



COMMUNITY DEVELOPMENT

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

Staff Report

Willamette River Greenway Review

WG-01-24

October 4, 2024

Summary

This request is for a Willamette River Greenway Review for an addition onto an existing accessory structure.

The Willamette River Greenway review criteria in ADC 6.540 are applicable to this review. These criteria are addressed in this report and must be satisfied to grant approval for this application.

Application Information

Proposal:	Expand an existing accessory structure located in the Willamette River Greenway by 540 square feet.
Review Body:	Staff (Type II Review)
Property Owner/Applicant:	Ron Terhaar; 327 Oak Street NE, Albany, OR 97321
Address/Location:	327 Oak Street NE, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor: 11S-03W-05CB-00300
Zoning:	Residential Single Dwelling Unit (RS-6.5)
Comprehensive Plan:	Residential-Low Density
Overlay Districts:	Local Historic Inventory, Significant Wetland (/SW), Floodplain (/FP), Willamette Greenway (/WG)
Total Land Area:	44,955 square feet
Existing Land Use:	Single Unit Residence
Neighborhood:	Willamette
Surrounding Zoning:	North: Willamette River East: RS-6.5 (Residential Single-Dwelling Unit), OS (Open Space) South: RS-6.5 (Residential Single-Dwelling Unit), RS-5 (Residential Single-Dwelling Unit) West: RS-6.5 (Residential Single-Dwelling Unit), RM (Residential Multiple Dwelling)
Surrounding Uses:	North: Willamette River East: Single dwelling units, Bowman Park South: Single dwelling units West: Single dwelling units
Prior History:	None

Staff Decision

The subject application referenced above is APPROVED with CONDITIONS as described in this staff report. The approval expires three years from the date of decision approval.

Notice Information

A notice of filing was mailed to property owners identified within 300 feet of the subject properties on September 18, 2024, in accordance with ADC 1.220. At the time the comment period ended on October 2, 2024, the Albany Planning Division received no comments.

Analysis of Development Code Criteria

The ADC includes the following review criteria for Willamette River Greenway Reviews (ADC 6.540) which must be met for these applications to be approved. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Willamette River Greenway Review (ADC 6.540)

Albany Development Code (ADC or Development Code) includes the following approval review criteria in Section 6.540 (identified below).

Criterion 1

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

Findings of Fact and Conclusions

- 1.1 The subject property has a Comprehensive Plan designation of Residential-Low Density in the Comprehensive Plan.
- 1.2 This criterion is met without conditions.

Criterion 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 and Conclusions

- 2.1 There are no identified significant air, water, or land resources identified on the subject property. The addition to the existing structure is located on the south side of the property, as far as practically possible from the Willamette River.
- 2.2 This criterion is met without conditions.

Criterion 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 and Conclusion

- 3.1 The portion of the property where the current accessory structure is located is outside of any area of annual flooding, 100-year floodplain, or wetlands. The proposed expansion of the structure is located to not impact any of these identified areas either.
- 3.2 Based on these facts, this criterion is met without conditions.

Criterion 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 and Conclusions

- 4.1 The applicant does not propose any ground disturbing activities or vegetation clearing in the vegetative fringe along the river with this application.
- 4.2 Based on these facts, this criterion is met without conditions.

Criterion 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 and Conclusion

- 5.1 The applicant does not propose to harvest any timber or remove any trees with this application.
- 5.2 Based on these facts, this criterion is met without conditions.

Criterion 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 and Conclusions

- 6.1 The applicant proposes to expand an accessory structure by 30 feet in width and 18 feet length for a total of 540 square feet. The existing accessory structure is located near the south property line and is separated from the Willamette River by the existing house and garden. Based on aerial imagery, it appears that the proposed addition will be at least 215 feet from the top of the bank of the Willamette River.
- 6.2 Surrounding properties are in low density residential uses, with all immediately surrounding properties containing at least one accessory structure.
- 6.3 The applicant does not propose any ground disturbing activities or vegetation removal in the vegetative fringe of the Willamette and all proposed construction will occur further away from the Willamette than the location of the house.
- 6.4 Based on these facts, this criterion is met without conditions.

Criterion 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

- 7.1 The applicant does not propose any extraction of aggregate deposits; therefore, this criterion is met.

Criterion 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

- 8.1 The applicant does not propose any public recreational use facility; therefore, this criterion is met.

