

**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. 21-003**

**APPLICATION:** Application of the Marion County, on property located within a public right-of-way, for a floodplain development permit to perform seismic updates on the Independence Bridge, to include excavation, placement of return soil and piling repair in the identified 100 year floodplain of the Willamette river located in the 7000 block of River Road South, Salem. Adjacent to T8S, R4W, Section 27, tax lot 900).

**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 **August 7, 2023**. 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.

**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.

2. 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 **August 9, 2021**. If you have any questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **August 8, 2021** unless further consideration is requested.

1. The subject area is located within the City of Independence city limits, on the South River Rd. Bridge approximately ½ mile over the Willamette River. The subject area does not have a designated zone per Marion County, as it is under the jurisdiction of The City of Independence. Portions of the property are within the mapped 100-year floodplain of the Willamette River.
2. The subject area is located at the center of the South River Rd. Bridge. The subject area contains the existing bridge, which will be structurally upgraded for safety, which will include work along five of the bridges piers.
3. Surrounding properties to the east consist primarily of commercial farm operations in an EFU (Exclusive Farm Use) zone within Marion County. Properties to the west are within city limits of Independence.
4. The applicant is proposing one project: repair existing road bridge over the Willamette River. The applicant provided evidence that alternations to the existing bridge are necessary and work will be as minimally impactful as possible. The work being done is not for a new structure, but for an 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. Floodplain development standards only apply to new structures and substantial improvements of existing structures where the value of the work exceeds 50% the value of the existing structure. This development does not constitute a substantial improvement.
5. All notified agencies either failed to respond or had objections to the proposal.
6. The property is on Flood Insurance Rate Map # 41047C0650G in an AE floodplain zone and Regulatory Floodway with an approximate Base Flood Elevation of 162.7 feet mean sea level. (Planning staff determined the BFE to be approximately 159.3 feet MSL based on FEMA's FIRM panel). The applicant submitted an elevation certificate indicating that the lowest elevation at the building site is 168.2 feet MSL. Because this elevation is higher than the Base Flood Elevation, no further demonstration of compliance with the Floodplain Development Ordinance is required.
7. 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.

Joe Fennimore  
Planning Director

Date: July 23, 2021

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.