

Notice of Pending Land Use Decision  
By The Lane County Planning Director



LAND MANAGEMENT DIVISION  
[http://www.LaneCounty.org/PW\\_LMD/](http://www.LaneCounty.org/PW_LMD/)

Date: 12-20-2013  
Department Files: 509-PA13-05507  
Applicant/Owner: Joseph Colton  
Agent: Branch Engineering, Inc.  
Assessor's Map & Tax Lot: 18-03-24 TL 6500  
Address: 34335 Hwy 58  
Contiguous Property: No  
Zone: Rural Residential (RR) Zone, Floodplain Combining Zone (FP)  
Comprehensive Plan: Lane County Rural Comprehensive Plan (/RCP)

You own or occupy property near the above referenced property that is the subject of a land use application and pending decision for conditional **Approval** of this application by the Lane County Planning Director. **The conditions of approval are contained in the attached Exhibit A.**

**Notice to mortgagee, lien holder, vendor or seller: ORS Chapter 215 requires that if you receive this notice, it must be forwarded to the purchaser.**

The purpose of this notice is to inform you about the proposal and pending decision, where you may receive more information, and the requirements if you wish to appeal the pending decision by the Director to the Lane County Hearings Official. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

**PROPOSAL:** Request for Planning Director approval for a Floodway Development Permit pursuant to Lane Code Ch. 16.244(8) to place a 100' x 150' elevated building pad along with a mitigation fill removal area located south of the building pad.

Enclosed is a plot plan of the subject property.

The proposed use that could be authorized by approval of the land use application is: **elevated building pad and mitigation area fill removal.**

The application, all documents and evidence relied upon by the applicant, the applicable criteria, and a copy of the Lane County Planning Director's report are available for inspection at the Lane County Land Management Division at no cost, and copies will be provided at reasonable cost. The name of the Lane County Land Management Division representative to contact is **Deanna Wright** and the telephone number where more information can be obtained is **(541) 682-4082**.

This decision will become final at 5 P.M. on 1-2-2014 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING**

LAND MANAGEMENT DIVISION / PUBLIC WORKS DEPARTMENT / 3050 N. DELTA HWY. / EUGENE, OREGON 97408-1636  
BUILDING PERMITS DIVISION (541) 682-3577 / COMPLIANCE (541) 682-3724 / ON-SITE SEWAGE (541) 682-3754 / FAX (541) 682-3947

30% Post-Consumer Content

**DIRECTOR** form is submitted to and received by the Lane County Land Management Division. **This form is enclosed and must be used if you wish to appeal this decision.**

1. To complete this form, fill in the required information and attach to it all of the materials and information required in numbers 2, 3 and 6 of the appeal form.
2. Then, submit the completed form to Lane County Planning Director so that it is received by him or her prior to the above-mentioned time that the decision becomes final.
3. The Lane County Planning Director shall reject an appeal if it is not received prior to the time that the decision becomes final or if it is not complete.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Prepared by: Deanna Wright  
Deanna Wright, Planner

Date: Dec. 19, 2013

Authorized by: J. Kendall for -  
Matt Laird, Planning Director/  
Land Management Div. Director

Date: 12-19-13

**Exhibits:**

Exhibit A: Conditions of Approval  
Exhibit B: Vicinity Map  
Exhibit C: Approved Site Plan

**Note:** Exhibits below are mailed to the Applicant only. Copies are available upon request. Please contact staff at (541) 682-3347 for copies.

Exhibit "D" Staff Report

EXHIBIT "A"

CONDITIONS OF APPROVAL  
509-PA13-05507

All conditions are binding on the applicant or successive owner(s) of the parcel or successive applicant(s) who exercise this approval action.

1. Approval of **509-PA13-05507** is valid for a **two-year** period from the final date of approval and expires thereafter.

Fill and mitigation area

WORK AUTHORIZED

2. This permit authorizes the 100'x150' elevated building pad fill approximately 1,800 cu. Yd. and mitigation area fill removal approximately 2,200 cu. yd. as depicted in Exhibit C approved site plan. Any development proposed outside of the boundaries of this area shall require separate approval or modification by the Land Management Division.

