



**KEIZER COMMUNITY
DEVELOPMENT DEPARTMENT**

**NOTICE OF DECISION
PARTITION CASE NO. 2019-16**

I. REQUEST

The following report reviews a land use application to divide an existing parcel totaling approximately 22,191 square feet into two parcels comprised of approximately 5,710 square feet for Parcel 1 and approximately 14,546 square feet net area for Parcel 2. The property is located at 266 Evans Av N, Keizer, OR. (See Exhibit 1)

II. BACKGROUND

- A. APPLICANT/PROPERTY OWNER:** Vickie Ivie
- B. AGENT:** Jamie Power
- C. PROPERTY LOCATION:** The subject property is located at 266 Evans Av N. The Marion County Tax Assessor's office identifies the property as Township 7 South, Range 3 West, Section 02BC Tax Lot 07900. (See Exhibit 2)
- D. PARCEL SIZE:** The subject property contains approximately 22,191 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. 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.** The Salem-Keizer Public School submitted comments (Exhibit 5) on the impact this proposed land use change has on the Salem-Keizer School District.
- D.** The Keizer Fire District, the City of Keizer Police Department and the City of Salem Planning Department state they have reviewed the proposal and have no comments.

IV. 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 the Single Family Residential (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 72.65 feet of frontage along Evan Av N 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 but will be addressed later in this report. 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 72.65 feet wide and approximately 78.71 feet deep. Parcel 2 is proposed to be approximately 92.65 feet wide and approximately 157 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 a 5 foot setback to the access flag. The proposed site plan shows a 16 foot rear setback to the home. A site plan prepared by a licensed engineer or surveyor must be submitted showing the existing home in relation to the 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 flag portion of the property. The Applicant's site plan shows that the proposed parcels exceed the minimum lot area required by the RS zone. Lot area of Parcel 1 will be approximately 5,710 square feet and Parcel 2 will be approximately 14,546 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 72.65 feet wide and approximately 78.71 feet deep. Parcel 2 is approximately 92.65 feet wide and approximately 157 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 235.71 deep. The Applicant is proposing to partition the property into 2 parcels. Parcel 1 fronts onto Evans Avenue N, a public street. In order to gain access to Parcel 2, either an access easement or access flag must be built. Flag lots shall only be permitted if it is the only reasonable method for access. Access flags must be not less than 20 feet wide with a minimum 12 foot wide paved driveway 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. The applicant has shown a 20' access flag which complies with this requirement. 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. Improvement agreements may be obtained from the Community Development Department. In addition, per the City of Keizer's addressing ordinance, flag lots are required to display an address sign at the entrance off of the public street and posted so that the address

numbers face all directions of travel afforded by the street upon which the marker is posted. Parcel 2 is accessed by an access flag and will be required to post an address sign at Evans Av N. With these conditions being placed as a condition of approval, 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 20 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 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 which dangerous or hazardous traffic conditions are created.

The street frontage of the subject property is approximately 92.65 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. Evans Av N is designated in the City Transportation System Plan as a local street. Therefore, no street frontage improvements will be required with this application. However, four feet of right-of-way dedication will be required along the entire front of the subject property. The property owner is required to sign a non-remonstrance agreement with the City of Keizer for future street improvements along Evans Av N 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 Evans Av N. 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: As stated above, no street improvements are required at this time however, a four foot right-of-way dedication will be required along Evans Av the entire length of the property and the property owner will be required to sign a Non-remonstrance Agreement pertaining to future improvements along Evans Av N, but no actual improvements are being required as a part of this application. The dedication required is roughly proportional to the impact of the development, therefore, staff finds this criterion is satisfied.

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 (Evans Avenue N). No improvements are required at this time but 4 feet of dedication along Evans Av is required as stated previously in this report. The applicant proposes to access the newly created Parcel 2 by a 20' 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 are required to plant one (1) tree and lots more than 45 feet in width are required to plant two (2) streetscape trees within the boundaries of each lot and within 10 feet of the public improvements. Although Parcel 1 is more than 45 feet wide, there are existing well established trees. It is reasonable that one additional street tree shall be planted before final Mylar approval. With this condition placed as a condition of final Mylar approval, Staff finds this request can satisfy 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 an access flag. Because Parcel 2 will be served by an access flag, 3 on-site parking spaces are required as described above. 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. In addition, the current property has two existing driveways accessing Evans Av N. The applicant is proposing to abandon the westernmost driveway and this abandonment of the driveway will be placed as a condition of partition approval. With these conditions, 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 Evans Avenue N. 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.

