



**KEIZER COMMUNITY DEVELOPMENT
DEPARTMENT
STAFF RECOMMENDATION
Subdivision Case 2020-12**

TO: Fred Wilson, Keizer Hearings Officer
FROM: Shane Witham, Interim Community Development Director
SUBJECT: Subdivision Case 2020-12
DATE: August 12, 2020
HEARING: August 19, 2020

The Community Development staff reviewed the above referenced case and offers the following comments and recommendations:

I. GENERAL INFORMATION

- A. APPLICANT/ PROPERTY OWNER:** 250 Sunset LLC
- B. AGENT:** Gerald Horner, Willamette Engineering
- C. PROPERTY LOCATION:** The property is located at 250 Sunset Av N and is identified on Marion County Tax Assessor Maps as Township 7 South; Range 3 West; Section 11BB; Tax Lot 03900. (Exhibit 1)
- D. EXISTING PARCEL SIZE:** The property is approximately .69 acres in area.
- E. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The property contains a single family dwelling which will remain and one detached garage which will be removed. The property is served by both water and sewer and will be extended to serve the proposed development.
- F. PLAN DESIGNATION AND ZONING:** The subject site is designated as Low Density Residential on the Comprehensive Plan Map and is zoned Single Family Residential (RS). The property is also within the River-Cherry Overlay District (RCOD) which in some cases replaces the governing criteria of the RS zone.

- G. ADJACENT ZONING AND LAND USES:** Properties to the north, east and west contain single-family homes on lands that are zoned Single Family Residential (RS). Properties to the south are both zoned Mixed Use (MU). One is developed with a multi-family complex and the other is a single-family home.
- H. PROPOSAL:** The subject property is proposed to be subdivided into 5 lots which are proposed to be developed with detached single family dwellings and attached accessory dwelling units. The applicant's Written Statement and preliminary plans (Exhibit 2) are attached.
- I. NOTICE:** Public notice was mailed, published and posted consistent with notice requirements in KDC § 3.204.

II. COMMENTS

AGENCY COMMENTS:

- A.** The Keizer Public Works Department submitted comments which contain development requirements regarding sanitary sewer, water system, street and drainage improvements and other general development requirements (Exhibit 3).
- B.** Marion County Surveyor's Office commented that the subdivision must be surveyed and the plat must be submitted for review with appropriate fees for compliance with State surveying requirements (Exhibit 4).
- C.** Salem Electric submitted comments (Exhibit 5) regarding the public utility easement on the west side of property.
- D.** The Keizer Police Department reviewed the proposal and determined they have no comments.

CITIZEN COMMENTS:

A letter requesting comments was sent to the surrounding property owners within 250 feet of the subject property. The following responses were received:

Rosemary Kariakin submitted comments (Exhibit 6) with questions about the two access points off of Sunset Av N, if Lot 1 was planned as a duplex lot, if the homes were planned as rental units and if the homes could be manufactured homes.

Betty Thomas submitted comments (Exhibit 7) with questions about the driveway and if emergency vehicles were able to turn around.

Patty Dela submitted comments (Exhibit 8) objecting to the number of lots proposed. Questions regarding how minimum density is calculated and concerns about parking and having little room for garbage bins on collection day were also expressed. She also mentioned two of the existing trees were listed on the Trees of Interest list on the City's website.

Paul Dela submitted comments (Exhibit 9) regarding his concerns about increased traffic along Sunset Av N, on-street parking impacting surrounding neighbors, possible homes becoming rental units, and weekly garbage collection. He also requests that the developer build a fence around the east, south and west property lines alleviating individual property owners building their own fences in the future and having a patchwork of fences.

STAFF RESPONSE TO CITIZEN COMMENTS:

Staff appreciates the public participation of concerned citizens and has attempted to address the concerns expressed, as appropriate, through the findings and related conditions recommended for this proposal that adhere to the requirements of the Keizer Development Code (KDC). It should be noted that some of the concerns expressed are not able to be addressed by staff as they are not part of the specific criteria for approval of a subdivision proposal.

While staff understands the sentiment behind the concerns expressed over the subdividing of this property, it should be noted that the applicant has shown a preliminary plan that meets the minimum requirements of the RS zone for a property within the River-Cherry Overlay District (RCOD). It should also 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. 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.

The following responses are offered regarding the concerns expressed.

Traffic/Parking/Roadway – The applicant will be required to dedicate an additional 4' of right of way along Sunset Av N which will allow for future widening of Sunset Av N, if it is determined to be necessary or desirable. The Public Works Department has reviewed the proposal and has recommended conditions of approval to assure compliance with the adopted street standards. A newly created private access easement will serve all the lots except lot 2 which will be served directly from Sunset Av N. A turnaround is proposed between lot 1 and lot 3 for emergency vehicles. Lots gaining their access from an access easement are required to have 3 on-site parking spaces which will be reviewed as part of the building permit review process to be provided consistent with the provisions of the KDC. Parking will not be allowed along the access easement. Lot 2 is required by code to have 2 onsite parking spaces but the applicant has indicated they will build three onsite, and staff is recommending that 3 spaces be required for all lots within the subdivision.

Tree Removal/Replacement – A tree removal plan was submitted by the applicant indicating that all 21 trees on site and two right of way trees are proposed to be removed due to site grading, building footprint locations, and access locations. It should be noted the findings and recommended conditions of approval address the tree removal criteria and requirements for tree replacement. It is required that “street” trees be provided along the frontage of both the access easement and Sunset Av. Replacement trees are also required to be planted for each lot, along with off-site mitigation for complying with the City’s tree replacement requirements. Two of the trees were noted to be on the City’s website under Keizer Trees of History and Interest. This inventory of trees throughout the City originated by a volunteer and is informational. Although these trees are significant and have longevity in Keizer, they are not listed as Historical or Heritage Trees and are not protected from removal. The KDC does not give authority to the City to prevent the removal of trees, but rather the authority to require replacement of trees removed. In this case, the recommended conditions of approval are requiring the maximum number of trees to be provided to replace significant trees removed.

Density Concerns– The RCOD establishes a minimum density of 6 units per acre and a maximum density of 10 units per acre for residential subdivisions. This established density range applies to land divisions. The RCOD was created, in part to allow for greater flexibility and density for redevelopment. The state land use planning system is designed to assure an adequate supply of land is provided within urbanized areas to accommodate projected population growth. The City of Keizer currently has an identified deficit in available lands to accommodate projected population growth in the planning horizon. The subject parcel is identified in the City’s underutilized/buildable lands inventory as being a property likely to be redeveloped within the planning horizon. Therefore, the City is under compulsion by the state planning goals and the KDC to allow for the redevelopment of parcels in an orderly and efficient way, consistent with the adopted regulations.

Garbage Collection– There are no specific requirements or criteria addressing the concerns expressed over garbage collection. Staff recognizes that while not an applicable criteria, nonetheless, there may be challenges to future property owners and encourages the property owner to consider options for providing garbage service and work with the local service provider on this issue.

Fencing – Fencing is required adjacent to the newly created access easement along the western boundary of the easement. Fencing is not an outright requirement by the standards outlined in the KDC for the remainder of the subdivision. Even so, staff has provided findings and justification to require fencing for the perimeter of the subdivision. Therefore, staff is recommending fencing be required as a condition of subdivision approval, for the Hearings Officer’s consideration.

III. FINDINGS

The review criteria for a subdivision are listed in Section 3.108.06 of the Keizer Development Code (KDC).

A. SECTION 3.108.06.A – THE PROPOSAL SHALL COMPLY WITH THE APPLICABLE DEVELOPMENT STANDARDS IN SECTION 2.405 AND SECTION 2.3 AS APPROPRIATE, INCLUDING PROVISIONS FOR STREETS AND UTILITIES.

Section 2.405 KDC contains development standards for manufactured home parks and is therefore not applicable in this situation. Section 2.3 contains the standards which guide all development approvals within the City of Keizer. Listed below are the development standards contained in Section 2.3 that are pertinent to this subdivision review.

1. SECTION 2.301.03 - APPLICATION OF PUBLIC FACILITY STANDARDS

FINDINGS: In order to promote and maintain healthy, safe environments and to minimize development impacts upon surrounding properties and neighborhoods the public facilities improvement requirements specified in the table found in Section 2.301.03 are found to be the minimum necessary. In addition, the Public Works Department has submitted comments which have been incorporated into the recommended conditions of approval that outline specific requirements for the installation of public facilities. The Public Works Department is not requiring street frontage improvements to Sunset Av N. It should be noted that this would normally be a development requirement of any subdivision approval, however Sunset Av N is unique, in that it was previously constructed to a modified street improvement design by the City, with input and coordination of the existing neighborhood. Therefore, staff finds the exception language found in Section 2.302.02.E apply to this subdivision request, and no frontage improvements will be required as a result. The applicant will be required to sign a “non-remonstrance” agreement prior to final plat in order to assure that future improvements can be provided. With these items placed as conditions of approval this request can meet this criterion.

2. SECTION 2.302.03 - STREET STANDARDS – GENERAL PROVISIONS

a. Section 2.302.03.A - General Requirement. *The location, width, and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the streets.*

FINDINGS: The intent of this provision is to require that the layout of new streets in subdivisions and streets along the subdivision take into consideration their relationship to other streets and other factors such as

topography so as to develop a safe and efficient street system. The applicant is not proposing to create any new streets, but will rather serve the development with a proposed access easement serving 4 lots that will be connected to Sunset Av N along with a driveway to serve 1 lot. The standards governing the proposed access easement will be addressed later in this report. The Public Works Department submitted comments indicating that no street frontage improvements will be required for Sunset Av N. Staff finds this proposal complies with this criterion.

