



**KEIZER COMMUNITY
DEVELOPMENT DEPARTMENT**

**NOTICE OF DECISION
PARTITION CASE NO. 2019-02**

I. REQUEST

The following report reviews a land use application to divide an existing parcel totaling approximately 13,113 square feet into two parcels comprised of approximately 5,449 square feet for Parcel 1 and 5,934 square feet net area for Parcel 2. The property is located at 1710 Dixon Street NE, Keizer, OR. (See Exhibit 1)

II. BACKGROUND

- A. APPLICANT/PROPERTY OWNER:** Chris Carter
- B. AGENT:** Multi-Tech Engineering
- C. PROPERTY LOCATION:** The subject property is located at 1710 Dixon Street NE. The Marion County Tax Assessor's office identifies the property as Township 7 South, Range 3 West, Section 02AD Tax Lot # 1700. (See Exhibit 2)
- D. PARCEL SIZE:** The subject property contains approximately 13,113 square feet.
- E. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property contains an existing dwelling. Both the existing dwelling and the proposed new home on Parcel 2, can be served by both public water and sewer.
- F. ZONING:** The subject property is zoned RS (Residential Single Family) and is designated Low Density Residential on the Comprehensive Plan.
- G. ADJACENT ZONING AND LAND USES:** Surrounding properties are zoned RS (Residential Single Family) and are developed with single-family homes.

III. 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 February 25, 2019.**

Unless appealed, this decision becomes final on February 26, 2019.

Partition approval is only valid if the final plat is recorded prior to February 26, 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. Flag portion of Parcel 2 does not count towards total area.
- g. Include all engineering elements as required by the Department of Public Works requirements.
- h. 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 **February 26, 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.

4. The proposed access flag shall be a minimum of twenty (20) feet of unobstructed width; with a minimum paved width of twelve (12) feet which shall be located substantially within the center of the flag. The improvement of the access flag 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.
5. The home on Parcel 1 must maintain a minimum of 14' to the rear property line and a five 5' setback to the edge of the access flag. A site plan prepared by a licensed engineer or surveyor must be submitted showing the existing home in relation to the edge of the access flag and new rear property line in order to ensure these requirements are met.
6. The property owner shall sign a non-remonstrance agreement with the City of Keizer for future street improvements along Dixon Street which shall be recorded against the property. Any recording fees incurred during this process shall be paid by the applicant to the City of Keizer prior to recording.
7. Two streetscape trees will be required to be planted on Parcel 1 along Dixon Street, before final plat approval. Streetscape trees shall be selected from a list of approved trees and be 2" caliber at time of planting.

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 2 lots where 1 currently exists. The existing lot is indicated on Marion County Tax Records as an approximate 13,113 sq. ft. parcel. The new lots, Parcel 1, and 2, will be approximately 5,449 sq. ft., and 5,934 sq. ft., respectively. The finished lots will have access to Dixon St. NE. via a proposed 23 foot wide access and utility easement along with an existing driveway with direct access to Dixon St.

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 or access easement.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. It appears that the existing building located on proposed Parcel 1 is currently connected to the sanitary sewer in Dixon St. 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 the issuance of any building permits on the subject property.
- 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 within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.
- e.) 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.) The application will require a new individual water service for proposed Parcel 2. The new service line shall be installed by City forces and paid for by the developer or builder.

The Keizer Fire District will determine if a new fire hydrant will be required for the proposed development.
- b.) Location of water meters shall be submitted for approval to the Public Works Department after all proposed utility locations are known.
- c.) 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.) No public improvements to Dixon St. are required for this development since the Dixon Street frontage is less than 100 feet. It appears that an adequate turnaround can be constructed for vehicles using the proposed access for Parcel 2 that meets fire department turnaround standards. A non-remonstrance agreement for future improvements to Dixon Street will be required prior to approval of the partition plat.

- b.) A storm drainage plan shall be designed for any of the improvements proposed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Dixon Street or to any of the neighboring parcels to the subject property. Plans for stormwater drainage, including stormwater quality, detention, and outlet, shall be submitted to the City of Keizer Public Works Department for review and approval prior to the issuance of any building permits for the subject property. The existing drainage swale and drain pipes along the frontage of Dixon St. shall be repaired to provide continuous drainage along the frontage and any new required drain lines under the proposed new access drive shall be constructed to allow for the free flow of the storm drain system as originally designed.
- 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 the issuance of any building permits within 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.

