



## COMMUNITY DEVELOPMENT DEPARTMENT

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

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[www.cityofalbany.net](http://www.cityofalbany.net)

### STAFF REPORT

#### Application for Willamette River Greenway Review Construction of an Addition to an Existing House

#### SUMMARY

The Applicant proposes to add an addition to an existing house. The site is located at 325 Sherman St. NE in a single-family residential zone (RS-6.5). The site is also located within the Willamette River Greenway Overlay, and the structure will be 35 to 45 feet from the top of bank of the Willamette River. The Willamette River Greenway Review criteria contained in Albany Development Code (ADC) 6.540 and 3.310 are addressed in this staff report. These criteria must be satisfied to grant approval for this application.

#### APPLICATION INFORMATION

DATE OF REPORT: 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

APPLICANT'S 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; Willamette River Greenway Overlay /WG; Floodplain Overlay /FP; Wetland/Waterway Overlay /SW

NEIGHBORHOOD: Willamette

SURROUNDING ZONING: North: Willamette River Greenway Overlay /WG; Floodplain Overlay /FP; Wetland/Waterway Overlay /SW  
South: Residential Single Family (RS-6.5)  
East: RS-6.5  
West: RS-6.5

SURROUNDING USES: North: Willamette River  
South: Residential Use  
East: Residential Use  
West: Residential Use

PRIOR HISTORY: RL-4-07: A replat was granted to move lot lines between Lot 1 and 2. No other land use files are on record for this property.



### **STAFF DECISION**

The Willamette River Greenway Review application referenced above is **APPROVED** as presented.

### **NOTICE INFORMATION**

An interagency project review notice was sent out on October 12, 2016, and a Notice of Filing for this application was mailed on November 1, 2016, to property owners located within 200 feet of the subject property. The public comment period ended on November 14, 2016, and the Albany Planning Division received no comments.

### **STAFF ANALYSIS**

The Albany Development Code (ADC) Sections 6.540 and 3.310 for Willamette River Greenway includes the following review criteria, which must be met for this application to be approved. Code criteria are written in ***bold italics*** and are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

#### **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.***

#### **FINDINGS OF FACT:**

The subject property is zoned Residential Single Family (RS-6.5) zone and is not zoned as open space; therefore, this criterion is not applicable.

- (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 Willamette River Greenway are protected, preserved, restored, or enhanced to the maximum extent possible.***

#### **FINDINGS OF FACT:**

The proposed addition to the existing house is located in the RS-6.5 zone, which is intended for single-family residential development. The addition to the existing house is too small to have a significant impact on air, water

and land resources. The proposed addition is in the back yard of the existing residence and will not adversely affect any natural or scenic areas, viewpoints, vistas, or fish and wildlife habitats in and adjacent to the Greenway. This criterion is met.

- (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.***

FINDINGS OF FACT:

The proposed addition is not located in the floodplain. The existing ground elevations at the proposed building site are approximately seven feet above the 100 Year Base Flood Elevation. There are no existing wetlands identified in the area where the new addition to the existing house is proposed to be constructed. This criterion is met.

- (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.***

FINDINGS OF FACT:

The natural vegetative fringe runs along the top of the bank as shown on the site plan. The proposed addition is 35 to 45 feet from the top of bank. The proposed addition is located in what is currently the back yard of the existing house. The proposed addition will not affect the natural vegetative fringe. This criterion is met.

- (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.***

FINDINGS OF FACT:

The proposal is an addition to an existing single family house and no trees are proposed to be removed to accommodate the development. Therefore, this criterion is not applicable.

- (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.***

FINDINGS OF FACT:

The proposal is an addition to an existing single-family home in a residential zoned (RS-6.5) district. Properties both up-stream and down-stream are residential. The proposed addition is located in what is currently the back yard of the existing house. The proposed addition does not change the use, and it is compatible with the surrounding residential neighborhood. The proposed addition will be 35 to 45 feet from the top of bank of the river, which will remain as an open grassy area with natural vegetation along the river bank. Therefore, the proposed development is setback the maximum extent possible from the river to maintain the existing open space. This criterion is met.

- (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.***

FINDINGS OF FACT:

The proposal is an addition to an existing single family house, and extraction of aggregate deposits is not proposed; therefore, this criterion is not applicable.

- (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.***

FINDINGS OF FACT:

The proposal is an addition to an existing single family house, and it is not a public recreational use; therefore, this criterion is not applicable.

- (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.***

**FINDINGS OF FACT:**

Sections 5.200 and 5.205 of this code relate to mixed use zones, but the subject property is located in a residential zone; therefore, the applicable standards for building setbacks and height limits are established under ADC 3.310. The criteria under ADC 3.310 are addressed below, and those findings are incorporated here by reference.