The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of significant trees. Depending on these factors, the removal of significant trees may be appropriate and approved as part of the landscaping plan. Development of the property shall be in conformance with an approved landscaping site plan that is a condition of a land use approval or a building permit. Significant trees removed (including trees removed within the two years prior to the application) must be replaced at the rate of two new trees for each significant tree removed. Replacement trees shall be a type that will be at least twelve (12) inches when fully mature. The Applicant's has indicated that no significant tree will be removed or has been removed prior to this application. If it is decided that a significant tree must be removed, a landscaping plan will be required to be submitted before obtaining a building permit approval for Parcel 2. With this condition being placed as a condition of building permit approval, Staff find this proposal 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 home 16 feet in height 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. As 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.

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 2 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 July 15, 2019.**

Unless appealed, this decision becomes final on July 16, 2019.

Partition approval is only valid if the final plat is recorded prior to July 16, 2020.

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 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. All applicable requirements/conditions of the Public Works Department as described in Exhibit 3 must be met.
- 4. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor which conforms to the approved preliminary plat. Following plat approval, the final plat and title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk by July 16, 2020. The plat shall include all engineering elements as required by the Department of Public Works and shall show all lot sizes and dimensions. Both gross and net area must be shown.
- 5. The proposed access 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.
- 6. The home on Parcel 1 must maintain a minimum setback 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.
- 7. The property owner shall sign a Non-remonstrance Agreement with the City of Keizer for future street improvements along Evans Avenue 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.
- 8. One street tree will be required to be planted along Evans Av N before final plat approval. Streetscape trees shall be selected from a list of approved trees and must be a minimum of 2" caliber at time of planting.
- 9. The westernmost driveway on Parcel 1 must be abandoned.

Prior To Obtaining Building Permit(s):

- 10. All required public utility services shall be completed to the satisfaction of the Department of Public Works.
- 11. 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.

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

- 12. Three (3) on-site parking spaces shall be provided for Parcel 2. Parking spaces must be a minimum 9' wide and 18' long.
- 13. An address sign is required to be placed at the entrance off of Evans Av at the access flag to Parcel 2 and posted so that the address numbers face all directions of travel.

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 VI. Conditions and Requirements starting on page 10 of this report.

