



COMMUNITY DEVELOPMENT

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

Notice of Filing

Natural Resources Impact Review

NR-03-23

October 20, 2023

The City of Albany Planning Division has received the following APPLICATION. The deadline for submission of written comments is 5:00 p.m. on **November 3, 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.
Property Owner/Applicant:	Montagne Development, PO Box 3308, Salem, OR 97302
Applicant's Representative:	Brandie Dalton, Multi Tech Engineering, 1155 13th Street SE, Salem, OR 97302
Address/Location:	Address Unassigned (southwest of the intersection of Knox Butte Road E and Timber Ridge Street NE)
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-03C; Tax Lot 106
Zoning:	MUC – Mixed Use Commercial; OS - Open Space
Comprehensive Plan:	Village Center
Overlay Districts:	Riparian Corridor Overlay (/RC); Significant Wetlands Overlay (/SW)
Total Land Area:	5.54 acres

The City of Albany has received the Natural Resource Impact Review application referenced above. We are mailing notice of the application to property owners within 100 feet of the proposed development. We invite your written comments on this application to be considered when staff decides on this application. This application is subject to the Type I-L procedure identified in Section 1.100(2) of the Albany Development Code (ADC). Type I-L decisions are made by the Community Development Director after the notice period. Written comments must relate to the approval standards listed below. Issues which may provide the basis for an appeal to the Planning Commission must be raised in writing and with sufficient detail to allow the City to respond to the issue. The deadline for submission of written comments is 5:00 p.m. on **November 3, 2023**, 14 days from the date the City mails the Notice of Filing.

All application materials are available for review at the Planning Division, and copies can be obtained for a minimal charge. Should you wish to discuss this case with a planner, please contact **David Martineau, project planner**, at 541-917-7555 or david.martineau@cityofalbany.net. Submit any written comments to the Planning Division; PO Box 490, Albany, OR 97321. Any person submitting written comments will receive a copy of the notice of decision.

Approval Standards for This Request

Natural Resource Impact Review Standards (ADC 6.310)

cd.cityofalbany.net



- A. General Requirements for Significant Natural Resource overlay districts. A proposed activity will not be approved unless all of the following are true:
- (1) The proposed activity is allowed under the requirements of the base zone.
 - (2) There are no other reasonably feasible options or locations outside the Significant Natural Resource overlay districts for the proposed activity on the subject parcel.
 - (3) The proposed activity is designed, located, and constructed to minimize excavation, grading, structures, impervious surfaces, loss of native vegetation, erosion, and adverse hydrological impacts on water resources. All activities are located as far from the water resources and use as little of the surface area of the Significant Natural Resource overlay districts, to the extent reasonably feasible.
 - (4) Any proposed impacts to significant natural resources will be mitigated per the standards in Sections 6.400 and 6.410.
 - (5) Any applicable local, state, and federal permits are secured.
 - (6) The additional requirements of ADC 6.310 (B) will be met.
- B. Additional Requirements, Limitations, and Exceptions for Specific Activities in the Riparian Corridor and Significant Wetland overlay districts. In addition to the general requirements listed above, the following requirements, limitations, and exceptions apply to development activities within the Riparian Corridor and Significant Wetland overlay districts.
- (1) Land Divisions. In addition to the regulations in Article 11, land partially situated in one of the City's natural resource districts can be divided only if there is sufficient land outside of any Significant Natural Resource overlay district to establish a development site area and/or separate a developed area from the natural resource areas. For the purposes of this section, for residential land divisions, "sufficient land" means a minimum of 2,000 square feet per proposed lot or parcel. Applicants may also elect to follow the Cluster Development standards for land divisions in Article 11.
 - (2) Structures and Land Altering Activities. The placement of structures and other impervious surfaces, as well as grading, excavation, placement of fill, and vegetation removal, are prohibited. Exceptions may be made for the purposes identified in items a-f of this Section, provided they are necessary to accommodate an approved activity and comply with any stated requirements for the activity or use.
 - (a) Water-Related and Water-Dependent Uses. Development of water-related and water-dependent uses.
 - (b) Permanent Alteration Within the Riparian Corridor. Disturbance or development within the Riparian Corridor overlay district shall be allowed under the following circumstances:
 - (i) The resource is characterized as 'marginal' or 'degraded' using the standards found in 6.410(5).
 - (ii) Demonstration that equal or better protection will be ensured through riparian corridor restoration and enhancement within the remaining overlay district area per the mitigation requirements in Sections 6.400 and 6.410. If the site is encumbered by easements or rights-of-way that would preclude onsite restoration or enhancement, an "in-lieu of payment" may be made to the city in the amount equal to the cost of onsite mitigation. Residentially zoned lots that were created prior to December 1, 2011, that are less than 20,000 square feet and can't be further subdivided are allowed to encroach up to 25 feet into the Riparian Corridor overlay district without the requirement for restoration or enhancement of the remaining 25 feet. The mitigation requirements in Section 6.400 still apply.
 - (iii) In no case shall the site improvements be any closer than 25 feet from the Ordinary High-Water mark or upland edge of the wetland unless the improvements are otherwise allowed or exempted per this Section of the Code.