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.** The development of the proposed home on Parcel 2 must conform to the Infill Standards requirements of Section 2.316 of the Keizer Development Code including height requirements. The proposed dwelling on Parcel 2 will be limited to an one-story dwelling unless additional setbacks are provided.

Prior to Obtaining Building Permit Final for dwelling on Parcel 2:

- 11.** Three (3) on-site parking spaces shall be provided for Parcel 2. Parking spaces must be a minimum 9' wide and 18' long. As an alternative, the applicant may choose to provide additional parking elsewhere and submit an alternate parking plan to satisfy this requirement.
- 12.** A 6 foot sight obscuring fence will be required to be built along the south property line. The fence will be required before Certificate of Occupancy for the dwelling on Parcel 2.

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 consistent with state law.

CITIZEN COMMENTS:

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

Jesus Ceja submitted comments regarding the possibility of a fence being built to minimize impact on surrounding properties and questioned the drainage for the new lot. (Exhibit 5)

Lu Ella Kay submitted comments regarding her concerns for drainage from the new cement and blacktop. (Exhibit 6)

Staff Response:

The Keizer Development Code has standards that are designed to be sensitive to the existing neighborhoods. It is reasonable to require additional screening and/or buffering measures to reduce the impact to the existing neighborhood. Although the Applicant is proposing to build a one-story dwelling on Parcel 2, the orientation of the new home makes a greater impact to the neighbor to the south. It is reasonable to require a 6' sight obscuring fence along the southerly property lines of Parcel 2 to reduce the impact.

In response to the drainage questions, Public Work has commented that a storm drainage plan shall be designed for any improvements that would keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Dixon Street or to any of the neighboring parcels. Plans for stormwater drainage, including stormwater quality, detention, and outlet, shall be submitted to the City of Keizer Public Works Department for review and approval prior to the issuance of any building permits for the subject property.

VI. FINDINGS AND CONCLUSIONS

The following are findings that address the Partition request to divide the property into two 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 unless an exception applies.

FINDINGS: The subject property is located within an RS zone. The minimum lot frontage requirement on a public street in an RS zone is forty (40) feet for a single family home. Parcel 1 will have approximately 73.5 feet of frontage along Dixon St NE which exceeds the minimum lot frontage requirement. Parcel 2 will be accessed via a newly proposed "flag" and will have frontage along the flag portion of the lot. Flag lots are exempt from this standards.

Based upon the applicant's site plan and written statement, staff finds the applicant's proposal complies with the access requirements of Section 2.310 therefore staff finds this proposal 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 subject property is located in a RS zone which requires lots to have a minimum width of forty (40) feet and a minimum depth of seventy (70) feet for residential uses. The Applicant's site plan and written statement indicate both parcels exceed the minimum requirements of the RS zone. Parcel 1 is proposed to be approximately 70 feet wide and approximately 77.5 feet deep. Parcel 2 is proposed to be approximately 64 feet wide and approximately 92 feet deep.

The RS zone also regulates setback requirements in the dimensional standards section of the development code. The dwelling on Parcel 1 will need to maintain the minimum setbacks for a one-story house which is 14 feet for a rear setback and 5' setback to the access flag. A site plan prepared by a licensed engineer or surveyor must be submitted showing the existing home in relation to the edge of the access flag and new rear property line in order to ensure these requirements are 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 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: The property is located in the 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 or flag lot portion of the property. The Applicant's site plan shows that the proposed parcels exceed the minimum lot area required by the RS zone. Net area of Parcel 1 will be approximately 5,425 square feet and Parcel 2 will be approximately 5,934 square feet in net area. 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. In no case can the proposed parcels be less than the minimum required by the RS zone. 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. The submitted site plan shows the proposed parcels comply with this standard. Parcel 1 is approximately 70.5 feet wide and approximately 77.5 feet deep. Parcel 2 is approximately 64 feet wide and approximately 92.6 feet deep. Neither parcel will have a length which is three times its width and therefore meets the minimum lot width and depth ratio requirements as outlined in the Keizer Development Code. This proposal complies with this criterion.

