conversion plan is submitted for City and County review. The urban conversion plan shall demonstrate the potential division of the property to urban densities and the desired location of streets and points of access.
   e. The property was not created illegally.

5. Allow expansion or modification of commercial and industrial uses within the unincorporated portion of the Urban Growth Boundary provided that:

   a. The use is consistent with the City's Comprehensive Plan designation or the modification complies with the more restrictive of the County or City's non-conforming use provisions.

   b. A site plan is approved by the City o f Albany and County whereby all development requirements of the City and County are met to the maximum extent possible which include:

      (1) Access, parking, and loading requirements.
      (2) Setback and yard requirements.
      (3) Landscaping, buffering, and screening.
      (4) Adequate public facilities and services.
      (5) All other applicable planning and building requirements.

   c. An annexation agreement and Petition for Improvement/Waiver of Remonstrance are filed for the property that require non-remonstrance to annexation and construction of city services and streets to urban standards.

6. Maintain and periodically update urban growth boundary management agreements with Linn and Benton Counties to facilitate the orderly transition of the Urban Growth Boundary fringe area to urban densities.

Goal 14: Directing Growth (Continued)

7. Provide delayed annexation procedures for new and existing residential development within the unincorporated portion of the Urban Growth Boundary to facilitate provision of urban services and an orderly and efficient urbanization.

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

9. Encourage the use of already serviced vacant and underdeveloped land through adaptive reuse of older areas of the community and the development and/or partitioning of lots which can meet minimum lot size requirements .

10. The size and type of future regional and community commercial sites shall be commensurate with the area to be served and located so as to be easily accessible by the service area. Approvals of additional regional and community commercial sites may be predicated upon studies requested by the City which assess public need, impacts upon competing commercial areas, traffic impacts, and impacts upon other public services

11. Provide opportunities for neighborhood commercial facilities to be located within an accessible distance of the area they are intended to serve. Neighborhood commercial uses shall:

    a. Be located, designed, and operated so as to be compatible with surrounding residential uses.
    b. Be oriented to provide for the common and frequently recurring shopping needs of the area they are intended to serve.
    c. Be limited in number, size, and location. Generally, new sites shall be less than five acres in total area and shall be located at least one-half mile in travel distance from any other commercial site which provides or is available to provide for similar commercial needs. Zone change applications for new neighborhood commercial sites must demonstrate that the chosen site is superior or equal to viable alternative sites within the same market area based on exposure to traffic flows and other market indicators, accessibility and convenience to the market area, and compatibility with surrounding uses.

12. Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas which will foster:

    a. Efficient and safe utilization of transportation facilities.
    b. A variety of attractive and comfortable shopping opportunities that encourage shopping in a number of stores without auto use.
    c. Compatibility between land uses, particularly adjacent residential neighborhoods.
    d. Efficient extension of public facilities and services.

Goal 14: Directing Growth (Continued)

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

14. Within planned unit developments, commercial recreation and retail uses may be allowed which are designed to be compatible with the development and which can be supported primarily by its residents.

15. Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.

Goal 14: Development Review

1. Encourage practices, programs, and incentives which will result in voluntary actions which support Plan goals and policies.

2. Encourage design innovation but ensure site design considers site characteristics, potential impacts on surrounding areas, and applicable Comprehensive Plan policies (i.e access, vegetation, soils, slopes, public facilities and services, energy conservation, recreation, natural and other hazards, etc.).

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.

4. Encourage flexibility in design review and interpretation of policies and regulations by ensuring that functional design and community benefit remain as the principal review criteria. Consider variance, conditional use, and special request procedures where strict interpretation of regulations would impede fulfillment of these criteria.

5. Ensure that the City's land use planning process and its policy framework is workable and understandable for local officials, staff, and the public and that the degree of application and review is commensurate with the size and complexity of various development requests.

6. Use the following criteria to balance the relative importance of conflicting Comprehensive Plan statements when applied to a particular use or development request:

   a. Which goal or policy better serves both the existing and future public need?

Goal 14: Development Review (Continued)

b. With the exception of the conflicting statement(s), does the proposal conform to the overall purpose and objectives of the Comprehensive Plan?
   c. How will deviation from a particular Plan statement affect the surrounding area?
   d. What precedent would be established by choosing one statement over another?

