



**CITY OF KEIZER
COMMUNITY DEVELOPMENT
DEPARTMENT
NOTICE OF DECISION**

Partition Case 2019-04

I. REQUEST

The following report reviews a land use application requesting to divide a 22,231 square foot parcel into 3 parcels comprised of 8,076 square feet (Parcel 1), 5,537 square feet (Parcel 2) and 8,314 square feet (Parcel 3). The property is designated Low Density Residential on the Comprehensive Plan map and is zoned Residential Single Family (RS). (See Exhibit 1)

It shall be noted that this property was also Parcel 1 of recently recorded Partition Case 2017-06.

II. BACKGROUND

1. **APPLICANT/AGENT:** Roger Bloedel
2. **PROPERTY OWNER:** Joan B. Kani and Tara Sue Kani Magofna
3. **PROPERTY LOCATION:** The subject property is located at 4195 Filbert St NE. The Marion County Tax Assessor's office identifies the property as Township 7 South, Range 3 West, Section 02CD, Tax Lot 07100. (See Exhibit 2)
4. **PARCEL SIZE:** The subject property contains approximately 0.51 acres.
5. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is developed currently with a single family home that is served with both public sewer and water.
6. **ZONING:** The subject property is zoned RS (Residential Single Family) and is designated Low Density Residential on the Comprehensive Plan.
7. **ADJACENT ZONING AND LAND USES:** Surrounding property to the north was partitioned in 2018, zoned Residential Single Family (RS) and is currently undeveloped. Further to the north is a multi-family development. Properties to the south and east are zoned Residential Single Family (RS) and are developed with single family homes. A small portion of the property to the west borders the Elks Lodge and is zoned Commercial Mixed Use (CM).

II. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED THE PARTITION WITH CONDITIONS AND REQUIREMENTS** noted below. Findings in support of this decision are found in Section VI. starting on page 7 of this staff report.

Any interested person, including the applicant, who disagrees with this decision, may request an appeal 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 successful. An appeal request 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 March 28, 2019.**

Unless appealed, this decision becomes final on March 29, 2019.

Partition approval is only valid if the final plat is recorded prior to March 29, 2020.

IV. CONDITIONS AND REQUIREMENTS

The following conditions shall be completed, including review and approval by the appropriate department, prior to the time lines outlined below. Compliance with the Conditions of Approval shall be the sole responsibility of the applicants and/or property owner.

General:

1. The Keizer Development Code requires the developer to connect to public utility services. The Development Code also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer is responsible for all utility connection costs. The City's System Development Charges for park development, water system improvements and transportation improvements shall be the fee in place at the time of building permit application. These Development charges, as well as those involving the extension of sewer, water, and/or storm drainage, will apply to this request.

Prior to Preliminary Plat Approval:

2. A detailed preliminary plat shall be submitted to the Marion County Surveyor's Office for review. The Marion County Surveyor's Office will then submit the preliminary plat to Keizer for review. The Preliminary Plat must be submitted for review prior to submittal of a final plat.
 - a. Parcels ten acres and less must be surveyed.
 - b. Per ORS 92.050, plat must be submitted for review.
 - c. Checking fee and recording fee required.

- d. A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

The detailed preliminary plat shall include the following provisions:

- e. The preliminary plat shall substantially conform to the proposed partition request.
- f. Lots shall comply with all area and dimension requirements for lots within the Single Family Residential (RS) zone. The final plat must show both gross and net area calculations.
- g. Include all engineering elements as required by the Department of Public Works requirements.
- h. Include a signature line for the City Engineer.
- i. Access easement area shall be shown on the plat and shall comply with city standards.
- j. Include on the plat, language indicating that a maintenance agreement for the shared access easement will be recorded along with the final plat. The following language is acceptable language to the City:

A Maintenance agreement for the shared access easement has been recorded on this ____ day of ____, 201_ in reel ___ page ____ of the Marion County Oregon Deed of Records.

Prior to Final Plat approval (Mylar):

- 3. All requirements for Partition Case 2017-06 shall be completed prior to submitting the plat for review for this proposed partition.
- 4. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor which conforms to the approved preliminary plat. Following plat approval, the final plat and title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk by March 29, 2020. The plat shall include all engineering elements as required by the Department of Public Works and shall show all lot sizes and dimensions. Both gross and net area must be shown.
- 5. The proposed access easement shall be a minimum of twenty (20) feet of unobstructed width with a paved width of sixteen (16) feet which shall be located substantially within the center of the access easement. No parking shall be permitted within the twenty (20) feet minimum required width and "no parking" signs must be installed as required by the City. The improvement of the access easement and installation of the required no parking signage shall be completed prior to approval of the final plat. In lieu of this, the applicant may obtain a performance bond, improvement agreement or other instrument acceptable to the City as outlined in Section 3.202.02.E.3 and 3.202.05.B of the Keizer Development Code. Improvement agreements may be obtained from the Community Development Department.
- 6. The maintenance and replacement of the access easement, "no parking" signage, and address display signage shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City and shall be recorded with the Marion County Clerk. A Maintenance Agreement was recorded for Partition

Case 2017-06 that will need to be modified to include the new properties and the extension of the access easement. A copy of the modified agreement shall be submitted to the Community Development Department for review and approval. The agreement shall also include language stipulating that the agreement cannot be extinguished without written approval of the City of Keizer.

7. Approved Tree Replacement plan for Partition 2017-06 is required to be modified to include an additional 4 replacement trees. Replacement trees are to be a minimum 2” caliper when planted and will be required to be planted prior to final building permit approval for each of the parcels. An alternate plan could be to provide some of the required replacement trees as part of an off-site mitigation plan, or a combination of both. If off-site mitigation is implemented, arrangements for the installation of those off site trees must be guaranteed prior to recording the final plat. Replacement trees will be required to be planted on each parcel as a condition of Certificate of Occupancy approval for a building permit.