- b. Section 2.302.03.B - Continuation of Street. Development proposals shall provide for the continuation of, and connection to, existing streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future division of land, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. A temporary turnaround shall be constructed for stub streets in excess of 150 feet in length. Exemptions from these street extensions can be found in Section 2302.03.B.1 – 5.*

FINDINGS: The intent of this provision is for new developments to incorporate the continuation of a street as a means to avoid creating new subdivisions which do not provide for any street connectivity. No new streets are proposed within the subdivision, but rather a private access easement is proposed to serve the subdivision that will connect to Sunset Av N. Therefore, this provision is not applicable.

- c. Section 2.302.03.C - Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the existing centerlines. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.*

FINDINGS: The purpose of this provision is to require that new streets in subdivisions meet the City's alignment and spacing standards so as to ensure safe vehicle travel. The proposed subdivision will be served by a private access easement; therefore no new street intersection will be constructed and staff finds this provision is not applicable. It should be noted the Public Works Department and City Engineer have reviewed the proposed layout and find the location of the private access easement and proposed driveway acceptable.

- d. *Section 2.302.03.D – Future extension of streets. When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, streets, bicycle paths and/or pedestrian accessway facilities shall be platted and built to a boundary of the subdivision. The street may be platted without a turnaround unless the Public Works Department finds a turnaround is necessary for reasons of traffic safety. Any street extension exceeding 150 feet in length shall be provided with an approved turnaround as set forth in the Uniform Fire Code.*

FINDINGS: The intent of this provision is to require new developments to allow for street connections onto adjacent properties so that the street system may result in a logical and efficient manner thereby avoiding non-connected developments. No new streets will be constructed within the subdivision. The surrounding development pattern does not lend itself to the construction and extension of any new street as it would not be feasible, practical or desirable to require any new street connections from the proposed subdivision onto any adjacent property. Further, the city's Transportation System Plan (TSP) does not indicate there is a need for any additional street connections from this site. The proposed access easement will be required to provide an appropriate turnaround, which will be addressed later in this report. Staff finds this proposal complies with this criterion.

- e. *Section 2.302.03.E - Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require special intersection designs. Streets shall have at least 50 feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections that are not at right angles shall have minimum corner radii of 15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet.*

FINDINGS: The purpose of this provision is to require that new public street intersections are constructed consistent with city standards. No new public streets will be constructed; therefore no new intersection will be constructed and this provision is not applicable.

- f. *Section 2.302.03.F - Existing Streets. Whenever existing public streets adjacent to or within a tract are of a width less than the street design standards, additional right-of-way shall be provided at the time of subdivision, partitioning, or development.*

FINDINGS: The intent of this provision is to require that developers of new residential subdivisions be responsible for making needed improvements to the existing street systems that are either within, or adjacent to, a proposed subdivision. The Public Works Department submitted

comments containing requirements and conditions for the proposed development, which indicate that an additional 4 feet of dedication will be required, to provide for 34 feet of right of way from the centerline of the existing right of way of Sunset Av N allowing for the possible future widening of Sunset Av N. With this placed as a condition of approval this criterion is satisfied.

- g. Section 2.302.03.G - Half-streets may be approved where essential to the reasonable development of an area and when the City finds it to be practical to require the dedication of the other half when the adjoining property is developed. When a $\frac{3}{4}$ width street can reasonably be developed, as determined the Department of Public Works, a half street will be constructed with an additional 10 feet of pavement on the opposite side of the street from full improvement.*

FINDINGS: No half street will be constructed, so therefore this section is not applicable.

- h. Section 2.302.03.H - Cul-de-sacs. The maximum length shall be 800 feet.*

FINDINGS: No new cul-de-sac streets are proposed. Therefore, this section is not applicable.

- i. Section 2.302.03.I - Street names and numbers shall conform to the established standards and procedures in the City.*

FINDINGS: The purpose of this provision is to ensure that streets are named in accordance with City procedures to avoid duplicate or confusing street names. The access easement shall be named in accordance with city street naming procedures and the name of the access easement shall be shown on the plat. The applicant submitted proposed street names for review to the Community Development Department as a part of this application. Assignment of the street name will take place at the time of check-plat review and approval. Appropriate street signs shall be installed at the time of plat approval unless otherwise ensured by an improvement agreement or other instrument acceptable to the City. All houses will be required to be numbered to conform to the City's street numbering procedures and will be regulated at the time of building permit final inspection approval. With this placed as a condition of approval, staff finds this proposal can comply with this criterion.

- j. *Section 2.302.03.J - Grades shall not exceed 7 percent on arterials, 10 percent on collector streets or 15 percent on any other street. Street grades of 15 percent shall not exceed 200 feet in length. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves.*

FINDINGS: The purpose of this provision is to ensure that new streets are constructed consistent with the city's established street grade standards and avoid having new streets that may be too steep and potentially endanger public safety. No new streets are proposed as a part of this subdivision proposal and the development of the property will not affect the grade of existing streets. It should be noted the proposed access easement improvement is relatively flat and complies with these standards. A preliminary grading and drainage plan was submitted as a part of this application. A final grading and drainage plan will be required as a condition of approval to ensure that adequate drainage is provided. With these placed as a conditions of approval, this proposal can satisfy this criterion.

- k. *Section 2.302.03.K - Frontage Streets. If a development abuts or contains an existing or proposed arterial or collector street, the City may allow frontage streets, or may require reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to preserve the capacity and safety of the collector or arterial street.*

FINDINGS: The purpose of this provision is to minimize impacts that a new development may have on arterials and collector streets. In this case, the development has frontage along a collector street, and the applicant will be required to dedicate right of way with this development proposal to allow for future development of Sunset Av N. No frontage streets are proposed and staff finds that none are required with this request. The existing home will remain and is oriented toward Sunset Av, consistent with the existing development pattern in the neighborhood. One additional lot is proposed to be developed oriented toward Sunset Av, while all other lots will take their access from a newly created access easement. Therefore, staff finds this criterion is met.

- l. *Section 2.302.03.L - Alleys shall be provided in commercial and industrial zones unless other permanent provisions for access to off-street parking and loading facilities are provided. The corners of alley intersections shall have radii of not less than 10 feet.*

FINDINGS: The property is located in a Residential zone and no alleys are proposed. Therefore, this provision is not applicable.

m. Section 2.302.03.M. - Street Landscaping. Where required as part of the right-of-way design, planting strips shall conform to the following standards:

- 1. Street trees shall be planted at a ratio of no less than one tree per 30 feet of property frontage. Street trees shall conform with the list of acceptable trees included in the City's Street Tree Ordinance. Installation of street trees shall be included in any improvement agreement covering the installation of public facilities and services on a property.*
- 2. Planting strips shall be planted and maintained in predominantly living groundcover materials with hard surfaces consisting of bricks, pavers, rocks, decorative concrete work, etc., only being included as part of an overall landscape design where living plant material is predominant. In no case shall asphalt be used within the planting strip.*

FINDINGS: The purpose of this provision is to outline the standards relating to providing street landscaping. No public streets are proposed with this application and therefore this criterion is not applicable. However, street trees will be required as a part of the development of the access easement, which will be addressed later in this report. If landscaped areas are provided as a part of the storm water management design, landscaping must be reviewed and approved by the City.

n. Section 2.302.03.N. – Access Control Standards.

FINDINGS: *Access Control Standards* are established to ensure the overall transportation system is protected, and specifically requires the management of major roadways (arterial and collector streets) to maintain the functional classification of roadways as outlined in the Transportation System Plan. The property to be subdivided fronts on Sunset Av N which is classified a collector street. There are no specific access spacing standards or access limitations for collector streets. Section 2.302.03N.7 does limit access to one access per lot. The existing homes access point will be relocated to take access from the new access easement, and one access is proposed for lot 2, having a driveway onto Sunset Av N. The proposed locations of the driveway and access easement have been reviewed by the City Engineer and Public Works Department and are acceptable and provide adequate separation to protect traffic operations. Therefore, staff finds that this criterion is met.

o. Section 2.302.03.O. – Trees along Public Streets. Streetscape trees are required along public streets, shall comply with the provisions of Section 2.309, and must be located according to the following provisions:

- 1. Streetscape trees shall be planted within the boundaries of each lot within 10 feet of street improvements.*
- 2. Lots measuring less than 45 feet in width shall be required to plant one streetscape tree. Lots measuring more than 45 feet in width shall be required to plant two streetscape trees.*
- 3. Streetscape trees shall be selected from a list of approved trees.*

FINDINGS: Lot 1 and lot 2 have frontage along Sunset Av N and will be required to plant streetscape trees consistent with this criterion. The applicant’s proposal indicates that 2 trees will be planted on Lot 1, consistent with this provision. No streetscape trees are proposed for Lot 2 but staff recommends that 1 streetscape tree be provided as a condition of subdivision approval. Based on the requirement that lots measuring less than 45’ in width are required 1 streetscape tree, a condition will be placed requiring Lot 2 to plant 1 streetscape tree. The applicant will be required to submit a tree replacement plan to the Community Development Department prior to final plat approval demonstrating consistency with this standard. It should be noted that trees are also required to be planted adjacent to the access easement and this requirement will be addressed as a part of the criterion governing the establishment of access easement, found later in this recommendation. With the above recommended conditions, staff finds this proposal will comply with this criterion.

3. SECTION 2.302.04 - GENERAL RIGHT-OF-WAY AND IMPROVEMENT WIDTHS

The standards outlined in this section shall be the minimum requirements for all streets, except where a variance is requested as permitted under Subsection 2.202.05.

FINDINGS: The applicant is not proposing a public street, but rather a private access easement to serve the subdivision. Therefore, this criterion is not applicable.

4. SECTION 2.302.06 - CONSTRUCTION SPECIFICATIONS

Construction specifications for all public streets shall comply with the standards of the most recently adopted public works street standards of the City of Keizer.

FINDINGS: The intent of this provision is to ensure that new residential subdivisions design and construct new streets that are needed to serve the lots within the subdivision to meet all City standards for street construction. The proposed lots will be served by a private access easement. Therefore, this criterion is not applicable.