3. ***Section 2.310.03.E Flag Lots. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed and when in compliance with Section 2.302.03.B.***

FINDINGS: The subject property is approximately 114' deep. The Applicant is proposing to partition the property into 2 parcels. Parcel 1 fronts onto Dixon St NE, a public street. In order to gain access to Parcel 2, either an access easement or access flag must be built. The Applicant is proposing a 23 foot access flag whereas a minimum 20' wide is required. The access strip shall be improved with a minimum 12 foot wide paved driveway and paved encroachment which meet applicable City standards. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance. staff finds this request can satisfy this criterion.

4. ***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 2 rectangular shaped parcels. This development proposal will allow the property to be developed consistent with the provisions of the Keizer Development Code. The proposed lot lines run at right angles. The rear lot lines are all uniform and not less than ½ the dimension of the front lot line. Therefore, staff finds this request satisfies this criterion.

5. ***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.

6. ***Section 2.310.05.A. Private Access. Private driveways serving flag lots, or private streets and access easements, shall be surfaced per the requirements of this code.***

FINDINGS: The applicant is proposing a 23 foot wide private access flag to serve the newly created Parcel 2. The standards governing flag lots was addressed above in Section 2.310.03.E. As a condition of partition approval, the proposed access flag will be required to be 20 feet minimum in width and paved a minimum of 12 feet wide. Staff finds this request can comply with this criterion.

7. ***Section 2.310.05.C. Street Frontage Improvements. If the street frontage of the subject property is less than or equal to 100 feet, and not along a collector or arterial street the applicant shall sign a non-remonstrance agreement with the City of Keizer. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities.***

FINDINGS: The street frontage of the subject property is approximately 93 feet in length. Street frontage improvements are not required for properties less than or equal to 100 feet and not along a collector or arterial street. Therefore, no street frontage improvements will be required with this application. However, the property owner shall sign a non-remonstrance agreement with the City of Keizer for future street improvements along Dixon Street NE which shall be recorded

against the property. Any recording fees incurred during this process shall be paid by the applicant to the City of Keizer prior to recording. This agreement shall stipulate that the current and future property owner(s) will agree to waive the right to remonstrate against any local improvement project benefiting the subject property respecting participation in right of way improvements of Dixon Street NE. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. This shall be placed as a condition of approval of this partition application. Therefore, with the above recommended conditions of approval, staff finds this request may 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 inadequate, unsafe and inefficient public transportation facilities. This is done by ensuring that adequate streets are provided in order to avoid traffic generation that exceeds the street system's carrying capacity, which then causes dangerous or hazardous conditions. The Keizer Development Code requires that new development make road improvements to bring their road classification up to the road classification and construction standards when they are located on a collector or arterial street or if there is more than 100 feet of frontage along a local street. In this case, no street frontage improvements or dedications are anticipated. The property owner will be required to sign a non-remonstrance agreement pertaining to future improvements along Dixon Street NE, but 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 two parcels. These comments have been incorporated into the conditions and requirements of this partition approval.

The installation of appropriate public facilities will be ensured through the building 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, bicycle and pedestrian 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: The subject property is served by an existing public street (Dixon Street NE). 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 by a 23' wide access flag. The standards governing the access flag was addressed earlier in this report in Section 2.310.03.E. With these conditions of approval, staff finds this request can satisfy this criterion

3. ***Section 2.302.03. Trees Along Public Streets.***

FINDINGS: Streetscape trees are required along public streets. Lots measuring less than 45 feet in width shall plant one (1) tree and lots more than 45 feet in width shall be required to plant two (2) streetscape trees within the boundaries of each lot and within 10 feet of the public improvements. Parcel 1 is more than 45 feet and will be required to plant two (2) streetscape trees along Dixon Street. Planting of streetscape trees on Parcels 1 will be placed as a condition of final plat approval. Streetscape trees shall be selected from a list of approved trees. With the above mentioned condition, staff finds this request satisfies this criterion.