Public Works Department Conditions and Requirements:

8. The following applicable requirements/conditions of the Public Works Department must be met as outlined below:

GENERAL CONDITIONS

The application is for creating 3 lots where 1 currently exists. The existing lot is indicated on Marion County Tax Records as an approximate 22,231 sq. ft. parcel. The new lots, Parcel 1, 2, and 3 will be approximately 8,076 sq. ft., 6,236 sq. ft., and 7,919 sq. ft. respectively. Proposed Parcels 2 and 3 will have access to Filbert St. via a private access easement.

SANITARY SEWERS:

It is the developer’s responsibility to connect the proposed development to the appropriate master plan sewer lines designed to serve the area.

- a.) All requirements for Partition Case 2017-06 shall be completed prior to submitting the plat for review for this proposed partition.
- b.) City of Salem approval for local sewer permits will need to be issued prior to construction. Construction permits will be required for any construction within a public street or access easement.
- c.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Each parcel will be required to have its own sanitary sewer service and will be required to connect to an approved public sanitary sewer line. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for all parcels and shall be permitted by the City of Salem prior to recording of the partition plat.

- d.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside of the platted right of ways. Easements will be required for all private sewer lines that cross private properties.
- e.) The property is within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.
- f.) Any septic tank and drain field on the subject property shall be abandoned according to the requirements of the appropriate agency. Evidence of satisfactory compliance shall be submitted to the City of Keizer prior to issuance of any building permits on the subject property.

WATER SYSTEM:

- a.) All requirements for Partition Case 2017-06 shall be completed prior to submitting the plat for review for this proposed partition.
- b.) The application will require new individual water services if services have not yet been installed. New service lines shall be installed by City forces and paid for by the developer or builder.
- c.) It is the Public Works Departments understanding that the Keizer Fire District will not be requiring a new fire hydrant for the proposed development.
- d.) Location of water meters shall be submitted for approval to the Public Works Department after all proposed utility locations are known.
- e.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) All requirements for Partition Case 2017-06 shall be completed prior to submitting the plat for review for this proposed partition.
- b.) A storm drainage plan shall be designed for the improvements proposed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Filbert Street.
- c.) A grading and drainage plan will be required for the proposed development and all lot corners shall have finished grade elevations indicated on the plan. The grading and drainage plan shall be submitted for review and approval prior to recording of the partition plat.
- d.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.

- e.) Provide an approved turn around and access easement in accordance with City of Keizer design standards and Fire Department requirements.

OTHER

- a.) Construction permits are required by the Public Works Department prior to any public facility construction as well as private utility construction within existing right of ways.
- b.) A Pre-design meeting with the City of Keizer Public Works Department will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review.
- c.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- d.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
- e.) The Partition Plat shall include a signature line for the City Engineer.

Prior To Obtaining Building Permit(s):

- 9. All required public utility services shall be completed to the satisfaction of the Department of Public Works.
- 10. In addition to the design requirements of the RS zone, the new homes must comply with the standards of Section 2.316 (Infill Standards).

Prior to Obtaining Building Permit Final for each dwelling within the partition:

- 11. The residential address requirements found in the Oregon Uniform Fire Code shall be completed as approved by the Keizer Fire District and City of Keizer Community Development Department.
- 12. Two Streetscape tree must be planted on Parcel 1 along Filbert St NE. Parcel 2 and Parcel 3 will be required to plant one streetscape tree along the access easement. Trees shall be selected from a list of approved trees and shall be planted within the boundary of the lot and within 10 feet of street improvements in accordance with Section 2.309. Trees are to be a minimum 2" caliper when planted and will be required to be planted on each parcel as a condition of Certificate of Occupancy approval for a building permit.
- 13. Three (3) parking spaces must be provided on Parcel 2 and Parcel 3. Parking spaces must be a minimum of 9' wide and 18' long.
- 14. "No parking" signage must be installed prior to receiving a final inspection of any building permit for either Parcel 2 or Parcel 3. The location and language of the "no parking" signs must be approved by the City and the maintenance of the signs must be included on the Maintenance Agreement for the access easement.

V. COMMENTS

AGENCY COMMENTS:

- A. The Keizer Public Works Department submitted comments (Exhibit 3) regarding requirements for public facilities and improvements necessary to serve the subject property.
- B. The Marion County Surveyor's office submitted comments (Exhibit 4) regarding the process for platting the partition.
- C. Keizer Police Department and the City of Salem Community Development Department submitted that they have reviewed the proposal and have no comments.

VI. FINDINGS AND CONCLUSIONS

The following are findings that address the Partition request to divide the property into three parcels in accordance with the Keizer Development Code. The approval, or denial, of a partition application is based on compliance with the decision criteria found in Section 3.107 of the Keizer Development Code. The criteria and staff's findings for the applicable sections of the Keizer Development Code are listed below:

- A. **SECTION 3.107.07.A - EACH PARCEL SHALL MEET THE ACCESS REQUIREMENTS OF SECTION 2.310.03.D.**

All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum width required by the underlying zone.

FINDINGS: The subject property is located within a RS zone. The minimum lot frontage requirement on a public street in a RS zone is forty (40) feet for a single family home. With this proposal, frontage along Filbert will be approximately 79.61 feet for Parcel 1. Parcel 2 and Parcel 3 will gain their access from the extension of the recently platted private access easement named Nut Place. Therefore, staff finds that each parcel meets the minimum lot frontage requirement, and thus satisfies this criterion.