7. Periodically review and update all City and County implementing ordinances to ensure continued coordination, consistency in procedure, and efficient processing of development applications within the Urban Growth Management Area.

CHAPTER 3: GROWTH MANAGEMENT PROCESS
ENERGY CONSERVATION

Goal 13: Energy Conservation

1. Promote development and use of comprehensive energy conservation and management programs that provide opportunities for efficient energy use and subsequent cost savings associated with:

   a. Existing and future residential, commercial, and industrial uses.
   b. Transportation management and planning programs that are directed at transportation efficiency such as reducing dependence on the private automobile.
   c. Other efforts, such as conservation incentive and recycling programs.

2. Promote land use development patterns and projects that are energy efficient and cost effective.

4. Coordinate with state, federal, and local agencies and private utilities concerning energy issues and conservation efforts.

CHAPTER 3: GROWTH MANAGEMENT PROCESS
CITIZEN INVOLVEMENT

Goal 1: Citizen Involvement

2. When making land use and other planning decisions:

   a. Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.
   b. Utilize all criteria relevant to the issue.
   c. Ensure the long-range interests of the general public are considered.
   d. Give particular attention to input provided by the public.
   e. Where opposing viewpoints expressed, attempt to reach consensus where possible.

Goal 1: Citizen Involvement (Continued)

5. Continue an active coordination program with agencies and other governmental units. The program should include:

   a. Defining areas of mutual interest (e.g. development of land outside the Urban Growth Boundary and other areas where development may affect the city).
   b. Information sharing on issues of mutual interest.
   c. Scheduling of regular meetings.
   d. A process of notification and review of new development projects among affected jurisdictions and agencies.
   e. Participation and support of planning efforts dealing with issues of regional concern.

6. Review the creation of, expansion, and/or development plans of any special district that has the purpose of providing public facilities and services within the Urban Growth Boundary. The City's review shall determine if the proposed special district, development, or expansion plans:

   a. Meet the goals and policies of the City of Albany's Comprehensive Plan.
   b. Recognize the City as the ultimate provider of urban services.
   c. Incorporate adequate safeguards so that public services provided by the district can be phased into the City's public facility system.

CHAPTER 3: GROWTH MANAGEMENT PROCESS
UPDATING AND AMENDING THE PLAN

Goal 2: Land Use Planning

3. Consider periodic review as the most appropriate time to receive requests to amend the urban growth boundary. Amendment requests shall be based on:
   a) Criteria required for amendment of the affected jurisdictions' comprehensive plans.
   b) Demonstration that the amendment request will not impair the city's ability to implement the public facility plan to provide services, and;
   c) The facility plan can be concurrently amended to provide services to the affected area.*

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON

In the Matter of an Urban Growth Management Agreement with the City of Albany regarding Comprehensive Planning within the Albany Urban Boundary	)))))	ORDER

WHEREAS the City of Albany and Benton County have adopted an updated Albany Comprehensive Plan for application within the Albany Urban Growth Boundary in compliance with State Periodic Review and Statewide Land Use Planning Goal 14; and

WHEREAS in 1981 the City of Albany and Benton County adopted an Albany Urban Fringe Management Agreement to implement the Former Albany Comprehensive Plan; and

WHEREAS the City of Albany and Benton County agree to replace the Agreement with an updated agreement reflecting the amended plan attached as "Exhibit A"; and

WHEREAS the Agreement references the Albany Public Facilities Plan which contains elements addressing water, sewer, drainage and Transportation facilities for North Albany; and

WHEREAS, the County Board of Commissioners has adopted elements of the Albany Public Facilities Plan applicable to North Albany by separate resolution.

IT IS HEREBY ORDERED that the 1981 agreement is terminated and replaced with the new agreement attached as "Exhibit A".

The Chairman of the Board is authorized to sign the new agreement on behalf of Benton County.

Adopted this 19th day of October, 1988.

Signed this 19th day of October, 1988.

