



Marion County
OREGON

FLOODPLAIN/GREENWAY APPLICATION

Applications will no longer be accepted by email or mail.
All applications must be submitted in person.

Do not double-side or spiral bind any documents being submitted

RECEIVED

Fee: Please check the appropriate box:

- ☐ Floodplain Development - \$1130
☐ Greenway Development - \$1130

JUL 03 2023

**Marion County
Planning**

APPLICANT(S): FRIENDS OF HISTORIC BUTTEVILLE	ADDRESS, CITY, STATE, AND ZIP: PO Box 506, DONALD, OR 97020
APPLICANT(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: BENJAMIN WILLIAMS	ADDRESS, CITY, STATE, ZIP 23013 YEARY LANE NE, AURORA, OR 97002
DAYTIME PHONE (if staff has questions about this application): 503.568.5670	E-MAIL (if any): ben.williams@liturgica.com
ADDRESS AND RIVER MILE OF SUBJECT PROPERTY: BUTTEVILLE LANDING- RIVER MILE 42.9	SIZE OF SUBJECT PROPERTY: 60 x 400 FT
THE APPLICANT OF THE SUBJECT PROPERTY REQUEST TO (summarize here; provide detailed information on the attached "Applicant Statement" page): Install dock and gangway	
WILL A RAILROAD HIGHWAY CROSSING PROVIDE THE ONLY ACCESS TO THE SUBJECT PROPERTY? () YES (x) NO IF YES, WHICH RAILROAD:	
IF THE PROPOSED USE OR DEVELOPMENT IS WITHIN THE FLOODPLAIN AE ZONE, AS IDENTIFIED ON THE OFFICIAL ZONING MAPS OF MARION COUNTY, PLEASE PROVIDE THE FEMA BASE FLOOD ELEVATION FROM FIRM MAP OR STREAM STUDY: 95.1 FT	

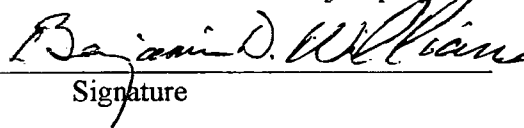
FOR OFFICE USE ONLY:			
Township	Range	Section	Application elements submitted:
Tax lot number(s)			<input type="checkbox"/> Title transfer instrument
Zone:			<input checked="" type="checkbox"/> Site plan
Zone map number:			<input checked="" type="checkbox"/> Applicant statement
<input type="checkbox"/> TPA/header			<input type="checkbox"/> GeoHazard Peer Review (if applicable)
Case Number:			<input checked="" type="checkbox"/> Filing fee <i>Waived</i>
<input type="checkbox"/> Urban <input type="checkbox"/> Rural			
Name of watercourse:			Application accepted by: <i>LK</i> Set up by: <i>LK</i>
Date determined complete:			Date: <i>7/6/23</i>

THE APPLICANT(S) SHALL CERTIFY THAT:

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

PRINTED NAME AND SIGNATURE of each APPLICANT of the subject property.

BENJAMIN D. WILLIAMS



Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

DATED this 1st day of July, 2023

Applicant Statement (required)

It is up to the applicant to fully explain your proposal and how it conforms to Marion County land use regulations. This is **your** opportunity to provide detailed information on the “who, what, where, when and why” that is specific to your proposal.

There are specific criteria and regulations for each zone; these are available from the Planning Division. We strongly encourage you to obtain a copy of this information, review it, and then prepare your “applicant’s statement”.

These are a few items you should consider including (where applicable):

- Describe the property as it exists now and after implementation of the proposal: topography, existing structures and their use, new or alteration of structures, etc.
- Describe surrounding properties: type of land use, scale of development, etc. and any impact your proposed use might have on these properties such as dust, noise, fumes or odors, traffic, etc. And, if so, what measures will you take to mitigate these impacts?

NOTE: Pursuant to Marion County Rural Zoning Code 17.116.040 (G) [a public agency or utility, or an entity authorized by a public agency or utility, if the public agency or utility holds and easement or other right that entitles the applicant to conduct the proposed use on the subject property without the approval of the property owner], this application is being completed in a manner consistent with Marion County as the owner of the Butteville Landing right of way rather than fee title holder.

SEE ATTACHED PROJECT PLANS WITH NO-RISE CERTIFICATION LETTER, ETC.

(use additional paper if needed)

APPLICANT STATEMENT – 2023 Butteville Landing Floodplain Application

This application for a Floodplain/ Greenway permit is to complete the final phase for the restoration of the Butteville Landing (the "Landing"), a Marion County right-of-way. Marion County has jurisdiction over the right- of-way, but the dock and gangway placement will be conducted under a Memo of Understanding by Friends of Historic Butteville. Earlier phases of the restoration project included the removal of invasive species, cut and fill, placement of boulder walls to stabilize the slopes, installation of property line fencing, and replanting with native species. A 10 ft. wide concrete trail from Butte Street down to approximately Ordinary High Water (OHW), designed to accommodate emergency vehicles if required, has been installed.

This final phase will place a two- part gangway and small dock, followed by installation of ADA-approved handrails on the trail and a guard rail across the bottom of the Landing at approximately OHW.

Full details including topography, engineering drawings, etc. are included in the application packet. A number of considerations should be stated regarding criteria under MCC 17. 179.050.

1. Significant fish and wildlife habitats shall be protected: The dock shape and location, as well and stormwater management, were designed with the National Marine Fisheries Service ("NMFS") and were approved by NMFS as part of the applicant's Joint Permit Application ("JPA") with the United States Army Corps of Engineers ("Corps") and the Oregon Department of State Lands ("DSL").