Criterion 9

Building setbacks from the floodway line shall be determined by the setback and height plane as defined in Sections 5.200 through 5.207 of this Code.

Findings of Fact and Conclusion

- 9.1 Pursuant to ADC 5.200, the height restriction for non-water-oriented uses is an angle of 15 degrees, starting from the floodway line. The proposed location of the addition is approximately 245 feet from the floodway. Based on this, the height limitation at the proposed location of the addition would be 65.6 feet. Based on the applicant's plans, the addition will be 12 feet and eight inches at its highest point. Based on these facts, the building meets the height plane as outlined in ADC 5.200. This criterion is met.

Criterion 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 and Conclusion

10.1 There is no proposed change to access to the Willamette River with this application; therefore, this criterion is met.

Overall Conclusion

As proposed, the application for a Willamette River Greenway review to expand an existing accessory structure located in the Willamette River Greenway by 540 square feet satisfies all applicable review criteria as outlined in this report.

Conditions of Approval

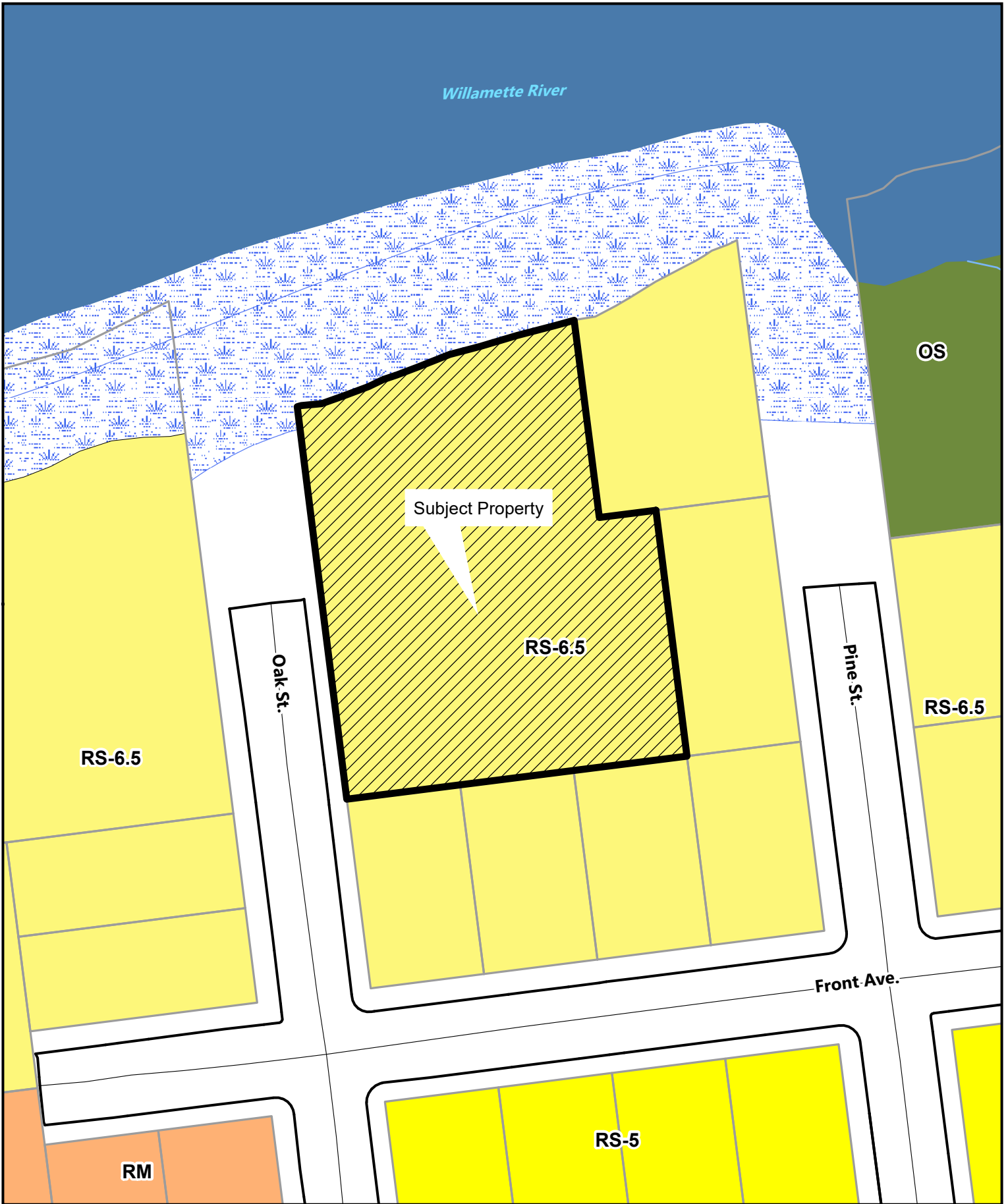
Condition 1 All work shall be completed in accordance with the submitted application as approved. Deviations from the proposed plan may result in the proposal no longer complying with the Code requirements.