5. **SECTION 2.302.08 - PRIVATE ACCESS EASEMENTS.**

A private access easement created as the result of an approved partitioning or subdivision shall conform to standards governing the following: 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 23 foot wide private access easement and turnaround area is proposed to serve 4 of the lots in the subdivision. The access easement must be paved to a minimum width of 16 feet within a minimum 20 foot wide access easement. No parking will be allowed on the easement.

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 subdivision approval.

C. Turn-around: A turnaround is shown on the applicant's site plan. Prior to final subdivision plat approval, the final design of the access easement and adequate turnaround areas must be reviewed and approved, and will be required to be shown on the final plat.

D. Parking: No parking signs will be required to be installed along the access easement as appropriate. Each lot being served by the access easement is proposing to provide three (3) on-site parking spaces for each of the proposed lots and staff recommends this be placed a requirement for the subdivision. Concerns were raised by neighbors specific to adequate parking, and staff finds it is appropriate to require three parking spaces per lot as a matter of practicality and to provide consistency with the provisions of the KDC, which will be addressed in more detail later in this report.

E. Trees Along Access Easements: Streetscape trees will be required to be planted adjacent to the access easement and will be regulated through the building permit review and approval process. Lots 3-5 have less than 60 feet of width along the access easement and therefore 1 streetscape tree will be required to be planted on

each lot as a condition of subdivision approval. Lot 1 has approximately 89 feet of frontage along the easement and therefore 2 streetscape trees will be required for lot 1 in addition to the required streetscape tree along Sunset Av N. The applicant's proposal does not show any streetscape trees on lot 3 or lot 4, and only 1 on lot 1. Therefore a modified tree replacement plant will be required to be submitted to the Community Development Department prior to final plat approval, demonstrating consistency with this standard.

F. Screening: The access easement is located along the western boundary of the property and is adjacent and therefore, screening is required. As a condition of subdivision approval, a 6 foot high sight obscuring fence, wall, or hedge shall be placed along the west side of the access easement .

With the above mentioned requirements placed as conditions of approval, staff finds this proposal can comply with this criterion.

6. SECTION 2.303 - OFF-STREET PARKING AND LOADING

Parking shall be provided 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: The subject property is located within the River Cherry Overlay District (RCOD) and is subject to the minimum off-street parking requirements listed within both the RCOD, as well as Section 2.303.06 of the Keizer Development Code. These standards have been determined to be the minimum necessary to provide adequate parking capacity for specified uses, and have been determined by the City to be the minimum needed to meet both the needs of the residences within the new dwellings as well as serving the needs of visitors to the new residences. Single family dwellings within the RCOD require that a minimum of 1 parking space be provided with a maximum of 3 parking spaces allowed. Section 2.303 requires that single family dwellings provide 2 parking spaces, but for homes served by an access easement, three (3) on-site parking spaces are required. While some ambiguity is created by these competing standards, it should be noted that the RCOD does not list a separate specific category for homes served by an access easement, whereas Section 2.303 does. Therefore, it is determined the requirement of Section 2.303 apply to the lots within this subdivision (Lot 1, 3, 4, and 5) that are accessed by the private access easement, as opposed to the provisions of the RCOD. Lot 2 has its access to Sunset Av N and is therefore governed by the provisions of the RCOD (1 space minimum, 3 spaces maximum). The applicant proposes to provide 3 parking spaces on all of the lots within the subdivision, which complies with this section. Even though Lot 2 could be developed with only 1 parking space, staff is recommending that 3 parking spaces be provided as is proposed by the applicant. This will help to assure adequate parking is provided for both residents and their visitors

Required parking spaces shall be installed at the time homes are constructed on each of the lots within the subdivision. Staff is recommending the applicant provide 3 parking spaces per lot which, will be regulated at the time of building permit review and approval. With these requirements placed as a condition of approval, staff finds the proposal meets this criterion.

7. **SECTION 2.306 - STORM DRAINAGE**

No construction of any facilities in a development included in Subsection 2.306.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by a professional engineer, and approved by the City. These provisions shall also apply to any cut or fill on a property, which may impact the velocity, volume, or quality of surface water on adjacent property, or may impact any permanent natural body of water.

FINDINGS: The intent of this provision is to minimize, and avoid, storm drainage and erosion runoff problems that may be associated with development by requiring that a storm drainage and erosion control plan be submitted for review and approval prior to any development occurring on the site. The applicant submitted a preliminary grading and drainage plan along with a preliminary storm water report. The Public Works Department submitted comments containing requirements that will assure the proposed development can comply with City storm drainage requirements including the following:

Storm water quality and detention improvements will be required in conformance with the City of Keizer Public Works Department Design Standards. The developer's engineer shall conduct on-site infiltration tests, (the location and frequency of tests are to be coordinated with the City of Keizer Public Works Department) to determine the suitability of the soils for the proposed disposal system. The infiltration test and soil analysis shall be performed by a qualified engineer. Storm water calculations shall be submitted in conjunction with the project design drawings and shall indicate how the development complies with the City of Keizer Public Works Design Standards for the basin. All storm water runoff from the property shall be kept on site. No public storm drain system exists for the development to connect to. The owner will be required to provide evidence that any private storm drain systems meeting the definition of UIC have been reviewed and permitted by the Oregon Department of Environmental Quality.

A grading and drainage plan shall be developed for the subject property. Details shall include adequate conveyance of storm water from all contributing areas across the subject property and shall include existing elevations and proposed lot corner elevations. The plan shall be submitted to and approved by the Public Works Department prior to the issuance of any Public Construction permits for street or storm drainage for the subject property. Grading and drainage plans shall be in conformance with the City of Keizer Public Works Design Standards.

Additional information regarding street grades, site grading, inverts, etc., will be required for review prior to any plan approval.

With these requirements placed as conditions of approval, this application complies with this provision.

8. **SECTION 2.307 - UTILITY LINES AND FACILITIES**

FINDINGS: To provide adequate services and facilities appropriate for residential development, the applicant shall meet the standards set forth in Section 2.307 of the Keizer Development Code relating to water, sanitary sewer, private utilities, street lights and easements. This is a development requirement and compliance will be ensured during review of the construction and engineering drawings.

- a. *Section 2.307.02.A - The location, design, installation and maintenance of all utility lines and facilities shall be carried with minimum feasible disturbance of soils and site.*

FINDINGS: The intent of this provision is to require that the design and installation of all utility lines does not disturb any more of the soil and the site than is necessary and to avoid creating large scale disturbances which might impact adjacent properties through run-off and erosion of the site. The proposal to subdivide the site will require utility lines to serve the new lots. Prior to disturbance of any soil on the subject property, an erosion control permit will be required to be obtained from the city of Keizer Public Works Department detailing the erosion control measures that will be required to ensure that the construction and installation of these facilities will not result in more than the minimum amount of disturbance of soils on the site. With this placed as a condition of approval, this proposal can satisfy this criterion.

- b. *Section 2.307.02(B) - All development that has a need for water service shall install water facilities and grant necessary easements pursuant to the requirements of the City.*

FINDINGS: The intent of this provision is to ensure that water lines are installed to city specifications and, if a water line is located outside of public right-of-ways that they are located within an easement so as to avoid any potential conflicts. The Keizer Development Code requires that water service installed outside of the right-of-way shall be placed within an easement, and that the easement is shown on the final plat. The Keizer Public Works Department submitted the following comments regarding the requirements for the water system:

Appropriate easements for all public water mains, fire hydrants, and services constructed outside of public right of ways will be required. Any system development charges for water system improvements will be those in place at the time of individual service connections.

Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to any issuance of Public Construction permits by the City of Keizer. All required fire hydrants shall be served by an 8 inch water main. The developer is proposing that the existing fire hydrant be relocated west of its current location due access restriction to proposed lot 2. If the existing fire hydrant is to be relocated as proposed, the hydrant shall be relocated by City Forces and the developer shall pay for all cost associated with the relocation of the fire hydrant.

Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements. The developer shall provide evidence that any abandonment of existing wells has been completed in accordance with such requirements. Location of all water meters to be approved by the Public Works Department.

With these requirements placed as conditions of approval, this request can meet this criterion.

- c. ***Section 2.307.02(C) - Private Utilities, All development that has a need for electricity, gas and communications services shall install them pursuant 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.***

FINDINGS: The purpose of this provision is to place private utilities which provide service to the new homes underground and avoid above ground, or at grade placement of utilities. Unless otherwise prohibited, this is a development requirement. Salem Electric provided comments indicating they will provide electric service according to the rates and policies at the time of construction. Additionally, the 5' public utility easement (PUE) on the west side of the property will need to be increased to the standard 10' PUE for joint utilities. With this placed as a condition of approval this request can satisfy this criterion.

- d. ***Section 2.307.02(D) - Sanitary Sewers, All development that has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the city. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.***

FINDINGS: The intent of this provision is to require that all of the lots in a new subdivision connect to city's approved sanitary sewer system thereby eliminating the need for the installation of any on-site private septic systems

which require additional land and increase the potential for ground water contamination. The applicant will be required to connect each of the proposed lots to the sanitary sewer system consistent with all applicable requirements. The Public Works Department submitted the following comments addressing this criterion:

The subject property is located inside the original Keizer Sewer District. Therefore, a sanitary sewer trunk line acreage fee will not be required.

City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the Applicant's engineer shall submit plans to the City of Keizer Public Works Department for review and determination of compliance with the City's Master Sewer Plan for the area.

Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements to the City of Keizer will be required for any public sewer mains located outside of the right of ways. The easements will need to be recorded in a form which meets the City of Salem Design Standards and shown on the subdivision plat.

It will be the responsibility of the Applicant's engineer to locate any existing wells (including on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. The Applicant, prior to platting of the proposed subdivision, shall eliminate any conflicts between existing wells and proposed sanitary sewers.

With these requirements placed as conditions of approval, this request can meet this criterion.