- B. **SECTION 3.107.07.B - EACH PARCEL SHALL SATISFY THE DIMENSIONAL STANDARDS OF THE APPLICABLE ZONING DISTRICT, UNLESS A VARIANCE FROM THESE STANDARDS IS APPROVED.**

FINDINGS: The subject property is located in the Residential Single Family (RS) zone which requires lots to have a minimum average width of forty (40) feet and a minimum average depth of seventy (70) feet for a single family home. All three parcels exceed the minimum requirements of the RS zone and all are irregular in shape. Parcel 1 has an average width of approximately 80 feet and depth at its furthest point of 110 feet. Parcel 2 has an average width of approximately 70 feet and average depth of approximately 100 feet. Parcel 3 at its widest point is approximately 140 feet and at its greatest depth, approximately 160 feet.

The RS zone also regulates setback requirements in the dimensional standards section of the development code. This proposal will modify the rear yard setbacks for the existing home on Parcel 1. The minimum rear yard setback required in the RS zone for a one-story section of a home is 14 feet and 20 feet for the section that is two-stories. The home on Parcel 1 shows approximately a 40' setback to the nearest rear property line. All required setbacks can be met.

As a condition of approval, each lot must meet the minimum required width and depth requirements of the RS zone and all dimensions must be shown on the preliminary and final plat. With this condition, staff finds this request can satisfy this criterion.

C. SECTION 3.107.07.C - EACH PARCEL SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 2.310.

1. *Section 2.310.03.A. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.*

FINDINGS: The property is located in the Residential Single Family (RS) zone which requires a minimum lot area of 5,000 square feet for a detached single family dwelling. Lot area is to be determined as a net area calculation and cannot include the area designated for the access easement portion of the property. The applicant's site plan shows the proposed net area for Parcel 1 will be approximately 8,076 square feet, Parcel 2 will be approximately 5,537 square feet and Parcel 3 will be approximately 8,314 square feet. As a condition of partition approval, the preliminary and final plat must show both gross and net area calculations, which will ensure this requirement is met. Therefore, with this condition of approval, staff finds this request satisfies this criterion.

2. *Section 2.310.03.C. Lot width and depth. The depth of a lot or parcel shall not be more than 3 times the width of the parcel.*

FINDINGS: The intent of this provision is to prevent the creation of parcels which are unusually deep and narrow which can be difficult to serve and develop, and to promote an orderly and efficient development pattern and use of property. All three parcels exceed the minimum requirements of the RS zone and all are irregular in shape. Parcel 1 has an average width of approximately 80 feet and depth of its furthest point of 110 feet. Parcel 2 has an average width of approximately 70 feet and average depth of approximately 100 feet. Parcel 3 at its widest point is approximately 140 feet and at its greatest depth, approximately 160 feet. The depth of all three parcels is not more than three times the width. Therefore, all three of the parcels will meet the standard and intent of this provision as outlined the Keizer Development Code. This proposal complies with this criterion.

3. ***Section 2.310.03.G. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the adjacent street. The rear lot line shall be no less than ½ the dimension of the front lot line.***

FINDINGS: The intent of this provision is to allow the division of property that will result in a more or less uniform shape thereby avoiding difficult to develop parcels. The subject property is currently irregular in shape making creating regular rectangular shaped lots impractical for all three parcels. In addition, all three parcels do not have future development ability. Therefore, staff finds this request satisfies this criterion.

4. ***Section 2.310.03.H. Utility easements shall be provided on lot area where necessary to accommodate public facilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of the Keizer Development Code.***

FINDINGS: The Public Works Department submitted comments pertaining to utility easements and facilities which have been included as conditions for the partition approval. This is a development requirement and shall be placed as a condition of approval of this partition application. Therefore, this request can comply with this criterion.

5. ***Section 2.310.05.C. Street Frontage Improvements. If the street frontage of the subject property exceeds 100 feet, or is located along a collector or arterial street, or extends an existing dedicated right of way, the applicant shall make improvements as outlined in Section 2.310.05.C.2 of the Keizer Development Code, unless it is determined by the City that any or all of the required improvements may not be practical or desirable due lack of connecting facilities, or topographical or engineering constraints that may preclude the placement of improvements.***

FINDINGS: The intent of this provision is to require that owners of property slated for development be responsible for making any needed improvement along the frontage of their property. The City of Keizer Development Code states that if the street frontage of the subject property exceeds 100 feet or is located along a collector or arterial street, or extends an existing dedicated right-of-way, street improvements are required unless it is determined by the City that any or all of the required improvements may not be practical or desirable due lack of connecting facilities, or topographical or engineering constraints that may preclude the placement of improvements. The existing lot being partitioned is irregular in shape but has approximately 80' of street frontage. No street improvements are required with this partition but should be noted that all improvements required for Partition Case 2017-06 shall be completed prior to submitting the plat for review. Therefore, this request can comply with this criterion.

D. SECTION 3.107.07.D - IMPROVEMENTS OR DEDICATIONS THAT ARE REQUIRED AS A CONDITION OF DEVELOPMENT APPROVAL, IF NOT VOLUNTARILY ACCEPTED BY THE APPLICANT, SHALL BE ROUGHLY PROPORTIONAL TO THE IMPACT OF THE DEVELOPMENT.

FINDINGS: The City has a legitimate governmental interest in assuring the development does not cause a public problem of inadequate, unsafe and inefficient public transportation facilities. The Public Works Department submitted comments indicating that all requirements of Partition Case 2017-06 be completed prior to submitting a plat for review. In this case, no street frontage improvements or dedications are anticipated. The property owner signed a non-remonstrance agreement pertaining to future improvements along Filbert St NE with Partition 2017-06 which will be carried forward to Parcel 2 and Parcel 3 of this partition application. No actual improvements or dedication are being required as a part of this application. Therefore, staff finds this criterion is not applicable.

E. SECTION 3.107.07.E - EACH PARCEL SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS WITHIN SECTIONS 2.301 (General Provisions); 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); 2.309 (Site and Landscaping Design); and 2.316 (Infill Standards).

