



**KEIZER COMMUNITY DEVELOPMENT
DEPARTMENT**

NOTICE OF DECISION

Partition

2020-06

I. REQUEST

The following report reviews a land use application to divide an existing parcel totaling approximately 38,200 square feet into three parcels comprised of approximately 13,010 square feet (parcel 1), 10,305 square feet (parcel 2) and 9,896 square feet (parcel 3). In addition 4,752 square feet of right-of-way dedication is included to extend 2nd Av N. (Exhibit 1)

The subject property currently is zoned Urban Transition (UT) but will automatically be rezoned to Residential Single Family (RS) upon recordation of the plat, consistent with Section 2.118.09 and will be bound by the requirements within the RS zone, not the UT zone provisions. This report will review the property under the Residential Single Family requirements.

II. BACKGROUND

- A. APPLICANT:** The Right Home Solution
- B. AGENT:** Paul Lascola
- C. PROPERTY OWNERS:** Jeff and Lori Nepstad
- D. PROPERTY LOCATION:** The subject property is located at 7535 Wheatland Rd N. The Marion County Tax Assessor's office identifies the property as Township 6 South, Range 3 West, Section 23CD, Tax Lot 01200. (See Exhibit 2)
- E. PARCEL SIZE:** The subject property contains approximately 38,200 square feet.
- F. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property contains an existing home which is served by a private well and public sewer.
- G. ZONING:** The subject property is zoned UT (Urban Transition) and is designated Low Density Residential on the Comprehensive Plan.
- H. ADJACENT ZONING AND LAND USES:** Surrounding properties are zoned RS (Residential Single Family) and UT (Urban Transition) and are developed with single family homes.

III. 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 consistent with state law.
- C. Marion County Fire District #1 submitted comments (Exhibit 5) regarding the fire code requirements.
- D. Salem Keizer School District 24J submitted comments (Exhibit 6) regarding school capacity.
- E. The City of Keizer Police Department and the City of Salem Community Development Department state they have reviewed the proposal and have no comments.

CITIZEN COMMENTS (Exhibit 7):

A letter requesting comments was sent to the surrounding property owners within 250 feet of the subject property, two property owners responded.

Donna Murray submitted comments in support of the proposal.

Karl Paulson submitted comments voicing concerns about the large tree along Wheatland Road.

STAFF RESPONSE TO CITIZEN COMMENTS:

This report includes findings and conclusions which systematically address the applicable review criteria of the Keizer Development Code (KDC). In addition, conditions have been placed on this application to ensure the applicant's proposal adheres to the requirements of the Development Code. Mr. Paulson is concerned about a large tree along Wheatland Road that provides a vision hazard and a fall hazard to pedestrians. Although the applicant has not submitted a Tree Removal Plan, an Existing Tree Plan was submitted at the time of application. Based on that plan, it appears the large tree could be within the 4' of right of way dedication that will be required along Wheatland Road and would likely be required to be removed to install the new public improvements along the frontage of the property. If it is not within the dedication or vision clearance areas, the applicant is planning on bringing the tree to a healthy condition.

IV. 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 intent of this provision is to ensure that all lots have a minimum frontage along a street so that access to serve the lot will meet city standards and the lot can be developed in a manner that will ensure that all building setback requirements are met. The minimum lot frontage requirement on a public street in a RS zone is forty (40) feet for a single family home. Parcel 1 will have approximately 100 feet of frontage along Wheatland Rd N which exceeds the minimum lot frontage requirement. Parcel 2 and Parcel 3 will have approximately 103 feet along a new extension of 2nd Av N. Staff finds this proposal exceeds the minimum width requirement of the RS zone and can satisfy 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 RS zone requires lots to have a minimum width of forty (40) feet and a minimum depth of seventy (70) feet for a single family home. The applicant's site plan and written statement indicate all three parcels exceed the minimum requirements of the RS zone. Parcel 1 is approximately 100 feet wide and 130 feet deep. Parcel 2 is approximately 100 feet wide and an average depth of approximate 102 feet, Parcel 3 is approximately 103 feet wide and 99 feet deep.

The RS zone also regulates setback requirements in the dimensional standards section of the development code. The only setback that will be modified by this proposal is the rear yard setback for the existing home on Parcel 1. The minimum rear yard setback required for a one-story home is 14 feet; the applicant's site plan demonstrates the 14' minimum will be met and will be placed as a condition of partition approval.

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. In addition, prior to final plat approval, a site plan prepared by a licensed engineer or surveyor must be submitted prior to final plat approval which shows the existing home in relation to the proposed rear lot line to ensure the 14 foot setback requirement is met. With these conditions, 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: Within the RS zone, the minimum lot size for detached single-family dwellings is 5,000 square feet. The applicant's site plan indicates that the three lots will be approximately 13,010 square feet (Parcel 1), approximately 10,305 square feet (Parcel 2) and approximately 9,896 square feet (Parcel 3), all exceed the city's minimum lot size of 5,000 square feet required by Section 2.102.05 of the KDC.

All three proposed lots conform to the minimum lot size requirement of the RS zone district. The area for all lot sizes shall be shown on the preliminary and final plat and lot sizes must comply with the standards of the RS zone. This is recommended as a condition of partition approval to assure this requirement is met. Therefore, staff finds this proposal can comply with 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. The submitted site plan shows the proposed parcels comply with this standard. Parcel 1 is approximately 100 feet wide and 130 feet deep. Parcel 2 is approximately 100 feet wide and an average depth of approximate 102 feet, Parcel 3 is approximately 103 feet wide and 99 feet deep. None of the parcels will have a length which is three times its width and therefore meets the minimum lot width and depth ratio requirements as outlined the KDC. 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 a rectangular shaped property that will result in dividing the parcel into 3 rectangular shaped parcels. This development proposal will allow the property to be developed consistent with the provisions of the KDC. The proposed lot lines run at right angles. The rear lot lines are all uniform with each front line not less than ½ the dimension of the front lot line. 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.***

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. This is done by ensuring that adequate street improvements are provided in order to provide safe traffic and pedestrian and bicyclist access without creating dangerous or hazardous traffic conditions. 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 improve the public street which it fronts to current public standards. Wheatland Road is designated in the City Transportation System Plan (TSP) as a Minor Arterial. Because Wheatland Road N is a Minor Arterial and 2nd Av N is an extension of a public right of way, street improvement requirements apply to both Wheatland Road N and the extension of 2nd Av N. The KDC allows improvements to be surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities including the installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off of the new street.

The Public Works Department has submitted comments (Exhibit 3) on the requirements and specifics of a 4' right of way dedication with improvements along the frontage of Wheatland Road and a 46' right of way dedication with improvements to extend 2nd Av N. These requirements will be placed as a condition of final plat approval and will be reviewed as part of the public construction permit and building permit processes.

Therefore, with the above conditions placed as a condition of approval, staff finds this request may comply with this criterion.

6. ***Section 2.310.05.D - Completion Requirements.***

FINDINGS: All required improvements are to be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section are to be completed or assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the partition. Improvements are approved through the Public Works Construction Permit process. At the discretion of the Public Works Director, certain improvements may be further postponed through a non-remonstrance agreement, or other performance agreement. This requirement will be placed as a condition of final plat approval.

7. *Section 2.310.07 - In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City.*

FINDINGS: The Public Works Department submitted comments with specific requirements for public improvements. Required improvements will be regulated through the Public Works Departments Construction Permit process. Plans for improvements must be prepared in accordance with the City requirements and work shall not start until plans have been approved by the City. Improvements shall be constructed under the inspection of the City Engineer and the Director of Public Works and may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to the City. Staff finds 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. This is done by ensuring that adequate streets that logically continue the City's street system are provided to avoid traffic generation that exceeds the street system's carrying capacity. The City of Keizer has traditionally required developers to dedicate property for and construct standard street, sidewalk, sanitary sewer, storm drain and water supply improvements in new developments to meet the basic needs created by the development. The KDC requires that new development make road improvements to bring their road frontage up to the designated road classification and construction standards. The legislative adoption of the street standards require road improvements and the road construction to be provided by the development as it occurs in proportion to its impacts. The residents of the partitioned lots will utilize road systems constructed by other developments at no cost to them or the applicant. Other benefits which necessarily flow to the future residents of this development from the completion of the street improvements include access for vehicles, bicyclists and pedestrians to the road system serving this area of the City and improved access for emergency vehicles to the subject property and its residents.

The applicant proposes a 3-lot partition for residential development. The development features access from an existing street fronting Parcel 1 (Wheatland Road N) and a newly built continuation of a local public street (2nd Avenue N) for Parcels 2 and 3. It should be

noted that the property could be developed with a higher density, but the applicant has chosen to submit the partition application as proposed.

The Public Works Department submitted comments regarding this application which requires right of way to be dedicated as a part of the partition process. Section 2.302 of the KDC requires additional right of way to be provided at the time of subdivision, partitioning, or “development” whenever existing streets are of a width less than the street design standards. Wheatland Road N is currently substandard in both street improvement width as well as right of way width. Therefore, right of way dedication of 4’ must be provided along the Wheatland Road frontage resulting in 34 feet from the existing centerline of Wheatland Rd, which is consistent with the requirements of the KDC and Public Works comments (Exhibit 3). In addition, approximately 4,792 square feet of dedication will be required to provide for the extension of 2nd Avenue. Both of these dedications are necessary to allow for the construction of the streets serving the lots being partitioned and are necessary for access to the proposed parcels. Right of way dedications shall be shown on the partition plat. Street improvements and dedications are now, and have traditionally been, part of the cost considered in the developer's reasonable investment-backed expectations for development.

Staff finds the required dedication and improvements are roughly proportional to the impact of the partition request, since they are necessitated by the development.

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 KDC requires that appropriate public facilities be provided. The Public Works Department submitted comments which specifically outline the requirements for the provision of public facilities to the proposed development of the three parcels. These comments have been attached as Exhibit 3 of this partition approval. Connection to the sanitary sewer system and water system will be required. Each parcel shall have its own water service, and an overall plan indicating how water service will be provided shall be submitted to the Public Works Department for approval. The proposed sanitary sewer service must be approved by both the City of Salem and City of Keizer. The installation of appropriate public facilities will be ensured through the permit review and approval process and will be placed as a condition of partition approval. 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: Parcel 1 will continue to be served by an existing public right of way that is currently substandard in both street improvement width as well as right of way width. The applicant is proposing, and the Public Works department is requiring, a right of way dedication of 4' along the Wheatland Road frontage resulting in 34 feet from the existing centerline of Wheatland Rd, which is consistent with the requirements of the KDC. Right of way dedication shall be shown on the partition plat. Also, because Wheatland Road is classified as a minor arterial in the Transportation Systems Plan, Parcel 1 will be required to provide a turnaround onsite for Parcel 1 to eliminate the need for a vehicle to back out onto Wheatland Road. The turnaround design will be reviewed at the time of the public construction permitting process.

Parcel 2 and 3 will have access from a newly constructed extension of 2nd Avenue N. Forty-six (46) feet of right of way dedication is required to complete the extension from the southerly property line of the subject property line to the northerly property line to match the existing right of way to the south, and to allow future continuation and eventual connection to the existing street located to the north. Improvements will be required to match the existing roadway to the south including curbs and sidewalks. A turnaround at the north end of 2nd Avenue will be required. Design and construction of the new street will be regulated through the public construction permitting process

With these conditions placed as a condition of approval, staff finds this request can satisfy this criterion.

3. ***Section 2.302.03.B - Continuation of Streets***

FINDINGS: Development proposals, including partitions, shall provide for the continuation of, and connection to, streets to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future division of adjoining land, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. In the case of this partition application, Public Works has submitted comments for a 46' right of way dedication to extend 2nd Avenue. In addition a turn-around will be required at the northerly end. The property to the north has potential for future land division, and it is intended that 2nd Avenue will eventually connect all the way through to the existing 2nd Avenue section of street located 2 properties to the north of the subject property. With the right a way dedication to extend 2nd Av N placed as a condition of approval, staff finds this request can satisfy this criterion.

4. ***Section 2.302.03.C - Alignment.***

FINDINGS: All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the existing centerlines. Public Works submitted comments for the dedication of the extension of 2nd Av N. 2nd Av N is categorized as a local street in the City of Keizer Transportation Systems Plan. A 46' right of way dedication will be required from the southerly property line of the subject property line to the northerly property line to match the existing 2nd Av N to the south. Improvements will also be required to match the existing to include curbs and sidewalks. With these conditions placed as a condition of approval, staff finds this request can satisfy this criterion.

5. ***Section 2.302.03.F - Existing Streets.***

FINDINGS: Whenever existing public streets adjacent to or within a tract are of a width less than the street design standards, additional right-of-way shall be provided at the time of subdivision, partitioning, or development. Wheatland Road width has been determined to be less than the current street design standards of Section 2.302.04 of the KDC. Public Works has submitted comments requiring an additional 4' of right of way along the frontage of Wheatland Road and shall be dedicated as part of the final plat process. The required dedication will result in 34' from the existing centerline of Wheatland Road. With these conditions placed as a condition of final plat approval, staff finds this request can satisfy this criterion.

6. ***Section 2.302.03.M - Street Landscaping.***

FINDINGS: When required as part of the right-of-way design, planting strips must be planted with street trees and living plant material. Hard surfaces, excluding asphalt, can also be used. Acceptable trees are listed with the City of Keizer's Street Tree Ordinance and are required to be planted no less than one tree per 30 feet of property frontage as allowed by the street improvement design. Installation of street trees shall be included in any Improvement Agreement covering the installation of public facilities and services and must be included in the Public Works construction permit process. Staff finds this criterion can be satisfied.

7. ***Section 2.302.03.N - Access Control Standards.***

FINDINGS: The access control standards of Section 2.302.03.N of the KDC apply to public, industrial, commercial and residential developments including land partitions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the City's TSP. As mentioned earlier in this report, Wheatland Road N is designated as a Minor Arterial in the TSP. This type of major roadway serves as the primary system for moving people and goods within and through the City with 7,000 to 20,000 average daily trips. Access management is a primary concern on these roads. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

The regulations in this Section further promote well-designed roads and access systems and discourage the unplanned division of land. The City could require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements, development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

Proposed Parcel 1 has an existing driveway onto Wheatland Road N that is intended to remain and currently serves a single family dwelling that is in need of repair. Public Works has submitted comments that the existing driveway can remain, however, to ensure the safe operation of the street and to eliminate any vehicle from backing onto Wheatland Road N, a turnaround will be required on Parcel 1. The turnaround will be reviewed as part of the Public Works Construction Permit process, but will be required to be located on solely on private property. The existing home on Parcel 1 has sustained significant fire damage. The applicant's proposal indicates the existing home is to remain, but staff finds it unlikely the home will be able to be cost effectively rehabbed, and it is much more likely the home will be demolished and a new home be constructed. If the home were proposed to be demolished at this time, the City would have required that access to all of the proposed parcels be taken from the extension of 2nd Avenue via an access easement, since it would have been possible and desirable to eliminate an access that is substandard for spacing requirements. However, since the home is proposed to remain, the City did not feel it would be fair to eliminate the existing access point to Wheatland. The language in the development code clearly supports access control to address safety issues, but in this case has determined that additional land division should be the mechanism for requiring removal of the existing driveway to Wheatland Rd. To that effect, the City is requiring as a condition of this partition approval, any future division of Parcel 1 will trigger the closing of the existing driveway to Wheatland Rd. and that access must be obtained by some other means. An instrument in a form acceptable to the City Attorney shall be signed and delivered to the City prior to plat approval stating that Parcel 1 shall not be further divided unless all access to Wheatland Road is eliminated and alternate access is provided. Such restriction shall be recorded against Parcel 1 at the time of plat recording; all recording fees will be the responsibility of the applicant.

Staff discussed this concern with the applicant, and recommended the applicant consider granting an easement to 2nd Avenue if further division of Parcel 1 was desired. While this is not being placed as a condition of partition approval, as was previously addressed, future access to Wheatland Rd N will be restricted. With the above mentioned conditions of approval, staff finds this criterion can be satisfied.

8. ***Section 2.302.03.O Trees Along Public Streets.***

FINDINGS: Site and landscaping design requirements provide standards that can be used to enhance the appearance of not only the subject property but also that of the City. Streetscape trees are required along public streets. Parcels measuring less than 45' are required to plant 1 tree and parcels measuring more than 45' are required to plant 2 trees.

Parcel 1 has frontage along Wheatland Rd N and will be required to plant street trees as part of the Public Works construction permit process addressed earlier in this report. Both Parcel 2 and Parcel 3 have over 100' of frontage along 2nd Avenue and will be required to plant 2 streetscape trees from a list of approved trees as a condition of final building permit approval. Streetscape trees shall be planted within the boundary of the lot within 10 feet of street improvements in accordance with Section 2.309.C.b. Staff finds with this requirement, this request can satisfy this criterion.

9. ***Section 2.303 Off-Street Parking and Loading: Single Family and Duplex dwellings are required 2 on-site parking spaces per dwelling unit. Single family dwellings having their access via an access easement, on a street restricting on-street parking, or a flag lot shall provide one additional on-site parking space.***

FINDINGS: Section 2.303.06 requires that 2 on-site parking spaces per unit are required for single family development. An additional parking space is required for single family dwellings having their access via a flag lot. All proposed parcels gain their access from a public street therefore 2 onsite parking spaces will be required per dwelling. Parking spaces will be reviewed at the time of building permit approval. Staff finds this proposal can comply with this criterion.

10. ***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.

11. ***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 attached as Exhibit 3 of this report and as conditions of approval of the partition. Specifically, all impervious surfaces on the site shall be designed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to the existing portion of 2nd Avenue or Wheatland Road. Plans for storm water drainage including storm water quality, detention, and outlet, shall be submitted to the Public Works Department for review and approval prior to final plat approval. As a condition of approval, a final grading and drainage plan will be required for the proposed development and all lot corners shall have finished grade elevations indicated on

the plan. Storm drainage plans shall be designed to be consistent with Section 2.306 of the KDC. With this placed as a condition of approval, staff finds this request can satisfy this criterion.

12. 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. With these conditions of approval, staff finds that this request complies with this criterion.

13. Section 2.309 Site and landscaping design.

FINDINGS: The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of mature/significant trees. Significant trees are defined in Section 2.309.04.C of the KDC as having a height of more than 50' and/or having a trunk diameter more than 12" at breast height.

The applicant has submitted an *Existing Tree Plan* at the time of application. It will be a condition of final Mylar approval that a final *Tree Removal and Replacement Plan* be submitted and approved by the Community Development Department. Development of the property in conformance with an approved *Tree Removal and Replacement Plan* will be a condition of Certificate of Occupancy of any new dwellings. The City will require significant trees that are removed (including trees that are removed within two years 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.

It appears that, based on the *Existing Tree Plan*, some trees will need to be removed for the 4' right-of-way dedication along Wheatland Road N as well as the extension of 2nd Av N. The applicant has indicated the desire to save as many of the trees as possible, which staff is supportive of. With submittal of a final *Tree Removal and Replacement Plan* requirement placed as a condition of final Mylar approval, and the planting of identified replacement trees before Certificate of Occupancy of any new dwelling, staff finds this request can satisfy this criterion.

14. ***Section 2.316.03 - Infill Development***

FINDINGS: An infill development is any residential development less than 2 acres in size, and which directly abuts an existing residential neighborhood. The subject property is less than 2 acres in area and is adjacent to existing residential development, therefore, the infill development standards of Section 2.316 will be required to be met. These standards will apply to the newly proposed homes and will be regulated at the time of building permit approval and are made a condition of this partition approval.

Building heights for new infill development shall not exceed 5' above the height of the existing abutting dwelling located on directly abutting parcels to the new infill development, unless measures are provided to mitigate the impact of the proposed dwelling. The applicant has submitted building heights of the 2 residential dwellings to the south of the subject property. The dwelling that would be directly adjacent to Parcel 2 has a height of approximately 35' and the dwelling directly adjacent to Parcel 3 is approximately 25' in height. Parcel 2 would have no limitation on the height of a new dwelling but Parcel 3 would be limited to a 30' maximum height unless additional mitigation measures were provided.

Acceptable mitigation measures may utilize a combination of increased setbacks from property lines or screening. Setbacks would include an additional one foot for every foot over the maximum height allowed based upon the height of the directly abutting dwellings. Increased setback is intended to be the primary method used to mitigate negative impacts between structures. Alternative methods such as screening and landscaping will require approval by the Community Development Director. Building heights and required setbacks will be reviewed at the time of building permit application. Staff finds this request can satisfy 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. As a condition of partition approval, the newly created parcel will need to be connected to public facilities. This request satisfies this criterion.

V. 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 IV starting on page 3 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 May 11, 2020.**

Unless appealed, this decision becomes final on May 12, 2020.

Partition approval is only valid if the final plat is recorded prior to May 12, 2021.

VI. 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 KDC 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.
- g. The final plat must show both gross and net area calculations.
- h. Include all engineering elements as required by the Department of Public Works requirements.
- i. Include a signature line for the City Engineer.

Prior to Final Plat approval (Mylar):

3. 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 May 12, 2021. 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.
4. Parcel 1 shall not be further divided unless all access to Wheatland Road is eliminated and alternate access is provided. An instrument stating such restriction in a form acceptable to the City Attorney shall be signed and delivered to the City prior to plat approval and shall be recorded against Parcel 1 at the time of plat recording. Applicant shall pay the cost of recording.
5. A site plan prepared by a licensed engineer or surveyor must be submitted which shows the existing home in relation to the proposed rear lot to ensure the 14 foot minimum setback requirement is met.
6. A final Tree Removal and Replacement Plan must be submitted and approved by the City of Keizer Community Development Department.
7. Required improvements shall be completed or assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the partition. At the discretion of the Public Works Director, certain improvements may be further postponed through a non-remonstrance agreement, or other performance agreement. Landscaping required as part of the street design, including planting of streetscape trees will be included.
8. **Public Works Department Conditions and Requirements:**

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.) 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.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Proposed Parcel 1 is currently served by a sewer service to the existing sewer main in Wheatland Road. Proposed Parcels 2 and 3 will be required to connect to an approved public sanitary sewer line to be constructed within the proposed new right of way of 2nd Ave. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for parcels 2 and 3 and shall be permitted by the City of Salem prior to recording of the partition plat.

- c.) 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.
- d.) The property is located outside of the original Keizer Sewer District and has been assessed an acreage fee for sanitary sewer.
- e.) Any septic tank and drain field located on the subject property and within the City of Keizer 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.) The application will require new individual water services for proposed Parcels No. 2 and 3 to be connected to a new 8 inch water main to be located in the new extension of 2nd Ave. N. Plans for the new water main shall be submitted to the Keizer Public Works Department for approval and permitting. The existing home on the subject property shall be connected to the water main in Wheatland Road.
- b.) An existing fire hydrant exists at the present end of the southerly portion of 2nd Ave. and therefore an additional hydrant will not be required for proposed Parcels 2 and 3.
- c.) Location of the new water services shall be submitted for approval to the Public Works Department after all proposed utility locations are known.
- d.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon Department of Water Resources rules for abandonment.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) Proposed Parcel 1 has an existing driveway along the southern portion of the property on Wheatland Road. The existing access to Proposed Parcel 1 can remain, however, a turnaround on the Parcel 1 property will be required to eliminate any vehicle from backing out onto Wheatland Rd. The turnaround will be reviewable as part of the public construction permit.
- b.) A 4 foot Right of way dedication along the frontage of Wheatland Road shall be dedicated as part of the platting process. The required dedication will result in 34 feet from the existing centerline of Wheatland Road. 46 feet of right of way dedication for 2nd Avenue will be required from the southerly property line of the subject property line to the northerly property line to match the existing right of way to the south. Improvements will be required to match the existing roadway to the south of the subject property, including curbs and sidewalks. Sidewalks for this street improvement will be a requirement of the building permit process. A turnaround at the proposed northerly end of 2nd Avenue will be required. The turnaround may be a T type turnaround.

- c.) Wheatland Road shall be widened to provide for additional pavement and type A curb and gutter with a 6 foot property line sidewalk. The Wheatland Road improvements, including the separated 6 foot sidewalk, shall be required as a condition of the public improvements. Wheatland shall be widened to 18 feet from centerline to face of curb. The improvement shall include a 6 foot bicycle path with striping. Tapers of the pavement are required at both the north and south ends of the widening.

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 Wheatland Road or the existing portion of 2nd Ave.

- d.) 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. Infiltration testing shall be conducted to provide adequate proof that all runoff from new surfaces will be kept on site. The owners engineer shall inform the city prior to conducting the testing to allow for observance by the city.
- e.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.

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.
- f.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
- g.) The Partition Plat shall include a signature line for the City Engineer.
- h.) A street lighting district for 2nd Avenue will be required.

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. Height and building setbacks will be reviewed for Parcel 3. Dwelling height over 30' will require mitigation and must comply with all requirements outlined in section 2.316 of the KDC. Additional setback area is the preferred method as outlined in Section 2.316. Other mitigation measures such as landscaping and screening (as outlined in KDC 2.316) may be considered, with Community Development Director approval.

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

11. Two streetscape trees will be required to be planted on Parcel 2 and Parcel 3 as a condition of final building permit approval.
12. Replacement trees identified on the final Tree Removal and Replacement plan must be installed as shown on the approved plan.
13. 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.

The proposed Partition complies with Section 3.107 of the Keizer Land Development Code. The proposed Minor Variance complies with Section 3.105 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 VI. Conditions and Requirements starting on page 13 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.

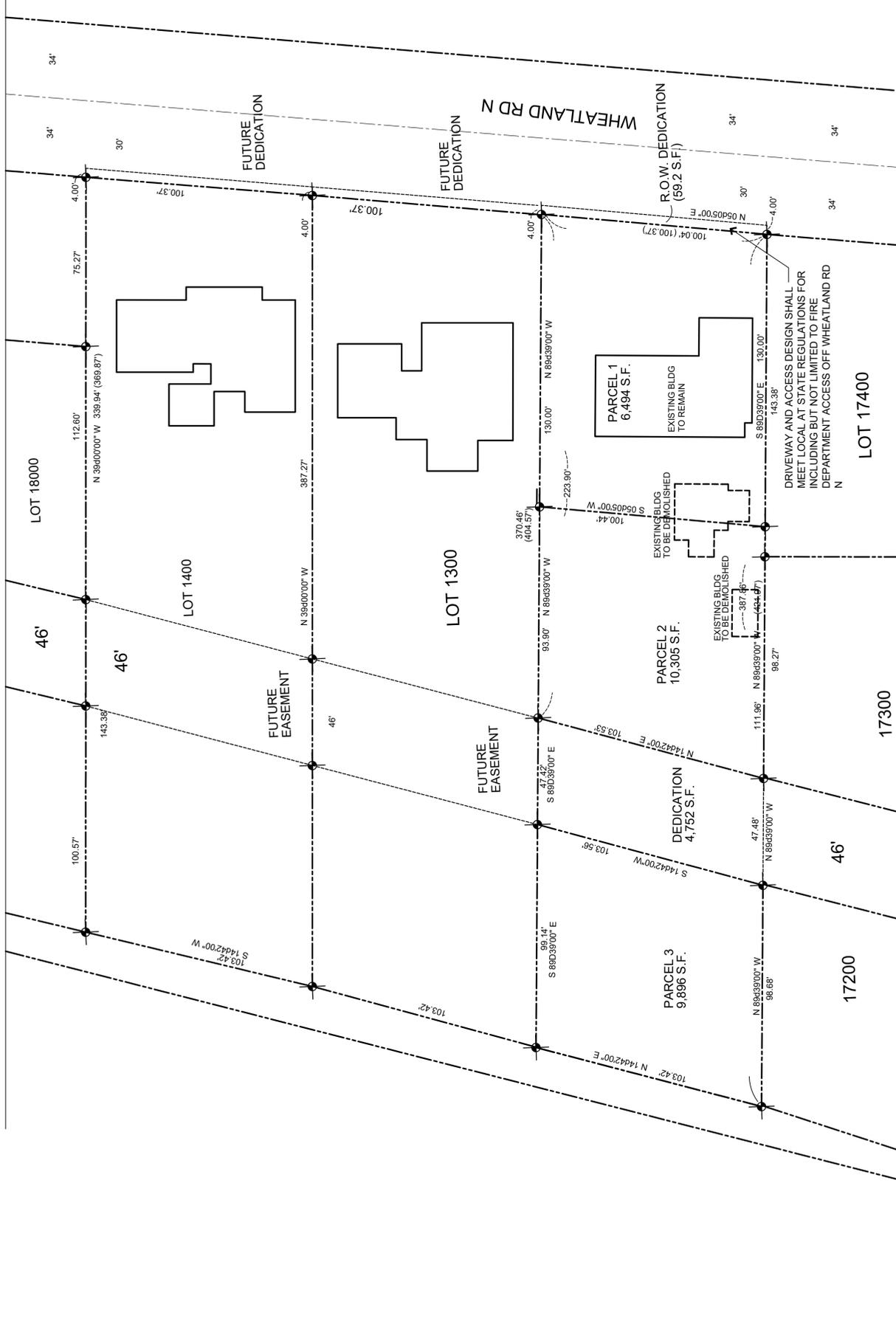
REPORT PREPARED BY: Dina Russell, Assistant Planner/Shane Witham, Senior Planner

Approved by:



DATE: April 28, 2020

Nate Brown, Community Development Director



LEGAL DESCRIPTIONS:

parcel 1

PARCEL 1: Starting at a point in the center of the relocated Salem, Wheatland Road North which is South 89°47'00" East 12.50 feet and North 05°05'00" East 301.11 feet from the Southeast corner of the Southwest Quarter of Section 23 in Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; running thence North 89°39'00" West 34.00 feet to southeast corner of "Parcel 1", to the place of beginning; running thence North 05°05'00" East, along the edge of said road, 100.04 feet; running thence North 89°39'00" West, parallel with the South line of said section, 130.00 feet; thence South 05°05'00" West 100.44 feet; thence South 89°39'00" East, parallel with the South line of said section, 130.00 feet to the place of beginning.

parcel 2

PARCEL 2: Starting at a point in the center of the relocated Salem, Wheatland Road North which is South 89°47'00" East 12.50 feet and North 05°05'00" East 301.11 feet from the Southeast corner of the Southwest Quarter of Section 23 in Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; running thence North 89°39'00" West 34.00 feet; running thence North 89°39'00" West, parallel with the South line of said section, 130.00 feet to place of beginning; running thence North 05°05'00" East 100.44 feet; thence North 89°39'00" West, parallel with the South line of said section, 83.90 feet; thence North 14d42'00" East 103.53'; thence South 89°39'00" East, parallel with the South line of said section, 111.96 feet to the place of beginning.

parcel 3

PARCEL 3: Starting at a point in the center of the relocated Salem, Wheatland Road North which is South 89°47'00" East 12.50 feet and North 05°05'00" East 301.11 feet from the Southeast corner of the Southwest Quarter of Section 23 in Township 6 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; running thence North 89°39'00" West 289.44 feet to southeast corner of "Parcel 3" to place of beginning; running thence North 14d42'00" East, along the edge of 2nd Avenue North, 103.56 feet; running thence North 89d39'00" West, parallel with the South line of said section, 99.14 feet; thence South 14d42'00" West 103.42 feet; thence South 89d39'00" East, parallel with the South line of said section, 98.68 feet to the place of beginning.

2nd Avenue Dedication

DEDICATION: A dedication to the city of Keizer, Marion County for the purposes of extending the north edge of the right of way of 2nd Avenue north to run across the current parcel width running parallel and an extension of the existing 2nd Avenue North as described:

Beginning at a point being North 89d39'00" West from the Southeast corner of Parcel 3 of LAND PARTITION PLAT NUMBER _____, 2020, Book of Partition Plats, Marion County, Oregon, thence North 14d42'00" East 103.54 feet, and there terminating, All being in Keizer, Marion County, Oregon.

Wheatland Road Dedication

DEDICATION: A dedication to the City of Keizer, Marion County for the purposes of widening the west edge of the Right of Way along and contiguous to Wheatland Road North of 4.00 feet in width running parallel to line of Parcel 1 and Parcel 2 as described:

Beginning at a point being the Southeast corner of Parcel 3 of LAND PARTITION PLAT NUMBER _____, 2020, Book of Partition Plats, Marion County, Oregon, thence North 05d05'00" East 100.40 feet, and there terminating, All being in Keizer, Marion County, Oregon.

PROPOSED BOUNDARY SITE PLAN
SCALE: 1" = 30'-0"

11x17 Title Block 1/4" Scale

| | | | | | |
|---|--|---|--|--|--|
| <p>ENGINEER: - - -</p> <p>ARCHITECT: Peter Lyle Strauhal, AIA, LEED AP 2440 Laurel Ave NE, Salem, OR 97301 PH: 503.507.7007 FAX: 267.392.7157</p> | | <p>Project: A NEW LOT PARTITION FOR JEFF NEPSTAD</p> | | <p>Date: 03-13-20</p> | |
| <p>Drawn by: PLS</p> | | <p>Scale @A3: SEE TITLE</p> | | <p>the Right Home Solution, INC. Home Design / Approval Processing / Project Management 805 298 5457 therighthomesolution@gmail.com</p> | |
| <p>Client: JEFF NEPSTAD</p> | | <p>Drawing Title: SITE PLAN</p> | | <p>Revision: -</p> | |
| <p>REGISTERED ARCHITECT PETER LYLE STRAUHAL SALEM, OREGON STATE OF OREGON</p> | | <p>A1.2</p> | | | |
| <p>Revision notes:</p> | | <p>Date:</p> | | <p>Notes:</p> | |



MARION COUNTY, OREGON
 SE1/4 SW1/4 SEC23 T6S 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
 - Waterline - Non Bndry
- 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
- NOTES**
- Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW

CANCELLED NUMBERS

| |
|------|
| 101 |
| 103 |
| 500 |
| 600 |
| 603 |
| 700 |
| 800 |
| 1000 |
| 1100 |
| 1500 |

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 7/3/2019

KEIZER

EXHIBIT 3

PARTITION CASE NO. 2020-06
ADDRESS – 7535 WHEATLAND RD.
ZONE: RESIDENTIAL SINGLE FAMILY(RS) in the City of Keizer

PUBLIC WORKS DEPARTMENT CONDITIONS AND REQUIREMENTS

GENERAL CONDITIONS

The application is for partitioning an existing lot that is located within the City of Keizer. The proposed parcel 1 (approximately 13,000 sq. ft.) currently has an existing home that the applicant has indicated will be retained. Proposed Parcel 2 (approximately 10,300 sq. ft.) will have access to a new extension of an existing 46 foot right of way (2nd Avenue N.). Proposed Parcel 3 (approximately 9,900 sq. ft.) Will also have access to 2nd Ave.

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.) 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.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Proposed Parcel 1 is currently served by a sewer service to the existing sewer main in Wheatland Road. Proposed Parcels 2 and 3 will be required to connect to an approved public sanitary sewer line to be constructed within the proposed new right of way of 2nd Ave. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for parcels 2 and 3 and shall be permitted by the City of Salem prior to recording of the partition plat.
- c.) 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.
- d.) The property is located outside of the original Keizer Sewer District and has been assessed an acreage fee for sanitary sewer.
- e.) Any septic tank and drain field located on the subject property and within the City of Keizer 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.) The application will require new individual water services for proposed Parcels No. 2 and 3 to be connected to a new 8 inch water main to be located in the new extension of 2nd Ave. N. Plans for the new water main shall be submitted to the Keizer Public Works Department for approval and permitting. The existing home on the subject property shall be connected to the water main in Wheatland Road.
- b.) An existing fire hydrant exists at the present end of the southerly portion of 2nd Ave. and therefore an additional hydrant will not be required for proposed Parcels 2 and 3.
- c.) Location of the new water services shall be submitted for approval to the Public Works Department after all proposed utility locations are known.
- d.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon Department of Water Resources rules for abandonment.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) Proposed Parcel 1 has an existing driveway along the southern portion of the property on Wheatland Road. The existing access to Proposed Parcel 1 can remain, however, a turnaround on the Parcel 1 property will be required to eliminate any vehicle from backing out onto Wheatland Rd. The turnaround will be reviewable as part of the public construction permit.
- b.) A 4 foot Right of way dedication along the frontage of Wheatland Road shall be dedicated as part of the platting process. The required dedication will result in 34 feet from the existing centerline of Wheatland Road. 46 feet of right of way dedication for 2nd Avenue will be required from the southerly property line of the subject property line to the northerly property line to match the existing right of way to the south. Improvements will be required to match the existing roadway to the south of the subject property, including curbs and sidewalks. Sidewalks for this street improvement will be a requirement of the building permit process. A turnaround at the proposed northerly end of 2nd Avenue will be required. The turnaround may be a T type turnaround.
- c.) Wheatland Road shall be widened to provide for additional pavement and type A curb and gutter with a 6 foot property line sidewalk. The Wheatland Road improvements, including the separated 6 foot sidewalk, shall be required as a condition of the public improvements. Wheatland shall be widened to 18 feet from centerline to face of curb. The improvement shall include a 6 foot bicycle path with striping. Tapers of the pavement are required at both the north and south ends of the widening.

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 Wheatland Road or the existing portion of 2nd Ave.

- d.) 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. Infiltration testing shall be conducted to provide adequate proof that all runoff from new surfaces will be kept on site. The owners engineer shall inform the city prior to conducting the testing to allow for observance by the city.
- e.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.

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.
- f.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
- g.) The Partition Plat shall include a signature line for the City Engineer.
- h.) A street lighting district for 2nd Avenue will be required.

Comments on Planning Action: Keizer Partition Case No. 2020-06

Date 3/24/2020 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 on the 35.67 acre parcel. The resultant property is greater than ten acres.
- 2. The 4.0 acre parcel 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 for the area being transferred 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 deeds conveying the re-platted parcels 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:

BOARD OF DIRECTORS

Kim Batchelor
Sue Curths
Tom Marks
Patrick Sieng
Mike Welter



FOUR CORNERS STATION
MIDDLE GROVE STATION
PRATUM STATION
MACLEAY STATION
BROOKS STATION
CLEAR LAKE STATION
LABISH CENTER STATION
COLLEGE STATION

CHIEF OF DISTRICT

Kyle McMann

EXHIBIT 5

Date: March 24, 2020

Comments for: 7535 Wheatland Rd N Keizer, Or. / Partition Case No. 2020-06

This project must meet the following code requirements per Marion County Fire District No. 1:

- 1. Single-family dwelling required fire flow:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1000 gpm. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to 2019 Oregon Fire Code Appendix B.
- 2. Fire safety during construction:** Approved fire department access road, required water supply, fire hydrants, and safety precautions shall be installed and serviceable prior to and during the time of construction. (2019 Oregon Fire Code Chapter 33)
- 3. Fire apparatus access road width and vertical clearance:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet; 26 feet adjacent to fire hydrants (2019 OFC D103.1) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (2019 OFC 503.2.1 & D103.1)
- 4. Surface and load capacities:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,000 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Oregon Fire Code may be requested. (2019 OFC D102.1)
- 5. Turning radius:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (2019 Oregon Fire Code 503.2.4 & Appendix D 103.3)
- 6. Premise identification:** Buildings shall have address numbers or approved identification placed in a position that is plainly legible and visible from the access road fronting the property. Numbers shall contrast with their background and shall be a minimum of 4 inches' height with a minimum stroke width of 1/2 inch. (2019 Oregon Fire Code 505)
- 7. No Parking Signs:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles or a turnaround is required, "No Parking – Fire Lane" signs shall be installed on both sides if 20' feet - 26' feet, roads more than 26' feet wide - 32' feet wide shall be posted on one side as a fire lane. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. (2019 Oregon Fire Code 503.3 & D103.6, D103.6.1 & D103.6.2)

