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KEIZER PLANNING DEPARTMENT

NOTICE OF DECISION Floodplain Development Permit 2024-07

I. REQUEST

The following report reviews an application requesting a Floodplain Development Permit for the removal of a man-made berm and the construction of a concrete park path, a boardwalk and fill within the 100-year floodplain of Claggett Creek. (Exhibit 1)

II. BACKGROUND

- A. **APPLICANT/
PROPERTY OWNERS:** City of Keizer
Verda Crossing LLC
- B. **AGENT:** Bill Lawyer, City of Keizer
- C. **PROPERTY LOCATION:** The subject property is located at 4853 Verda Lane NE and the 1500 block of Chemawa Rd NE. The Marion County Assessor's map identifies the properties as Township 7 South; Range 3 West; Section 02AA; Tax Lots 02900 and 03000. (Exhibit 2)
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject properties contain an undeveloped area and a new multi-family development. The area within the floodplain is currently undeveloped.
- E. **ZONING:** The subject properties are designated Low Density Residential (LDR) and Medium-High Density Residential (MHDR) in the Comprehensive Plan and are zoned Single Family Residential (RS) and Medium Density Residential (RM). The FEMA FIRM map indicates a portion of the property is located within the 100-year special flood hazard area.

III. COMMENTS

- A. The Keizer Public Works Department submitted comments (Exhibit 3). The comments specifically indicate that All appropriate permits shall be secured prior to the start of development or construction.

IV. FINDINGS AND CONCLUSIONS

GENERAL FINDINGS: The applicant is requesting a floodplain development permit in order to perform a wetland enhancement project which will include the removal of a berm, grading and filling activities, along with constructions of a concrete pathway and boardwalk through the site on a property located within the 100-year floodplain. FEMA FIRM map 41047C0332 G indicates the property is within Zone AE special flood hazard area (SFHA). The applicant's engineer certified on their application the Base Flood Elevation for this area ranges from 124.2-124.1 MSE, as specified on FEMA's National Flood Hazard Layer Map.

The wetland enhancement project proposed, consists of construction of a concrete walkway and boardwalk to connect the northern and southern ends of the site through a wetland with seating nooks and educational signage. In addition, the wetland will be enhanced with planting of native trees and vegetation and removal of a man-made berm in order restore wetland conditions within the site. The project will require a USACE (United States Army Corps of Engineers) Joint Permit Application and Oregon DEQ 401 Certification which are currently in review. This requirement will be placed as a condition of the floodplain development permit to ensure the project complies will all requirements pertaining to wetland and floodplain development and that no adverse impacts will be created by the completion of the proposed project.

The majority of the standards found in KDC 2.122 apply to construction of structures and flood protection standards that must be adhered to. Fill and grading is allowable subject to the requirements of KDC 2.122, amount and location of any fill or excavation activities must be provided. The applicant's engineer has provided a site grading plan and quantities of proposed excavation and fill. The Keizer Public Works department provided comments indicating the proposed project is acceptable, with the condition that all required permits must be secured prior to the start of development. The information submitted is satisfactory to allow the flood plain development to proceed.

The City of Keizer has a responsibility to assure that any floodplain development be done in a matter that is consistent with city requirements and does not cause adverse impacts to other properties within the community. The proposal will enhance the wetland area and storage capacity for flood waters, and therefore will not cause adverse impacts. Rather, the wetland enhancement project will improve the impacts of flooding affects by allowing additional storage of storm runoff in the wetland enhancement area, and will result in other ecological benefits to the City.

SECTION 2.122.04A - GENERAL STANDARDS

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.

Findings: The proposal is to grade and fill within the floodplain area and construct a boardwalk and walkway through the site. There is no watercourse which is being altered, however, the existing man-made berm located along the creek is proposed to be removed. The applicant will be required to obtain all necessary permits through State and Federal regulators as a part of this project, which will ensure this requirement is met.

2. **Anchoring.** 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.

Findings: No building structures are proposed. A boardwalk walkway will be constructed and will be constructed in a manner that complies with this criterion.

3. **Construction Materials and Methods.** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage using methods and practices that minimize flood damage.

Findings: No new buildings are proposed. The proposed concrete walkway and boardwalk complies with this requirement.

4. **Utilities and Equipment.** Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems

Findings: No utilities are proposed. The request is only for the placement of fill and grading for a landscaped area and walkway.

5. **Tanks.** Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood and 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.

Findings: No underground tanks are proposed. Therefore, this standard is not applicable.

6. **Subdivision Proposals and Other Proposed Developments**

Findings: The proposal is not for a subdivision, but rather for a wetland enhancement project including filling and grading, along with construction of a concrete walkway and boardwalk.

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.

Findings: Base flood elevation is identified.

8. **Structures Located in Multiple or Partial Flood Zones.**

Findings: 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. When a structure is *partially* located in a SFH area, the entire structure shall meet the requirements for new construction and substantial improvements. No structures are proposed with this application and therefore, this standard does not apply to this request.

9. **Critical Facilities.**

Findings: Construction of new critical facilities shall be located outside the limits of the SFHA. 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. This proposal is not for a critical facility.

10. **Willamette River Riverwall.**

Findings: 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. The property is not located near the Willamette River Riverwall, and therefore this criterion is not applicable.

SECTION 2.122.04B - SPECIFIC STANDARDS FOR RIVERINE FLOOD ZONES These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards.

1. **Flood Openings** - All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) shall be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters; be used solely for parking, storage, or building access; or be certified by a registered professional engineer or architect to meet or exceed minimum criteria.

Findings: No buildings are proposed with this request.

2. **Garages** - Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if certain requirements are met. 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.

Findings: No garages are proposed with this floodplain development permit request.

3. **For Riverine Special Flood Hazard Areas with Base Flood Elevations** - For Riverine Special Flood Hazard Areas with Base Flood Elevations. In addition to the general standards listed above, specific standards shall apply in Riverine SFHA with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

Findings: The property is located within Zone AE, and the base flood elevation is identified. When there is no identified floodway area on the subject property, this section allows for the placement of fill if 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 in the community. Since the base flood elevation is established, this standard is not applicable to this request.

The applicant's engineer submitted information regarding the quantity and of the proposed fill and grading activity, which indicates that approximately 1,920 cubic yards of dirt will be removed from the site due to the removal of the existing man-made berm. The Public Works Department has reviewed the information and found it to be satisfactory to allow this proposed development permit.

4. **Floodways** - Located within the special flood hazard 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 certain provisions apply.

Findings: The area proposed for development is partially located within the floodway. The work being performed in the floodway area is the removal of the existing earthen man-made berm, and will not result in any adverse impacts. No encroachments or other construction is proposed in the floodway area. The concrete sidewalk and boardwalk will be located in the floodplain area but are well outside the floodway.

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.

Findings: This area is not identified as a shallow flooding area.

V. DECISION

Staff finds the proposed request for a Floodplain Development Permit meets the criteria and requirements found in Section 2.122.04 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 Planning Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. May 28, 2024.

Unless further consideration is requested by the applicant, or the decision is appealed, this decision becomes final on May 29, 2024

VII. CONDITIONS AND REQUIREMENTS

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

1. The proposed regrading and construction of the concrete walkway and boardwalk must be substantially in conformance with what is proposed.
2. All applicable requirements outlined in Section 2.122 Flood Plain Overlay Zone of the Keizer Development Code must be adhered to at all times and shall be complied with.
3. All appropriate permits shall be secured prior to the start of development or construction, including but not limited to wetland removal-fill, grading and drainage, stormwater management, erosion control, and construction permits.
4. A copy of the USACE Joint Permit Application and approval, along with the Oregon DEQ 401 Certification shall be provided to the City prior to any construction activities.

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 Planning Department at the above address.