BENTON COUNTY BOARD OF COMMISSIONERS

Dale D. Schrock 10/19/88
Dale D. Schrock, Chairman

Charline P. Carr
Charline Carr, Commissioner

Jeanette Simerville
Jeanette Simerville, Commissioner

Approved As To Form:
Office of County Counsel

P7509/BOC

"Exhibit A"

APPENDIX VII
URBAN GROWTH BOUNDARY MANAGEMENT AGREEMENTS

AGREEMENT BETWEEN THE CITY OF ALBANY, OREGON AND BENTON COUNTY, OREGON FOR THE MANAGEMENT OF THE ALBANY COMPREHENSIVE PLAN AS IT PERTAINS TO THE URBAN GROWTH BOUNDARY, AND THE URBAN GROWTH AREA

INTRODUCTION

The City of Albany, Oregon (hereafter called the "City") and Benton County, Oregon (hereafter called "County") hereby agree to establish a joint management procedure pursuant to ORS 197.190 for the implementation of the Albany Urban Growth Boundary and plan for the Albany fringe, both of which form an integral part of the Albany Comprehensive Plan. The Albany Urban Growth Boundary is attached to this agreement as Exhibit "A". The City and County further agree to utilize the provisions of this agreement, the Albany Comprehensive Land Use Plan as amended, and the Benton County Comprehensive Land Use Plan as amended as the basis for review and action on Comprehensive Plan amendments, development proposals, and implementing regulations which pertain to the urban fringe. The urban fringe is defined as the area situated inside the Albany Urban Growth Boundary and outside the Albany city limits. Other definitions are located in the glossary of the Comprehensive Plan.

COMPREHENSIVE PLAN AMENDMENTS

For purposes of this agreement, Comprehensive Plan amendments include amendments to the Urban Growth Boundary (UGB), Plan map amendments within the urban fringe, and amendments to the Plan text which are considered by either the City or County to have an effect within the urban fringe. Proposed Plan amendments as defined above shall be processed as follows:

1. Initiation of Request: All requests for Plan amendments shall be initiated at the City. Applications for Plan amendments will be reviewed semi-annually in April and October, unless other review dates are approved by the Albany City Council or Planning Commission as allowed by Section 3.063 of the Albany Development Code. The City will process the amendment proposal as provided for in the Development Code Section 3.064, which requires final action by the City Council.

2. City Notification of the County: Upon receipt of a complete application, the City shall notify the County of the application request, and, if possible, establish joint City-County hearings. A proposed final hearing date shall be set at least 60 days in advance but not greater than 120 days from the acceptance date of the complete application. At least 45 days from the proposed final hearing date, the City shall notify the Department of Land Conservation and Development (DLCD), the County, and any affected service district of the request and the proposed final hearing date.

3. County Response: Within 14 days of the initial City notification, the County shall establish dates for County hearings and final action by the Board of Commissioners.

4. Shared Record: In the event that joint hearings are not conducted, the City and County agree to transmit a written copy of testimony and reports related to the proposed amendment in a timely manner so as to be available for review at subsequent separate hearings on the proposed amendment.

5. City/County Review: All amendments shall be approved, denied, or altered by mutual consent of both the City and County. If concurrence on any amendment request is not reached within 30 days of the final hearing date, a joint meeting of the City Council and County Commissioners shall be held to attempt to resolve differences. If concurrence still cannot be reached with 30 days of the joint meeting, the request is denied.

6. Time Extensions: Any time period or deadline listed above can be extended by mutual consent of the applicant, County, and City.

PUBLIC FACILITIES AND SERVICES

The City has adopted a Public Facilities Plan for all lands within the Urban Growth Boundary in accordance with the Statewide Goals and administrative rule (OAR Chapter 660, Division 11). This plan includes facility elements prepared by both the City of Albany and Benton County. The City and County do hereby agree that this plan, known as the "Albany Public Facilities Plan" and which on the date of this agreement is incorporated and adopted by reference herein, shall be the prevailing guide for the planning and improvement of all public facilities identified therein. Furthermore, the City and County agree that the Albany Public Facilities Plan, in as much as it affects portions of Benton County, may only be amended by mutual consent of both parties. In addition, the City and County may enter into a separate intergovernmental agreement to more particularly define the roles and responsibilities of each party for the planning and management of any portion of the public facilities system in North Albany.

