

County Commissioners
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Colm Willis
Kevin Cameron



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Jan Fritz

Director
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Deputy Director
Dennis Mansfield

MARION COUNTY PUBLIC WORKS

MARION COUNTY PLANNING COMMISSION REVISED STAFF REPORT

SUBDIVISION: 24-001

OWNER: Enchanted Ridge Property Owners Association

REQUEST: Request for conceptual and detailed approval to divide an 85.6-acre parcel into four lots of 77.90-acres, 2.40-acres, 2.90-acres and 2.36-acres.

LOCATION: 8300 Block of Valley Way SE, Turner (T8S, R3W, Section 36, Tax Lot 400/Section 36B, Tax Lot 1900/Section 36A, Tax Lots 1200 & 1300).

DATE: January 8, 2025

REPORT OF THE FACTS:

1. The subject property is zoned AR (Acreage Residential) and EFU (Exclusive Farm Use) correspondingly zoned Rural Residential and Primary Agriculture in the Marion County Comprehensive Plan. The property is located outside of any Urban Growth Boundary.
2. The property is located at the end of Enchanted View Lane SE, a private easement that accesses the Enchanted Ridge Subdivision. This is a residential development on the eastern side of Enchanted Way and Interstate 5, further to the east is land in active farm use. The property does not contain any floodplains or streams and there is a portion of geo-hazard level three on proposed lots 2 and 3. The property is located within an SGO (Sensitive Groundwater Overlay) zone. The applicant has an approved hydrogeology report for the proposed lots indicating that there is a viable, long-term supply of groundwater available for the new residential wells.
3. Adjacent properties to the north and west are zoned AR and developed with single family homes. Properties to the east are zoned EFU and are in active farm production, producing hay and grass seed. To the south are properties zoned AR and C (Commercial) these are developed with the Hope Valley RV Resort.

AGENCY COMMENTS:

4. Public Works Land Development and Engineering (LDEP) requested that the following comments be included in the staff report for consideration by the Planning Commission.

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ENGINEERING REQUIREMENT

- A. Transportation System Development & Parks charges will be assessed upon application for building permits for new dwellings.

ENGINEERING ADVISORIES

- B. The private street system takes public access from Enchanted Way, under ODOT jurisdiction.
- C. Proposed implementation of perforated underground storm drain pipe as a method of reducing inter-lot stormwater surface runoff is not precluded by MCPW Engineering; however; the Applicant is forewarned that particular perforated drain systems intended for stormwater disposal that may be designed and installed without an ultimate 'open' discharge point such as daylighting downslope on land surface, to a man-made conveyance ditch, to a seasonal or perennial creek or to a public closed pipe system are regulated by DEQ as *Underground Injection Control* for which registration and periodic water sampling requirements apply.

Marion County Septic commented:

Proposed lots 1, 2, and 3 require a Site Evaluation to establish initial and repair septic areas. Proposed lot 4 is OK.

Turner Fire District commented regarding the 2022 Oregon Fire Code and the 2024 Marion County Fire Code Applications guide. The comments can be found in full in the case file.

Marion County Building commented:

No Building Inspection concerns. Permit(s) are required to be obtained prior to development of structures and/or utilities installation on private property.

Marion County Survey commented:

1. Subdivision name must be approved per ORS 92.090.
2. Must be surveyed and platted per ORS 92.050.
3. Subdivision plat must be submitted for review.
4. Checking fee and recording fees required.
5. Per ORS 92.065 - Remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation.
6. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Note: If it is necessary to re-configure the utility easement created by this partition plat (see map), then it will be the responsibility of the applicant to determine the names of all of the utility companies affected by the proposed re-configuration, and give this list of names to the Marion County Surveyor's Office. Letters of notice will be sent by this office to the affected utility companies, who will determine whether or not the easement is to be maintained.

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All other commenting agencies either failed to comment or stated no objection.

ANALYSIS AND CONCLUSIONS:

5. The applicant is proposing to subdivide an 85.6-acre parcel into four lots with 3 lots in an AR (Acreage Residential) zone and one 77.90-acre lot in an EFU (Exclusive Farm Use)
6. **Roads, Streets and Easement:** Standards for this section are listed in MCC 17.172.140 through 17.172.340 and include:

17.172.140 ENGINEERING STANDARDS AND REQUIREMENTS Engineering standards and requirements, including but not limited to streets, drainage, access, easements, and thoroughfare improvements, shall be those currently approved by the Marion County Department of Public Works.

