



KEIZER COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF DECISION Floodplain Development Permit 2019-24

I. REQUEST

The following report reviews an application for a Floodplain Development Permit to allow a new single family dwelling within the 100-year special flood hazard area for property located at 815 Claggett St NE (Exhibit 1).

II. BACKGROUND

- A. **APPLICANT:** Jesse Graham
- B. **PROPERTY OWNER:** Harvey Petty and Cheryl Livengood-Petty
- B. **PROPERTY LOCATION:** The subject property is located at 815 Claggett St NE. The Marion County Assessor's map identifies the property as Township 6 South; Range 3 West; Section 35CD; Tax Lot 00300. (Exhibit 2)
- C. **PARCEL SIZE:** The subject property is approximately 1.49 acres.
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is currently developed with 24' x 24' structure.
- E. **ZONING:** The subject property is designated Low Density Residential (LDR) in the Comprehensive Plan and is zoned RS (Single Family Residential). The FEMA FIRM map indicates the property is located within the 100-year special flood hazard area.

III. COMMENTS

- A. The Keizer Public Works Department submitted comments (Exhibit 3) pertaining to the development. The comments specifically indicate the new storm water runoff from the proposed structure will be required to be kept on-site and not directed to the existing street storm drain system. The applicant will be required to furnish a drainage plan to show how the subsurface drainage will be treated and disposed. The applicants must also provide evidence that the proposed building will not encroach on any existing utility or drainage easements. These conditions will be placed as a condition of the structural building permit.
- B. The City of Salem Community Development Department indicated they have no comments. No other comments were received.

IV. FINDINGS AND CONCLUSIONS

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:

- A. The structure is not located within a floodway.*
- 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.*
- C. The structures will be located on natural grade or compacted fill.*
- 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.*
- E. The Building Official has determined that any construction and substantial improvements below base flood elevation meet the requirements of Section 2.122.06.*
- 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.*
- 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.*
- H. No alteration of topography beyond the perimeter of the structure is proposed.*
- 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.*

FINDINGS: The applicant is requesting a floodplain development permit in order to build a single family dwelling located within the 100-year floodplain. FEMA FIRM map 41047C0194 G indicates a portion of the property is within the floodway. The materials submitted indicate the new structure will be located outside the floodway. To assure this, as a condition of approval, the applicant shall provide a site plan prepared by a licensed surveyor or engineer showing the location of the home is outside of the floodway prior to obtaining building permits. The applicants have submitted a certificate of elevation which certifies the flood zone designation on this portion of the subject property is zone AE and the base flood elevation is 123.7 feet. The newly constructed home is proposed to be built according to outlined flood protection standards. Minimal excavation and fill is proposed for the building site, to prepare the foundation of the home. The topography of the site will not be altered in any way.

Floor elevation and anchoring requirements for residential construction are found in Section 2.122.06 of the Keizer Development Code. The submitted Elevation Certificate indicates the lowest floor elevation of proposed addition will be a minimum of 125.7 feet, which is 2 feet above the base flood elevation of 123.7. 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 will be required to be submitted to the Zoning Administrator and shall be a condition of the Marion County Building Permit final approval. In addition, all anchoring shall meet the Oregon Building Code specifications and shall also be placed as a condition of the Marion County Building Permit. With these conditions, staff finds the proposal satisfies this criterion.

2.122.06. Flood Protection Standards

Standards for development within the flood plan are found in Section 2.122.06. Due to the nature of this proposal, staff finds there are several sections that are clearly not applicable to this proposal. Those sections that are found to be clearly not applicable to this proposal include:

- Section 2.122.06.B. Manufactured Homes
- Section 2.122.06.C. Non-residential development
- Section 2.122.06.D. Accessory Structures
- Section 2.122.06.I. General Development Requirements
- Section 2.122.06.J. Storage of Materials and Equipment
- Section 2.122.06.K. Alteration of Watercourses
- Section 2.122.06.L. Floodways
- Section 2.122.06.M. Before Regulatory Floodway
- Section 2.122.06.N. Critical Facility
- Section 2.122.06.O. Willamette River Riverwall

The following applicable requirements found in Section 2.122.06. Flood Protection Standards are as follows:

2.122.06.A Flood Protection Standards – Residential Construction

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***
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:***
 - 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.***
 - b. ***The bottom of all openings shall be no higher than one foot above grade.***

- c. *Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.*

FINDINGS: The subject property contains an existing building and the applicants are requesting to build a new single family dwelling. The applicants have submitted an Elevation Certificate which indicates a base flood elevation (BFE) of 123.7 feet, and that the lowest floor elevation of any proposed addition will be a minimum of 125.7 feet, which is approximately 2 feet above the BFE. The applicant will be required to comply with Section 2 as a part of the building permit review and approval process, and must submit appropriate detail as a part of the building permit application to assure the foundation design satisfies these standards. Therefore staff finds this proposal can satisfy this requirement.

2.122.06.E. Fill and Grading

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.*
2. *Such fill or grading shall be protected against erosion by rip-rap, vegetation cover, or bulk heading.*
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.*

FINDINGS: The applicant indicates that minimal fill and grading is proposed, in order to prepare the building site for development. The applicant has indicated they will be excavating the building footprint and backfilling the building envelope area to an elevation of 124.1. The applicant will be required to submit the quantity of fill proposed to accomplish this and in no case, may the amount of fill exceed 50 cubic yards. As a condition of approval, final dimensions for fill material must be provided to assure this requirement is met. The public works department submitted comments requiring that the applicant provide a drainage plan to show how the subsurface drainage will be treated and disposed. Staff finds with this placed as a condition of approval, this request can satisfy this criterion.

2.12206.F – Flood Protection Standards – Anchoring

1. *All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.*
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.*

FINDINGS: The applicants are proposing to build a new single family dwelling; therefore, the requirement to provide an anchoring method that will resist floatation, collapse or lateral movement and minimize flood damage will be placed as a condition of the Marion County Building Permit and shall meet the Oregon Building Code specifications for anchoring. Therefore staff finds this proposal can satisfy this requirement.

2.122.06G – Flood Protection Standards - 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.*
2. *All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damages.*
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.*

FINDINGS: These requirements will be placed as a condition of floodplain development permit approval. Construction must use methods and practices that minimize flood damages. All 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. These requirements will be regulated by the Oregon Building Code and the Marion County Building Permit review and approval process. Therefore, this proposal can satisfy the requirement.

Section 2.122.06.H - Flood Protection Standards - Utilities

1. *All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system as approved by the State Health Division.*
2. *New and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood water contamination consistent with the requirements of the Oregon State Department of Environmental Quality.*
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.*

FINDINGS: These requirements will be placed as a condition of floodplain development permit approval. The new home will be required to be served by both water and sewer, and therefore must comply with these standards. All 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. These requirements will be regulated by the Oregon Building Code and the Marion County Building Permit review and approval process. Therefore, this proposal can satisfy the requirement.

Section 2.122.06.P. Below-grade crawl spaces

Below-grade crawlspaces 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)*

FINDINGS: These requirements will be placed as a condition of floodplain development permit approval. The new home is proposed to be constructed according to all flood protection standards, according to the applicant. While staff is uncertain as to what the exact design of the home will be, it is probable the design

may result with a crawlspace that is below grade, since the home is proposed to be elevated on a foundation. Therefore, any below grade crawlspace will be subject to the provisions of this section. The requirement to comply with the standards of this section will be regulated as a part of the building permit review and approval process. Therefore, staff finds this request can comply with this criterion.

V. DECISION

Staff finds the proposed request for a Floodplain Development Permit meets the criteria and requirements found in Section 2.122.05 and Section 2.122.06 of the Keizer Development Code. Notice is hereby given that the Zoning Administrator for the City of Keizer has APPROVED WITH CONDITIONS the proposed Floodplain Development Permit subject to certain requirements noted below.

VI. APPEALS

Any interested person, including the applicant, who disagrees with this decision, may request that the application be considered by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$250.00 fee. This fee may be refunded if the appeal is upheld.

An appeal request for a hearing in front of the Hearings Officer must be submitted in writing on a form provided by the City of Keizer. The appeal request must be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on February 24, 2020.

Unless further consideration is requested by the applicant, or the decision is appealed, this decision becomes final on February 25, 2020.