1. *Section 2.301 General Provisions. Public Facilities must be provided for all developments meeting the minimum requirements as outlined in Section 2.301.03. Public Facilities Improvements Requirements Table:*

FINDINGS: The intent of this provision is to ensure that new development is served by adequate public facilities and avoid having the situation where the public facilities are inadequate to serve the new development. The Keizer Development Code requires that appropriate public facilities be provided. The Public Works Department submitted comments (Exhibit 3) which specifically outline the requirements for the provision of public facilities to the proposed development of the three parcels. These comments have been incorporated into the conditions and requirements of this partition approval. Connection to the sanitary sewer system and water system will be required. Any septic tank and drain fields on the subject property shall be abandoned and evidence of satisfactory compliance shall be submitted to the City of Keizer prior to issuance of any building permits. Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements. Therefore, staff finds with the above mentioned conditions of approval, this proposal satisfies this criterion.

2. *Section 2.302 Street Standards.*

Street standards are established to provide for safe, efficient, and convenient vehicular movement; adequate access to all proposed developments; and to provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights of way.

FINDINGS: Public Works comments include that all requirements for Partition 2017-06 be completed prior to submitting the plat for reviews for this proposed

partition. In addition, no improvements or dedications are proposed with this application, and none are being required at this time. The applicant proposes to access the newly created Parcel 2 and Parcel 3 by extending an existing 20' wide access easement. The standards governing the access easement and provision of utilities are addressed elsewhere in this report. Therefore, staff finds this request can comply with this criterion.

3. ***Section 2.302.03.O Trees Along Public Streets - Lots measuring less than 45 feet in width shall be required to plant one streetscape tree. Lots measuring more than 45 feet in width shall be required to plant two streetscape trees.***

The purpose of the site and landscaping design requirements is to provide standards that can be used in the development of property. A development design that incorporates landscaping, serves to enhance the appearance of not only the subject property but also that of the City; provides shade and windbreaks where appropriate to conserve energy in building and site design; and provides for buffer and screening of conflicting land uses.

FINDINGS: The subject property was part of Partition 2017-06. Because it is approximately 80 feet wide and gains its access from a public street, two (2) streetscape trees adjacent to Filbert St NE were placed as a condition of that partition approval and will continue to be a condition of a Certificate of Occupancy of a building permit on the newly formed Parcel 1. Trees shall be selected from a list of approved trees and shall be planted within the boundary of the lot and within 10 feet of street improvements in accordance with Section 2.309. Parcel 2 and Parcel 3 gain their access from a private accesses easement therefore this requirement does not apply to those lots. Staff finds with this requirement, this request can satisfy this criterion.

4. ***Section 2.302.08. Private Access Easements. A. Width; B. Maintenance; C. Turn-around; D. Parking; E. Trees Along Access Easements; F. Screening:***

FINDINGS: The intent of this provision is to assure private access easements are constructed in a manner consistent with city standards thereby avoiding the creation of a substandard access easement which might be unusable for vehicular traffic.

A. Width: The applicant's proposal will extend the existing private access easement (Nut Place NE) to serve Parcel 2 and Parcel 3. The minimum paved width for the easement must be 16 feet in order to serve the existing lot plus the 2 additional lots created with this partition application. The easement cannot exceed 300 feet in length. The applicant shows on his plan a 20 foot easement with 16 feet of paved width that does not exceed 300 feet in length and therefore complies with these standards.

B. Maintenance: Provisions for the maintenance of the access easement shall be provided in the form of a Maintenance Agreement, homeowner's association, or other instrument acceptable to the City. The applicant submitted a Maintenance Agreement with Partition 2017-06 that will be required to be modified to include the newly formed lots. This will be placed as a condition of partition approval.

C. Turn-around: A turn-around shall be required for any access easement which is the sole access for two or more residences. The existing access easement with the extension proposed will serve three dwellings therefore, a turn-around is required. The applicant has submitted a site plan that does show a turn-around that is acceptable to the City. The exact design and dimensions will be reviewed as a part of the plat approval.

D. Parking: To ensure that the access easement remains a clear travel lane there will be a prohibition on parking within the access easement and “no parking” signage must be installed accordingly. Installation of “no parking” signage will be required before final inspection of any building permit on either Parcel 2 or Parcel 3. The location and language of the “no parking” signs must be approved by the City and the maintenance of the signs must be included on the Maintenance Agreement for the access easement. In addition, one additional parking space is required for single family dwellings having their access via an access easement that are located on a street that restricts parking. Parcel 2 and Parcel 3 must provide three on-site paved parking spaces. The applicant’s site plan does not show a third space for Parcel 2 but Staff feels with building footprint or driveway modification there is adequate space to provide a third space. Parking spaces are reviewed and approved during the building permit process. With this note, Staff finds that this request satisfies this criterion.

E. Trees Along Access Easements: Streetscape trees are required along access easements. Lots measuring less than 45 feet in width shall plant one tree and lots more than 45 feet in width shall be required to plant two streetscape trees within the boundaries of each lot and within 10 feet of the access improvements. Both Parcel 2 and Parcel 3 measure more than 45 feet in width but less than 45 feet of usable area along the easement. Staff finds the requirement to plant one streetscape tree on Parcel 2 and one tree for Parcel 2 is practical with the current access easement configuration and satisfies the intent of the development code. Planting of streetscape trees will be placed as a condition of Certificate of Occupancy approval for each building permit.

F. Screening: To mitigate impact to adjacent properties, a sight obscuring fence, wall, or hedge may be required to be placed along the exterior side of an access easement for access easements located along a neighboring property. The proposed site plan indicates the access easement is not located adjacent to any neighboring properties therefore screening will not be required. The access easement extension location will be reviewed at the time of partition plat approval.

Based upon the submitted written information and site plan, the proposed private access easement can comply with Section 2.302.08, and with the above mentioned conditions, Staff finds this request satisfies this criterion.