As outlined in their comments in #4 above, Marion County Land Development and Engineering does not have jurisdiction over street and roadway improvements but offers advisories for drainage and easements to ensure they are developed correctly.

17.172.160 DEDICATION OR DEEDING OF ROADWAY No person shall dedicate for public use, or deed to Marion County, a parcel of land which is used or proposed to be used as a roadway without first obtaining the approval of the Board and delivering the deed to the Board for its endorsement. No dedication is effective unless the property is accepted by the Board and recorded with the Marion County Clerk's Office.

17.172.180 DEAD-END STREETS When it appears necessary to continue streets to an adjacent acreage, the streets shall be platted to the boundary or property line of the proposed subdivision without a turnaround. In all other cases, dead-end streets shall have a turnaround with a configuration approved by the Marion County Department of Public Works.

No public right of way dedication is proposed with this application. No dead end streets are proposed, however, the applicant will need to ensure proper fire turnaround specifications are met.

17.172.200 RADIUS AT STREET INTERSECTIONS The property line radius at street intersections shall be to the Marion County Public Works Department's standards.

Because these are private streets, the standard does not apply.

17.172.220 STREET GRADES No street grade shall be in excess of 12% unless the Commission or Hearings Officer finds that, because of topographic conditions, a steeper grade is necessary. The Commission or Hearings Officer shall require a written statement from the Director of Public Works indicating approval of any street grade that exceeds 12%.

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The proposal uses existing private streets that meet this standard.

17.172.240 DEDICATION OF RIGHT-OF-WAY If land to be subdivided or partitioned will cause the termination of a roadway or borders a roadway right-of-way of less than standard width, the applicant shall dedicate sufficient land to provide for a cul-de-sac or to increase the half (or halves) of right-of-way bordering the subject parcel to one-half of the standard width. Unless otherwise specified for an individual street in the Zoning Ordinance, standard right-of-way widths are subject to the standards of the Marion County Department of Public Works.

No dedication of right-of-way widths has been requested.

17.172.260 ADDITIONAL RIGHT-OF-WAY WIDTHS Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way may be required to be dedicated to allow all cut and fill slopes to be within the right-of-way.

No dedication of right-of-way widths has been requested.

17.172.280 PERFORMANCE STANDARDS Whenever adequate assurances of performance are required as a condition of approval of any subdivision under this ordinance, the applicant shall meet the requirements of this section.

Marion County Land Development and Engineering did not request that a Performance & Warranty Construction Bond be submitted.

17.172.300 UTILITY EASEMENTS Utility easements meeting the approval of the Marion County Department of Public Works shall be provided to all newly created lots.

All utility easements are already in place and were recorded when the subdivision was first established.

17.172.320 STREET OR ROAD IMPROVEMENTS All street or road improvements including pavement, curbs, sidewalks, signage, and surface drainage shall be in accordance with the specifications and standards prescribed by the Director of Public Works. Subdivision plats shall not have final approval until such time as the Director of Public Works, or his/her designee, is satisfied that the street improvements will be completed in accordance with the specifications and standards set forth by the Marion County Department of Public Works.

The development is located on private roads, no upgrades are needed.

17.172.340 PRIVATE STREETS In the event the subdivider or developer elects to provide private streets or thoroughfares, they shall be maintained by the Homeowners Association and a maintenance agreement shall be submitted to Marion County for review and approval prior to recording the final plat.

All private streets are already in place as well as a maintenance agreement that will apply to the new lots.

