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MARION COUNTY PLANNING COMMISSION

SUBDIVISION: SUB19-001

OWNER: Julie M. Harris, Trustee of the Harris Living Trust

APPLICANT: Mike Smith

REQUEST: Request for conceptual and detailed approval to subdivide 23.82 acres into ten lots.

LOCATION: 8468 Bronco Drive SE, Aumsville. (T8S; R2W; Section 23D; tax lot 200).

REPORT OF THE FACTS:

1. The subject property is located outside an Urban Growth Boundary, designated Rural Residential in the Marion County Comprehensive Plan, and zoned AR (Acreage Residential). The property is also located in the Sensitive Groundwater Overlay (SGO) zone.
2. The property is located at the western terminus of Bronco Drive SE, approximately 1,300 feet west of its intersection with Aumsville Highway SE. The property contains a single family dwelling and accessory structure in the northeast corner of the property. In the southwest corner of the property is a small pond and drainage way.
3. Adjacent properties to the north and east are zoned AR and developed with single family dwellings. Properties to the west and south are zoned SA (Special Agriculture). The property adjacent to the southeast corner is a residential lot while the other two adjacent parcels each contain a single family dwelling and are receiving special assessment for being in farm use.

AGENCY COMMENTS:

4. Marion County Surveyor commented that the subdivision name must be approved per ORS 92.090. In addition, the subdivision must be surveyed and platted per ORS 92.050 and the final plat, along with appropriate fees, shall be submitted to their office for their review and approval. Per ORS 92.065 a 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. The final plat must be submitted to their office with a current or updated title report that is no less than 15 days old at the time of approval of the plat.

Public Works Land Development and Engineering Permits (LDEP) stated that approval of this subdivision would allow an approximate 24-acre property located in an AR zone to be subdivided into 10 lots, resulting in an additional 100 ADT on Bronco Drive and other County roads. Public Works Engineering Division conditions, requirements and advisories are given below.

Engineering Conditions: Public Works Engineering requests that the following conditions be included in the staff report for consideration by the Planning Commission.

Condition A - Depict a 60-foot wide Bronco Drive public right-of-way (R/W) on the plat to meet the rural Local road standard and including a 68-foot diameter cul-de-sac termination.

R/W dedication requirements for subdivisions are in accordance with Marion County Code (MCC) Sections 17.172.180 & 240. Nexus for this Condition is the necessary construction of a public road extension to serve the development. Please note that in accordance with MCPWDS Table 2, option for a reduced R/W width when terminating in a cul-de-sac is only applicable for distances of up to 500 feet, where the proposed extension is over 900 feet long.

Condition B – Prior to Plat approval, design, permit and construct a 20-foot wide Bronco Drive public road paved extension including 68-foot diameter cul-de-sac termination, plus 5-foot wide gravel shoulders and drainage conveyance features in general accordance with MCPWDS.

Nexus it to provide sufficient access to the development [MCC 17.172.140 & 320]. It is noted that the existing section of Bronco Drive, a very low volume, non-through road, was constructed to a paved width of 20 feet in accordance with approved civil engineering plans and was taken into the county road maintenance network.

Condition C – Prior to Plat approval, submit civil engineering plans for the subdivision for review that identify existing conditions including topography and drainage features a minimum of 20 feet beyond the subject property borders, and address proposed erosion control, grading, drainage, stormwater control and outfall(s), access and easements.

Condition D – Prior to Plat approval, design, permit and construct 20-foot wide all-weather (gravel or paved) driving surfaces, gravel shoulders and drainage side ditches, plus Hot Mix Asphalt paved apron connections to Bronco Drive for each of the two proposed access easements.

Nexus it to provide sufficient access to the development in accordance with MCC Sections 17.172.140 & 320. Please note that MCPW will not issue a construction permit or inspect the easements, aside from the driveway approach connections to them. The Engineer-of-Record will be required to furnish a Record Drawing attesting that the easements were constructed per approved plans in order to satisfy this Condition.