4. ***Section 2.303 Off-Street Parking and Loading – the purpose of this Section is to provide standards to ensure adequate areas for the parking, maneuvering, loading and unloading of vehicles and bicycles for all land uses in the City of Keizer.***

FINDINGS: Section 2.303.06 requires that 2 on-site parking spaces per unit are required for single family development, and 3 on-site parking spaces are required for single family dwellings having their access via an access easement or for a flag lot. Parcel 2 will be served by an access flag. As stated above, 3 on-site parking spaces are required for Parcel 2. 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.

5. ***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.

6. ***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 impervious surfaces on the site, including the proposed access flag area, shall be designed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Dixon Street NE. 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 Keizer Development Code. With this placed as a condition of approval, staff finds this request can satisfy this criterion.

7. ***Section 2.307 Utility Lines and Facilities. To provide adequate services and facilities appropriate to the scale and type of development.***

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.

8. ***Section 2.309 Site and landscaping design.***

FINDINGS: 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; provide public amenities, and provide for buffering and screening of dissimilar land uses.

It is a requirement of the Keizer Development Code to plant new trees to replace significant trees that are cut down as part of development and that measures are taken to protect and preserve the trees during construction process. The Applicant's Statement indicate there are no significant trees that will be removed with this development so no new trees will be required to be planted.

Although the use between the proposed new dwelling on Parcel 2 and the neighboring property to the south is not dissimilar, the orientation requirement of the new home does provide a greater impact to the existing property to the south. Currently the existing properties have rear yards that back up to one another. With the new home facing to the west, the side yard, with a smaller required setback, will back up to the neighbors rear yard. In order to provide a buffer a fence will be required to be built along the south property line to lessen the impact. The fence will be required before Certificate of Occupancy for the dwelling on Parcel 2. With this placed as a condition of Certificate of Occupancy, staff finds this request can satisfy this criterion.

9. *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 intent of this provision 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. An infill development is any residential development less than two (2) acres in size, and which directly abuts an existing residential neighborhood. Since the subject property proposed to be partitioned is less than 2 acres in area and is adjacent to existing residential development the infill development standards of Section 2.316 will be required to be met. These standards will apply to the newly proposed home on Parcel 2 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 five (5) feet 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. 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.

The applicant has indicated a one-story home will be built on Parcel 2 and will not be more than 5 feet above the height of adjacent homes. No additional mitigation will be required.

A condition of approval (which will be regulated through the building permit review process) the proposed development of Parcel 2 shall substantially conform to the proposed infill development plan and will be verified at that time. If the

height of the proposed dwelling changes then additional setbacks may be required. 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. As a condition of partition approval, the newly created parcel must be connected to public facilities. 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 review criteria and approves the proposed Partition 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:

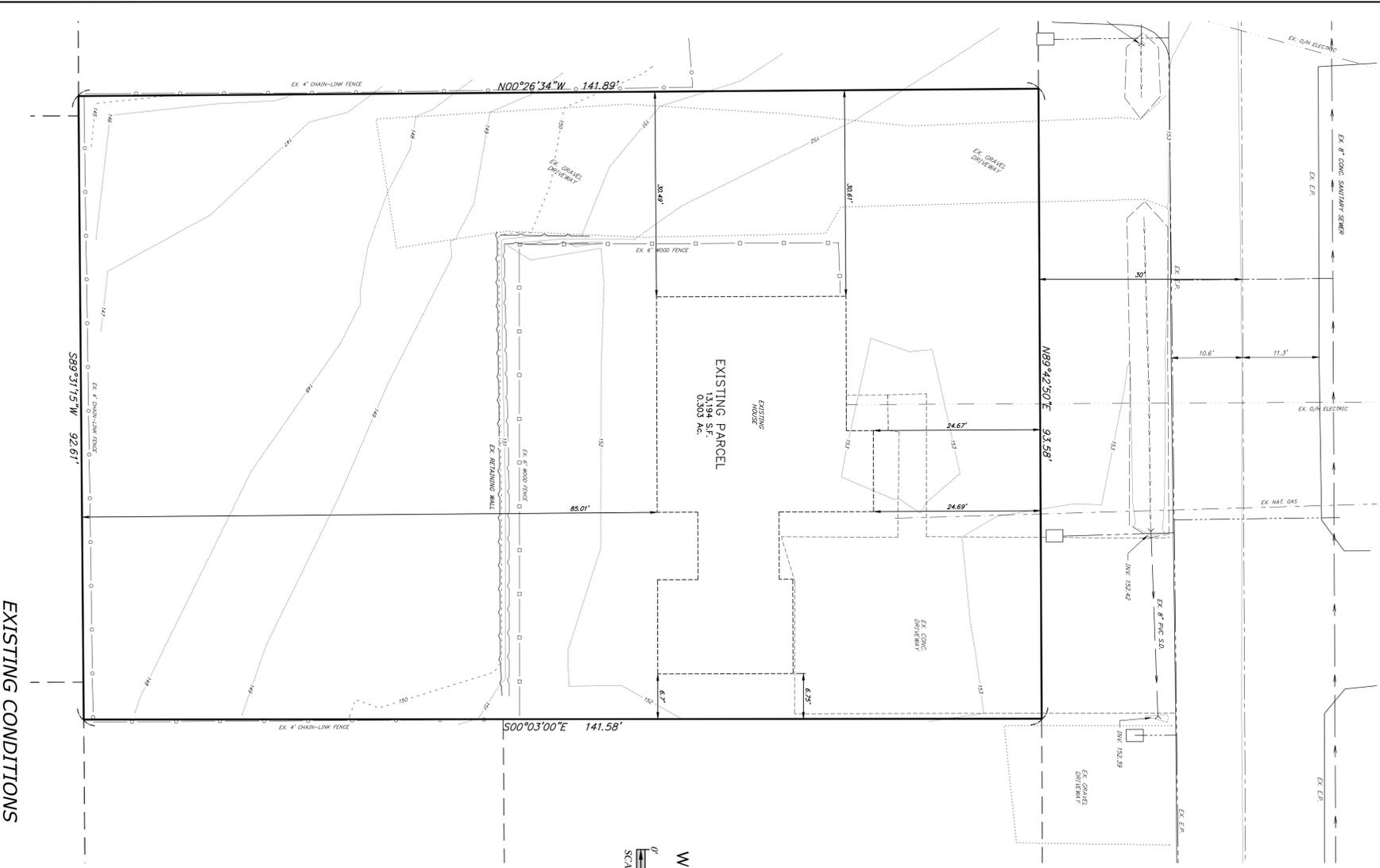


Nate Brown, Community Development Director

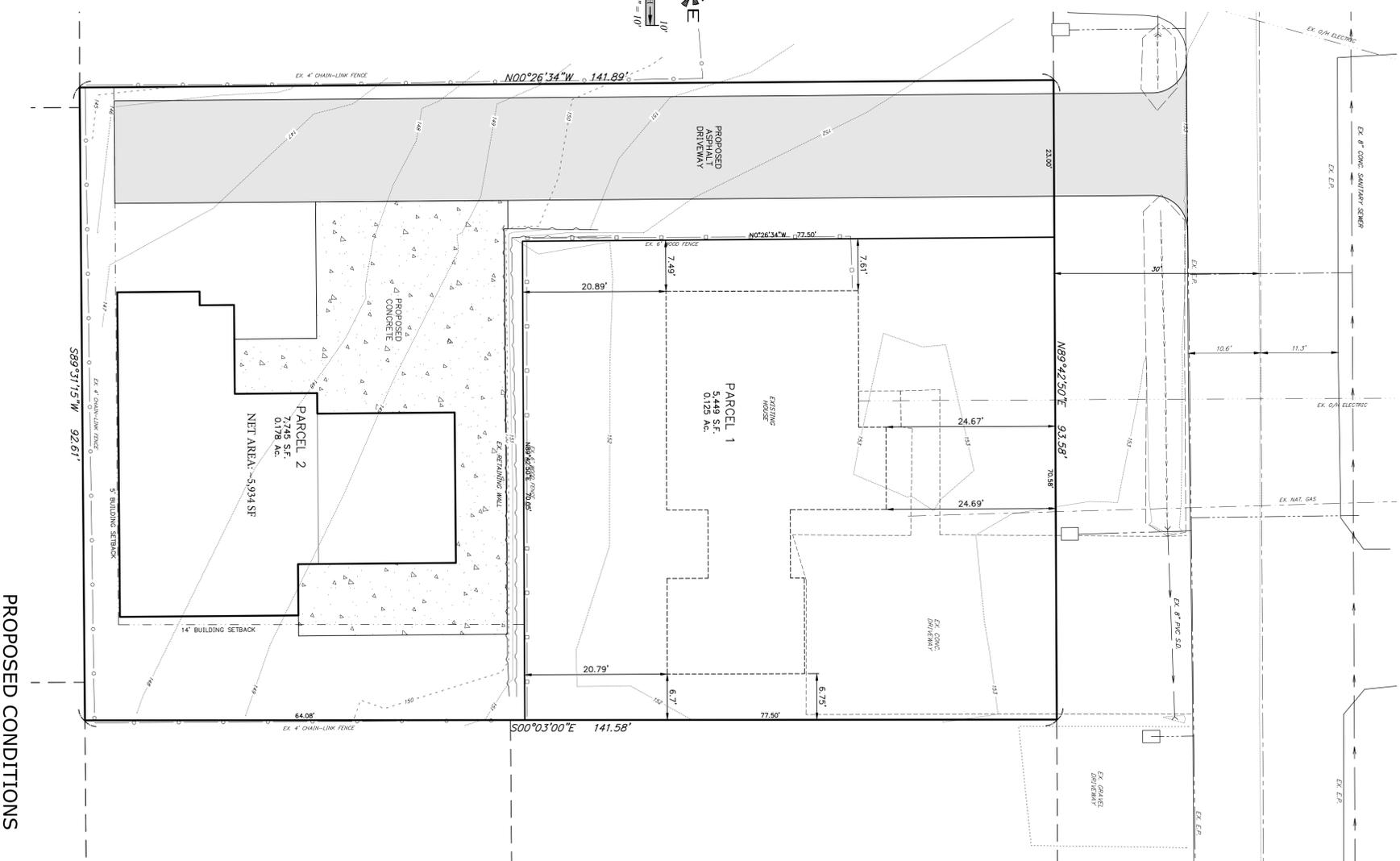
DATE: 2/13/19

DIXON STREET PARTITION

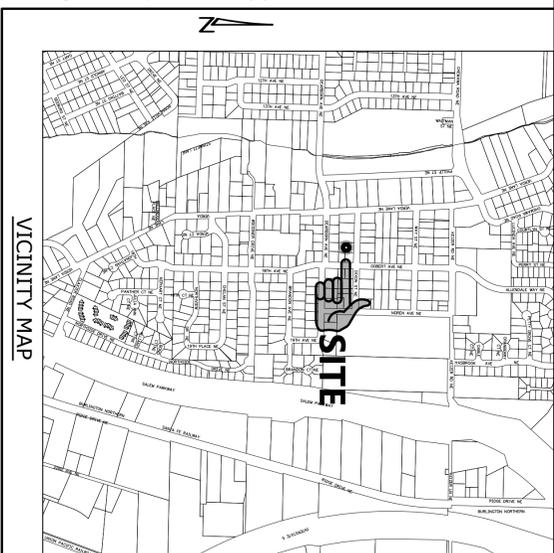
SEC. 02, T. 7 S., R. 3 W., W.M.
CITY OF KEIZER
MARION COUNTY, OREGON



EXISTING CONDITIONS



PROPOSED CONDITIONS



Owner / Developer:
CHRIS CARTER
1710 DIXON ST. N.E.
KEIZER, OREGON 97303

	Design: M.D.G. Drawn: P.H.S. ProjMgr: J.J.G. Date: OCT. 2018 Scale: AS SHOWN As-Built:	NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.	MULTI/TECH ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED NOT FOR CONSTRUCTION UNLESS STAMPED APPROVED HERE	DIXON STREET PARTITION COVER SHEET	
101	6763Part 101CO EXPRES 06-30-2019 JOB # 6763				ENGINEERING SERVICES, INC. 1155 13th ST. S.E. SALEM, OR. 97302 PH. (503) 363 - 9227 FAX (503) 364-1260 www.mtengineering.net office@mtengineering.net