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7. **Lots:** Standards for this section are listed in MCC 17.172.360 through 172.380 and include:

*17.172.360 **LOT SIZE** All lots approved under this Chapter shall have sufficient area to be consistent with the intent of the Comprehensive Plan and to provide adequate area for the intended structures and uses, all setbacks, access and spacing required for water supply and waste water disposal. Lots to be served by public or privately owned sewage collection and disposal system must meet the requirements and have approval of the Oregon State Department of Environmental Quality before being recorded or sold. State regulations, soil types, drainage, terrain, and location may be included as part of the criteria used by the State or County in determining appropriate lot sizes for lots using subsurface disposal of sewage. Lot size and dimension shall be as prescribed in the corresponding zone.*

The Comprehensive Plan states that all lots must be, as a minimum, two acres in size and the AR (Acreage Residential) zone has a minimum lot size of two acres. The proposed lots range from 2.36 to 2.50 acres in size. All of the lots will conform to the minimum lot size standards and are of sufficient size and shape to accommodate a dwelling.

*17.172.380 **CURVED FRONT LOT LINES** When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.*

The applicant states that all curved front lot lines have been and will be measured and shown by bearing and chord distance.

8. **Sewage, water and utilities:** Standards for this section are listed in MCC 17.172.400 through 17.172.440 of and include:

*17.172.400 **SEWAGE DISPOSAL**. All new or refigured lots or parcels, 10 acres or smaller in size, shall be served by an authorized sewage disposal system. Subsurface sewage disposal for individual parcels shall meet the requirements of the Department of Environmental Quality (DEQ) and the Marion County building inspection division. Those subsurface sewage systems that are used by a community, sanitary district, industry, or incorporated area must be authorized by the Department of Environmental Quality (DEQ) via the Marion County building inspection division. Installation and maintenance shall be in accordance with the Department of Environmental Quality's regulations and requirements. All new or reconfigured lots or parcels with an existing on-site septic system, that were authorized by an approving authority, shall be reviewed to determine that the existing system is either located entirely on the same lot or parcel containing the existing dwelling, or that proper easement is provided to allow the continued use and maintenance of the system. The commission, director, or hearings office may require connection to an existing sewage collection and treatment system regardless of lot suitability for subsurface disposal if the commission, director, or hearings officer deems it necessary and provided the connection is available*

A condition of approval shall require the applicant obtain a favorable septic approval for each proposed lot prior to the subdivision plat being recorded. In addition, the County On-site Wastewater Specialist is required to sign the plat.

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17.172.420 WATER SUPPLY All lots or parcels shall be served by an authorized public or private water supply system or individual private wells.

- (a) **Public or Private Systems:** Public or private systems shall meet the requirements of the Oregon State Health Division with reference to chemical and bacteriological quality. In addition, such systems must meet the quantity, storage, and distribution system requirements of the State Health Division and the Marion County Department of Public Works.*
- (b) **Individual Private Wells:** Individual private wells must meet the construction requirements of the Oregon State Water Resources Department and be located in accordance with requirements of the State Health Division in relation to public or private sewage disposal systems. The bacteriological quality of this water may be determined through the Marion County Health Department. Upon receiving the recommendations from the State Health Division or Marion County Health Department, the Hearings Officer or Commission may require the use of an engineered public or private water system in any proposed subdivision. Other criteria to be considered in making this determination are the recommendations contained in the Marion County Water Quality Management Plan, Marion County Comprehensive Plan, and Chapter 181 of the Marion County Rural Zoning Ordinance.*

The applicant indicates that water will be provided by individual private wells, not by a private or public water system. Privately owned wells—including their location—are not regulated by Marion County. Wells in the development must meet the requirements of the Oregon Water Resources Department.

17.172.430 STORMWATER MANAGEMENT. The impact of proposed of subdivisions and partitions on stormwater runoff shall be evaluated and potential adverse impacts shall be mitigated. Where evidence indicates stormwater runoff will have an adverse impact on a drainage system or natural drainage network, the developer shall demonstrate that proposed stormwater management on the subject property will compensate for the proposed change per county standards. Compliance with this requirement shall be demonstrated by compliance with department of public works engineering standards.

Marion County Land Development and Engineering as well as Oregon DEQ regulate stormwater detention. No conditions were imposed at this time but development will be subject to review at the time of development for storm water runoff. The specifics of these systems will be shown on building plans and reviewed and approved by LDEP.

17.172.440 UNDERGROUND UTILITIES EASEMENTS Underground easements for utilities and overhead utility facilities shall be provided by the subdivider and set forth on the final plat. When possible, such easement shall be centered on or bordering a lot line. The subdivider shall provide easements on both sides of all road or street rights-of-way of 60 feet or less.