- e. ***Section 2.307.02(E) Street Lights. When required, installation of street lights shall be pursuant to the requirements of the city and the company serving the development.***

FINDINGS: The intent of this provision is to require developments to provide adequate night-time illumination to avoid dark streets which could potentially become a safety hazard to pedestrians, motorists, and homeowners. Sunset Av N is an existing street and has street lights along it. No additional street lights are proposed or required with this subdivision request. Therefore this criterion is not applicable.

9. SECTION 2.309 – SITE AND LANDSCAPING DESIGN

- a. *Section 2.309.04(C)(a) – Significant Trees. The City may require significant trees that are removed (including trees that are removed within the two years prior to the application) be replaced at the rate of up to two new trees for each significant tree removed, or less if a tree specimen which will result in an increased tree size is planted.*

FINDING: The intent of this provision is to require planting of new trees to replace trees that are cut down as part of the development of a subdivision. In particular, this provision aims to replace trees that are identified as being “significant trees” which are trees that are equal to or greater than 50 feet in height or 12 inches in diameter. Comments were received regarding the applicant’s proposed removal of all the trees on the site and questions were raised as to the appropriateness of identifying the plan as a tree preservation plan. Staff understands the concerns expressed, and while it is always a desire to retain significant trees if possible, the proposed development proposal makes it impractical. It should be noted the KDC does not give staff the ability to prevent the removal of trees, but it does give authority to require replacement of significant trees that are removed. The applicant submitted a tree removal plan that shows 21 significant trees will be removed. Therefore, a total of 42 trees shall be planted to replace the trees that were removed in order to be consistent with the city’s 2:1 ratio. If a larger tree specimen size is planted, this ratio may be reduced.

The applicant provided a tree replacement plan showing a total of 17 trees (2” caliper) that are proposed to be planted (Lot 1, 3, 4 = 3 trees; Lot 2 = 2 trees; Lot 5 = 6 trees). This amount is not adequate to mitigate the amount of trees removed to allow for the development as required by the KDC. Additionally, the applicant’s submitted plan does not provide adequate streetscape trees. Lot 1 is required to plant 2 trees along Sunset Av N and 2 trees along the access easement. Lot 2, 3, and 4 do not provide any streetscape trees, and each of those lots requires a minimum of 1 streetscape tree adjacent to the street or access easement (in the case of lots 3 and 4). Specific streetscape tree requirements are addressed elsewhere in this report. However, it should be noted that even after adding in the additional required streetscape trees, the applicants total tree count would only be 21 trees. This leaves a deficit of 21 additional trees that are required to satisfy the requirements of the code. Clearly, it is not practical to require 21 additional trees to be planted within the subdivision. Therefore, as an alternative, in lieu of on-site tree replacement, an off-site tree mitigation plan that is consistent with Section 2.309 of the KDC may be submitted to the Community Development Director for approval, which may include provisions for paying into the City’s landscape mitigation fund to address any additional trees that cannot be accommodated within the subdivision.

Staff recommends that as a condition of approval, the applicant provide the city with a revised Tree Replacement Plan showing a total of 42 trees. The replacement plan shall show required streetscape trees, along with the number and relative location where replacement trees are to be planted on individual lots prior to subdivision plat approval. The plan shall also identify any off-site mitigation measures proposed to satisfy the overall tree replacement requirement, or information regarding paying into the City's landscape mitigation fund. Staff recommends the revised tree replacement plan provide the following number of trees on each lot for a total of 21 trees being provided on-site, along with 21 trees off-site for a total of 42 trees:

- Lot 1 – 2 streetscape trees along Sunset + 2 streetscape trees along access easement = 4 trees
- Lot 2 – 1 streetscape tree along Sunset + 2 replacement trees = 3 trees
- Lot 3 – 1 streetscape tree along easement + 3 replacement trees = 4 trees
- Lot 4 – 1 streetscape tree along easement + 3 replacement trees = 4 trees
- Lot 5 – 6 replacement trees
- 21 trees to be provided off-site

If the applicant chooses to plant large tree specimen sizes or increase the number of trees proposed for each of the lots, the number of replacement trees would be reduced accordingly.

Replacement and streetscape trees will be required to be planted as a condition of final building permit approval for each of the individual lots. With these requirements placed as conditions of subdivision approval, staff finds this request can comply with this criterion.

- b. Section 2.309.05 – Screening and Buffering. Screening and buffering shall be used to mitigate visual impacts, dust, or noise, and to provide for compatibility between dissimilar adjoining uses.*

FINDING: The intent of this provision is to require screening and buffering in specific designated circumstances such as when commercial/industrial development abuts residential uses, or when multi-family development abuts residential uses. While this proposal does not specifically fall within the criteria and the requirements to require screening and buffering outright, staff is recommending that a six foot tall, sight obscuring fence be required along the east, south and west perimeter of the subdivision. This development will result in a compact urbanized use of the property, which is dissimilar to the immediately surrounding properties and overall neighborhood. In addition, several comments were received from surrounding neighbors expressing concerns with the proposed increase to

density and impacts on the adjacent properties and neighborhood. Some comments received requested that fencing be required to provide adequate privacy. It should be noted that a fence is required along the western border of the property to screen the access easement as a provision of the development code requirements governing private access easements. This requirement is addressed elsewhere in this report and is required to be installed at the time of access easement construction. Staff feels it is appropriate in this case, and justifiable, to require that a six foot tall, sight obscuring fence be provided on the perimeter of the subdivision to mitigate impacts to adjacent properties. As a condition of approval, staff recommends fencing be installed at the time homes are constructed on each of the individual lots along the east and south boundaries of the subdivision. This is recommended to be placed as a condition of final building inspection approval for each of the individual lots in the subdivision. With these conditions, this request can comply with this criterion.

10. SECTION 2.310 - DEVELOPMENT STANDARDS FOR LAND DIVISIONS

- a. Section 2.310.03.A - Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcels are located.*

FINDINGS: The purpose of this requirement is to allow for the development of the property in a manner consistent with that of the underlying zone district. The subject property is zoned Single Family Residential (RS) and is within the River Cherry Overlay District (RCOD) and is therefore subject to the requirements of Section 2.130.05.A. This section outlines minimum lot size requirements for properties that are zoned RS within the RCOD.

The applicant's written statement created some confusion regarding this standard and errantly indicated Lot 1 was sized for a corner duplex lot with 7,000 square feet of area. To clarify, Lot 1 cannot be developed with a duplex. Lot area is calculated as net area (not gross area) and even though Lot 1 has a gross area of over 7,000 square feet, the net area is 5,265 square feet. Even so, a duplex can be built on a "corner lot" within the RCOD on a lot size of 5,000 square feet. However, Lot 1 is not considered a "corner lot" by the standards of the KDC. A "corner lot" is defined as "*a lot abutting on two intersecting streets, other than an alley or private access easement...*" Since Lot 1 abuts a public street and a private access easement it is not considered a "corner lot" by definition, and therefore cannot be developed with a duplex.

The applicant's written statement also seemed to indicate single family attached dwellings were proposed for the subdivision with minimum lot area requirements of 3,000 square feet. To clarify, "attached" single family

dwelling units are not proposed for this subdivision. Single family detached dwelling units are proposed. The applicant has indicated their intention of developing an attached “accessory dwelling unit” (ADU) with each of the proposed homes in the subdivision. Attached *dwelling units* require their own lot and are titled individually, whereas an ADU is considered accessory to the primary dwelling and cannot be separated under ownership. State law requires that ADUs be allowed wherever single family dwelling units are allowed.

Even though the applicant’s statement was in error in these specific areas, the proposal meets the minimum requirement of the RCOD. The minimum lot size for detached single-family dwelling units within the RCOD is 3,500 square feet (net area calculation). The applicant’s site plan shows the lots within the proposed subdivision range in size from a net area calculation of 3,818 square feet (Lot 2) up to 5,667 square feet (Lot 5). Both gross and net area for all lot sizes shall be shown on the preliminary plat and final plat as a condition of subdivision approval. Therefore, staff finds this proposal satisfies this criterion.

- b. 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 purpose for establishing lot width-to-depth ratios is to provide for the orderly, safe, efficient and livable development of land. The lot width-to-depth ratio also prevents lots from being created that would be practically unbuildable. The proposed lots are regularly shaped as far as practical, and comply with the lot depth to width ratio requirements. All lots within the proposed subdivision are shown to meet this criterion.

- c. Section 2.310.03.D - Access. All lots and parcels shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. Residential lots or parcels may be accessed via a private street or access easement developed in accordance with the provisions of Section 2.302.08.***

FINDINGS: The intent of this provision is to ensure that all lots have a minimum frontage along a street so that access to serve the lot will meet city standards and the lot can be developed in a manner that will ensure that all building setback requirements are met. Lot 2 will have access to Sunset Av N, and is shown to have approximately 42 feet of width, which satisfies the requirements of both the RS zone and RCOD. Lots 1, 3, 4, and 5 will be accessed from a newly created access easement which comply with the standards governing access easements, and are addressed elsewhere in this report. Therefore, this proposal satisfies this criterion.

d. 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. If a flag-lot is permitted, the following standards shall be met:

- 1. The access strip shall not be less than 20 feet wide. The access strip shall be improved with a minimum 12 foot wide paved driveway and paved encroachment which meet applicable City standards.*
- 2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.*

FINDINGS: No flag lots are proposed so this section is not applicable.

e. Section 2.310.03.F - Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major street, adjacent non-residential activities, or to overcome specific development constraints due to topography or lot orientation. Through lots shall be no less than 100 feet in depth. Lots having their access off a private access easement or adjacent to a private access easement shall not be construed as qualifying as through lots. Screening or buffering, pursuant to the provision of Section 2.307, may be required by the City during the review of the land division request.

FINDINGS: No through lots are proposed, so this section is not applicable.

f. Section 2.310.03.G - Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. 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 avoid the creation of odd-shaped lots which may meet minimum lot size, but owing to its shape may result in a lot that is too difficult to build on without a variance to requirements within the code. The intent is to avoid these types of lots in favor of the creation of lots that can be readily developed. The subject property will result in the creation of 5 lots, which are all rectangular. Proposed lot lines run, as far as practicable, at right angles to the access easement lines and street frontage. The rear lot lines are all not less than one-half the dimension of the front lot lines. All the lots meet the city's minimum lot standards and so should be able to be developed with a single family dwelling on each lot. The application complies with this criterion.