5. ***Section 2.303 Off-Street Parking and Loading:***

FINDINGS: Section 2.303.06 requires that 2 on-site parking spaces are required for single family development located on a street that allows on-street parking and 3 on-site parking spaces are required for single family dwellings having their access via an access easement. Parcel 2 and Parcel 3 will both be served by an access easement. As stated above, 3 on-site parking spaces are required for both Parcel 2 and Parcel 3. All spaces must be a minimum of 9 feet wide and 18 feet long. This requirement will be regulated through the building permit review process. With this requirement placed as a condition of partition approval, Staff finds this request satisfies this criterion.

6. ***Section 2.305 Transit Facilities:***

FINDINGS: No transit facilities are proposed with this development, and are not necessary. Therefore, this criterion is not applicable to this proposal.

7. ***Section 2.306 Adequate storm drainage shall be available to serve the existing and newly created parcels.***

FINDINGS: The intent of this provision is to ensure that adequate storm drainage is provided to avoid having runoff from the property become either a nuisance or hindrance to other properties. The Public Works Department has submitted comments regarding the requirements for storm drainage facilities and these requirements have been incorporated into this report as conditions of approval of the partition. Specifically, all runoff is to be kept on site and no runoff can be diverted to Filbert St NE. Storm drainage plans shall be designed to be consistent with Section 2.306 of the Keizer Development Code and must be submitted to the Public Works Department for review and approval prior to plat approval. With this placed as a condition of approval, staff finds this request can satisfy this criterion.

8. ***Section 2.307 Adequate public facilities shall be available to serve the existing and newly created parcels.***

FINDINGS: The intent of this provision is to allow new development to be served by public facilities thereby avoiding the need to connect into private systems and avoid any potential groundwater contamination issues. Public water and sewer are available to serve the development. The Public Works Department submitted written requirements which have been made conditions of this partition approval addressing the specific public facility requirements relating to sanitary sewer, water, and street and drainage improvements necessary to accommodate the development. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways. Private Utilities such as gas, electricity, and communication services shall be installed according to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground. With these conditions of approval, staff finds that this request complies with this criterion.

9. ***Section 2.309 Site and landscaping design. Section 2.309.05(B)(7f) - The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of mature trees. Depending on these factors, the City of Keizer may require removal of mature trees. Development of the property in conformance with an approved landscaping plan shall be a condition of land use approval or building permit. The City may require significant trees that are removed (including trees that are removed within the year prior to the application) be replaced at the rate of up to two new trees for each significant tree removed. Replacement trees shall have a trunk, when measured at six (6) inches above ground level, of at least two (2) inches when planted, and shall be a type that will be at least twelve (12) inches in diameter at ground level when fully mature Landscaping must be provided as outlined in section 2.309:***

FINDINGS: The development code requires that significant trees that are removed be replaced up to a 2:1 ratio. The applicant submitted a Tree Removal Plan with Partition Case 2017-06 indicating planting of 17 replacement trees on the 3 newly created lots of this application. Four were required to be planted on Parcel 1, six on Parcel 2 and three on Parcel 3. An additional two trees are planned to be removed with this application thus requiring 4 additional replacement trees to be planted. It will be the responsibility of the applicant to revise the December 14, 2018 approved Tree Replacement plan on file at the City of Keizer to show where the additional trees will be planted. Replacement trees are to be a minimum 2" caliper when planted and will be required to be planted prior to final building permit approval for each of the parcels. An alternate plan could be to provide some of the required replacement trees as part of an off-site mitigation plan, or a combination of both. If off-site mitigation is implemented, arrangements for the installation of those off site trees must be guaranteed prior to recording the final plat. With this placed as a condition of building permit final approval, staff finds this request can satisfy this criterion.

10. ***Section 2.316.03-Infill Development Parcel Criteria. An infill development is any residential development less than two (2) acres in size, and which directly abuts an existing residential neighborhood.***

FINDINGS: The purpose of this section is to allow residential infill development to achieve the planned densities specified in the Comprehensive Plan and to conserve livability and neighborhood quality while promoting neighborhood compatibility. Infill developments shall be designed to be sensitive to the established patterns of existing neighborhood development.

The subject property proposed to be partitioned is less than 2 acres in area and is adjacent to existing residential development, therefore infill development standards of Section 2.316 will be required to be met for newly proposed homes on Parcel 2 and Parcel 3 and will be regulated at the time of building permit approval and are made a condition of this partition approval. The applicant submitted an infill plan showing building footprints, proposed setbacks and areas of proposed homes which is found to be compatible and consistent with the requirements of the development code. With the above mentioned conditions of approval staff finds this proposal complies with the provisions of Section 2.316, and therefore, staff finds this request satisfies this criterion.

F. SECTION 3.107.07.F - ADEQUATE PUBLIC FACILITIES SHALL BE AVAILABLE TO SERVE THE EXISTING AND NEWLY CREATED PARCELS:

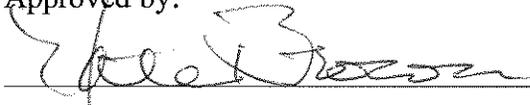
FINDINGS: The applicant has indicated that public water and sewer are available or can be extended to serve the subject property. As a condition of partition approval, the requirements of the Public Works Department regarding public facilities must be adhered to as outlined in the conditions of this report. This request satisfies this criterion.

The proposed Partition complies with Section 3.107 of the Keizer Land Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and approves the proposal subject to conditions outlined in Section *IV. Conditions and Requirements* starting on page 2 of this report.

If you have any question about this application or the decision please call (503) 856-3441 or visit the Community Development Department at 930 Chemawa Rd NE, Keizer, Oregon.

