

1

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AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION
Monday, September 21, 2020
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **SPECIAL ORDERS OF BUSINESS**

5. **COMMITTEE REPORTS**

6. **PUBLIC TESTIMONY**

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

7. **PUBLIC HEARINGS**

a. **Keizer Development Code Text Amendment – Section 2.122 – Flood Plain Overlay Zone and Section 1.200 - Definitions**

8. **ADMINISTRATIVE ACTION**

- a. **RESOLUTION** – Directing Finance Director to Review Advisability of Refunding or Refinancing Bonds Related to Keizer Station Area A Local Improvement District
RESOLUTION – Authorizing Finance Director to Enter Into Engagement Letter with Hawkins Delafield & Wood
RESOLUTION – Authorizing Finance Director to Enter Into Engagement Letter with Piper Sandler & Co

- b. **RESOLUTION** – Ratifying the City Manager’s Declaration of a Local State of Emergency in the City of Keizer as a Result of Wildfire Conditions – Allowance for Evacuees’ Chickens/Ducks and Recreational Vehicles

9. CONSENT CALENDAR

- a. **RESOLUTION** – Authorizing the Finance Director to Enter Into Agreement with Bluefin for Merchant Services

- b. Approval of September 8, 2020 City Council Regular Session Minutes

10. COUNCIL LIAISON REPORTS

11. OTHER BUSINESS

This time is provided to allow the Mayor, City Council members, or staff an opportunity to bring new or old matters before the Council that are not on tonight’s agenda.

12. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

13. AGENDA INPUT

September 28, 2020

6:00 p.m. - City Council Work Session

- City Council Goal – Community Makeup – Demographics and Diversity

October 5, 2020

7:00 p.m. - City Council Regular Session

October 12, 2020

6:00 p.m. – City Council Work Session

October 19, 2020

7:00 p.m. - City Council Regular Session

14. ADJOURNMENT

City of Keizer Mission Statement

Keep City Government Costs And Services To A Minimum By Providing City Services To The Community In A Coordinated, Efficient, And Least Cost Fashion

COUNCIL MEETING: September 21, 2020
AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER

FROM: SHANE WITHAM
INTERIM COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: Proposed text amendments to Keizer Development Code (KDC) Section 2.122 (Flood Plain Overlay Zone) and Section 1.200 (Definitions) updating flood plan regulations for consistency with state and federal requirements.

ATTACHMENTS:

- KDC Section 2.122 (Flood Plain Overlay Zone) – draft
- KDC Section 1.200 (Definitions) – draft
- Existing KDC Section 2.122 (Flood Plain Overlay Zone) – to be replaced in its entirety

ISSUE:

Planning Commission held a public hearing on August 12, 2020 to consider proposed text amendments to Keizer Development Code (KDC) Section 2.122 (Flood Plain Overlay Zone) and Section 1.200 (Definitions). The Planning Commission voted unanimously to recommend approval of the proposed text amendments.

BACKGROUND:

On March 4, 2022 the City participated in a Community Assistance Visit (CAV) with Department of Land Conservation and Development (DLCD) staff. The CAV process and visit serves to review and audit the City's floodplain management practices and regulations. As a result of the CAV process, DLCD identified several deficiencies in the Keizer Development Code (KDC) in relation to Section 2.122(Floodplain Overlay Zone). Therefore, changes are necessary to comply with federal and state requirements for participating in the National Flood Insurance Program (NFIP).

Due to the extensive nature of the changes and required verbatim language, staff determined it would be more effective to adopt the state's model code format and replace the existing language of the Flood Plain Overlay Zone in its entirety. The proposed draft language for Section 2.122 (Flood Plain Overlay Zone) and Section 1.200 (Definitions) is attached for your consideration. In addition, the existing language of Section 2.122 (Flood Plain Overlay Zone) is attached for reference.

RECOMMENDATION:

That City Council open the public hearing to consider the proposed text amendments, close the public hearing, deliberate, and direct staff to prepare an ordinance with findings to adopt the proposed revisions.

2.122 FLOOD PLAIN OVERLAY ZONE (FPO)

2.122.01 Statutory Authority, Findings of Fact, Purpose, and Methods

Statutory Authorization: The State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry.

A. Findings of Fact

1. The flood hazard areas of City of Keizer are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

B. Statement of Purpose. It is the purpose of this Chapter to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;

6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
7. Notify potential buyers that the property is in a special flood hazard area
8. Notify those who occupy special flood hazard areas that they assume responsibility for their actions
9. Participate in and maintain eligibility for flood insurance and disaster relief.

C. Methods of Reducing Flood Losses. In order to accomplish its purposes, this Chapter includes methods and provisions for:

1. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage;
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

2.122.02 General Provisions

- A. Lands to Which this Chapter Applies. This Chapter shall apply to all special flood hazard areas within the jurisdiction of the City of Keizer.
- B. Basis for Establishing the Special Flood Hazard Areas. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Marion County and incorporated areas, Oregon dated January 2, 2003" or any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) and

are hereby adopted by reference and declared to be a part of this Chapter. The FIS and FIRM panels are on file at the Community Development Department located in the City of Keizer City Hall

- C. Coordination with State of Oregon Specialty Code. Pursuant to the requirement established in ORS 455 that the City of Keizer administers and enforces the State of Oregon Specialty Codes, the City of Keizer does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this Chapter is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.
- D. Compliance and Penalties for Noncompliance
1. Compliance. All development within special flood hazard areas is subject to the terms of this Chapter and required to comply with its provisions and all other applicable regulations.
 2. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation and subject to the violation procedures in Section 1.102.06. Nothing contained herein shall prevent the City of Keizer from taking such other lawful action as is necessary to prevent or remedy any violation.
- E. Abrogation and Severability
1. Abrogation. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
 2. Severability. This Chapter and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Chapter.
- F. Interpretation. In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability

1. **Warning.** The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.
2. **Disclaimer Of Liability.** This Chapter shall not create liability on the part of the City of Keizer, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

2.122.03 Administration

- A. Designation of the Floodplain Administrator. The Zoning Administrator and their designee, is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.
- B. Duties and Responsibilities of the Floodplain Administrator. Duties of the floodplain administrator, or their designee, shall include, but not be limited to:
 1. **Permit Review.** Review all development permits to determine that:
 - a. The permit requirements of this Chapter have been satisfied;
 - b. All other required local, state, and federal permits have been obtained and approved.
 - c. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this Chapter in Section 2.122.04.B.4 are met; and

- d. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of Sections 2.122.04.A.7; and
 - e. Provide to building officials the Base Flood Elevation (BFE) applicable to any building requiring a development permit.
 - f. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in Section 1.200.04.
 - g. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 2.122.04.A.1.
 - h. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.
2. Information to be Obtained and Maintained. The following information shall be obtained and maintained and shall be made available for public inspection as needed:
- a. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with Section 2.122.04.A.7.
 - b. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Sections 2.122.04.B.4, 2.122.03.B.1 are adhered to.
 - c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
 - d. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the

lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.

- e. Maintain all Elevation Certificates (EC) submitted to the City of Keizer;
 - f. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this Chapter and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with Section 1.220.05.A.7.
 - g. Maintain all floodproofing certificates required under this Chapter;
 - h. Record and maintain all variance actions, including justification for their issuance;
 - i. Obtain and maintain all hydrologic and hydraulic analyses performed as required under Section 2.122.04.B.4.
 - j. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under Section 2.122.03.B.4.
 - k. Maintain for public inspection all records pertaining to the provisions of this Chapter.
3. Requirement to Notify Other Entities and Submit New Technical Data
- a. Community Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

- b. Watercourse Alterations. The Floodplain Administrator shall notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:
- a) A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
 - b) Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 2.122.03.B.3.c. and ensure compliance with all applicable requirements in Sections 2.122.03.B.3.c and 2.122.04.A.1.

- c. Requirement to Submit New Technical Data. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Sub-Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- A. Proposed floodway encroachments that increase the base flood elevation; and
- B. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter

of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal permits.

4. Substantial Improvement and Substantial Damage Assessments and Determinations. The Floodplain Administrator shall:
 - a. Conduct Substantial Improvement (SI) (as defined in Section 1.200.04) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 2.122.03.B.2.
 - b. Conduct Substantial Damage (SD) (as defined in Section 1.200.04) assessments when structures are damaged due to a natural hazard event or other causes.
 - c. Make SD determinations whenever structures within the special flood hazard area (as established in Section 2.122.02.B) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

C. Establishment of Development Permit

1. Floodplain Development Permit Required. A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in Section 2.122.02.B. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in Section 1.200.04, including fill and other development activities.
2. Application for Development Permit. Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in

question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- a. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of Section 2.122.03.B.2.
 - b. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
 - c. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in Section 2.122.04.B.3.c.
 - d. Description of the extent to which any watercourse will be altered or relocated.
 - e. Base Flood Elevation data for subdivision proposals or other development when required per Sections 2.122.03.B.1 and 2.122.04.A.6.
 - f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
 - g. The amount and location of any fill or excavation activities proposed.
- D. Variance Procedure. The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.
1. Criteria. The applicant shall demonstrate compliance with all of the following criteria:
 - a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of Sections 2.122.03.D.1.c and e, and 2.122.03.D.2. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
 - d. Variances shall only be issued upon:
 - a) A showing of good and sufficient cause;
 - b) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
 - e. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of Section 2.122.03,D.1.b, c and d are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
2. Variance Notification. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Section 2.122.03.B.

2.122.04 Provisions for Flood Hazard Reduction

A. General Standards

In all special flood hazard areas, the following standards shall be adhered to:

- 1. Alteration of Watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying

capacity is not diminished. Require compliance with Sections 2.122.03.B.3.b and 2.122.03.B.3.c.

2. Anchoring

- a. 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.
- b. All manufactured dwellings shall be anchored per Section 2.122.04.B.3.d.

3. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

4. Utilities and Equipment

a. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

- b. Electrical, Mechanical, Plumbing, and Other Equipment. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and

hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:

- a) If replaced as part of a substantial improvement shall meet all the requirements of this section.

5. Tanks

- a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- b. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

6. Subdivision Proposals and Other Proposed Developments

- a. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
- b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 - a) Be consistent with the need to minimize flood damage.
 - b) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - c) Have adequate drainage provided to reduce exposure to flood hazards.

- 7. Use of Other Base Flood Data. When Base Flood Elevation data has not been provided in accordance with Section 2.122.02.B the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer Section 2.122.04. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of Section 2.122.04.A.6.

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc. where such information is available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

8. Structures Located in Multiple or Partial Flood Zones. In coordination with the State of Oregon Specialty Codes:
 - a. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
 - b. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

9. Critical Facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the Base Flood Elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

10. Willamette River Riverwall. In addition to any requirements within this section affecting the use of property within a floodplain, there shall be no physical alterations to the riverwall constructed along the Willamette River in the areas of Cummings Lane (west of Shoreline Drive), and Rafael Avenue without the prior written approval of the City Engineer.

Nothing in these regulations reduces or modifies any terms or obligations under any riverwall easements granted to the City.

B. Specific Standards for Riverine (Including all Non-Coastal) Flood Zones

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in Section 2.122.04.A of this Chapter.

1. Flood Openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:
 - a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
 - b. Be used solely for parking, storage, or building access;
 - c. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - a) A minimum of two openings,
 - b) The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
 - c) The bottom of all openings shall be no higher than one foot above grade.
 - d) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
 - e) All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.
2. Garages
 - a. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
 - a) If located within a floodway the proposed garage must comply with the requirements of Section 2.122.04.B.4.
 - b) The floors are at or above grade on not less than one side;
 - c) The garage is used solely for parking, building access, and/or storage;

- d) The garage is constructed with flood openings in compliance with Section 2.122.04.B.1 to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - e) The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - f) The garage is constructed in compliance with the standards in Section 2.122.04.A; and
 - g) The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- b. Detached garages must be constructed in compliance with the standards for appurtenant structures in Section 2.122.04.B.3.f or non-residential structures in Section 2.122.04.B.3.c depending on the square footage of the garage.
3. For Riverine (Non-Coastal) Special Flood Hazard Areas With Base Flood Elevations. In addition to the general standards listed in Section 2.122.04 the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.
- a. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
 - b. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least 1 foot above the Base Flood Elevation (BFE).

Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section 2.122.04.B.1.
 - c. Non-Residential Construction.

- a) New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall:
 - i. Have the lowest floor, including basement elevated at least 1 foot above the Base Flood Elevation (BFE);
Or, together with attendant utility and sanitary facilities,
 - ii. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - iii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - iv. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth Section 2.122.03.B.2.
- b) Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in Section 2.122.04.B.1.
- c) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below).
- d. Manufactured Dwellings
 - a) New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Section 2.122.04.B.1;
 - b) The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation; The finished floor of the manufactured home must be elevated to a minimum of 18 inches above the base flood elevation.
 - c) New or substantially improved manufactured dwellings shall be anchored to prevent flotation, collapse, and

lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors, and;

- d) Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).
- e. Recreational Vehicles
 - a) Recreational vehicles placed on sites are required to:
 - b) Be on the site for fewer than 180 consecutive days,
 - c) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - d) Meet the requirements of Section 2.122.04.B.3.d, including the anchoring and elevation requirements for manufactured dwellings.
- f. Appurtenant (Accessory) Structures. Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:
 - a) Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in Section 2.122.04.B.4.
 - b) Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
 - c) In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
 - d) The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
 - e) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic

loads, including the effects of buoyancy, during conditions of the base flood.

- f) The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 2.122.04.B.1;
 - g) Appurtenant structures shall be located and constructed to have low damage potential;
 - h) Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section 2.122.04.A.5.
 - i) Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- g. Below-grade crawl spaces
- a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated in Section 2.122.04.B.1. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
 - b) The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
 - c) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The

recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

- d) Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
 - e) The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
 - f) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
 - g) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
 - h) The velocity of floodwaters at the site shall not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.
4. Floodways. Located within the special flood hazard areas established in Section 2.122.02.B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - a) Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard

engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; Or,

- b) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.

If an encroachment proposal resulting in an increase in Base Flood Elevation meets the following criteria:

1. Is for the purpose of fish enhancement,
2. Does not involve the placement of any structures (as defined in section 1.2) within the floodway,
3. Has a feasibility analysis completed documenting that fish enhancement will be achieved through the proposed project,
4. Has a maintenance plan in place to ensure that the stream carrying capacity is not impacted by the fish enhancement project,
5. Has approval by the National Marine Fisheries Service, the State of Oregon Department of Fish and Wildlife, or the equivalent federal or state agency, and
6. Has evidence to support that no existing structures will be negatively impacted by the proposed activity;

Then an approved CLOMR may be required prior to approval of a floodplain permit.

- b. If the requirements of Section 2.122.04.B.4 are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Section 2.122.04.
5. Standards for Shallow Flooding Areas. Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where

velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

- a. Standards for AH Zones. Development within AH Zones must comply with the standards in Sections 2.122.04.A, 2.122.04.B, and 2.122.04.B.5.
- b. Standards for AO Zones. In AO zones, the following provisions apply in addition to the requirements in Sections 2.122.04.A and 2.122.04.B.5:
 - a) New construction and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
 - b) New construction and substantial improvements of non-residential structures within AO zones shall either:
 - i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRMS) (at least two (2) feet if no depth number is specified); or
 - ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in Section 2.122.04.B.3.c.

- c) Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:
 - i. Be on the site for fewer than 180 consecutive days, and
 - ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - iii. Meet the elevation requirements of Section 2.122.04.B.5.2, and the anchoring and other requirements for manufactured dwellings of Section 2.122.04.B.3.d.
- d) In AO zones, new and substantially improved appurtenant structures must comply with the standards in Section 2.122.04.B.3.f.
- e) In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section 2.122.04.B.1.

1.200 DEFINITIONS

1.200.01 General Provisions

- A. General and Specific Terms. The definitions contained in this Section include those that are applicable to the entire ordinance (general), and those terms that apply to specific Sections (specific). Terms used in specific Sections are identified as follows:

[Adult] Adult Entertainment Business; Section 2.418

[Flood] Floodplain Overlay Zone; Section 2.120

[Greenway] Greenway Management Overlay Zone; Section 2.121

[Historic] Historic Resources; Section 2.127

[RV Park] Recreational Vehicle Park; Section 2.412

[Signs] Signs; Section 2.308

- B. Interpretation. When there are two definitions for the same word or phrase, then the definition most applicable for the given situation shall apply. If appropriate, specific terms may be applied to general situations. (5/98)

1.200.02 Grammatical Interpretation.

Words used in the masculine or feminine include all genders. Words used in the present tense include the future, and the singular includes the plural. The word "shall" is mandatory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Webster's Third New International Dictionary of the English Language (principal copyright 1961) shall be considered as providing accepted meanings. (12/19)

1.200.03 Diagrams

Diagrams are provided for terms or phrases in order to provide an illustrative example. (5/98)

1.200.04 Definitions.

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

Access: The way or means by which pedestrians and vehicles shall have ingress and egress to property. (5/98)

Accessory Dwelling: An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling. (1/19)

Access Easement:

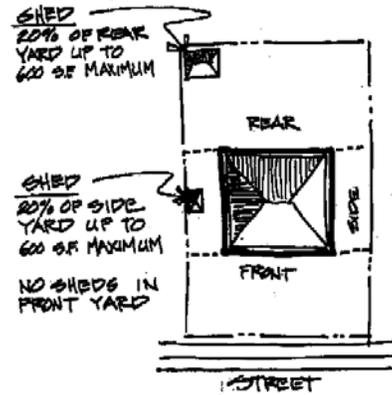
A narrow, private, limited use roadway, which provides access to a public street for properties that do not have usable public street frontage. (11/16)

Accessory Structure: A detached, subordinate building or portion of a main building, the use of which is incidental to the main building or use of the land, but does not include dwellings or living quarters. (5/98)

Accessory Structure [Flood]: ~~Sheds or small garages less than 480 square feet in area that are exempt from elevation or flood proofing requirements.~~ (5/98)

Accessory Use: A use incidental and subordinate to the main use of the parcel, lot or building. (5/98)

Adjacent: Near or close, but not necessarily abutting or contiguous. For example, a parcel next to, or across the street from, another parcel shall be considered "adjacent." (5/98)



Accessory Structure

Administrative Decision: A decision made by applying the existing standards contained in this Ordinance and without a public hearing. (5/98)

Adult entertainment business [Adult]: A term intended to cover a broad range of activities characterized by live, closed circuit, digital, or reproduced material which has an emphasis on nudity and/or sexual activity. Adult businesses limit their patrons to persons at least 18 years of age. The term "adult entertainment business" also includes the full range of adult motion picture or video theaters and related businesses, such as adult bookstores, adult theaters, adult massage parlors, adult lotion studios, adult arcades, adult cabarets, adult paraphernalia shops, and other establishments which make up a substantial or significant portion of the establishment's activities or merchandise and constitute a continuing course of conduct of exhibiting specified sexual activities and/or nudity in a manner which appeals to a prurient interest. The term "adult entertainment business" also includes other uses similar to the uses mentioned above, presenting material for patrons to view (live, closed circuit, or reproductions), providing massage or lotion studios for the purpose of fondling or other erotic touching of specified anatomical areas and/or purchase or rent of merchandise which emphasizes nudity and/or specified sexual activity in a manner which appeals to a prurient interest, and limiting entrance to patrons who are over 18 years of age. (5/98)

Alteration [Historical]: A change, addition, or modification to the exterior of a building. (5/98)

CC – 9-21-20 mtg

Alteration or Altered [Sign]: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face shall not be considered an alteration. (5/98)

Alteration, Structural: Any change in the exterior dimensions of a building, or, a change which would affect a supporting member of a building, such as a bearing wall, column, beam, or girder. (5/98)

Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance. A request for a review of a decision authority's action on an application. (5/98)

Applicant: The property owner of record or contract purchaser. (5/98)

Approved: Means approved by the Community Development Director, Hearings Officer, Planning Commission or City Council having the authority to grant such approval. (5/98)

Area of shallow flooding [flood]: A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard [flood]: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".

