

Attention Property Owner: A land use proposal has been submitted for property near where you live or near property you own elsewhere. State law requires that the county notify property owners within a certain distance from this property. The proposal and address of the property is described in the "Application" section below. The decision in this case does not directly affect the zoning or use of your property. If you object to the decision, refer to the "Appeal" section. If you have questions, contact the staff person listed at the end of this report.

**NOTICE OF DECISION
FLOODPLAIN DEVELOPMENT PERMIT CASE NO. 22-005**

APPLICATION: Application of Confederated Tribes of the Grand Ronde for a floodplain development permit to replace an existing bridge crossing located within the 100-year floodplain of The North Santiam River, on a total of 429 acres in the EFU (Exclusive Farm Use) zone located at 12291 Dieckman Lane SE, Aumsville (T9S, R1W, Section 20, Tax Lots 300, 400, 500, 600 & 700)

DECISION: The Planning Director for Marion County has **APPROVED** the above-described Floodplain Development application subject to certain conditions.

EXPIRATION DATE: This Floodplain Development Permit is valid only when exercised by **June 29, 2024**. The effective period may be extended for an additional year subject to approval of an extension (form available from the Planning Division). **Additional extensions may not be granted if the regulations under which this decision was granted have changed since the original approval.**

WARNING: A decision approving the proposal is for land use purposes only. Due to septic, well, and drain field replacement areas this parcel may not be able to support the proposal. To be sure the subject property can accommodate the proposal the applicant should contact the Building Inspection Division, (503) 588-5147.

All development in the floodplain is subject to federal, local, and state regulations and standards at the time development is begun. These regulations and standards are in the process of being revised and the development proposed in this application may be subject to additional regulations and standards at the time construction of structures or placement of fill on the property begins.

Based on preliminary information provided by the National Marine Fisheries Service on April 14, 2016, federal law might only recognize as legal under the county current floodplain ordinance building permits that are issued prior to September 15, 2016, and where the work is begun prior to March 15, 2017. Permits issued after September 15, 2016, or not begun until after March 15, 2017, may be in violation of federal law and thus invalidate this local permit.

Construction related to this permit is approved only within the existing developed area of the property. Construction of new structures, fill or other development of the property should not occur outside the existing developed area without prior consultation with the Marion County Planning Division. Federal regulations may require additional approvals for development outside the existing developed area of the property.

Applicants are further advised that buildings constructed with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction (the interior grade of the crawlspace is at or above the adjacent exterior grade).

This decision does not include approval of a building permit.

CONDITIONS: The following conditions must be met before a building permit can be obtained or the approved use established:

1. The applicant shall obtain all permits required by the Marion County Building Inspection Division, if applicable.
2. The applicant shall comply with all applicable criteria located in MCC Chapter 17.178.060 (E, F, G & H).

OTHER PERMITS, FEES, AND RESTRICTIONS: This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits and/or fees from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for, obtaining other permits or satisfying any restrictions or conditions thereon.

1. Materials that are buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by floodwaters, are prohibited unless stored within a structure or on land elevated above the base flood level. Storage of materials and equipment not having these characteristics is permissible only if the materials and equipment have low-damage potential and are anchored or are readily removable from the area within the time available after forecasting and warning.

APPEAL PROCEDURE: The Marion County Zone Code provides that certain applications be considered first by the Planning Director. If there is any doubt that the application conforms with adopted land use policies and regulations the Director must condition or deny the application. Anyone who disagrees with the Director's decision may request that the application be considered by a Marion County hearings officer after a public hearing. The applicant may also request reconsideration (one time only and a fee of \$200) on the basis of new information subject to signing an extension of the 150-day time limit for review of zoning applications.

A public hearing is held on appeals subject to the appellant paying a \$250.00 fee. Requests for reconsideration, or consideration by a hearings officer, must be in writing and received in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on, **June 29, 2022**. If you have any questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **June 30, 2022**, unless further consideration is requested.