Condition E – Prior to Plat approval, acquire design acceptance and a permit for a common stormwater conveyance and attenuation system(s) and/or an individual lot stormwater disposal system template meeting MCPWDS. Also prior to plat approval, construct any such common stormwater conveyance and attenuation system(s).

Nexus is to meet the requirement of MCC Section 17.17.430. The subject property is situated between the topographically upstream western terminus of Bronco Drive and downstream dendritic drainage flow way fingers. Design of drainage facilities will also need to take passage of offsite flows into account.

Condition F – Prior to Building Permit final inspection for any NSFD, under a Building Department Rain Drain Plumbing Permit, construct any individual lot pre-designed onsite stormwater conveyance and disposal template system.

Nexus is to meet the requirement of MCC Section 17.17.430.

Condition G – Prior to Plat approval, record a Road Maintenance Agreement for the two proposed private access easements.

Nexus is to meet MCC 17.172.340.

Condition H – Depict any necessary drainage easements on the plat for conveyance and attenuation facilities, and connecting to a legal outfall(s). Also depict a minimum 10-foot wide access easement(s) to any common attenuation facility(ies) providing for governing jurisdiction personnel the right-of-entry for inspection purposes.

Nexus is to meet the requirement of MCC Section 17.17.300.

Condition I – Prior to plat approval, provide a stormwater system(s) Operation & Maintenance (O&M) Manual, and record a stormwater system O&M Agreement assigning collective property owner responsibility for any common stormwater conveyance and attenuation system(s) designed to be located on private property.

Engineering Requirements:

- J. In accordance with Marion County Driveway Ordinance #651, driveways must meet sight distance, design, spacing, and safety standards. The following access-related numbered sub-requirements are applicable:
 - 1) Proposed lots shall take direct access from the two proposed private access easements. No individual lot direct vehicular access to the proposed Bronco Drive public road extension will be allowed.
 - 2) Access Permits will be required upon application for building permits for future dwellings.
- K. The subject property is within the unincorporated area of Marion County and will be assessed Transportation & Parks System Development Charges (SDCs) upon application for building permits, per Marion County Ordinances #00-10R and #98-40R, respectively.
- L. It is the responsibility of the Applicant to preserve and protect the current Pavement Condition Index (or PCI) rating and the structural integrity of adjacent paved and surface-treated County roads to the satisfaction of Marion County Public Works during transport of materials and construction activities. Failure to preserve and protect the road may result in the applicant being responsible for replacing or reconstructing the damaged road at his/her own expense.
- M. Any work, including utility work within the public right-of-way will require permits from Public Works.
- N. The Bronco Drive public road extension will necessitate performance and warranty bonding accordance with MCC 17.172.280. Please be advised that bonding is not in lieu of construction completion and inspection acceptance prior to plat approval.
- O. Prior to obtaining any building permits, the Subdivision Plat must be recorded.

Engineering Advisories

- P. County GIS mapping depicts unnamed, ephemeral (seasonal) creeks originating on and traversing over the subject property. Applicant is advised that construction of improvements should not

block historical or naturally occurring runoff from adjacent properties. Furthermore, site grading should not impact surrounding properties, roads, or drainage ways in a negative manner.

- Q. The local fire district has authority to require, as a condition for plat approval and/or issuance of building permits, that driveways and private easements meet fire district standards for access. The Marion County Fire Code Applications Guide also specifies a suitable turnaround area for emergency vehicles for fire apparatus roads (>150 feet in length).
- R. DEQ issues the NPDES 1200-C Construction Stormwater Permit regulating erosion control for sites => 5 acres.

Marion County Tax noted that a potential additional tax liability may exist which may need to be paid before a subdivision would be approved. According to ORS 92.095, all delinquent taxes and interest as well as taxes which have become a lien during the tax year must be paid before the plat shall be recorded.

Marion County Building Inspection Division commented that building permits are required prior to new construction.

Marion County Onsite Wastewater Specialist commented that approved Site Evaluations are required for all proposed parcels.