Architectural Front: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural front of a building is opposite the architectural rear. The architectural front is typically the façade with the main point of entry into the building and may include doorways, stairs, windows, and other architectural features typically found on a front of the residential building. It may be oriented towards a street or towards an internal parking lot. (6/07)

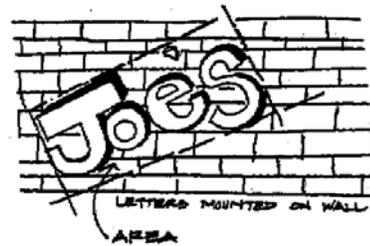
Architectural Rear: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural rear of a building is opposite the architectural front, or the façade with the main point of entry into the building. The architectural rear is typically the side of the building that may include such features as porches, patios or other features for use of either individual or multiple units. (6/07)

Architectural Side: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural side of a building is perpendicular to both the architectural front and rear. The architectural side is typically the façade without any significant architectural features found on either the front or rear of the building. (6/07)

Area: The total area circumscribed by the boundaries of a lot or parcel, except that:

1. When the legal instrument creating the property shows the boundary extending into a public street right-of-way, then for purposes of computing the lot or parcel area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street. (5/98)
2. Private access easements, and the access strips to flag-lots, shall not be included when calculating the area of a lot or parcel. (5/98)

Area [Sign]: The area of a sign shall be the entire area within any type of border, which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces. (5/98)



Sign Area

~~**Area of Special Flood Hazard [Flood]:** Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. (5/98)~~

Attached Dwellings:

Two or more dwelling units on separate properties that share a common wall for a full story that adjoins enclosed habitable space on each side. Attached dwellings shall be joined along a common wall for no less than one story for a distance of at least 10 feet. (01/02)

CC – 9-21-20 mtg

Automobile, Recreational Vehicle or Trailer Sales: A lot used for display, sale, or rental of new or used automobiles, recreational vehicles or trailers and where repair work is limited to minor, incidental repairs. (5/98)

Auto-oriented development: Development that is designed to accommodate customers who use automobiles to travel to the site. This type of development typically provides more than the minimum required number of parking spaces. Buildings entrances tend to emphasize providing convenient access to parking areas. Other typical characteristics are drive-through facilities, multiple driveways, and a low lot coverage percentages. (12/19)

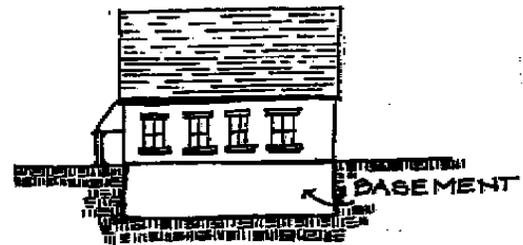
Awning [Sign]: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework. (5/98)



Sign Awning

Base Flood Level (BFE) [Flood]: The flood level having a 1 percent chance of being equaled or exceeded in any given year ~~(100-year flood plain)~~. (5/98)

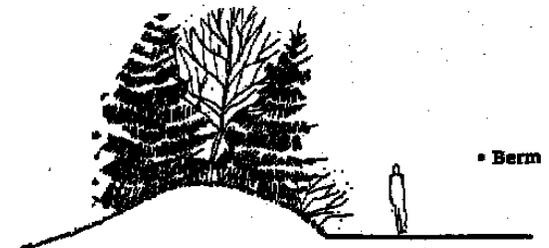
Basement: That habitable portion of a building between floor and ceiling which is all below, or partly below and partly above, grade, but so located that for all exterior walls the average vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story. (5/98)



Basement

Basement [flood]: Any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast Establishment: A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis with a morning meal provided. (5/98)



Berm

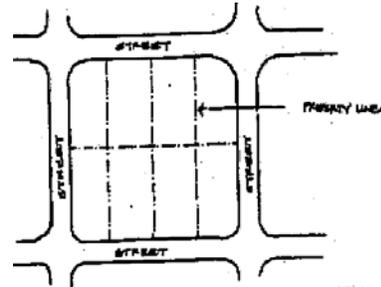
Berm: A linear mound of soil. (5/98)

Bicycle Facilities: Improvements which provide for the needs of cyclists, including bicycle paths, bicycle routes and bicycle parking. (5/98)

Biomass Facility: An electric generating facility that burns wood, agricultural products, other plant or animal waste or material solid waste as fuel to produce steam which is converted to electricity. This definition also includes a gasification, methane fermentation, or alcohol fuel production facility. (5/98)

Block: A parcel of land bounded by 3 or more through streets. (5/98)

Building: A structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind. Recreational vehicles shall not be considered buildings. (5/98)



Block

Building Coverage: The portion of a lot or parcel covered or occupied by buildings or other structures. (5/98)

Building Face [Sign]: The single wall surface of a building facing a given direction. (5/98)

Building Frontage [Sign]: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot. A service station may use the longest side of an overhanging canopy for building frontage. (5/98)



Building Face & Frontage

Building Height: The vertical distance from the average elevation of the finished grade to the highest point of the structure. By definition, building height does not include architectural and building features exempt from height restrictions. (5/98)



Building Height

Building, Main: A building within which is conducted the principal use of the property. (5/98)

Building Official: An individual empowered by the City to administer and enforce the Uniform Building Code (UBC). (5/98)

Building Plane: The plane of a building wall that extended from the ground to the top of each wall of a structure. Area is determined by multiplying the length of each wall by the height. The plane does not include roof area. (12/18)

Cabana: A stationary structure with two or more walls, used in conjunction with a manufactured home to provide additional living space and meant to be moved with the manufactured home. (5/98)

Canopy Sign [Sign]: A sign hanging from a canopy or eve, at an angle to the adjacent wall. (5/98)

Carpool: A group of two or more commuters, including the driver, who share the ride to and from work or other destinations. (5/98)

Carport: A structure consisting of a roof and supports for covering a parking space and of which not more than one side shall be enclosed by a wall or storage cabinet. (5/98)



Canopy Sign

Cemetery: Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery. (5/98)

Change of Use: A change from one type of use of a building or land to another type of use. (5/98)

Change of Use [Greenway]: Making a different use of the land than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use. (5/98)

Child Foster Home: Any home maintained by a person who has under the care of the person in such home any child under the age of 18 years not related to the person by blood or marriage and unattended by the parent or guardian for the purpose of providing such child's care, food and lodging. This use must have a current certificate of approval issued by the State of Oregon (6/99)

Church: See House of Worship. (5/98)

City: The City of Keizer, Oregon. (5/98)

CC – 9-21-20 mtg

Clinic: A facility operated by a group of physicians, dentists, or other licensed health practitioners on an out-patient basis and not involving overnight housing of patients. (5/98)

Club: An organization, group, or association supported by the members, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business for profit. (5/98)

Commission: The Planning Commission of Keizer, Oregon. (5/98)

Common Open Space: An area, feature, building or other facility within a development intended for the use by the residents of the development. (5/98)

Community Building: A publicly owned and operated facility used for meetings, recreation, or education. (5/98)

Comprehensive Plan: The officially adopted City of Keizer Comprehensive Plan, as amended. (5/98)

Conditional Use: A use, which is permitted in a particular zone or elsewhere in this ordinance only after review and approval as a conditional use, including non-conforming" conditional uses. (5/98)

Condominium: A building or group of buildings, broken into separate units with each unit being separately owned, while the parcel on which the building(s) is located is held in a separate ownership. Condominiums are subject to the provisions of ORS 94.004 to 94.480, and 94.991. (5/98)

Conforming: In compliance with the regulations of the Code. (5/98)

Construct [Sign]: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being. (5/98)

~~Conveyance [Flood]: Refers to the carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of flood waters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second. (5/98)~~

Corner Lot: See "Lot, Corner." (5/98)

Council: The City Council of Keizer, Oregon. (5/98)

~~Critical Feature [Flood]: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised. (5/98)~~

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Day Care Facility: An establishment or place, not a part of a public school system, in which are commonly received 3 or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of being given board, care, or training apart from their parents or guardians. (5/98)

Decision: The formal act by which the Community Development Director, Hearings Officer, Planning Commission or City Council makes its final disposition of a land use action. (5/98)

Demolish [Historical]: To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a resource. (9/18)

Density: The number of dwellings units per gross acre. (5/98)

Develop: To construct or alter a structure; or, to make alterations or improvements to land for the purpose of enhancing its value. (5/98)

Development: Man-made changes to property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. (5/98)

Development [Flood]: ~~Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. Any activity that has the potential to cause erosion or increase the velocity or depth of floodwater. Development may include, but is not limited to, residential and non-residential structures, fill, utilities, transportation facilities, and the storage and stockpiling of buoyant or hazardous materials.~~ (5/98)

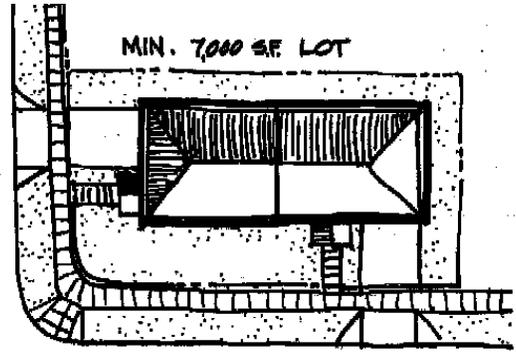
Dormitory: A building, under single management, where group sleeping accommodations are provided for in one room or in a series of closely associated rooms and where meals may be provided. (5/98)

Driveway: A private way used by vehicles and pedestrians to gain access from a public access or right-of-way onto a lot or parcel of land. (5/98)

CC – 9-21-20 mtg

Drop Station: Vehicles or structures of less than a total of 400 square feet maintained on a lot solely to provide shelter for no more than four types of recyclable material (such as paper, tin cans, plastic and bottles) deposited by members of the public and collected at regular intervals for further transfer or processing elsewhere. (5/98)

Duplex: See: "Dwelling, Two-Family (Duplex)." (5/98)



Duplex

Dwelling Unit: One or more rooms designed for occupancy by one family and not having more than one cooking facility. (5/98)

Dwelling, Multi-Family: A building on a single parcel or lot containing 3 or more dwelling units designed for occupancy by 3 or more families living independently of each other. (5/98)

Dwelling, Single Family Detached: A detached building containing one dwelling unit designed exclusively for occupancy by 1 family. (5/98)

Dwelling, Townhouse: A multi-family structure so designed that each individual dwelling unit is located upon a separate lot or parcel. (5/98)

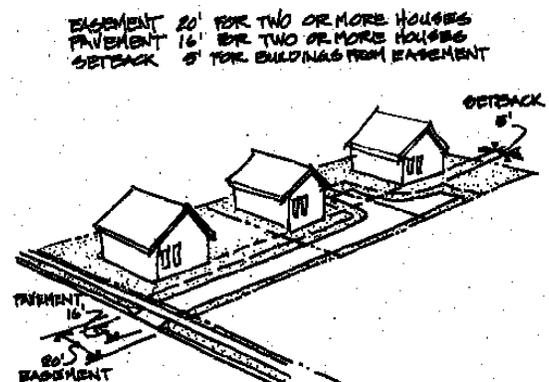
Dwelling, Two-Family (Duplex): A detached building on a single parcel or lot containing 2 dwelling units designed exclusively for occupancy by 2 families living independently of each other. (5/98)

Easement: A grant of right to use an area of land for a specific purpose. (5/98)

Employees: All persons, including proprietors, performing work on a premise. (5/98)

Encroachment [Flood]: Any obstruction in the flood plain which affects flood flows. (5/98)

Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision [Flood]: A parcel (or contiguous parcels) of land divided into two or more mobile/manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile/manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Ordinance. (5/98)



Easement

CC – 9-21-20 mtg

~~Expansion to an Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision [Flood]: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile/manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).~~ (5/98)

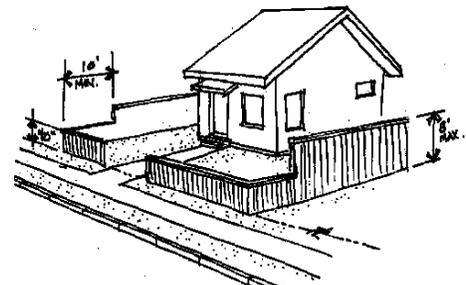
Family: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or a group of not more than 5 unrelated individuals, living together as a single housekeeping unit. (5/98)

Family Day Care Provider: A day care provider who regularly provides child care in the family living quarters of the home of the provider. (5/98)

Farming: The use of land for purposes defined in ORS Chapter 215. (5/98)

~~Federal Emergency Management Agency (FEMA) [Flood]: The federal organization responsible for administering the National Flood Insurance Program.~~ (5/98)

Fence: An unroofed barrier or an unroofed enclosing structure or obstruction constructed of any materials including but not limited to, wire, wood, cement, brick, and plastic. (5/98)



Fence, Sight Obscuring: A fence arranged or constructed to obstruct vision. (5/98)

~~Fill [Flood]: The placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc.~~ (5/98)

Final Decision: A decision made in accordance with, and pursuant to, the provisions of this ordinance, or decisions made by the Land Use Board of Appeals or the Courts, after the applicable appeal periods have expired. (5/98)

Finish Ground Level [Sign]: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, which ever is the lowest. (5/98)

Flag Lot: See "Lot, Flag." (5/98)

Flashing Sign [Sign]: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use. (5/98)

Flood or Flooding [Flood]:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

~~A general and temporary condition of partial or complete inundation of usually dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source. (5/98)~~

~~Flood Boundary Floodway Map (FBFM) [Flood]: The map portion of the Flood Insurance Study (FIS) issued by the Federal Insurance Agency on which is delineated the Flood Plain, Floodway (and Floodway Fringe), and cross sections (referenced in the text portion of the FIS). (5/98)~~

~~Flood Elevation Certificate (FEC) [Flood]: Certification by a professional surveyor or other authorized official indicating the height of the lowest floor of a building. (5/98)~~

~~Flood Insurance Rate Map (FIRM) [Flood]: The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (flood plain) and the risk premium zones applicable to the community and is on file with the City of Keizer. (5/98)~~

Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has

CC – 9-21-20 mtg

been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): See “Flood elevation study”.

~~Flood Insurance Study (FIS) [Flood]: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway map and the water surface elevation of the base flood and is on file with the City of Keizer. (5/98)~~

~~Flood Plain [Flood]: Lands within the City that are subject to a one (1) percent or greater chance of flooding in any given year as identified on the official zoning maps of the City of Keizer. (5/98)~~

~~Floodplain management [flood]: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.~~

~~Flood Proofing [Flood]: A combination of structural ~~or~~ and non-structural ~~provisions~~ additions, changes, or adjustments to structures, ~~land or waterways for which the~~ reduction or elimination ~~risk~~ of flood damage to real estate or improved real property, properties, water and sanitary facilities, structures and their contents ~~of buildings in a flood hazard area~~. (5/98)~~

~~Floodway [Flood]: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order ~~remain unobstructed~~ to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway." ~~one (1) foot. Once established, nothing can be placed in the floodway that would cause any rise in the base flood elevation.~~ (5/98)~~

~~Floodway Fringe [Flood]: The area of the flood plain lying outside of the floodway as delineated on the FBFM where ~~encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge.~~ (5/98)~~

Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet;
2. Basement, if the floor above is less than six feet above grade;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers;
6. Off-street parking or loading spaces. (5/98)

Forest Use: The use of land for the production of trees; the processing of forest products; open space; water sheds; wildlife and fisheries habitat; vegetative soil stabilization; air and water quality maintenance; outdoor recreational activities or related support services; wilderness; or, livestock grazing. (5/98)

Free-Standing Sign [Sign]: A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign. (5/98)



Free-Standing Sign

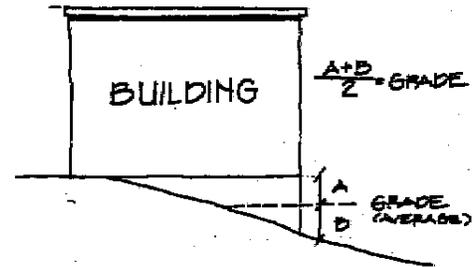
Frontage: That portion of a lot or parcel which abuts a public street. (5/98)

Front Lot Line: See "Lot Line, Front." (5/98)

Functionally dependent use [flood]: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Garage: A building, or portion of a building, used for the storage or parking of a vehicle. (5/98)

Grade: The average elevation of the finished ground at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation. (5/98)



Grade

Group Living: Characterized by the long-term (i.e., more than 28 days) residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents including those for dining, social and recreational and laundry. Group Living is differentiated into two subcategories based on whether residents receive personal care, training and/or treatment.

- a. Room and board facilities where no personal care, training and/or treatment is provided include examples such as dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels,

CC – 9-21-20 mtg

lodging houses operated by organizations for members only, and similar uses.

- b. Long-term facilities where some level of care is provided includes examples such as hospice, nursing and personal care facilities, homes for the deaf or blind, and similar uses.