(c) Vegetation Removal. Removal of live vegetation that is not exempt under 6.290(9) is only allowed to accommodate an approved use or development activity under this section of the Code.

(d) Private Construction of Public Non-Master Planned Transportation Facilities and Privately Owned Transportation Facilities. In addition to other city standards, the following standards shall apply to the location and construction of public non-master planned and/or private transportation facilities and structures, such as driveways, local streets, bridges, bridge crossing support structures, culverts, and pedestrian and bike paths. In addition to other city standards, the following standards shall apply to privately constructed transportation facilities and structures:

(i) The facility is designed to be the minimum width necessary to allow for safe passage of vehicles, bicycles and/or pedestrians, and to meet minimum width requirements.

(ii) Where reasonably feasible, crossings of significant natural resources shall be aligned to minimize impact area.

(iii) The number of crossings is the minimum amount necessary to afford safe and efficient access.

(iv) The number of crossings is minimized where reasonably feasible through use and creation of shared access for abutting lots and access through easements for adjacent lots.

(v) Crossing structures have a natural bottom or other design that meets Oregon Department of Fish and Wildlife fish passage requirements.

(e) Private Construction of Public Non-Master Planned Utilities and Privately Owned Utilities. In addition to other city standards, the following standards shall apply to permitted crossing, trenching, or boring for the purpose of developing a corridor for public non-master planned utilities and private utilities, within or crossing parcels in Significant Natural Resource overlay districts, as well as any above-ground utility structures. In addition to other city standards, the following standards shall apply to privately constructed utility projects:

(i) Boring under the waterway, directional drilling, or aerial crossing is preferable to trenching. If trenching is the only feasible alternative, it shall be conducted in a dry or dewatered area with stream flow diverted around the construction area to prevent turbidity.

(ii) Common trenches for private utilities, to the extent allowed by the building code, shall be required where reasonably feasible in order to minimize disturbance to the protected resource.

(iii) Topsoil and sod shall be conserved during trench construction or maintenance and replaced on top of the trench. Side-casting and storage of excavated material prior to replacement on top of trench is permitted. Any side-cast material not placed back on top of the trench shall be removed and may not be stored in the Significant Natural Resource overlay district after the construction or maintenance work is completed.

(iv) Hydraulic impacts on protected resources are minimized.

(v) Where reasonably feasible, crossings of significant natural resources shall be aligned to minimize impact area.