THE FOLLOWING CONDITIONS MUST BE SATISFIED  
PRIOR TO ISSUANCE OF A BUILDING PERMIT

3. Structural fill placed prior to start of construction shall be designed by an Oregon Registered Professional Engineer or architect. **The design shall be submitted to the Land Management Division prior to issuance of a building permit.**
4. **Top of Fill Certification:** the top of the fill shall be no less than **473.0 feet above** Mean Sea Level (NGVD 1929). The top of the fill shall be certified by an Oregon registered professional engineer. This certification shall be submitted to the Land Management Division **prior** to building any structure on top of the fill. (See attachment "**1**" **Section 3** of Fill Certificate).
5. **Compaction Test:** all structural fill shall be certified by a special inspection agency, or a certified special inspection agency or a certified special inspector, that it meets the **compaction standards** of the American Society for Testing and Materials. The compaction standards are: 95 percent of the maximum density obtainable with the Standard Proctor Test method, or 90 percent with the modified Proctor Test. The Certification of Fill Placement shall be submitted to the Land Management Division **prior** to building any structure on top of the fill. (See attachment "**1**" **Section 1 and 2** Fill Certificate).
6. **Geotechnical Report:** the structural fill must meet the requirements of 1803.4 Grading and fill in the flood zone and 1803.5 Compacted fill material of the Oregon Structural Specialty Code (See Attachment "**3**" Section 1803.4 1803.5 of the Oregon Structural

Specialty Code). The geotechnical report shall be submitted to the Land Management Division **prior to** building any structure on top of the fill.

7. Submit an engineer's certification certifying the **mitigation area** has been completed as indicated in the water analysis conveyance calculations. The certification shall be completed by an Oregon registered professional engineer. The fill removed shall be placed off-site, or if used as part of the building pad shall meet the fill standards below.

#### **ADDITIONAL DESIGN REQUIREMENTS**

8. Fill slopes for granular material shall be no steeper than one vertical on one-half horizontal, unless substantiating data justifying steeper slopes is submitted to the Building Official and approved.
9. The minimum distance from any point of the building perimeter to the top of the fill shall be 25 feet unless certification is provided by an Oregon registered professional engineer that a lesser distance is sufficient to protect the structure against the erosion and scouring of floodwaters.
10. Upon completion of the fill, the sides of the fill shall be planted with vegetation to prevent scour. The vegetation shall consist of a permanent cover of grass, vines, weeds or similar vegetation.
11. Fill materials shall be free of waste or polluted materials.

