



## COMMUNITY DEVELOPMENT

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

# Notice of Decision

## Willamette River Greenway Review

WG-01-24

October 4, 2024

### Application Information

Proposal:	Expand an existing accessory structure located in the Willamette River Greenway by 540 square feet.
Review Body:	Planning Staff (Type II review)
Staff Report Prepared By:	Alyssa Schrems, project planner
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)

On October 4, 2024, 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 August 9, 2024. 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 Alyssa Schrems, project planner, at 541-791-0176 or Current Planning Manager, David Martineau at 541-917-7555. Staff report is available for review at [albanyoregon.gov/cd/projectreview](http://albanyoregon.gov/cd/projectreview). Paper copies can be made available by request.

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 1.230(5)]. 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 for review and approval.

*Signature on file*

Community Development Director

**Appeal Deadline: October 14, 2024**

**Approval Expiration Date (if not appealed): October 4, 2027**

Attachments: Information for the Applicant, Location Map, Site Plan

[albanyoregon.gov/cd](http://albanyoregon.gov/cd)



*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** 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.

## 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)**

3. All land use approvals, except Type IV approvals, shall expire three years from the date of approval, unless:
- 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
  - If the development did not require public infrastructure, a valid approved building permit exists for new construction or improvements, and work has commenced; or
  - 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 platting and developed shall conform to the applicable requirements of this title; or
  - An extension has been filed before the expiration date and subsequently granted approval pursuant to Section 1.320.

### PUBLIC WORKS – ENGINEERING

4. The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All information provided represents the current information we have in a readily available format. While the information we provide is generally believed to be accurate, occasionally this information proves to be incorrect, and thus we do not warrant its accuracy. Prior to making any property purchases or other investments based, in full or in part, upon the information provided, we specifically advise that you independently field verify the information contained within our records.
5. All land disturbing development must meet the requirements of the Albany Municipal Code (AMC) 12.40 Erosion Preventions and Sediment Control (EPSC). The Erosion Prevention and Sediment Control Manual 2.2.1 states:

*“Regardless of whether or not a permit is required, all land disturbing activities must be performed in a manner to prevent or minimize, to the greatest extent practical, soil erosion and the deposition or introduction of*

