

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. 24-008

APPLICATION: Application of Rick and Rebecca McCallister for a floodplain development permit to place fill, perform grading, construct a lean-to addition to a shop, and replace gate pillars within the 100-year floodplain of the North Fork of the Little Pudding River on a 3.57 acre parcel in the UT-5 (Urban Transition) zone located at 5815 Lake Labish Rd NE, Salem (T6S; R2W; Section 32 CA; Tax lot 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 **April 4th, 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.

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 record a Floodplain Declaratory Statement (enclosed) acknowledging that the property and the approved developments are located within a floodplain.

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. 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.

4. The applicants should contact Marion County Fire District No. 1 to obtain a copy of the District's Recommended Building Access, water supply and Premise Identification regulations and the Marion County Fire Code Applications Guide. Fire District access standards may be more restrictive than County standards.

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, **April 4th, 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 **April 7th, 2025**, unless further consideration is requested.

1. The subject parcel is located at 5815 Lake Labish Rd NE, in northern most neighborhood within the Urban Growth Boundary for the City of Salem. The North Fork of the Little Pudding River flows north across the eastern half of the subject parcel. The subject parcel contains a primary dwelling and an accessory structure.

The subject parcel was created in its current configuration by a property line adjustment in 1997 (LLA97-018) and is therefore legal for land-use purposes.

2. All surrounding properties are zoned UT-5 (Urban Transition) and within the Urban Growth Boundary of the City of Salem. The neighborhood along Lake Labish Rd NE extends from Hazelgreen Rd NE to Labish Garden Rd NE. The neighborhood consists of residential parcels, surrounded by farm uses to the north, west, and east, and urban uses to the south.

The North Fork of the Little Pudding River originates in the Hayesville neighborhood which is developed at urban densities. It flows north and crosses under Hazelgreen at the intersection with Lake Labish, and then crosses several parcels on the west side of Lake Labish including the subject parcel, before crossing under Lake Labish road and veering northwest approximately 1,500-feet north of Hazelgreen.

3. The applicant is proposing to permit previously completed filling and grading on the subject parcel, replaced gate pillars, and a lean-to addition to the existing shop structure. The lean-to addition was determined to not qualify as substantial improvement, and therefore not require inclusion in this floodplain permit.
4. Various Agencies were contacted with a request for comments.

Marion County Building Inspection commented: No building Inspection concerns.

Marion County Septic Division commented: Per OAR 340-071-0130(12), no fill may be placed over the areas of the initial and replacement drainfield. Prior to filling the site, a repair area should be allocated and left undisturbed from any site improvements that may negatively affect the soil. The existing drainfield must remain undisturbed.

Marion County Code Enforcement commented: Code Enforcement is in full support of this application. If this is approved, it will close the Code case for working in a Floodplain without permits.

Marion County Fire District No. 1 commented: This project must meet the following code requirements per Marion County Fire District No. 1:

1. Premise identification: Buildings shall have address numbers or approved identification placed in a position that is plainly legible and visible from the access road fronting the property. Numbers shall contrast with their background and shall be a minimum of 4 inches height with a minimum stroke width of ½ inch. (2022 OFC 505.1)

2. Gates: Gates securing fire apparatus roads shall comply with all the following: (2022 OFC D103.5)
- Minimum unobstructed width shall be 16 feet.
 - Gates shall be set back a minimum of 30 feet from the intersecting roadway.
 - Gates shall be of the swinging type or sliding type.
 - Manual operation shall be capable by one person.
 - Electric gates shall be equipped with a means for operation for fire department personnel.
 - Locking devices shall be approved

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 Marion County Flood Insurance Rate Map #41047C0225G and #41047C708G. This FIRM indicates the development area is in an A-zone.
7. After applying for this floodplain permit, the applicant worked with Marion County Planning to assess the value of the lean-to addition to the existing shop structure. It was determined that the lean-to addition does not constitute more than 50% of the value of the existing structure. Because the addition does not constitute substantial improvement, a floodplain permit and associated standards are not required for the addition.
8. The applicant hired Multi-Tech to assess the project. In the letter provided by Professional Engineer Mark Grenz of Multi-Tech, it was explained that replaced gate pillars are located on a grade above the base flood elevation. Therefore a floodplain permit and associated standards are not required for the new gate pillars.
9. 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.

This declaratory statement shall be 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 grading and filling previously performed by the applicants, and the new gate pillars, 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.

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 20th, 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): 062W32CA00700

Owner Name: MCCALLISTER, REBECCA H
MCCALLISTER, RICHARD T

Situs Address: 5815 LAKE LABISH RD NE

City/State/Zip: SALEM, OR, 97305

Land Use Zone: UT-5


School District: SALEM-KEIZER

Fire District: MARION COUNTY NO.1

Legend

 Input Taxlots

 Lakes & Rivers

 Highways

 Cities



scale: 1 in = 129 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.