DEVELOPMENT PROPOSAL REVIEW

The City and County agree to the following process for review and action on development proposals, and implementing programs which pertain to the Urban Fringe:

1. City Review of County Developments: The County shall notify the City and request review and recommendation on the following proposed development and planning actions within the urban fringe:

   a. Conditional Uses.
   b. Variances.
   c. Subdivisions, Minor or Major Partitions, and multi-family developments including Planned Unit Developments.
   d. Any development in the floodplain, any fill or excavation permits of 50 cu. yds. or larger, and any action in a designated wetland.
   e. Expansions or alterations of non-conforming uses.
   f. Capital improvement plans and programs (including street reconstructions of arterial or collectors, water and sanitary sewer system improvements and public drainage improvements), which are reviewed by the Board of Commissioners, including annual capital projects approved as part of the budget.

g. Zoning ordinance map amendments and zoning ordinance text changes affecting development in the Urban Fringe.
h. Recommendations for the designation of health hazard areas.
i. Requests for amendment or establishment of special districts.

The review criteria used by the City in reviewing property development in the urban fringe shall be the same as if that property were inside the city limits and zoned in accordance with the City Development Code Annexation Zoning Matrix of Section 3.030, unless City Zoning standards have been adopted in a County Zoning district and applied to property subject to a delayed annexation agreement. Where the type of development review provides for only City review and comment, the County shall have authority to interpret City comments and City standards in a manner which the County deems consistent with the City's Comprehensive Plan, City and County development regulations and apply such in a manner which the County deems appropriate to the scale of the development proposed. Where the City has commented on County actions, the County shall inform the City of the County's final action.

2. <u>County Review of City Developments</u>: The County shall make recommendation to the City on development proposals, and implementing programs which pertain to the Urban Fringe, but which are a responsibility of the City, including the following:

a. Adoption and amendments of the Public Facilities Plan.
b. Transportation facility improvements or extensions.
c. Sanitary sewer or drainage system improvements or extensions.
d. Public facility or utility improvement or extensions.
e. Requests for annexation and delayed annexation.
f. Planning or development actions for proposals adjacent to county roads.

Where the type of development review provides for only County review and comment, the City shall have authority to interpret County comments and County standards in a manner which the City deems consistent with the Comprehensive Plan, County and City development regulations and apply such in a manner which the City deems appropriate to the scale of the development proposed. Where the County has commented on City actions, the City shall inform the County of the City's final action.

3. <u>Review Process</u>: Whichever jurisdiction, City or County, has authority for making a decision with regard to items listed in 1 or 2 above, shall formally request the other jurisdiction to review and recommend action for consistency with its comprehensive plan and implementing ordinances. This request for review and recommendation shall allow the reviewing jurisdiction a minimum of 14 days within which to respond. If no response is received or extension requested, it will be assumed that the reviewing jurisdiction has no comment. If the positions of the two jurisdictions differ, the jurisdictions will consult with each other to attempt to resolve areas of disagreement. If the reviewing jurisdiction makes a comment or requests it, the jurisdiction having authority for making a decision (in regard to 1 and 2 above) shall advise the reviewing jurisdiction of its ultimate action.

SPECIAL DISTRICTS

The County Board of Commissioners shall not approve the creation; modification of district boundaries, authority, or responsibility; or engagement in new activities for any special districts pertaining to the Urban Fringe for the provision of utilities, transportation, recreation, or other public facilities or services unless such districts:

1. Recognize the City as the ultimate provider of urban service.
2. Are created with adequate safeguards to assure that the ability of the City to provide adequate services will not be impaired.

AMENDMENT

This agreement may be amended by either party provided that the following procedure is used:

1. A public hearing shall be called by the party proposing an amendment. That party shall give the other party notice of hearing at least 60 days prior to the scheduled hearing date. This 60-day period shall be used by both parties to seek concurrence.
2. Public notice of the hearing shall be in accordance with applicable state and local statutes and goals. An amendment may be approved, denied, or altered by mutual consent of both the City and County.

SPECIAL CITY-COUNTY COORDINATION POLICIES

Generally, the policies contained within the City's Comprehensive Plan are intended to guide City actions and the review of urban scale development. However, there are a number of policies upon which the City relies on the County in order to assure compliance, protect certain resources, and provide for future orderly growth. These policies are identified in Appendix VII-A attached to this agreement. Other policies can be added to Appendix VII-A by joint review of the City and County.