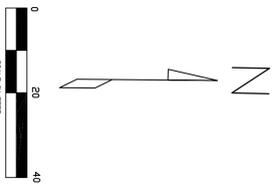
REPORT PREPARED BY: Dina Russell, Assistant Planner

Approved by:



DATE: 3/18/19

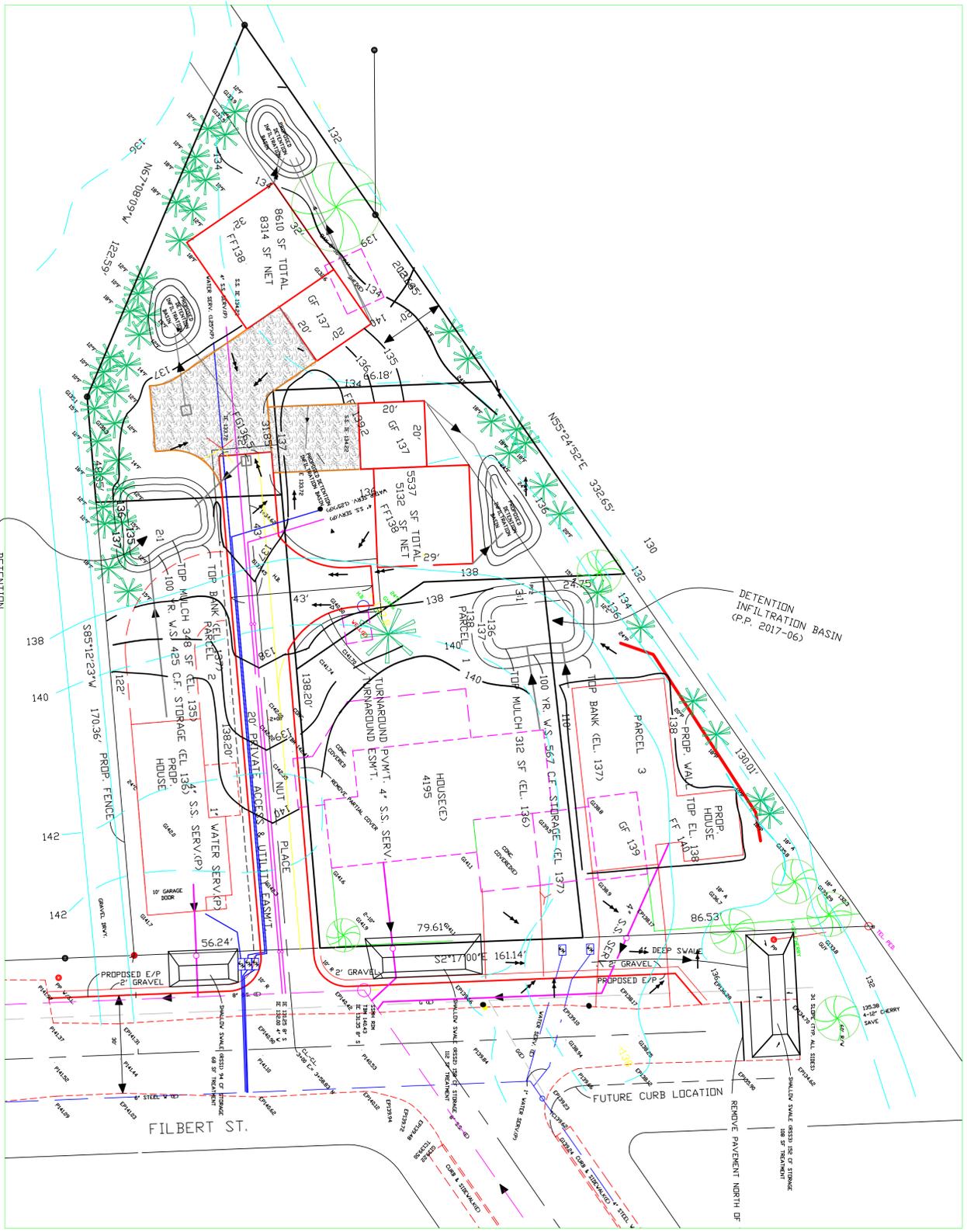
Nate Brown, Community Development Director



NOTES & LEGEND:
BASIS OF ELEVATIONS:
 (CP) = CURB ELEVATION
 (CE) = EXISTING ITEM
 (EP) OR (PR) = PROPOSED ITEM

130 ——— EXISTING CONTOUR
 140 ——— PROPOSED CONTOUR

● PP = POWER POLE
 TCR2415 = (C) TOP OF CURB ELEVATION
 P24148 = (C) TOP OF ASPHALT ELEVATION
 EP24128 = (C) EDGE OF PAVEMENT ELEVATION
 GR2420 = (C) GROUND ELEVATION
 FF137 = PROPOSED FINISH FLOOR ELEV.
 GF136 = PROPOSED FINISH GARAGE FLOOR ELEV.
 FG136 = PROPOSED FINISH GARAGE FLOOR ELEV.
 → = SHEET STORM SURFACE FLOW (DEV. CONDITIONS)
 → = SHEET STORM SURFACE FLOW (DEVELOPED CONDITIONS)
 → = PROPOSED PAVED DRIVEWAY



PRELIMINARY DRAINAGE PLAN:
 THE GENERAL DIRECTION OF SURFACE DRAINAGE IS IN A NORTHERLY DIRECTION TO WESTERLY DIRECTION AS DEMONSTRATED BY THE EXISTING CONTOURS AND SPOT ELEVATIONS SHOWN. IT IS NOT EXPECTED THAT GRADING OF THE PARCELS WILL CHANGE THE GENERAL DIRECTION OF SURFACE FLOWS.
 THERE ARE NO UNDERGROUND PUBLIC STORM FACILITIES AVAILABLE IN THE AREA. STORM WATER RUNOFF FROM CREATED IMPERVIOUS SURFACES (ROOFS AND PAVEMENTS) ON THE PARCELS TO BE DEVELOPED WILL BE DIRECTED TO PROPOSED INFILTRATION TYPE RAIN GARDENS AS SHOWN SCHEMATICALLY.
 THESE INFILTRATION FACILITIES WILL BE SPECIFICALLY DESIGNED DURING THE BUILDING PLAN PROCESS BASED ON INFILTRATION RATES DETERMINED FROM ON-SITE PERCOLATION TESTS AND CAN BE DESIGNED FOR WATER QUALITY AND/OR DETENTION AS REQUIRED.