Exceptions include: (1) Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing or mass shelters. (2) Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.
(12/19)

Habitable Space: A room or space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space. (5/98)

~~Hazardous Material [Flood]: Combustible, flammable, corrosive, explosive, toxic or radioactive substance which is potentially harmful to humans and the environment.~~
(5/98)

Hearings Action: Those actions where opportunity for a public hearing of a land use action is provided by this Ordinance. (5/98)

Hearings Officer: The person(s) so designated by the Council to conduct a quasi-judicial public hearing for certain land use actions. (5/98)

Highest adjacent grade [flood]: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure [flood]: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
- a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: A business or professional activity engaged in by a resident of a dwelling unit as a secondary use of the residence, and in conformance with the provisions of the Ordinance. Such term does not include the lease or rental of a dwelling unit, the rental of guest rooms on the same premises, or the operation of a day care facility. (5/98)

Hotel: Any building in which lodging is provided to guests for compensation and in which no provision is made for cooking in individual rooms. (5/98)

Household Living: Characterized by the occupancy of a residential dwelling unit by a household. Tenancy is arranged on a month-to-month basis or for a longer period. Uses where tenancy may be arranged for a shorter period (i.e., less than one month) are not considered residential; they are considered to be a form of transient lodging (Retail Sales And Service and Community Service use categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living, as are Single Room Occupancy housing (SROs) when at least two thirds of the units are rented on a monthly basis and meals are prepared by the residents.

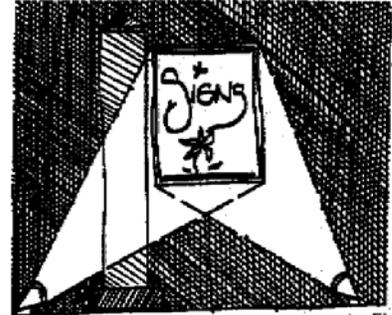
Examples include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, other structures with self-contained dwelling units, and SROs depending on the number of units rented on a monthly basis and meal preparation.

Exceptions include: (1) Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales And Service category. (2) SROs that contain programs which include common dining are classified as Group Living. (3) Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses. (4) In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter. (12/19)

House of Worship: A church, synagogue, temple, mosque, or other permanently located building primarily used for religious worship. A house of worship may also include accessory buildings for related religious activities and a residence. (5/98)

Incidental Signs [Sign]: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)

Indirect Illumination [Sign]: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign. (5/98)



Indirect Illumination

Infill Development: Residential infill development is development at densities allowed under existing zoning on vacant, or partially used land. Infill development occurs on lands which may have been by-passed in the urbanization process or which may have a use that could be or has been removed. (01/02)

Infill Development Parcel:

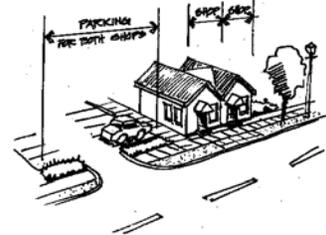
Any parcel that meets the criteria for an infill development parcel specified in Section 2.316.03. (01/02)

Integrated Business Center [Sign]: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership. (5/98)



Integrated Business Center - Large

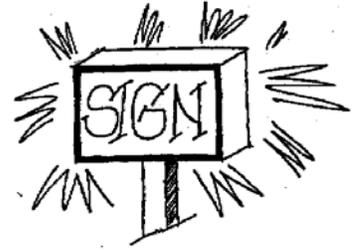
Intensification [Greenway]: Any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use.



Integrated Business Center - Small

Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purpose of this Goal. Seasonal increases in gravel operations shall not be considered an intensification of use. (5/98)

Internal Illumination [Sign]: A source of illumination from within a sign. (5/98)



Internal Illumination

Joint Use Sign [Sign]: When two or more businesses combine part or all of their total allowed sign area into free-standing sign for each common frontage of such business. (5/98)



Joint Use Sign

Junk: The term "junk" regardless of value, includes but is not be limited to, any derelict, neglected, or wrecked motor vehicle or parts thereof, glass, paper, waste tire, waste or discarded material, or any of the following old items: machinery or parts thereof, used fixtures, metal, lumber, or wood. For the purposes of this definition the following meanings apply:

1. "Derelict vehicle" means any used motor vehicle without a valid vehicle license or with an expired license. (5/98)
2. "Neglected Vehicle" means a motor vehicle that is missing its engine or transmission, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires. (5/98)
3. "Fixture" means any item that is designed to be used indoors or otherwise protected from the elements. This includes, but is not limited to upholstered furniture, and heating, plumbing, and electrical fixtures. (5/98)
4. "Waste tire" means a tire that is not longer suitable for its original intended purpose because of wear, damage, or defect. (5/98)
5. "Wrecked vehicle" means a motor vehicle that is dismantled, or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire. (5/98)

Junk Yard: The use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise. (5/98)

Kennel: Any lot or premises on which four or more dogs and/or cats over the age of four months are kept for sale, lease, boarding, or training. (5/98)

Land Division: Any partition or subdivision of a lot or parcel. (5/98)

Land Use Action: An amendment to the City of Keizer Comprehensive Plan or this Ordinance, or a decision on a zone change, variance, conditional use, partitioning or subdivision, or administrative permits, including appeals from any of the foregoing decisions. Issuance of a building permit is not a land use action. (5/98)

Landscaped: Areas primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways sculpture, trellises, and screens. (5/98)

Legislative Action: A land use action involving amendments to the Comprehensive Plan, the text of this Ordinance, or an amendment to the Comprehensive Plan map or Zoning map involving more than 5 separate property ownerships. (5/98)

Letter of Map Change (LOMC) [flood]: Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

1. Conditional Letter of Map Amendment (CLOMA): A CLOMA is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
2. Conditional Letter of Map Revision (CLOMR): A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
3. Conditional Letter of Map Revision based on Fill (CLOMR-F): A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
4. Letter of Map Amendment (LOMA): An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.
5. Letter of Map Revision (LOMR): A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM,

and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

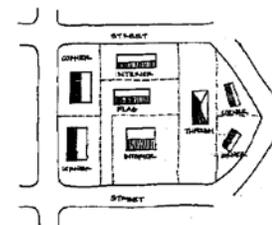
6. Letter of Map Revision based on Fill (LOMR-F): A LOMR-F is FEMA's modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
7. PMR: A PMR is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

Livestock: Domestic animals of types customarily raised or kept on farms for profit or food. (5/98)

Loading Space: An off-street space or berth on the same lot with a building, or group of buildings, used for the parking of a vehicle while loading or unloading merchandise, materials or passengers. Loading space excludes fire lanes, as they are not considered useable space for loading and unloading. (5/98)

Lot: A unit of land created by a subdivision as defined in ORS 92.010 in compliance with all applicable zoning, subdivision ordinances; or created by deed or land sales contract if there were no applicable zoning, subdivision or partitioning ordinances, exclusive of units of land created solely to establish a separate tax account. Such lots may consist of:

1. Single lot of record;
2. Portion of a lot of record; or
3. Combination of complete lots of record and portions of lots of record. (5/98)



Lot Types

Lot Area: The total area of a lot, measured in a horizontal plane within the lot boundary lines, and exclusive of public and private roads and easements of access to other property. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance. (5/98)

Lot, Corner: A lot abutting on two intersecting streets, other than an alley or private access easement, where the angle of intersecting streets is no greater than 135 degrees. (5/98)

Lot Coverage: Area covered by buildings and by roofed but unenclosed structures, whether or not attached to buildings. Covered structures less than five feet in height and having less than 20 square feet of gross floor area shall not be included in calculating lot coverage. (12/19)

Lot Depth: The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line. (5/98)

Lot, Flag: A lot or parcel of land with access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is in the same ownership. (5/98)

Lot, Frontage: The distance between the two side lot lines measured at the minimum front setback line, parallel to the street line. (5/98)

Lot, Interior: A lot other than a corner lot. (5/98)

Lot Line, Front:

A lot line abutting a public street, private street, or access easement. In the case of a corner lot, through lot or a lot where vehicular access is provided off an alley and there is no frontage on a public or private street, the front line is based on the structure's orientation and at least two of the following factors:

- a. Location of the front door;
- b. Location of the driveway (when accessed off a public or access easement); and/or
- c. Legal street address.

For flag lots and lots with access from an easement, the Zoning Administrator shall have the authority to designate another line as the front lot line in which case it shall be clearly noted on the final plat. (01/02)

Lot Line, Rear: A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front line. (5/98)

Lot Line, Side: Any property line which is not a front or rear lot line. (5/98)

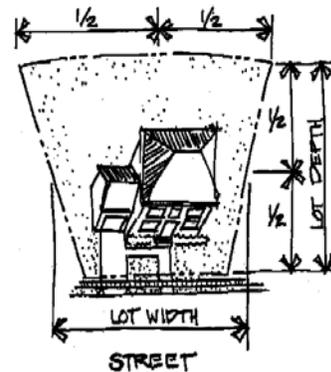
Lot of Record: A lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Marion County property records. (5/98)

CC – 9-21-20 mtg

Lot, Through: An interior lot having frontage on two streets. Lots having their access off a private access easement or adjacent to a private access easement shall not be construed as qualifying as through lots. (6/07)

Lot Width: The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. (5/98)

Lowest Floor [Flood]: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. (5/98)



Lot Width and Depth

Main Entrance: The principle building entrance intended for the use by the general public, employees or residences. A main entrance door may not be a door that is locked during normal business hours. This entrance is designated the address bearing entrance for the purpose of Emergency Responders. (5/98)

Major Public Improvement [Historical]: The expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property on a resource site, except for the repair or maintenance of existing public improvements. (9/18)

Manufactured Home: A home, a structure with a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended August 22, 1981 and constructed after June 15, 1976. (5/98)

Manufactured dwellingHome [Flood]: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".

~~For flood plain management purposes, the term "manufactured home" also includes mobile homes. For insurance and floodplain management purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (5/98)~~

Manufactured Home-Dwelling Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or

CC – 9-21-20 mtg

~~sale. Any place where four or more manufactured homes are located within 500 feet of one another on property under the same ownership, the primary purpose of which is to rent or lease space to any person, or, to offer space free in connection with securing the trade or patronage of such person. A person shall not construct a new manufactured home park or add lots to an existing manufactured home park without approval by the Department of Commerce. "Manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to this Ordinance. (5/98)~~

~~Manufactured home park or subdivision [Flood]: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (5/98)~~

Marijuana Grow Site: A Marijuana Grow Site that is registered by the Oregon Health Authority Under ORS 475.304 or applicable state law at a specific location used by a grower to produce marijuana for medical use by specific qualifying patients. (10/14)

Marijuana Processor: A Marijuana Processor means a person who processes marijuana items in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Marijuana Producer: A Marijuana Producer means a person who produces marijuana in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Marijuana Retailer: A Marijuana Retailer is a person who sells marijuana items to a consumer in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Marijuana Wholesaler: A Marijuana Wholesaler means a person who purchases marijuana items in this state for resale to a person other than a consumer and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Master Plan: A presentation showing the ultimate development lay-out of a parcel or property that is to be developed in successive stages or subdivisions. (5/98)

Mean sea level [Flood]: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. (5/98)

Medical Marijuana Facility or Facilities: A Medical Marijuana Facility that is registered by the Oregon Health Authority under ORS 475.300-475.346 or other applicable state law and that sells, distributes, transmits, gives, dispenses or otherwise provides Medical Marijuana to qualifying patients. *In addition, as*

CC – 9-21-20 mtg

*allowed by state law and applicable regulation only, “early sales” of recreational marijuana is permitted.**

*(THIS AMENDMENT SUNSETS ON DECEMBER 31, 2016 AND IS OF NO FORCE OR EFFECT AFTER SUCH DATE). (10/15)

Message Sign [Sign]: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature. (5/98)

Mini-Storage Warehouse: An area or areas located within an enclosed building or structure used only in connection with the storage of personal property. (5/98)

Mobile Food Vendor: A non-permanent use that typically is a truck, van, or trailer which have their wheels intact and have been outfitted to prepare and serve food. (9/16)

~~Mobile home [Flood]: A vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is 32 feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined by this Section. (5/98)~~

Modular or Prefabricated Home: A dwelling unit whose components are assembled and brought to the site and erected. The dwelling unit is intended and designed to be placed upon a permanent foundation and substantial construction is needed before it is complete and ready for permanent occupancy. Modular or prefabricated homes are regulated by the Uniform Building Code (UBC). (5/98)

Motel: A building or group of buildings on the same lot containing rooms designed for lodging, with or without cooking facilities, which are available for rent and in which each lodging unit has a separate entrance from the building exterior. The term includes auto courts, tourist courts, tourist homes, and motor lodges. (5/98)



Multi-Faced Sign

Multi-faced Sign [Sign]: A sign which has 2 or more identical sign faces, contained in a single sign structure. (5/98)

Multi-family Dwelling [Sign]: A residential structure or complex of structures which include 3 or more separate dwelling units, whether rented or owned by the occupants. (5/98)

Mural [Sign]: An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure, or, inside the window of a structure. (5/98)

CC – 9-21-20 mtg

Natural Register Resource: Buildings, structures, object, sites, or districts listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 (PL 89-665; 16 U.S.C. 470). (9/18)

Neighborhood Activity Center: A use, or combination of uses, which is a common destination or focal point for community activities, including primary and secondary schools, neighborhood parks and playgrounds and shopping centers. (5/98)

Neighborhood Association: An association recognized by the City Council as being a Neighborhood Association in accordance with the Neighborhood Association Ordinance. (5/98)

New Construction: Structures for which construction was initiated on or after the effective date of this Ordinance. (5/98)

New Construction [Flood]: Structure(s) for which the start of construction commenced on or after the ~~original~~ effective date of ~~the a f~~ management regulation adopted by the City of Keizer and includes any subsequent improvements to such structures.

~~Overlay Zone.~~ (5/98)

Nonconforming Sign [Sign]: Any sign which lawfully exists prior to the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations. (5/98)

Non-Conforming Structure or Use: A lawfully existing structure or use at the time this Ordinance, or any amendments, becomes effective, which does not conform to the requirements of the zone in which it is located. (5/98)

Notification Area: An area bounded by a line, parallel to the boundary of a subject lot. As used in this section "subject lot" includes not only the lot that is the subject of the proceeding for which notice is required, but also includes any contiguous lot in which any applicant or owner of the subject lot has either sole, joint, or common ownership, or an option to purchase, in whatever form. In the event that the application does not apply to the entire lot, the boundary of the notification area shall be measured from the lot line, not the boundary of the portion of the lot. (5/98)

Notification List: A certified list prepared by a Title Company, the Marion County Assessor's Office or the City which includes the names and addresses of all property owners within the notification area as shown in the County Assessor's records. (5/98)

Nudity or nude [Adult]: Being devoid of an opaque material covering the human genitals, pubic region, buttocks, and female breasts below a point immediately

CC – 9-21-20 mtg

above the top of the areola and where such opaque material does not simulate the organ covered. (5/98)

Nursing Home: A home, place or institution which operates and maintains facilities providing convalescent and/or nursing care for period exceeding 24 hours. Convalescent care may include, but is not limited to, the procedures commonly employed in the nursing and caring for the aged and includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under ORS. (5/98)

~~Obstruction [Flood]: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that it is placed where the flow of water might carry the same downstream to the damage of life or property. (5/98)~~

Official Zoning Map: The map which indicates the zones in the City of Keizer. (5/98)

Original Jurisdiction: The authority and responsibility for rendering the first decision in a land use proceeding. (5/98)

Owner: The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel or property under written contract. (5/98)

Owner [Sign]: As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed. (5/98)

Parcel: A unit of land that is created by a partitioning of land. (5/98)

Parking Lot or Area: An open area, building or structure, other than a street or alley, used for the parking of automobiles and other motor vehicles and available for use by persons patronizing a particular building, establishment or area. (5/98)

Parking Space: A designated space in a parking lot or area for the parking of one motor vehicle. (5/98)

Partial Harvesting of Timber [Greenway]: A timber harvest that leaves at least 25 percent of the trees at least 6 inches DBH standing beyond the vegetative fringe. (5/98)

Partition: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of

land under single ownership at the beginning of such year. "Partition" does not include:

1. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property, and divisions of land resulting from the creation of cemetery lots; or,
2. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance; or,
3. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r). (5/98)

Pedestrian Circulation System: Pedestrian connection(s) between building entrance(s) of the proposed development and adjacent street(s), the parking area, and the existing or future development on adjacent properties. (5/98)

Pedestrian Facilities: Improvements which provide for public pedestrian foot traffic including sidewalks, walkways, crosswalks and other improvements, such as lighting or benches, which provide safe, convenient and attractive walking conditions. (5/98)

Pedestrian Scale Lighting: Light standards or placement no greater than 14 feet in height located along walkways. (5/98)

Permit (noun): Any action granting permission to do an act or to engage in activity where such permission is required by this Ordinance. (5/98)

Permitted Use: Those uses permitted in a zone that are allowed without obtaining a conditional use permit. (5/98)

Person: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit. (5/98)

Pet: A domestic animal customarily kept, and cared for, by the occupants of a dwelling for personal pleasure, and which are not raised for food, fur, or monetary gain. Typically, dogs, cats, birds and other small mammals and reptiles, but not including fowl, herd animals, pigs, goats or horses of any type or breed. (5/98)

Place of Public Assembly: Structure or place where 50 or more people gather which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity. (5/98)

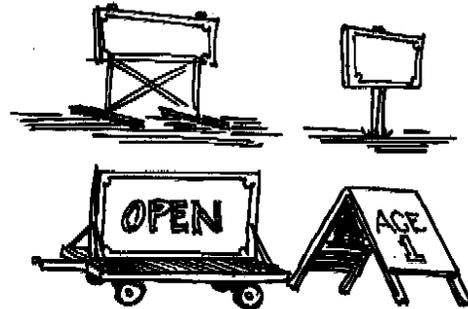
Plan Map: An officially adopted map of the City, including urban growth boundary, showing land use designations identified in the Comprehensive Plan. (5/98)

Planned Unit Development: A type of development of a site which, as a single project, is based on a design which incorporates all elements of land, structures and uses in conformance with the applicable standards of this Ordinance. (5/98)

Planning Commission: The Planning Commission of Keizer, Oregon. (5/98)

Plat: The final map which is a diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition. (5/98)

Portable Sign [Sign]: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self supporting and movable, and also including trailer reader boards.



