



**KEIZER COMMUNITY
DEVELOPMENT DEPARTMENT**

**NOTICE OF DECISION
PARTITION CASE NO. 2019-06**

I. REQUEST

The following report reviews a land use application to divide an existing parcel totaling approximately 20,037 square feet into two parcels comprised of approximately 7,520 square feet for Parcel 1 and approximately 10,188 square feet net area for Parcel 2. The property is located at 431 Sunset Av N, Keizer, OR. (See Exhibit 1)

II. BACKGROUND

- A. APPLICANT/PROPERTY OWNER:** Denise and Jeff Voll
- B. PROPERTY LOCATION:** The subject property is located at 431 Sunset Av N. The Marion County Tax Assessor's office identifies the property as Township 7 South, Range 3 West, Section 10AA Tax Lot 100. (See Exhibit 2)
- C. PARCEL SIZE:** The subject property contains approximately 20,037 square feet.
- D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property contains an existing dwelling and accessory building. Both the existing dwelling and the proposed new home 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.** Both the City of Keizer Police Department and the City of Salem Planning Department state they have reviewed the proposal and have no comments.

CITIZEN COMMENTS (Exhibit 5):

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

Joy McGraw submitted comments regarding the possibility of a fence being built before construction of new home on Parcel 2 and proposed a question asking if the homes would be used as rental homes or a business.

Betty Thomas submitted comments voicing her concerns of the livability of Sunset Av and keeping it “family safe”.

Patty Dela submitted comments regarding concerns about infill development and how additional homes on Sunset Av will increase traffic. Also noted was the concern that livability and neighborhood quality could deteriorate with infill development.

Paul Dela submitted comments regarding his concerns based on a past development on Sunset Av about the quality of the proposed development.

Joy Beebe submitted comments regarding the concern of additional cars parking on the lot, additional garbage cans along Sunset Av on garbage collection days and the concern of a 2nd driveway to accommodate the new proposed lot.

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. Furthermore, it should be noted that Sunset Av is designated as a collector street in the City’s Transportation System Plan which is designed to be used to distribute neighborhood traffic from the local street system to the arterial street system (River Rd). The subject parcel was also included in the city wide land inventory as one which is capable of additional development. Therefore, the City must rely on its adopted standards to prevent or mitigate negative impacts. One comment asked the question about fencing. The applicant has submitted information that the entire property is currently fenced. No additional fencing will be required with this development.

IV. FINDINGS AND CONCLUSIONS

The following are findings that address the Partition request to divide the property into two parcels in accordance with the Keizer Development Code. The approval, or denial, of a partition application is based on compliance with the decision criteria found in Section 3.107 of the Keizer Development Code. The criteria and staff's findings for the applicable sections of the Keizer Development Code are listed below:

- A. **SECTION 3.107.07.A - EACH PARCEL SHALL MEET THE ACCESS REQUIREMENTS OF SECTION 2.310.03.D.**

All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum width required by the underlying zone unless an exception applies.

FINDINGS: The subject property is located within the Single Family Residential (RS) zone. The minimum lot frontage requirement on a public street in an RS zone is forty (40) feet for a single family home. Parcel 1 will have approximately 94 feet of frontage along Sunset Avenue N which exceeds the minimum lot frontage requirement. Parcel 2 will be accessed via a newly proposed “flag” and will have frontage along the flag portion of the lot. Flag lots are exempt from these standards but will be addressed later in this report. Staff finds this proposal can satisfy this criterion.

B. SECTION 3.107.07.B - EACH PARCEL SHALL SATISFY THE DIMENSIONAL STANDARDS OF THE APPLICABLE ZONING DISTRICT, UNLESS A VARIANCE FROM THESE STANDARDS IS APPROVED.

FINDINGS: The subject property is located in a RS zone which requires lots to have a minimum width of forty (40) feet and a minimum depth of seventy (70) feet for residential uses. The Applicant’s site plan and written statement indicate both parcels exceed the minimum requirements of the RS zone. Parcel 1 is proposed to be approximately 94 feet wide and approximately 80 feet deep. Parcel 2 is proposed to be approximately 125 feet wide and approximately 81.5 feet deep.

The RS zone also regulates setback requirements in the dimensional standards section of the development code. The dwelling on Parcel 1 will need to maintain the minimum setbacks for a one-story house which is 14 feet for a rear setback, 4’ rear setback for patio covers and a 5 foot setback to the access flag. The proposed site plan shows a 16 foot rear setback to the home. A site plan prepared by a licensed engineer or surveyor must be submitted showing the existing home and patio cover in relation to the new rear property line in order to ensure these requirements are met.

