



**KEIZER COMMUNITY DEVELOPMENT  
DEPARTMENT  
STAFF RECOMMENDATION  
Subdivision/Minor Variance  
Case No. 2020-03**

**TO:** Fred Wilson, Keizer Hearings Officer  
**FROM:** Shane Witham, Senior Planner  
**SUBJECT:** Subdivision/Minor Variance Case No. 2020-03  
**DATE:** February 18, 2020

**I. GENERAL INFORMATION**

- A. APPLICANT:** Mark E. Farrow (Trademark Enterprises, LLC)
- B. PROPERTY OWNER:** Mary Reese
- C. AGENT:** Jeremy Grenz (Multi-Tech Engineering)
- D. PROPERTY LOCATION:** The property is located at 1005 Bair Rd NE and is identified on Marion County Tax Assessor Map as Township 6 South; Range 3 West; Section 23DC; Lot 02400 (Exhibit 1).
- E. EXISTING PARCEL SIZE:** The subject property is approximately 1.99 acres.
- F. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The property contains a single family dwelling and associated outbuildings which will be removed. Water and Sewer are available and will be required to be extended to serve the proposed development.
- G. PLAN DESIGNATION AND ZONING:** The property is designated Low Density Residential on the Comprehensive Plan Map and is zoned Urban Transition (UT). Section 2.118.10 of the UT zone provides for the automatic rezoning of land to Residential Single Family (RS) upon approval and recordation of the plat. Therefore, subdivision requests are governed by the provisions of the Single Family Residential (RS) zone.
- H. ADJACENT ZONING AND LAND USES:** The property to the east is zoned UT. The three properties to the west are zoned UT and RS. Properties to the north and south across Bair Rd are zoned RS. All adjacent properties are developed with single-family dwellings.
- I. PROPOSAL/REQUEST:** The subject property is proposed to be subdivided into a 13 lot subdivision. The applicant is also requesting a Minor Variance for 3 of the proposed lots

(Lots 2-4) due to the fact the proposed lots do not meet the minimum lot size of 5,000 square feet for a detached single family dwelling. The applicant wishes to construct detached single family dwellings, as opposed to zero lot line dwellings, which require only a 4,000 square foot minimum lot size. The applicant's written statement and preliminary plans (Exhibit 2) are attached.

- J. 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 Fire District #1 submitted comments pertaining to access, fire flows, premise identification, and safety (Exhibit 4).
- C.** The Salem-Keizer School District provided comments related to the estimated impacts to the school system as a result of the proposed development (Exhibit 5).
- D.** The City of Salem Public Works Department submitted comments regarding the Sanitary Sewer Design, indicating that it appears the preliminary design for the sanitary sewer main does not meet City of Salem and City of Keizer standards (Exhibit 6).

### CITIZEN COMMENTS:

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

- Michael Buscher of 1040 Bair Rd submitted comments (Exhibit 7) requesting that construction traffic be barred from using Abigail Lane, a private road near the development site.
- Jim Hardy of 898 Bair Rd submitted comments (Exhibit 8) with concerns over the traffic congestion and opposes the variance request. Mr. Hardy wishes for the north side of Bair Rd to be properly completed.
- Larry and Sheri Brown of 1067 Keystone Loop NE submitted comments (Exhibit 9) expressing concerns relating to parking, neighborhood density, and opposition to the variance request.
- Barbara and Sandra McCullough-Jones of 1165 Jays Dr NE submitted extensive comments (Exhibit 10) expressing concerns regarding the proposed development including density, lot size, parking, fire/life safety, tree removal, building heights, and storm drainage. The comments also state the variance is not minor, and that only 10 lots should be allowed.
- Nina Bassett-Smith of 965 Bair Rd NE submitted extensive comments (Exhibit 11) expressing concerns regarding the proposed development including density, lot size,

parking, fire/life safety, tree removal, building heights, and storm drainage. The comments also state the variance is not minor, and that only 10 lots should be allowed.

- Clay Rushton of 908 Bair Rd NE submitted comments (Exhibit 12) expressing concerns regarding the proposed development including lot size, the number of homes (limit to 10), tree removal, and concerns regarding major compacting/vibration of nearby homes.

#### STAFF'S 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. 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. The following responses are offered regarding the concerns expressed.

