

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. 25-001**

APPLICATION: Application of Yvonne A. Parsons for a floodplain development permit to improve the existing storm water drainage way within the 100-year floodplain of Mill Creek on a 27.95-acre parcel in the UT-20 (Urban Transition) zone located at 9164 Golf Club Rd SE, Aumsville (T9S; R1W; Section 4B; Tax lot 200).

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 **March 28th, 2027**. 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.

Based on a letter provided by FEMA to Marion County in July 2024, additional mitigation could be required in case of an audit of this permit, or otherwise required by Marion County.

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 16.19.140 (D) and (E).

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.

3. The applicant must obtain all necessary permits from those governmental agencies from which approval is required by Federal or State law. The applicant should review and ensure compliance with section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. This may include voluntarily complying with the FEMA model code for the floodplain permit or providing a habitat assessment, providing a mitigation assessment, or otherwise demonstrating compliance with the Endangered Species Act. If Marion County determines that compliance is insufficient, additional mitigation may be required.
4. 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, **March 28th, 2025**. If you have any questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **March 31st, 2025**, unless further consideration is requested.

1. The subject area is located east of Golf Club Rd SE, approximately a half mile south of HWY 22. The parcel abuts Santiam Golf Club to the north, and Mill Creek to the northeast. The proposed development is a lateral expansion of the ditch that follows along the eastern property line of tax lot 200. The project will be within an easement across the subject parcel. After completion, the easement will be transferred to the City of Stayton.

This Floodplain Development Permit is specific to the approximately 250ft of ditch that is within the 100-year floodplain and floodway of Mill Creek. This is a small section of a larger project that will expanded existing stormwater ditches along the subject parcel, and south adjacent parcels, to connect with a detention pond located at 1601 Oriole St., Stayton (091W04DB03300). In the short term, this stormwater drainage will serve the subdivision known as the Phillips Subdivision, located between Oriole St. and Junco St, and allow completion of the buildout. In the long term, the stormwater drainage will serve future subdivisions east of Golf Club Rd SE.

The existing and partially constructed Phillips Subdivision is within the City of Stayton, and the future subdivision will have to be annexed into Stayton prior to development. This Floodplain Development Permit considers the work on this ditch strictly within the floodplain adjacent to Mill Creek, at a flow consistent with current capacity and historic flow. This application is based on the assertion of the applicant that flow will be controlled by the detention pond on the west side of the Phillips Subdivision, and maintained at current levels. Future permitting through the City of Stayton will likely be required to ensure that additional stormwater does not exceed the capacity of the ditch or result in increased flood risk for any property.

The project will include removal of 42-cubic yards of soil and placement of 6 cubic yards of material in limited shallow berms on the eastern side of the expanded ditch. The proposal is for a widening of the ditch, not a deepening. The applicant plans to utilize detention and limited release of stormwater to maintain pre-developed hydrology so as not to affect Mill Creek.

The subject parcel was created in its current configuration by a property line adjustment in 2007 (PLA07-003) and is therefore legal for land-use purposes.

2. All surrounding properties are zoned UT-20 (Urban Transition). To the north is the Santiam Golf Club. West, south and east is land in farm use. The properties west and south of the subject area also contain dwellings.
3. The applicant is proposing an improvement to existing stormwater drainage in an area of floodplain. The project involves expansion of an existing ditch that drains into Mill Creek, and placement of fill to create a berm.

4. Various Agencies were contacted with a request for comments.

Marion County Land Development Engineering and Permits (LDEP) commented:

ENGINEERING REQUIREMENT

- A. Drainage conveyance improvements over county lands primarily serving development within City limits shall be contained within public drainage easements dedicated to the City.

ENGINEERING ADVISORIES

- B. The County will not maintain the drainageway primarily serving City development.
C. MCPW Engineering does not have permitting jurisdiction over the proposed drainage ditch. The City is responsible for ensuring the conveyance ditch system is sufficient to meet City requirements.
D. DEQ regulates ground disturbances equal to or greater than 1.0 acre through the NPDES 1200-C Construction Stormwater Erosion Program.