The applicant is also requesting to keep the existing 600 sf accessory building permitted in 2012 that will be located on the new proposed lot. Accessory structures are considered secondary to the primary use occurring on the property and require that the primary use be located on the same parcel as the accessory structure. In addition, accessory structures can only be located within the rear or side yard. The City will allow an Improvement Agreement to be recorded against the property allowing the accessory structure to stay with the stipulation that the new home on Parcel 2 will be built within one-year of the plat being recorded. If the home is not built within one-year of the date of the recorded plat, the accessory structure will be required to be removed.

For flag lots and lots with access from an easement, the Zoning Administrator has the authority to designate another line as the front lot line in which case it shall be clearly noted on the final plat. In order for the accessory structure to be located in the current location, the front property line will need to be designated as the property line between Parcel 1 and Parcel 2.

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

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

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

FINDINGS: The property is located in the RS zone which requires a minimum lot area of 5,000 square feet for a detached single family dwelling. Lot area is to be determined as a net area calculation and cannot include the area designated for the access flag portion of the property. The Applicant's site plan shows that the proposed parcels exceed the minimum lot area required by the RS zone. Lot area of Parcel 1 will be approximately 7,520 square feet and Parcel 2 will be approximately 10,188 square feet in net area. As a condition of partition approval, the preliminary and final plat must show both gross and net area calculations, which will ensure this requirement is met. In no case can the proposed parcels be less than the minimum required by the RS zone. Therefore, with this condition of approval, staff finds this request satisfies this criterion.

2. ***Section 2.310.03.C. Lot width and depth. The depth of a lot or parcel shall not be more than 3 times the width of the parcel.***

FINDINGS: The intent of this provision is to prevent the creation of parcels which are unusually deep and narrow which can be difficult to serve and develop, and to promote an orderly and efficient development pattern and use of property. The submitted site plan shows the proposed parcels comply with this standard. Parcel 1 is approximately 94 feet wide and approximately 80 feet deep. Parcel 2 is approximately 125 feet wide and approximately 81.5 feet deep. Neither parcel will have a length which is three times its width and therefore meets the minimum lot width and depth ratio requirements as outlined in the Keizer Development Code. This proposal complies with this criterion.

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

FINDINGS: The subject property is approximately 161.5 deep. The Applicant is proposing to partition the property into 2 parcels. Parcel 1 fronts onto Sunset Avenue N, a public street. In order to gain access to Parcel 2, either an access easement or access flag must be built. Flag lots shall only be permitted if it is the only reasonable method for access. Access flags must be not less than 20 feet wide with a minimum 12 foot wide paved driveway which meet applicable City standards. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision. The applicant has shown a 31' access flag which complies with this requirement. The improvement of the access flag shall be completed prior to approval of the final

plat. In lieu of this, the applicant may obtain a performance bond, improvement agreement or other instrument acceptable to the City. Improvement agreements may be obtained from the Community Development Department. In addition, per the City of Keizer's addressing ordinance, flag lots are required to display an address sign at the entrance off of the public street and posted so that the address numbers face all directions of travel afforded by the street upon which the marker is posted. Parcel 2 is accessed by an access flag and will be required to post an address sign at Sunset Av N. With these conditions being placed as a condition of approval, staff finds this request can satisfy this criterion.

4. ***Section 2.310.03.G. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the adjacent street. The rear lot line shall be no less than 1/2 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 1/2 the dimension of the front lot line. Therefore, staff finds this request satisfies this criterion.

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

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

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

FINDINGS: The applicant is proposing a 31 foot wide private access flag to serve the newly created Parcel 2. The standards governing flag lots was addressed above in Section 2.310.03.E. As a condition of partition approval, the proposed access flag will be required to be 20 feet minimum in width and paved a minimum of 12 feet wide. Staff finds this request can comply with this criterion.

7. ***Section 2.310.05.C. Street Frontage Improvements. If the street frontage of the subject property is less than or equal to 100 feet, and not along a collector or arterial street the applicant shall sign a non-remonstrance agreement with the City of Keizer. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The***

agreement many 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. Sunset Ave is designated in the City Transportation System Plan as a collector street. Collector streets are designed to be an intermediate street classification that distributes traffic from local streets onto arterial streets. They are designed to function with between 1,600 and 10,000 average daily trips. In consideration of the street improvement that were done along Sunset Ave in 2012, no additional street frontage improvements are required with this proposal. However, four feet of right-of-way dedication will be required resulting in a 34' right-of-way from the centerline of Sunset Av. The applicant will also be required to sign a Non-remonstrance Agreement. This agreement will provide assurance that adequate public transportation facilities can be provided, as deemed necessary, by allowing future improvement on Sunset Avenue to preserve its carrying capacity and to protect the public interest. Future improvements may include pavement widening, curbs, storm drainage and sidewalks. Therefore, with the above conditions placed as a condition of approval, staff finds this request may comply with this criterion.