SEE MAP 073W02AB

SEE MAP 073W01BB

924 20 22 0

SEE MAP 073W02AA

SEE MAP 073W01BB

EXHIBIT 2 AVENUE NE

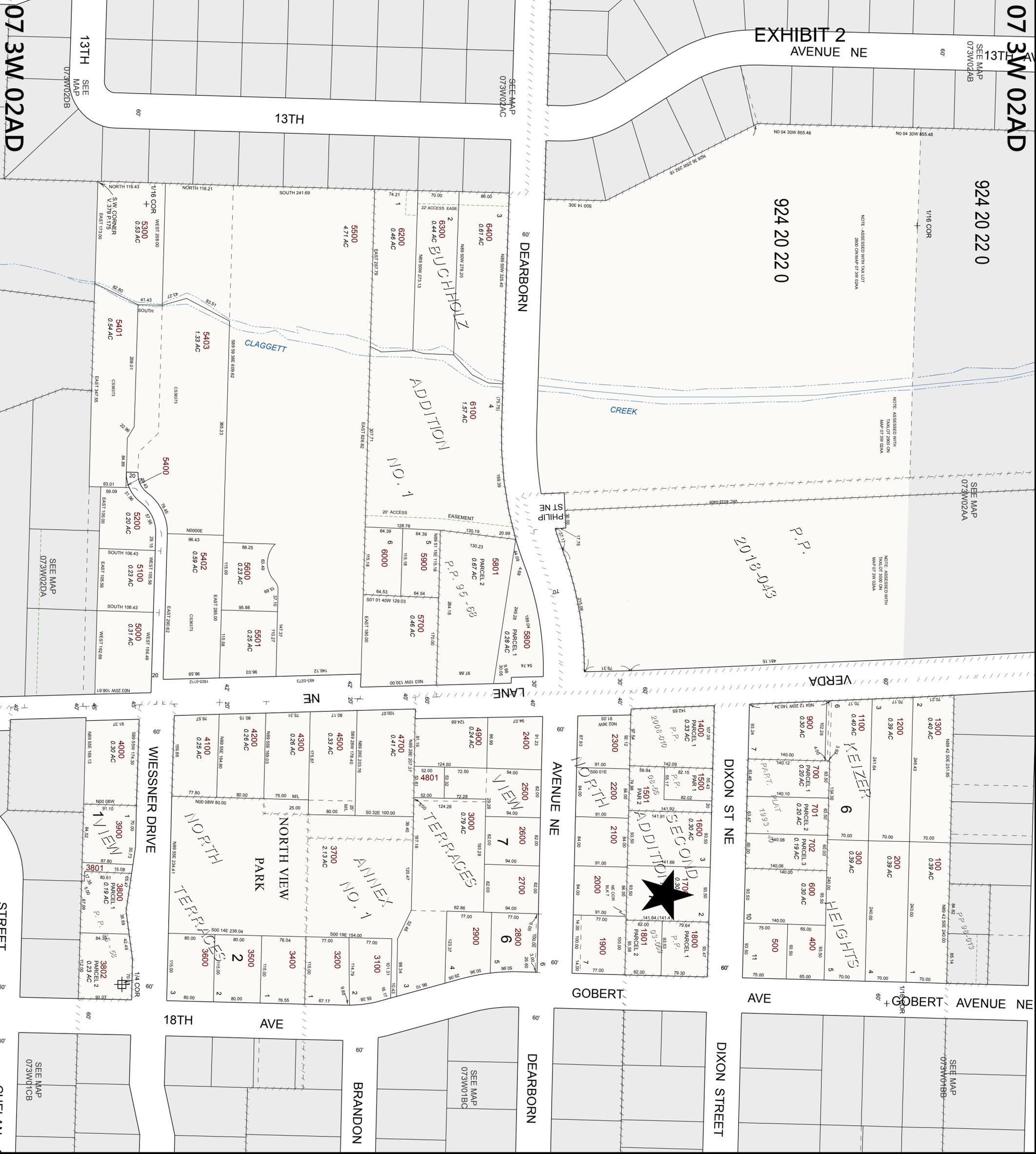
924 20 22 0

NOTE - ASSESSED WITH TAX LOT 2880 ON MAP OF 3W 02AA

NOTE - ASSESSED WITH TAX LOT 2880 ON MAP OF 3W 02AA

NOTE - ASSESSED WITH TAX LOT 3000 ON MAP OF 3W 02AA

P.P. 2018-043



MARION COUNTY, OREGON
 SE1/4 NE1/4 SEC2 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
 - Waterline - Non Bndry
- CORNER TYPES**
- + 1/16th Section Cor.
 - ⊕ 1/4 Section Cor.
 - ⊙ DLC Corner
 - ⊕ Section Corner
- NUMBERS**
- Tax Code Number
000 00 00 0
- Acreage
 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	
800	
1000	
3300	
4400	
4600	
4800	
5502	
6500	
6600	
6700	
6800	
6900	
7000	
7100	
7200	
7300	

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 11/20/2018

KEIZER

EXHIBIT 3

PARTITION CASE NO. 2019-02
ADDRESS – 1710 DIXON ST. NE.
ZONE: RS

PUBLIC WORKS DEPARTMENT CONDITIONS AND REQUIREMENTS

GENERAL CONDITIONS

The application is for creating 2 lots where 1 currently exists. The existing lot is indicated on Marion County Tax Records as an approximate 13,113 sq. ft. parcel. The new lots, Parcel 1, and 2, will be approximately 5,449 sq. ft., and 5,934 sq. ft., respectively. The finished lots will have access to Dixon St. NE. via a proposed 23 foot wide access and utility easement along with an existing driveway with direct access to Dixon St..

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 or access easement.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. It appears that the existing building located on proposed Parcel 1 is currently connected to the sanitary sewer in Dixon St. 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 the issuance of any building permits on the subject property.
- 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 within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.
- e.) 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.) The application will require a new individual water service for

proposed Parcel 2. The new service line shall be installed by City forces and paid for by the developer or builder.

The Keizer Fire District will determine if a new fire hydrant will be required for the proposed development.

- b.) Location of water meters shall be submitted for approval to the Public Works Department after all proposed utility locations are known.
- c.) 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.) No public improvements to Dixon St. are required for this development since the Dixon Street frontage is less than 100 feet. It appears that an adequate turnaround can be constructed for vehicles using the proposed access for Parcel 2 that meets fire department turnaround standards. A non-remonstrance agreement for future improvements to Dixon Street will be required prior to approval of the partition plat.
