



**KEIZER COMMUNITY  
DEVELOPMENT DEPARTMENT**

**NOTICE OF DECISION  
PARTITION 2019-20**

**I. REQUEST**

The following report reviews a land use application to divide two tax lots containing 3.02 acres into two parcels of 1.94 acres and 1.08 acres. The outcome will separate the existing home site in Marion County from the portion of the property located within the City of Keizer. The proposed new property line follows the county line and the previous property line that existed prior to the property line adjustment in 1997. (See Exhibit 1)

**II. BACKGROUND**

- A. APPLICANT/PROPERTY OWNER:** Chris and Megan Anderson  
Anderson Property Solutions
- B. PROPERTY LOCATION:** The subject properties are located at 6953 and 6959 Fir Grove Lane N. The Marion County Tax Assessor's office identifies the property as Township 6 South, Range 3 West, Section 26CB Tax Lots 08401 and 08400. (See Exhibit 2)
- C. PARCEL SIZE:** The subject property contains approximately 3.02 acres.
- D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property that is to be created is currently vacant and has access to an existing access easement. The area of the property located outside of the City Limits of Keizer is developed with an existing dwelling.
- E. ZONING:** The portion of the subject property located within Keizer is zoned RS (Residential Single Family) and is designated Low Density Residential on the Comprehensive Plan.
- F. ADJACENT ZONING AND LAND USES:** Surrounding properties to the east and south are zoned RS (Residential Single Family) and are developed with single-family homes. Properties to the west and immediately north are located outside of the City Limits of Keizer and are therefore subject to the requirements of Marion County.
- G. PREVIOUS LAND USE ACTIONS:** The property in question is located within both the City of Keizer City Limits as well as within unincorporated Marion County. The Residentially zoned portion of the property identified as proposed Parcel 2 was annexed into the City of Keizer and received a Comprehensive Plan designation of Low Density Residential and a zoning designation of Single Family Residential (RS) by Annexation/Zone Change/Partition Case # 97-1. Of specific interest in that case is the fact the applicant requested to annex in a parcel of land that already existed legally, zone it for residential use, and partition it into two separate parcels; one parcel being a parcel of 1.08 acres (which is exactly what is shown in this application as Parcel 2) and the other being a 10,000 square foot parcel (located at the southeast corner of the parent parcel) which now has a home on it and is directly adjacent to the parcel that is the subject of this current application. Due to the fact that 4 properties were already served by the existing access easement (Fir Grove Lane)

at that time, the partition request was denied, while the annexation and zone change requests were approved. Subsequently, a lot line adjustment was pursued to allow for the “creation” of the originally desired 10,000 square foot parcel. This resulted in the remaining portion (1.08 acres) of the annexed and zone changed parent parcel being made a part of the adjacent property, adding to the existing 1.94 acre parcel located in Marion County. This created a situation where 2 tax lots with 2 separate jurisdictional boundaries exist and govern.

The applicant’s request in this application is to essentially create a legal lot out of the portion of land that has already been annexed into the City of Keizer. Due to the fact that street improvements to the end of Ridgeview Drive have been provided in recent years, there is no longer an issue with the number of dwellings being served by the existing private access easement since the adjacent parcel to the north has direct access to Ridgeview Drive. Furthermore, if such improvements to Ridgeview Drive would have existed at the time of the Annexation/Zone Change/Partition Case # 97-1, the partition request would have been granted.

### **III. COMMENTS**

#### **AGENCY COMMENTS:**

- A.** The Keizer Public Works Department submitted comments (Exhibit 3) regarding requirements for public facilities and improvements necessary to serve the subject property.
- B.** The Marion County Surveyor’s Office submitted comments (Exhibit 4) regarding the process for platting the partition consistent with state law.
- C.** The Keizer Fire District submitted comments (Exhibit 5) regarding the fire code requirements.
- D.** The City of Keizer Police Department state they have reviewed the proposal and have no comments.

#### **CITIZEN COMMENTS:**

Kevin Drost of 6899 Westridge Ct N submitted comments (Exhibit 6) regarding the partition request. Specifically, concerns were raised regarding a lack of detail for the proposed access easement, lack of an “infill development plan”, and concerns over a pole building being constructed, and the role of Marion County planning rules.

#### **STAFF RESPONSE:**

Staff appreciates the time and effort taken to engage in the public process and Mr. Drost raises valid questions regarding this application. The following is offered to clarify those concerns:

- The applicant’s site plan shows that an existing 25’ access easement exists, providing access to the subject property. In addition, the applicant proposes to construct a turnaround easement, consistent with requirements of the Fire District and City standards. Conditions have been placed on this application addressing the requirements for the creation of the turnaround, and requires that appropriate no parking signs, paved

width, and streetscape trees along the subject property are provided, in order for the easement to be consistent with the provisions of KDC 2.308.

- The findings address Mr. Drost’s concern over the lack of an “infill development plan”. Since the total area is larger than 2 acres, the infill criteria is not technically applicable. However, since the specific area proposed for development (that is within the City of Keizer limits) is less than 2 acres, staff has chosen to place conditions on the application that the new home built on Parcel 2 must comply with the standards of Section 2.316. This will be reviewed as a part of any future building permit application. It should be noted that since there is an existing access easement of 25’ separating the development site from the adjacent neighborhood, any new home will be located significantly farther from existing homes than minimum setbacks require.
- The informational section of this report identifies the property is uniquely situated with a portion of the property within the City of Keizer, and a portion of the property within Marion County. The proposal is to essentially legalize the tax lot as a buildable lot for the portion of land that is already in the City of Keizer. The pole building under construction is under the jurisdiction of Marion County, as is the existing home and property within the Marion County. Since no new homes or building sites are being created in the Marion County portion of the property, the development roles of Marion County do not apply to this particular request.

#### 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 and exception applies.*

**FINDINGS:** The subject property which is to be created is located within the Single Family Residential (RS) zone. The minimum lot frontage requirement on a public street in a RS zone is forty (40) feet for a single family home. However, the subject property obtains its access from an existing access easement. Section 2.310.03.D.1 states in part that “Residential lots...may be accessed via an access easement developed in accordance with the provisions of Section 2.302.08.” The applicant proposes to improve the existing access easement and add a turnaround at the end of the access easement. The specific provisions of Section 2.302.08 will be addressed later in this report.

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 which is to be created 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 Parcel 2 will exceed the minimum requirements of the RS zone. Parcel 1 is located in the jurisdiction of Marion County and prior to the annexation of the area containing the proposed Parcel 2 was a completely separate parcel. This proposal will simply create a legal parcel out of the land that is already located within the City of Keizer.

As a condition of approval, Parcel 2 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 within Keizer is located in the RS zone and requires a minimum lot area of 5,000 square feet for a detached single family dwelling. Lot area is to be determined as a net area calculation and cannot include the area designated for the access easement portion of the property. The Applicant's site plan shows that Parcel 2 exceeds the minimum lot area required by the RS zone. Lot area of Parcel 1 will be approximately 1.94 acres in area and is located within Marion County. As a condition of partition approval, the preliminary and final plat must show both gross and net area calculations, which will ensure this requirement is met. Therefore, with these conditions placed as conditions 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. The proposed parcel line will match the City Limit boundary and serves to "legalize" the portion of property located within Keizer, allowing it to be developed with a new home. Any future redevelopment would be subject to future land use action. Parcel 1 is located within Marion County and will result in being the original size the parcel was, prior to annexation of the portion of property in Keizer. 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.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.

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

**FINDINGS:** The Public Works Department submitted comments pertaining to utility easements and facilities which have been included as Exhibit 3. This is a development requirement and shall be placed as a condition of approval of this partition application. Therefore, this request can comply with this criterion.

5. ***Section 2.310.05.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's site plan indicates the existing easement is paved and that a fire turnaround will be provided. As a condition of approval, the easement must be a minimum of 20 feet wide and must be paved a minimum of 16 feet in width. The proposed fire turnaround must also be provided and paved. The exact design of the turnaround must be approved by the Fire District and Public Works department. Additional standards governing access easements will be further addressed later in this report. Staff finds this request can comply with this criterion.

6. ***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 property is not located along any street, but rather is accessed via an access easement. Therefore, this criterion is not applicable to this request.

- 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, the property does not front on any street and no street improvements or dedications are required at this time. 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 which specifically outline the requirements for the provision of public facilities to the proposed development. These comments have been included as Exhibit 3 and made conditions of approval where applicable. 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 access easement. Therefore, no street improvements or dedications are proposed with this application, and none are being required at this time. The standards governing the access easement will be addressed later in this report. With these conditions of approval, staff finds this request can satisfy this criterion.

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

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

**A. Width:** A twenty (20) foot wide private access easement with paved width of sixteen (16) feet is required for private access easements serving two or more dwelling units. The improvement of the access easement 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. The applicant shows on his plan a 25 foot easement and therefore can comply with these standards. Paved width will have to be verified to assure 16 feet is provided.

**B. Maintenance:** Provisions for the maintenance of the access easement shall be provided in the form of a Maintenance Agreement, homeowner's association, or other instrument acceptable to the City. This will be placed as a condition of partition approval.

**C. Turn-around:** The Keizer Development Code requires turn-arounds to be required for access easements which serve two or more dwelling units. Based on the fact the access easement will serve more than two dwellings, and that Keizer Fire District submitted comments regarding requirements for a turn-around, a turn-around is required to be built. The exact design must be approved by the Fire District and Public Works Department, and must be shown on the partition plat.

**D. Parking:** Single family dwellings having their sole access by an access easement must provide three on-site parking spaces. Parcel 2 is served solely by the access easement; therefore three (3) on-site parking spaces shall be required. This requirement will be regulated as a part of the building permit review and approval process.

In addition, no parking is allowed within the required access easement width or turn-around area. This allows emergency vehicles to be able to access the new parcel. "No Parking" signage must be installed along the access easement, as required by the Fire District and/or City of Keizer.

**E. Trees Along Access Easements:** Streetscape trees are required along access easements and shall comply with the provisions of Section 2.309. Lots measuring less than 45 feet in width shall plant one (1) streetscape 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 access improvements. Parcel 2 is more than 45 feet along the access easement and will be required to plant two (2) streetscape trees along the access easement. Planting of streetscape trees on Parcel 2 will be placed as a condition of Certificate of Occupancy for the new dwelling.

**F. Screening:** A 6 foot high sight obscuring fence, wall, or hedge shall be placed along the exterior side of an access easement to provide screening to any adjacent properties. There is an existing fence adjacent to the easement which satisfies this requirement.

Based upon the submitted written information and site plan, the existing access easement and proposed turnaround area can comply with Section 2.302.08, and with the above mentioned conditions, 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 dwelling 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. Parcel 2 will be served solely by a private access easement and 3 on-site parking spaces are required for Parcel 2. All spaces must be a minimum of 9 feet wide and 18 feet long. 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 attached as Exhibit 3 and are incorporated into this report as conditions of approval of the partition. Specifically, all impervious surfaces on the site, including the proposed access easement area, shall be designed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Ridgeview Drive. 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. Erosion control permits shall be obtained prior to the disturbance of any soil on the subject property. 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 and are attached as Exhibit 3, 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 2.316.03-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. The subject property proposed to be partitioned is more than 2 acres in area, but the portion within the City limits of Keizer is 1.08 acres in area and is located across an existing access easement from the adjacent residential neighborhood to the east. Since the size of the whole parcel exceeds 2 acres in area, this criterion is not technically applicable to this request. However, staff feels it is appropriate to require that the new home built on Parcel 2 comply with the provisions of Section 2.316 regarding building heights and setbacks. Therefore, information shall be provided to the Community Development Department prior to the issuance of building permits for Parcel 2.

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 property located within the City limits of Keizer. As a condition of partition approval, the requirements of the Public Works Department regarding public facilities must be adhered to as outlined in Exhibit 3 of this report. 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 November 18, 2019.**

**Unless appealed, this decision becomes final on November 19, 2019.**

**Partition approval is only valid if the final plat is recorded prior to November 19, 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. Parcel 2 shall comply with all area and dimension requirements for lots within the Single Family Residential (RS) zone. The final plat must show both gross and net area calculations.
- g. Include all engineering elements as required by the Department of Public Works requirements.
- h. Include a signature line for the City Engineer.
- i. Access easement and turnaround area shall be shown on the plat and shall comply with city standards.
- j. Include on the plat, language indicating that a maintenance agreement for the shared access easement will be recorded along with the final plat. The following language is acceptable language to the City:

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

**Prior to Final Plat approval (Mylar):**

3. All 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 **November 19, 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 access easement shall be a minimum of twenty (20) feet of unobstructed width; with a minimum paved width of sixteen (16) feet which shall be located substantially within the center of the access easement. The improvement of the access easement, turn-around, and installation of “no parking” signs 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 are obtained from the Community Development Department.
6. The maintenance of the access easement and “no parking” signs shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City and shall be recorded with the Marion County Clerk. A copy of the agreement shall be submitted to the Community Development Department for review and approval. The agreement shall also include language stipulating that the agreement cannot be extinguished without written approval of the City of Keizer.

**Prior To Obtaining Building Permit(s):**

7. All required public utility services shall be completed to the satisfaction of the Department of Public Works.
8. 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 applicant shall submit information to the City of Keizer at the time of building permit application of the surrounding home heights. If the dwelling is more than 5’ above in height of adjacent homes, additional setbacks will be required.

**Prior to Obtaining Dwelling Permit Final or Certificate of Occupancy for Parcel 2:**

9. Three (3) on-site parking spaces shall be provided for Parcel 2. Parking spaces must be a minimum 9’ wide and 18’ long.
10. Two (2) streetscape trees shall be planted along the access easement for Parcel 2. Streetscape trees shall be selected from a list of approved trees and must be a minimum of 2” caliber at time of planting.
11. The residential address requirements found in the Oregon Uniform Fire Code shall be completed as approved by the Keizer Fire District and City of Keizer Community Development Department.

**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 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: Shane Witham, Senior Planner

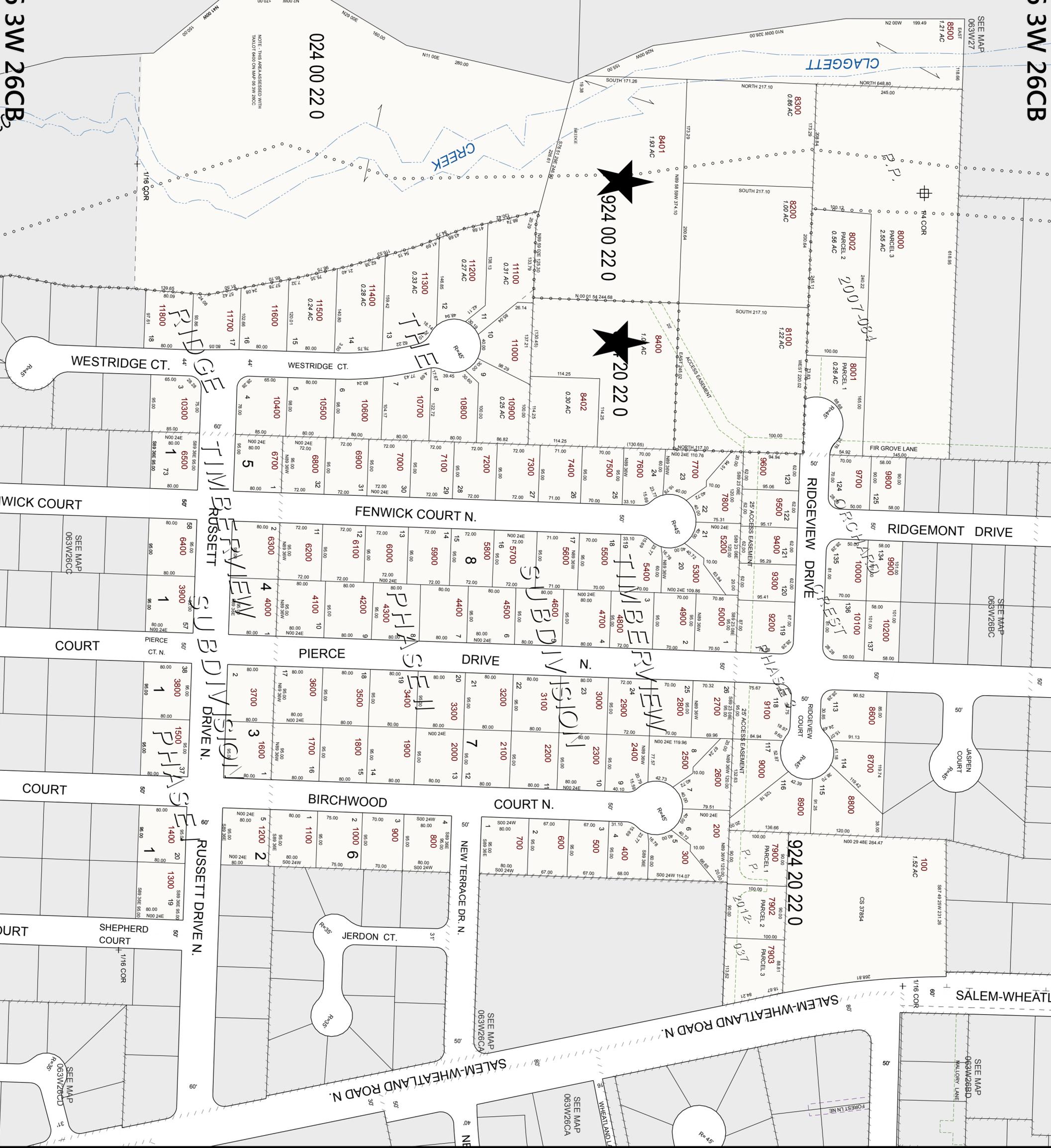
Approved by:



DATE: 11/7/19

Nate Brown, Community Development Director





MARION COUNTY, OREGON  
 NW1/4 SW1/4 SEC26 T6S R3W W.M.  
 SCALE 1" = 100'

LEGEND

- LINE TYPES**
- Taxlot Boundary
  - Road Right-of-Way
  - Railroad Right-of-Way
  - Private Road ROW
  - Subdivision/Plat Bndry
  - Waterline - Taxlot Bndry
  - Waterline - Non Bndry
- CORNER TYPES**
- + 1/16th Section Cor.
  - ⊙ DLC Corner
- NUMBERS**
- Tax Code Number
  - 000 00 00 0
- NOTES**
- Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW

CANCELLED NUMBERS

5100
6600
7901

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

KEIZER

PARTITION CASE NO. 2019-20

ADDRESS – tax lots 8401 and 8400 of Marion County Tax Assessor Map 063W26CB

ZONE: RESIDENTIAL SINGLE FAMILY(RS) in the City of Keizer

## PUBLIC WORKS DEPARTMENT CONDITIONS AND REQUIREMENTS

### GENERAL CONDITIONS

The application is for partitioning an existing lot that is located within the City of Keizer and partially located outside of the city and regulated by Marion County. The proposed parcel 1 will be located entirely in Marion County and the resulting parcel 2 will be located within the City of Keizer. Proposed Parcel 1, 1.94 acres, currently has an existing home that is not part of this application. Proposed Parcel 2 consisting of 1.08 Acres will be the site of a proposed new residence. Both lots will have access to Ridgview Drive via access easements.

### SANITARY SEWERS:

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

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Construction permits will be required for any construction within a public street.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Proposed Parcel 1 is currently served by a septic system. Proposed Parcel 2 will be required to connect to an approved public sanitary sewer line with its own dedicated sanitary sewer service. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for parcel 2 and shall be permitted by the City of Salem prior to recording of the partition plat.
- c.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside of the platted right of ways. Easements will be required for all private sewer lines that cross private properties.
- d.) The property is located outside of the original Keizer Sewer District and is therefore subject to an acreage fee for sanitary sewer. The current acreage fee is \$7,460.00 per acre.
- e.) Any septic tank and drain field located on the subject property and within the City of Keizer shall be abandoned according to the requirements of the appropriate agency. Evidence of satisfactory compliance shall be submitted to the City of Keizer prior to issuance of any building permits on the subject property.

### WATER SYSTEM:

- a.) The application will require a new individual water service for proposed Parcel No. 2. The new public 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 the new water services shall be submitted for approval to the Public Works Department after all proposed utility locations are known.
- d.) It appears that the existing well on proposed Parcel No. 2 services the existing residence on proposed Parcel No. 1. If that is the case, any private well service to proposed parcel no. 2 shall be disconnected. Parcel No. 2 shall be serviced by the City of Keizer.

#### STREET AND DRAINAGE IMPROVEMENTS:

- a.) Proposed Parcel 2 has an existing driveway along the easterly portion of the parcel that services a parcel of land indicated as R. 1500, P. 29, MCDR. An adequate easement for access to both proposed Parcel 2 and the existing parcel to the southeast shall be indicated on the partition plat.

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 Ridgeview Drive.

- b.) 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.
- c.) 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.

Marion County Surveyor's Office

Page 1 of 2

Comments on Planning Action: Keizer Partition Case No. 2019-20Date 10/14/2019 Person Commenting Phil JonesSubdivision:

- 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 for the area being transferred shall be recorded with the Marion County Clerk's Office, prior to the recording of the re-plat. Deed recording reference numbers shall be noted on the plat. As per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment.

The deeds conveying the re-platted parcels shall be recorded after the recording of the re-plat.

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

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

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

**Other comments specific to this Planning Action:**



Date: October 21<sup>st</sup> 2019

Comments for: Partition Case 2019-20

This project must meet the following code requirements per Keizer Fire District:

1. Single family dwellings-Required fire flow: The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1000 gpm. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to 2014 Oregon Fire Code Appendix B.
2. Fire apparatus road distance from buildings and turnarounds: Access roads shall be within 150' of all portions of the exterior wall of the building as measured by and approve route around the exterior of the building. An approved turnaround is required if the remaining distance to an approve intersection roadway, as measured along the fire apparatus access road, is greater than 150'. 2014 Oregon Fire Code 503.1.1
3. Dead end roads: Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. We can provide you with approved turn around per our Marion County Fire Code Applications Guide & 2014 Oregon Fire Code 503.2.5
4. Grade: Fire apparatus access roadway grades shall not exceed 10 percent. 2014 Oregon Fire Code D 103.2
5. Fire apparatus access road width and vertical clearance: Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet; 26 feet adjacent to fire hydrants (2014 OFC D103.1) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (2014 OFC 503.2.1 & D103.1)
6. Surface and load capacities: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,000 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Oregon Fire Code may be requested. (2014 OFC D102.1)
7. No parking signs: Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING – FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. You may contact the Fire Marshal if you would like code requirement for painted curbs. 2014 Oregon Fire Code 503.3 and D103.6

8. Premise identification: Buildings shall have address numbers or approved identification placed in a position that is plainly legible and visible from the access road fronting the property. Numbers shall contrast with their background and shall be a minimum of 4 inches height with a minimum stroke width of ½ inch. 2014 Oregon Fire Code 505  
If you have any questions please contact me

Anne-Marie Storms, Deputy Fire Marshal  
Keizer Fire District  
503.390-9111 Office  
971.718.4533 Cell  
astorms@keizerfire.com

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: From the information provided, it does not appear that the proposed partition meets the requirements. No details are provided for Section 2.302.08 for paved width, trees, screening for example. It does not appear that an infill development plan was included per Section 2.316. I would also note that a 60'x40' pole building is now located on proposed parcel 1 not shown on the plat. Do county development rules need to be considered as the majority of this land is not in Keizer and zoned UT-S

EFU?

Response Date: 10/23/19 Person commenting: Kevin Drost

Phone No. (not required) \_\_\_\_\_ Address 6899 Westridge Ct N

Email address Kevin.drost@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.