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

FINDINGS: As stated above, no street improvements are required at this time however, a four foot right-of-way dedication will be required resulting in a 34' right-of-way from the centerline of Sunset Av. 34 feet is the minimum distance from centerline for a collector street. The Keizer Development Code requires that new development make road improvements to bring their road classification up to the road classification and construction standards when they are located on a collector or arterial street. The property owner will be required to sign a Non-remonstrance Agreement pertaining to future improvements along Sunset Avenue N, but no actual improvements are being required as a part of this application. The dedication required is roughly proportional to the impact of the development, therefore, staff finds this criterion is satisfied.

E. SECTION 3.107.07.E - EACH PARCEL SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS WITHIN SECTIONS 2.301 (General Provisions); 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); 2.309 (Site and Landscaping Design); and 2.316 (Infill Standards).

1. *Section 2.301 General Provisions. Public Facilities must be provided for all developments meeting the minimum requirements as outlined in Section 2.301.03. Public Facilities Improvements Requirements Table:*

FINDINGS: The intent of this provision is to ensure that new development is served by adequate public facilities and avoid having the situation where the public facilities are inadequate to serve the new development. The Keizer Development Code requires that appropriate public facilities be provided. The Public Works Department submitted comments (Exhibit 3) which specifically outline the requirements for the provision of public facilities to the proposed development of the two parcels. These comments have been incorporated into the conditions and requirements of this partition approval. The installation of appropriate public facilities will be ensured through the building permit review and approval process and will be placed as a condition of partition approval. Therefore, staff finds with the above mentioned conditions of approval, this proposal satisfies this criterion.

2. ***Section 2.302 Street Standards. Street standards are established to provide for safe, efficient, and convenient vehicular, bicycle and pedestrian movement; adequate access to all proposed developments; and to provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights of way:***

FINDINGS: The subject property is served by an existing public street (Sunset Avenue N). No improvements are required at this time but 4 feet of dedication along Sunset Av is required as stated previously in this report. The applicant proposes to access the newly created Parcel 2 by a 31' wide access flag. The standards governing the access flag was addressed earlier in this report in Section 2.310.03.E. With these conditions of approval, staff finds this request can satisfy this criterion.

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

FINDINGS: Streetscape trees are required along public streets. Lots measuring less than 45 feet in width are required to plant one (1) tree and lots more than 45 feet in width are required to plant two (2) streetscape trees within the boundaries of each lot and within 10 feet of the public improvements. Although Parcel 1 is more than 45 feet wide, there are existing well established trees along Sunset Av N. It is reasonable that one additional street tree shall be planted before final Mylar approval. With this condition placed as a condition of final Mylar approval, Staff finds this request can satisfy this criterion.

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

FINDINGS: Section 2.303.06 requires that 2 on-site parking spaces per unit are required for single family development, and 3 on-site parking spaces are required for single family dwellings having their access via an access easement or for a flag lot. Parcel 2 will be served by an access flag. As stated above, 3 on-site parking spaces are required for Parcel 2. All spaces must be a minimum of 9 feet wide and 18 feet long. This requirement will be regulated through the building permit review

process. With this requirement placed as a condition of partition approval, staff finds this request satisfies this criterion.

5. ***Section 2.305 Transit Facilities:***

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

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

FINDINGS: The intent of this provision is to ensure that adequate storm drainage is provided to avoid having runoff from the property become either a nuisance or hindrance to other properties. The Public Works Department has submitted comments regarding the requirements for storm drainage facilities and these requirements have been incorporated into this report as conditions of approval of the partition. Specifically, all impervious surfaces on the site, including the proposed access flag area, shall be designed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Sunset Avenue N. Plans for storm water drainage including storm water quality, detention, and outlet, shall be submitted to the Public Works Department for review and approval prior to final plat approval. As a condition of approval, a final grading and drainage plan will be required for the proposed development and all lot corners shall have finished grade elevations indicated on the plan. Storm drainage plans shall be designed to be consistent with Section 2.306 of the Keizer Development Code. With this placed as a condition of approval, staff finds this request can satisfy this criterion.