- g. *Section 2.310.03.H - Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of this Code.*

FINDINGS: The intent of this provision is to ensure that utility easements are provided and avoid the situation where they may be needed but since no easements were provided as part of the platting of the subdivision it creates problems after the platting of the subdivision. The Public Works Department submitted comments requiring adequate utility easements be provided. Additionally, Salem Electric submitted comments indicating a 10 foot wide public utility easement is needed along the west side of the property. This is a development requirement and shall be placed as a condition of approval of this subdivision application. With this placed as a condition of approval the application can comply with this criterion.

11. **SECTION 2.310.04 - ADDITIONAL DESIGN STANDARDS FOR SUBDIVISIONS**

- a. *Section 2.310.04.A - Standards for Blocks:*

1. *General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.*
2. *Sizes: Blocks should not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.*

FINDINGS: The proposed subdivision will not result in the creation of any blocks within the proposed subdivision; therefore, this provision is not applicable.

- b. *Section 2.310.04.B - Traffic Circulation. The proposed subdivision shall be laid out to provide safe and convenient vehicle, bicycle and pedestrian access to nearby residential areas, transit stops, neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide safe and convenient traffic circulation. At a minimum, "nearby" is interpreted to mean uses within ¼ mile which can be reasonably expected to be used by pedestrians, and uses within 1 mile of the subdivision boundary which can reasonably be expected to be accessed by bicyclists.*

FINDINGS: The intent of this provision is to allow for safe vehicle, pedestrian, and bicycle access from the lots within the subdivision to nearby attractors. The proposed subdivision will be served by an access easement providing connection to the existing public street. No other area attractors are adjacent to the property, and therefore no additional connections are required. Therefore, this proposal complies with this criterion.

12. SECTION 2.310.06 - IMPROVEMENT REQUIREMENTS - SUBDIVISIONS

- a. *Section 2.310.06.A - Frontage Improvements. Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.303 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.***

FINDINGS: The intent of this provision is to ensure that lots within the proposed subdivision include street improvements in accordance with city standards so as to avoid having substandard streets which could become a safety hazard. The applicant's proposal will provide a private access easement to serve 4 of the lots within the development along with a single driveway for one of the lots. The Public Works Department has determined that frontage improvements will not be required for Sunset Av N, due to the chosen modified improvement of Sunset Av N, which was previously constructed. Sunset Av N is unique, in that it was previously constructed to a modified street improvement design by the City, with input and coordination of the existing neighborhood. Therefore, staff finds the exception language found in Section 2.302.02.E apply to this subdivision request, and no frontage improvements will be required as a result. The applicant will be required to sign a "non-remonstrance" agreement prior to final plat in order to assure that future improvements can be provided, if and when it is appropriate. With the above mentioned requirements placed as a condition of approval, this proposal can comply with this criterion.

- b. *Section 2.310.06.B - Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 and 2.316 only if sidewalks currently exist along the connecting street.***

FINDINGS: No sidewalks exist along Sunset Av N. Therefore, staff finds this criterion is not applicable.

- c. ***Section 2.310.06.C - Project Streets. All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.302.***

FINDINGS: The intent of this provision is to ensure that lots within the proposed subdivision include street improvements in accordance with city standards so as to avoid having substandard streets. There will be no public streets constructed as part of the proposed subdivision. Therefore, this criterion is not applicable.

- d. ***Section 2.310.06.D - Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.***

FINDINGS: The applicant will be responsible for placing appropriate monuments and with this placed as a condition of approval, this application can comply with this criterion.

- e. ***Section 2.310.06.E - Bench Marks. Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.***

FINDINGS: The applicant will be responsible for placing appropriate bench marks at the street intersection and with this as a condition this application can comply with this criterion.

- f. ***Section 2.310.06.F - Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property.***

FINDINGS: The intent of this section is to require that new developments make use of a drainage system that is in accordance with city requirements and which will handle the storm drainage from the site and avoid any adverse impacts onto adjacent properties. Specific storm drainage requirements were previously addressed in this report. Staff finds this request can satisfy this criterion.

- g. Section 2.310.06.G - Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.*

FINDINGS: The intent of this provision is to require that all of the lots in a new subdivision connect to a sanitary sewer system thereby eliminating the need for the installation of any on-site private septic systems which require additional land and increase the potential for ground water contamination. The Public Works Department submitted comments addressing this criterion which have been recommended as conditions of subdivision approval and were previously addressed in this report. Therefore, staff finds this criterion can be met.

- h. Section 2.310.06.H - Water System. Water lines with valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed and operating prior to start of combustible construction. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the developer will be responsible for water main sizes necessary to meet minimum fire flow requirements per Uniform Fire Code. The City will not expect the developer to pay for the extra pipe material cost of mains exceeding 8 inches in size.*

FINDINGS: The intent of this provision is to ensure that in addition to a safe potable water supply that adequate water flow and fire hydrants are provided to ensure fire protection service is provided for each new lot in the proposed subdivision. The requirements pertaining to the water system were previously addressed in this report. The applicant proposes to relocate an existing fire hydrant on Sunset Av N. If the hydrant is relocated as proposed, the hydrant shall be relocated by City forces and the developer shall pay for all cost associated with the relocation. With these conditions, staff finds this request can satisfy this criterion.

- i. Section 2.310.06.I - Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g., pedestrian walkways) or sidewalks fronting public property shall not be deferred.*

FINDINGS: No public streets are proposed with this subdivision request. Therefore, this criterion is not applicable.

- j. Section 2.310.06.J - Street Lights. The installation of street lights is required at locations determined to be appropriate by the City and shall be of a type required by City standards.*

FINDINGS: The intent of this section is to require that new developments provide street lights to provide for an adequate level of night-time illumination. There are existing street lights on Sunset Av N and no additional street lights will be required with this proposal. Therefore, this criterion is not applicable.

- k. Section 2.310.06.K - Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits.*

FINDINGS: The intent of this provision is to require that the installation of street name signs and traffic control signs be placed at locations determined to be appropriate by the city and shall be of a type required by City standards so as to avoid signs that are in wrong locations or a design that are not consistent with city standards. An access easement name sign will be required at the intersection of the private access easement and Sunset Av N With this placed as a condition that the location, placement, and type of sign are in accordance with city requirements, staff finds this proposal can comply with this section.

- l. Section 2.310.06.L - Public Works Requirements. All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works.*

FINDINGS: The intent of this provision is to ensure that all facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works. The Public Works Department submitted comments containing conditions and requirements that are recommended as conditions of approval of this subdivision request. The application can meet this criterion by following those conditions. This is addressed as a condition of subdivision approval.

- m. Section 2.310.06.M - Curb Cuts. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to the City standards.*

FINDINGS: This is a development requirement. With this as a condition of approval, the application can comply with this criterion.

- n. *Section 2.310.06.N - Street Trees. Street tree planting is mandatory where a planting strip is part of the street design. Plantings shall conform to Section 2.302.03(M).*

FINDINGS: No public streets are proposed, and therefore this criterion is not applicable.

- o. *Section 2.310.06.O - Grading & Fills. All grading which results in fills in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be engineered.*

FINDINGS: The property is relatively flat. The submitted materials do not show that fill will be brought into the site; however, this requirement is a State Building Code requirement and is intended as advisory at this point of the subdivision review.

- p. *Section 2.310.06.P - Financial Requirements. All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.*

FINDINGS: This requirement will be placed as a condition of approval.

13. **SECTION 2.316 – INFILL DEVELOPMENT STANDARDS-**

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 subject property proposed to be partitioned is less than 2 acres in area and is adjacent to existing residential development. Therefore infill development standards of Section 2.316 will be required to be met for the newly proposed homes. The purpose of this section 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. Infill developments shall be designed to be sensitive to the established patterns of existing neighborhood development. Primarily, the tool used to address this issue is to require additional setbacks when proposed new dwellings exceed five (5) feet above the height of the existing abutting dwellings. When additional setbacks cannot be provided, additional landscaping and screening can be proposed to mitigate the impact.

The applicant submitted information regarding proposed building heights and neighboring property heights which indicate the requirements of this section will be met. The property is adjacent to a single family home on the east which is approximately 25' tall, a single family home on the west which is approximately

15' tall, and a multifamily development and single family home to the south that are zoned medium density. The applicant proposes to build structures that will be 19-25' tall, which will not require any additional setbacks to the east or south. Since the proposed structures are taller than the existing home to the west, additional setbacks could be required. However, the access easement will be located on the west of the property which results in any new building being setback a minimum of 30 feet from the adjacent property, which far exceeds any additional setback requirement needed.

Compliance with these provisions will be assured through the building permit review and approval process. Based upon the information submitted and requirements of this section, no additional setbacks or mitigation measures are required. Staff finds this proposal complies with the provisions of Section 2.316, and therefore, staff finds this request satisfies this criterion.

B. SECTION 3.108.06.B - EACH LOT SHALL SATISFY DIMENSIONAL STANDARDS AND DENSITY STANDARDS OF THE APPLICABLE ZONING DISTRICT, UNLESS A VARIANCE FROM THESE STANDARDS IS APPROVED.

FINDINGS: The intent of this provision is to ensure that new residential subdivisions meet the established dimensional and density provisions of the city to assure that the development is done consistent with this standard. In addition, setback provisions are governed by these sections. The applicant has indicated that each of the lots will be developed with single-family homes. The subject property is zoned Single Family Residential (RS) and is located within the River Cherry Overlay District (RCOD).

Lot Dimensions:

Section 2.102.05.A of the Keizer Development Code requires that each lot to be developed with a single-family dwelling contain a minimum average width of 40 feet and a depth of 70 feet. All of the proposed lots exceed this provision.

Density Requirements:

Section 2.130.05.B.2 specifies a minimum density of 6 units per acre and a maximum density of 10 units per acre for RS zoned property that is subdivided within the RCOD. Section 2.130.05.B.2 also specifies that accessory dwelling units are not included in density calculations in the RS zone. The proposed subdivision is 0.69 acres in area and is proposed to be subdivided into 5 lots, which equals a density of 7.2 units per acre ($5/0.69=7.2$). This complies with the density requirements of this section of the code.

Setback Requirements:

Section 2.102.05.B contains the setback requirements in the RS zone. The property contains an existing single family home and detached garage. The garage is proposed to be removed and/or relocated due to the fact that it will not meet setback requirements within the boundary of Lot 1. As a condition of approval, the existing garage must be removed or

relocated to comply with the setback provisions of the RS zone prior to final plat approval. If the outbuilding is modified, a site plan prepared by a licensed engineer or surveyor must be submitted to the Community Development department certifying the outbuilding will meet the setback requirements to be placed on lot 1. Setbacks for the proposed new homes will be regulated as a part of the building permit review and approval process. Therefore, with the above recommended conditions, staff finds this proposal complies with this criterion.

C. SECTION 3.108.06.C - ADEQUATE PUBLIC FACILITIES SHALL BE AVAILABLE TO SERVE THE EXISTING AND NEWLY CREATED PARCELS.

FINDINGS: As previously discussed, public sewer and water are available and can serve the newly created lots within the proposed subdivision and the applicant will be responsible for complying with the applicable conditions governing the construction and installation of these facility connections. With the requirement that the applicant be responsible for providing adequate public facilities as addressed in this report, staff finds this application can comply with this criterion.

D. SECTION 3.108.06.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.

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 streets that logically continue the City's street system are provided in order to avoid traffic generation that exceeds the street system's carrying capacity, which then causes dangerous or hazardous traffic conditions. The City of Keizer has traditionally required developers to dedicate property for and construct standard street, sidewalk, sanitary sewer, storm drain and water supply improvements in subdivisions to meet the basic needs created by the development. The absence, in this instance, of the required street improvements would be cause for denial of the application on the basis that adequate street facilities are not available to serve the site. These traditional street improvements have been imposed to avoid excessive congestion, negative safety impacts and provide basic services to preserve the health of the community and the residents of the proposed development. Such street improvements and dedications are now, and have traditionally been, part of the cost considered in the developer's reasonable investment-backed expectations for constructing the subdivision.

The applicant proposes a five (5) lot subdivision for single family residential development. The development features access from a proposed private access easement that will connect to Sunset Av N along with a proposed driveway to serve lot 2. No improvements to Sunset Av are being required with this application. However, the Public Works Department has indicated that 4 feet of right of way will be required to be dedicated along the frontage of the property to provide for a total of 34 feet of right of way from the existing centerline of the right of way of Sunset Av N. Staff finds the required dedication is roughly proportional to the impact of the subdivision request, since it will only be necessary to accommodate the subdivision itself.

VI. RECOMMENDATION AND CONDITIONS

The available evidence indicates the subdivision proposal complies with the decision criteria. Staff recommends approval of the subdivision subject to the following conditions, which 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 Requirements:

1. The following requirements are regulated and must be met to the satisfaction of the Public Works Department regarding sanitary sewers, water systems, street and drainage improvements, and other requirements:

SANITARY SEWERS:

The subject property is located inside the original Keizer Sewer District. Therefore, a sanitary sewer trunk line acreage fee will not be required.

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the Applicant's engineer shall submit plans to the City of Keizer Public Works Department for review and determination of compliance with the City's Master Sewer Plan for the area.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements to the City of Keizer will be required for any public sewer mains located outside of the right of ways. The easements will need to be recorded in a form which meets the City of Salem Design Standards and shown on the subdivision plat.
- c.) It will be the responsibility of the Applicant's engineer to locate any existing wells (including on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. The Applicant, prior to platting of the

proposed subdivision, shall eliminate any conflicts between existing wells and proposed sanitary sewers.

WATER SYSTEM:

- a.) Appropriate easements to the City of Keizer will be required for all public water mains, fire hydrants and services constructed outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections.
- b.) Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to any issuance of Public Construction permits by the City of Keizer. All required fire hydrants shall be served by an 8 inch water main. The developer is proposing that the existing fire hydrant be relocated west of its current location due access restriction to proposed lot 2. If the existing fire hydrant is to be relocated as proposed, the hydrant shall be relocated by City Forces and the developer shall pay for all cost associated with the relocation of the fire hydrant.
- c.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements. The Applicant shall provide evidence to the Public Works Department that any abandonment of existing wells has been completed in accordance with such requirements.
- d.) Location of all water services to be approved by the Public Works Department.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) Storm water quality and detention improvements will be required in conformance with the City of Keizer Public Works Department Design Standards. The developer's engineer shall conduct on-site infiltration tests, (the location and frequency of tests are to be coordinated with the City of Keizer Public Works Department) to determine the suitability of the soils for the proposed disposal system. The infiltration test and soil analysis shall be performed by a qualified engineer. Storm Water calculations shall be submitted in conjunction with the project design drawings and shall indicate how the development complies with the City of Keizer Public Works Design Standards for the basin. All storm water runoff from the property shall be kept on site. No public storm drain system exists for the development to connect to. The owner will be required to provide evidence that any private storm drain systems meeting the definition of UIC have been reviewed and permitted by the Oregon Department of Environmental Quality.
- b.) A grading and drainage plan shall be developed for the subject property. Details shall include adequate conveyance of storm water from all contributing areas across the subject property and shall include existing elevations and proposed lot

corner elevations. The plan shall be submitted to and approved by the Public Works Department prior to the issuance of any Public Construction permits for street or storm drainage for the subject property. Grading and drainage plans shall be in conformance with the City of Keizer Public Works Design Standards. Additional information regarding street grades, site grading, inverts, etc., will be required for review prior to any plan approval.

- c.) Sunset Avenue is a designated Collector Street which requires a right of way width of 68 feet. The current width is 60 feet and an additional width of 4 feet will be required to provide for 34 feet of right of way from the centerline of the existing right of way. No street improvement, other than driveway accesses are required at this time but the applicant will be required to sign a “non remonstrance” agreement prior to final plat approval. Proposed parking spaces shall be located outside of the right of way after dedication for any lots fronting on Sunset Avenue.

OTHER

- a.) Construction permits are required by the Public Works Department prior to any public facility construction.
- 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.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.
- f.) Developer shall coordinate the location of mailboxes with the U.S. Postal Service.

Prior to Preliminary Plat Approval:

- 3. A detailed preliminary subdivision plat shall be submitted to the Marion County Surveyor's office for review. Marion County Surveyor's office will then submit the plat to Keizer for review and approval. The Preliminary Plat must be submitted for review prior to submittal of a final plat.
 - a. Subdivision name must be approved per Oregon Revised Statue 92.090.
 - b. Must be surveyed and platted per Oregon Revised Statue 92.050.

- c. Subdivision plat must be submitted for review.
- d. Checking fee and recording fees required.
- e. Per Oregon Revised Statute 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.
- f. 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:

- g. The preliminary plat shall substantially conform to the proposed subdivision request.
- h. Include all engineering elements as required by the Department of Public Works.
- i. For all public water mains, fire hydrants and any public sewer mains located within the subject property (if located outside platted right of ways) easements will be required and will need to be recorded. These easements shall meet the City of Keizer or City of Salem (where applicable) Design Standards and shall be shown on the subdivision plat.
- j. 10 foot wide public utility easements (PUE) shall be shown along all dedicated right of ways.
- k. All lots must conform to the lot dimension standards within the RS zone and RCOD. The final plat must show both gross and net area calculations.
- l. Include all dedication as required by Public Works.
- m. Access Easement and turn-around areas shall be shown on the plat and shall comply with City and Keizer Fire District standards. Access easement name to be shown on plat.
- n. 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 _____, 202_ in reel ___ page _____ of the Marion County Oregon Deed of Records

- 4. With the preliminary plat a copy of the proposed CC&R's, Owners Agreements, Articles and By-Laws shall be submitted to the Community Development Department for review by the City Attorney as outlined in Section 3.108.07 of the Keizer Development Code. The following information should be included within the instrument(s):
 - a. The number of replacement and streetscape trees required for each lot.
 - b. Information regarding the access easement maintenance, no parking signs, and fencing along access easement.
 - c. Fence requirements.
 - d. Parking requirements.

Prior to Final Plat approval:

5. Upon approval of the preliminary agreement, a final copy of any CC&R's, Homeowner Agreements, or other instrument shall be submitted to the Community Development Department which conforms to the agreements submitted during preliminary plat approval.
6. The construction and paving of the access easement and turn around area, installation of the street addressing signage, required no parking signage, and fencing for screening 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 2.310.06.P of the Keizer Development Code. Improvement agreements may be obtained from the Community Development Department.
7. The maintenance and replacement of the access easement, "no parking" signage, and address display signage 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.
8. The applicant shall submit a modified Tree Replacement Plan providing the following number of trees on each lot for a total of 21 trees being provided on-site, along with 21 trees off-site for a total of 42 trees as follows:
 - Lot 1 – 2 streetscape trees along Sunset + 2 streetscape trees along access easement = 4 trees
 - Lot 2 – 1 streetscape tree along Sunset + 2 replacement trees = 3 trees
 - Lot 3 – 1 streetscape tree along easement + 3 replacement trees = 4 trees
 - Lot 4 – 1 streetscape tree along easement + 3 replacement trees = 4 trees
 - Lot 5 – 6 replacement trees
 - 21 trees to be provided off-site

In lieu of this, an alternate plan may be submitted to and approved by the Community Development department providing for off-site tree planting, or specimen tree planting, consistent with Section 2.309 of the Keizer Development Code.