Dated this 26th day of October, 1988

CITY OF ALBANY

Tom Holman

Tom Holman, Mayor — October 27, 1988 (Date)

BENTON COUNTY BOARD OF COMMISSIONERS

Dale D. Schrock

Dale D. Schrock, Chairman — Oct. 19, 1988 (Date)

Appendix VII-A

CITY OF ALBANY
COMPREHENSIVE PLAN
POLICIES OF JOINT CITY/BENTON COUNTY APPLICABILITIY

CHAPTER 1. ENVIRONMENTAL SETTING

I. Natural Resources
   A. Vegetation and Wildlife Habitat - Policies 1-3
   B. Agriculture - Policies 1-3
   C. Aggregate Resources - Policies 1 & 2
   D. Open Space Resources - Policies 1-5
   E. Water Quality - Policies 1-5
   F. Air Quality - Policies 1, 3 & 4

II. Hazards
   A. Flooding - Policies 1-9,14
   B. Slopes - Policy 12

III. Special Areas
   A. Willamette Greenway - Policies 1, 4 & 5
   B. Historic and Archaeological Resources - Policies 4, 6, 7 & 8
   C. Wetlands - Policies 1, 2, 4 & 5

CHAPTER 2. COMMUNITY NEEDS

I. Economic Development - Policies 4 14, & 20
II. Housing - Policies 2,7,10
III. Transportation - Policies 2, 3, 5-7, 10, 13, & 18
IV. Public Services and Facilities
   A. Water Service - Policies 6, 9, 11 & 13
   B. Storm Drainage - Policies 1-3
   C. Wastewater Treatment - Policies 2-5 & 8
   D. Solid Waste - Policies 1,3
   E. Other Utilities - Policy 2
   F. Police and Fire Protection Services - Policies 2 & 3
   G. Education - Policies 1 & 2

VI. Social Amenities
   A. Parks and Recreation - Policies 1 & 5
   B. Aesthetics - Policies 1 & 5

CHAPTER 3. GROWTH MANAGEMENT PROCESS

I. Directing Growth - Policies 1-15
II. Development Review - All policies
III. Energy Conservation - Policies 1, 2 & 4
IV. Citizen Involvement - Policies 2, 5 & 6
V. Updating and Amending the Plan - Policy 3

CITY OF ALBANY
COMPREHENSIVE PLAN
POLICIES OF JOINT APPLICABILITY
CITY OF ALBANY - BENTON COUNTY

CHAPTER I: ENVIRONMENTAL SETTING
NATURAL RESOURCES

Goal 5: Vegetation and Wildlife Habitat

1. Protect existing vegetation which possesses significant environmental, wildlife habitat, and aesthetic qualities, particularly along the Santiam Canal and the Willamette and Calapooia Rivers, their tributaries, and associated floodplains and drainageways.*

2. Encourage the protection of trees of significant size that represent a visual and aesthetic resource to the community and recognize that the vegetation resources of Albany's Historic Districts are an important element of Albany's historic and cultural heritage.

3. Where possible, retain the environmental and aesthetic qualities of existing wooded areas by incorporating them into public park and open space plans, and ensure the maximum preservation of vegetation during the development review and construction process.

Goal 3: Agriculture

1. Encourage development to occur within the Urban Growth Boundary in an orderly and compact fashion to conserve existing agricultural lands until it is needed for urban development.

2. Encourage development within the Urban Growth Boundary to be compatible with adjacent agricultural uses which are outside the Boundary.

3. Permit continued operation of agricultural areas of the UGB as an efficient means of keeping vacant land productive until development occurs.

Goal 5: Open Space Resources

1. Retain open space lands which provide the following:

   a. Aesthetic and environmental relief from the density of urban development.
   b. Future recreational lands and opportunities.
   c. Buffers between incompatible development.
   d. Protection of natural hazard, wetlands, steep slopes, and other areas not suitable for development.
   e. Significant Fish and wildlife habitats.*
   f. Protection of significant historic areas.

Goal 5: Open Space (Continued)

2. Recognize and promote the recreational and open space importance of the Albany area's small lakes such as Timberlinn Lake, Periwinkle Lake, Freeway Lakes, Swan Lakes, Thornton Lake, Scravel Hill Lake, and Waverly Lake by ensuring or providing continued public enjoyment and supporting state agency programs such as the Oregon Department of Fish and Wildlife's fish stocking programs.