VII. CONDITIONS AND REQUIREMENTS

CONDITIONS: The following conditions must be met or continually met as a condition of the particular land use:

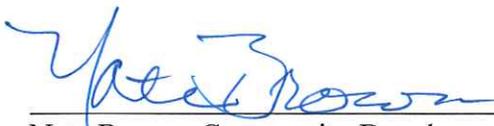
1. The applicant shall provide a site plan prepared by a licensed surveyor or engineer showing the location of the home is outside of the floodway prior to obtaining building permits.
2. No Final Inspection or Certificate of Occupancy of any building permits located in the SFHA, shall be given until all conditions of this Floodplain Development Permit have been met. The minimum placement of fill for preparing the building site and foundation is allowed, but **in no case may the amount of fill exceed 50 cubic yards. Final dimensions for any proposed fill must be provided to assure this requirement is complied with, and must be submitted prior to the issuance of any building permit.**
3. All applicable requirements outlined in Section 2.122.06. Flood Protection Standards of the Keizer Development Code must be adhered to at all times and shall be consistent with the Oregon Building Code and the conditions of the Marion County Building Permit.

4. An Elevation Certificate signed by a licensed surveyor or civil engineer must be submitted prior to final inspection approval or occupancy certifying the lowest floor of any proposed construction is elevated to a minimum of 1 foot above the base flood elevation (BFE) of 123.7 which is equal to a minimum elevation of **124.7 feet**. The applicant proposes a finished floor elevation of 125.7.
 5. All 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.
 6. Water supplies shall be designed to minimize or eliminate infiltration of floodwaters into the system as approved by the State Health Division and City of Keizer.
 7. The sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood water contamination consistent with the requirements of the Oregon State Department of Environmental and City of Keizer.
 8. No filling, grading, excavation, or change of topography is allowed outside of the minimal area of excavation and backfilling with rock for the building footprint area.
 9. Storm water runoff from the proposed structure will be required to be kept on-site and not directed to the existing street storm drain system. The applicant will be required to furnish a drainage plan to show how the subsurface drainage will be treated and disposed. The applicants will be required to provide evidence that the proposed building will not encroach on any existing utility or drainage easements. These requirements will be regulated by the Public Works Department at the time of building permit review and approval.
- B. OTHER PERMITS AND RESTRICTIONS: This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.

If you have any question about this application or the decision please call (503) 856-3441 or visit the Community Development Department at the above address.

REPORT PREPARED BY: Shane Witham, Senior Planner

APPROVED BY:



Nate Brown, Community Development Director

Date: 2/12/20



U6 3W 35CD
KEIZER

MARION COUNTY, OREGON
SE 1/4 SW 1/4 SECS 16S 35S 16S W.M.
SCALE 1" = 100'

LEGEND

- | | |
|---------------------------|--------------------------|
| LINE TYPES | |
| lot Boundary | Historical Boundary |
| Road Right-of-Way | Eastment |
| Railroad Right-of-Way | Railroad Centerline |
| Private Road ROW | Section Line |
| Subdivision Plat Boundary | Map Boundary |
| Waterline - Lot Boundary | Waterline - Non Boundary |

- CORNER TYPES**
- + 1/8th Section Cor.
 - ⊕ 1/4 Section Cor.
 - ⊙ D/C Corner
 - ⊕ 15' Section Corner
 - 2x 2x

NUMBERS

Tax-Code Number
000 00 00 0

Acres All acres listed are Net Acres, including any portions of the label within public ROWs.

NOTES

TdL Marker: A tick mark in the road indicates that the labeled dimension extends into the public ROW.



CANCELLED NUMBERS	
431	
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DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.