Attachments

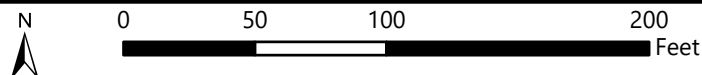
- A. Location Map
- B. Site Plan
- C. Building Elevation

Acronyms

ADC Albany Development Code
RM Residential Medium Density Zoning District
RS-5 Residential Single-Unit Dwelling
RS-6.5 Residential Single-Unit Dwelling



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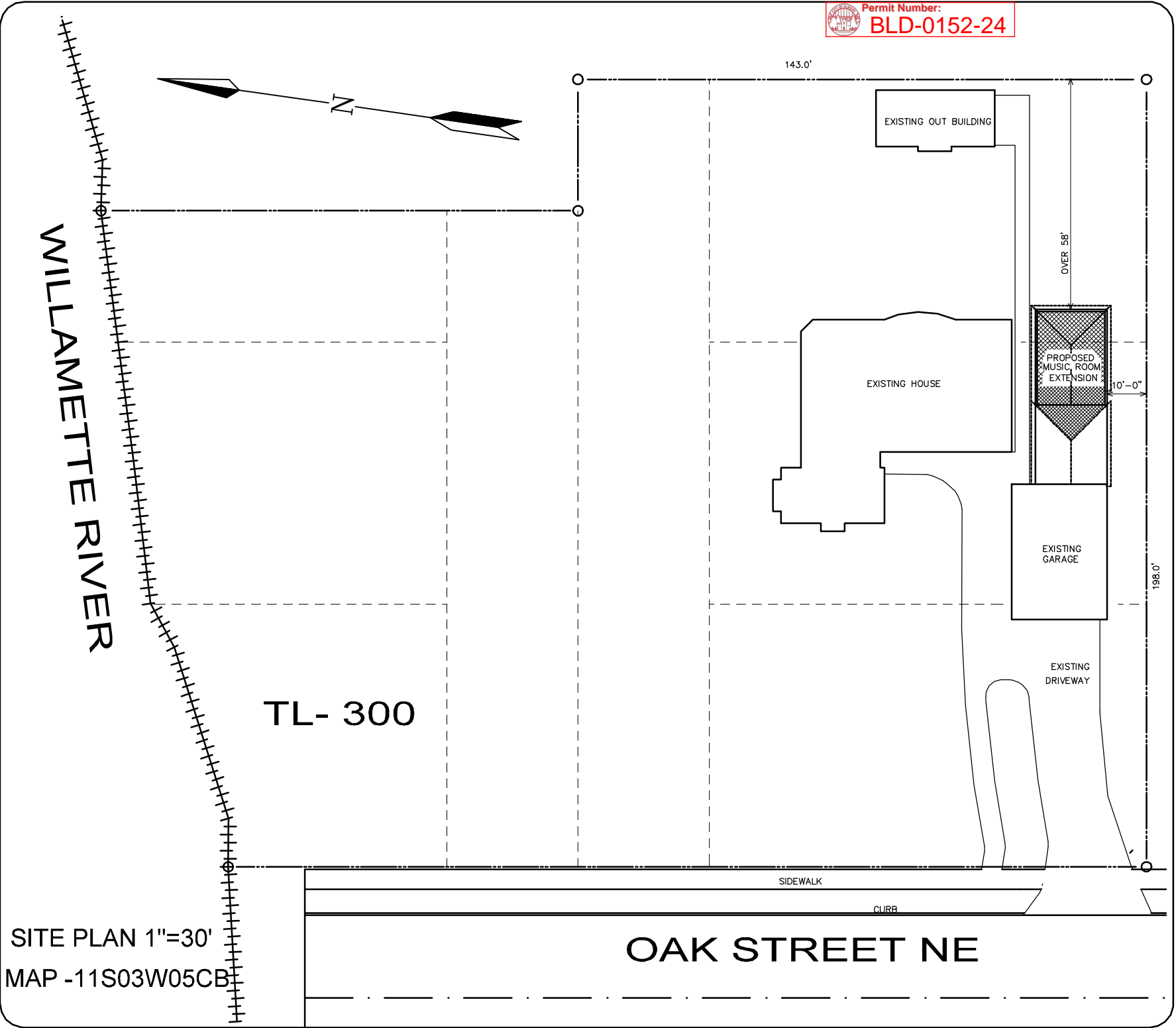


