



## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING & PLANNING 541-917-7550

# Willamette River Greenway Use

## Checklist and Review Criteria

### INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fees (*subject to change every July 1*); staff will contact you for payment after submittal.
  - If Natural Resource Impact Review required: additional fee
  - If Mitigation required: additional fee
- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- Email all materials to [cd.customerservice@cityofalbany.net](mailto:cd.customerservice@cityofalbany.net). Please call 541-917-7550 if you need assistance.
- Depending on the complexity of the project, paper copies of the application may be required.
- Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.

### WILLAMETTE RIVER GREENWAY USE SUBMITTAL CHECKLIST

**PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES.**

**REVIEW CRITERIA AND DEVELOPMENT STANDARDS RESPONSES.**

On a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed Willamette River Greenway Use complies with each of the following review criteria (ADC 6.540).

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 an 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 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.

- FLOOR PLANS.** Floor plans shall include dimensions and square footages.
- CONCEPTUAL LANDSCAPE, IRRIGATION PLANS.** The site plan may show locations where landscaping will be provided. Before occupancy or final inspection of the development, a final landscape plan must be submitted for review and approval. That plan must include a legend that indicates the number, size, spacing, and botanical and common names of all proposed plants. See ADC 6.400 and 6.410 for mitigation plan requirements.
- ELEVATION DRAWINGS.** (If applicable) Submit drawings of each elevation of each applicable building. Include building heights and materials, and colors to be used.
- SITE PLAN.** Submit an accurate site plan, drawn to scale, to determine if the proposed Greenway Use application complies with Albany Development Code standards.

The site plan must be labeled as such and include the following information. If any listed item below is not provided, please include a written explanation why it should not be applicable to this development.

- Scale of drawing, north arrow, name of drafter. Scale of the plan. (Use 1 inch = 20 feet, unless otherwise approved by Planning staff. For parcels over 100 acres, use 1 inch = 100 feet.) The plan must be clear, measurable, and fully dimensioned.
- 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 eight 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.

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## OTHER PERMITS, APPLICATIONS, PLANS, OR REPORTS THAT MAY BE REQUIRED:

- FLOODPLAIN DEVELOPMENT PERMIT.** If any of the property is within the Floodplain Development (/FP) overlay, refer to ADC Sections 6.070-6.125 to determine if the Floodplain Development standards apply and if a Floodplain Development Permit is required. **(Fee depends on level of review.)**
- GEOTECHNICAL HILLSIDE DEVELOPMENT REPORT.** If any of the property is within this Hillside Development (/HD) overlay, refer to ADC Sections 6.170-6.235 to determine if Hillside Development standards apply. If applicable, attach written findings of fact that demonstrate how this project meets these standards; and provide a geotechnical report on the site.
- NATURAL RESOURCES IMPACT REVIEW.** If any of the property is within one of Albany's Significant Natural Resource (/SW, /RC, /HA) overlay districts, refer to ADC Sections 6.260-6.310 to determine if a Natural Resource Impact Review may be required.
- MITIGATION PLAN.** If the project is proposed within any of Albany's Significant Natural Resources overlay districts, a mitigation plan may be required. See ADC Sections 6.400 – 6.410.
- HISTORIC REVIEW.** If any property is within a Historic Overlay District or contains a Local Historic Inventory Resource, please refer to Article 7 to determine if historic review is required.

**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.

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### SUPPLEMENTAL APPLICATION INFORMATION

Submit answers to the following proposal questions (separately or on this sheet):

Total land area involved in the application: \_\_\_\_\_

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: \_\_\_\_\_

Existing uses and zoning of properties adjacent to the site (including across the street, if applicable):

Current Uses

Zoning

North: \_\_\_\_\_

South: \_\_\_\_\_

East: \_\_\_\_\_

West: \_\_\_\_\_

Is there a phasing plan? \_\_\_\_\_

**If yes**, indicate how many phases here and clearly outline and label the boundaries of the phases on the site plan.

Number of Phases: \_\_\_\_\_

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### WILLAMETTE RIVER GREENWAY USE - PURPOSE AND PROCEDURE

**Purpose (ADC 6.500).** The Willamette River Greenway district is intended to guide development along the Willamette River so as to preserve the existing scenic, use, and natural features. The procedures and criteria of this district implement the requirements of Goal 15 and ORS 390.314. Pursuant to ORS 174.020(2), the requirements of ORS 390.314 (and by extension Goal 15) take precedence of the requirement for clear and objective standards for housing in ORS 197.307.

**Procedure (ADC 6.520).** Except for land use developments and uses exempted in Section 6.530 below, an application for development approval in the Willamette River Greenway District will be approved under the Type II procedure. Approval of a Willamette River Greenway use application will be granted only if the proposal complies with all applicable sections of this Code. In case of conflict between the provisions of Article 6 and the provisions of any other Article of this ordinance, the more restrictive provisions shall apply.

**Use Permit Exceptions (ADC 6.530).** The following 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:

1. Customary dredging and channel maintenance conducted under a permit from the State of Oregon.
2. 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.
3. The placing by a public agency of signs, markers, aids, to serve the public.
4. 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.
5. Agriculture as allowed within the subject major zoning district.
6. Reasonable emergency procedures necessary for the safety or protection of property and not in conflict with the provisions of this Code.
7. Maintenance and repair usual and necessary for the continuance of an existing use.
8. 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.

**Special Notification.** Notification regarding requests for Use Permits will be sent to the Oregon State Parks and Recreation Department. Notification of the Oregon State Parks and Recreation Department will be given by certified mail (return receipt requested) and sent within seven days of the receipt of the application for the Willamette River Greenway use. Notice of the decision on the Willamette River Greenway use permit application will be mailed to the Oregon State Parks and Recreation Department within ten days of such decision.

The City may designate conditions of approval to ensure conformance with the Albany Development Code. The City may require guarantees and evidence of compliance with such Conditions.