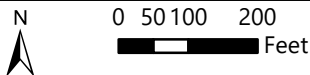
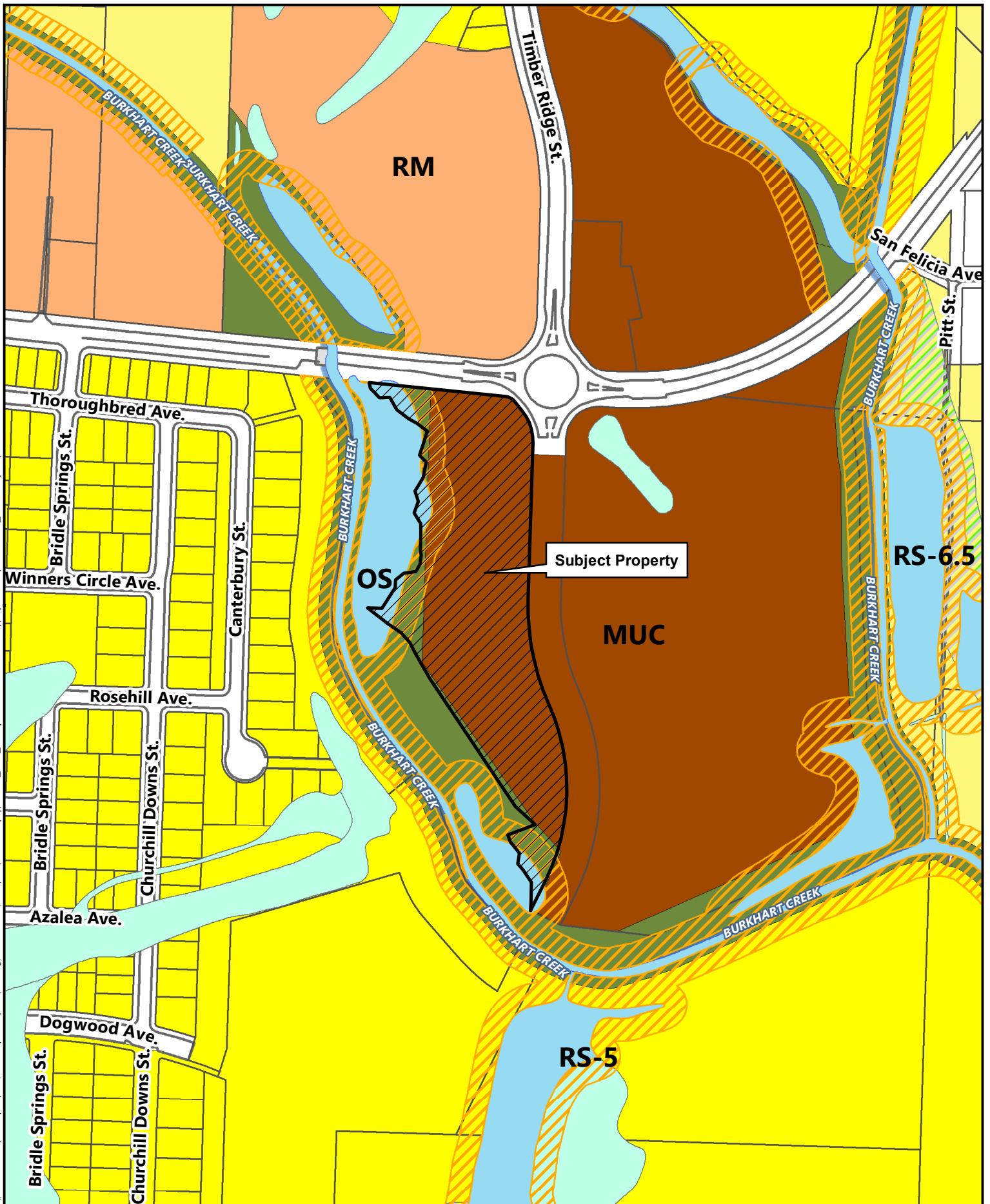
(vi) Above-ground utilities that cause ground disturbance in the Significant Natural Resource overlay district and are not within an existing right-of-way or easement, and are not shown in an approved master plan, will only be allowed in limited circumstances, and if they meet the general requirements in 6.310(A).

(f) Minor or Major Variance. Development associated with an approved Minor or Major Variance.

Additional review standards for this application are found in ADC Articles 1 & 6

Attachments: Location Map, Applicant's Landscape Restoration Plan

\\alderman.coc.nylibny.net\CityData\Community_Development\Planning_Land Use_Cases\2020\2022_Subdivision(SD)\04-03-22_SP_01_V6-01_(Brandis_Meadows_Townhomes)\Project_Review\Map\006_Location_Map_Template.mxd