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

FINDINGS: The intent of this provision is to allow new development to be served by public facilities thereby avoiding the need to connect into private systems and avoid any potential groundwater contamination issues. Public water and sewer are available to serve the development. The Public Works Department submitted written requirements which have been made conditions of this partition approval addressing the specific public facility requirements relating to sanitary sewer, water, and street and drainage improvements necessary to accommodate the development. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways. Private Utilities such as gas, electricity, and communication services shall be installed according to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground. The Applicant has requested to keep their existing well for irrigation purposes only. The Public Works will grant this request once the Applicant provides Public Works with an accurate location of the well and the well must comply with all state and local requirements. With these conditions of approval, staff finds that this request complies with this criterion.

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

FINDINGS: The purpose of the site and landscaping design requirements is to provide standards that can be used in the development of property. A development design that incorporates landscaping serves to enhance the appearance of not only the subject property but also that of the City; provides shade and windbreaks where appropriate to conserve energy in building and site design; provide public amenities, and provide for buffering and screening of dissimilar land uses.

The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of significant trees. Depending on these factors, the removal of significant trees may be appropriate and approved as part of the landscaping plan. Development of the property shall be in conformance with an approved landscaping site plan that is a condition of a land use approval or a building permit. Significant trees removed (including trees removed within the two years prior to the application) must be replaced at the rate of two new trees for each significant tree removed. Replacement trees shall be a type that will be at least twelve (12) inches when fully mature. The Applicant's has indicated that one significant tree was diseased and was recently removed. A Landscaping plan will be required to be submitted before obtaining a building permit approval for Parcel 2 indicating where the two new trees will be planted. With this condition being placed as a condition of building permit approval, Staff find this proposal can satisfy this criterion.

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

FINDINGS: The intent of this provision is to allow residential infill development to achieve the planned densities specified in the Comprehensive Plan and to conserve livability and neighborhood quality while promoting neighborhood compatibility. An infill development is any residential development less than two (2) acres in size, and which directly abuts an existing residential neighborhood. Since the subject property proposed to be partitioned is less than 2 acres in area and is adjacent to existing residential development the infill development standards of Section 2.316 will be required to be met. These standards will apply to the newly proposed home on Parcel 2 and will be regulated at the time of building permit approval and are made a condition of this partition approval.

Building heights for new infill development shall not exceed five (5) feet above the height of the existing abutting dwelling located on directly abutting parcels to the new infill development, unless measures are provided to mitigate the impact of the proposed dwelling. Acceptable mitigation measures may utilize a combination of increased setbacks from property lines or screening. Setbacks would include an additional one foot for every foot over the maximum height allowed based upon the height of the directly abutting dwellings. Increased setback is intended to be the primary method used to mitigate negative impacts

between structures. The applicant has indicated a one-story home will be built on Parcel 2 and will not be more than 5 feet above the height of adjacent homes. No additional mitigation will be required. As a condition of approval (which will be regulated through the building permit review process) the proposed development of Parcel 2 shall substantially conform to the proposed infill development plan and will be verified at that time. If the height of the proposed dwelling changes then additional setbacks may be required. With the above mentioned conditions of approval staff finds this proposal complies with the provisions of Section 2.316, and therefore, staff finds this request satisfies this criterion.

F. SECTION 3.107.07.F - ADEQUATE PUBLIC FACILITIES SHALL BE AVAILABLE TO SERVE THE EXISTING AND NEWLY CREATED PARCELS:

FINDINGS: The applicant has indicated that public water and sewer are available or can be extended to serve the subject property. As a condition of partition approval, the requirements of the Public Works Department regarding public facilities must be adhered to as outlined in the conditions of this report. As a condition of partition approval, the newly created parcel must be connected to public facilities. This request satisfies this criterion.

V. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED THE PARTITION WITH CONDITIONS AND REQUIREMENTS** noted below. Findings in support of this decision are found in Section IV. starting on page 2 of this staff report.

Any interested person, including the applicant, who disagrees with this decision, may request an appeal be considered by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$250.00 fee. This fee may be refunded if the appeal is successful. An appeal request must be submitted in writing on a form provided by the City of Keizer. The appeal request must be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by **5:00 p.m. on April 15, 2019.**

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

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

VI. CONDITIONS AND REQUIREMENTS

The following conditions shall be completed, including review and approval by the appropriate department, prior to the time lines outlined below. Compliance with the Conditions of Approval shall be the sole responsibility of the applicants and/or property owner.