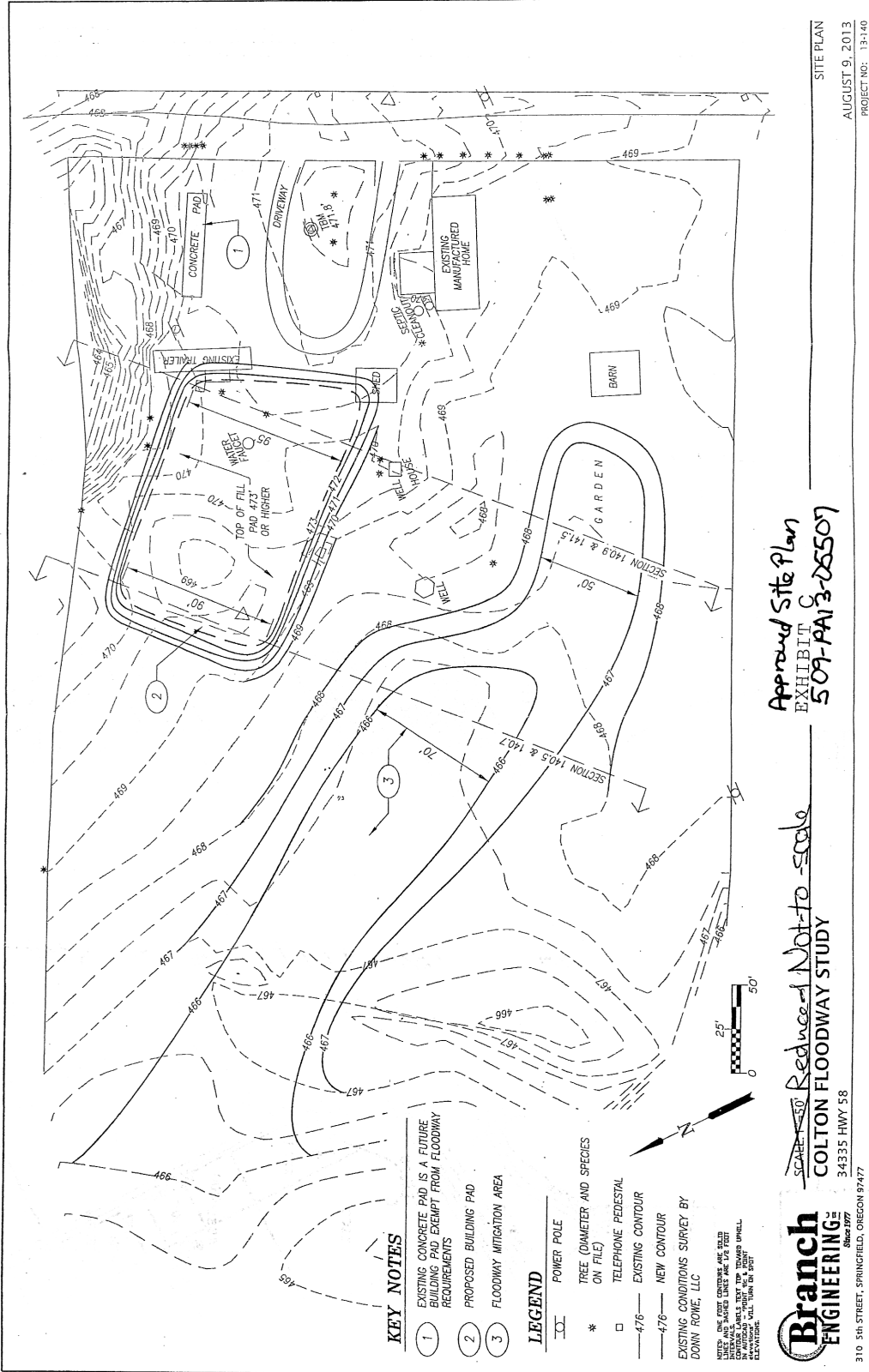
#### **GENERAL CONDITIONS**

12. This permit does not authorize any work that is not in compliance with the underlying base zone or other local, state or federal regulations pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
13. Violations of the terms and conditions of this permit are subject to administrative and/or legal actions which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
14. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
15. Employees of Lane County and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
16. Lane County retains authority to temporarily halt or modify the operations if it should cause damage to natural drainages.

17. **Once** the appeal period has expired, **and** all the conditions of approval have been met the applicant may contact the Planning Department at 682-3577 to schedule a building permit review meeting for the building permits. At this meeting the applicant shall bring the approved site plan to the Department's standards.

As advisory, it should be noted that FEMA Technical Bulletins provide guidance on the minimum requirements of the National Flood Insurance Program (NFIP). Lane County does have standards that exceed those of the NFIP and thus, take precedence.





**KEY NOTES**

- 1 EXISTING CONCRETE PAD IS A FUTURE BUILDING PAD EXEMPT FROM FLOODWAY REQUIREMENTS
- 2 PROPOSED BUILDING PAD
- 3 FLOODWAY MITIGATION AREA

**LEGEND**

- POWER POLE
  - \* TREE (DIAMETER AND SPECIES ON FILE)
  - TELEPHONE PEDESTAL
  - 476— EXISTING CONTOUR
  - 478— NEW CONTOUR
- EXISTING CONDITIONS SURVEY BY DOWN ROWE, LLC

UNLESS INDICATED OTHERWISE ALL ELEVATIONS ARE IN FEET. ELEVATIONS ARE TO THE TOP OF THE FINISHED GRADE. ALL ELEVATIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

**Branch ENGINEERING**  
 Since 1977  
 310 5th STREET, SPRINGFIELD, OREGON 97477

SCALE: ~~1"=50'~~ Reduce ~~1"=50'~~ Not to scale  
 COLTON FLOODWAY STUDY  
 34335 HWY 58

Approved Site Plan  
 EXHIBIT C  
 509-PA13-26507



LAND MANAGEMENT DIVISION

Date Received:

APPEAL OF A DIRECTOR'S DECISION

PUBLIC WORKS DEPARTMENT 3050 NORTH DELTA HIGHWAY, EUGENE OR 97408
PLANNING: 541-682-3577 BUILDING: 541-682-4651 SANITATION: 541-682-3754

For Office Use Only: FILE # CODE: HOAPPEAL FEE: \$250

Appellant: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Appellant's Representative : \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

LOCATION (subject property)

Table with 5 columns: Township, Range, Section, Taxlot, Subdivision/partition, lot/parcel

Required submittals. Your appeal application will be rejected if it does not contain all the required information.

- 1. A copy of the decision being appealed, with the department file number: \_\_\_\_\_
2. The \$250 appeal fee, payable to Lane County.
3. The appeal deadline, as stated in the Director's Decision: \_\_\_\_\_
4. Check one of the items below to identify your party status with the right to appeal the Director's decision:
I am the owner or contract purchaser of the subject property;
I am the applicant for the subject application;
Prior to the decision by the Director, I submitted written testimony into the record
I am not one of the persons mentioned above, but wish to appeal the Director's decision for the reasons explained in my letter.
5. A letter that addresses each of the following three standards:
a. The reason(s) why the Director's decision was made in error or why the Director should reconsider the decision;
b. An identification of one or more of the following general reasons for the appeal, or request for reconsideration:
The Director exceeded his or her authority;
The Director failed to follow the procedure applicable to the matter;
The Director rendered a decision that is unconstitutional;
The Director misinterpreted the Lane Code, Lane Manual, State Law, or other applicable criteria.
c. The Director should reconsider the decision to allow the submittal for additional evidence not in the record that addresses compliance with the applicable standards or criteria.
6. Any additional information in support of your appeal.

(Version 10/2012)