



**KEIZER COMMUNITY
DEVELOPMENT DEPARTMENT**

**NOTICE OF DECISION
PARTITION CASE 2019-18**

I. REQUEST

The following report reviews a land use application to divide an existing parcel totaling approximately 16,800 square feet into two parcels comprised of approximately 5,000 square feet net area for Parcel 1 and 7,729 square feet net area for Parcel 2. The property is located at 4875 Gobert St NE, Keizer, OR. (See Exhibit 1)

II. BACKGROUND

- A. APPLICANT/PROPERTY OWNER:** Jacob Martin
- B. PROPERTY LOCATION:** The subject property is located at 4875 Gobert Street NE. The Marion County Tax Assessor's office identifies the property as Township 7 South, Range 3 West, Section 02AD Tax Lot 00100. (See Exhibit 2)
- C. PARCEL SIZE:** The subject property contains approximately 16,800 square feet.
- D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property contains an existing dwelling and an accessory building. Both the existing dwelling and the proposed new dwelling on Parcel 2, can be served by both public water and sewer.
- E. ZONING:** The subject property is zoned RS (Residential Single Family) and is designated Low Density Residential on the Comprehensive Plan.
- F. ADJACENT ZONING AND LAND USES:** Surrounding properties are zoned RS (Residential Single Family) and are developed with single-family homes.

III. COMMENTS

AGENCY COMMENTS:

- A.** The Keizer Public Works Department submitted comments (Exhibit 3) regarding requirements for public facilities and improvements necessary to serve the subject property.
- B.** The Marion County Surveyor's Office submitted comments (Exhibit 4) regarding the process for platting the partition consistent with state law.
- C.** 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 (Exhibit 6):

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

Alin Braff submitted comments requesting a 6 foot fence be built along the back property line to separate his property from the newly created Parcel 2.

Manuel Gonzalez submitted comments in favor of improvements to the property.

STAFF RESPONSE TO CITIZEN COMMENTS:

This report includes findings and conclusions which systematically address the applicable review criteria of the Keizer Development Code. In addition, conditions have been placed on this application to ensure the applicant's proposal adheres to the requirements of the Development Code. While staff understands the sentiment behind the concerns expressed over the partitioning of this property, it should be noted that the applicant has shown a preliminary plan that exceeds the minimum requirements of the RS zone for lot size and dimensional standards. It should be noted that this proposal will be regulated by the design standards for infill development, and those design standards were created to help mitigate the impacts of additional homes being placed in the midst of established neighborhoods. It should also be noted that as a jurisdiction governed by the State of Oregon's land use system, the City of Keizer is under obligation to create and enforce standards which utilize urban land as efficiently as possible.

The adjacent property owner to the west expressed the desire for a fence to separate the properties. Although the uses are not dissimilar, the new development could result in less privacy for existing properties as well as the creation of additional noise and light from vehicles using the proposed access easement. Taking into consideration the potential adverse impacts that may result from the creation of the additional lot, staff finds the request for a 6 foot high sight-obscuring fence along the west property line reasonable to help mitigate the impacts of the proposed development and will place this as a condition of final occupancy of the dwelling on Parcel 2.

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 a RS zone is forty (40) feet for a single family home. Parcel 1 will have approximately 70 feet of frontage along Gobert Av NE which exceeds the minimum lot frontage requirement. Parcel 2 will be accessed via a newly proposed access easement and will have frontage along the proposed 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 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 is located in a RS zone which requires lots to have a minimum width of forty (40) feet and a minimum depth of seventy (70) feet for residential uses. The Applicant’s site plan and written statement indicate both parcels exceed the minimum requirements of the RS zone. Parcel 1 is proposed to be approximately 70 feet wide and approximately 100 feet deep. Parcel 2 is proposed to be approximately 70 feet wide and approximately 140 feet deep.

The RS zone also regulates setback requirements in the dimensional standards section of the development code. This proposal will modify the rear yard setback for the existing home on Parcel 1 as well as the side yard setback to the edge of the newly created access easement. The existing dwelling on Parcel 1 will need to maintain the minimum setbacks for a one-story house which is 14 feet for a rear setback. The applicant proposes to modify the existing home by removing the garage to allow room for the access easement. The existing home will be required to be a minimum of 5 feet from the edge of the proposed access easement. 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 and the newly created access easement in order to ensure these requirements are met. The removal of the garage must be complete prior to final plat approval.

It should also be noted adequate on-site parking area will have to be relocated. The applicant has proposed to relocate the required parking to the rear of the home. The specific requirement for parking will be addressed later in this report, but it appears there will be adequate area to provide on-site parking for Parcel 1. The applicant’s site plan also shows an accessory buildings located on Parcel 2 which is proposed to be removed. The removal of the accessory structure will be a requirement of partition approval and must be removed prior to final plat approval.

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

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

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

FINDINGS: The property is located in the RS zone which requires a minimum lot area of 5,000 square feet for a detached single family dwelling. Lot area is to be determined as a net area calculation and cannot include the area designated for the access easement portion of the property. The Applicant's site plan shows that the proposed parcels either meet or exceed the minimum lot area required by the RS zone. Lot area of Parcel 1 will be approximately 5,000 square feet net area and Parcel 2 will be approximately 7,729 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 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. Parcel 1 is approximately 70 feet wide and approximately 100 feet deep. Parcel 2 is approximately 70 feet wide and approximately 140 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.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 is proposing a 20 foot wide private access easement to serve the newly created Parcel 2. The standards governing access easements will be further addressed later in this report. As a condition of partition approval, the proposed access easement will be required to be paved a minimum of 16 feet wide. 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 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.

Street frontage improvements are not required for properties less than or equal to 100 feet and not along a collector or arterial street. Gobert Av NE is designated in the City's Transportation System Plan as a local street and the street frontage of the subject property is approximately 70 feet in length, therefore, no street frontage improvements will be required with this application.

The property owner is required to sign a Non-Remonstrance Agreement with the City of Keizer for future street improvements along Gobert Av NE which shall be recorded against the property. Any recording fees incurred during this process shall be paid by the applicant to the City of Keizer prior to recording. This agreement shall stipulate that the current and future property owner(s) will agree to waive the right to remonstrate against any local improvement project benefiting the subject property respecting participation in right-of-way improvements of Gobert Av NE. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. This shall be placed as a condition of approval of this partition application. Therefore, with the above recommended conditions of approval, staff finds this request may comply with this criterion.

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

FINDINGS: As stated above, no street improvements are required at this time however, the property owner will be required to sign a Non-remonstrance Agreement pertaining to future improvements along Gobert Av NE, but no actual improvements or dedications are being required as a part of this application. No dedication is required, 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 of the two parcels. These comments have been included as Exhibit 3. 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, Gobert Avenue NE. No improvements or dedications are proposed with this application, and none are being required at this time. The applicant proposes to access the newly created Parcel 2 by a 20' wide private access easement. The standards governing this easement will be addressed later in this report. With these conditions of approval, staff finds this request can satisfy this criterion.

3. *Section 2.302.03. 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) streetscape 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. With this partition application, Parcel 1 is the only lot that fronts onto Gobert Av NE, a public street, and is more than 45 feet wide and will be required to plant two streetscape trees along Gobert Av NE. Streetscape trees shall be selected from a list of approved trees and must be a minimum of 2” caliber at time of planting. With this condition placed as a condition of final plat approval, Staff finds this request can satisfy this criterion.

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

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

A. Width: 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. In addition the easement cannot exceed 300 feet in length. 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 20 foot easement that does not exceed 300 feet in length and therefore can comply with these standards.

B. Maintenance: Provisions for the maintenance of the access easement shall be provided in the form of a Maintenance Agreement, homeowner’s association, or other instrument acceptable to the City. 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 that the access easement proposed would serve both Parcel 1 and Parcel 2 and that both the Public Works Department and the Keizer Fire District submitted comments stating the new driveway access shall be improved to include a turn-around, a turn-around is required to be built. The applicant has submitted a revised preliminary plan (Exhibit 1) that shows an acceptable turn-around.

D. Parking: Single family dwellings having their sole access by an access easement must provide three on-site parking spaces. Parcel 1 has access from the access easement as well as Gobert Av NE and shall be required two (2) on-site parking spaces. Parcel 2 is served solely by an access easement, therefore three (3) on-site parking spaces shall be required.

In addition, no parking is allowed within the 20’ 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.

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 1 orients towards Gobert Av NE and will not be required to plant streetscape trees along the access easement but as mentioned earlier in this report will be required to plant two streetscape trees along Gobert Av NE. 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 unless waived in writing by the adjacent property owners. This requirement is to be placed as a condition of partition plat approval.

In addition, the Keizer Fire District submitted comments for residential addressing for properties located on access easements. 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 which includes an address display sign installed at the intersection of the access easement and Gobert Av NE identifying the address located on the easement before final occupancy on Parcel 2.

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

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

As mentioned above, Parcel 1 is served by both a public street and by the access easement, two (2) on-site parking spaces shall be required for Parcel 1. 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.

The applicant has indicated in the written statement that the existing house on Parcel 1 will be modified and the required parking spaces will be relocated to the rear of the home. The paving of the required two spaces on Parcel 1 will be placed as a condition of final plat approval but could be delayed along with the paving of the access easement as stated previous in this report. Parking on Parcel 2 will be reviewed during the building permit process and will be placed as a

condition of Certificate of Occupancy for the new dwelling. With these conditions, staff finds this request satisfies this criterion.

6. Section 2.305 Transit Facilities:

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

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

FINDINGS: The intent of this provision is to ensure that adequate storm drainage is provided to avoid having runoff from the property become either a nuisance or hindrance to other properties. The Public Works Department has submitted comments regarding the requirements for storm drainage facilities and these requirements have been attached as Exhibit 3. 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 Gobert Avenue NE. Plans for storm water drainage including storm water quality, detention, and outlet, shall be submitted to the Public Works Department for review and approval prior to final plat approval. As a condition of approval, a final grading and drainage plan will be required for the proposed development and all lot corners shall have finished grade elevations indicated on the plan. Storm drainage plans shall be designed to be consistent with Section 2.306 of the Keizer Development Code. With this placed as a condition of approval, staff finds this request can satisfy this criterion.

It shall be noted, the applicant stated in his written statement that he would like to pave the existing culvert along Gobert Av NE to allow for additional parking. The Public Works Department stated in their comments that paving would not be allowed. Because the additional parking is not a requirement of this partition application no condition will be placed. If the applicant wants to move forward with a plan that includes graveling the area, a plan will need to be submitted to Public Works for review and approval.

8. 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 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.

9. ***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. The intent is also to reduce adverse impacts created by development and to provide for compatibility between adjoining uses. A comment was received from the property owner to the west requesting a fence be built between their property and the newly created Parcel 2. Although the uses are not dissimilar, the new development could result in less privacy for existing properties as well as the creation of additional noise and light from vehicles using the proposed access easement. Taking into consideration the potential adverse impacts that may result from the creation of the additional lot, staff finds that screening and buffering methods must be employed. An acceptable method to accomplish this screening and buffering requirement is for the applicant to install a 6 foot high sight-obscuring fence along the west property line to help mitigate the impacts of the proposed development.

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. The Applicant has indicated that no significant trees 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 and the buffering requirement placed as a conditional of approval of the partition, Staff find this proposal can satisfy this criterion.

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

FINDINGS: The 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 dwellings 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 that the dwellings in the near vicinity are all one-story homes and his desire is to also build a one-story home on Parcel 2.

As a condition of approval, which will be regulated through the building permit review process, the proposed development of Parcel 2 shall be limited to a home no more than 5' above the heights of adjacent homes. The applicant shall submit information to the City of Keizer at the time of building permit for Parcel 2 of the surrounding home heights. If the dwelling is more than 5' above in height of adjacent homes, additional setbacks will be required. If the height will not be more than 5 feet above the height of adjacent homes no additional mitigation will 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 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 September 9, 2019.**

Unless appealed, this decision becomes final on September 10, 2019.

Partition approval is only valid if the final plat is recorded prior to September 10, 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.
- g. Include all engineering elements as required by the Department of Public Works requirements.
- h. Include a signature line for the City Engineer.
- i. Access easement area shall be shown on the plat and shall comply with city standards.
- j. Include on the plat, language indicating that a maintenance agreement for the shared access easement will be recorded along with the final plat. The following language is acceptable language to the City:

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

Prior to Final Plat approval (Mylar):

3. All 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 **September 10, 2020**. The plat shall include all engineering elements as required by the Department of Public Works and shall show all lot sizes and dimensions. Both gross and net area must be shown.
5. The proposed access easement shall be a minimum of twenty (20) feet of unobstructed width; with a minimum paved width of sixteen (16) feet which shall be located substantially within the center of the access easement. Two parking spaces are required to be paved on Parcel 1 and a six (6) foot tall sight obscuring fence must be installed adjacent to the proposed access easement unless waived in writing by the adjacent property owner. The improvement of the access easement, turn-around, required parking on Parcel 1, 6' fence adjacent to the access easement 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, fencing along access easement, address display signage 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.
7. The home on Parcel 1 must be modified to allow room for the access easement. The existing home must maintain a minimum of 14' to the rear property line and a five (5) foot setback to the edge of the access easement. A site plan prepared by a licensed engineer or surveyor must be submitted showing the home in relation to the edge of the access easement and rear property line in order to ensure these requirements are met.
8. The property owner shall sign a Non-Remonstrance Agreement with the City of Keizer for future street improvements along Gobert Av NE which shall be recorded against the property. Any recording fees incurred during this process shall be paid by the applicant to the City of Keizer prior to recording.
9. Two streetscape tree will be required to be planted on Parcel 1 along Gobert Av NE 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. Existing trees could count towards this requirement if they meet these criteria.
10. The accessory structures located on Parcel 2 must be removed prior to final plat approval.

Prior To Obtaining Building Permit(s):

- 11. All required public utility services shall be completed to the satisfaction of the Department of Public Works.
- 12. 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.
- 13. 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:

- 14. Three (3) on-site parking spaces shall be provided for Parcel 2. Parking spaces must be a minimum 9' wide and 18' long.
- 15. 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.
- 16. 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. An address display sign must be installed at the intersection of the access easement and Gobert Av NE identifying the addresses located on the easement.
- 17. A 6' sight-obscuring fence shall be installed along the west boundary of the property to help mitigate the impacts of the proposed development. An existing fence can satisfy this requirement.

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.

REPORT PREPARED BY: Dina Russell, Assistant Planner

Approved by:

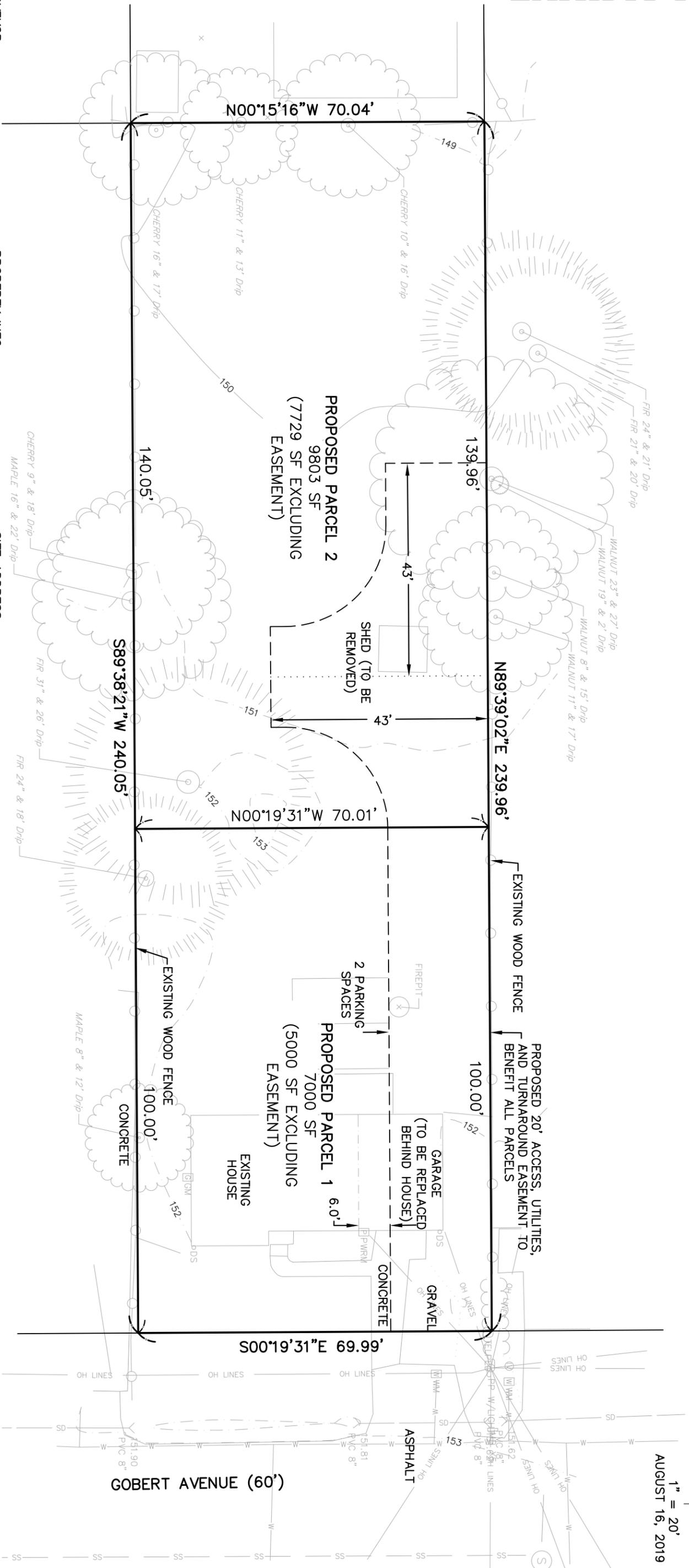


Nate Brown, Community Development Director

DATE: 8/28/19

PRELIMINARY PARTITION PLAT

EXHIBIT 1



1" = 20'
AUGUST 16, 2019



BARKER
SURVEYING

3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: INFO@BARKERWILSON.COM

SURVEYOR:
Gregory Wilson
Barker Surveying
3657 Kashmir Way S.E.
Salem, OR 97317
(503) 588-8800 ext. 6
jay@barkerwilson.com

PROPERTY INFO
Jacob Martin
7247 Park Terrace Drive N
Keizer, OR 97303
TAX LOT:
073W02AD 00100

SITE ADDRESS:
4875 Gobert Ave. NE
Keizer, OR 97303
ZONING:
RS

TOTAL AREA:
16803 SF

EXHIBIT 3

PARTITION CASE NO. 2019-18
ADDRESS – 4875 GOBERT AVE. NE.
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 16,988 sq. ft. parcel. The new lots, proposed Parcel 1 will be approximately 7,000 sq. ft and Proposed Parcel 2 will be approximately 9,803 sq. ft. Both lots will have access to Gobert 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. However, the applicant has indicated that construction of improvements in Gobert Avenue will be made to allow for additional parking. No street widening will be allowed at this time. No pavement will be allowed. The area between the existing pavement and the right of way shall be graded to remove the vegetation that exists in that area. The grading is required to improve the drainage swale that exists to allow for an improved drainage system that will drain the area between the existing pavement and the right of way. The applicant will need to submit a plan/proposal to the Public Works Department for review/approval for the possible placement of gravel to provide for additional parking along the frontage of the subject property.
- b.) A plan for the improvement shall be submitted to the Public Works Department for approval prior to any construction in the right of way. The applicant will be required to sign a non-remonstrance agreement that will include both proposed Lots. No additional right of way is anticipated to be required for Gobert Avenue. Proposed Parcel 1 currently has an existing driveway accessing Gobert Ave. N. The existing driveway will be required to be reconstructed to Public Works standards at a location acceptable to the Public Works department. The new driveway access for proposed Parcel 2 shall be improved to the Public Works standards. The driveway for Parcel 2 shall be constructed with an approved turnaround.

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 Gobert 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. 2019-18

Date 8/2/2019 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



Date: August 13th, 2019

Comments for: Partition Case 2019-18

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

EXHIBIT 6

Partition 2019-18

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: providing a 6ft Fence
is built to separate the two
properties at 4880 Verda Ln NE
back side

Separate the two properties with
a Six Foot Fence.

Response Date: 8/2/2019 Person commenting: ALVIN BRAFF
Phone No. (not required) (541) 207 7565 Address 4880 Verda Ln NE, Keizer
Email address braff0455@comcast.net

Comments submitted regarding this partitioning must address the following criteria:

- A. Each parcel shall meet the access requirements of Section 2.310.03.D.
- B. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is requested and is approved.
- C. Each parcel shall comply with the requirements of Section 2.310.
- D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact.
- E. Each parcel shall comply with the applicable requirements within Sections 2.301 (General Provisions); 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); 2.309 (Site and Landscaping Design); and, 2.316 (Infill Development).
- F. Adequate public facilities shall be available to serve the existing and newly created parcels.

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

AUG 12 2019

Partition 2019-18

COMMUNITY DEVELOPMENT

PLEASE CHECK THE APPROPRIATE ITEMS:

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

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

My/our comments are in the attached letter.

My/our comments are: We are glad someone is
doing something about that property
IT has been an eyesore for our neighborhood
We are currently having ^{to} deal with rats
coming to our back yard.
We are welcoming the improvements.

Response Date: 8/12/19 Person commenting: Manuel Gonzalez
Phone No. (not required) 503-4287404 Address 4885 Gobert Ave NE
Email address _____

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.

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