DEVELOPED CONDITIONS GRADING & DRAINAGE PLAN

<p>DESIGNED BY: KDG DRAWN BY: KDG DATE: JAN, 2019 REV. NO. SHEET 1 OF 1</p>	<p>PRELIMINARY SITE DRAINAGE & GRADING PLAN</p>	<p>LAND OWNER: JEAN KANI & TARA MAGOFNA 4195 FILBERT STREET NE KEIZER, OR. 97303 DEVELOPER: ROGER BLOEDEL</p>		<p>KARL D. GOERTZEN 4753 FIR DELL DRIVE SE SALEM, OREGON 97302 PH. 503.378.0952 E-mail: KGoertz@comcast.net</p>
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MARION COUNTY, OREGON
SE 1/4 SW 1/4 SEC 2 T7S R3W W.M.
SCALE 1" = 100'

LEGEND

- LINE TYPES**
- Taxlot Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Plat Bndry
 - Waterline - Taxlot Bndry
 - Waterline - Non Bndry
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary
- CORNER TYPES**
- + 1/16TH Section Cor.
 - ⊙ DLC Corner
 - ⊕ 1/4 Section Cor.
 - ⊕ Section Corner
 - ⊕ Section Corner

NUMBERS

Tax Code Number
000 00 00 0

Acreage
0.25 AC

ALL acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW

CANCELLED NUMBERS

2001
2101
2200
2300
3500
3600
3800
7200
7700
7800
8800
9400

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.marion.or.us

PLOT DATE: 3/7/2019

KEIZER

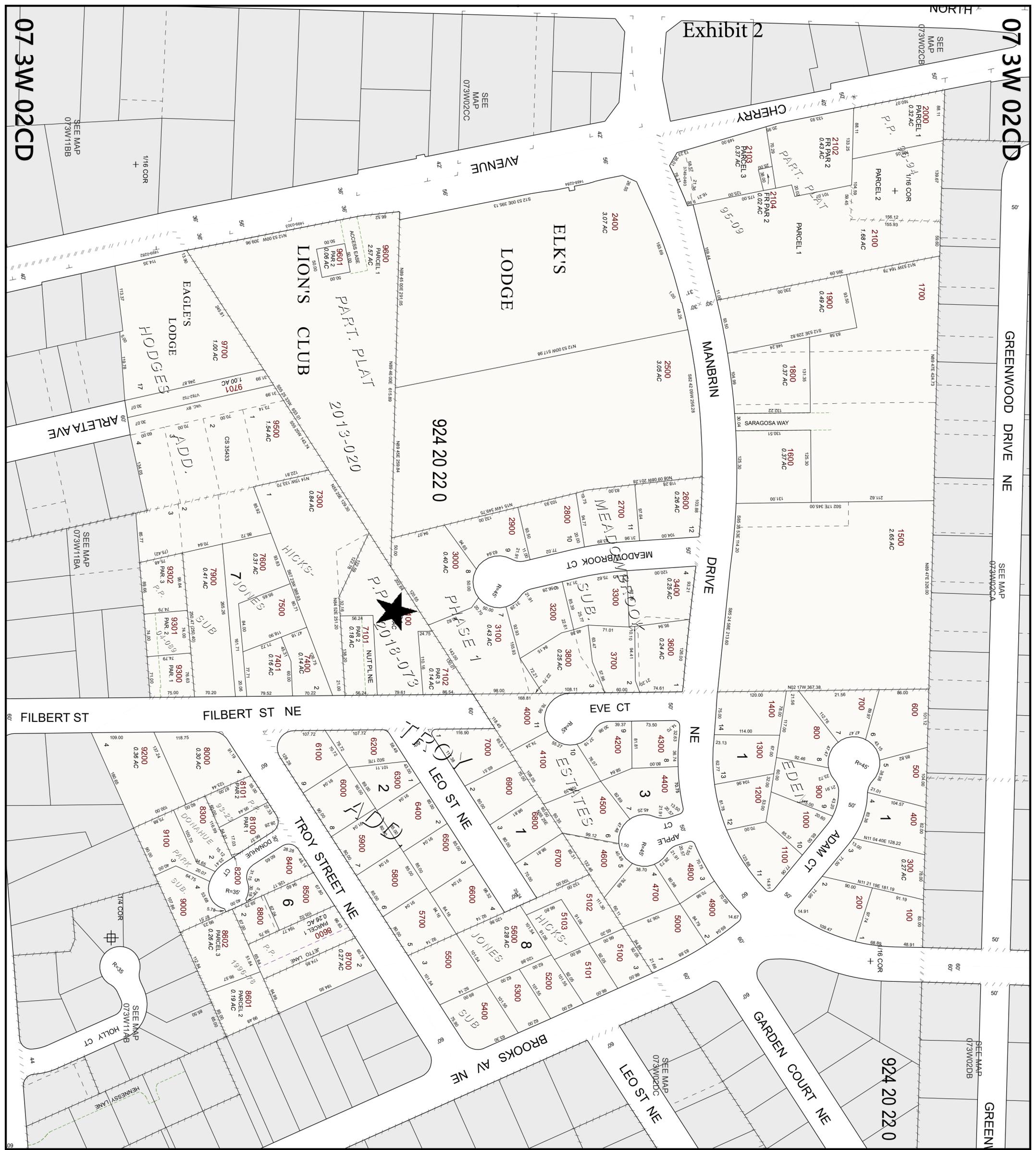


Exhibit 3

PARTITION CASE NO. 2019-04
ADDRESS – 4195 FILBERT ST. NE (PARCEL 2 OF PARTITION CASE 2017-06)
ZONE: RESIDENTIAL SINGLE FAMILY