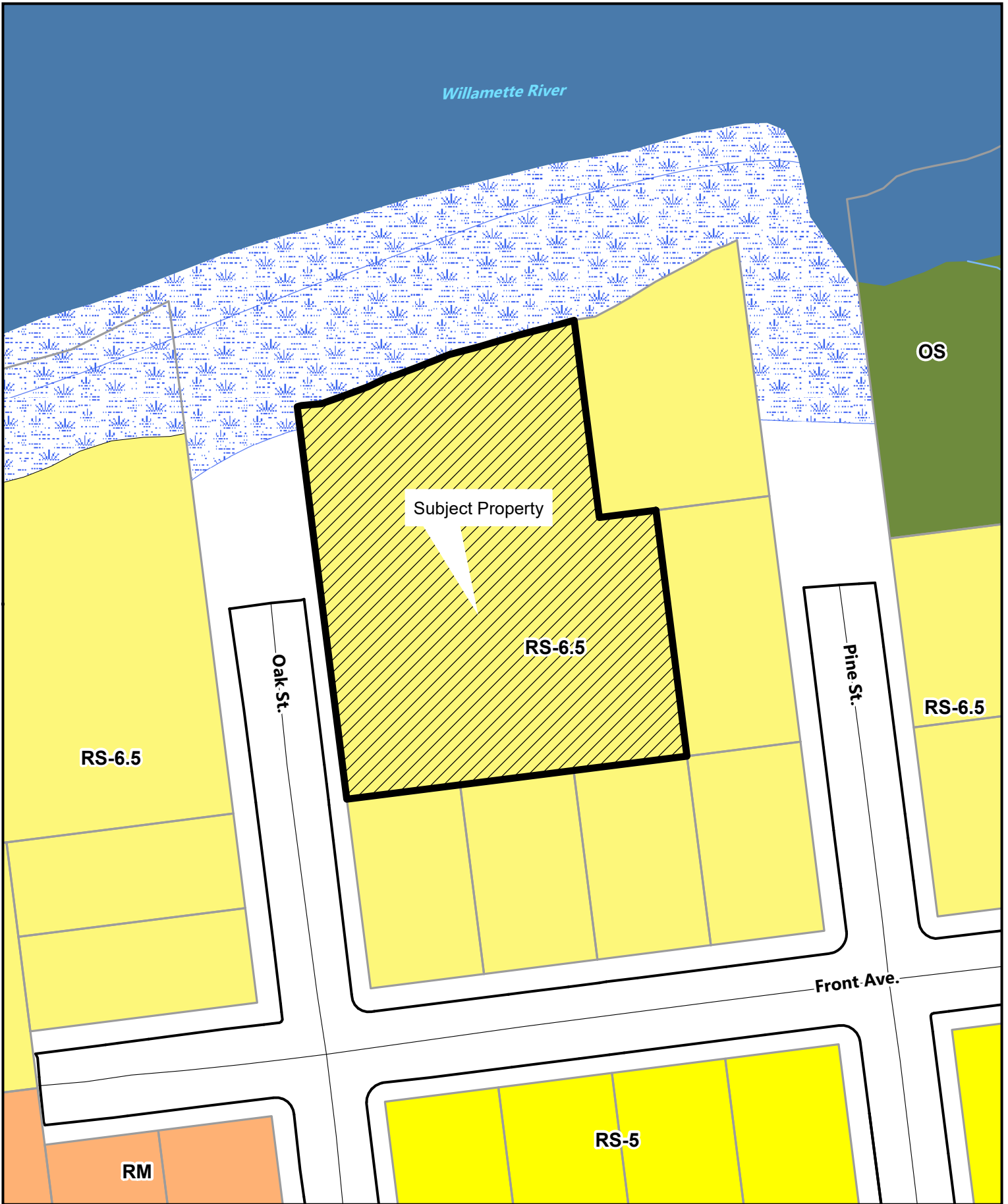
*sediments upon or into right-of-way; wetlands, drainage ways, the municipal stormwater system, receiving waters, and/or areas that include or contribute directly to the Waters of the State.”*

Prior to any land disturbing activity, the property owner shall apply for and be issued an EPSC permit to ensure best management practices for erosion control. Residential EPSC Permits shall be closed out prior to Certificate of Occupancy per EPSC Manual 2.3.3:

*“After the completion of all land disturbing activities, the owner will make a request to the City to perform a final inspection. Upon verification by the inspector that permanent site stabilization measures have been installed and are functioning effectively, the EPSC permit will be closed.”*

## BUILDING

6. The proposed project may require permits that will need to be applied for at: [www.albanyoregon.gov/permits](http://www.albanyoregon.gov/permits). For questions about permitting requirements, please email [cd.customerservice@albanyoregon.gov](mailto:cd.customerservice@albanyoregon.gov).
7. The proposed design has not been reviewed for code compliance with the Oregon Building Code and the design will need to meet the applicable Oregon Building Code requirement in effect at time of application.



Willamette River

OS

Subject Property

RS-6.5

Oak St.

Pine St.

RS-6.5

RS-6.5

Front Ave.

RS-5

RM

N

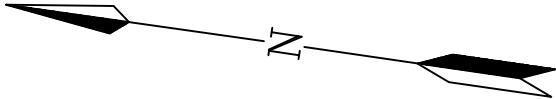
0 50 100 200 Feet

327 Oak St NE



Permit Number:  
**BLD-0152-24**

WILLAMETTE RIVER



143.0'

EXISTING OUT BUILDING

EXISTING HOUSE

PROPOSED  
MUSIC ROOM  
EXTENSION

OVER 58'

10'-0"

EXISTING  
GARAGE

EXISTING  
DRIVEWAY

198.0'

TL- 300

SIDEWALK

CURB

OAK STREET NE

SITE PLAN 1"=30'  
MAP -11S03W05CB



SANDERS HOME DESIGNS  
704 PIONEER ST., PHILMATH 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