3. Where possible, utilize major utility easements, rights-of-way, abandoned railroad rights-of-way, and drainageways for bicycle and pedestrian pathways.

4. Recognize the open space value of quasi-public areas such as cemeteries and golf courses.

5. Support the interim use of public lands for community-related uses including open space and parks, community gardens, and city nurseries to store and grow plant materials for future beautification efforts.

Goal 6: Water Quality

1. Require all new or expanding developments to comply with applicable water quality standards, using assistance where available from the Department of Environmental Quality, county Environmental Health Departments, etc.

2. Cooperate with local, state, and federal agencies that have primary responsibility to assist in minimizing the quantity of pollutants (from point or non-point sources) entering the surface streams, lakes, and groundwater.*

3. Encourage state and county health agencies to monitor water quality in local streams, lakes, and aquifers to publicize any findings of potential public hazard and to provide background level information.

4. Support and coordinate with state and federal agencies' plans to contain and subsequently clean up toxic waste spills and/or contamination of area surface or ground waters.

5. Wherever feasible, facilitate the extension of sanitary sewer systems to areas within the UGB where failing septic systems are causing groundwater or aquifer pollution problems, provided commitments to annexation can be obtained.

Goal 6: Air Quality

1. Promote programs and standards which will assure that the Albany-Millersburg air shed will maintain its DEQ air quality attainment status. As a minimum the City shall:

Goal 6: Air Quality (Continued)

a. Cooperate with state and federal agencies to ensure that local land use activities and/or regulations comply with the Federal Clean Air Act, Environmental Protection Agency, and the Department of Environmental Quality.

b. Review any proposal requiring Notice of Construction (NC), Air Contaminant Discharge Permit (ACDP), or Indirect Source Construction Permit (ISCP) for areas inside the Albany Urban Growth Boundary to determine compatibility with the Comprehensive Plan.

c. Ensure that any industrial development with a significant air contaminant discharge be reviewed by the DEQ for determination of the impact on the Albany-Millersburg air shed.

d. Help provide information to new and expanding industries on air shed characteristics and existing pollution levels.

3. Cooperate with other local governments in the region (Millersburg, Albany, Linn and Benton Counties, etc) and DEQ to:*

   a. Exchange information on existing and potential air pollution problems.
   b. Review options for improving air quality, considering all pollution sources such as agriculture, natural resource, man-induced area sources, and point sources.

4. Maintain a DEQ and Fire District regulatory system for control of open burning while working with surrounding jurisdictions to reduce the need for field burning areas adjacent to urban development.

CHAPTER I: ENVIRONMENTAL SETTING
HAZARDS

Goal 7: Flooding

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

2. Restrict new development (including fill) from locating within floodways which would result in an increase in base-year flood levels. If it can be determined that there will be no increase in base-year flood levels, then the following uses may be considered:

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

Goal 7: Flooding (Continued)

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

4. 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.*

5. Ensure that development proposals in the flood fringe and adjacent to drainageways are consistent with Federal Emergency Management (FEMA) and other applicable local regulations in order to minimize potential flood damage. Development proposals in areas subject to flooding may be reviewed according to the following criteria.

   a. Proposed development activities shall not change the flow of surface water during flooding so as to endanger property in the area. Special engineering reports on the changes in water flow and potential damage which may be caused as a result of proposed activities may be required. If necessary, local drainage shall be improved to control increased runoff that might increase the danger of flooding to other property.

   b. Impacts on significant fish and wildlife habitat have been considered and appropriate protection measures included in project design.

   c. Problems of ponding, poor drainage, high water table, soil instability, or exposure to other flood hazards have been identified and mitigated. Evaluations and mitigating measures shall be based on a base year flood and wet season characteristics.

   d. If adjacent to a designated floodway, the development shall be designed to use the natural amenities of the floodway including open space, scenic views and vegetation in accordance with an approved site plan.*

6. Locate and construct all public utilities and facilities such as sewer, gas, electrical, and water systems to minimize or eliminate flood damage. Require that new or replacement water supply systems and/or sanitary sewer systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located to avoid impairment of them or contamination from them during flooding.