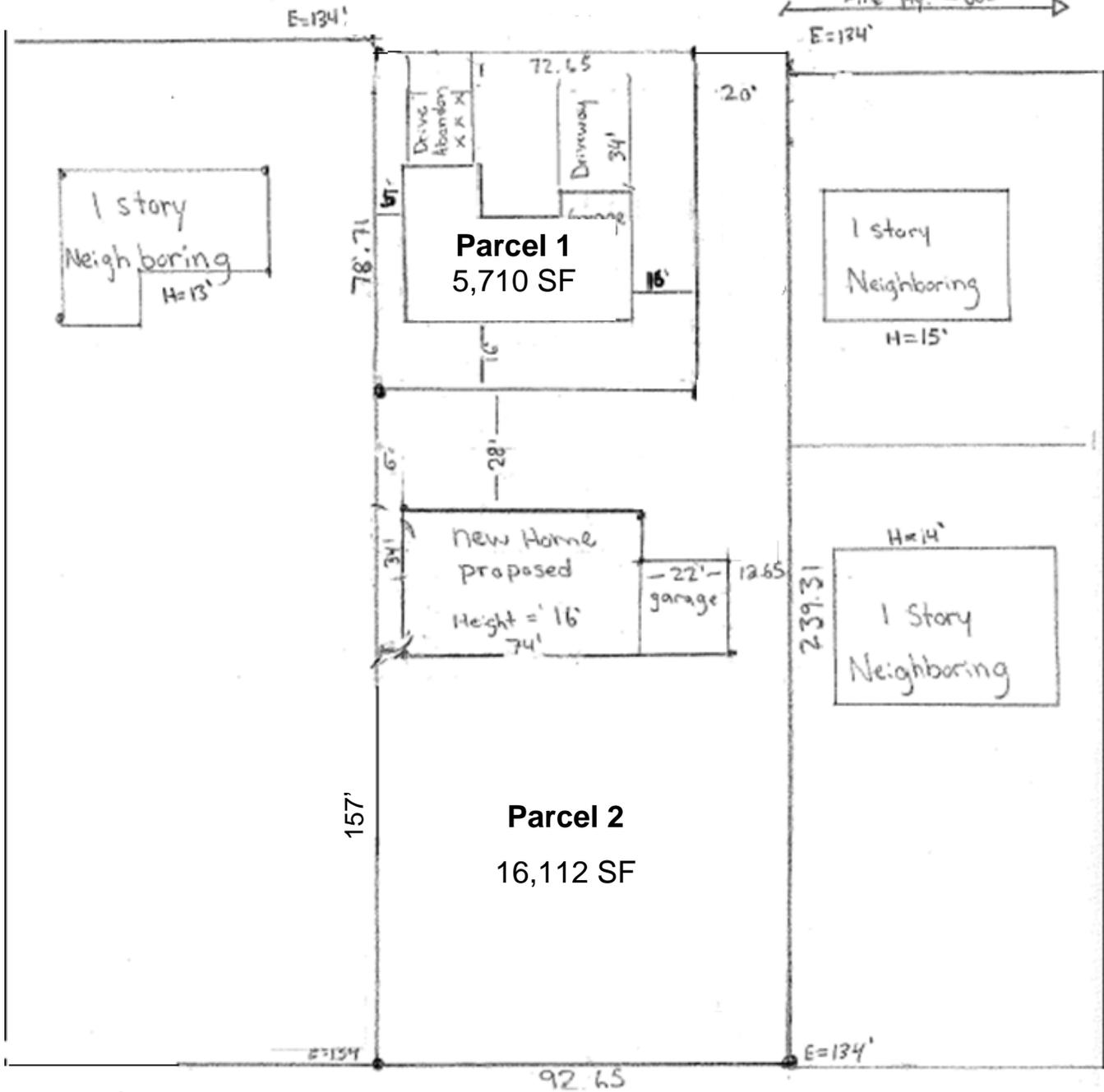
If you have any question about this application or the decision please call (503) 856-3441 or visit the Community Development Department at 930 Chemawa Rd NE, Keizer, Oregon.