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

ANALYSIS AND CONCLUSIONS:

- 5. The applicant is proposing to subdivide the property into ten lots. The existing dwelling will remain one of the resulting lots. As proposed, each of the resulting lots will contain its own on-site septic system and well. The applicant will dedicate additional right-of-way to extend Bronco Drive to the west and access to the lots will be provided from two private access easements running south off of Bronco Drive.
- 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, LDEP will review all required street and roadway improvements as well as drainage and easements to assure compliance with their engineering standards. Their recommended conditions outline the improvements required and will be attached as a condition of approval.

*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.*

According to LDEP comments in #4 above, the applicant shall depict a 60-foot wide Bronco Drive public right-of-way (R/W) on the plat to meet the rural Local road standard, including a 68-foot diameter cul-de-sac termination.

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.

No street intersections are being created. This 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%.

No street grades in excess of 12% are being proposed. This standard does not apply.

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.

According to LDEP comments in #4 above, the applicant shall provide a 68-foot diameter cul-de-sac termination of Bronco Drive. This will be included as a condition of approval.

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.

LDEP did not identify the need for additional right-of-way widths.

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.

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.

LDEP will review the subdivision plat to assure this standard is met prior to it being recorded.

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.

No building permits within a subdivision or partition shall be issued until the Director of Public Works, or his/her designee, approves that the improvements have been completed or, sufficient improvement agreements and financial guarantees have been recorded.

No building permits within a subdivision or partition will be issued until the Director of Public Works, or designee, approves that the improvements have been completed or, sufficient improvement agreements and financial guarantees have been recorded.

As outlined in their comments in #4 above, LDEP will review all required street and roadway improvements to assure compliance with their engineering standards.

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.

LDEP commented that prior to plat approval, the applicant will be required to record a Road Maintenance Agreement for the two proposed private access easements.

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, at a minimum, two acres in size and the AR zone has a minimum lot size of two acres. The proposed lots range in size from 2.13 acres to 2.50 acres each. All of the lots will conform to the minimum lot size standards and are of sufficient size and shape to accommodate a dwelling. In addition, MCC 17.128.050 requires a special dwelling setback of 100 feet be maintained from the adjacent properties zoned SA and in farm use. The applicant indicates that the subdivision lay out will accommodate the special setback requirement and they will be made a condition of approval.

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 final plat will be required to meet all survey requirements.

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 lots or parcels 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. 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 will require the applicant to 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.

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. Private wells, including their location, are not regulated by Marion County. Wells in the development must meet the requirements of the Oregon Department of Water Resources.

Section 17.110.830 of the Marion County Code (MCC) states: WATER RESOURCE PROTECTION: The impact of proposed land uses on water resources shall be evaluated and potential adverse impacts on the water resource shall be minimized. Where evidence indicates groundwater limitations and the development will use groundwater as a water supply, the developer shall demonstrate that adequate water can be provided without adversely affecting the ground water resource.

The property is located in an identified groundwater limited area and in an SGO overlay zone and is subject to the criteria in MCC Chapter 17.181. According to MCC 17.181.040 all development permits for new land uses that rely on water from exempt-use wells within the sensitive groundwater overlay zone shall be reviewed by the county to determine compliance with this chapter. In order to meet criteria in MCC 17.181, the applicant submitted a "Hydrogeology Report" which indicates there is a sustainable long-term supply of groundwater for the proposed development. Peer review of the Hydrogeology Report was positive.

If approved the applicant must meet the water level monitoring requirements in MCC 17.181.120. This includes an approved water-level monitoring plan submitted to the county for peer review and is subject to approval by the county. The monitoring plan shall be approved and implemented before building permits are issued. 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 1 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. 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. Access easements that allow county and OWRD personnel to measure water levels shall be recorded with deed records for lots

containing an observation well as a condition of approval of the subdivision. The requirement for a water-level monitoring plan will be made a condition of any approval.