7. Ensure that any filling or construction within the floodplain meets the following criteria:

   a. Require that a fill permit is issued prior to any fill activity and all fill is engineered and compacted to applicable standards. Fill

Goal 7: Flooding (Continued)

areas for dwellings shall have engineering certification that loading rates are adequate for dwellings.

b. Within the Urban Growth Boundary it shall be demonstrated that fill is necessary to allow an approved development activity to occur and that the amount of fill proposed is the minimum necessary to meet FEMA standards.

c. The lowest finished floor elevation shall be built at least one (1) foot above the base-year flood level. Special engineering reports or structural work may be required.

d. Require property owners or developers to file a certification approved by the local community permit official, registered professional engineer, architect, or surveyor indicating elevation of the surrounding grade or lowest habitable floor (including basement) of all new residential structures. This information shall be maintained to indicate compliance with Federal Emergency Management Agency (FEMA) regulations.*

8. 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.
b. Construction materials and utility equipment are resistant to flood damage.
c. Construction methods and practices will minimize flood damage.
d. Where appropriate, structures are designed or modified to prevent flotation, collapse, or lateral movement of the structure.*

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

14. Encourage open space alternatives to urban level development in areas subject to flooding such as park and recreation areas, agriculture, natural areas and wildlife habitat.*

Goal 7: Slopes

12. Require development in slope areas to:

a. Minimize cut and fill requirements.
b. Ensure that the location and design of streets, structures, and other development give full consideration to natural contours, drainage patterns, and vegetation features of the site.
c. Protect against temporary and long-term erosion.
d. Control storm drainage to minimize the amount and rate of storm water flowing onto adjacent property and city streets.

Goal 15: Willamette River Greenway

1. Maintain and enhance the natural vegetative fringe along the banks and terraces of the river through establishment of special setbacks and other available means in order to protect wildlife habitat, provide food and shelter for fish, mitigate erosion and flood damage, and provide scenic character. (Ord. 4517:9/10/82)

4. Continue to acquire land and public access easements in order to protect the natural resources qualities of the Greenway and provide continuous public access along Albany's riverfront through the development of recreation trails and park sites in accordance with adopted recreation plans. Easements shall be acquired in a location and with ample area to allow the development of bike and pedestrian trails along the river. Easements shall when possible extend to the low water line.

5. Utilize the potential of the Willamette River Greenway to promote events and activities that attract tourism and to enhance Albany's livability .

Goal 5: Historic and Archaeological Resources

4. Work with Linn and Benton Counties to inventory historic resources within the urban fringe and to develop appropriate management measures by December 1989.*

6. Ensure that development proposed within the floodplain of the Willamette and Calapooia Rivers or on sites that have been specifically inventoried does not destroy archaeologic resources. Require an archaeologic survey and commensurate mitigation measures if development is proposed within the vicinity of a known site and/or if a significant archaeologic resources(s) are discovered. (The physical extent of a "significant" resource shall be 1000 square feet or larger and/or with a depth of one foot or more.) *

7. Ensure that State and Federal laws on the protection of archaeological resources are followed in private and public construction projects.*

8. Notify the State Historic Preservation Office and the Native American Legislative Commission on Indian Services any time native american burial remains are discovered. (ORS 97.740 - 97.750)

Goal 5: Wetlands

1. Maintain wetland inventory information as part of the Comprehensive Plan which indicates areas within the Urban Growth Boundary which may be subject to state and federal regulations. Such information may be refined and updated administratively as more precise information becomes available.

Goal 5: Wetlands (Continued)

2. Work with Linn and Benton Counties and applicable state and federal agencies to refine wetland inventory information and to develop local management measures. Until such measures are adopted, evaluate wetland characteristics and permit requirements on a case-by-case basis.

4. Coordinate the review of any development proposal that could impact a wetland with applicable local, state, and federal agencies including Linn and Benton Counties, the Oregon Division of State Lands, the Army Corps of Engineers, Soil Conservation Service, Soil and Water Conservation Districts, etc. In addition, development that would impact a wetland within the city shall be subject to City Conditional Use requirements and Development Code standards pertaining to wetlands.