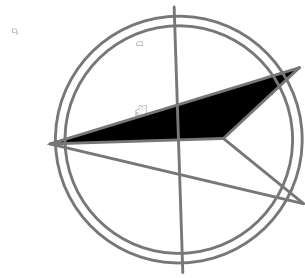


No Address Assigned, 11S03W03C 00106

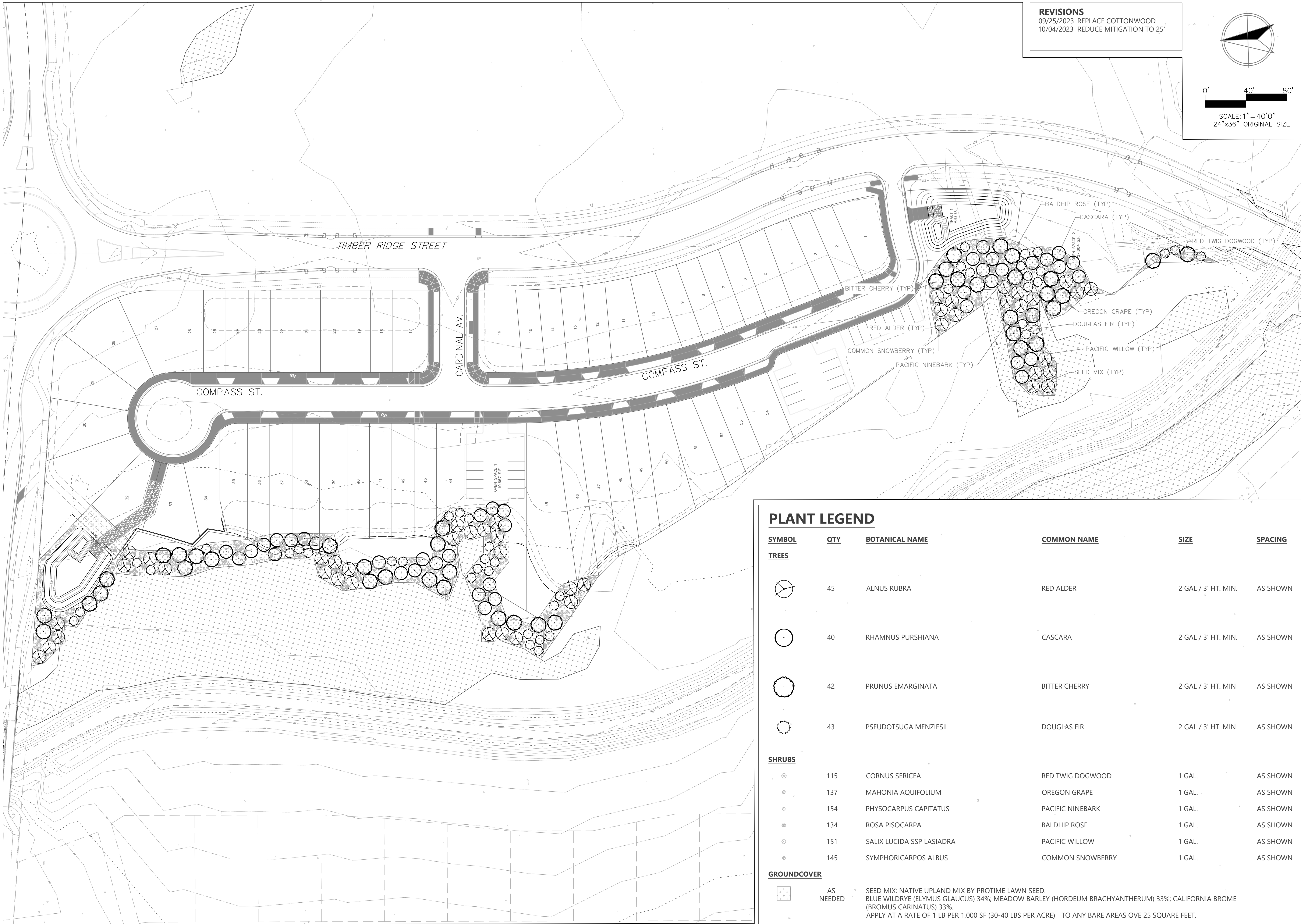
Date: 2/10/2022 Map Source: City of Albany

Location / Zoning 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



PLANT LEGEND

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
 Andrew J. Leisinger, RLA
 Landscape Architect
 3295 Triangle Drive SE, STE. 105, Salem, Oregon 97302
 Phone: (503) 378-0200, Cell: (503) 580-2103, andy@leisingerdesigns.com



**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