Portable Signs

Portable signs are not to be considered temporary signs as defined and used in this chapter. (5/98)

Primary Building Façade:

Primary building façade means the side of a building that faces the street and has a main pedestrian entrance from the street. (01/02)

Professional Office: An office occupied by an accountant, architect, attorney-at-law, engineer, surveyor, city or regional planner, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character. (5/98)

Property Line Adjustment: The realignment of a common boundary between two or more abutting lots or parcels which does not involve the creation of a new lot or parcel. (6/16)



Projecting Sign

Projecting Signs [Sign]: A sign the face of which is not parallel to

the wall on which it is mounted, projecting more than 12 inches from a structure.
(5/98)

Public Facilities and Services: Projects, activities, and facilities which are necessary for the public health, safety, and welfare. These may include, but are not limited to, water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas. (5/98)

Quasi-Judicial Review: A decision affecting land use within the City which requires the interpretation and/or amendment of existing standards or maps contained in this Ordinance. (5/98)

Ramada: A stationary structure having a roof extending over a manufactured home, which may also extend over a patio or parking space and is used principally for protection from the elements. (5/98)

Real Estate Sign [Sign]: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space. (5/98)

Rear Lot Line: See "Lot Line, Rear." (5/98)

Recreational Vehicle [RV Park]: A unit, with or without motive power, which is designed for human occupancy and intended to be used for recreational or temporary living purposes. (5/98)

Recreational vehicle includes:

1. Camping Trailer: A non-motorized vehicle unit mounted on wheels and constructed with sides that can be collapsed when the unit is towed by another vehicle. (5/98)
2. Motor Home: A vehicular unit built on or permanently attached to a motorized vehicle chassis cab or van which is an integral part of the complete vehicle. (5/98)
3. Travel Trailer: A vehicular unit without motive power which has a roof, floor, and sides and is mounted on wheels and designed to be towed by a motorized vehicle, but which is not of such size or weight as to require special highway movement permits. (5/98)
4. Truck Camper: A portable unit which has a roof, floor, and sides and is designed to be loaded onto and unloaded out of the bed of a truck or pick-up truck. (5/98)
5. Boat, licensed or unlicensed, including trailer. (5/98)
6. All-terrain vehicle (ATV). (5/98)

Recreational vehicle [Flood]: A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~A "camper," "motor home," "travel trailer," as defined in ORS 801.180, 801.350, and 801.565 that is intended for human occupancy and is equipped with plumbing, sinks, or toilet, and does not meet the definition of a Mobile Home (Flood), of this Section. (5/98)~~

Recreational Vehicle Park [RV Park]: Any area operated and maintained for the purposes of providing space for overnight use by recreational vehicles. (5/98)

Recreational Vehicle Space [RV Park]: The area under a parked and occupied recreational vehicle. (5/98)

Recycling Depot: A area used for the collection, sorting, and temporary storage of non-putrescible waste and discarded materials which are taken elsewhere to be re-used or recycled. This definition does not include drop stations. (5/98)

Repair: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not include structural changes. (5/98)

Residential Facility: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to and resident of the residential facility. (5/98)

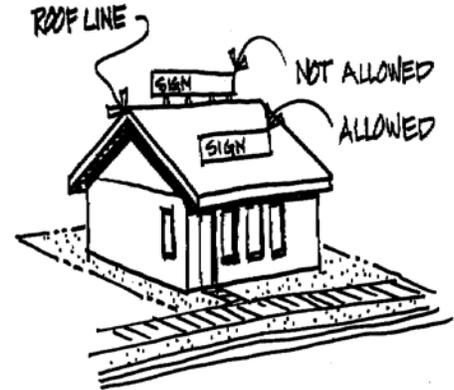
Residential Home: A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. (5/98)

Resource [Historical]: A site, object, building, or structure designated by the Council under Section 2.127.04. (9/18)

Retail Trade: The process of selling to the consumer for direct consumption and not for resale. (5/98)

Right-of-Way: The full length and width of a public street or way, planned or constructed. (5/98)

Roof Line [Sign]: Either the eaves of the roof or the top of the parapet, at the exterior wall. A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes. (5/98)



Roof Line & Roof Sign

Rooming and Boarding House: A residential building or portion thereof with guest rooms, providing lodging, or lodging and meals, for 3 or more persons for compensation. (5/98)

Rotating/Revolving Sign [Sign]: A sign, all or a portion of which, moves in some manner. (5/98)

School, Elementary, Middle School, or High School: An institution, public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education. (5/98)

School, Trade or Commercial: A building where the instruction is given to pupils for a fee, which fee is the principal reason for the existence of the school. (5/98)

Scrap and Waste Materials Establishment: An business that is maintained, operated or used for storing, keeping, buying or selling old or scrap copper; brass, rope, rags, batteries, paper, rubber, or debris; waste or junked, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts (except wrecking yards), iron, steel, or other old scrap metal or non-metal materials. Scrap and waste materials establishments does not include drop stations, solid waste transfer stations, or recycling depot. (5/98)

Semi-Public Use: A structure or use intended for a public purpose by a non-profit organization. (5/98)

Serial additions, alterations or expansions: Two or more additions, alterations or expansions to the existing building gross floor area and/or impervious surface area within a 3-year time period. (12/03)

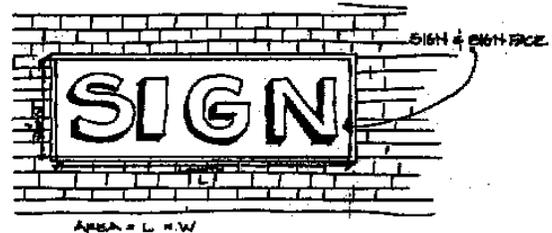
Service Station: A site and associated buildings designed for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul. "Major repair and overhaul", as used in this definition, shall be considered to include such activities at painting, bodywork, steam cleaning, tire recapping, and major engine or transmission overhaul or repair involving the removal of a cylinder head or crankcase. (5/98)

Setback: The distance between a specified lot line and the foundation or exterior wall of a building or structure. (5/98)

Side Lot Line: See "Lot Line, Side." (5/98)

Sign [Sign]: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. (5/98)

Sign Face [Sign]: Surface of a sign containing the message. The sign face shall be measured as set forth in Section 15.10(2). (5/98)



Sign Face

Sign Height [Sign]: The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater. (5/98)



Sign Height

Sign Structure [Sign]: The supports, uprights, braces, framework and other structural components of the sign. (5/98)

Site, Development, or Complex: A group of structures or other development that is functionally or conceptually integrated, regardless of the ownership pattern of the development or underlying land. (5/98)

Solid Waste Transfer Station: A fixed or mobile facility, used as an adjunct to collection vehicle(s), resource recovery facility, disposal site between the collection of the waste/solid waste and disposal site, including but not limited to, another vehicle, a concrete slab, pit, building, hopper, railroad gondola or barge. The term does not include a self-propelled compactor type solid waste collection vehicle into which scooters, pick-ups, small packers or other satellite collection vehicles dump

CC – 9-21-20 mtg

collected solid waste for transport to a transfer, disposal, landfill or resource recovery site or facility. (5/98)

Space, Manufactured Home: An area or lot reserved exclusively for the use of a manufactured home occupant. This definition excludes individual lots within a subdivision. (5/98)

Special flood hazard area [flood]: See “Area of special flood hazard” for this definition.

Special Permitted Use: A use which is a permitted use in a particular zone subject to compliance with the applicable standards of Section 2.400. (5/98)

Specified sexual activities [Adult]: Real or simulated acts of sexual intercourse, human/animal sexual intercourse, masturbation, sadomasochistic abuse, sodomy or the exhibition of human organs in a simulated state, or the characterization thereof in a printed or visual form, or fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts. (5/98)

Standard Industrial Classification (SIC): The document so entitled, published in 1987 by the Office Management and Budget, and used in this Ordinance to identify land uses. (5/98)

Start of Construction: The actual start of construction, repair, reconstruction, placement or other improvement. (5/98)

Start of Construction [Flood]: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

~~1. The first placement or permanent construction of a structure (other than a mobile/manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not~~

CC – 9-21-20 mtg

~~include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not used as part of the main structure. (5/98)~~

~~2. For a structure (other than a mobile/manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. (5/98)~~

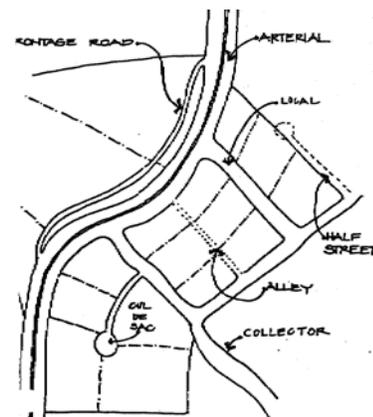
~~3. For mobile/manufactured homes not within a mobile/manufactured home park or manufactured home subdivision, "start of construction" means affixing of the mobile/manufactured home to its permanent site. For mobile/manufactured homes within mobile/manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile/manufactured home is to be affixed (including at a minimum, the construction of streets with final site grading or the pouring of concrete pads, and installation of utilities) is completed. (5/98)~~

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. Any basement, as defined herein, that is habitable shall be deemed a story for the purpose of administering all fire, life, safety codes including the Uniform Fire Code. (5/98)

Street: The entire width between the boundary lines of every way of travel which provides for ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. Streets shall follow the locally adopted street designations. A private way created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes is excluded from this definition. (5/98)

1. **Alley:** A narrow street through a block used primarily for access by service vehicles to the back or side of properties fronting on another street. (5/98)

2. **Arterial:** A street of considerable continuity which is used primarily for through traffic and interconnection between major areas of the City. (5/98)



Street Types

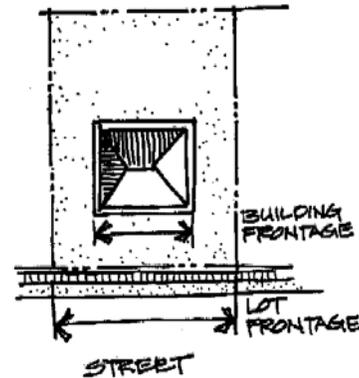
CC – 9-21-20 mtg

3. Collector: A street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties. (5/98)
4. Cul-de-sac (dead-end): A short street with one end open to traffic and the other terminated by a vehicle turn-around. (5/98)
5. Half Street: A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision of development. (5/98)
6. Frontage Road, Marginal Access Road: A service road parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic. (5/98)
7. Local Street: A street intended primarily for access to abutting properties, but protected from through traffic. (5/98)
8. Private Access Easement: A right-of-way across private property granted by the property owner to owners of one or more lots and allowing vehicles access from a street or roadway to those lots. (5/98)

Street Frontage [Sign]: That portion of a property which abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way. (5/98)

Structural Alteration: Any change to the supporting members of a structure, including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls. (5/98)

Structure: That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. (5/98)



Street & Building Frontage

Structure [flood]: a walled and roofed building, Roofed buildings that have two or more walls, including and gas or liquid storage tanks that are principally above ground, as well as a manufactured dwelling.

-(5/98)

Subdivide: To divide an area or tract of land into four or more parcels within a calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property. (5/98)

CC – 9-21-20 mtg

Subdivision: All divisions of property which create four or more lots in a single calendar year. (5/98)

Subject Property: The lot or parcel that is the location of the proposed use or structure. (5/98)

Substantial damage [flood]: ~~Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.~~

Substantial Improvement [Flood]: Any ~~repair~~, reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which equals or exceeds 50% of the market ~~or assessed~~ value of the structure before the “start of construction” of the improvement. This term includes structures which has incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. ~~Before the improvement or repair is started; or~~
2. ~~—If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structures. The term does not include:~~
 - 1.a. ~~—Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local building code enforcement official and which are the minimum necessary to assure safe living conditions, or~~
 - 2b. Any alteration of a “historic structure” listed on the National Register of Historic Places or State Inventory of Historic Places, provided, the alteration will not preclude the structure's continued designation as a “historic structure”. (5/98)

Substantial or significant portion [Adult]: More than 10 percent of the total cost of the inventory of merchandise for sale in the establishment, whether at wholesale or retail, or more than 10 percent of the establishment's gross sales per month, whether wholesale or retail, or more than 10 percent of a film or video or live performance. (5/98)

Temporary Business: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Keizer. (12/03)

CC – 9-21-20 mtg

Temporary Sign [Sign]. A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. (5/98)

Temporary Use: A primary, secondary, or accessory use that occurs on a lot for less than 6 months in any calendar year, or a lesser period as prescribed by this Ordinance. (5/98)

Trailer (Travel or Vacation): See Recreational Vehicle. (5/98)

Transit Facilities: Transit related improvements including, but not limited to, bus pullouts, shelters, waiting areas, information and directional signs, benches and lighting. (5/98)

Transit Route: An existing or planned route for public intra-city or intra-urban transit service in the local or regional transit plan. Transit routes do not include temporary routes or routes which are planned to be replaced or relocated in the relevant plan. Transit routes are also referred to as transit streets and transit corridors. (5/98)

Transit Stop: Improvements and facilities at selected points along transit routes for passenger pick-up, drop-off, and waiting. Facilities and improvements may include shelters, benches, pavement, sign structures and other improvements to provide security, protection from the weather and access to nearby services. (5/98)

Transit Street: All streets designated by the adopted Transportation Plan as a major or minor arterial street plus any street used as an existing bus route. (5/98)

Transmission Facility: High voltage power lines and related support structures used to convey electricity from a power generator facility to electric substations along a line or corridor. (5/98)

Transmission Towers: A single structure and related unoccupied buildings transmitting or relaying electronic signals to the surrounding area or along a communication corridor including radio and television transmitters and microwave relay station. (5/98)

Travel Trailer Parks: Recreational Vehicle Park. (5/98)

Urban Growth Boundary: An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Marion County. (5/98)

Uniform Building Code (UBC): The code of building design and construction standards adopted by the City of Keizer. (5/98)

CC – 9-21-20 mtg

Use: The purpose for which land or a structure is designed, arranged or intended, or, for which it is occupied or maintained. (5/98)

Utility: See "Public Facilities and Services." (5/98)

Vanpool: A group from 5 to 15 commuters, including the driver, who share the ride to and from work or other destinations on a regularly scheduled basis. (5/98)

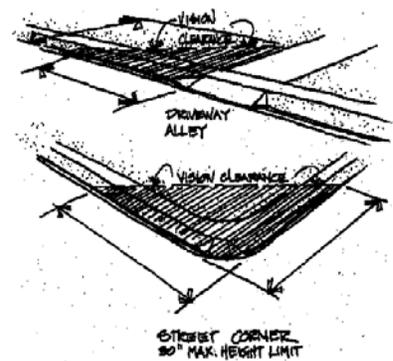
Variance [flood]: A grant of relief by The City of Keizer from the terms of a flood plain management regulation.

Vegetative Fringe [Greenway]: A line generally parallel with the water line at least 30 feet upland from the ordinary high water mark including riparian and other vegetation screening upland development or activity areas from visibility from the water surface in the summer months. (5/98)

Vehicle: For purpose of this Ordinance vehicle shall have the same meaning as the definition in the rules and regulations of the Oregon Department of Transportation Driver and Motor Vehicle Division. (5/98)

Veterinary Clinic: A facility designed to contain treatment and temporary care facilities for domestic animals, including both pets and farm animals, under the direction of a licensed veterinarian. (5/98)

Violation [flood]: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.



Vision Clearance Area

Vision Clearance Area: A triangular area at the intersection of two streets, or a street and a driveway, two sides of which are lines measured from the corner intersection for a specific distance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the lines will be extended in a straight line to a point of intersection. The vision clearance area shall be measured from the face of the curb and extend at right angles the designated distance in both directions along the intersection. Where there is no curb, the vision clearance area shall be measured from the edge of the pavement and extend at right angles for the appropriate distance in both directions along the intersection. (5/98)

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Wall Sign [Sign]: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign. (5/98)



Warehouse: A place for the safekeeping of goods and materials for an industrial or commercial enterprise (also see "Mini-Storage Warehouse"). (5/98)

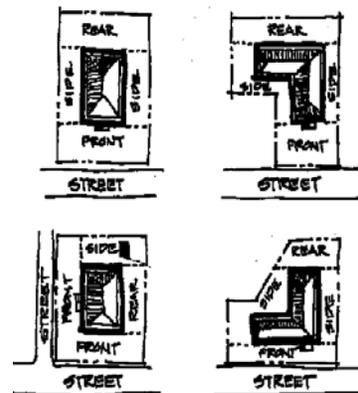
Water-Dependent [Greenway]: A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. (5/98)

Water-Related [Greenway]: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs. (5/98)

~~Watercourse [Flood]: A natural or artificial channel in which a flow of water occurs either continually or intermittently in identified floodplain. (5/98)~~

Wholesale Trade: The bulk sale of goods for resale to a person other than the direct consumer. (5/98)

Wrecking Yard: Property used for the business of buying, selling or dealing in vehicles and parts for the purpose of wrecking, dismantling, disassembling and offering for sale a used vehicle or components, and is licensed under the laws of the State for that purpose. "Vehicles" include all means of transportation that are registered with the Department of Motor Vehicles. (5/98)



Yards

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the foundation of the main building; but no structures may encroach on any easement. (12/19)

Yard, Rear: A yard extending across the full width of the lot between the most rear portion of a main building and the rear lot line; but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the main building; but no structures may encroach on any easement. (12/19)

Yard, Side: A yard, between the main building and side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building; but no structures may encroach on any easement. (12/19)

Zero Lot Line Wall:

Zero lot line wall means any exposed building wall that is constructed along the lot line as part of a zero lot line development and is visible from the public right-of-way or access easement. This definition includes any building wall that may be part of a zero lot line development and set off the property line but closer to the property line than would normally be required by yard or setback requirements of the zone. (01/02)

Zero Side Yard Dwelling Unit: An attached or detached dwelling unit constructed contiguous to a side lot



Zero Side Yard Dwelling Unit

2.122 FLOOD PLAIN OVERLAY ZONE (FPO)

2.122.01 Purpose

The purpose of the Flood Plain Overlay Zone is to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities. (5/98)
- B. Minimize expenditure of public money for flood control projects, rescue and relief efforts in areas subject to flooding. (5/98)
- C. Minimize flood damage to new construction by elevating or flood proofing all structures. (5/98)
- D. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which hold, accommodate or channel floodwaters. (5/98)
- E. Control filling, grading, dredging and other development, which may be subject to or increase flood damage. (5/98)
- F. Prevent or regulate the construction of flood barriers which may increase flood hazards in other areas. (5/98)
- G. Comply with the requirements of the Federal Insurance Administration to qualify the City of Keizer for participation in the National Flood Insurance Program. (5/98)
- H. Minimize flood insurance premiums paid by the citizens of the City of Keizer by reducing potential hazards due to flood damage. (5/98)
- I. Implement the flood plain policies in the City of Keizer Comprehensive Plan. (5/98)

In order to accomplish its purposes, this ordinance includes methods and provisions for: (3/10)

- 1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; (3/10)
- 2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; (3/10)

3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters; (3/10)
4. Controlling filling, grading, dredging, and other development which may increase flood damage; (3/10)
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas. (3/10)

2.122.02 Definitions

For purposes of this Overlay Zone, the following terms shall mean:

Accessory Structure: Sheds or small garages that are exempt from elevation or flood proofing requirements. This definition shall be limited to detached structures less than 200 square feet in area. (3/10)

Area of Special Flood Hazard: Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. (5/98)

Base Flood Elevation: The flood level having a one (1) percent chance of being equaled or exceeded in any given year (100-year flood plain). Designation on maps always includes the letter A. (3/10)

Basement: Any area of the building having its floor sub-grade (below ground level) on all four sides. (3/00)

Below Grade Crawl Space: An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point. (3/10)

Conveyance: Refers to the carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of floodwaters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second. (5/98)

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. (3/10)