***Traffic/Parking/Roadway*** – The applicant's proposal will provide right of way dedication and the installation of improvements along the Bair Rd frontage of the property. A new internal street will serve all of the new lots and will be extended to the east property boundary to allow for future connectivity. The proposed right of way width complies with the standards of the Keizer Development Code (KDC) and will be reviewed and approved through the public improvement process by the Keizer Public Works Department. The public works department has reviewed the proposal and has recommended conditions of approval to assure compliance with the adopted street standards. The proposal to create 13 lots where one currently exists will result in the creation of approximately 120 additional average daily vehicle trips. The KDC requires a traffic impact analysis (TIA) only when 250 or more average daily trips are created, therefore no TIA was required with this application. On-street parking will be allowed on the new street, and as a part of the building permit review for each individual dwelling, two on-site parking spaces will be required to be provided consistent with the provisions of the KDC. While the concern regarding construction traffic using Abigail Lane is technically outside the authority of this land use review, it should be noted that all construction activity should be conducted with care to adjacent private property owners, and in no way does this land use review grant approval to disturb any property outside of the area subject to this application.

***Tree Removal/Replacement*** – A tree removal plan was submitted by the applicant indicating that all 118 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 recommended that "street" trees be provided along the street frontage of the properties, and that replacement trees will be required to be planted for each lot, with additional trees to be replaced through off-site mitigation.

***Density Concerns/Variance Request*** – Concerns were expressed regarding the variance request to minimum lot size and overall density proposed for the subdivision. Findings are provided in the staff recommendation addressing these issues. The applicant's proposal to subdivide the subject parcel will result in a density of approximately 6.5 units per acre. The RS zone establishes a minimum density of 4 units per acre and a maximum density of 8 units per acre for residential subdivisions. This established density range is considered "low density" in the City's comprehensive plan. It should be noted that comprehensive plans are a requirement of state statute 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 to residential density standards within the planning horizon. Therefore, the City is under compulsion by the state planning goals to allow for the redevelopment of parcels in an orderly and efficient way, consistent with the adopted comprehensive plan. Multiple comments received cited 10 homes as the maximum that should be allowed on the site and urged the variance to be denied. As is addressed through the findings and recommended conditions contained in this report, staff is recommending approval of the minor variance request, and has found the applicant's proposal complies with the adopted review criteria in the KDC.

***Proposed Building Heights*** – Some of the comments received, contained question regarding the building heights proposed, in relation to the requirements for infill standards. Staff requested additional information from the applicant regarding this issue, in order to adequately address the requirements of Section 2.316 of the KDC. Findings in the staff recommendation and associated recommended conditions of approval indicate the proposal can comply with the building height requirements found in the KDC, based upon the additional information received from the applicant. Essentially, the applicant indicated, and staff is recommending as a condition of approval, building heights for the new subdivision be limited to no greater than 5 feet taller than the adjacent homes, which is what is required by the KDC.

### **III. FINDINGS - SUBDIVISION**

The review criteria for a subdivision are listed in Section 3.108.06 of the Keizer Development Code (KDC). The criteria and findings supporting the staff recommendation to approve the subdivision request for 1005 Bair Rd NE are listed below:

#### **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 applicable 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. The applicant will be required to provide the following public facilities: Fire Hydrant (Where required by Fire District), Street Improvements, Water Hook-up, Sewer Hook-up, Storm Drain and Street Lights. 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. With these items placed as conditions of approval this request will 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 proposed subdivision will provide a new local street to serve the subdivision, which will also be extended to the property to the east for future connectivity. This street is proposed and will be required to be built to a Local IV street standard, as outlined in Section 2.302 of the KDC. This will require a minimum of 46 feet of right of way and a 32 foot curb to curb improvement. The applicant's plans show a 30 foot curb to curb improvement which does not meet this standard. Therefore, as a condition of approval, the newly proposed street must be built according a Local IV standard, and as required by the Public Works Department.

Additionally, right of way dedication and street improvements will be provided along the frontage of Bair Rd NE, resulting in a street design which will be built to a Local V street standard, as outlined in Section 2.302 of the KDC. This will require a minimum of 48 feet of right of way and a 34 foot curb to curb street improvement for Bair Rd. The location, width, and grade of the proposed improvements are consistent with the adopted standards of the KDC which is designed to promote public convenience and safety for residential development. There are no topographical considerations, since the area is relatively flat.