327 Oak St NE

Date: 8/14/2024 Map Source: City of Albany

Location Map

Permit Number:
BLD-0152-24



SANDERS HOME DESIGNS
704 PIONEER ST., PHILOMATH OR, 97370 (541) 929-4294

SITE PLAN 1"=30'

TERHAAR MUSIC ROOM

NE 327 OAK ST. ALBANY OR
MAP -11S03W05CB TL-300

DATE : 05/24/24

SCALE : AS NOTED

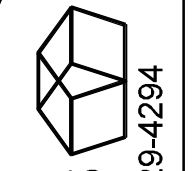
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MAP -11S03W05CB

OAK STREET NE



Permit Number:
BLD-0152-24

REVISIONS BY



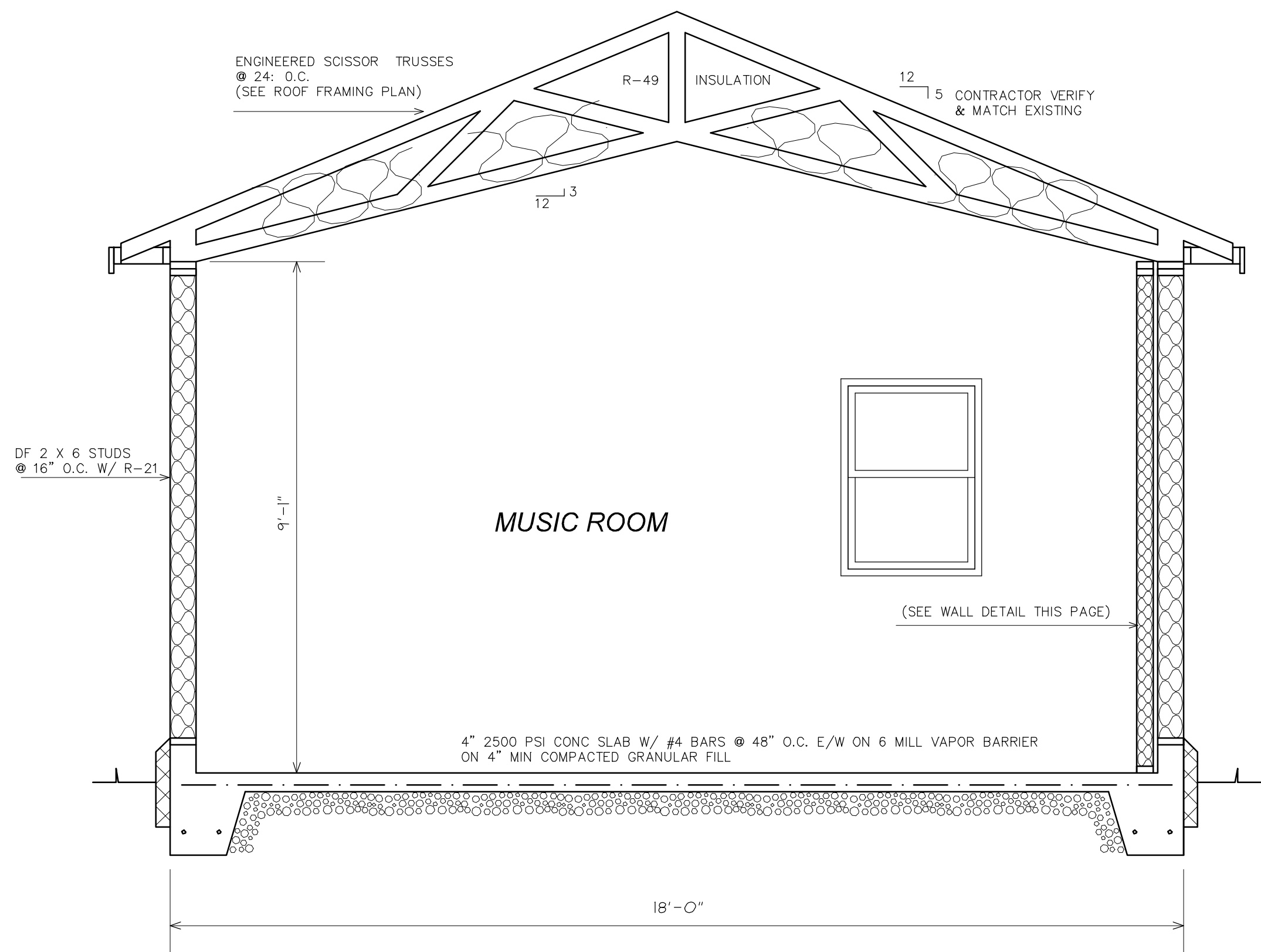
SANDERS HOME DESIGNS
704 PIONEER ST. PHILOMATH OR. 97370 (541) 929-4294

TERHAAR MUSIC ROOM EXTENSION
NE 327 OAK ST. ALBANY OR

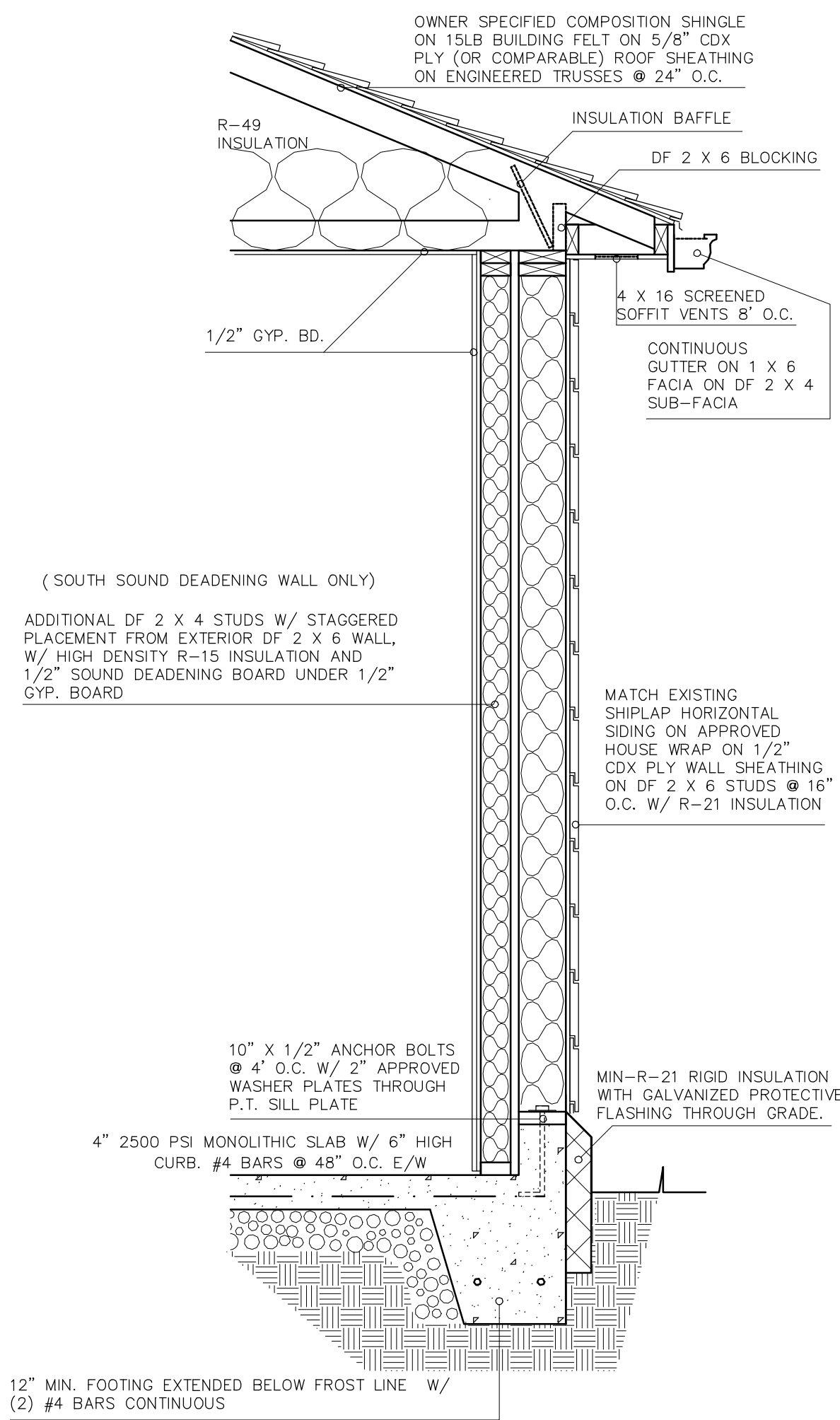
DRAWN : DS
CHECKED : DS
DATE : 05/24/24
SCALE : AS NOTED
JOB NO. : 24-0524

SHEET

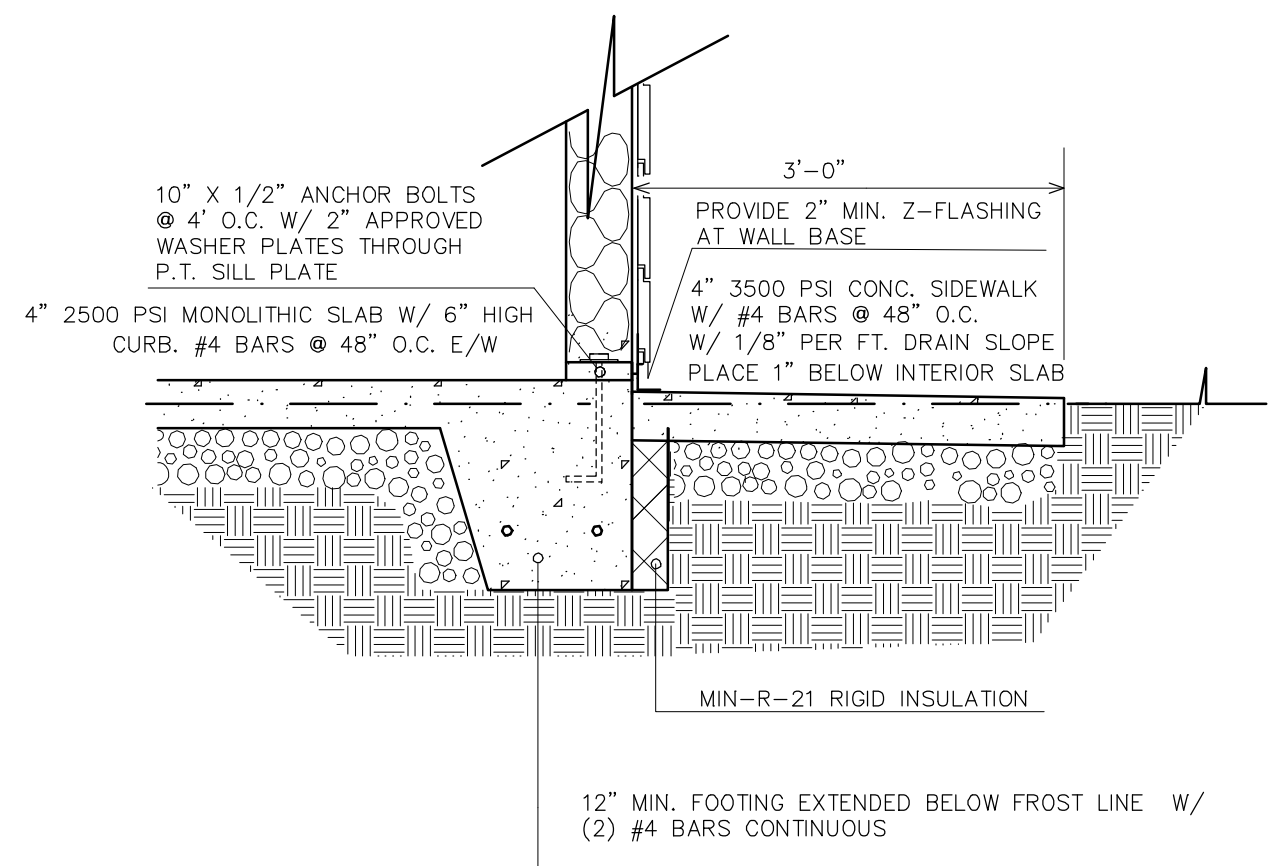
OF 3 SHEETS



BUILDING SECTION 1/2"=1'



WALL DETAIL 3/4"=1'



OPTIONAL FOOTING DETAIL 3/4"=1'