9. The detached garage/accessory building must be removed or relocated to comply with the setback provisions of the RS zone. If the building is modified or relocated, a site plan prepared by a licensed surveyor or engineer must be provided certifying the building complies with the setback requirements for lot 1.

10. Upon approval of the detailed preliminary plat and engineering plans, a final plat for the subdivision, which conforms to the preliminary plat approval, must be submitted for review to Marion County Surveyor's Office.
11. The final plat for the subdivision shall be recorded within 1 year from the date of final decision on this application. A one year extension may be approved by the Community Development Director. Requests for extensions must be received in writing at least thirty days prior to the one year time period.

Prior To Obtaining Building Permit(s):

12. No building permits shall be issued until the plat is recorded and all conditions of any construction permits are completed to the satisfaction of the Department of Public Works.

Prior to Obtaining Building Permit Final for each dwelling within the Subdivision:

13. The residential address requirements found in the Oregon Uniform Fire Code shall be completed as approved by Keizer Fire District and Community Development Department. Access easement sign shall be provided and placed by the applicants in accordance with city standards.
14. Trees outlined in the modified Tree Replacement Plan (referenced in condition # 8) must be planted within the subdivision for each individual lot as shown on the Tree Replacement Plan. This includes streetscape trees required for each lot.
15. Three (3) on-site parking spaces shall be provided for all lots within the subdivision.
16. A six foot tall sight obscuring fence must be provided for the perimeter of the subdivision. Fencing must be provided along the east line of Lot 2, 3, and 4. Fencing must be provided along the east, south and west line of Lot 5.
17. Applicant or any contractors building on lots shall comply with all applicable city regulations regarding noise, dust, times of construction, etc.

07 3W 11BB

07 3W 11BB

KEIZER



MARION COUNTY, OREGON
NW1/4 NW1/4 SEC11 T7S R3W W.M.
SCALE 1" = 100'

LEGEND

- LINE TYPES**
- Taxlot Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Plat Bndry
 - Waterline - Taxlot Bndry
 - Waterline - Non Bndry
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary

- CORNER TYPES**
- + 1/16th Section Cor.
 - ⊙ DLC Corner
 - ⊕ 1/4 Section Cor.
 - ⊕ 16 1/5 Section Corner
 - ⊕ 21 2/2 Section Corner

NUMBERS
Tax Code Number
000 00 00 0

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

NOTES

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

CANCELLED NUMBERS

500
600
700
1400
1500
1700
1800
2100
2600
3600
4700
4802
5800
5900
6300

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 3/10/2020

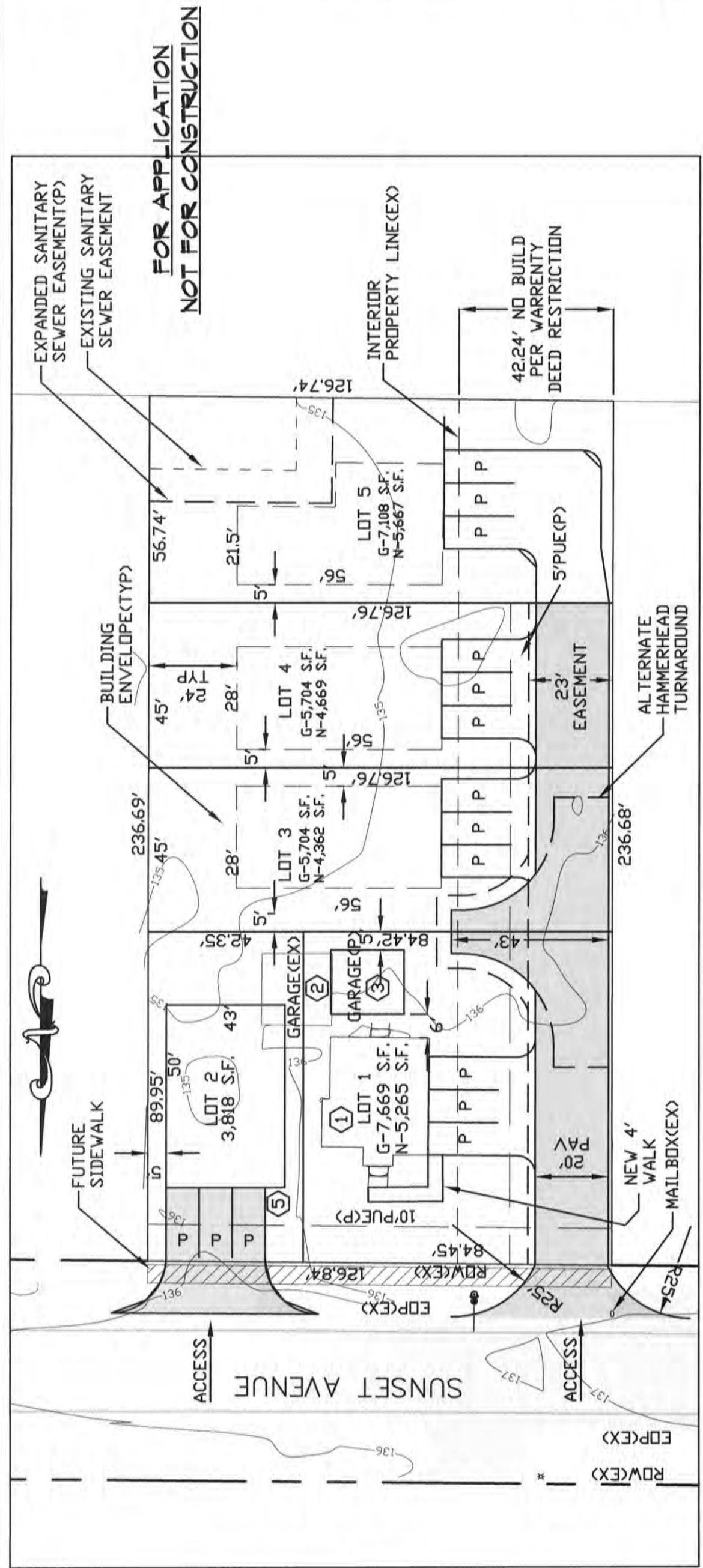
KEIZER

07 3W 11BB

07 3W 11BB

07 3W 11BB





**FOR APPLICATION
NOT FOR CONSTRUCTION**

DEVELOPER/OWNER:
DOUG DOTY
250 SUNSET LLC
441 STATE ST
SALEM, OR 97301

LOT DATA:
LOTS - 5
AVERAGE SQ. FT. - 6,001
LOTS/ACRE - 7.25

PARTITION DATA
TOWNSHIP - 7 SOUTH
RANGE - 3 WEST
SECTION - 11BB
TAX LOT - 3900
TOTAL ACREAGE - 0.69 ACRES
EXISTING ZONING - RS(RCOD)

SITE PLAN
SCALE: 1"=30'

LEGEND:
MIN UNITS - 6(0.69 ACRES) = 4.0 UNITS
MAX UNITS - 10(0.69 ACRES) = 6 UNITS
(THESE UNITS DO NOT INCLUDE ADU'S)

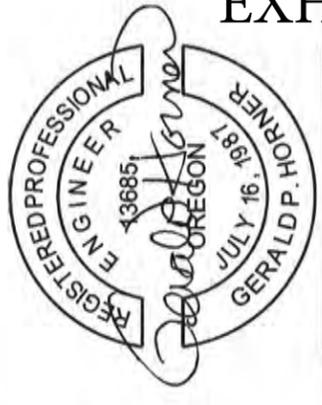
LEGEND:
EX - EXISTING
G - GAS
PL - PROPERTY LINE
(P) - PROPOSED
TYP - TYPICAL

SITE NOTES:

- HOUSE TO REMAIN.
- GARAGE TO BE REMOVED.
- FUTURE GARAGE.
- REMOVE EXISTING WALK.
- EXISTING PAVED ACCESS TO BE REMOVED.



VICINITY MAP



EXPIRES: JUNE 30, 2021

SUNSET SUBDIVISION
250 SUNSET AVE N
KEIZER, OR 97308

DESIGNED BY: GPH
DRAWN BY: RJV
DATE: 06-17-20
JOB NO.: 2020-56
CLIENT NO.:
DRAWING NO. 610

TENTATIVE SUBDIVISION
APPLICATION PLAN

ENGINEER:
WILLAMETTE ENGINEERING INC.
P.O. BOX 9032
SALEM, OREGON 97305
PH: 503-304-0905
FAX: 503-304-9512

TO: DINA RUSSELL, ASSISTANT PLANNER
RE: SUBDIVISION CASE NO. 2020-12 (DOUG DOTY)
DATE: AUGUST 04, 2020

PUBLIC WORKS DEPARTMENT REQUIREMENTS:

The application is for 5 lots on 0.69 acres.

SANITARY SEWERS:

The subject property is located inside the original Keizer Sewer District. Therefore, a sanitary sewer trunk line acreage fee will not be required.

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the Applicant's engineer shall submit plans to the City of Keizer Public Works Department for review and determination of compliance with the City's Master Sewer Plan for the area.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements to the City of Keizer will be required for any public sewer mains located outside of the right of ways. The easements will need to be recorded in a form which meets the City of Salem Design Standards and shown on the subdivision plat.
- c.) It will be the responsibility of the Applicant's engineer to locate any existing wells (including on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. The Applicant, prior to platting of the proposed subdivision, shall eliminate any conflicts between existing wells and proposed sanitary sewers.