The City has adopted minimum street standards that are found to be necessary to promote and maintain a healthy environment and to minimize impacts from the development upon surrounding properties and the area. These standards can be found in Section 2.302 and the Public Works Department comments include specific conditions of approval in conformance with these standards to ensure public convenience and safety which are adopted into the recommended conditions of approval for this subdivision. Details on right of way dedication and street improvement requirements will be further addressed later in this report. Prior to submitting construction plans for the proposed subdivision a pre-design meeting with the developer's engineer and the Department of Public Works will be required, which will ensure the proposed street improvements and dedications are adequate and appropriate to serve the proposed development and surrounding area. With the above mentioned conditions, staff finds this proposal can satisfy 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 2.302.03.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. In this particular case, the property is bordered on the east by a larger parcel with development potential, which also has an existing street stubbed to its eastern boundary. The new street for the subdivision (shown as Reservoir on the applicant's plans) will be extended to the property to the east, which will allow for a future connection to the existing street (Keystone Loop) on the other side. The applicant's proposal to continue the proposed new street onto the adjacent parcel to the east is consistent with the adopted street standards and therefore, staff finds this proposal complies with this criterion.

- 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 new street that is proposed has been reviewed by the Public Works Department and City Engineer for consistency with these standards. Public Works Department comments include specific conditions of approval in conformance with these standards to ensure public convenience and safety which are adopted into the recommended conditions of approval for this subdivision. Staff finds this proposal complies with this criterion.

- 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 Section 902.2.2.4 “Dead Ends” of the Uniform Fire Code, 1994 edition.*

**FINDINGS:** The proposed new street is continued to the adjacent property to the east, as was previously addressed. The street design includes essentially a cul-de-sac bulb turnaround, which has a leg running off of it to the east to provide the future connectivity. This design was necessary to address safety and maneuverability concerns to provide an adequate turnaround. Discussed later in this staff recommendation are sidewalk and turnaround requirements for this subdivision. Therefore, staff finds this request satisfies 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. The proposed development of the new street serving the subdivision will be, as far as practical, at right angles to Bair Rd. The Public Works department submitted comments pertaining to the street improvement requirements for this proposal. Staff finds this request satisfies this criterion.

- 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 subject property has frontage along Bair Rd which is classified in the city's Transportation System Plan as a Local street. The applicant proposes to dedicate approximately 25 feet of right of way from the existing centerline of Bair Rd, so that it will ultimately have 48 feet of total right of way width, with a 34 foot curb to curb improvement, as required by the Public Works department. The Public Works department submitted comments indicating this proposal is acceptable. However, it should be noted that final design of the right of way and dedication requirements will be reviewed as a part of the public improvement permit process. All right of way dedication shall be shown on the preliminary and final plat. With this placed as a condition of approval this section 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 ¾ 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:** A "cul-de-sac" is defined in the City of Keizer Design Standards as "a dead end street having a circular turnaround area at its terminus." The newly proposed street will have a cul-de-sac turnaround but will also be extended to the adjacent property to the east. The length of the section of the street to the cul-de-sac turnaround will be

approximately 300 feet in length, which is significantly less than the maximum length allowed of 800 feet. Therefore, staff finds this proposal satisfies this criterion.

- 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 applicant's plans show the new public street proposed to serve the development as "Reservoir Street". This is not an approved street name and will not be what the street is named, when the subdivision is platted. In this particular case, the new street proposed will eventually connect to Keystone Loop (which is an existing street) and therefore, the proposed street will be named Keystone Loop. As a condition of approval, the street name is to be shown on the preliminary and final plat. Therefore, with this recommended 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. The area is relatively flat and there are no concerns regarding grades of the proposed street improvements. 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, as well as construction permits for the widening and improvements to the existing streets, which will regulate the design of the proposed improvements. With these requirements placed as conditions of approval, this proposal will 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 arterial and collector streets. Bair Road is a local street and therefore, this criterion is not applicable to this proposal.

- 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 not located in a commercial or industrial 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. The applicant's proposal shows that curb tight sidewalks are proposed to be provided; therefore this criterion is not applicable.

It should be noted that if the applicant modifies the street improvement design through the public construction permitting process, and landscape strips are incorporated into the street design, street trees must be provided according to the provisions of the KDC.