- (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.*

**FINDINGS OF FACT:**

The proposal is an addition to an existing single-family house. Current public access to the Willamette River includes the Dave Clark Pathway and the many Parks along the river. No changes to the current public access are proposed or effected with the proposed development. This criterion is met.

**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.*

**FINDINGS OF FACT:**

The proposed addition to an existing single-family home is not a water-related or water-dependent use. As presented in the site plan (Attachment B), the proposed addition is not in the floodway or the 100 year floodplain. The structure is proposed to be 35 to 45 feet from the top of bank. Based on a site survey, the existing ground elevation of the proposed building will be seven feet above the 100 year base flood elevation. As shown on the design drawing (Attachment B), the proposed structure is setback south of the Willamette River such that the structure height is within a 15 degree height envelope from the floodway boundary, and the peak of the roof will be 17 feet above the finish floor. This criterion is met.

**OVERALL CONCLUSION:**

The proposed development meets all applicable Willamette River Greenway Review criteria as presented.

**ATTACHMENTS:**

- A. Applicant's Findings  
B. Site Plan

Written Response  
Willamette River Greenway Use  
For Bob Nelson  
Located at  
325 Sherman St. NE, Albany, Oregon

**Project Narrative:**

The Applicant proposes to add an addition to the existing house located at 325 Sherman St. NE.

**Review Criteria and findings:**

Criteria:

- 1) Lands designated on the Comprehensive Plan as Open Space are preserved and maintained in open space use.

**Response:**

**The subject property is not designated as open space. Criteria not applicable.**

Criteria:

- 2) Significant air, water and land resources including but not limited to natural and scenic areas, viewpoints, vistas, fish and wildlife habitats, ect. In and adjacent to the Green way are protected, preserved, or enhanced to the maximum extent possible.

**Response:**

**The proposed addition to the existing house is in a zone designated for single family homes. The addition to the existing house is too small to have a significant impact on air, water and land resources. The proposed addition is in the back yard of the existing residence and will not adversely affect any natural and scenic areas, viewpoints, vistas, fish and wildlife habitats in and adjacent to the Greenway.**

Criteria:

- 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.

**Response:**

**The proposed addition is located in an "X" zone and is not in a Special Flood Hazard Area. The existing ground elevations at the proposed building site are approximately 7 feet above the 100 Year Base Flood Elevation. There are no existing wetlands identified in the area of the proposed addition. Criteria met.**

Criteria:

- 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.

**Response:**

**The natural vegetative fringe runs along the top of bank as shown on the site plan. The proposed addition is 35 to 45 feet from the top of bank. The proposed addition is located in what is currently the back yard of the existing house. The proposed addition will not affect the natural vegetative fringe. Criteria met.**

Criteria:

- 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.

**Response:**

**There are no trees located at the proposed addition. The Applicant is not proposing to remove any trees. Criteria not applicable.**

Criteria:

- 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.

**Response:**

**The Applicant is proposing an addition to an existing house. The subject property is located in an RS- 6.5 residential zone. Properties both up-stream and down-stream are residential. The proposed addition does not change use or intensification of the use and is compatible with the surrounding area. The applicant is planning at sometime in the future to construct a small shed (less than 200 square feet) as shown on the site plan. If the location of the proposed addition is moved further to the south (away from the river) it will be difficult still meet building setback requirements. Criteria met.**

Criteria:

- 7) Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse affects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety and necessary reclamation will be guaranteed..

**Response:**

**The Applicant is proposing an addition to an existing single family house. No extraction of aggregate deposits will take place. Criteria not applicable.**

Criteria:

- 8) Any public recreational use facility will be developed, maintained, and operated in such a way as to minimize adverse effects on the adjacent properties.

**Response:**

**The Applicant is proposing an addition to an existing single family house. Criteria not applicable.**

Criteria:

- 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.