Marion County Building Inspection commented: No building Inspection concerns as it doesn't appear the proposed work will affect any adjacent structures regulated by the state building code.

All other agencies either stated no comment or did not respond.

5. The purpose of the Floodplain Overlay Zone is to promote public health, safety and general welfare to minimize public and private losses due to flood conditions. In order to ensure that the development is reasonably safe from flooding, the County requires the development comply with the criteria and standards listed in Section 16.19.130 and 16.19.140 of Marion County Code (MCC).
6. The development area is on the boundary between Marion County Flood Insurance Rate Maps #41047C704G and #41047C708G. These FIRMs indicate the development area is in an AE zone. Based on FIRM panel #41047C708G, and the corresponding Flood Insurance Study, Marion County staff determined the BFE of the development area is 421.8 feet (NVGD29).
7. Marion County Code 16.19.130 requires prior to any development in the floodplain:

C. Prior to obtaining a building permit the owner shall be required to sign and record in the deed records for the county a declaratory statement binding the landowner, and the landowner's successors in interest, acknowledging that the property and the approved development are located in a floodplain.

The improved ditch is being placed in a easement for the developer until completion, at which time the easement will be conveyed to the City of Stayton. The developer of the easement will be required to record a declaratory statement referencing the recording information for the easement as a condition of approval.

D. Prior to obtaining a building permit, commencing development or placing fill in the floodplain the applicant shall submit a certification from a registered civil engineer demonstrating that a development or fill will not result in an increase in floodplain area on other properties and will not result in an increase in erosive velocity of the stream that may cause channel scouring or reduce slope stability downstream of the development or fill.

The applicant provided engineer certification from Registered Professional Engineer Mark Grenz of Multi-Tech Engineering Service, INC that the development will not result in any increase in floodplain area on other properties and will not result in an increase in erosive velocity of the stream that could cause channel scouring or reduce slope stability downstream. The criterion is met.

8. Additionally, MCC 16.19.140 provides standards for development in a floodplain:

D. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

No aspect of this project requires anchoring. The criterion does not apply.

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.

The project involves excavation and grading on the subject parcel. No outside materials will be added. The criterion is met.

F. Utilities.

The proposal is not for a utility facility, nor are utilities involved in the project. The criterion does not apply.

9. The project is partially located within the floodway and therefore subject to MCC 16.19.140 (J).

J. Floodways. Located within areas of floodplain established in MCC 17.178.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential the following provisions shall apply in addition to the requirement in subsection (I) of this section:

1. Prohibit encroachments, including fill, new construction, substantial improvements and other development, within the adopted regulatory floodway unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If subsection (J)(1) of this section is satisfied, all new construction, substantial improvements, and other development shall comply with all applicable flood hazard reduction provisions of this section.

3. The area below the lowest floor shall remain open and unenclosed to allow the unrestricted flow of floodwaters beneath the structure.

The applicant provided a no rise certification from Registered Professional Engineer Mark Grenz of Multi-Tech Engineering Service, INC. The development in question within the designated floodway is the widening of the drainage ditch. The development complies with all other applicable flood hazard reduction provisions. The development is not a structure, therefore (J)(3) does not apply. The floodway criteria are met.