General:

- 1.** The Keizer Development Code requires the developer to connect to public utility services. The Development Code also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer is responsible for all utility

connection costs. The City's System Development Charges for park development, water system improvements and transportation improvements shall be the fee in place at the time of building permit application. These Development charges, as well as those involving the extension of sewer, water, and/or storm drainage, will apply to this request.

Prior to Preliminary Plat Approval:

2. A detailed preliminary plat shall be submitted to the Marion County Surveyor's Office for review. The Marion County Surveyor's Office will then submit the preliminary plat to Keizer for review. The Preliminary Plat must be submitted for review prior to submittal of a final plat.
 - a. Parcels ten acres and less must be surveyed.
 - b. Per ORS 92.050, plat must be submitted for review.
 - c. Checking fee and recording fee required.
 - d. A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

The detailed preliminary plat shall include the following provisions:

- e. The preliminary plat shall substantially conform to the proposed partition request.
- f. Lots shall comply with all area and dimension requirements for lots within the Single Family Residential (RS) zone. The final plat must show both gross and net area calculations. Flag portion of Parcel 2 does not count towards total area.
- g. Include all engineering elements as required by the Department of Public Works requirements.
- h. Include a signature line for the City Engineer.

Prior to Final Plat approval (Mylar):

3. All applicable requirements/conditions of the Public Works Department as described in Exhibit 3 must be met.
4. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor which conforms to the approved preliminary plat. Following plat approval, the final plat and title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk by **April 16, 2020**. The plat shall include all engineering elements as required by the Department of Public Works and shall show all lot sizes and dimensions. Both gross and net area must be shown. The front property line for Parcel 2 must be labeled on the plat.
5. The proposed access flag shall be a minimum of twenty (20) feet of unobstructed width; with a minimum paved width of twelve (12) feet which shall be located substantially within the center of the flag. The improvement of the access flag shall be completed prior to approval of the final plat. In lieu of this, the applicant may obtain a performance bond, improvement agreement or other instrument acceptable to the City.
6. The new home on Parcel 2 is required to be built within one-year of the plat being recorded. If the home is not built within one-year, the accessory structure will be

required to be removed. Improvement Agreements may be obtained from the Community Development Department. All recording fees will be the responsibility of the applicant.

7. The home on Parcel 1 must maintain a minimum setback of 14' to the rear property line and a five 5' setback to the edge of the access flag. A site plan prepared by a licensed engineer or surveyor must be submitted showing the existing home in relation to the edge of the access flag and new rear property line in order to ensure these requirements are met.
8. The property owner shall sign a Non-remonstrance Agreement with the City of Keizer for future street improvements along Sunset Avenue which shall be recorded against the property. Any recording fees incurred during this process shall be paid by the applicant to the City of Keizer prior to recording.
9. One street tree will be required to be planted along Sunset Av N before final plat approval. Streetscape trees shall be selected from a list of approved trees and must be a minimum of 2" caliber at time of planting.

Prior To Obtaining Building Permit(s):

10. All required public utility services shall be completed to the satisfaction of the Department of Public Works.
11. The development of the proposed home on Parcel 2 must conform to the Infill Standards requirements of Section 2.316 of the Keizer Development Code including height requirements. The proposed dwelling on Parcel 2 will be limited to a one-story dwelling unless additional setbacks are provided.
12. A Landscaping plan will be required to be submitted before obtaining a building permit for Parcel 2 indicating where the two new replacement trees will be planted.

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

13. Three (3) on-site parking spaces shall be provided for Parcel 2. Parking spaces must be a minimum 9' wide and 18' long. As an alternative, the applicant may choose to provide additional parking elsewhere and submit an alternate parking plan to satisfy this requirement.
14. An address sign is required to be placed at the entrance off of Sunset Av at the access flag to Parcel 2 and posted so that the address numbers face all directions of travel.
15. Two replacement trees must be planted according to the approved Landscaping Plan before Building Permit Final on Parcel 2.