PUBLIC WORKS DEPARTMENT CONDITIONS AND REQUIREMENTS

GENERAL CONDITIONS

The application is for creating 3 lots where 1 currently exists. The existing lot is indicated on Marion County Tax Records as an approximate 22,231 sq. ft. parcel. The new lots, Parcel 1, 2, and 3 will be approximately 8,076 sq. ft., 6,236 sq. ft., and 7,919 sq. ft. respectively. Proposed Parcels 2 and 3 will have access to Filbert St. via a private access easement.

SANITARY SEWERS:

It is the developer's responsibility to connect the proposed development to the appropriate master plan sewer lines designed to serve the area.

- a.) All requirements for Partition Case 2017-06 shall be completed prior to submitting the plat for review for this proposed partition.
- b.) City of Salem approval for local sewer permits will need to be issued prior to construction. Construction permits will be required for any construction within a public street or access easement.
- c.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Each parcel will be required to have its own sanitary sewer service and will be required to connect to an approved public sanitary sewer line. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for all parcels and shall be permitted by the City of Salem prior to recording of the partition plat.
- d.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside of the platted right of ways. Easements will be required for all private sewer lines that cross private properties.
- e.) The property is within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.
- f.) Any septic tank and drain field on the subject property shall be abandoned according to the requirements of the appropriate agency. Evidence of satisfactory compliance shall be submitted to the City of Keizer prior to issuance of any building permits on the subject property.

WATER SYSTEM:

- a.) All requirements for Partition Case 2017-06 shall be completed prior to submitting the plat for review for this proposed partition.
- b.) The application will require new individual water services if services have not yet been installed. New service lines shall be installed by City forces and paid for by the developer or builder.
- c.) It is the Public Works Departments understanding that the Keizer Fire District will not be requiring a new fire hydrant for the proposed development.
- d.) Location of water meters shall be submitted for approval to the Public Works Department after all proposed utility locations are known.
- e.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) All requirements for Partition Case 2017-06 shall be completed prior to submitting the plat for review for this proposed partition.
- b.) A storm drainage plan shall be designed for the improvements proposed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Filbert Street.
- c.) A grading and drainage plan will be required for the proposed development and all lot corners shall have finished grade elevations indicated on the plan. The grading and drainage plan shall be submitted for review and approval prior to recording of the partition plat.
- d.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.
- e.) Provide an approved turn around and access easement in accordance with City of Keizer design standards and Fire Department requirements.

OTHER

- a.) Construction permits are required by the Public Works Department prior to any public facility construction as well as private utility construction within existing right of ways.
- b.) A Pre-design meeting with the City of Keizer Public Works Department will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review.

- c.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- d.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
- e.) The Partition Plat shall include a signature line for the City Engineer.

Exhibit 4

Marion County Surveyor's Office

Page 1 of 2

Comments on Planning Action: Keizer Partition 2019-04

Date 2/25/2019 Person Commenting Phil Jones

Subdivision:

- 1. Subdivision name must be approved per ORS 92.090.
- 2. Must be surveyed and platted per ORS 92.050.
- 3. Subdivision plat must be submitted for review.
- 4. Checking fee and recording fees required.
- 5. Per ORS 92.065 - Remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation.
- 6. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Partition:

- 1. No survey required on parcels created over ten acres.
- 2. Parcels ten acres and less must be surveyed.
- 3. Per ORS 92.050, plat must be submitted for review.
- 4. Checking fee and recording fees required.
- 5. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Property Line Adjustment:

- 1. No survey required. The resultant property is greater than ten acres.
- 2. Must be surveyed per ORS 92.060 (7) and the survey submitted for review.
- 3. Survey checking fee required at the time of review.

(See Page 2 for additional comments)

Property Line Adjustment (continued):

- ___ 4. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office prior to submitting the property line adjustment survey. Deed recording reference numbers shall be noted on the survey map. Per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment. [See Marion County Zoning Code MCC 16.33.140(E) and MCC 17.172.120(E)]

Marion County Planning requires perimeter descriptions of the resultant properties.

- ___ 5. A re-plat (in the form of a partition plat) is required, due to the adjustment of a partition plat parcel line or subdivision lot line. A property line adjustment deed shall be recorded with the Marion County Clerk's Office, prior to the recording of the re-plat. Deed recording reference numbers shall be noted on the plat. As per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment.

The resultant property deeds shall be recorded after the recording of the re-plat.

Re-plat: (Re-configuration of lots or parcels and public easements within a recorded plat)

- ___ 1. Must comply with all provisions per ORS 92.185 (6)
- ___ 2. Must be surveyed and platted per ORS 92.050, and the plat submitted for review.
- ___ 3. Checking fee and recording fees required.
- ___ 4. A current or updated title report must be submitted at the time of review.
- ___ 5. The portion of the subdivision or partition plat proposed for replatting contains utility easement(s) that will need to be addressed. Per ORS 92.185 (4), when a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation must notify the governing body in writing within 14 days of the mailing or other service of the notice.

If it is necessary to re-configure the utility easement created by this partition plat (see map), then it will be the responsibility of the applicant to determine the names of all of the utility companies affected by the proposed re-configuration, and give this list of names to the Marion County Surveyor's Office. Letters of notice will be sent by this office to the affected utility companies, who will determine whether or not the easement is to be maintained.

Other comments specific to this Planning Action: