

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. 25-002

APPLICATION: Application Santiam River Holdings LLC for a floodplain development permit to replace an existing manufactured home within the 100-year floodplain of Santiam River on a 3.21-acre parcel in the EFU (Exclusive Farm Use) zone located at 17610 Harris Ln SE, Jefferson (T10S; R3W; Section 13; Tax lot 800).

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 11th, 2027** (two years). 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 building permits as required by the Marion County Building Inspection Division.

2. A registered civil engineer or architect shall certify the proposal meets the applicable requirements of MCC 17.178.050(D) and 17.178.060(A5)(D)(F)(G).
3. The applicant shall submit elevation certificates at the times specified by MCC 17.178.050(E).
4. The applicant shall sign and submit to the Planning Division a Declaratory Statement (enclosed) acknowledging that the property and the approved development are located within a floodplain. The applicant shall record this statement with the Marion County Clerk after it has been reviewed and signed by the Planning Director.
5. Per the requirement in Marion County Code 17.136.100(C), the applicant shall sign and submit a Farm/Forest Declaratory Statement (enclosed) to the Planning Division. This statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director. This statement can be obtained from Marion County Planning.
6. The structure shall be used for residential use only, not for commercial use.

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.

7. The applicants should contact the Jefferson Fire District to obtain a copy of the District's Recommended Building Access and Premise Identification regulations and the Marion County Fire Code Applications Guide. Fire District access standards may be more restrictive than County standards.
8. 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.
9. 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.

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 11th, 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 14th, 2025**, unless further consideration is requested.

FINDINGS AND CONCLUSIONS: Findings and conclusions on which the decision was based are noted below.

1. The subject property is designated Primary Agriculture in the Marion County Comprehensive Plan and correspondingly zoned Exclusive Farm Use (EFU). The purpose of the EFU zone is to provide areas for continued

practice of commercial agriculture. It is also located within the identified 100-year floodplain of the Santiam River, Marion County Firm Panel 41047C1000G.

2. The subject property is located at 17610 Harris Ln SE, approximately a half mile south of the intersection of Harris Ln SE with Jefferson-Scio Dr SE. This area is the southernmost peninsula of Marion County, where the North and South Santiam Rivers meet. The parcel contains a manufactured home placed in 1990. The home was approved by Floodplain/Farm Dwelling application FP/FD89-005 in 1989. Two prior land-use approvals for dwellings were issued in 1978 (CU78-069) and 1987 (CU/FP87-012) but neither appears to have been enacted. The home site sits on an approximately 1-acre square at the northernmost point of the property. Harris Ln SE ends and turns into a branching farm access road, much of which is part of the subject property. South of the 1-acre homesite area is a long strip of land encompassing the roadway south and then east to a riparian area of the property that encompasses approximately 1.5-acres of woodland and wetlands on the bank of the North Santiam. The land use case (FP/FD89-005) approving the home on this property indicates that the property is legal for land use purposes.

3. Surrounding lands to the north and west and south are zoned EFU and are large scale farm operations and some hobby farm use with homesites.

4.	<u>Soil</u>	<u>% of Parcel</u>	<u>SCS Soil Class</u>	<u>High Value?</u>
	Cloquato silt loam (Cm)	43.6%	II	Yes
	Newberg Silt loam (Nu)	32.2%	II	Yes
	Newberg fine sandy loam (Nw)	24.2%	II	Yes

5. The applicant(s) propose to place a manufactured dwelling within the 100-year floodplain of the Santiam River to replace a home that was placed in 1990.

6. Various government agencies were contacted with opportunities to provide comment.

Marion County Building Division commented: "Permit(s) are required to be obtained prior to any development and/or utilities installation on private property. If any portion of the manufactured home is proposed to be lower than the base flood elevation (BFE) then those portions would be required to be of water proof, water resistant, preservative treated, or other material not subject to decay or otherwise subject to moisture, such as the support piers, plumbing, mechanical, or electrical systems and the skirting around the perimeter of the home. It is recommended the owners or other representative consult with a building plans examiner prior to applying for the manufactured home placement permit."

Marion County Septic commented: "Based on this review the property owner has already completed the required actions. 555-24-007101 was approved on 10/10/25."

All other contacted agencies failed to comment or stated no objection to the proposal.

7. 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. The criteria and standards which must be satisfied are listed in Section 17.178.050 and 17.178.060 of the Marion County Code (MCC).

8. Flood Insurance Rate Map # 41047C1000G indicates that the proposed placement site is in the Zone AE, and the applicant representative has confirmed that the base flood elevation is 230.8' (NGVD29) at the proposed placement site.

9. MCC chapter 17.178.050 (Conditional Use procedures and requirements) B-E pertain to this permit:

B. When base flood elevation data and floodway data have not been provided in accordance with MCC 17.178.030, the applicant, with the assistance of the floodplain administrator, shall obtain and reasonably utilize any base flood elevation data or evidence available from a federal, state or other source in order to determine compliance with the flood protection standards. If data are insufficient, the

floodplain administrator may require that the applicant provide data derived by standard engineering methods.