If you have any questions please contact me,

Paula Smith

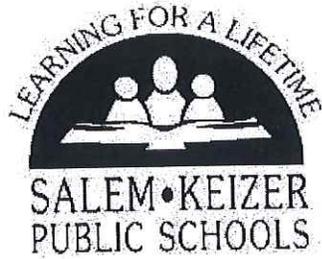
Paula Smith, Fire Marshal

*Marion County Fire District No.1
300 Cordon Rd NE
Salem, Oregon 97317*

*503-588-6513 Office
503-522-4006 Cell
503-588-6537 Fax*

paulas@mcsfd1.com

EXHIBIT 6



DAVID FRIDENMAKER, Manager
Facility Rental, Planning, Property Services
3630 State Street, Bldg. C ● Salem, Oregon 97301-5316
503-399-3335 ● FAX: 503-375-7847

Christy Perry, Superintendent

April 6, 2020

Dina Russell, Planner
Keizer Community Development Department
P.O. Box 21000
Keizer OR 97307-1000

RE: Land Use Activity Case No. Partition 2020-06, 7535 Wheatland Rd. N

The City of Keizer issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

| School Name | School Type | Grades Served |
|-------------|-------------|---------------|
| Clear Lake | Elementary | K thru 5 |
| Whiteaker | Middle | 6 thru 8 |
| McNary | High | 9 thru 12 |

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

| School Name | School Type | School Enrollment | School Design Capacity | Enroll./Capacity Ratio |
|-------------|-------------|-------------------|------------------------|------------------------|
| Clear Lake | Elementary | 382 | 456 | 84% |
| Whiteaker | Middle | 782 | 931 | 84% |
| McNary | High | 2,091 | 1,869 | 112% |

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

| School Type | Qty. of New Residences | Housing Type | Average Qty. of Students per Residence | Total New Students |
|-------------|------------------------|--------------|--|--------------------|
| Elementary | 2 | SF | 0.194 | 0 |
| Middle | 2 | SF | 0.101 | 0 |
| High | 2 | SF | 0.143 | 0 |

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

| School Name | School Type | School Enrollment | New Students During Past 2 yrs | New Student from this Case | Total New Students | School Design Cap. | Enroll./Cap. Ratio |
|-------------|-------------|-------------------|--------------------------------|----------------------------|--------------------|--------------------|--------------------|
| Clear Lake | Elem. | 382 | 0 | 0 | 0 | 456 | 84% |
| Whiteaker | Mid. | 782 | 1 | 0 | 1 | 931 | 84% |
| McNary | High | 2,091 | 4 | 0 | 4 | 1,869 | 112% |

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be

provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

| School Name | School Type | Walk Zone or Eligible for School Transportation |
|-------------|-------------|---|
| Clear Lake | Elementary | Eligible for School Transportation |
| Whiteaker | Middle | Eligible for School Transportation |
| McNary | High | Eligible for School Transportation |

Table 5

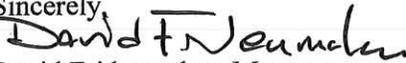
ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

| School Type | Number of Students | Estimate of Facility Cost Per Student* | Total Cost of Facilities for Proposed Development* |
|-------------|--------------------|--|--|
| Elementary | 0 | \$54,925 | \$0 |
| Middle | 0 | \$64,045 | \$0 |
| High | 0 | \$73,164 | \$0 |
| TOTAL | | | \$0 |

Table 6 *Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2019 Fourth Quarter.

Salem-Keizer Public Schools buried fiber cable exists along the western side of the Wheatland Rd. N right-of-way.

Sincerely,

 David Fridenmaker, Manager
 Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Director-Custodial, Property and Auxiliary Services, Michael Shields, Director of Transportation

EXHIBIT 7

PLEASE CHECK THE APPROPRIATE ITEMS:

Comments submitted will be made a part of the decision and are not considered confidential.

I/we reviewed the proposal and determined I/we have no comment.

My/our comments are in the attached letter.

My/our comments are: we support this proposal.
Looking forward to the improvements
of this lot.

Glad they bought the property!

Response Date: 3/26/20 Person commenting: Donna Murray
Phone No. (not required) _____ Address 7517 9th ave N.
Email address MAMURRAY@comcast.NET

Comments submitted regarding this partitioning must address the following criteria:

- A. Each parcel shall meet the access requirements of Section 2.310.03.D.
- B. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is requested and is approved.
- C. Each parcel shall comply with the requirements of Section 2.310.
- D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact.
- 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 Development).
- F. Adequate public facilities shall be available to serve the existing and newly created parcels.

Copies of the Keizer Development Code are available for viewing at the Community Development Department or on the City of Keizer website.

PLEASE CHECK THE APPROPRIATE ITEMS:

Comments submitted will be made a part of the decision and are not considered confidential.

I/we reviewed the proposal and determined I/we have no comment.

My/our comments are in the attached letter.

My/our comments are: Large tree at front of parcel 1
creates a hazard in two ways: line of sight
impaired for adjacent driveway; debris litter
sidewalk and adjacent driveway and creates a
fall hazard for pedestrians.

Response Date: 3/29/2020 Person commenting: Karl Paulson, owner/landlord
Phone No. (not required) 503-539-8004 Address 1674 Olympia Ct. NW Salem OR 97304
Email address Karlormary@yahoo.com

Comments submitted regarding this partitioning must address the following criteria:

- A. Each parcel shall meet the access requirements of Section 2.310.03.D.
- B. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is requested and is approved.
- C. Each parcel shall comply with the requirements of Section 2.310.
- D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact.
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