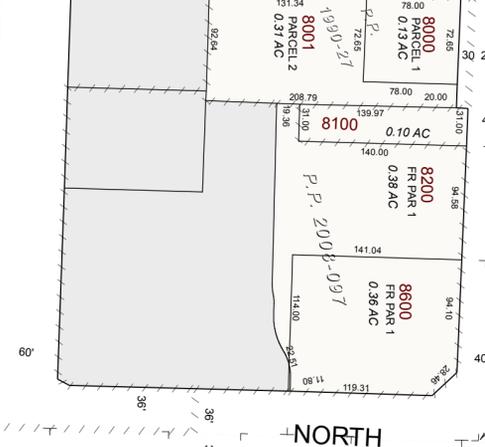
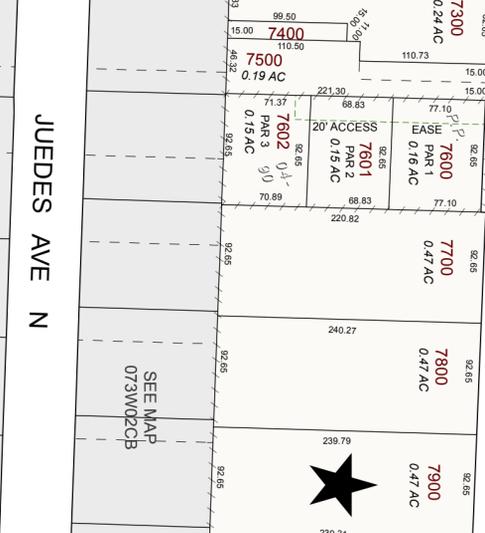
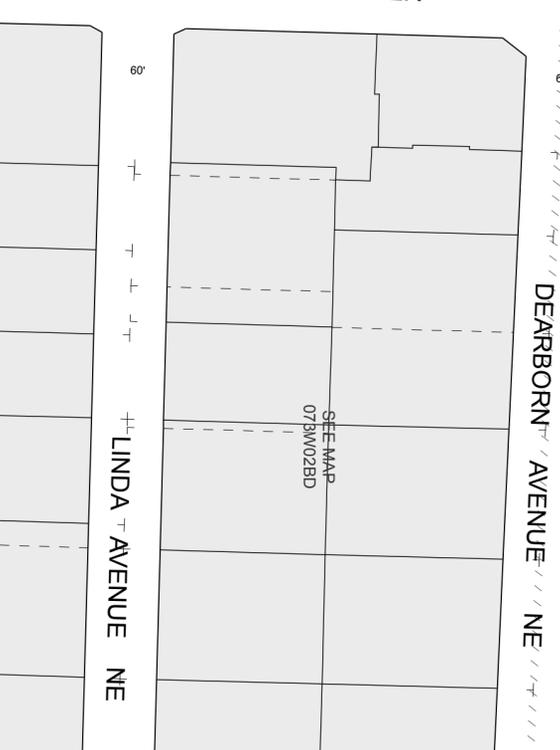
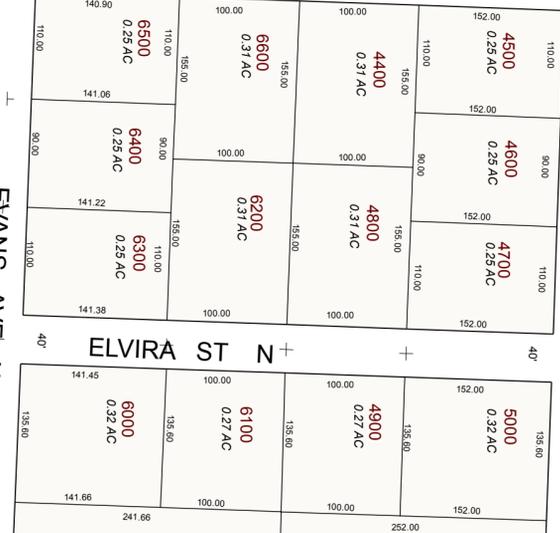
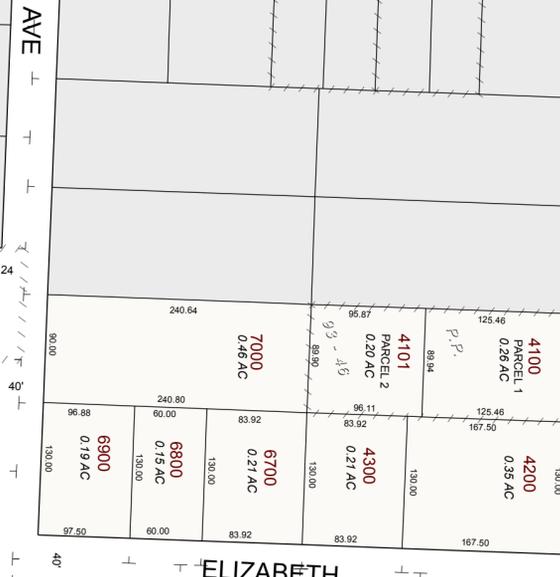
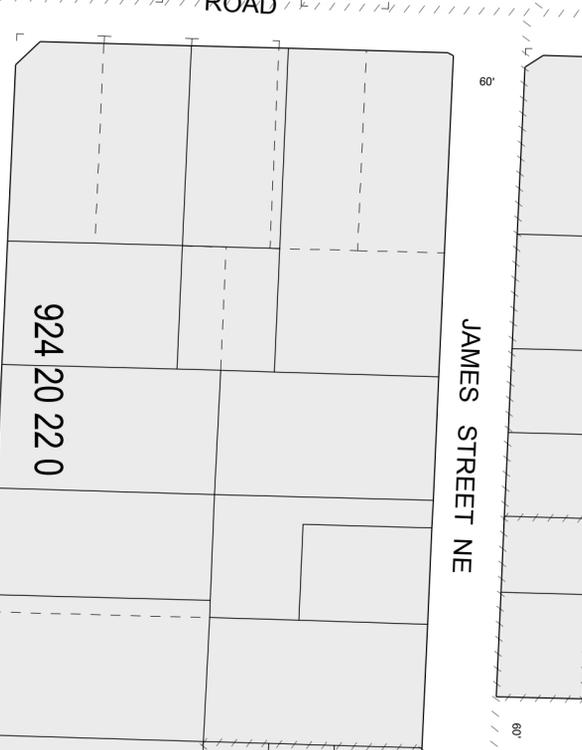
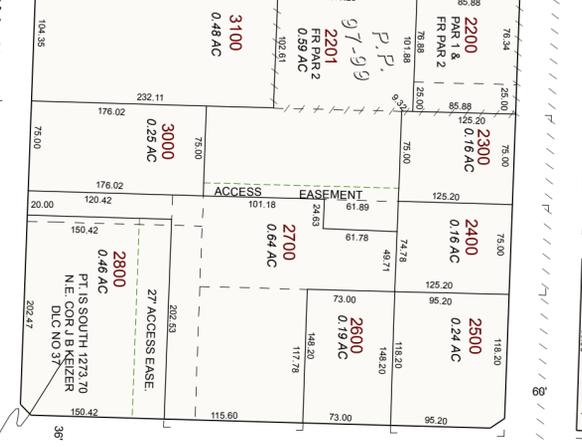
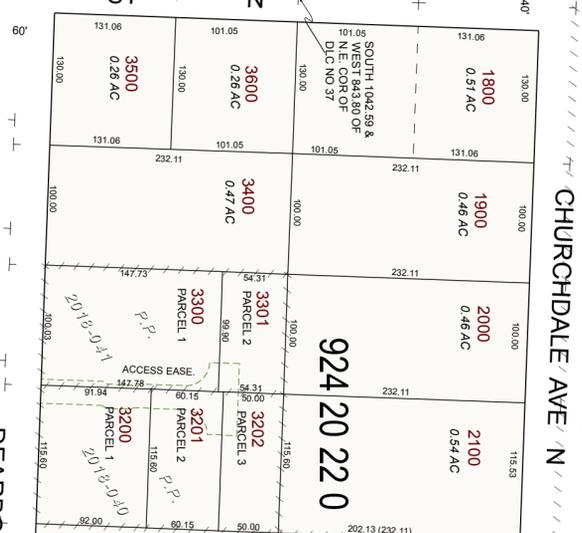
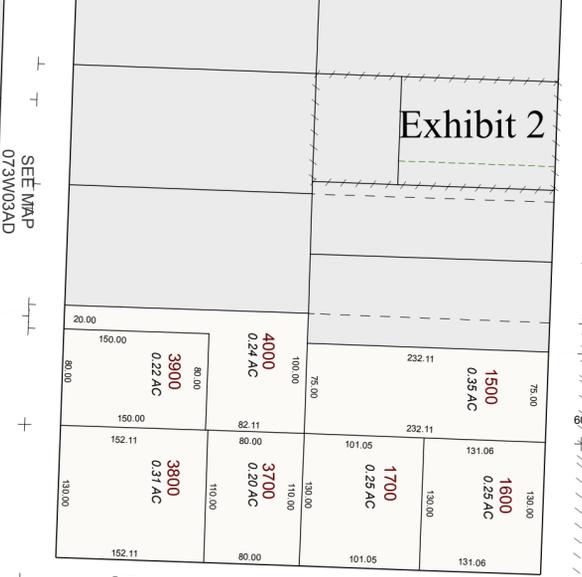
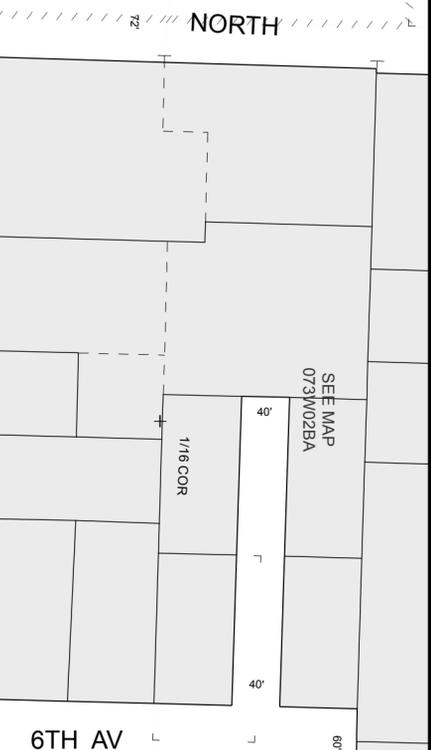
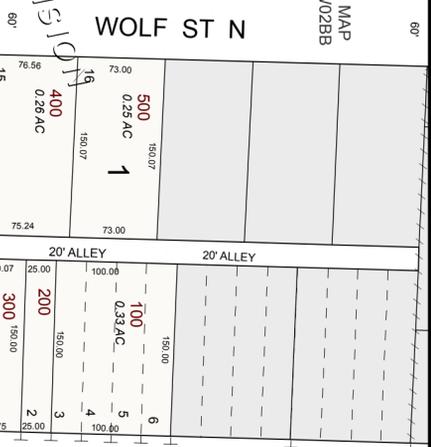
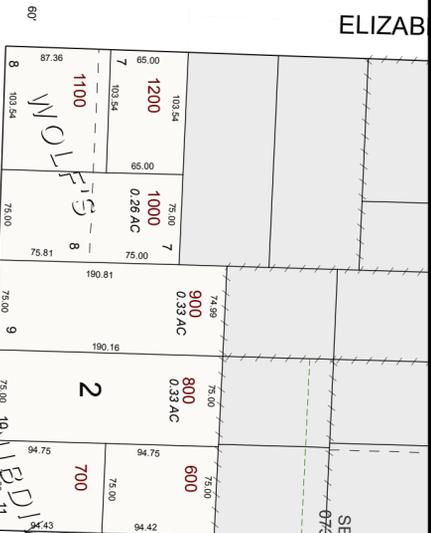
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| REPORT PREPARED BY: Dina Russell, Assistant Planner | |
| Approved by: | |
|  | DATE: July 3, 2019 |
| _____ Nate Brown, Community Development Director | |

