

**NOTICE OF DECISION
FLOODPLAIN DEVELOPMENT PERMIT CASE NO. 18-002**

APPLICATION: Application of City of Salem for a floodplain development permit to construct wastewater treatment plant upgrades in the identified 100 year floodplain of the Willamette River on a 102 acre parcel in a P (Public) zone located at 5915 Windsor Island Road N, Keizer (T6S; R3W; Section 33; tax lots 200, 400, 1500).

DECISION: The Planning Director for Marion County has **APPROVED** the above-described Floodplain/Greenway Development application subject to certain conditions.

EXPIRATION DATE: This Floodplain Development Permit is valid only when exercised by **July 13, 2020**. The effective period may be extended for an additional year subject to approval of an extension (form available from the Planning Division). **Additional extensions may not be granted if the regulations under which this decision was granted have changed since the original approval.**

WARNING: A decision approving the proposal is for land use purposes only. Due to septic, well, and drain field replacement areas this parcel may not be able to support the proposal. To be sure the subject property can accommodate the proposal the applicant should contact the Building Inspection Division, (503) 588-5147.

- All development in the floodplain is subject to federal, local and state regulations and standards at the time development is begun. These regulations and standards are in the process of being revised and the development proposed in this application may be subject to additional regulations and standards at the time construction of structures or placement of fill on the property begins.
- Based on preliminary information provided by the National Marine Fisheries Service on April 14, 2016, federal law might only recognize as legal under the county current floodplain ordinance building permits that are issued prior to September 15, 2016 and where the work is begun prior to March 15, 2017. Permits issued after September 15, 2016 or not begun until after March 15, 2017 may be in violation of federal law and thus invalidate this local permit.
- Construction related to this permit is approved only within the existing developed area of the property. Construction of new structures, fill or other development of the property should not occur outside the existing developed area without prior consultation with the Marion County Planning Division. Federal regulations may require additional approvals for development outside the existing developed area of the property.
- Applicants are further advised that buildings constructed with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction (the interior grade of the crawlspace is at or above the adjacent exterior grade).

This decision does not include approval of a building permit.

CONDITIONS: Following conditions must be met before building permits can be obtained or the use established:

1. The applicant shall obtain all permits required by the Marion County Building Inspection Division.
2. An Elevation Certificate shall be supplied for the thickening polymer prior to occupancy (based on finished construction).

OTHER PERMITS, FEES, 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 and/or fees 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.

3. The applicants should contact the Keizer Fire District to obtain a copy of the District's Recommended Building Access and Premise Identification regulations and the Marion County Fire Code Applications Guide. Fire District access standards may be more restrictive than County standards.
4. Materials that are buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by floodwaters, are prohibited unless stored within a structure or on land elevated above the base flood level. 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.

APPEAL PROCEDURE: The Marion County Zone Code provides that certain applications be considered first by the Planning Director. If there is any doubt that the application conforms with adopted land use policies and regulations the Director must condition or deny the application. Anyone who disagrees with the Director's decision may request that the application be considered by a Marion County hearings officer after a public hearing. The applicant may also request reconsideration (one time only and a fee of \$200) on the basis of new information subject to signing an extension of the 150 day time limit for review of zoning applications.

A public hearing is held on appeals subject to the appellant paying a \$250.00 fee. Requests for reconsideration, or consideration by a hearings officer, must be in writing and received in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on **July 13, 2018**. If you have any questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **July 14, 2018** unless further consideration is requested.

FINDINGS AND CONCLUSIONS: Findings and conclusions on which the decision was based are noted below.

1. The subject property is within the Salem/Keizer Urban Growth Boundary and designated Civic in the Keizer Comprehensive Plan. The parcel is zoned P (Public) under the jurisdiction of Marion County. Portions of the property are within the 100-year floodplain of the Willamette River.
2. The property is located at the southwest corner of Windsor Island Road and Naples Street. The property contains the existing Willow Lake Water Pollution Control Facility. The facility has received floodplain permits for activity in the past, Floodplain #04-11 and Floodplain #01-7.
3. Surrounding properties to the north, south and west consist primarily of commercial farm operations in an EFU (Exclusive Farm Use) zone. Properties to the east are within the city limits of Keizer.
4. The applicant is proposing four projects: construction of a co-generation facility, alternations to an existing dewatering facility and existing thickening facility, and construction of a thickening polymer building. The co-generation facility is located within the 500-year floodplain, an area where there are no floodplain construction standards (as it is outside the 100-year floodplain). The applicant provided evidence that alternations to the existing buildings both constitute an improvement value of less than 50% the value of the existing structure. Therefore, they do not constitute substantial improvements. Floodplain development standards only apply to new structures and substantial improvements of existing structures where the value of the work exceeds 50% the value of the existing structure.
5. Public Works Land Development and Engineering Permits commented on requirements that are not part of the land use decision and available for review in the planning file. Marion County Building Inspection commented that permits would be required for new construction.
6. The property is on Flood Insurance Rate Map #41047C0193G in an AE floodplain zone with an approximate Base Flood Elevation of 128.0 feet mean sea level. (Planning staff determined the BFE to be approximately 128.4 feet MSL). The applicant submitted an elevation certificate indicating that the lowest elevation at the building site is 130.0 feet MSL. Because this elevation is higher than the Base Flood Elevation, no further demonstration of compliance with the Floodplain Development Ordinance is required. However, the applicant is required to submit a final elevation certificate when the building is complete that shows the elevation at which the building was actually constructed.
7. Based on the above findings, it has been determined that the proposal complies with the criteria in the Marion County Code and is, therefore, **APPROVED**.

Joe Fennimore, Planning Director

Date: June 28, 2018

If you have any questions regarding this decision contact Brandon Reich at (503) 588-5038

Notice to Mortgagee, Lienholder, Vendor or Seller: ORS Chapter 215 requires that if you receive this Notice, it must promptly be forwarded to the purchaser.