



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Community Development 541-917-7550

Notice of Decision

Natural Resource Impact Review

NR-03-23

December 20, 2023

Application Information

Proposal:	Natural Resource Impact Review for a reduction of the 50-foot Riparian Corridor Overlay to 25 feet with landscape enhancement and an Administrative Adjustment of the Open Space zoning boundary.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	David Martineau, project planner
Property Owner/Applicant:	1) Montagne Development, PO Box 3308, Salem, OR 97302 2) City of Albany, 333 Broadalbin Street SW, PO Box 490, Albany, OR 97321
Address/Location:	Address Unassigned (southwest of the intersection of Knox Butte Rd. E and Timber Ridge St. NE)
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-03C; Tax Lots 104 & 106
Zoning:	MUC – Mixed Use Commercial; OS - Open Space
Overlay Districts:	Riparian Corridor Overlay (/RC); Significant Wetlands Overlay (/SW)

On December 20, 2023, the City of Albany Community Development Director granted **APPROVAL WITH CONDITIONS** of the application described above.

The City based its decision upon consideration of applicable standards and review criteria listed in the Albany Development Code (ADC) with an effective date of July 1, 2023. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW, Albany, OR 97321. For more information, please contact Planning Supervisor David Martineau at 541-917-7555, david.martineau@albanyoregon.gov.

The City's decision may be appealed to the Albany Planning Commission if a person with standing files a completed notice of intent to appeal and the associated filing fee no later than 10 days from the date the City mails the notice of decision [ADC 1.220(7)]. The applicants may proceed, at their own risk, prior to the end of the appeal period, provided they sign a Release and Indemnity Agreement with the City. This approval expires in three years unless an extension request has been submitted to the City's Planning Division.

Signature on file

Community Development Director

Appeal Deadline: January 2, 2024

Approval Expiration Date (if not appealed): December 20, 2026

Attachments: Information for the Applicant, Location Map, Approved Mitigation Plan

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 ensure compliance with all applicable regulations.

Conditions of Approval

- Condition 1 The mitigation plan must be revised to widen the Riparian Corridor buffer to the edge of the proposed retaining wall, lot lines and parking areas so that there are no pockets of area within the overlay that are untreated.
- Condition 2 The applicant must provide assurance of completion in the form of a surety or performance bond, cash, negotiable security deposit, letter of credit, or other guarantees approved by the City Attorney that is equal to 120 percent of the value of the improvements installed pursuant to the plan for a 2-year period. If mitigation improvements fail during the 2-year period, the assurance shall both be forfeited and used by the City to correct the problem pursuant to the approved mitigation plan, or the bond period may be extended for a 2½-year period with Director's approval to allow for another replanting strategy.
- Condition 3 A report on the survival and health of planted vegetation, and the status of invasive species, must be performed by a qualified professional at the expense of the applicant, and will be provided to the Community Development Department between 18 and 24 months from the initial planting that describes the health of all vegetation and shows pictures of the vegetation.
- Condition 4 The applicant must coordinate timing for removing invasive plant species, controlling weeds, and installing landscaping with the City of Albany Parks Department.
- Condition 5 The invasive Himalayan blackberry with stalks one inch in diameter and larger must be cut with landscape loppers six inches above the ground. After cutting the fresh stalks, use full strength Crossbow and paint the top of the fresh stems with a paint brush dipped in Crossbow. Let the stems stand in the ground for one week before removing the blackberries.
- Condition 6 The mitigation plan must be followed as proposed. Any changes or deviations from the approved plan will require additional review.

Information for the Applicant

Please read through 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 Albany Municipal Code (AMC) or ADC regulations, or administrative policies of the Planning, Public Works, Fire, or Building Departments that you must meet as part of the development process. You must also comply with state, federal, and local law.