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:



DATE: 4/4/19

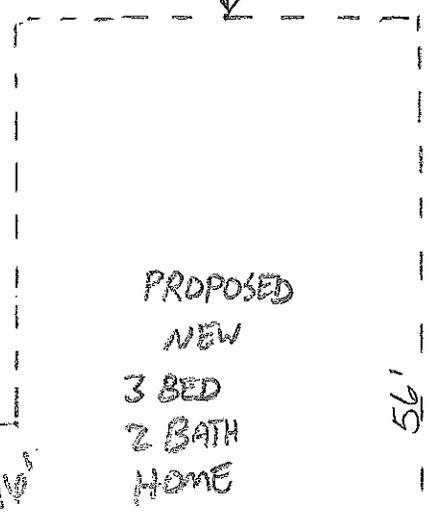
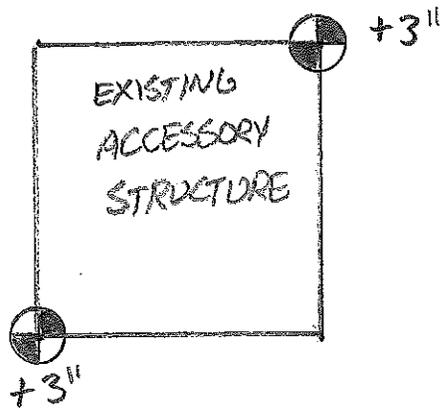
Nate Brown, Community Development Director

Setbacks, Drainage and Grading

EXHIBIT 1

-7"

-4"



Lot 2
10,187.5 sq ft.
(excluding access)

height = 16'



Front Property Line
Back property line



18'

431 SUNSET AVE
EXISTING HOME

height = 16'



RECEIVED
CITY OF KEIZER
FEB 26 2019
COMMUNITY DEVELOPMENT

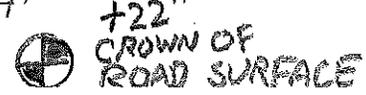
PROPOSED PROPERTY LINES

Lot 1 (existing)
7,520 sq ft

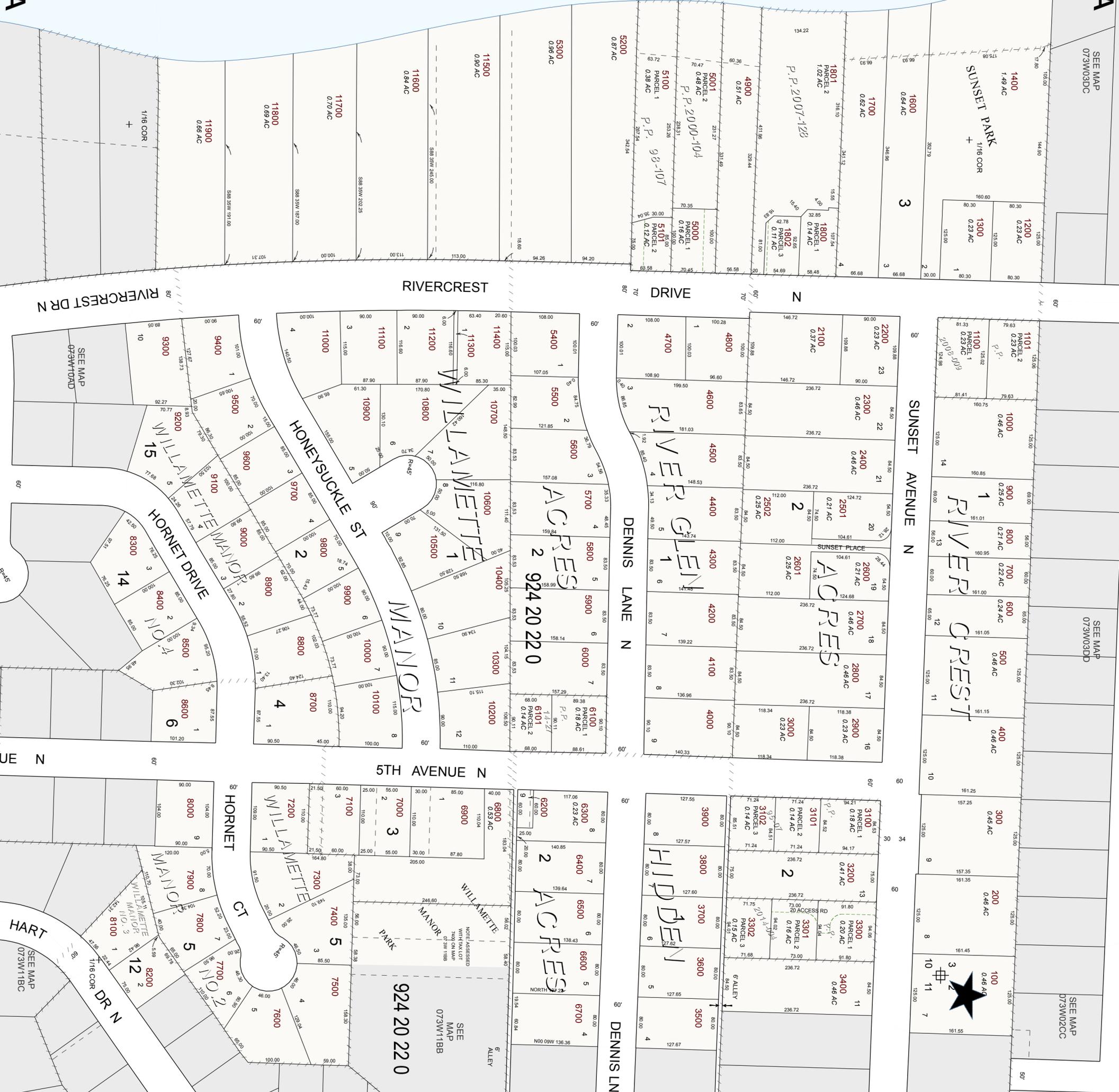
+9"