WATER SYSTEM:

- a.) Appropriate easements to the City of Keizer will be required for all public water mains, fire hydrants and services constructed outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections.
- b.) Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to any issuance of Public Construction permits by the City of Keizer. All required fire hydrants shall be served by an 8 inch water main. The developer is proposing that the existing fire hydrant be relocated west of its current location due access restriction to proposed lot 2. If the existing fire hydrant is to be relocated as proposed, the hydrant shall be relocated by City Forces and the developer shall pay for all cost associated with the relocation of the fire hydrant.
- c.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements. The Applicant shall provide evidence to the Public Works Department that any abandonment of existing wells has been completed in accordance with such requirements.
- d.) Location of all water services to be approved by the Public Works Department.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) Storm water quality and detention improvements will be required in conformance with the City of Keizer Public Works Department Design Standards. The developer's engineer shall conduct on-site infiltration tests, (the location and frequency of tests are to be coordinated with the City of Keizer Public Works Department) to determine the suitability of the soils for the proposed disposal system. The infiltration test and soil analysis shall be performed by a qualified engineer. Storm Water calculations shall be submitted in conjunction with the project design drawings and shall indicate how the development complies with the City of Keizer Public Works Design Standards for the basin. All storm water runoff from the property shall be kept on site. No public storm drain system exists for the development to connect to. The owner will be required to provide evidence that any private storm drain systems meeting the definition of UIC have been reviewed and permitted by the Oregon Department of Environmental Quality.
- b.) A grading and drainage plan shall be developed for the subject property. Details shall include adequate conveyance of storm water from all contributing areas across the subject property and shall include existing elevations and proposed lot corner elevations. The plan shall be submitted to and approved by the Public Works Department prior to the issuance of any Public Construction permits for street or storm drainage for the subject property. Grading and drainage plans shall be in conformance with the City of Keizer Public Works Design Standards. Additional information regarding street grades, site grading, inverts, etc., will be required for review prior to any plan approval.
- c.) Sunset Avenue is a designated Collector Street which requires a right of way width of 68 feet. The current width is 60 feet and an additional width of 4 feet will be required to provide for 34 feet of right of way from the centerline of the existing right of way. No street improvement, other than driveway accesses are required at this time but the applicant will be required to sign a "non remonstrance" agreement prior to final plat approval. Proposed parking spaces shall be located outside of the right of way after dedication for any lots fronting on Sunset Avenue.

OTHER

- a.) Construction permits are required by the Public Works Department prior to any public facility construction.
- 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.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.
- f.) Developer shall coordinate the location of mailboxes with the U.S. Postal Service.

Comments on Planning Action: _SUB 2020-12_____

Date _08/10/2020__ Person Commenting _ Stephanie Watson_____

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

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

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

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

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

Other comments specific to this Planning Action:



REQUEST FOR COMMENTS

July 22, 2020

TO: Staff, Agencies and Utilities

FROM: Dina Russell, Assistant Planner

CASE: Subdivision Case 2020-12

RESPONSE DATE: August 5, 2020

APPLICATION: The applicant is requesting to divide a .69 acre parcel into 5 lots. Each lot is proposing a single family attached dwelling with an attached accessory dwelling unit (ADU). The property is zoned Single Family Residential (RS) and is located within the River-Cherry Overlay District.

APPLICANT: 250 Sunset LLC
ADDRESS: 250 Sunset Av N
ZONE: Residential Single Family (RS) / River-Cherry Overlay Zone

The Community Development Department is soliciting comments from affected agencies on the above referenced land use application. These comments will be considered as part of the staff report. Please return your comments to our office by August 5, 2020 in order that we may process the application in a timely manner.

PLEASE CHECK THE APPROPRIATE ITEMS:

- Our agency reviewed the proposal and determined we have no comment.
Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.
Our comments are in the attached letter.
X Our Agency's comments are: Salem Electric will provide Electric Service according to the rates and policies at the at the time of construction. Request 5' PUE on West side of property be increased to standard 10' PUE for joint utilities.

Response Date: 7/22/2020

Person commenting: Adam Deshon - Engineer

ATTACHMENTS

- Applicant's Statement
Vicinity Map
Proposed Site Plan

More information can be found at: https://www.keizer.org/subdivision-cases

EXHIBIT 6

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: ^① How can there be 2 accesses if one serves only one home? (2.130.07)
^② Lot 1 is zoned for a corner duplex lot? (Code 2.310) else the plan to change the zoning to multi-family for that lot?
^③ Will the homes be rentals? What kind of zoning is required to make them rentals?

Response Date: 8-5-20 Person commenting: Rosemary Karabin

Phone No. (not required) _____ Address 251 Sunset Ave, N Keizer

^④ Could one or all homes be manufactured homes? Email address rosekariakin@gmail.com

Comments submitted regarding this Subdivision, PUD, or Manufactured Home Park must address the following criteria:

Approval of a subdivision, PUD, or manufactured home park shall require compliance with the following:

- A. The proposal shall comply with the applicable development standards in Section 2.405 and Section 2.3, as appropriate, including provisions for streets and utilities.
- B. Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved.
- C. Adequate public facilities shall be available and shall serve the existing and newly created parcels.
- 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.

More information on this case can be found at: <https://www.keizer.org/subdivision-cases>

The Keizer Development Code can be found at: <https://www.keizer.org/adopted-plans-studies>

RECEIVED
CITY OF KEIZER

AUG 04 2020

COMMUNITY DEVELOPMENT

EXHIBIT 7

July 31, '20

City of Keizer -

I really wonder why the City of Keizer sends out for our response of the future building of five new houses on the lot on Sunset Avenue.

It seems to me the approval has already been set and approved. Only four home owners have been asked to reply on this subject.

It does affect the entire neighborhood, not just the lot on Sunset.

I realize the city needs tax money to grow, but to what expense to others will that affect them in the future?

Is the drive way, handicap and emergency veches able to turn around in the back of this lot?

So many questions are not answered by the city or builder.

Thank you
Mrs. Betty Lee Thomas
283 Sunset Ave N
Keizer, Oregon 97303

EXHIBIT 8

August 2, 2020

To: City of Keizer Planning Department

Re: Proposed Subdivision of Property at 250 Sunset Ave

Our street is dealing with yet another infill property.

My main objection is to the number of units being proposed in this building plan. We are being asked about concerns we have with this project but I am curious what concerns we could express that would have any impact on the decision affecting our whole neighborhood. Why ask neighbors for their input if our concerns don't matter? I'm not sure why the city even notifies neighbors within 250 feet regarding changes in their neighborhood when nothing we say matters.

Per city guidelines only homes within 250 feet of the proposed property change received written notice of this subdivision request. Apparently the rest of the neighbors won't be affected and their concerns aren't important.

We have all been watching the remodeling of the existing house for months. We were excited the house was finally going to be taken care of. The new owner told a family next door that he planned to put 3 additional homes and a new access road on the lot. 4 houses on this lot concerned us enough but weeks later the owner informed the same neighbors the City required them to have 5 homes total on the .69-acre lot. I can see the city having a maximum limit to the number of homes on a piece of property but how is it appropriate for the city to dictate the minimum number?

In checking with the city planning department I was told the minimum density requirement is 4.14 total units on this lot. Obviously the city rounds up the number of units to get to the 5 units required. How does 4.14 units turn into 5? Per the city if the owner wants to have less than 5 units on the lot a variance would need to be applied for and approved for a lesser number of houses. More units equals more tax revenue for the City.

5 lots with 2 story homes, tiny yards, little separation from the adjacent homes and elevated patios overlooking the neighbor's yard. What could be wrong with that?

Where will visitors park? The access road will not allow space for parking additional cars. That will force extra cars to park along Sunset in front of lot 1. Those drivers will either have to pull in to the access road and backup to turn around, make a U-turn in the middle of the road or they will park facing the wrong direction. With Sunset being a connector street we have a higher than normal number of cars down our street and higher speeds every day. Added cars going in and out of that subdivision will greatly impact the safety of the street.

Where will 15 garbage/garden/recycling tubs, not to mention the red bins for glass, be set out for pickup each week? The sanitation company requires a minimum of 3 feet between each tub to allow the claw to be able to lift the tub for dumping. I assume the garbage truck won't be pulling down the new access road to service those homes as the truck would not be able to turn around in the space proposed. Each tub measures 25" wide. It would take a minimum of 73.25 feet to put them side-by-side along Sunset. Excluding the width of the access road that leaves 61.49 feet along Sunset to line the tubs up.

The Tree Preservation Report states there are currently 21 trees on the lot. All 21 trees are scheduled to be removed. How is that preservation? Two of the existing large trees are listed on the Trees of Keizer report on the City of Keizer's website. Why is no attempt being made to save at least those 2 trees? Less units on the lot might allow for that.

Consider our neighborhood as if you live here. How would you feel about the atmosphere of Sunset's larger lots being destroyed for money sake? It's not right.

Patty Dela
351 Sunset Ave N
Keizer

EXHIBIT 9

August 3,2020

Homeowner response to Subdivision 2020-12

I'm opposed to the subdivision on 250 Sunset Ave because of negative impacts on the surrounding neighbors. Having read the project information on the City of Keizer website, I feel these concerns need to be registered:

1) Increased traffic entering Sunset Ave which is a heavily traveled connector street. Visual line of sight restriction for drivers and speeding cars on Sunset will result in traffic accidents. A smaller number of property divisions (**at least 2**) would be helpful.

2) On street parking (on Sunset) that will impact surrounding neighbors. The current plans have parking only enough for each property holder, if you think each structure will only have a maximum of 3 cars. The apartments closer to River Rd already have this problem. A "No Partying Zone" designation should be adopted for the location (just kidding, but think about it).

3) Properties are most likely to become rentals instead for family owned homes. The style of construction combined with no open space will help the neighborhood decline. Forget any landscaping on this kind of property. The current house has been a rental multiple times in the past and has required Police activity relating to the residents.

4) Weekly garbage collection could result in 10 to 20 containers being lined up on Sunset to encroach onto the walking path area currently designated with a painted white stripe. The sizes and spacing of these containers required will exceed the open area of the property fronting Sunset.

5) Since the development will probably be approved, I request the developer should be required to build a quality perimeter fence around the east, south and west property lines. This will help set a consistent barrier for surrounding neighbors. Not leaving it up to 5 new property owners to patchwork in the future.

Taking a poorly maintained or abandoned property and building new structures is a good improvement for Keizer residents. But, overcrowding building lots and having no open space area will effect those same residents.

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