- b.) A storm drainage plan shall be designed for any of the improvements proposed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Dixon Street or to any of the neighboring parcels to the subject property. Plans for stormwater drainage, including stormwater quality, detention, and outlet, shall be submitted to the City of Keizer Public Works Department for review and approval prior to the issuance of any building permits for the subject property. The existing drainage swale and drain pipes along the frontage of Dixon St. shall be repaired to provide continuous drainage along the frontage and any new required drain lines under the proposed new access drive shall be constructed to allow for the free flow of the storm drain system as originally designed.
- 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 the issuance of any building permits within 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.

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.

Comments on Planning Action: Keizer Partition Case No. 2019-02

Date 1 / 28 / 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:

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: A house in the middle of a backyard for this parcel #12. MUST have (built) a 6ft fence all around for privacy. There are 5 houses affected by this project.
How about the field water during rainy season? where it will go? I hope not to my backyard.

Response Date: 02/05/2019 Person commenting: Jesús Ceja
Phone No. (not required) _____ Address 1765 Dearborn AV. NE Keizer 102
Email address jesuceja91@gmail.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.
- 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: *my property runs just South and West of subject property. Water from Dixon property drains through my Dearborn property. My concern is with all the cement & blacktop proposed, where is the drainage going from subject property? If it drains to the property below which will flow onto my property to left as - I am below his property?*

Response Date: 2-1-19 Person commenting: Luella Kay
Phone No. (not required): 503 393 1772 Address 1755 Dearborn NE
Email address _____

Comments submitted regarding this partitioning must address the following criteria:

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- B. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is requested and is approved.
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- 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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- F. Adequate public facilities shall be available to serve the existing and newly created parcels.

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RECEIVED
CITY OF KEIZER

FEB - 1 2019

COMMUNITY DEVELOPMENT