**Response:**

**The Applicant is proposing an addition to an existing single family house as shown on the site plan. The proposed addition is not in the floodway and is located in an "X" zone. Based on a site survey the existing ground elevations and the proposed building located is 7 feet above the 100 year base flood elevation. The finish floor elevation of the proposed addition will be the same as the existing house as shown on the site plan. Based on the current design drawing that the Applicant has the peak of the roof will be 17 feet above the finish floor. The floodway boundary line, as shown on the site map, was established using City of Albany GIS and FEMA FIRM map, both sources agreed well with each other. The set-back & height restriction (15 degrees) was established by starting at the floodway line using the adjacent top of bank elevation and calculating a 15 degree angle. By using this method the proposed addition can be placed so that the north face of the outside wall is 49 feet north of the outside north wall existing residence. Criteria met.**

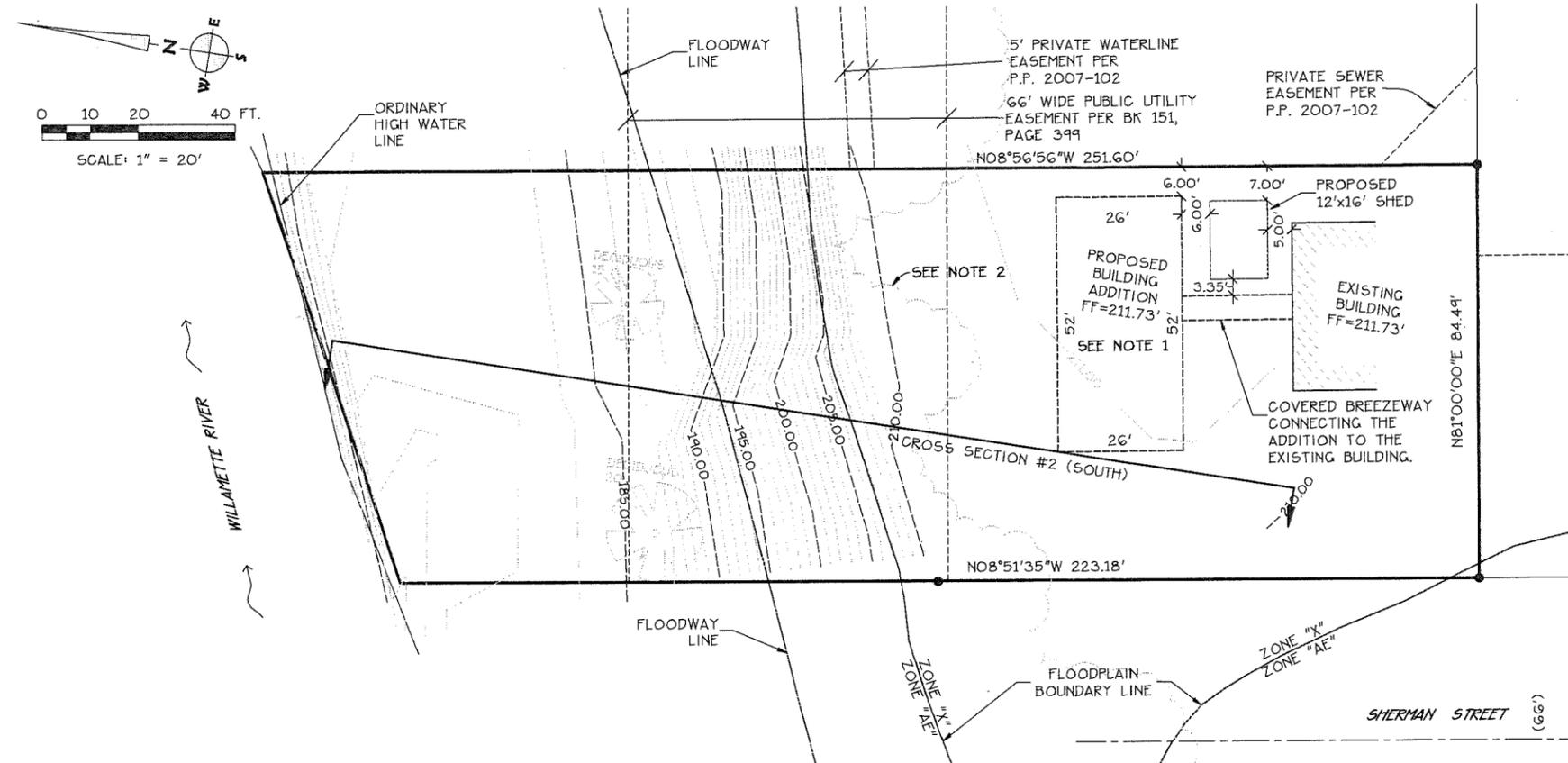
Criteria:

- 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.