Development: Any activity that has the potential to cause erosion or increase the velocity or depth of floodwater. Any man made change to property including, but is not limited to, residential and non-residential structures, fences, mining, dredging, filling, grading, excavation or drilling operations, utilities, transportation facilities, and the storage and stockpiling of materials located within the area of special flood hazard. (3/10)

Elevated Building: For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns. (3/00)

Encroachment: Any obstruction in the flood plain that affects flood flows. (5/98)

Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision: A parcel (or contiguous parcels) of land divided into two or more mobile/manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile/manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Ordinance. (5/98)

Expansion to an Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile/manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets). (5/98)

FEMA: The Federal Emergency Management Agency, the federal organization responsible for administering the National Flood Insurance Program. (5/98)

Fill: The placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc. (5/98)

Flood or Flooding: A general and temporary condition of partial or complete inundation of usually dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source. (5/98)

Flood Elevation Certificate (FEC): Certification by a professional surveyor or other authorized official indicating the height of the lowest floor of a building. (5/98)

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards

(flood plain) and the risk premium zones applicable to the community and is on file with the City of Keizer. (5/98)

Flood Insurance Study (FIS): The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway map and the water surface elevation of the base flood and is on file with the City of Keizer. (5/98)

Floodplain: Lands within the City that are subject to a one (1) percent or greater chance of flooding in any given year as identified on the official zoning maps of the City of Keizer. Also may be referred to as area of special flood hazard. (3/10)

Flood Proofing: A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area. (5/98)

Floodway: The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Once established, nothing can be placed in the floodway that would cause any rise in the base flood elevation. (5/98)

Floodway Fringe: The area of the flood plain lying outside of the floodway as delineated on the FIRM where encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge. (3/00)

Hazardous Material: Combustible, flammable, corrosive, explosive, toxic or radioactive substance, which is potentially harmful to humans and the environment. (5/98)

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. (5/98)

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes mobile homes as defined in this Section. For insurance and floodplain management purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (5/98)

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (5/98)

Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, such as the North American Datum of 1988 (NAVD 88), to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. (3/10)

Mobile home: A vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is 32 feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined by this Section. (5/98)

New Construction: Any structure(s) for which the start of construction commenced on or after the original effective date of the Floodplain Overlay Zone. (5/98)

New manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations. (3/10)

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that it is placed where the flow of water might carry the same downstream to the damage of life or property. (5/98)

Recreational vehicle: A "camper," "motor home," "travel trailer," that is intended for human occupancy and is equipped with plumbing, sinks, or toilet, and does not meet the definition of a mobile home in this Section. (3/10)

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The first placement or permanent construction of a structure (other than a mobile/manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does

it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not used as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (3/00)

For a structure (other than a mobile/manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. (5/98)

For mobile/manufactured homes not within a mobile/manufactured home park or manufactured home subdivision, "start of construction" means affixing of the mobile/manufactured home to its permanent site. For mobile/manufactured homes within mobile/manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile/manufactured home is to be affixed (including at a minimum, the construction of streets with final site grading or the pouring of concrete pads, and installation of utilities) is completed. (5/98)

Structure: Roofed buildings that have two or more walls, and gas or liquid storage tanks that are principally above ground. (5/98)

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would be equal to or exceed 50% of the market value of the structure before the damage occurred. (3/00)

Substantial Improvement: Any repair, reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which is equal or exceeds 50% of the market value of the structure before the start of construction of the improvement: (3/10)

1. Before the improvement or repair is started; or (5/98)
2. If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structures. The term does not include: (5/98)
 - a. Any project to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified

by the local building code enforcement official and which are the minimum necessary to assure safe living conditions. (5/98)

- b. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places, provided, the alteration will not preclude the structure's continued designation as an historic structure. (5/98)

Variance: A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance. (3/10)

Water Dependent: A structure which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (3/10)

Watercourse: A natural or artificial channel in which a flow of water occurs either continually or intermittently in identified floodplain. (5/98)

2.122.03 General Provisions

The Zoning Administrator or his designee is hereby appointed to administer and implement this ordinance by granting or denying Floodplain Development Permit applications in accordance with its provisions. The Zoning Administrator shall have the authority to make interpretations to the provisions of these regulations where conflict or ambiguity may exist. In the interpretation and application of this ordinance, all provisions shall be: (3/10)

- A. Considered as minimum requirements; (3/10)
- B. Liberally construed in favor of the governing body; and, (3/10)
- C. Deemed neither to limit or repeal any other powers granted under State statutes (3/10)

The flood plain is those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Marion County and incorporated areas, Oregon dated January 2, 2003" or any revisions thereto with accompanying Flood Insurance Rate Maps. The most recent report and maps are incorporated in the overlay zone by this reference and are on file at the City of Keizer located in Keizer city Hall, 930 Chemawa Road, Keizer, Oregon. When base flood elevation data has not been provided, the City shall have the authority to determine the location of the boundaries of the floodplain where there appears to be a conflict between a mapped boundary and the actual field conditions, provided a record is maintained of any such determination. The best available information or any revisions thereto for flood hazard area identification as outlined in Section 2.122.03B of this Ordinance shall be the basis for regulation until a new FIRM is issued, which incorporates the data utilized under Section 2.122.03B. (3/10)

A Floodplain Development Permit shall be obtained before construction or development begins within any area of special flood hazard in accordance with the provisions within this section. The permit shall be for all structures including manufactured homes, as set forth in the “DEFINITIONS,” and for all development including fill and other activities, also as set forth in the “DEFINITIONS.” (3/10)

- A. City Responsibilities. Duties of the City shall include, but not be limited to:
1. Review all Floodplain Development Permits, including manufactured homes, fill and other activities as set forth in ~~Section 2.122.02~~ of this Ordinance, to determine that the permit requirements of this ordinance have been satisfied. (3/10)
 2. Review all Floodplain Development Permits, to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required. (3/10)
 3. Review all Floodplain Development Permits, to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 2.122.06 L., are met. (3/10)
- B. Use of Other Base Flood Data: When base flood elevation data has not been provided on the FIRM, the City shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this Ordinance. (3/00)
- C. Information Requirements. Information to be Obtained and Maintained:
1. Application for a Floodplain Development Permit shall be made on forms furnished by the City and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required: (3/10)
 - a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; (3/10)
 - b. Elevation in relation to mean sea level of floodproofing in any structure; (3/10)
 - c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 2.122.06.C; and (3/10)

- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (3/10)
- 2. For all new or substantially improved flood-proofed structures:
 - a. Verify and record the actual elevation as furnished by the developer (in relation to mean sea level) to which the structure was flood proofed, and,
 - b. Maintain any flood-proofing certifications required by this Section. (3/00)
 - 3. Maintain for public inspection all records pertaining to the provisions of this Ordinance. (5/98)
- D. Procedures. Permitted, but not exempt, activities in the flood area shall be reviewed as a Type I-B action. Activities requiring variance approval shall be reviewed as a Type I-B action. (3/10)
 - E. Penalty for noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to citation pursuant to the Civil Infraction ordinance of the City of Keizer. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. (3/10)
 - F. Abrogation or other restrictions. These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (3/10)

2.122.04 Uses - Exempt

Within the Flood Plain Overlay zone no uses, structures, vehicles, and premises shall be used or established except as provided in the applicable underlying zone and the provisions of this overlay zone. The following uses are exempt from the regulations of this overlay zone: (3/10)

- A. Signs, markers, aids, etc., placed by a public agency to serve the public. (5/98)

- B. Driveways, parking lots and other open space use areas where no alteration of topography will occur. (5/98)
- C. Minor repairs or alterations to existing structures provided the alterations do not increase the size or intensify the use of the structure, and do not constitute "substantial improvement" as defined in Section 2.122. (5/98)
- D. Customary dredging associated with channel maintenance consistent with applicable State or Federal law. (5/98)
- E. Placement of utility facilities necessary to serve established and permitted uses within flood plain areas, such as telephone poles. (3/10)
- F. Accessory residential or noncommercial structures less than 120 square feet in area. (3/00)

2.122.05 Uses - Permitted

If otherwise allowed in the zone, dwellings, a manufactured home on a lot, a manufactured home in a manufactured home park, commercial, public and industrial structures, and other structures that involve a building permit, including the placement of fill to elevate a structure, may be allowed subject to a Floodplain Development Permit that the following requirements are met: (3/10)

- A. The structure is not located within a floodway. (5/98)
- B. The required elevation to which the lowest floor of the structure must be elevated can be determined from the Flood Insurance Study. If in zone A, the requirements of Sections 2.122.03B and 2.122.03C must be met. (3/00)
- C. The structures will be located on natural grade or compacted fill. (5/98)
- D. The lowest floor will be elevated to at least 1 foot above the level of the base flood elevation and the anchoring requirements in Section 2.122.06-D. (3/10)
- E. The Building Official has determined that any construction and substantial improvements below base flood elevation meet the requirements of Section 2.122.06. (3/10)
- F. The building permit specifies the required elevation of the lowest floor, any anchoring requirements and requires provision of certification under Section 2.122.06 F, prior to occupancy. (3/10)
- G. An Elevation Certificate signed by a licensed surveyor or civil engineer certifying that the lowest floor including basement, is at or above the specific minimum is submitted to the Zoning Administrator prior to use of the structure. (3/10)

- H. No alteration of topography beyond the perimeter of the structure is proposed. (5/98)
- I. A recreational vehicle may be located in a floodplain provided it is fully licensed and ready for highway use, or meets the requirements for manufactured homes. A recreation vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and, has no permanently attached additions. (5/98)

2.122.06 Flood Protection Standards

In all areas of identified flood plain, the following requirements apply:

- A. Residential Construction. (3/10)
 - 1. New residential construction and substantial improvement of any residential structures shall have the lowest floor, including basement, elevated on a permanent foundation to at least 1 foot above base flood elevation; and (3/10)
 - 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: (5/98)
 - a. A minimum of 2 openings, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters, and having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided. (5/98)
 - b. The bottom of all openings shall be no higher than one foot above grade. (5/98)
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (5/98)
- B. Manufactured Homes (3/10)
 - 1. All manufactured homes to be placed or substantially improved on site: (3/10)
 - a. outside of manufactured home park or subdivision; (3/10)
 - b. In a new manufactured home park or subdivision; (3/10)
 - c. In an expansion to an existing manufactured home park or subdivision; or, (3/10)

- d. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood; (3/10)

Shall be elevated on a permanent foundation such that the floor of the manufactured home is elevated a minimum 18 inches above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement. (3/10)

2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within the special flood hazard area on the community’s FIRM that are not subject to the above manufactured home provisions shall be elevated so that either: (3/10)
- a. The finished floor of the manufactured home is elevated to a minimum of 18 inches above the base flood elevation; or (3/10)
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement. (3/10)

- C. Non-residential development. New construction and substantial improvement of any commercial, industrial or other non-residential structures shall either have the lowest floor, including basement, elevated to at least 1 foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall: (3/10)

1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water. (5/98)
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (5/98)
3. Be certified by a registered professional engineer or architect that the standards in this subsection are satisfied. This certificate shall include the specific elevation, in relation to mean sea level, to which such structures are flood-proofed and provided to the City as set forth in Section 2.122.03C.3. (3/00)
4. Non-residential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 2.122.06CA.4. (3/10)

5. Applicants flood-proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are 1 foot below the flood-proofed level (e.g. a building constructed to the base flood level will be rated as 1 foot below that level). (5/98)
- D. Accessory Structures. Structures less than 200 square feet in area and not used for human habitation, such as sheds or detached garages may be exempt from elevation and flood-proofing standards providing the following development standards are met: (3/10)
1. Shall be designed to have low potential for flood damage;
 2. Shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwater; and,
 3. Shall be firmly anchored to prevent flotation, which may result in damage to other structures. (3/00)
- E. Fill and Grading. (3/10)
1. Any fill or grading proposed must be shown to have a beneficial purpose and the amount thereof shall not be greater than is necessary to achieve that purpose as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions for the proposed fill or other materials. (3/10)
 2. Such fill or grading shall be protected against erosion by rip-rap, vegetation cover, or bulk heading. (3/10)
 3. Fill or grading is prohibited within the floodway and areas within a floodplain where a floodway has not been technically determined unless the provisions in Section 2.122.06L are met. (3/10)
- F. Anchoring
1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure. (5/98)
 2. All manufactured homes shall be anchored to resist floatation, collapse or lateral movement by and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, over-the-top and frame ties to ground anchors. All manufactured homes shall meet Oregon Building Code specifications for anchoring. (3/10)
- G. Construction Materials and Methods

1. All new construction and substantial improvements below base flood elevation 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. (3/10)
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damages. (5/98)
3. Electrical, heating, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located to prevent water from entering or accumulating within the components during conditions of flooding. (3/10)

H. 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. (5/98)
2. New and replacement sanitary sewage systems shall be designed and located to minimize or elimination infiltration of flood water contamination consistent with the requirements of the Oregon State Department of Environmental Quality. (3/00)
3. Electrical, heating, ventilation, plumbing, and air-conditioning or other service facilities equipment shall be designed and/or **elevated or located** so as to prevent water from entering or accumulating within the components during conditions of flooding. (3/00)

I. General Development Requirements. Residential developments involving more than one single-family dwelling, including subdivisions, manufactured home parks, multiple-family dwellings and planned developments including development regulated under A., and C., shall meet the following requirements: (5/98)

1. Be designed to minimize flood damage. (5/98)
2. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage. (3/00)
3. Have adequate drainage provided to reduce exposure to flood damage. (5/98)

4. Base flood elevation data shall be provided by the developer. In cases where no base flood elevation is available, analysis by standard engineering methods will be required. (5/98)
- J. 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. (5/98)
- K. Alteration of Watercourses. When considering a Floodplain Development Permit to allow alteration or modification of a watercourse the City shall: (3/10)
1. Provide notice to adjacent communities, the Oregon Division of State Lands and the Department of Land Conservation and Development and other appropriate state and federal agencies prior to any alteration or relocation of a watercourse. Evidence of such notification shall be submitted to the Federal Insurance Administration. (3/10)
 2. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. (5/98)
- L. Floodways. Located within areas of flood plain established in Section 2.122.03 are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential. The following provisions shall apply to land within the floodway and to areas within a flood plain where a floodway has not been technically determined: (5/98)
1. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless a technical evaluation is provided by a registered professional engineer or architect demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practices, that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This evaluation may be submitted to the Federal Emergency Management Agency for technical review. (3/00)
 2. If Section 1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 2.122.06. (3/10)
 3. Prohibit the placement of any manufactured homes except in an existing manufactured home park. (5/98)

4. The area below the lowest floor shall remain open and unenclosed to allow the unrestricted flow of floodwaters beneath the structure. (5/98)
 5. Projects for stream habitat restoration may be permitted in the floodway provided: (3/10)
 - a. The project qualifies for a Department of the Army, Portland District Regional General permit for Stream Habitat Restoration (NWP-2007-1203); and (3/10)
 - b. A qualified professional (a Registered Professional Engineer; or staff of NRCS; the county; or fisheries, natural resources. Or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in the 100-year flood levels as close to zero as practically possible given the goals of the project; and, (3/10)
 - c. No structures would be impacted by a potential rise in flood elevation; and, (3/10)
 - d. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is include as part of the local approval. (3/10)
- M. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. (3/00)
- N. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. (3/10)

- O. Willamette River Riverwall. In addition to any requirements within this section affecting the use of property within a floodplain, there shall be no physical alterations to the riverwall constructed along the Willamette River in the areas of Cummings Lane (west of Shoreline Drive), and Rafael Avenue without the prior approval of the City Engineer. (3/10)

Nothing in these regulations reduces or modifies any terms or obligations under any riverwall easements granted to the City. (3/10)

- P. Below-grade crawl spaces. Below-grade crawlspace are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*: (3/10)
1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas. (3/10)
 2. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade. (3/10)
 3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE. (3/10)
 4. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters. (3/10)
 5. The interior grade of a crawlspace below the BFE must not be more than two (2)_feet below the lowest adjacent exterior grade. (3/10)

6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas. (3/10)
7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as drainage tiles or gravel or crushed stone drainage by gravity or mechanical means. (3/10)
8. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used. (3/10)

2.122.07 Generalized Flood Plain Areas

Where elevation data is generalized, such as the unnumbered A zones on the FIRM, the Zoning Administrator shall review and determine that proposed construction will be reasonably safe from flooding and meet the flood protection standards. In determining whether the proposed flood plain development is reasonably safe, applicable criteria shall include, among other things, the use of historical data, high water marks, photographs of past flooding, or data (e.g. an engineering study or soil and landscape analysis) may be submitted by qualified professionals that demonstrate the site is reasonable safe from flooding. In such cases, a letter of map amendment may be required by the City. (3/10)

2.122.08 Floodplain Development Variance

- A. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items ~~(1-11i-xi)~~ in Section 2.122.09.B and satisfying the criteria in Section 2.122.09.A. As the lot size increases the technical justification required for issuing the variance increases. (3/10)
- B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide

Inventory of Historic Properties, without regard to the procedures set forth in this section. (3/10)

- C. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result. (3/10)
- D. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, complies with all variance Sections 2.122.09. A and C. (3/10)
- E. The Zoning Administrator shall decide requests for variances from the requirements of this ordinance. (3/10)
- F. Variance as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare. (3/10)
- G. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (3/10)
- H. The City shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (3/10)

2.122.09 Floodplain Variance Criteria

- A. The applicant may receive a variance from the requirements, standards and terms of this Ordinance provided that the applicant provides evidence of compliance with the following criteria: (3/10)
 - 1. A showing of good and sufficient cause; (3/10)
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; (3/10)
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, or conflict with existing local laws or ordinances; (3/10)

4. A determination that the granting of the variance is the minimum necessary, considering the flood hazard, to avoid relief. (3/10)
- B. When reviewing the above criteria, the city shall consider the following: (3/10)
1. The danger that materials may be swept onto other lands to the injury of others; (3/10)
 2. The danger to life and property due to flooding or erosion damage; (3/10)
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; (3/10)
 4. The importance of the services provided by the proposed facility to the community; (3/10)
 5. The necessity to the facility of a waterfront location, where applicable; (3/10)
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage; (3/10)
 7. The compatibility of the proposed use with existing and anticipated development; (3/10)
 8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area; (3/10)
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles; (3/10)
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and, (3/10)
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges. (3/10)
- C. In reviewing variance applications, the City shall consider all technical evaluations, as well as all relevant factors and standards specified in other sections of this ordinance. (3/10)

2.122.10 Conditions for Variances

Upon consideration of the factors of this Section and the purposes of this ordinance, the City may attach such conditions to the granting of variances as it is deemed necessary to further the purposes of these regulations. (3/10)

2.122.11 Warning and Disclaimer of Liability

The degree of flood protection required by this overlay zone is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. This zone does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This zone will not create liability on the part of the City of Keizer, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any decision lawfully made there under. Failure to comply with these provisions is considered a violation and subject to violation procedures in Section 1.102.06. (5/98)

CITY COUNCIL MEETING: September 21, 2020

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: TIM WOOD, FINANCE DIRECTOR

**SUBJECT: REVIEW MATTER OF REFUNDING OR REFINANCING BONDS
RELATED TO KEIZER STATION AREA A LOCAL IMPROVEMENT
DISTRICT**

BACKGROUND:

In 2008 the City issued \$26,810,000 in full-faith and credit bonds to finance the construction of the infrastructure at Keizer Station. The bonds require semi-annual interest payments at approximately 5.2% interest. The bonds currently have an outstanding balance of approximately \$11,925,000.