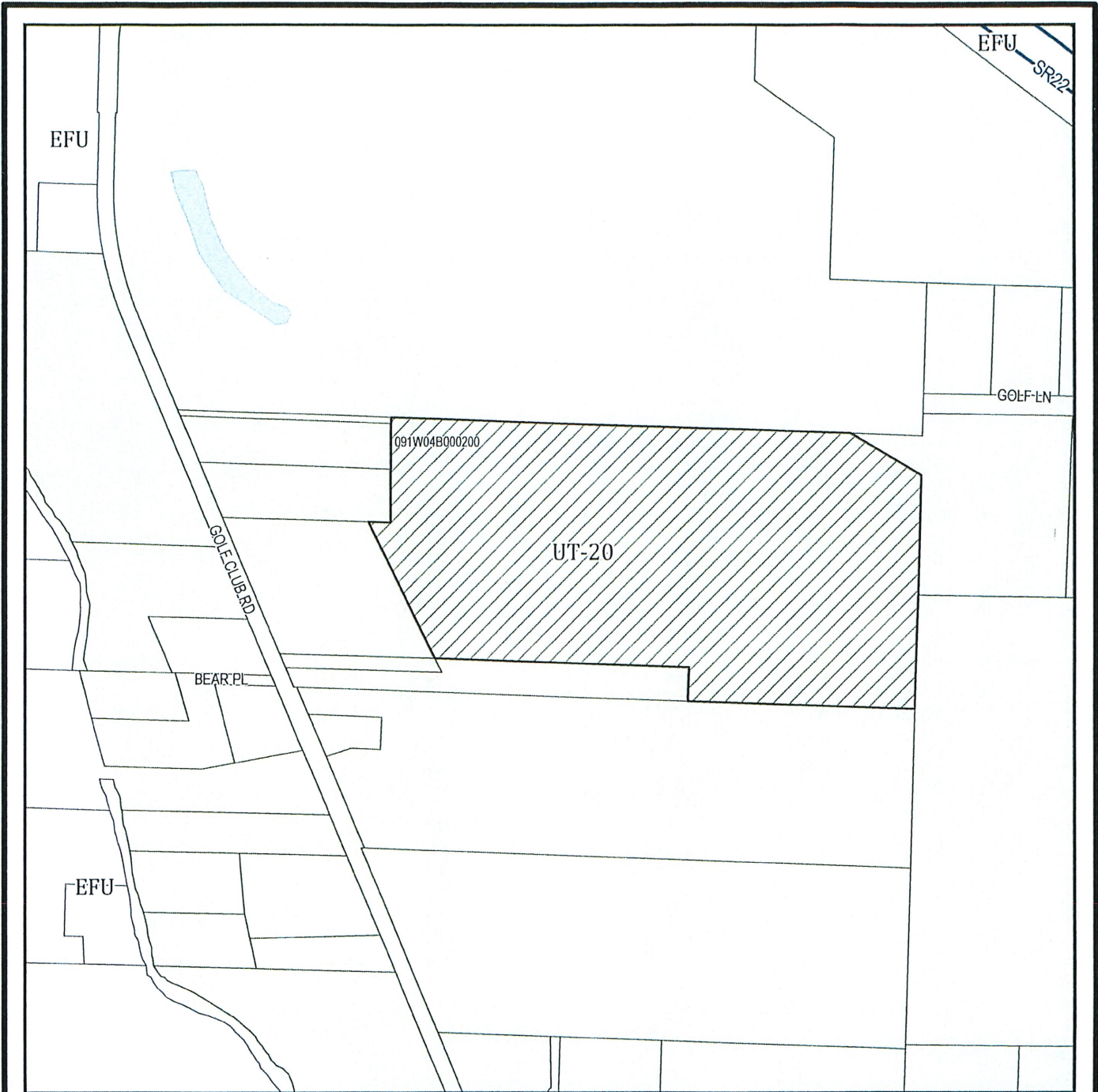
10. Based on the above findings, it has been determined that the proposal complies with the criteria in the Marion County Code and is, therefore, **APPROVED**, subject to conditions.

Brandon Reich,
Planning Director/Zoning Administrator

Date: March 13th, 2025

If you have any questions regarding this decision contact John Speckman 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.



ZONING MAP

Input Taxlot(s): 091W04B000200

Owner Name: YVONNE A PARSONS TR PARSONS,
YVONNE A

Situs Address: 9164 GOLF CLUB RD SE

City/State/Zip: AUMSVILLE, OR, 97325

Land Use Zone: UT-20

School District: NORTH SANTIAM

Fire District: STAYTON

Legend

-  Input Taxlots
-  Lakes & Rivers
-  Highways
-  Cities



scale: 1 in = 431 ft

DISCLAIMER: This map was produced from Marion County Assessor's geographic database. This database is maintained for assessment purposes only. The data provided hereon may be inaccurate or out of date and any person or entity who relies on this information for any purpose whatsoever does so solely at his or her own risk. In no way does Marion County warrant the accuracy, reliability, scale or timeliness of any data provided on this map.