2. Significant natural and scenic areas, viewpoints and vistas shall be preserved: The right- of-way improvements, including gangway and dock, are designed to reestablish and improve public access to the Willamette River. This project is consistent with the historic use of the Landing for public access to the River for both transportation and recreational purposes.

3. Areas of ecological, scientific, historical or archaeological significance shall be protected: A cultural survey has been conducted and the State Historic Preservation Office ("SHPO") listing has been completed. No cultural artifacts were found.

4. The quality of the air, water and land resources in and adjacent to the greenway shall be preserved: The small dock is primarily designed for paddlecraft, although it has the capacity to accept up to two small powercraft. The right-of-way improvements will not affect the quality of air, water or land resources with the greenway. The improvements have been professionally designed to preserve the integrity of the riverbank and not to disturb the historic concrete footings found at water's edge.

5. Areas of annual flooding, floodplains and wetlands shall be preserved in their natural

state: Earlier phases of the project stabilized the bank above OHW and did not disturb the natural vegetative fringe below OHW. These actions were taken to manage stormwater runoff and erosion.

6. The natural vegetative fringe along the river shall be maintained to the maximum extent that is practical: The natural vegetative fringe below OHW has been preserved, and the bank above OHW was planted with native species to further stabilize the lower landing and prevent stormwater runoff and erosion.

7. The proposed development, change or intensification of use is compatible with existent uses on the site and the surrounding area: This development will not change the use of the right-of-way, which is to provide ingress to and egress from the Willamette River for the benefit of the public. The applicant has four years of experience maintaining the right-of-way, which has demonstrated that this right-of-way improvement project is compatible with the existing use of the subject property, which is—and has historically been—ingress and egress. This improvement project is low impact, as it is simply intended to improve the existing right-of-way to provide more efficient and safe public access to the Willamette River. Adjacent property owners have their own private docks, and the proposed use will not impact adjacent property owners' use and enjoyment of their properties.

8. Areas considered for development, change or intensification of use which have erosion potential shall be protected: As described previously, early phases of the project stabilized the bank to prevent erosion, a stormwater management system was designed with NMFS, and the vegetative fringe below OHW was not disturbed. Furthermore, the new bank above OHW was planted with native species to prevent erosion. Achieving a 0.0% no-rise certification (see attached certification letter from Boatwright Engineering) will require removal of some bank above OHW and downstream from the gangway, and for mitigation the removal area will be replanted with native species for bank stabilization and erosion control in a manner compatible with provisions of the greenway management zone.

9. Any public recreational use of facility shall not substantially interfere with the established uses on adjoining property: The established uses on adjoining property in the floodplain are private boat docks and gangways of similar design to the dock and gangway proposed in this application. The uses established on the uplands of adjacent properties are single family residential. This right-of-way improvement project is a transportation link from Butteville to the river. As previously stated, the intent of this project is to improve the existing public right-of-way that provides public access from Butteville to the Willamette River. Paddlecraft users will continue to utilize this right-of-way to transport their boats to and from the river on the concrete trail, as well as across the gangway to the dock. Paddlecraft typically need to be readied for launch, and the lower grass area will serve the role of a staging area for this purpose. The Landing has been a public right-of-way to the Willamette River since the Butteville community was first settled, and this project is intended to enhance the public's ability to access the river with material improvements intended to improve the Landing and eliminate environmental degradation.

The public recreational use of the proposed dock will not substantially interfere with the established uses on the adjoining properties because the proposed dock is adequately spaced from the upstream and downstream docks, consistent with the existing development pattern in the neighborhood where adjoining residential properties have similar gangways and boat docks. This dock spacing ensures adequate maneuvering areas for launching boats from the various neighborhood docks, and therefore will not interfere with use of the established docks on adjoining properties. Public use of the dock will not interfere with the residential uses on adjoining properties because those properties are fenced and largely screened with mature vegetation, and because the vehicle access to those properties from the public right-of-way is preserved. The public's continued use of this existing right-of-way will not substantially interfere with existing uses on the adjacent private properties. This project will enhance the public's ability to access the Willamette River, and the clearing and improvement activities planned will facilitate the public's ability to access the river, limiting the amount of time spent staging recreational activities within the right-of-way. This project will improve the ongoing use of the right-of-way for low-impact recreational activities on the Willamette River.

10. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practical:

County-provided parking at the top of the Landing is prominently signed for use between 6 a. m. and 10 p. m. and not for overnight parking. The Marion County Sheriff's Office patrols the right-of-way regularly. Installation of the guardrail across the bottom of the Landing will assure that access to the river occurs within the right-of-way, over the gangway to the dock, and will prevent any access to adjacent properties. Property line fencing and "Private/Public" signage has been installed to maintain public safety and protect public and private property to the maximum extent practical.

11. The development shall be directed away from the river to the greatest possible extent:

The dock and gangway improvement are water-dependent uses and therefore must be located within the Willamette River. The remainder of the restoration project has been designed to facilitate safe and easy access to and from the community of Butteville and the Willamette River.

12. The development, change or intensification of use shall provide the maximum possible landscaped area, open space of vegetation between the activity and the river:

County provided parking exists on Butte Street above the Landing and the proposed dock and gangway will be located in the Willamette River. Apart from the lower grass area that may be used by some paddlecrafters for temporary staging and the concrete trail to the gangway, the remaining area of the Landing has been landscaped and planted with native species vegetation.

Complete project plans, engineering drawing and no-rise certification documents are included within this application packet.