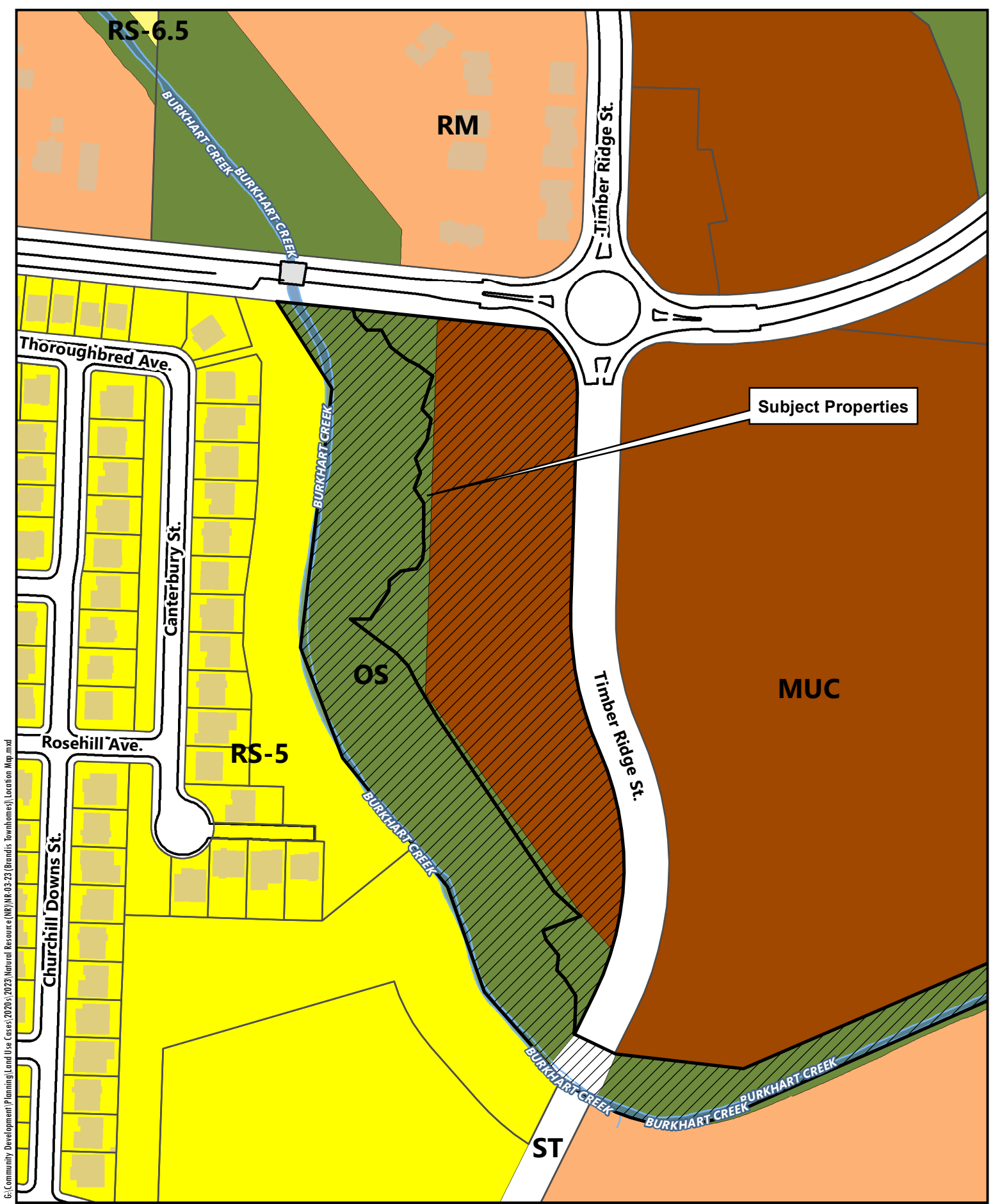
PLANNING

1. Land use approval does not constitute building or public works permit approvals.

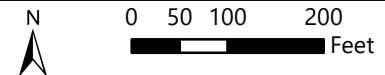
Expiration of Land Use Approvals (ADC 1.310)