Exhibit 1

N ↑ Evans Ave N

Fire Hy. - 300' →





MARION COUNTY, OREGON
SW1/4 NW1/4 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/Flat Bndry
 - Waterline - Taxlot Bndry
 - Waterline - Non Bndry
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary
- CORNER TYPES**
- + 1/16TH Section Cor.
 - ⊙ DLC Corner
 - ⊕ 1/4 Section Cor.
 - ⊕ Section Corner
 - ⊕ 16.15
 - ⊕ 21.22
- NUMBERS**
- Tax Code Number
000 00 00 0
- Acreage
0.25 AC
0.25 AC
- NOTE: 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

- 2900
- 8300
- 8400
- 8500
- 8600A1

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 2/20/2019

KEIZER

PARTITION CASE NO. 2019-16
ADDRESS – 266 EVANS AVE N
ZONE: RESIDENTIAL SINGLE FAMILY

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 22,216 sq. ft. parcel. The new lots, proposed Parcel 1 will be approximately 5,718 sq. ft and Proposed Parcel 2 will be approximately 16,498 sq. ft. Both lots will have access to Evans 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 or access easement.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Each parcel will be required to have its own sanitary sewer service and will be required to connect to an approved public sanitary sewer line. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for all parcels and shall be permitted by the City of Salem prior to recording of the partition plat.
- 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 new individual water services if services have not yet been installed. New service lines shall be installed by City forces and paid for by the developer or builder.
- b.) The Keizer Fire District will determine if a new fire hydrant for the proposed development will be required.