Assessor's Office
Carroll County Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.carrollcountyor.gov

KEIZER
PLOT DATE: 3/4/2019
U6 3W 35CD



BUILDING
24 FT X 24 FT
FLOOR ELEVATION 124.4

HOUSE AS STAKED OUT
EXCAVATION AREA TO
APPX 122.9 FT

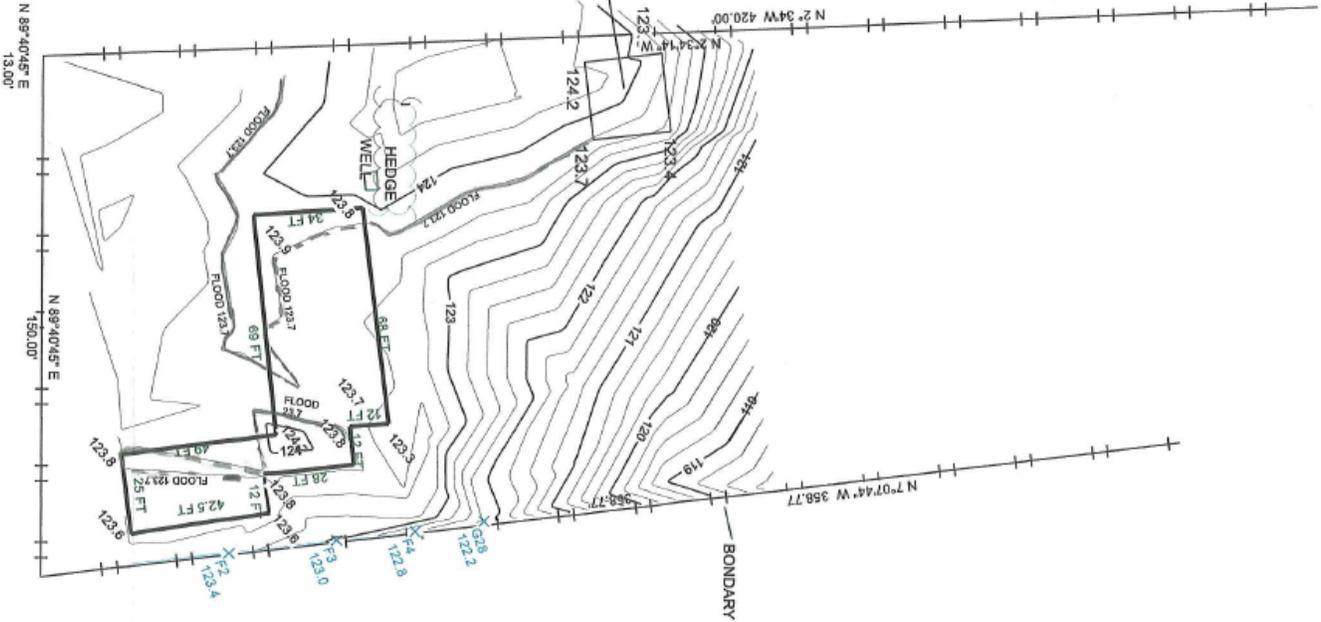
HOUSE LOWEST
FLOOR ELEVATION 125.7
FILL AREA APPROX 6 FT
FROM FOUNDATION

CONTOUR INTERVAL 0.25 FT

VERTICAL DATUM NGVD 29

SCALE 1" = 40 FT

BOUNDARY NOT DETERMEND
BY SURVEY
FENCE LINES TIED IN FIELD
WERE USED FOR APPROXIMATE
BOUNDARY



TO: DINA RUSSELL, ASSISTANT PLANNER
FROM: CITY OF KEIZER PUBLIC WORKS DEPARTMENT
SUBJECT: FLOODPLAIN DEVELOPMENT CASE NO. 2019-24

APPLICANT – JESSE GRAHAM
ADDRESS – 815 CLAGGETT ST. NE.

PUBLIC WORKS DEPARTMENT REQUIREMENTS

The application is for a floodplain development permit for property located within the 100 year special flood hazard area.

STREET AND DRAINAGE IMPROVEMENTS:

All previous land use decisions that apply to the parcel will still be in effect. No street and storm drain plans are being required by the Department of Public Works but the new storm water runoff from the proposed structure will be required to be kept on-site and not directed to the existing street storm drain system. The applicant will be required to furnish a drainage plan to show how the subsurface drainage will be treated and disposed.

The building shall conform to the Keizer Development Code setback requirements. The applicant will be required to furnish evidence that the proposed building will not encroach on any existing utility or drainage easements.

All applicable requirements for development within the Flood Plain Overlay Zone shall be complied with prior to issuance of any permits for the subject property.