SUNSET AVE.



0" TOP OF PROPERTY



MARION COUNTY, OREGON
 NE1/4 NE1/4 SEC10 T7S R3W W.M.
 SCALE 1" = 100'

LEGEND

- LINE TYPES**
- Taxlot Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Plat Bndry
 - Waterline - Taxlot Bndry
 - Waterline - Non Bndry
- CORNER TYPES**
- + 1/16th Section Cor.
 - ⊙ DLC Corner
- NUMBERS**
- 16.15 Section
 - 21.22 Section
- LEGEND**
- Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary

NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW

CANCELLED NUMBERS

301
1500
1900
2000
2500

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWS

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 1/14/2019

EXHIBIT 3

PARTITION CASE NO. 2019-06
ADDRESS – 431 SUNSET AVE N
ZONE: RESIDENTIAL SINGLE FAMILY

PUBLIC WORKS DEPARTMENT CONDITIONS AND REQUIREMENTS

GENERAL CONDITIONS

The application is for creating two lots where one currently exists. The existing lot is indicated on Marion County Tax Records as an approximate 20,037 sq. ft. parcel. The new lots, proposed Lot 1 will be approximately 7,520 sq. ft and proposed Lot 2 will be approximately 10,188 sq. ft. (excluding the proposed access to Sunset Ave). Both lots will have access to Sunset 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.) It is the Public Works Department's understanding that the Keizer Fire District will not be requiring a new fire hydrant for the proposed development. (A hydrant is located across the street from the proposed development).
- c.) Location of water meters shall be submitted for approval to the Public Works Department after all proposed utility locations are known.
- d.) The applicant has requested to keep the existing well for irrigation use only. The request will be granted by the Public Works Dept. upon the following conditions:
 - 1. The applicant must provide accurate location of the existing well to the Public Works Dept.; and
 - 2. Existing well must comply with all state and local requirements.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) No public street improvements are being required at this time. The applicant will be required to sign a Non-remonstrance Agreement that will include both proposed lots.

Four (4) feet of right-of-way (resulting in 34' ft. of right-of-way from the centerline of Sunset Ave.) will be required upon dedication recording of partition plat. All impervious surfaces on the site, including the proposed paved 12'-wide driveway shall be designed to keep all storm water runoff onsite. No storm water runoff from the new development shall be directed to Sunset Ave.
- 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.) Public improvements are not being proposed at this time for the subject property, therefore a Public Works Construction Permit will not be required. All other applicable permits for the installation of any public or private utility within the public right-of-way shall be obtained prior to the installation of such utilities.
- 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 of Keizer 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.
- f.) All work performed within the public right-of-way shall be constructed to the City of Keizer or City of Salem Construction Standards.

Comments on Planning Action: Keizer Partition Case No. 2019-06

Date 3/18/2019 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:

Partition 2019-06

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: Will you be putting up a privacy fence around the area, before construction
Are these homes going to be used as rental homes or business?

Response Date: 3/16/19 Person commenting: Joy McGraw
 Phone (not required) _____ Address 410 Larry Ave N.
Keizer
 Email: MommaJoy1967@gmail

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.

RECEIVED
CITY OF KEIZER

MAR 19 2019

COMMUNITY DEVELOPMENT

City of Keizer (no 2019-06)

I have lived on Sunset Ave for over 50 years. I have seen people come and go. Family's have lived their lives here and call it Home.

Since the apartments on Sunset and North River Road are at the end of Sunset, so much has changed. We have seen homeless people breaking into our homes, stealing jewelry day and night.

By having more homes so close together, I fear it will lead to more problems.

We have letters, calls, wanting us to sell our home all the time. We know it's not the house, but the land it sits on.