17.172.430 STORMWATER MANAGEMENT. The impact of proposed 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.

LDEP has adopted engineering standards to address stormwater runoff that apply to the development.

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.

This requirement will be made a condition of any approval.

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 proposed, each of the four northern lots will have over 20 feet of frontage on Bronco Drive once the additional right-of-way being required by LDEP is dedicated. The remaining lots will be served by the two proposed access easements off of Bronco Drive. The proposed easements will be 25 feet wide and as a condition of approval LDEP is requiring 20 wide all weather driving surface. Each of the easements will required to be named and all of the lots using them for access will be addressed off of them.

10, **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 granted conceptual and detail approval subject to the following conditions:

1. Prior to recording the final plat, the applicants shall obtain a septic site evaluation on each undeveloped parcel and an existing site evaluation on the developed parcel.
2. The applicant shall submit documentation satisfactory to the Marion County Surveyor accomplishing the final subdivision plat. The applicant is advised that a plant service report from a title company must be submitted with the final mylar.

3. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the final plat for recordation until the following conditions have been satisfied:

Condition A - Depict a 60-foot wide Bronco Drive public right-of-way (R/W) on the plat to meet the rural Local road standard and including a 68-foot diameter cul-de-sac termination.

Condition B – Prior to Plat approval, design, permit and construct a 20-foot wide Bronco Drive public road paved extension including 68-foot diameter cul-de-sac termination, plus 5-foot wide gravel shoulders and drainage conveyance features in general accordance with MCPWDS.

Condition C – Prior to Plat approval, submit civil engineering plans for the subdivision for review that identify existing conditions including topography and drainage features a minimum of 20 feet beyond the subject property borders, and address proposed erosion control, grading, drainage, stormwater control and outfall(s), access and easements.

Condition D – Prior to Plat approval, design, permit and construct 20-foot wide all-weather (gravel or paved) driving surfaces, gravel shoulders and drainage side ditches, plus Hot Mix Asphalt paved apron connections to Bronco Drive for each of the two proposed access easements.

Condition E – Prior to Plat approval, acquire design acceptance and a permit for a common stormwater conveyance and attenuation system(s) and/or an individual lot stormwater disposal system template meeting MCPWDS. Also prior to plat approval, construct any such common stormwater conveyance and attenuation system(s).

Condition F – Prior to Building Permit final inspection for any NSFD, under a Building Department Rain Drain Plumbing Permit, construct any individual lot pre-designed onsite stormwater conveyance and disposal template system.

Condition G – Prior to Plat approval, record a Road Maintenance Agreement for the two proposed private access easements.

Condition H – Depict any necessary drainage easements on the plat for conveyance and attenuation facilities, and connecting to a legal outfall(s). Also depict a minimum 10-foot wide access easement(s) to any common attenuation facility(ies) providing for governing jurisdiction personnel the right-of-entry for inspection purposes.

Condition I – Prior to plat approval, provide a stormwater system(s) Operation & Maintenance (O&M) Manual, and record a stormwater system O&M Agreement assigning collective property owner responsibility for any common stormwater conveyance and attenuation system(s) designed to be located on private property.

4. All easements (utility, drainage, septic, etc.) required by reviewing agencies shall be shown on the final plat.
5. Names for the proposed private access easements shall be submitted to Marion County Planning Division for review, in coordination with the 9-1-1 Emergency System. The approved names must be shown on the final partition plat, and a work order for the street sign installation, with appropriate fee, must be submitted to Marion County Public Works prior to the plat being recorded.

6. A well monitoring plan meeting the requirements of MC C 17.181.120(B) shall be submitted for peer review and approval. The approved plan shall be implemented prior to issuance of building permits on the resulting lots.
7. Prior to issuance of a building permit for each lot, the property owner 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.
8. A special dwelling setback of 100 feet shall be maintained from all adjacent SA zoned properties.
9. The applicant is advised that prior to recording the final plat, all property taxes due to Marion County must be paid in full.
10. The applicants should contact the Aumsville 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.
11. 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.