- c.) Location of water meters 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 State Water Resources Department requirements.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) No public street improvements are being required at this time. The applicant will be required to sign a non-remonstrance agreement that will include both proposed Lots. On the partition plat, 4 feet of right of way will be required to be dedicated along the entire frontage of the existing Tax Lot 7900. Proposed Parcel 1 currently has two existing driveways accessing Evans Ave. N. The westernmost driveway will be required to be closed.
- b.) A storm drainage plan shall be designed for the improvements proposed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Evans Ave.
- c.) A grading and drainage plan will be required for the proposed development and all lot corners shall have finished grade elevations indicated on the plan. The grading and drainage plan shall be submitted for review and approval prior to recording of the partition plat.
- d.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.

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. 2019-16

Date 6/13/2019 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:



Exhibit 5

REQUEST FOR COMMENTS

June 12, 2019

TO: City of Keizer Public Works
 City of Keizer Police Dept
 City of Salem Public Works
 City of Salem Community Dev
 Salem-Keizer School District
 West Keizer Neighborhood Assoc.

AKS Engineering
 Keizer Fire District
 Marion County Community Dev
 Marion County Surveyor's Office
 Marion County Tax Assessor's

CASE: Partition Case No. 2019-16

RESPONSE DATE: **June 26, 2019**

APPLICANT: Vickie Ivie

ADDRESS: 266 Evans Av N

APPLICATION: The applicant is requesting to divide a 22,191 square foot lot into 2 lots containing 16,126 square feet and 5,668 square feet.

The Community Development Department is soliciting comments from affected agencies on the above referenced land use application. These comments will be considered as part of the staff report. Please return your comments to our office by **June 26, 2019** in order that we may process the application in a timely manner. Phone calls are acceptable if it is not possible to respond in writing by this date. If we receive no response, we will assume your agency has no concerns. You may use this response form, or, attach a separate letter. Please return your written responses to the Keizer Community Development Department, P.O. Box 21000, Keizer, Oregon 97307-1000. Questions regarding the application may be directed to Dina Russell, Assistant Planner, at (503) 856-3442. Thank you for your assistance.

PLEASE CHECK THE APPROPRIATE ITEMS:

Our agency reviewed the proposal and determined we have no comment.

Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.

Our comments are in the attached letter.

Our Agency's comments are: _____

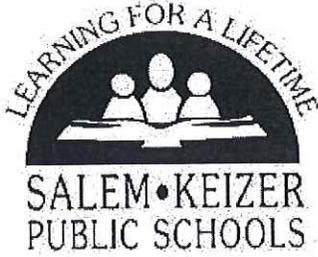
Response Date: 6.24.19

Person commenting

Salem-Keizer Public Schools, Planning and Property Services
3630 State Street, Salem OR 97301
David Fridenmaker, Manager
503-399-3335

ATTACHMENTS

- Applicant's Written Statement
- Vicinity Map
- Proposed Site Plan



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

June 24, 2019

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

RE: Land Use Activity Case No. Partition Case No. 2019-16, 266 Evans Av 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 |
|--------------------|--------------------|----------------------|
| Cummings | Elementary | K thru 5 |
| Claggett Creek | 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 |
|----------------|-------------|-------------------|------------------------|------------------------|
| Cummings | Elementary | 420 | 470 | 89% |
| Claggett Creek | Middle | 991 | 995 | 100% |
| McNary | High | 2,066 | 1,869 | 111% |

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 | 1 | SF | 0.194 | 0 |
| Middle | 1 | SF | 0.101 | 0 |
| High | 1 | 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 |
|----------------|-------------|-------------------|--------------------------------|----------------------------|--------------------|--------------------|--------------------|
| Cummings | Elem. | 420 | 0 | 0 | 0 | 470 | 89% |
| Claggett Creek | Mid. | 991 | 2 | 0 | 2 | 995 | 100% |
| McNary | High | 2,066 | 4 | 0 | 4 | 1,869 | 111% |

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 |
|----------------|-------------|---|
| Cummings | Elementary | Walk Zone |
| Claggett Creek | Middle | Walk Zone |
| McNary | High | Walk Zone |

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 | \$51,123 | \$0 |
| Middle | 0 | \$60,232 | \$0 |
| High | 0 | \$69,342 | \$0 |
| TOTAL | | | \$0 |

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2018 Second Quarter.

Sincerely,

David Fridenmaker, Manager
 Planning and Property Services

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