2. All land use approvals, except Type IV approvals, shall expire three years from the date of approval, unless:
 - a. 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 Section 12.600, or the first phase, if the development was approved for phased construction; or
 - b. If the development did not require public infrastructure, a valid approved building permit exists for new construction or improvements, and work has commenced; or

- c. Phased Subdivisions or Planned Developments. When an applicant desires to develop and record final subdivision plats covering portions of an approved tentative plat in phases, the City may authorize a time schedule for platting and otherwise developing the various phases not to exceed five years for all phases. Each phase that is platted and developed shall conform to the applicable requirements of this title; or
- d. An extension has been filed before the expiration date and subsequently granted approval pursuant to Section 1.320.



G:\Community Development\Planning\Land Use Cases\2020\2023 Natural Resource (NR)\NR-03-23 (Brandis Townhomes)\Location Map.mxd

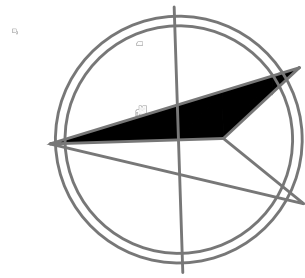


Date: 12/13/2023 Map Source: City of Albany

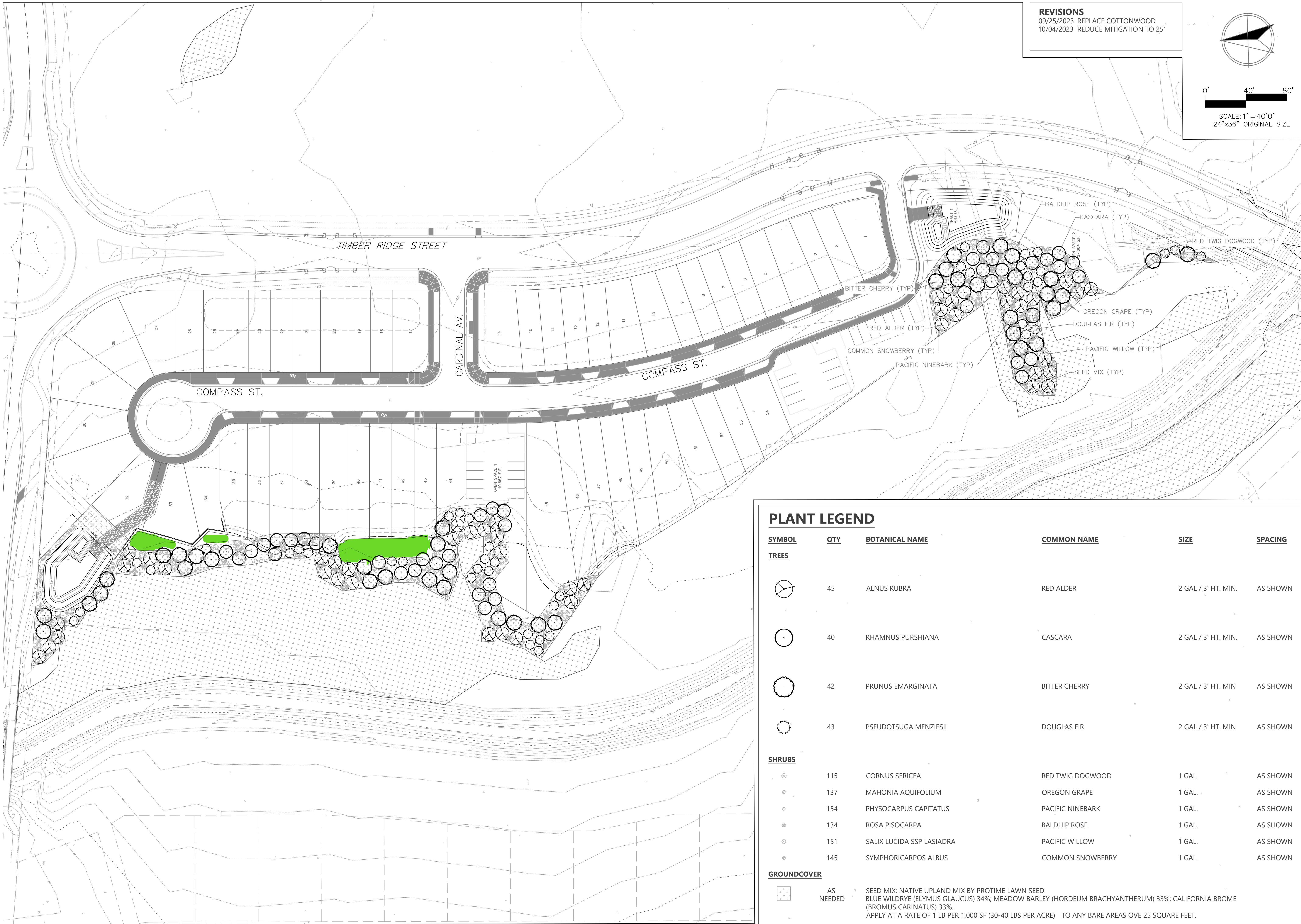
Unassigned; Timber Ridge Street

Location Map

REVISIONS
 09/25/2023 REPLACE COTTONWOOD
 10/04/2023 REDUCE MITIGATION TO 25'