The applicant representative, Kyle Latimer of Udell Engineering, submitted an elevation certificate based on construction drawings that show the base flood elevation at the site of the proposed home location is 230.8' (NGVD29). The property is designated Zone AE and shown on panel 41047C1000G. The criterion is met.

- 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 signing of a declaratory statement will still be made 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 shall provide evidence in the form of engineer certification that the proposed manufactured home placement complies with this criterion as a condition of approval.

- E. *The applicant shall provide an elevation certificate signed by a licensed surveyor or civil engineer certifying that the actual elevations (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new or substantially improved residential structures including manufactured dwellings meet the requirements of MCC 17.178.060(A), (B) and (C), where applicable, as follows:*
- 1. Prior to construction (based on construction drawings); and*
 - 2. Once the floor elevation can be determined (based on the building under construction); and*
 - 3. Prior to occupancy (based on finished construction).*

This proposal is for a residential structure, the applicant shall submit an elevation certificate at the times listed above. The first elevation certification, based on construction drawings, was submitted with this application. Submission of the subsequent elevation certificates shall be a condition of approval.

10. MCC chapter 17.178.060 A, & D-H pertain to this project.

- A. *Residential Structures, Including Manufactured Dwellings and Related Structures. New residential construction, substantial improvement of any residential structures, location of a manufactured dwelling on a lot or in a manufactured dwelling park or park expansion shall:*
- 2. Manufactured dwellings shall have the bottom of the longitudinal chassis frame beam, including basement, elevated on a permanent foundation to two feet above base flood elevation. Where the base flood elevation is not available, the finished floor, including basement, shall be elevated on a permanent foundation to two feet above highest adjacent natural grade (within five feet) of the building site;*

The application materials show that the proposed manufactured home will be elevated so that the bottom of the longitudinal chassis shall be at least 2' above the BFE. Final confirmation by way of an elevation certificate shall be a condition of approval.

- 3. Manufactured dwellings shall be anchored in accordance with subsection (D) of this section; and all electrical crossover connections shall be a minimum of one foot above the base flood elevation;*

The applicant representative attests that the manufactured home will be anchored in accordance with subsection D of this section. Engineer certification of compliance with these standards shall be a condition of approval.

4. *No new residential structures, including manufactured dwellings, shall be placed in a floodway. An exception to this prohibition may be granted if a floodplain development permit and variance consistent with MCC 17.178.080 are obtained;*

The proposed placement of a single-family home will not be located in a floodway. This criterion is met.

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.*
2. *All manufactured dwellings must likewise be anchored to prevent flotation, collapse or lateral movements, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Anchoring methods shall be consistent with the standards contained in the Oregon Manufactured Dwelling Installation Specialty Code.*

The applicant representative attests to compliance with this standard, and engineer certification shall be a conditional of approval.

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 applicant representative attests to compliance with this standard. The criterion is met.

F. Utilities.

1. *All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system as approved by the State Health Division.*
2. *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters in the systems and discharge from the systems into floodwaters.*
3. *On-site waste disposal systems shall be designed and located to avoid impairment to them or contamination from them during flooding consistent with the requirements of the Oregon State Department of Environmental Quality.*
4. *Electrical, heating, ventilation, plumbing, duct systems, air-conditioning and other equipment and service facilities shall be elevated to one foot above the level of the base flood elevation. Where the base flood elevation is not available, the electrical, heating, ventilation, plumbing and air-conditioning equipment shall be elevated to one foot above the highest adjacent natural grade (within five feet) of the building site. If replaced as part of a substantial improvement the utility equipment and service facilities shall meet all the requirements of this subsection.*

The applicant representative attests that all non-floodproofed mechanical equipment shall be placed a minimum of 1' above the BFE. The standards of this criterion shall be a condition of approval.

G. Developments Generally. Residential developments involving more than one single-family residential structure including subdivisions, manufactured dwelling parks, multiple-family residential structures and planned developments, and other proposed developments including development regulated under subsections (A) and (C) of this section shall meet the following requirements:

1. *Be designed to minimize flood damage.*
2. *Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.*
3. *Have adequate drainage provided to reduce exposure to flood hazards.*
4. *Base flood elevation data shall be provided by the developer. In cases where no base flood elevation data is available analysis by standard engineering methods will be required to develop base flood elevation data.*

The applicant representative attests to compliance with this standard, and engineer certification shall be a conditional of approval.

- H. Storage of Materials and Equipment. Materials that are buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by floodwaters, are prohibited. 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.*

The proposal is not for the placement or storage of materials. This shall be a condition of approval.

11. 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**.

Brandon Reich
Planning Director/Zoning Administrator

Date: March 28th, 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): 103W130000800

Owner Name: SANTIAM RIVER HOLDINGS LLC

Situs Address: 17610 HARRIS LN SE
City/State/Zip: JEFFERSON, OR, 97352
Land Use Zone: EFU
School District: JEFFERSON
Fire District: JEFFERSON

Legend

- | | |
|--|--|
|  Input Taxlots |  Highways |
|  Lakes & Rivers |  Cities |



scale: 1 in = 648 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.