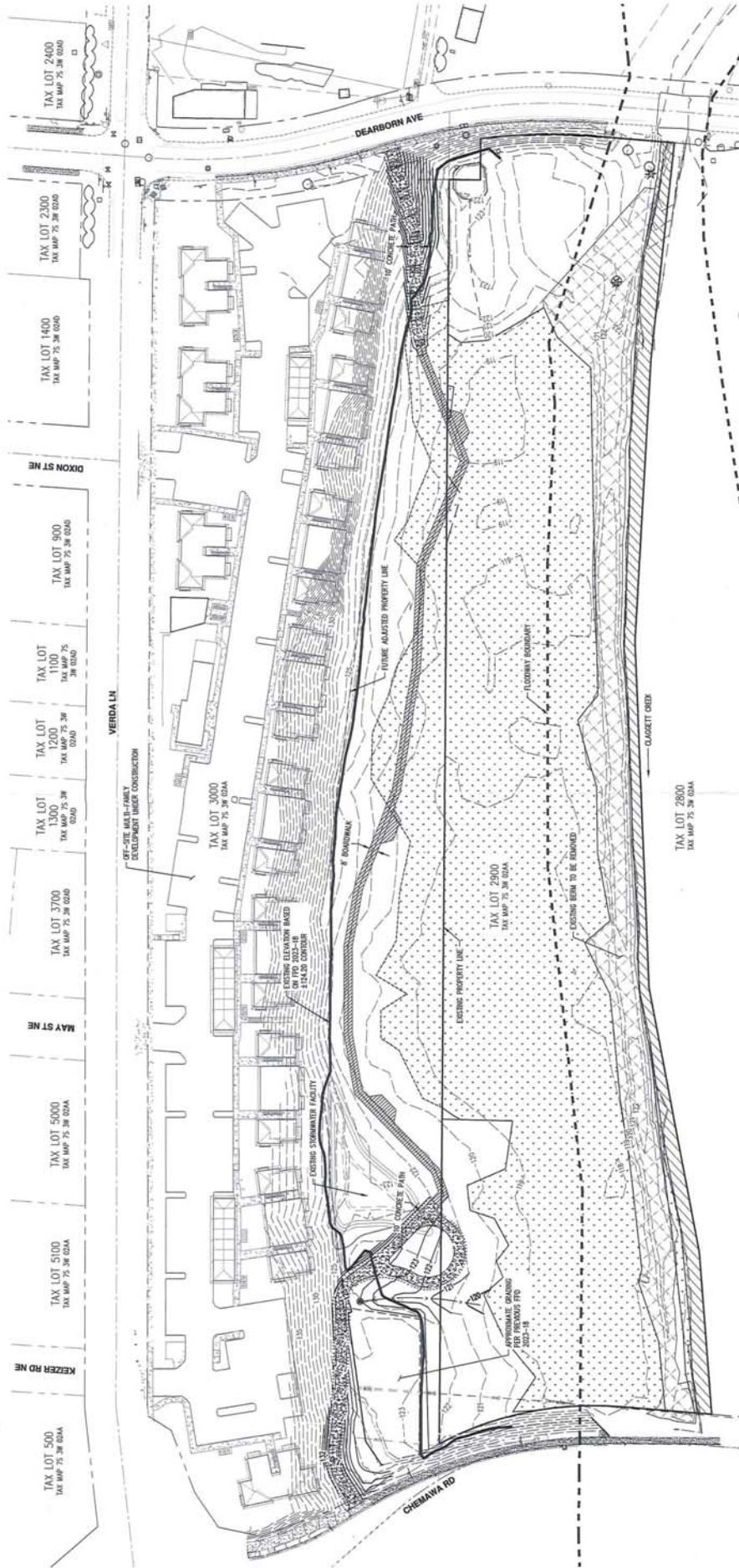
REPORT PREPARED AND APPROVED BY:



Shane Witham, Planning Director



Date



LEGEND

	FPC CONCRETE PATHWAY
	BIORETENTION
	STORM WATER

SCALE: 1" = 50 FEET
 DRAWING FILE: 03-27-21.dwg

CITY OF KEIZER, OR
 KEIZER, OR

FLOODPLAIN/GREENWAY DEVELOPMENT APPLICATION
CLAGGETT CREEK WETLAND ENHANCEMENT
 SITE PLAN EXHIBIT

DATE: 02/27/2024 ACS JOB: 4353-34
 JON DUNN, P.E., PROJECT LEAD
 1000 N. BROADWAY, SUITE 100
 KEIZER, OR 97131
 PH: 503-325-4444
 WWW.AKS-CORP.COM

AKS
 ENGINEERING - SURVEYING - NATURAL RESOURCES
 FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

FLOODPLAIN DEVELOPMENT PERMIT CASE NO. 2024-07

PROPERTY ADDRESS: 4813-4997 Verda Lane NE

The applicant is requesting a Floodplain Development Permit for the removal of a man-made berm and the construction of a concrete park path, a boardwalk, and fill within the 100-year floodplain of Claggett Creek. The affected properties are located at 4853 Verda Lane NE and in the 1500 block of Chemawa Road NE (073W02AA Tax Lots 02900 and 03000).

EXISTING CONDITIONS

- a) Wetlands on the subject properties have been delineated and are included in the Local Wetland Inventory.
- b) Per Flood Insurance Rate Map Number 41047C0332G, all of Parcel 1 is located within the Zone AE Special Flood Hazard Area (SFHA), with the portion along Claggett Creek located within the regulatory Floodway; and portions of Parcel 2 are located within Zone AE SFHA. The Base Flood Elevation (BFE) is between 124.1 and 124.2 feet above Mean Sea Elevation (MSE).

PUBLIC WORKS DEPARTMENT REQUIREMENTS

The Public Works Department has reviewed the application materials. Public Works recommends the following conditions of approval and development requirements:

- a) All appropriate permits shall be secured prior to the start of development or construction, including but not limited to wetland removal-fill, grading and drainage, stormwater management, erosion control, and construction permits.