1. The subject area is located southwest of Stayton city limits, on the east side of Dieckman Lane SE. The proposed development is located approximately 0.50 miles north of the North Santiam River. The parcels are in the Exclusive Farm Use (EFU) zone and in farm use. The majority of the parcels included within the proposed development area are within the 100-year mapped floodplain of the North Santiam River.
2. The subject area is located off Dieckman Lane SE at its intersection with Public Rd SE (NCR 3382). The subject area contains the crossing, which will be upgraded from a multi-culvert crossing to a free span bridge on a side channel of the North Santiam River. The project proposes to use driven piles to support the bridge. The new disturbance area will be 0.35 acres for the bridge, bridge approach slopes, channel work, and slope stabilization through the bridge opening. In addition to the proposed bridge, the applicants propose work on the Chahalpam chub pond and inlet channel. The intent of this project is to increase the frequency and magnitude of water flowing through the chub pond in an effort to displace non-native warm water fish that compete with native Oregon chub. There will be no significant impact on the water way.
3. Surrounding properties to the north, east, and west consist primarily of commercial farm operations in an EFU (Exclusive Farm Use) zone within Marion County. Properties to the south are located within Linn County.
4. The applicant is proposing one structural project: to repair an existing road bridge over the perennial creek. The other items proposed are riparian repair and enhancement; no structures are proposed in this section of the project. The applicant provided evidence that alternations to the bridge are necessary, and work will be as minimally impactful as possible. The work being done is a necessary upgrade to the existing bridge and would not be required to comply with floodplain development standards in Section 17.178 therefore, they do not constitute standard floodplain development requirements. The applicant shall adhere to.

5. Marion County Land Development and Engineering commented:

Engineering Advisory – *Outside agency coordination including permit(s) may be required from DSL and/or ACOE.*

All other notified agencies either failed to respond or had objections to the proposal.

6. The property is on Flood Insurance Rate Map # 41047C0725G in an unnumbered “A” floodplain zone with an approximate Base Flood Elevation of 380 feet mean sea level. (Planning staff determined the BFE to be approximately 380 feet MSL based on FEMA's FIRM panel and previous floodplain permits). The applicant did not submit any documents that would indicate the BFE.
7. MCC chapter 17.178.060 E, F, G & H pertain to this project and compliance will be made a condition of approval.

E. Construction Materials and Methods.

- 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and the design and methods of construction are in accord with accepted standards of practice based on an engineer's or architect's review of the plans and specifications.*
- 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damages.*

F. Utilities.

- 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system as approved by the State Health Division.*
- 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters in the systems and discharge from the systems into floodwaters.*
- 3. On-site waste disposal systems shall be designed and located to avoid impairment to them or contamination from them during flooding consistent with the requirements of the Oregon State Department of Environmental Quality.*
- 4. Electrical, heating, ventilation, plumbing, duct systems, air-conditioning and other equipment and service facilities shall be elevated to one foot above the level of the base flood elevation. Where the base flood elevation is not available, the electrical, heating, ventilation, plumbing and air-conditioning equipment shall be elevated to one foot above the highest adjacent natural grade (within five feet) of the building site. If replaced as part of a substantial improvement the utility equipment and service facilities shall meet all the requirements of this subsection.*

G. Developments Generally. Residential developments involving more than one single-family residential structure including subdivisions, manufactured dwelling parks, multiple-family residential structures and planned developments, and other proposed developments including development regulated under subsections (A) and (C) of this section shall meet the following requirements:

- 1. Be designed to minimize flood damage.*
- 2. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.*
- 3. Have adequate drainage provided to reduce exposure to flood hazards.*
- 4. Base flood elevation data shall be provided by the developer. In cases where no base flood elevation data is available analysis by standard engineering methods will be required to develop base flood elevation data.*

H. Storage of Materials and Equipment. Materials that are buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by floodwaters, are prohibited. Storage of materials and equipment not having these characteristics is permissible only if the materials and equipment have low damage potential and are anchored or are readily removable from the area within the time available after forecasting and warning.

8. Based on the above findings, it has been determined that the proposal complies with the criteria in the Marion County Code and is, therefore, **APPROVED**, subject to conditions.

Brandon Reich,
Planning Director/Zoning Administrator

Date: June 14, 2022

If you have any questions regarding this decision contact Lindsey King, CFM at (503) 588-5038

Notice to Mortgagee, Lienholder, Vendor or Seller: ORS Chapter 215 requires that if you receive this Notice, it must promptly be forwarded to the purchaser.