In conjunction with issuing the bonds the City entered into local improvement district assessment agreements with the property owners in Keizer Station Area A. The assessments require semi-annual principal and interest payments with interest at 5.76135% (0.50% higher than the bonds). The outstanding assessments total approximately \$11,580,000. The assessment principal and interest payments are used to pay the semi-annual interest payments as well as pay down the bonds principal.

ISSUES AND FISCAL IMPACT:

Interest rates are now substantially lower than the rate charged when the bonds were sold in 2008 and it may be advisable to refund or refinance the bonds. Taking advantage of the lower interest rates will primarily benefit the property owners through lower assessment payments.

To move forward the City needs to engage bond counsel and an underwriter/placement agent to assist with analysis and potential structure of the refunding or refinancing. This action only directs staff to review the situation and come back to Council with detailed information. No action will be taken without additional Council authorization.

RECOMMENDATION:

Staff recommends that the City Council adopt the attached resolutions directing the Finance Director to:

- a. Review the advisability of refunding or refinancing bonds related to Keizer Station Area A Local Improvement District,
- b. Enter into an engagement letter with Hawkins Delafield & Wood LLP for bond counsel, and
- c. Enter into an engagement letter with Piper Sandler & Co for Underwriter/Placement Agent services.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2020-_____

DIRECTING FINANCE DIRECTOR TO REVIEW ADVISABILITY OF REFUNDING OR REFINANCING BONDS RELATED TO KEIZER STATION AREA A LOCAL IMPROVEMENT DISTRICT

WHEREAS, on January 22, 2008 Keizer City Council adopted Ordinance 2008 –

567 (Area A Local Improvement District Assessments), hereinafter “Assessment Ordinance”;

WHEREAS, the Assessment Ordinance imposed assessments on properties located in Keizer Station Area A for multiple infrastructure improvements benefiting such properties;

WHEREAS, bonds were sold to pay for the improvements as authorized by the Keizer City Council;

WHEREAS interest rates are now substantially lower than the rate charged on the bonds sold in 2008 and it is appropriate for the City Council to review the advisability of refunding or refinancing such bonds to benefit the property owners and the City;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that City Council hereby directs the Finance Director to proceed with the bond counsel and the underwriter/placement agent to gather costs, interest rates and other information with regard to refunding the existing bonds for Keizer Station Area A;

1

2 BE IT FURTHER RESOLVED that upon conclusion of his review of the
3 information, the Finance Director shall report to City Council with his recommendation
4 on whether to proceed with the proposed refunding;

5 BE IT FURTHER RESOLVED that nothing contained herein shall bind the City
6 Council to take any particular action in this regard and the City Council must formally
7 approve the refunding for such refunding to proceed;

8 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
9 upon the date of its passage.

10 PASSED this _____ day of _____, 2020.

11

12 SIGNED this _____ day of _____, 2020.

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Mayor

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17

City Recorder

18

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2020-_____

AUTHORIZING FINANCING DIRECTOR TO ENTER INTO
ENGAGEMENT LETTER WITH HAWKINS DELAFIELD & WOOD

WHEREAS, the City desires to consider refinancing its full faith and credit obligations in connection with the costs of the improvements assessed against properties in the Keizer Station Area A Local Improvement District;

WHEREAS, Hawkins Delafield & Wood has in-depth experience as bond counsel;

WHEREAS, the City desires to retain Hawkins Delafield & Wood;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Finance Director is authorized to enter into the attached engagement letter from Hawkins Delafield & Wood.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _____ day of _____, 2020.

SIGNED this _____ day of _____, 2020.

Mayor

City Recorder



PHONE: 503-402-1320
FAX: 503-402-1331

200 SW MARKET STREET, SUITE 350
PORTLAND, OR 97201
WWW.HAWKINS.COM

NEW YORK
WASHINGTON
NEWARK
HARTFORD
LOS ANGELES
SACRAMENTO
SAN FRANCISCO
PORTLAND
ANN ARBOR

GÜLGÜN MERSEREAU, ESQ.
PHONE: (503) 402-1325
EMAIL: GMERSEREAU@HAWKINS.COM

September 2, 2020

Via Email: woodt@keizer.org

Tim Wood
Finance Director
City of Keizer
PO Box 21000
Keizer, OR 97307-1000

Dear Tim:

Thank you for selecting Hawkins Delafield & Wood LLP to act as bond counsel to the City of Keizer (the “City”) in connection with the issuance of its LID Refunding Bonds (the “Financing”). To this end, we submit for your approval the following provisions governing our engagement. If you are in agreement, please sign the enclosed copy of this letter in the space provided below. We are available to answer any questions that you may have concerning these provisions, or any modifications that you may wish to suggest. We at Hawkins are pleased to have the opportunity to serve the City.

1. *Client; Limited Scope of Representation.* Our client in this matter will be the City. We will be engaged hereunder to render legal advice to the City as its bond counsel or special counsel, including the following:

- (1) Subject to the completion of proceedings to our satisfaction, render our legal opinion (the “Financing Opinion”) regarding the validity and binding effect of the Financing, the source of payment and security for the Financing, and, if appropriate, excludability of interest on the Financing from gross income for federal and for state of Oregon income tax purposes.
- (2) Prepare and review documents necessary or appropriate to the authorization, issuance and delivery of the Financing, coordinate the

authorization and execution of such documents, and review and, where appropriate, draft enabling legislation.

- (3) Assist the City in seeking from other governmental authorities such approvals, permissions, and exemptions as are necessary or appropriate in connection with the authorization, issuance and delivery of the Financing, except that we will not be responsible for any required Blue Sky filings.
- (4) Review and respond to specific legal issues raised by the City that relate to and arise out of the City's structuring of the Financing.
- (5) Draft the continuing disclosure undertaking, if any, of the City.

Our Financing Opinion will be addressed to the City and will be based on facts and law existing as of its date. In rendering our Financing Opinion we will rely upon the certified proceedings and other representations and certifications of public officials, counsel for and representatives of the City, the purchaser of the Financing, and other persons, furnished to us without any undertaking by us to verify the same by independent investigation, and we will assume continuing compliance by the City and all other participants in the transaction with applicable laws relating to the Financing. During the course of this engagement, we will rely on the City to provide us with complete and timely information on all developments pertaining to any aspect of the Financing and its security. We understand that the City will direct members of its staff and other employees to cooperate with us in this regard. Our duties in this engagement are limited to those expressly set forth above.

Among other things, our duties do not include:

- (a) Assisting in the preparation or review of an official statement or any other disclosure document with respect to the Financing, or performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document or rendering advice that the official statement or other disclosure document does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements contained therein, in light of the circumstances under which they were made, not misleading.
- (b) Preparing requests for tax rulings from the Internal Revenue Service, or no action letters from the Securities and Exchange Commission.
- (c) Preparing blue sky or investments surveys with respect to the Financing.
- (d) Drafting state constitutional or legislative amendments.
- (e) Pursuing test cases or other litigation such as contested validation proceedings.

- (f) Making an investigation or expressing any view as to the creditworthiness or financial strength of the City or any other party being or having been contracted with by the City or the Financing.
- (g) Opining on a continuing disclosure undertaking pertaining to the Borrowing or, after Closing, providing advice concerning any actions necessary to assure compliance with any continuing disclosure undertaking.
- (h) Representing the City in Internal Revenue Service examinations or inquiries, or Securities and Exchange Commission investigations.
- (i) After Closing, providing continuing advice to the City or any other party concerning any actions necessary to assure that interest paid on the Financing will continue to be excludable from gross income for federal or for State income tax purposes (*e.g.*, our engagement does not include rebate calculations for the Financing).
- (j) Addressing any other matter not specifically set forth above that is not required to render our Financing Opinion.

It is expressly agreed that the City shall not request the firm to provide predictions or advice regarding, and that the firm shall provide no predictions or advice and owes the City no duty regarding, the financial structuring or feasibility of any arrangement nor any predictions or advice as to the ability or likelihood of any other party actually performing their obligations relating thereto.

In expressing its opinion, the firm does not represent, warrant or guarantee that a court will not invalidate either any of the procedures or contracts being utilized in connection with the issuance of the Financing, nor does the firm represent, warrant or guarantee the actual performance rendered by participants in any transaction with the City.

It is also expressly agreed that (i) our client for purposes of this representation is the City and not any of its officers or employees, members, creditors, bondholders, or any other entities having any interest in the City or in which the City has an interest, and (ii) accordingly, this engagement will not establish an attorney-client relationship between the firm and any such individual, member or other entity.

2. *Term of Engagement.* Either the City or the firm may terminate this engagement at any time for any reason by not less than thirty (30) days written notice, subject on our part to applicable rules of professional conduct. In the event that we terminate the engagement, we will take such steps as are reasonably practicable to protect the City's interests in matters within the scope of this engagement.

September 2, 2020

Page 4

3. *Conclusion of Representation; Retention and Disposition of Documents.*

At the City's request, its papers and property will be returned to it or delivered to successor counsel, as it may direct, promptly upon receipt of payment of outstanding fees and expenses. Our own files pertaining to this engagement will be retained by the firm. These firm files include, for example, firm administrative records, time and expense reports, and accounting records, as well as internal lawyer's work product such as drafts, notes, internal memoranda, and legal and factual research prepared by or for the internal use of lawyers. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to destroy or otherwise dispose of any such documents or other materials retained by us within a reasonable time after the termination of this engagement.

4. *Post-Engagement Matters.* After completion of this engagement, changes

may occur in applicable laws or regulations, or in administrative City or judicial interpretations thereof, that could have an impact upon issues as to which we have advised the City during the course of this engagement. Unless you subsequently engage us, after completion of this engagement, to provide additional advice on such issues, the firm has no continuing obligation to advise you with respect to any such future legal developments.

5. *Fees and Expenses.* We will submit our statement after closing detailing

time charges recorded in connection with this engagement, including time charges for performance of services recorded prior to the execution of this letter, at our then-current generally applicable hourly rates. Current hourly rates for partners and attorneys who are expected to work on the City's matter are:

Attorney	Rate
Gülgün Mersereau	\$430
Sarah Dickey	\$315
Jennifer Córdova	\$435
Margo Sharp, Paralegal	\$215

These hourly rates are subject to change from time to time.

We also will charge for other ancillary services provided. Examples include charges for photocopies, travel, binding and assembling documents, and similar items. We estimate our costs will not exceed \$300.

Fees and expenses of others (such as consultants, appraisers and other counsel retained by you) will not be paid by us, and should be billed directly to you. Arrangements for billing and payment for services of others should be made between you and the other parties.

6. *Consent to Conflict; Non-reliance upon Hawkins Representations.* The

firm from time to time has represented, currently represents, and may in the future represent, underwriters of municipal Financing in financings involving other issuers. The City consents to the firm simultaneously representing such underwriters and the City. The City acknowledges and agrees that it has not relied upon any firm representations or statements of any kind in

September 2, 2020

Page 5

deciding to give its consent. Instead, it has consulted with other independent counsel and that it has exclusively relied upon such other counsel in deciding to consent.

7. *Attorney-Client Privilege.* In recent years, several courts have said that when a firm reviews its compliance with professional conduct rules or other law in the representation of a client, the firm may not be able to claim attorney-client privilege for its review unless the firm withdraws from representing the particular client before conducting the review or the client agrees that the firm can assert privilege for any such review. We believe it is in the interest of our clients that the firm have the protection of the privilege in connection with internal reviews of its work for you. The City agrees that any communications between the lawyers and staff working on the City's matter and the lawyers at the firm who may be reviewing that work for compliance with professional conduct rules or other law will be protected by the firm's own attorney-client privilege and that any such review will not constitute a conflict between our interests and your interests.

8. *Client Responsibilities.* The City agrees to cooperate fully with us and to provide promptly all information known or available to the City relevant to our representation. The City also agrees to pay our statements for services and expenses in accordance with paragraph 5 above.

9. *Fully Integrated Agreement; Merger; No Oral Amendments or Modifications.* This agreement is intended as a complete integration of the terms of this engagement and, as such, all prior understandings, representations, warranties, and agreements are fully and completely merged herein.

Of course, you may limit or expand the scope of our representation from time to time, provided that any such expansion is agreed to by each of us and memorialized in a supplement hereto.

We are pleased to have this opportunity to work with the City once again. I trust that you will not hesitate to call me if you have any questions or comments during the course of this engagement.

Very truly yours,

Hawkins Delafield & Wood LLP



September 2, 2020
Page 6

Agreed and Accepted:
City of Keizer, Oregon

By: _____

Title: _____

Date: _____

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2020-_____

AUTHORIZING FINANCE DIRECTOR TO ENTER INTO
ENGAGEMENT LETTER WITH PIPER SANDLER & CO

WHEREAS, the City desires to consider refinancing its full faith and credit obligations in connection with the costs of the improvements assessed against properties in the Keizer Station Area A Local Improvement District;

WHEREAS, bond counsel has recommended that the City use services of an expert to assist in solicitation of offers and setting up the transaction;

WHEREAS, hiring an outside vendor with in-depth experience is in the best interest of the City;

WHEREAS, Piper Sandler & Co has the experience to assist in planning and implementing the transaction and has submitted a proposed engagement letter;

WHEREAS, the City desires to retain the services of Piper Sandler & Co;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Finance Director is authorized to enter into the attached engagement letter from Piper Sandler & Co.

1 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
2 upon the date of its passage.

3 PASSED this _____ day of _____, 2020.

4

5 SIGNED this _____ day of _____, 2020.

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Mayor

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10

City Recorder

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September 3, 2020

Tim Wood, Finance Director
City of Keizer - Finance Department
PO Box 21000
Keizer, OR 97307

Re: Underwriter/Placement Agent Engagement Letter
Refunding of 2008 Assessment Full Faith and Credit Bonds

Dear Tim:

On behalf of Piper Sandler & Co. ("Piper Sandler" or "we"), we wish to thank you for the opportunity to serve as an underwriter or placement agent for the City of Keizer (the "Issuer") for the issuance of the Bonds. We understand that the decision to either sell the Bonds in a private placement to a single or limited number of investors or conduct a public sale of the Bonds will be made by you sometime in the future. This letter is intended to describe our engagement for either method of sale.

1. **Scope of Services.** The Issuer hereby engages Piper Sandler to serve as an underwriter or placement agent for the Bonds and in such capacity Piper Sandler agrees to provide the following services:
 - a. Developing a financing plan for the Bonds and assisting the Issuer in determining the economic impact of the Bonds.
 - b. Advice concerning structure, timing, terms and other similar matters concerning the Bonds, including recommendations as to maturities, interest rates, structure, security, timing, and amount of proceeds needed to implement your project.
 - c. Reviewing and making comments with respect to sale documents, as applicable, including Explanatory Statements, Authorizing Bond Resolutions, bond declarations and indentures and other underlying documents relating to the Bonds.
 - d. Developing a sale schedule that incorporates all aspects of bringing Bonds to market and arranging for a successful closing of the transaction.
 - e. Assisting the Issuer in determining whether to pursue a public sale or a private placement to a bank or other financial institution, based upon the facts and circumstances in evidence at that time.
 - f. For a public sale, assisting in the preparation of the preliminary and final Official Statements to be issued by the Issuer relating to Bonds for final approval by the Issuer and its agents, including bond counsel regarding same.
 - g. Assisting in making presentations to rating agencies with respect to the Bonds if applicable.
 - h. Evaluating and making recommendations to the Issuer concerning the use of bond insurance and any other available credit enhancements, if applicable.
 - i. For a public sale, distributing preliminary and final Official Statements and other documents to a broad list of institutions, banks, trusts, insurance companies, investment counselors, and other prospective investors in Bonds.
 - j. For a public sale, forming, if deemed appropriate by Piper Sandler and the Issuer, an underwriting group for the purpose of underwriting the Bonds, and informing the Issuer as to the membership of any group so formed.
 - k. For a public sale, developing a marketing plan for the offering, including identification of potential investors.
 - l. Contacting potential investors, including those that might be considering a private placement, providing them with offering-related information, responding to their inquiries and, if requested, coordinating their due diligence sessions.

- m. Negotiating the pricing, including the interest rate, and other terms of Bonds.
 - n. For a public sale, obtaining CUSIP number(s) for Bonds and arranging for their DTC book-entry eligibility.
 - o. Providing a final schedule of debt service payments for Bonds.
 - p. Reviewing and making comments with respect to closing documents prepared by Bond Counsel.
 - q. Planning and arranging for the closing and settlement of the issuance and the delivery of Bonds.
 - r. Other activities that are integral to the purchase and distribution of the Bonds and activities integral to fulfilling the role of placement agent or underwriter including under the antifraud provisions of the federal securities laws and the obligations of Piper Sandler under MSRB rules.
2. **Term and Termination.** The term of this engagement shall begin on the date of this letter until the earlier of: the termination by either party as described below or until the end of the underwriting period or date of sale for each series of Bonds. Either party may terminate Piper Sandler's engagement at any time without liability or penalty upon at least 30 days' prior written notice to the other party. If Piper Sandler's engagement is terminated by the Issuer, the Issuer agrees to reimburse Piper Sandler for its out-of-pocket expenses (e.g., travel requested by the Issuer for in-person meetings) incurred until the date of termination. Both parties agree that with respect to any specific series of Bonds, this letter will be replaced and superseded by any bond purchase or placement agreement entered into by the parties (the "Purchase Agreement" or "Placement Agent Agreement") if and when the Bonds are priced.
3. **Miscellaneous.** You agree that the advice provided pursuant to this engagement should not be construed as advice as to whether you should approve or authorize the Bonds. The parties agree that we are not making a final commitment to underwrite or place securities until certain events have occurred including among other things, a successful bond authorization and, satisfactory completion and execution of all final documentation for an offering and credit approval. This Agreement is therefore not a final commitment by us express or implied, to underwrite, place or purchase any securities. This Agreement will be governed by, and construed in accordance with, the laws of the State of Oregon, without regard to conflicts of law principals to the extent that the application of the laws of another jurisdiction would be required thereby. The Issuer and Piper Sandler each hereby irrevocably waive any right they may have to a trial by jury in respect of any claim based upon or arising out of this Agreement or the transactions contemplated hereby. This Agreement may not be assigned by either party without the prior written consent of the other party. This Agreement embodies the entire agreement and understanding between the parties hereto and supersedes all prior agreements and understandings relating to the subject matter hereof. If any provision of this Agreement is determined to be invalid or unenforceable in any respect, such determination will not affect such provision in any other respect or any other provision of this Agreement, which will remain in full force and effect. This Agreement may not be amended or otherwise modified or waived except by an instrument in writing signed by both Piper Sandler and the Issuer.
4. **MSRB Disclosures.** As required by the Municipal Securities Rulemaking Board (MSRB) Rule G-17 in accordance with MSRB Notice 2012-25 (May 7, 2012) we are providing you with certain disclosures relating to the issuance of the Bonds. Under new federal regulations, all underwriters and placement agents are now required to send the following disclosures to you (as the Issuer of the Bonds) in order to clarify with you the role of a placement agent or underwriter and other matters relating to an underwriting or placement of the Bonds.

