



COMMUNITY DEVELOPMENT

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

Natural Resource Impact Review

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.
 - Concurrent
 - Non-concurrent
- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- Application and materials must be submitted online through Accela at <http://www.albanyoregon.gov/permits>. 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. NOTE: If the request is for a Land Division, Adjustment or Variance, use relevant checklist.

SUBMITTAL CHECKLIST

- PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES.**
- REVIEW CRITERIA AND DEVELOPMENT STANDARDS RESPONSES.** See page 3.
- SITE PLAN.** Per ADC 6.300(B). See page 2 for specific requirements.
- MITIGATION PLAN.** If required per ADC 6.400-6.410. See Mitigation Supplement.

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.

SUPPLEMENTAL APPLICATION INFORMATION PROPERTY AND ACTIVITY INFORMATION:

Current use(s) of the subject property: _____

Significant Natural Resource Overlays on Property:

- Significant Wetland (/SW)
- Riparian Corridor (/RC)
- Habitat Assessment (/HA)

Proposed Activity(s):

- New structures, or expansion of the footprint of any structures;
- Site modifications, including paving, grading, excavation, fill, or native vegetation removal;
- Transportation facilities and utilities not exempt through ADC 6.290(4)

Total area of project (sq ft or acres): _____

Area of the development activity proposed on the site, including all land disturbing activities such as construction, paving, excavation, fill, grading, vegetation removal, landscaping: _____ (sq ft or acres)

Area of the proposed development activity within each of the applicable overlay zones (sq ft or acres):

/SW _____ /RC _____ /HA _____

If the proposed activity is in the /RC, how far is it from ordinary high water mark (use InfoHub to estimate – site visit may be needed): _____

NOTE: Disturbance within these zones may require a Major or Minor Variance application (see ADC 6.450) or a mitigation plan (see ADC 6.400-6.410).

SITE PLAN REQUIREMENTS

When a proposed use or activity requires a Natural Resource Impact Review, in addition to what is required for any concurrent land use applications or building permits, the applicant shall submit a scaled site plan to the City that shows:

- Topographic contours at two-foot intervals;
- Ordinary high water (OHW) mark of all lakes, streams, or other waterways (NOTE: OHW must be determined by a qualified professional hydrologist or professional land surveyor);
- Location of Riparian Corridor and Habitat Assessment overlay districts based on OHW;
- Location of Significant Wetland overlay district based on the Local Wetland Inventory or DSL-approved delineation or determination;
- The 100-year floodplain boundary and elevation;
- Existing vegetative cover and species composition;
- Vegetation proposed to be removed;
- Existing and proposed site improvements – including all structures, pavement, grading, excavation, landscaping;
- How the requirements of the applicable review standards in ADC 6.310 will be met; and
- A mitigation plan, if required per ADC 6.400-6.410.

REVIEW CRITERIA AND DEVELOPMENT STANDARDS (ADC 6.310)

In a separate document, prepare a detailed written response using factual statements (called findings of fact) to explain how the activity proposed within the Natural Resource overlay district(s) complies with each of the applicable review criteria below (see ADC 6.310(A) and (B)). Each criterion must have at least one finding of fact and conclusion statement.

- 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 ADC 6.400 and 6.410.
5. Any applicable local, state, and federal permits are secured.
6. The applicable additional requirements of ADC 6.310(B) will be met.

B. Additional Requirements, Limitations, and Exceptions for Specific Activities in 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 Natural Resource overlay districts.

1. Land Divisions (USE LAND DIVISION APPLICATION)
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 ADC 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 ADC 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 ADC 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 ADC 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 ODFW 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 of 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 ADC 6.310(A).

- f. Major or Minor Variance. Development associated with an approved adjustment or variance (USE MAJOR OR MINOR VARIANCE APPLICATIONS).

- C. Activities within Habitat Assessment Overlay District. A wildlife habitat assessment is required if proposed development exceeds the minimum thresholds in ADC 6.290(10). If the wildlife habitat assessment finds evidence of habitat for either the northwestern pond turtle or the western painted turtle within the overlay district, the following standards apply:

1. New development, expansion of existing development, landscaping and other ground disturbances shall be located outside of the designated turtle habitat areas as determined by the habitat assessment; or
2. If impacts are approved, the development/use has been proposed in a manner that will minimize the impact of the development on wildlife habitat. The Oregon Department of Fish and Wildlife (ODFW) has reviewed and approved a mitigation plan for any impacts to the habitat area for the proposed development. Local mitigation is not required in addition to that required by ODFW or other state and federal agencies.

NATURAL RESOURCE IMPACT REVIEW PURPOSE AND PROCEDURE

The Significant Natural Resource Overlay districts include Riparian Corridors (/RC) and Significant Wetlands and fish-bearing waterways (/SW) throughout the City, and a Habitat Assessment area (/HA) designated specifically for turtle habitat in and around Thornton Lakes in North Albany.

The intent of these Significant Natural Resource overlay districts is to protect significant natural resources within the City of Albany as designated under Statewide Planning Goal 5 and the provisions of the Goal 5 administrative rule (OAR 660, Division 23), while ensuring economic use of property.

Refer to Albany Development Code Article 6 for information on:

- Purpose and Intent (ADC 6.270)
- Lands to Which These Regulations Apply (ADC 6.280)
- Exempt Activities (ADC 6.290)
- Activities Subject to Natural Resource Impact Review (6.300)
- Residential Development Standards (6.305)