Please keep Sunset Ave a family safe and loving place to live.

Betty Thomas

RECEIVED
CITY OF KEIZER

MAR 25 2019

COMMUNITY DEVELOPMENT

Re: Proposed Infill property behind 431 Sunset Ave, Keizer, OR.

I am strongly opposed to the requested 2nd separate property development in this proposal.

Sunset Ave has always had lots larger than normal. That is why we bought our homes here. We like the separation between our homes and our neighbors. Having room to have a large patio, space for a garden house, mature trees, RV parking and even large garden areas are available here.

The Keizer Development Code 2.316 regarding Infill properties states:

The purpose of this section is to: (01/02)

- A. Enable residential infill development to achieve the planned densities specified in the Comprehensive Plan.** (01/02)
- B. Encourage a more efficient use of developable land** (01/02)
- C. Reduce traffic flow and congestion by creating a more compact form of development.** (01/02)
- D. Promote livability and neighborhood quality.** (01/02)

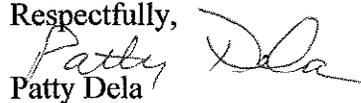
I've heard the City of Keizer wants to use existing space instead of adding to the Urban Growth Boundary. Insets allow additional property taxes to be accessed on a given piece of property.

While, in some cases, Infills might be advantageous it should not be assumed that decision is good for every piece of property and every neighborhood.

In reviewing the 4 above listed "purposes" in the Keizer Development Code regarding Infill properties it is apparent these developments are not for the benefit of the people living around the newly developed properties. Items C & D are wrong. Additional homes on Sunset will **add** to traffic flow and congestion not reduce it. We already have to deal with excessive speed on Sunset and adding more homes equates to more traffic. Livability and neighborhood quality would not be improved by Infills. This addition would greatly affect the neighborhood with additional people in previously open space.

The proposal states no trees will be removed to meet the requirements of this partition. That is because they removed the trees prior to submitting this proposal.

Respectfully,


Patty Dela

351 Sunset Ave N
Keizer, OR 97303

RECEIVED
CITY OF KEIZER

MAR 25 2019

COMMUNITY DEVELOPMENT

MAR 27 2019

COMMUNITY DEVELOPMENT

Partition 2019-06

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: EACH PARTITION ON SUNSET AREA HAS FAILED TO BUILD QUALITY PROPERTY THAT ENHANCES THE NEIGHBORHOOD. THIS PARTITION IS DESTINED TO BECOME INCOME/ NON-OWNER OCCUPIED RENTAL PROPERTY, AND ALL THE PROBLEMS THAT WILL FOLLOW. A BETTER USE WOULD BE EXPANDING THE CURRENT HOUSE OR BUILD ONE NEW STRUCTURE.

Response Date: 3/27/19 Person commenting: PAUL DELA

Phone (not required) 503 602 9029 Address 351 SUNSET AVE N

Email: PDELA@MAC.COM

Comments submitted regarding this partitioning must address the following criteria:

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

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

3-21-2019

to the City of Keizer.

RECEIVED
CITY OF KEIZER
MAR 25 2019

COMMUNITY DEVELOPMENT
I am in receipt of your letter of March 13th 2019 regarding the application for another house on 431 Sunset Ave N. Keizer property.

My husband (now deceased) + I bought our home in 1957 - an attractive one story house at 390 Sunset Ave N. Keizer. We are located directly opposite 431 - we can look straight across the street to their front windows at the garage door, etc. of that particular lot.

Another house will cause crowding - we have already had two extra houses built on the lot to the west of our property, causing 5-6 cars parked in the two driveway on that lot. Another extra house on 451 will cause at least two more cars in our direct sight - thus up to 8-9 garbage cans each Tuesday through Wednesday. These are not attractive sights for homeowners.

or visitors and Jew against this addition to our street.

We have fought for sidewalks for years with no success - the crowding in of extra houses may benefit the city by extra property taxes but they do not have to live with the crowding & the view all day long - every day!

The one year building proposal will make a ~~noisy~~ noisy & untidy area for those neighbors including me. Keizer is getting too big for most of the older citizens.

River Road has a great deal of bus & moving traffic, making Sunser's left turn into its street at times - often waiting for two or three light changes.

Not only new neighbors, but visitors & workmen will crowd our one time pleasant street. These lots were not designed for two driveways, or parking in the street.

Also, the crime rate on the street has increased - a problem for longtime residents.

My vote is definitely against this new addition
Joy A Beebe - 390 Sunser Ave. M. KEIZER