Piper Sandler intends to serve as a placement agent or underwriter respecting the Bonds and not as a financial advisor or municipal advisor to you. As part of our services as a placement agent or underwriter, Piper Sandler may provide advice concerning the structure, timing, terms, and other similar matters concerning an issue of municipal securities that Piper Sandler is underwriting or placing.

Our Role as Placement Agent:

If we are serving as a placement agent or underwriter for the Bonds, these are some important disclosures that clarify our role and responsibilities:

- (i) MSRB Rule G-17 requires us to deal fairly at all times with both municipal issuers and investors;
- (ii) Our primary role in this transaction is to facilitate the sale and purchase of municipal securities between you and one or more investors for which we will receive compensation;
- (iii) Unlike a municipal advisor, we do not have a fiduciary duty to you under the federal securities laws and are, therefore, not required by federal law to act in your best interests without regard to our own financial or other interests;
- (iv) We have a duty to arrange the purchase securities from you at a fair and reasonable price, but must balance that duty with our duty to arrange the sale to investors at prices that are fair and reasonable; and
- (v) In the event an official statement is prepared, we will review the official statement for your securities in accordance with, and as part of, our responsibilities to investors under the federal securities laws, as applied to the facts and circumstances of the transaction.

Our Role as Underwriter:

If we are serving as an underwriter for the Bonds, these are some important additional disclosures that clarify our role as an underwriter:

- (i) MSRB Rule G-17 requires an underwriter to deal fairly at all times with both municipal issuers and investors;
- (ii) The underwriter's primary role is to purchase securities with a view to distribution in an arm's-length commercial transaction with the Issuer and it has financial and other interests that differ from those of the Issuer;
- (iii) Unlike a municipal advisor, the underwriter does not have a fiduciary duty to the Issuer under the federal securities laws and is, therefore, not required by federal law to act in the best interests of the Issuer without regard to its own financial or other interests;
- (iv) The underwriter has a duty to purchase securities from the Issuer at a fair and reasonable price, but must balance that duty with its duty to sell municipal securities to investors at prices that are fair and reasonable; and
- (v) The underwriter will review the official statement for the Issuer's securities in accordance with, and as part of, its responsibilities to investors under the federal securities laws, as applied to the facts and circumstances of the transaction.

Our Compensation:

We will be compensated by a fee and/or an underwriting discount that will be set forth in the agreement to be negotiated and entered into in connection with the issuance of the Bonds. Payment or receipt of the underwriting fee or discount will be contingent on the closing of the transaction and the amount of the fee or discount may be based, in whole or in part, on a percentage of the principal amount of the Bonds. While this form of compensation is customary in the municipal securities market, it presents a conflict of interest since the underwriter or placement agent may have an incentive to recommend to the Issuer a transaction that is unnecessary or to recommend that the size of the transaction be larger than is necessary.

Conflicts of Interest:

If the Bonds are sold via a public sale, the following additional disclosures apply:

We have entered into a separate agreement with Charles Schwab & Co., Inc. that enables Charles Schwab & Co., Inc. to distribute certain new issue municipal securities underwritten by or allocated to us which could include the Bonds. If a public offering of the Bonds is made, we could share with Charles Schwab & Co., a portion of the fee or commission paid to us as underwriter.

Risk Disclosures:

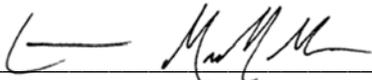
In accordance with the requirements of MSRB Rule G-17, attached to this letter as Appendix A is a description of the material aspects of a typical fixed rate offering, including the Bonds. This letter may be later supplemented if the material terms of the Bonds change from what is described here.

If you have any questions or concerns about these disclosures, please make those questions or concerns known immediately to me. In addition, you should consult with your own financial, legal, accounting, tax and other advisors, as applicable, to the extent you deem appropriate.

It is our understanding that you are authorized or are expected to be authorized to sign the bond purchase agreement with us. If our understanding is incorrect, please notify the undersigned immediately.

Thank you.

Sincerely,



Lauren MacMillan, Senior Vice President
Piper Sandler & Co.

Acknowledgement and Approval of Engagement
and Receipt of Appendix A Disclosures

Tim Wood, Finance Director
City of Keizer

Date: _____

Appendix A – G-17 Disclosure

We are providing you with certain disclosures relating to the captioned bond issue (the Bonds), as required by the Municipal Securities Rulemaking Board (MSRB) Rule G-17 in accordance with MSRB Notice 2012-25 (May 7, 2012). Under federal regulations, all underwriters and placement agents are required to send the following disclosures to you (as the Issuer of the Bonds) in order to clarify with you the role of an underwriter or placement agent and other matters relating to an underwriting or placing of the Bonds.

Piper Sandler intends to serve as an underwriter or placement agent respecting the Bonds and not as a financial advisor or municipal advisor to you. As part of our services as an underwriter or placement agent, Piper Sandler may provide advice concerning the structure, timing, terms, and other similar matters concerning an issue of municipal securities that Piper Sandler is underwriting or placing.

If Piper Sandler is engaged to act as your underwriter in a negotiated underwriting, and by engaging Piper Sandler as your underwriter, you determined to sell the Bonds by negotiated sale. A negotiated sale is the sale of a new issue of municipal securities by an issuer directly to an underwriter or underwriting syndicate selected by the issuer. A negotiated sale is distinguished from a sale by competitive bid, which requires public bidding by the underwriters. Piper Sandler did not advise you as to what method of sale (competitive or negotiated sale) you used for this issuance of municipal securities.

Our Role as Underwriter:

In serving as underwriter for the Bonds, these are some important disclosures that clarify our role and responsibilities:

- (i) MSRB Rule G-17 requires an underwriter to deal fairly at all times with both municipal issuers and investors;
- (ii) The underwriter's primary role is to purchase securities with a view to distribution in an arm's-length commercial transaction with the Issuer and it has financial and other interests that differ from those of the Issuer;
- (iii) Unlike a municipal advisor, the underwriter does not have a fiduciary duty to the Issuer under the federal securities laws and is, therefore, not required by federal law to act in the best interests of the Issuer without regard to its own financial or other interests;
- (iv) The underwriter has a duty to purchase securities from the Issuer at a fair and reasonable price, but must balance that duty with its duty to sell municipal securities to investors at prices that are fair and reasonable; and
- (v) The underwriter will review the official statement for the Issuer's securities in accordance with, and as part of, its responsibilities to investors under the federal securities laws, as applied to the facts and circumstances of the transaction.¹

Our Role as Placement Agent:

In serving as placement agent for the Bonds, these are some important disclosures that clarify our role and responsibilities:

- (i) MSRB Rule G-17 requires us to deal fairly at all times with both municipal issuers and investors;

¹ Under federal securities law, an issuer of securities has the primary responsibility for disclosure for investors. The review of the official statement by the underwriter is solely for purposes of satisfying the underwriter's obligations under the federal securities laws and such review should not be construed by an issuer as a guarantee of the accuracy or completeness of the information in the official statement.

- (ii) Our primary role in this transaction is to facilitate the sale and purchase of municipal securities between you and one or more investors for which we will receive compensation;
- (iii) Unlike a municipal advisor, we do not have a fiduciary duty to you under the federal securities laws and are, therefore, not required by federal law to act in your best interests without regard to our own financial or other interests;
- (iv) We have a duty to arrange the purchase securities from you at a fair and reasonable price, but must balance that duty with our duty to arrange the sale to investors at prices that are fair and reasonable; and
- (v) In the event an official statement is prepared, we will review the official statement for your securities in accordance with, and as part of, our responsibilities to investors under the federal securities laws, as applied to the facts and circumstances of the transaction.

Our Compensation:

As underwriter, compensation will be by a fee and/or an underwriting discount that will be set forth in the bond purchase agreement to be negotiated and entered into in connection with the issuance of the Bonds. As placement agent, compensation will be by a fee that was negotiated and entered into in connection with the issuance of the Bonds. Payment or receipt of the underwriting fee, discount or placement agent fee will be contingent on the closing of the transaction and the amount of the fee or discount may be based, in whole or in part, on a percentage of the principal amount of the Bonds. While this form of compensation is customary in the municipal securities market, it presents a conflict of interest since the underwriter or placement agent may have an incentive to recommend to the Issuer a transaction that is unnecessary or to recommend that the size of the transaction be larger than is necessary.

Conflict of Interest for Underwritings Only:

We have entered into a separate agreement with Charles Schwab & Co., Inc. that enables Charles Schwab & Co., Inc. to distribute certain new issue municipal securities underwritten by or allocated to us which could include the Bonds. Under that agreement, we will share with Charles Schwab & Co., a portion of the fee or commission paid to us.

Risk Disclosures:

In accordance with the requirements of MSRB Rule G-17, attached as Appendix B is a description of the material aspects of a typical fixed rate offering, including the Bonds. This letter may be later supplemented if the material terms of the Bonds change from what is described here.

If you have any questions or concerns about these disclosures, please make those questions or concerns known immediately to me. In addition, you should consult with your own financial, legal, accounting, tax and other advisors, as applicable, to the extent you deem appropriate.

Appendix B – Risk Disclosures

The following is a general description of the financial characteristics and security structures of fixed rate municipal bonds (“Fixed Rate Bonds”), as well as a general description of certain financial risks that you should consider before deciding whether to issue Fixed Rate Bonds.

Financial Characteristics

Maturity and Interest. Fixed Rate Bonds are debt securities issued by state and local governments, political subdivisions and agencies and authorities. Fixed Rate Bonds can be interest-bearing (“Current Interest Bonds”), interest accruing (“Capital Appreciation Bonds” or “CABs”) or bonds that are initially issued as CABs but later convert on a specified date to Current Interest Bonds (“Convertible Capital Appreciation Bonds”). Maturity dates for Fixed Rate Bonds are fixed at the time of issuance and for Current Interest Bonds may include serial maturities (specified principal amounts are payable on the same date in each year until final maturity) or one or more term maturities (specified principal amounts are payable on each term maturity date) or a combination of serial and term maturities. CABs are payable only on maturity. The final maturity date for Fixed Rate Bonds typically will range between 1 and 30 years from the date of issuance. Interest on Current Interest Bonds is paid semiannually at a stated fixed rate or rates for each maturity date. CABs do not require periodic payments of interest, instead each CAB accretes in value from its initial principal amount to its maturity value at an accretion rate per year, which is compounded semiannually, and payable only at maturity or earlier redemption.

Redemption. Fixed Rate Bonds may be subject to optional redemption, which allows you, at your option, to redeem some or all of the bonds on a date prior to scheduled maturity, such as in connection with the issuance of refunding bonds to take advantage of lower interest rates. Fixed Rate Bonds will be subject to optional redemption only after the passage of a specified period of time, often approximately ten years from the date of issuance, and upon payment of the redemption price set forth in the bonds, which may include a redemption premium. You will be required to send out a notice of optional redemption to the holders of the bonds, usually not less than 30 days prior to the redemption date. Fixed Rate Bonds with term maturity dates also may be subject to mandatory sinking fund redemption, which requires you to redeem specified principal amounts of the bonds annually in advance of the term maturity date. The mandatory sinking fund redemption price is 100% of the principal amount of the bonds to be redeemed.

Other Financial Characteristics Specific to Direct Purchases of Bonds. Purchasers of bonds in a direct purchase, private placement context sometimes ask for certain financial terms not typically included in publically offered bonds. For example, after a stated period of time (typically ten years or less), the purchaser may require that the interest rate on the Bonds be reset at a higher rate or require that the entire notional amount of the Bonds become due, which may require the refinancing of the Bonds in unfavorable market conditions. See section entitled “*Refinancing Risk*” below. Financial terms could include other provisions that raise your interest rate during the term of the bonds. For example, a margin rate clause (also known as “gross up” or “increased cost”) triggers an automatic interest rate increase should federal corporate tax rates be reduced, allowing the purchaser to offset the decreased value of the bonds. Other potential interest rate increases could include a higher rate triggered by an event of default (a “default rate”), an increase in the interest rate if there is a determination that interest on the bonds is includable in gross income for federal income tax purposes or a higher interest rate if the instrument fails to be bank-qualified. For any of these scenarios, the resulting interest rate may or not be capped by a maximum interest rate. If a rate cap applies, purchasers may ask that any interest that would have accrued but for a rate cap be deferred and paid out in later

years. Another example of terms that may apply in a private placement include acceleration clauses, which may permit the bank purchaser to request immediate payment of outstanding principal in an event of default or otherwise force a restructuring of the bonds to a more accelerated amortization schedule. Lenders may also seek provisions requiring that any interest that would have accrued but for legal maximum rate restrictions to be deferred and paid if and when the applicable rate goes below such maximum rate (commonly known as a “clawback” or “recapture provision”).

These features could impact your liquidity, debt service coverage ratios or force you to divert funds to pay debt service on the Bonds that were intended for other purposes. Unexpected increases in interest rates could also impact your outstanding credit rating.

Security

Payment of principal of and interest on a municipal security, including Fixed Rate Bonds, may be backed by various types of pledges and forms of security, some of which are described below.

General Obligation Bonds

“General obligation bonds” are debt securities to which your full faith and credit is pledged to pay principal and interest. If you have taxing power, generally you will pledge to use your ad valorem (property) taxing power to pay principal and interest. Ad valorem taxes necessary to pay debt service on general obligation bonds may not be subject to state constitutional property tax millage limits (an unlimited tax general obligation bond). The term “limited” tax is used when such limits exist.

General obligation bonds constitute a debt and, depending on applicable state law, may require that you obtain approval by voters prior to issuance. In the event of default in required payments of interest or principal, the holders of general obligation bonds have certain rights under state law to compel you to impose a tax levy.

Revenue Bonds

“Revenue bonds” are debt securities that are payable only from a specific source or sources of revenues. Revenue bonds are not a pledge of your full faith and credit and you are obligated to pay principal and interest on your revenue bonds only from the revenue source(s) specifically pledged to the bonds. Revenue bonds do not permit the bondholders to compel you to impose a tax levy for payment of debt service. Pledged revenues may be derived from operation of the financed project or system, grants or excise or other specified taxes. Generally, subject to state law or local charter requirements, you are not required to obtain voter approval prior to issuance of revenue bonds. If the specified source(s) of revenue become inadequate, a default in payment of principal or interest may occur. Various types of pledges of revenue may be used to secure interest and principal payments on revenue bonds. The nature of these pledges may differ widely based on state law, the type of issuer, the type of revenue stream and other factors.

General Fund Obligations

“General Fund Obligations” are debt securities that are payable from an issuer’s general fund and are not secured by a specific tax levy like a general obligation bond or a specific revenue pledge like a revenue bond. General fund obligations come in many varieties and may be a continuing obligation of the general fund or may be subject to annual appropriation. Often general fund obligations are issued in the form of certificates of participation in a lease obligation of the issuer.

Financial Risk Considerations

Certain risks may arise in connection with your issuance of Fixed Rate Bonds, including some or all of the following:

Risk of Default and Fiscal Stress

You may be in default if the funds pledged to secure your bonds are not sufficient to pay debt service on the bonds when due. The consequences of a default may be serious for you and may include the exercise of available remedies against you on behalf of the holders of the bonds. Depending on state law, if the bonds are secured by a general obligation pledge, you may be ordered by a court to raise taxes or other budgetary adjustments may be necessary to enable you to provide sufficient funds to pay debt service on the bonds. If the bonds are revenue bonds, subject to applicable state law and the terms of the authorizing documents, you may be required to take steps to increase the available revenues that are pledged as security for the bonds.

Bonds payable from the general fund, particularly bonds without a defined revenue stream identified to pay debt service, reduce your flexibility to balance the general fund. Because a fixed debt service payment is required to be paid regardless of how your general fund is impacted by revenue losses or by increased expenses, you have less flexibility in the options available to you in assuring a balanced budget for your general fund.

General Fund Obligations that are Project Based. Some general fund obligations are issued for projects which are expected to generate revenues that will pay for some or all of the debt service on the bonds. In the event the project does not generate the anticipated levels of revenues available for debt service, or, in the extreme case, does not create any revenue available for debt service, you may need to make payments from other available general fund revenues. This may force you to reduce other expenditures or to make difficult decisions about how to pay your debt service obligation while meeting other expenditure needs.

General Fund Obligations that are Subject to Annual Appropriation. Some general fund obligations require that debt service is subject to annual appropriation by your governing body. If your governing body decides not to appropriate payments for debt service, your credit ratings may be negatively impacted and you may be forced to pay a higher interest rate on future debt issuance or may be unable to access the market for future debt issuance.

For all bonds, a default may negatively impact your credit ratings and may effectively limit your ability to publicly offer bonds or other securities at market interest rate levels. Further, if you are unable to provide sufficient funds to remedy the default, subject to applicable state law and the terms of the authorizing documents, it may be necessary for you to consider available alternatives under state law, including (for some issuers) state-mandated receivership or bankruptcy. A default also may occur if you are unable to comply with covenants or other provisions agreed to in connection with the issuance of the bonds.

Higher Relative Debt Service Requirements for CABs vs CIBs

Capital Appreciation Bonds and Convertible Capital Appreciation Bonds are usually used when the issuer desires to defer debt service to a later date due to revenue or other constraints. Because the interest on these bonds compounds semiannually and interest, these bonds result in greater total debt service costs to issuers than Current Interest Bonds. Greater total debt service as the result of deferring principal and interest will require substantially greater tax revenues to pay over the life of the bonds. Such greater tax revenues may exceed the tax rate represented to the voters, if the assessed valuation growth is less than initially projected.

Redemption Risk

Your ability to redeem the bonds prior to maturity may be limited, depending on the terms of any optional redemption provisions. In the event that interest rates decline, you may be unable to take advantage of the lower interest rates to reduce debt service.

Refinancing Risk

If the financing plan contemplates refinancing some or all of the bonds at maturity (for example, if there are term maturities, bullet maturities or if a shorter final maturity is chosen than might otherwise be permitted under the applicable federal tax rules), market conditions, changes to the credit of the Bonds or changes in law may limit, make more expensive or prevent the refinancing of those bonds when required.

