



Community Development Department

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

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www.cityofalbany.net

NOTICE OF TENTATIVE DECISION

DATE OF NOTICE: November 21, 2016

FILE: WG-01-16

TYPE OF APPLICATION: Willamette River Greenway Review for construction of home expansion within the Willamette River Greenway overlay district.

REVIEW BODY: Staff (Type II process)

PROPERTY OWNER & APPLICANT: Bob Nelson, 325 Sherman Street NE, Albany, OR 97321

REPRESENTATIVE: Jason Cota, K & D Engineering, 276 Hickory Street, Albany, OR 97321

ADDRESS/LOCATION: 325 Sherman Street NE

MAP/TAX LOT: LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-06DA TAX LOT 4902

ZONING: R-6.5 (Single Family Residential) District

On November 21, 2016, the City of Albany's Community Development Director granted **TENTATIVE APPROVAL** of the application referenced above, as proposed by the applicant.

The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code (ADC). The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW. For more information or questions, please contact Project Planner Melissa Anderson, at 541-704-2319, or Bob Richardson, Planning Manager, at 541-917-7555.

This notice of the tentative decision is mailed to the applicant and any party who provided written comments on the proposal. A public hearing may be requested in writing ten days from notification if a person with standing believes that the conditions of approval do not adequately address the established approval criteria or alleviate adverse impacts on the neighborhood. If no one requests a public hearing within the ten day response period (by 5:00 p.m. on December 1, 2016), the tentative decision automatically becomes final without further notice [ADC 1.350(3)].

This land use decision shall expire three years from the date of approval unless the applicant has installed all of the required public infrastructure related to the development and the infrastructure has been accepted by the city, or the applicant has provided financial assurance for all required public infrastructure per Albany Development Code Section 12.600, or if the development did not require public infrastructure, a valid building permit exists for new construction or improvements and work has commenced.

Signature on file

Community Development Director

Request for Public Hearing Deadline: December 1, 2016
Approval Expiration Date (if not appealed): November 21, 2019

Attachment: Site Plan

APPROVAL CRITERIA FOR THIS DECISION:

WILLAMETTE RIVER GREENWAY, ALBANY DEVELOPMENT CODE (ADC 6.540)

Criteria: An application for a Willamette River Greenway use development will be granted if the review body finds that the proposal conforms to the following applicable criteria:

- (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 in and adjacent to the Willamette River 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 Willamette River 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 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 Sections 5.200 and 5.205 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.

SPECIAL WILLAMETTE RIVER SETBACK & HEIGHT RESTRICTIONS (ADC 3.310)

Special Willamette River Setback & Height Restrictions. Except for water-related and water-dependent uses (see definitions Article 22), all construction must be located outside the floodway line as defined for a 100-year storm. Development structure heights and setbacks south of the Willamette River shall not extend above a plane, which begins at the floodway line and extends directly south, unless the property is exempt in Section 5.207.

The angle of this plane shall be as follows:

- (1) For river-oriented uses, the angle shall be 30 degrees.
- (2) For non river-oriented uses, the angle shall be 15 degrees.

INFORMATION FOR THE APPLICANT

Please read the following requirements. This list is not meant to be all-inclusive. We have tried to compile requirements that relate to your specific type of development. These requirements are not conditions of the land use decision. They are Municipal Code or Development Code regulations or administrative policies of the Planning, Engineering, Fire, or Building Departments that you must meet as part of the development process. You must comply with state, federal, and local law. The issuance of this permit by the City of Albany does not eliminate the need for compliance with other federal, state, or local regulations. It is the applicant's responsibility to contact other federal, state, or local agencies or departments to assure compliance with all applicable regulations.

PLANNING

1. Land use approval does not constitute Building or Public Works permit approvals.
2. The use must substantially conform to the site plan that was submitted for review subject to the Conditions of Approval. Planning staff must approve any changes to the plans.
3. If the applicant requests to obtain a building permit during the 21 day appeal period, a release and indemnify waiver will be required.

BUILDING

PERMITS

1. Obtain Building Permits prior to any construction.
2. Erosion Sediment Control Permits are required by Public Works.

PLAN REVIEW FOR PERMITS

3. All plans submitted for review for building permits will need to be submitted electronically. Contact the Building Division front counter at ePlans@cityofalbany.net for details and instructions prior to submittal.

CODES

4. The current residential building codes are:
 - a. The 2014 Oregon Residential Specialty Code (ORSC)
 - b. The 2014 Oregon Energy Efficiency Specialty Code (OEESC),
 - c. The 2014 Oregon Plumbing Specialty Code (OPSC) based on the 2011 OPSC.
 - d. The 2014 Oregon Fire Code (OFC) based on the 2012 International Fire Code (IFC)
 - e. The 2014 National Electrical Code (NEC) with Oregon amendments.

SOILS

5. At the time of or prior to application for a building permit or prior to setback and footing inspections, a letter of approval from a qualified engineer registered in Oregon shall be submitted to the Building Division which stipulates the "excavated site" meets all of the building design requirements to support the proposed structure as required by State Building Code. **ORSC R401.4**

DRAINAGE

6. Provide a complete drainage plan for all hard surface drainage areas. Shape the lot to facilitate surface, gutter, and under-floor drainage to the street or an approved system or area.

FIRE PROTECTION

7. Due to the determination of the Albany Fire Department regarding inadequate fire apparatus access, the Building Official chooses to use OAR-480-0125 Uniform Alternate Construction Standard 4(a) requiring a NFPA 13D Standard residential fire sprinklers to be installed in this building.

OCCUPANCY

8. The two connected structures on this property are considered one residential house, and the occupancy is limited to that allowed as a single family dwelling in **ORSC R101.2 Scope** and exceptions.