



Willamette Greenway Use Application

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
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TO BE FILLED OUT BY STAFF

File No. _____ Date of Preapplication Conference _____

Filing Fee: \$1,111 (Fees subject to change every July 1)

Date Fee and Application Received: _____ Amount Paid: _____

Receipt No.: _____ Received By: _____

WILLAMETTE GREENWAY USE OVERVIEW

The Greenway district is intended to guide development along the Willamette River to preserve the existing scenic, use, and natural features.

These developments and uses are not subject to the provisions of Article 6 of the Albany Development Code, but must comply with other applicable provisions of the Code:

- a) Customary dredging and channel maintenance conducted under a permit from the State of Oregon.
- b) Gravel removal from the bed of the Willamette River conducted under a permit from the State of Oregon or a seasonal increase in gravel operations.
- c) The placing by a public agency of signs, markers, aids, to serve the public.
- d) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses of public lands; except that a substantial increase in the level of development of existing public recreational, scenic, historical, or natural uses on public lands shall require review as provided by this Article.
- e) Agriculture as allowed within the subject major zoning district.
- f) Reasonable emergency procedures necessary for the safety or protection of property and not in conflict with the provisions of this Code.
- g) Maintenance and repair usual and necessary for the continuance of an existing use.
- h) Landscaping, construction of driveways, repair or maintenance of existing structures, and the construction or placement of accessory structures less than 250 square feet, provided that such activities are conducted in conjunction with uses already existing on the same property and that they are accomplished in a manner compatible with the purpose of this Article. [ADC 6.340]

A preapplication meeting is held for all applications unless the Community Development Director determines one is not necessary. The meeting provides for an exchange of information about Development Code and Comprehensive Plan requirements and offers technical and design assistance to the applicant.

The Director normally processes applications for development within the Willamette Greenway without a public hearing. If the Director determines that the proposal appears to meet the required criteria, he or she will mail notice of the tentative decision to all property owners within 100 feet of the subject property. The notice will list the relevant criteria and any conditions of approval and offer the opportunity to request a public hearing. Notice will also be sent to the Oregon State Department of Transportation, River Programs Section.

If a public hearing is requested, the Director will set a date for a hearing and mail notice to the same people who received notice of the tentative decision. The Director may also choose to initiate a public hearing and provide notice of such to all affected property owners.

An affected party may appeal the decision of the hearing body to the Land Use Board of Appeals within 21 days of the notice of decision.

WILLAMETTE GREENWAY USE APPLICATION

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City's land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

BASIC INFORMATION ABOUT THE SITE AND PROPOSAL

Briefly describe the project: _____

Property address(es) _____

Assessor's Parcel Map No(s). _____ Tax Lot No(s). _____

Legal description: Lot _____ Block _____ Subdivision _____
(Attach metes and bounds description if applicable)

Location in relationship to the nearest streets, such as "NE corner of Elm Street and 6th Avenue" _____

Total land area involved in the application _____

Comprehensive Plan designation _____ Zoning designation _____

Current use of site _____

Are there any existing structures on the site? _____

If yes, will any of these structures be removed? _____

(Before you demolish or remove any structure, you must obtain a demolition/moving permit from the City of Albany Building Division.)

Are there any historic structures or historically significant features as identified on the City's Historic Inventory? Yes _____ No _____

If yes, what are they? _____

(This information may be acquired from the Albany Planning Division.)

What is the anticipated time of development? _____

What additional public facilities and private utilities will be needed for the proposed development? _____

Indicate at what level (i.e., size of sanitary sewer, storm sewer, street width, etc.) these public facilities will be needed to serve the proposed development. Also indicate the approximate dates when these public facilities will be needed.

Streets: Size _____ Approximate date needed _____

Sanitary Sewer: Size _____ Approximate date needed _____

Storm Sewer: Size _____ Approximate date needed _____

Power and water: Size _____ Approximate date needed _____

WILLAMETTE GREENWAY USE REVIEW CRITERIA

On a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed Willamette Greenway Use complies with each of the following review criteria [ADC 6.350]. Each criterion must have at least one finding of fact and conclusion statement. See Attachment B for an example.

1. Lands designated on the Comprehensive Plan as Open Space are preserved and maintained in open space use.
2. Significant air, water and land resources including but not limited to natural and scenic areas, viewpoints, vistas, fish and wildlife habitats, etc. in and adjacent to the Greenway are protected, preserved, restored, or enhanced to the maximum extent possible.
3. Areas of annual flooding, floodplains, and wetlands are preserved in their natural state to the maximum possible extent to protect water retention, overflow, and other natural functions.
4. The natural vegetative fringe along the river is maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, and protection from erosion.
5. The harvesting of timber will be done in a manner which ensures that wildlife habitat and the natural scenic qualities of the Greenway are maintained or will be restored.
6. The proposed development, change, or intensification of use is compatible with existing uses on the site and in the surrounding area and provides the maximum possible landscaped area, open space, or vegetation between the activity and the river.
7. Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety, and necessary reclamation will be guaranteed.
8. Any public recreational use of facility will be developed, maintained, and operated in such a way as to minimize adverse effects on adjacent properties.
9. Building setbacks from the floodway line shall be determined by the setback and height plane as defined in Section 6.140 of this Code.
10. Public access will be provided to and along the Willamette River by appropriate legal means for all development in conformance with plans approved by the City.

The City may designate conditions to ensure conformance with the Albany Development Code. Guarantees and evidence that such conditions will be complied with may be required.

SITE PLAN MAP REQUIREMENTS

Site Map. The Director needs an accurate site plan, drawn to scale, to determine if the proposed Greenway Use complies with Albany Development Code standards. Submit **NINE (9)** full-size copies of the site plan map (typically 18 x 24-inch or larger paper) and **NINE (9)** reduced copies (on 8 1/2 x 11-inch or 11 x 17-inch paper). The map must include the following:

- Scale of drawing, north arrow, name of drafter.
- Locations of all existing and proposed structures, including minimum distances to lot lines.
- Locations of all existing or proposed improvements on the site, including driveways, sidewalks, and patios.
- Location and species of trees larger than 8 inches in diameter measured 54 inches above the ground.
- Contour lines at two-foot intervals.
- Natural drainage patterns.
- North arrow and direction of maximum passive solar gain potential (usually due south depending on site features and building design).

- Assessor's map and tax lot numbers and lot and block description or other legal description.
 - Lot dimensions and total lot area.
 - Abutting streets, whether public or private.
 - Locations, dimensions, and nature of all easements.
 - Adjacent zoning designations and land uses, including approximate locations of buildings.
-

LIST OF SURROUNDING PROPERTY OWNERS

The notification area includes the property and all tax lots within 100 feet of its boundary.

- Using the County Tax Assessor's maps, submit a map that shows the property and outlines or highlights the notification area. In addition, using the County Tax Assessor database, prepare a typed (or clearly printed) list of the names, addresses, and map and tax lot numbers for all tax lots within the notification area.
- At the bottom of the notification list, indicate the name of the preparer, the date the list was compiled, and the source of the data.

APPLICATION AUTHORIZING SIGNATURES

I hereby apply for approval of the Greenway Use as requested in this application and certify that the information provided is accurate. I further certify that I am authorized to make the application and that there are no covenants, conditions, or restrictions that may limit or prohibit the request.

Property Owner(s)

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ Fax No. _____

Email (optional) _____

Signature _____

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ Fax No. _____

Email (optional) _____

Signature _____

Authorized Agent or Representative

Authorized agents must submit evidence of their authority to act on the property owner's behalf.

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ Fax No. _____

Email (optional) _____

Relationship to property owner(s) _____

Signature of authorized agent _____

Engineer, Surveyor or Other Agent

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ Fax No. _____

Email (optional) _____

Signature _____

ATTACHMENT B

EXAMPLE OF FINDINGS OF FACT

CRITERIA FOR FINDINGS OF FACT:

A Greenway Use will be approved if the approval authority finds the application conforms with the criteria found in Section 6.350 of the Albany Development Code and with applicable development standards. Before the reviewing authority can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

FORMAT FOR FINDINGS OF FACT:

Statements addressing individual criteria must be in a “finding of fact” format. A finding of fact consists of two parts:

1. Factual information such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: on-site inspection, a plot plan, City plans, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

EXAMPLE:

Criterion: Building setbacks from the floodway line shall be determined by the setback and height plane as defined in Section 3.280 of this Code.

Fact: State fact(s) relating to the question – “The proposed building will be a one-story building with a height of 20 feet at the peak of the roof and will be located 75 feet from the top of the bank of the river.”

Conclusion: State conclusion – “The proposed building is consistent with the height requirements listed in Section 3.280.”