Reinvestment Risk

You may have proceeds of the bonds to invest prior to the time that you are able to spend those proceeds for the authorized purpose. Depending on market conditions, you may not be able to invest those proceeds at or near the rate of interest that you are paying on the bonds, which is referred to as “negative arbitrage”.

Tax Compliance Risk

The issuance of tax-exempt bonds is subject to a number of requirements under the United States Internal Revenue Code, as enforced by the Internal Revenue Service (IRS). You must take certain steps and make certain representations prior to the issuance of tax-exempt bonds. You also must covenant to take certain additional actions after issuance of the tax-exempt bonds. A breach of your representations or your failure to comply with certain tax-related covenants may cause the interest on the bonds to become taxable retroactively to the date of issuance of the bonds, which may result in an increase in the interest rate that you pay on the bonds or the mandatory redemption of the bonds. The IRS also may audit you or your bonds, in some cases on a random basis and in other cases targeted to specific types of bond issues or tax concerns. If the bonds are declared taxable, or if you are subject to audit, the market price of your bonds may be adversely affected. Further, your ability to issue other tax-exempt bonds also may be limited.

CITY COUNCIL MEETING: September 21, 2020

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: RATIFYING CITY MANAGER DECLARATION OF A LOCAL STATE OF EMERGENCY IN THE CITY OF KEIZER

After discussion with Council Members, the City Manager issued a Local State of Emergency Declaration in connection with wildfire conditions on September 11, 2020. The City Manager Order allows additional chickens/ducks and additional parking for recreational vehicles for evacuees.

Pursuant to the Emergency Ordinance (Ordinance No. 2009-588), the City Council should ratify such Declaration at its first opportunity. The Resolution ratifying the Declaration is attached for your consideration. A copy of the City Manager's Declaration is attached to the Resolution.

RECOMMENDATION:

Adopt the attached Resolution ratifying the City Manager's Declaration.

Please let me know if you have any questions. Thank you.

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2020-_____

RATIFYING THE CITY MANAGER’S DECLARATION OF A LOCAL STATE OF EMERGENCY IN THE CITY OF KEIZER AS A RESULT OF WILDFIRE CONDITIONS – ALLOWANCE FOR EVACUEES’ CHICKENS/DUCKS AND RECREATIONAL VEHICLES

WHEREAS, pursuant to Ordinance No. 2009-588, the City Council finds that the following factors have resulted in the need for a state of emergency declaration;

WHEREAS, the State of Oregon is experiencing extreme wildfire conditions threatening lives and property;

WHEREAS, dry conditions, coupled with low humidity, high winds, and other hazardous weather conditions, create an imminent risk of wildfires starting and spreading rapidly in Marion County;

WHEREAS, Governor Kate Brown declared a statewide State of Emergency due to the imminent threat of wildfire on September 8, 2020 by Executive Order No. 20-41;

WHEREAS, the City has been closely monitoring updated information for the state and nearby fires has caused widespread evacuations and the need for evacuees to find places to house persons and pets;

WHEREAS, pursuant to ORS 401.309(1), the governing body of a City may declare, by Ordinance or Resolution, that a state of emergency exists within the City;

WHEREAS, pursuant to Keizer Ordinance No. 2009-588 (“Emergency Ordinance”), if the City Manager determines that a state of emergency exists, the City

1 Manager may declare a state of emergency. Section 2 of the Emergency Ordinance sets
2 out the actions the City can take, which include the ability to prohibit or limit the number
3 of people to public places, commit to mutual aid agreements, and other measures “for the
4 protection of life and/or property;”

5 WHEREAS, evacuees from the wildfires have need of locations to place
6 recreational vehicles and also to temporarily relocate chickens and ducks. This
7 emergency declaration is ordered to assist in that regard;

8 WHEREAS, the City Manager has made reasonable efforts to inform the City
9 Council of the need to declare an emergency. Pursuant to Section 5 of the Emergency
10 Ordinance, the City Council shall consider ratification of the Declaration of a State of
11 Emergency at its first available opportunity;

12 WHEREAS, on September 11, 2020 the City Manager declared a State of
13 Emergency in the City of Keizer;

14 NOW, THEREFORE,

15 BE IT RESOLVED by the City Council of the City of Keizer that the declaration
16 of a local state of emergency in the City of Keizer as a result of wildfire conditions
17 (Administrative Order #2020-9), a copy of which is attached hereto, by the City Manager
18 is ratified.

19

20

1 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
2 City Manager is authorized to extend the declaration of a local state of emergency and
3 the allowances therein in two week intervals up to three (3) times without further
4 Council authorization.

5 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
6 upon the date of its passage.

7 PASSED this _____ day of _____, 2020.

8

9 SIGNED this _____ day of _____, 2020.

10

11

12

13

14

15

16

Mayor

City Recorder

CITY MANAGER OF THE CITY OF KEIZER, OREGON

ADMINISTRATIVE ORDER #2020-9

DECLARING A LOCAL STATE OF EMERGENCY IN THE CITY OF KEIZER AS A RESULT OF WILDFIRE CONDITIONS – ALLOWANCE FOR EVACUEES’ CHICKENS/DUCKS AND RECREATIONAL VEHICLES

WHEREAS, the City Manager of the City of Keizer finds that:

A. Pursuant to Ordinance No. 2009-588, I find that the following factors have resulted in the need for a state of emergency declaration.

B. The State of Oregon is experiencing extreme wildfire conditions threatening lives and property.

C. Dry conditions, coupled with low humidity, high winds, and other hazardous weather conditions, create an imminent risk of wildfires starting and spreading rapidly in Marion County.

D. Governor Kate Brown declared a statewide State of Emergency due to the imminent threat of wildfire on September 8, 2020 by Executive Order No. 20-41.

E. The City has been closely monitoring updated information for the state and nearby fires has caused widespread evacuations and the need for evacuees to find places to house persons and pets.

F. Pursuant to ORS 401.309(1), the governing body of a City may declare, by Ordinance or Resolution, that a state of emergency exists within the City.

G. Pursuant to Keizer Ordinance No. 2009-588 (“Emergency Ordinance”), if the City Manager determines that a state of emergency exists, the City Manager may

1 declare a state of emergency. Section 2 of the Emergency Ordinance sets out the actions
2 the City can take, which include the ability to prohibit or limit the number of people to
3 public places, commit to mutual aid agreements, and other measures “for the protection
4 of life and/or property.”

5 H. Evacuees from the wildfires have need of locations to place recreational
6 vehicles and also to temporarily relocate chickens and ducks. This emergency
7 declaration is ordered to assist in that regard.

8 I. I have made reasonable efforts to inform the City Council of the need to
9 declare an emergency. Pursuant to Section 5 of the Emergency Ordinance, the City
10 Council shall consider ratification of the Declaration of a State of Emergency at its first
11 available opportunity. The next meeting of the City Council is scheduled for September
12 21, 2020.

13 NOW, THEREFORE, based on the above findings;

14 IT IS HEREBY ORDERED by the City Manager of the City of Keizer as follows:

15 1. A Local State of Emergency is declared to exist and the area of emergency
16 is the entire City of Keizer.

17 2. To allow Keizer residents to help evacuees, the City will temporarily
18 suspend enforcement of Keizer Development Code Section 2.203.02.D with relation to
19 the number of chickens and ducks that can be kept on a residential lot while this
20 emergency is in place to allow evacuees time to locate more permanent arrangements.

21

1 3. To allow Keizer residents to help evacuees, the City will temporarily
2 suspend enforcement of Ordinances relating to recreational vehicle parking on private
3 property, private streets, and public streets and tent camping on residential lots while
4 this emergency is in place to allow evacuees time to locate to more permanent facilities.

5 4. This Declaration of Local State of Emergency is effective immediately and
6 will remain in effect until September 25, 2020. Unless this Declaration is extended or
7 the City Council adopts a new Declaration on this subject, all violations of the related
8 Ordinances are subject to enforcement after September 25, 2020.

9 SIGNED this 11th day of September, 2020.

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11
12



Christopher C. Eppley, City Manager

CITY COUNCIL MEETING: September 21, 2020

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: TIM WOOD, FINANCE DIRECTOR

SUBJECT: RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH BLUEFIN FOR MERCHANT SERVICES

In conjunction with upgrading the City's utility billing software Springbrook, the City desires to add integrated touchless merchant terminals (Civic Pay Pads) for processing credit/debit cards. The touchless terminals will enhance the City's ability to reduce the spread of COVID-19 by eliminating the need for staff to handle credit cards.

The City's provider Bluefin is requesting that the City enter into a new merchant services agreement in order to add the Civic Pay Pads.

ISSUES AND FISCAL IMPACT:

The new agreement with Bluefin does not change the existing financial terms and conditions. The estimated annual cost for merchant services is approximately \$80,000 and is included in the Fiscal Year 2020-21 Adopted City of Keizer Budget.

RECOMMENDATION:

Staff recommends that the City Council adopt the attached resolution authorizing the Finance Director to enter into an agreement with Bluefin for merchant services.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2020-_____

AUTHORIZING THE FINANCE DIRECTOR TO
ENTER INTO AGREEMENT WITH BLUEFIN FOR
MERCHANT SERVICES

WHEREAS, in conjunction with upgrading the City’s utility billing software, the City desires to add integrated touchless merchant terminals (Civic Pay Pads) for processing credit/debit cards;

WHEREAS, the touchless terminals will enhance the City’s ability to reduce the spread of COVID-19 by eliminating the need for staff to handle credit cards;

WHEREAS, Bluefin is requesting that the City enter into a new merchant services agreement to add the Civic Pay Pads;

WHEREAS, the new merchant services agreement does not change the existing financial terms and conditions;

WHEREAS, funds have been approved in the 2020-21 budget for merchant service fees;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Finance Director is hereby authorized to sign the Bluefin agreements for merchant services.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the Finance Director is hereby authorized to take any other action necessary to implement the Bluefin agreement.

1 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
2 upon the date of its passage.

3 PASSED this _____ day of _____, 2020.

4

5 SIGNED this _____ day of _____, 2020.

6

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8

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Mayor

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11

City Recorder

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MINUTES
KEIZER CITY COUNCIL
Tuesday, September 8, 2020
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER Mayor Clark called the meeting to order at 7:00 pm. Roll call was taken as follows:

Present:

Cathy Clark, Mayor
Kim Freeman, Councilor
Roland Herrera, Councilor
Daniel Kohler, Councilor
Laura Reid, Councilor
Elizabeth Smith, Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Shane Witham, Community Development
Bill Lawyer, Public Works Director
Tim Wood, Finance Director
Tracy Davis, City Recorder

Absent:

Marlene Parsons, Councilor

FLAG SALUTE Mayor Clark led the pledge of allegiance.

SPECIAL ORDERS OF BUSINESS

a. PROCLAMATION Constitution Week Mayor Clark read the proclamation designating September 17 through 23 as Constitution Week. Ruby Pantalone from the Daughters of the American Revolution stressed the importance of following the Constitution in government.

b. PROCLAMATION Home Inventory Week Mayor Clark read the proclamation and added that the current events in Oregon serve to underscore how important this is.

Mayor Clark thanked Councilors and members of the community who stepped up to offer help and support to those affected by local fires; shared information links, resources and evacuation information; and reported that the command center has moved to Chemeketa fire center. Public Works Director Bill Lawyer reported that Keizer Rapids Park may be needed to house evacuees but for the present the State Fairgrounds and Volcano Stadium will be used. City Manager Chris Eppley added that Public Works is ready to provide assistance. Councilor Smith urged everyone to obey the evacuation demands and reminded them that property can be replaced; lives cannot. Councilor Freeman listed donation items being accepted at the Chamber for evacuees.

COMMITTEE REPORTS

a. Volunteer Committee Recommendation for Appointments – Planning Commission, Budget Committee, and Keizer Points of Interest

City Manager, Chris Eppley, reported that following publication of notice of vacancies on the Budget Committee, Planning Commission and Points of Interest Committee and acceptance of testimony from applicants, the Volunteer Coordinating Committee unanimously recommended Gerard Graveline and Francisco Saldivar to the Budget Committee, Lisa Cejka to the Points of Interest Committee and Francisco Saldivar and Jane Herb to the Planning Commission.

Councilor Freeman moved that the Keizer City Council accept the Volunteer Coordinating Committee recommended appointments. Councilor Herrera seconded. Motion passed as follows:

AYES: Clark, Reid, Freeman, Smith, Herrera and Kohler (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Parsons (1)

PUBLIC TESTIMONY

Carol Doerfler, Keizer, stressed the importance of an inclusivity resolution and urged its passage. Mayor Clark noted that Council would be discussing this at their September 28 Work Session and possibly at a work session in October.

Rich Rodriguez, Keizer, reiterated his testimony from the July 20 Council meeting in which he expressed the need for a sustainability committee. Mayor Clark suggested Mr. Rodriguez visit with the Keizer Environmental Division of Public Works.

PUBLIC HEARING

a. ORDINANCE – Declaring a Lien Against Property Located at 5142 Hasbrook Avenue Northeast, Keizer, Oregon and Directing the City Recorder to Enter Such Lien in the Minor Lien Docket

Mayor Clark opened the Public Hearing.

City Attorney Shannon Johnson summarized his staff report.

With no further testimony, Mayor Clark closed the Public Hearing.

Councilor Freeman moved that the City Council adopt a Bill for an Ordinance Declaring a Lien Against Property Located at 5142 Hasbrook Avenue Northeast, Keizer, Oregon and Directing the City Recorder to Enter Such Lien in the Minor Lien Docket Pursuant to Ordinance No. 94-282 (Nuisance Abatement Procedure); Declaring an Emergency. Councilor Herrera seconded. Motion passed as follows:

AYES: Clark, Reid, Freeman, Smith, Herrera and Kohler (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Parsons (1)

b. RESOLUTION – Authorization for Supplemental Budget –

Mayor Clark opened the Public Hearing.

Finance Director Tim Wood summarized his staff report and fielded questions regarding business partners, grants and timelines.

- General Fund – Non-Departmental Resources and Non-Departmental Requirements** *With no further testimony, Mayor Clark closed the Public Hearing.*
Councilor Freeman moved that the Keizer City Council adopt a Resolution Authorization for Supplemental Budget – General Fund – Non-Departmental Resources and Non-Departmental Requirements. Councilor Herrera seconded. Motion passed as follows:
 AYES: Clark, Reid, Freeman, Smith, Herrera and Kohler (6)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: Parsons (1)
- c. Holiday Inn Express Liquor License Application** *Mayor Clark opened the Public Hearing.*
 City Manager Chris Eppley read his staff report.
 Cheo Tzeo shared information about his facility and fielded questions.
With no further testimony, Mayor Clark closed the Public Hearing.
Councilor Freeman moved that the Keizer City Council recommend approval of the application for a liquor license for Holiday Inn Express under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer and to forward this recommendation to the Oregon Liquor Control Commission for final approval. Councilor Herrera seconded. Motion passed as follows:
 AYES: Clark, Reid, Freeman, Smith, Herrera and Kohler (6)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: Parsons (1)
- ADMINISTRATIVE ACTION**
a. ORDER – In the Matter of the Application of Chemawa Station LLC for Approval of the Keizer Station Master Plan Amendment/ Major Variance
 City Attorney Shannon Johnson summarized his staff report and provided additional information regarding the water feature and layout and noted that the last page needed to be labeled “Exhibit 1”.
Councilor Freeman moved that the Keizer City Council adopt an Order In the Matter of the Application of Chemawa Station LLC for Approval of the Keizer Station Master Plan Amendment/Major Variance (Area D – Keizer Station); Repeal of Order in the Application of Chemawa Station LLC Adopted November 1, 2004, with the addition of labeling “Exhibit 1”. Councilor Herrera seconded. Motion passed as follows:
 AYES: Clark, Reid, Freeman, Smith, Herrera and Kohler (6)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: Parsons (1)
- b. ORDINANCE – Declaring a Second Local**
 Mr. Johnson summarized his staff report, provided additional information and fielded questions regarding previous declarations.
Councilor Freeman moved that the Keizer City Council adopt a Bill for an

**State of
Emergency in the
City of Keizer as
a Result of
COVID-19
Pandemic;
Declaring an
Emergency**

Ordinance Declaring a Second Local State of Emergency in the City of Keizer as a Result of COVID-19 Pandemic; Declaring an Emergency. Councilor Herrera seconded. Motion passed as follows:

AYES: Clark, Reid, Freeman, Smith, Herrera and Kohler (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Parsons (1)

**CONSENT
CALENDAR**

a. Approval of August 17, 2020 City Council Regular Session Minutes

Councilor Freeman moved that the Keizer City Council approve the Consent Calendar. Councilor Herrera seconded. Motion passed as follows:

AYES: Clark, Reid, Freeman, Smith, Herrera and Kohler (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Parsons (1)

**COUNCIL LIAISON
REPORTS**

Councilor Smith shared information about the Charter ballot measure and local fires.

Councilor Herrera shared information regarding the 'People of Color Caucus', reported on meetings and events he had attended and announced upcoming ones.

Councilor Freeman announced upcoming meetings and events, urged drivers to watch for pedestrians and everyone to donate to local charities. She announced that rental funds are available through local community action agencies, and thanked first responders.

Councilor Reid provided information regarding the opening of on-line school and meetings and events she had attended. She extended condolences to the family of Martin Geovannini and urged everyone to be empathetic with others, grateful for small miracles in their lives and to be unified in their community.

Councilor Kohler suggested that 2020 be unplugged and rebooted, reported on various meetings and events, solicited volunteers to help with the Wallace House project and wished Phil Bay a happy birthday.

Mayor Clark announced that the carving of the second story pole is complete, praised improvements made at McNary High School, reported on meetings and events she had attended and announced upcoming ones and reminded everyone to be safe.

OTHER BUSINESS

Interim Community Development Director Shane Witham reported that 7-11 has applied for a permit in Area D and that recent complaints regarding neighborhood basketball hoops are being addressed.

Finance Director Tim Wood reported that internet issues experienced recently were due to difficulties at Comcast. The City is planning on moving to another provider soon.

WRITTEN COMMUNICATIONS

Mayor Clark read an email from Jonathan Thompson commending City Recorder Tracy Davis and another from Derek Escaranio on the subject of water quality.

AGENDA INPUT

September 14, 2020 - 6:00 p.m. – Council Work Session - Parks Tour
September 21, 2020 - 7:00 p.m. - City Council Regular Session
September 28, 2020 – 6:00 p.m. – Council Work Session on Inclusivity

ADJOURNMENT

Mayor Clark adjourned the meeting at 8:34 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Elizabeth Smith

~ Absent ~

Councilor #3 – Marlene Parsons

Councilor #6 – Daniel R. Kohler

Minutes approved: _____