5. Review all land use applications to determine if wetland characteristics exist on the proposed development site. The actual extent and boundaries of wetland areas shall be determined on a case-by-case basis.

CHAPTER II: COMMUNITY NEEDS
ECONOMIC DEVELOPMENT

Goal 9: Economic Development

4. Allow home business occupations within residential districts to accommodate the needs of those engaged in small business ventures subject to review procedures that ensure compatibility with the surrounding residential neighborhood is maintained.

14. Encourage the improvement and utilization of all favorable transportation methods in cooperation with the Oregon Department of Transportation (ODOT), Oregon District 4 Council of Governments, and other jurisdictions and state agencies for raw materials, supplies, and area products to and from markets on the west coast and the Pacific Rim countries.

20. Support all efforts to improve local and regional coordination of economic development efforts including:

    a. Development, implementation, and continued refinement of the regional Linn County Economic Development Strategy.
    b. Cooperation with the Oregon District 4 Council of Governments and other public and private organizations.
    c. Continued participation in the Southern Willamette Valley Research Corridor (SWRC) program.

CHAPTER II: COMMUNITY NEEDS
HOUSING

Goal 10: Housing

2. Encourage conservation of existing housing by rehabilitation of substandard units.

7. Recognize groups needing specialized housing such as the elderly, handicapped, homeless, and other disadvantaged groups when identifying housing programs and opportunities.

10. Encourage a mix of housing types and residential densities within the Urban Residential Reserve area which conform with the population and density projections adopted by the City of Albany.

CHAPTER 2: COMMUNITY NEEDS
TRANSPORTATION

Goal 12: Transportation

2. When planning for, designing, and providing transportation systems ensure that:

    a. The requirements of the various transportation types are coordinated with each other and operational and safety conflicts are minimized.
    b. Proposed projects are coordinated with the plans of applicable county, state, and federal agencies.
    c. Effective notification and coordination occurs between affected agencies regarding the transportation impacts of proposed development within or adjacent to the Urban Growth Boundary.

3. As part of the development review process, evaluate the adequacy of transportation to, from, and within the site.

5. Ensure that design and location of driveways provides for safe and efficient property access and does not interfere with traffic circulation and carrying capacity.

6. Ensure that street design provides for high levels of efficiency and safety and, when necessary, incorporate design modifications to help preserve neighborhood quality and character.

7. Minimize the need for on-street parking by maintaining regulations that require off-street parking and loading facilities commensurate with the size and relative needs of the proposed use.

Goal 12: Transportation (Continued)

10. Develop and maintain a Transportation Master Plan in conjunction with Linn and Benton Counties, for the area within the Albany Urban Growth Boundary which:*

    a. Identifies service levels consistent with adopted population and development projections and with projected land use patterns as identified by the Albany Comprehensive Plan.
    b. Identifies the location of future arterial and collector streets, bicycle and pedestrian ways.
    c. Identifies for implementation, major street reconstruction projects required to accommodate growth or to address public safety, traffic flow, or efficiency issues.
    d. Incorporates other transportation planning efforts, including planned improvements to the Albany municipal airport and the Albany transit system.
    e. Proposes funding mechanisms and related policies necessary to implement identified projects.
    f. Is updated concurrently with the Albany Comprehensive Plan.

13. Ensure that new construction and major improvement of county roads within the urban growth boundary is undertaken in accordance with standards that are previously agreed upon between the City and Counties.*

18. Support local and areawide public transit including:

    a. Operation and improvement of the Albany Transit system to meet Albany's transit needs.
    b. Efforts to maintain regional bus systems whose services are coordinated with the Albany system, such as the Albany-Corvallis loop system and the Sweet Home - Albany - Lebanon route.

COMMUNITY NEEDS
PUBLIC FACILITIES AND SERVICES

Goal 11: Water Service

6. The availability of any suitable water supply does not relieve a property owner from the responsibility of participating in a local improvement district or other financing method for public water distribution regardless of whether the property connects to the system.

9. Recognize that the City is the ultimate provider of water service within the Urban Growth Boundary area and that service districts are only interim service providers until annexation to the city or until some identified time frame after annexation.

11. Within the Urban Growth Boundary area require annexation or consent to annex agreements prior to receiving water service through the City except if the property is serviced by a County Service District.