No street right of ways are being proposed and utility easement are already in place along the private roads.

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9. **Access Standards:** *MCC 17. 172.560 requires that all lots must have a minimum of 20 feet of frontage on a public right-of-way, or, when an access easement is proposed to serve one or more lots in any partitioning, the location and improvement of the roadway access shall conform to the following standards which are necessary for adequate access for emergency vehicles. Evidence that the access has been improved to these standards shall be provided prior to the issuance of building permits on the parcels served by the access easement.*

- (a) *Have a minimum easement width of 20 feet;*
- (b) *Have a maximum grade of 12%;*
- (c) *Be improved with an all-weather surface with a minimum width of 12 feet;*
- (d) *Provide adequate sight-distance at intersections with public roadways;*
- (e) *Be provided with a road name sign at the public roadway as an identification for emergency vehicles in accordance with the Marion County Address and Street Name Ordinance.*

As currently proposed, all parcels will be accessed off of a private easement that was created as part of the Enchanted Ridge Subdivision. This easement already meets the above described standards.

10. **Sensitive Groundwater Overlay (SGO) Zone:** *MCC Chapter 17.181 provides standards for development within an SGO zone, specifically section 17.181.120 (B) provides monitoring requirements for subdivisions in SGO zones:*

1. *An approved water-level monitoring plan is required as a condition of approval for subdivisions.*

This shall be made a condition of approval.

2. *The monitoring plan shall be submitted to the county for peer review and is subject to approval by the county.*

This shall be made a condition of approval.

3. *The monitoring plan shall be approved and implemented before building permits are issued.*

This shall be made a condition of approval.

4. *A minimum of one observation well per 15 lots is required in each subdivision and at least one observation well is required for each phase of a subdivision. Monitoring shall begin at the start of development of Phase I of an approved subdivision. A report that includes an analysis of data collected to date shall be submitted to the county for peer review prior to approval of the next phase of development.*

This standard is not required as there are only 3 lots being developed.

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5. *Evidence of water level declines shall require preparation of a hydrogeology study prior to the release of the next phase for development if the county determines that the available data suggests that groundwater supplies may not be sufficient for additional development.*

There are no phases for this development and as such this standard does not apply.

6. *Access easements that allow county and OWRD personnel to measure water levels shall be recorded with deeds for lots containing an observation well as a condition of approval of the subdivision.*

There are no phases for this development and as such this standard does not apply.

Staff has considered MCC 17.181.140 and does not recommend any conditions from that section of code as the size and nature of this development do not warrant it.

STAFF RECOMMENDATION:

Based upon a review of the subdivision and zoning provisions of the Marion County Rural Zoning Ordinance and comments received from commenting agencies, staff recommends the proposed subdivision be given detail approval subject to the following conditions:

1. Prior to recording the final plat, the applicants shall obtain a septic site evaluation from the Marion County Septic Division on each undeveloped parcel.
2. The applicant shall submit documentation satisfactory to the Marion County Surveyor to accomplish the final subdivision plat. The applicant is advised that a plat service report from a title company must be submitted with the final mylar.
3. All easements (utility, drainage, septic, etc.) required by reviewing agencies shall be shown on the final plat.
4. All parcels will be required to submit a Sensitive Groundwater Overlay declaratory statement prior to issuance of building permits.
5. A geo-technical report may be required for development on parcels 2 and 3. This is to be determined based on proposed building locations in relation to the geo-hazard on each parcel.
6. In accordance with Marion County Ordinances and OAR 340-21-060, during the land clearing and road construction phase of this development, dust suppression measures such as water trucks shall be employed as necessary to prevent off site deposition of dust generated by the construction activities or related vehicular traffic on adjacent properties.

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7. The applicant shall submit a water-level monitoring plan to the county. The plan shall be peer reviewed by the county at the expense of the applicant and is subject to approval by the county.
8. Prior to building permits being issued, the monitoring plan shall be approved and implemented.

Austin Barnes
Principal Planner

Date: January 8, 2025

If you have any questions regarding this memo contact Austin Barnes 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.