**Response:**

**The Applicant is proposing an addition to an existing single family house. Current public access to the Willamette River include the Dave Clark Pathway and the many Parks along the river. No changes to the current public access are proposed or effected with this application Criteria not applicable.**

EXHIBIT MAP  
 WILLAMETTE GREENWAY SETBACK  
 FOR  
**BOB NELSON**  
 LOCATED AT  
 325 SHERMAN STREET  
 ALBANY, OREGON 97322  
 OCTOBER 3, 2016



**ELEVATION + FLOODPLAIN NOTES:**

- 1) VERTICAL DATUM = NAVD 88
- 2) PROPOSED ADDITION IS LOCATED IN "X" FLOOD ZONE.
- 3) ADJACENT 100 YEAR BFE = 203.8 FEET PER FEMA FIRM MAP 41043C/O214G
- 4) LOWEST GROUND ELEVATION AT PROPOSED BUILDING ADDITION IS 210.8'

**NOTES:**

- 1) THE NORTH SIDE OF THE PROPOSED ADDITION CANNOT EXCEED 49 FEET NORTH OF THE EXISTING RESIDENCE.
- 2) EXISTING DRIPLINE OF TREES AND BRUSH ALONG TOP OF BANK.

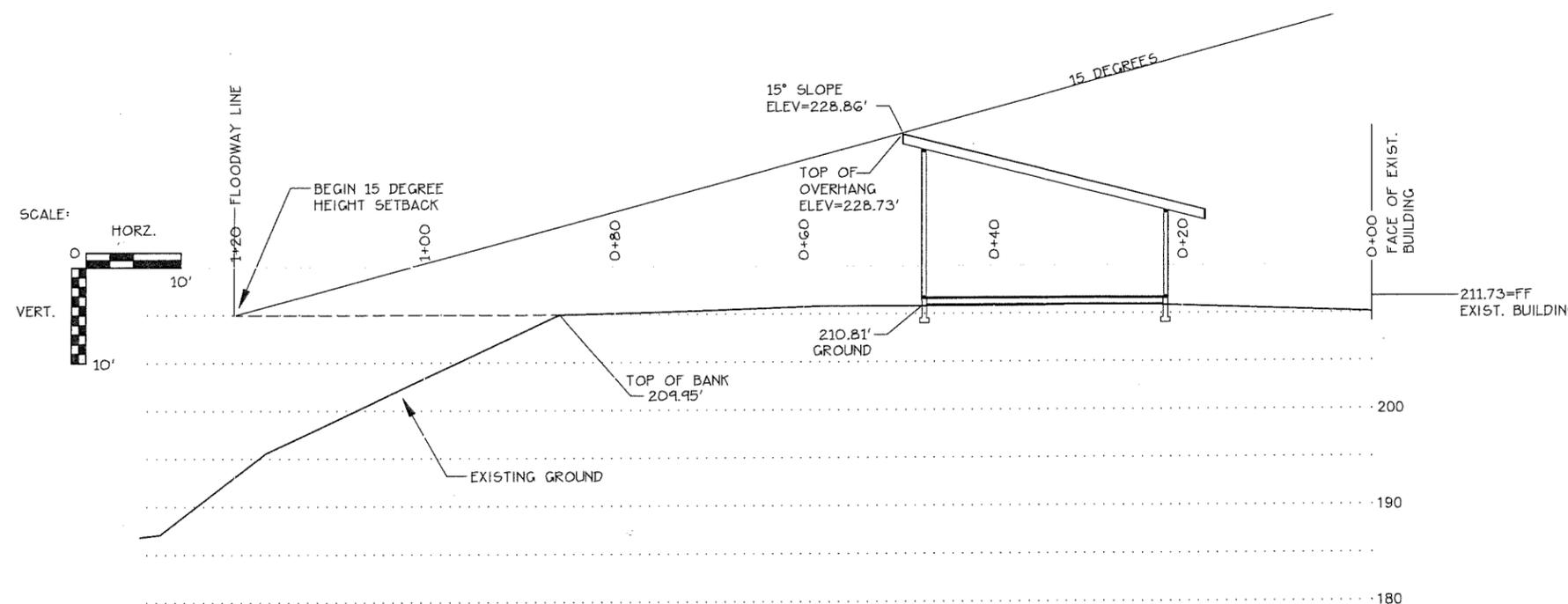
**PROPERTY INFORMATION**

OWNER:

ROBERT + PAMELA NELSON  
 325 SHERMAN STREET  
 ALBANY, OR. 97322

TAX LOT 4902, MAP 115-03W-06DA

ZONE: R5-G.5 RESIDENTIAL SINGLE FAMILY  
 (6-8 UNITS PER ACRE)



**CROSS SECTION #2**

SCALE: AS SHOWN

**K & D ENGINEERING, Inc.**  
 276 N.W. Hickory Street P.O. Box 725  
 Albany, Oregon 97321  
 (541) 928-2583

Date: 10/3/2016 Time: 13:10  
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