0' 40' 80'
 SCALE: 1" = 40' 0"
 24"x36" ORIGINAL SIZE



SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
TREES					
	45	ALNUS RUBRA	RED ALDER	2 GAL / 3' HT. MIN.	AS SHOWN
	40	RHAMNUS PURSHIANA	CASCARA	2 GAL / 3' HT. MIN.	AS SHOWN
	42	PRUNUS EMARGINATA	BITTER CHERRY	2 GAL / 3' HT. MIN.	AS SHOWN
	43	PSEUDOTSUGA MENZIESII	DOUGLAS FIR	2 GAL / 3' HT. MIN.	AS SHOWN
SHRUBS					
	115	CORNUS SERICEA	RED TWIG DOGWOOD	1 GAL.	AS SHOWN
	137	MAHONIA AQUIFOLIUM	OREGON GRAPE	1 GAL.	AS SHOWN
	154	PHYSOCARPUS CAPITATUS	PACIFIC NINEBARK	1 GAL.	AS SHOWN
	134	ROSA PISOCARPA	BALDHIP ROSE	1 GAL.	AS SHOWN
	151	SALIX LUCIDA SSP LASIADRA	PACIFIC WILLOW	1 GAL.	AS SHOWN
	145	SYMPHORICARPOS ALBUS	COMMON SNOWBERRY	1 GAL.	AS SHOWN
GROUNDCOVER					
	AS NEEDED	SEED MIX: NATIVE UPLAND MIX BY PROTOME LAWN SEED. BLUE WILDRYE (ELYMUS GLAUCUS) 34%; MEADOW BARLEY (HORDEUM BRACHYANTHERUM) 33%; CALIFORNIA BROME (BROMUS CARINATUS) 33%. APPLY AT A RATE OF 1 LB PER 1,000 SF (30-40 LBS PER ACRE) TO ANY BARE AREAS OVE 25 SQUARE FEET.			

REGISTERED
 78
 Andrew J. Leisinger
 OREGON
 1/25/82
 LANDSCAPE ARCHITECT

LANDSCAPE ARCHITECTURE
 SITE PLANNING
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**BRANDIS MEADOWS TOWNHOME SUBDIVISION
 NATIVE RESOURCE BUFFER REDUCTION PLAN**

JOB NO.
 DATE 08/21/2023
 DESIGN BY AL/NP
 CHECKED BY AL
 SHEET
 LS-1