*n. Section 2.302.03.N.5 – Access Control Standards. Double Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification.*

**FINDINGS:** Lots 1 and 13 will have frontage onto both the newly proposed street, as well as Bair Rd, which are both designated as local streets. The applicant has indicated that all lots are intended to be accessed from the new street. The public works department submitted comments requiring that driveway locations be approved through the public improvement permitting process. The developer will be required to obtain driveway permit approval for the individual lots within the subdivision, which will ensure this requirement is met. Staff finds this proposal will comply with this criterion.

*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:** Streetscape trees will be required to be planted consistent with this section. Based upon the applicant's proposed subdivision plan and lot frontages for each parcel, streetscape trees shall be planted in the quantities as follows:

- Lots 1 and 13 = 2 trees along Bair Rd + 2 trees along new public street (total of 4)
- Lot 10 = 4 trees along the new public street (2 on each frontage)
- Lots 2-5, 8-9, and 11-12 = 2 trees along new public street
- Lots 6 and 7 = 1 tree along the new public street

Streetscape trees will be required to be planted prior to final building permit approval for each lot, unless otherwise provided as a part of the right of way landscaping. Trees must be planted consistent with Section 2.309 of the KDC which requires a minimum 2" caliper and 8 feet in height for deciduous trees. As a condition of approval, streetscape trees shall be shown on the required tree replacement plan discussed elsewhere in this report. With these requirements placed as conditions of subdivision approval, staff finds this proposal can 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 2.302.05.*

**FINDINGS:** The applicant has not requested any modification to the right-of-way or improvement width requirements for public streets. The Public Works Department has submitted comments which have been incorporated into the recommended conditions and requirements of this report. As a condition of subdivision approval, the requirements outlined in section 2.302.04 and included in the Public Works requirements must be adhered to. The proposed new street, designated as "Reservoir Street" on the application, shall have a minimum of a 46 foot right of way with a minimum of 32 feet curb to curb street improvement with 5 foot sidewalks on each side of the street. Bair Road shall have a minimum of a 48 foot right of way with a minimum of 34 feet curb to curb street improvement. The sidewalk improvements on Bair Road will be required as part of the house construction on lots 1 and 13. The short section of street extending eastward towards Keystone Loop, an existing local street east of the proposed new subdivision, shall be designed so that the proposed centerline of the new street improvement matches the existing street improvement centerline of Keystone Loop. With these requirements placed as conditions of subdivision approval, staff finds this proposal complies with this criterion.

### **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 public street, improved to City standards. Frontage improvements are being required for Bair Rd to bring it up to the current design standards based upon the street designation. Public improvement permits will be required and construction drawings must be submitted to the Public Works Department for their review and

approval consistent with all applicable adopted construction specifications and standards adopted by the city. With this placed as a condition of approval, staff finds this provision will be met.

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:** No private access easements are proposed. The applicant's written statement erroneously referred to an easement serving lots 6 and 7, but there is not access easement proposed as a part of this application. Therefore this criterion is not applicable to this request.

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 minimum off-street parking requirements listed within Section 2.303.06 of the Keizer Development Code have been determined to be the minimum necessary to provide adequate parking capacity for specified uses. This has 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. Required parking spaces should be installed at the time homes are constructed on each of the lots within the subdivision. The applicant's site plan and written statement address parking requirements and their intention to comply with the provisions of Section 2.303. The applicant's site plan shows that 2 on-site parking spaces will be provided on all lots within the subdivision. On-street parking will be allowed as well. Comments were received from concerned neighbors regarding the lack of available parking, and concerns related to parking impacts to the neighborhood. While staff empathizes with the neighbor's concerns, the KDC does not require additional parking to be provided when on-street parking is available. Parking requirements will be regulated through the building permit review and approval process. 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. Comments were received expressing concerns over the proposed development and impacts that may result from development of the site. Specifically, concern was raised over the possibility of increased flooding and run off impacts to adjacent properties, caused by the proposed development.

The Public Works department submitted comments which are recommended as a condition of subdivision approval which address storm drainage requirements, to assure the design complies with City standards.

Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property. Additionally, if required by the Oregon Department of Environmental Quality, a 1200-C permit will be required from the Oregon Department of Environmental Quality and furnished to the City of Keizer by the developer prior to issuance of an erosion control permit. The applicant submitted a preliminary grading and drainage plan. The Public Works Department submitted comments containing requirements that will assure the proposed development will comply with City storm drainage requirements.

The applicant's engineer shall submit an overall storm drainage plan that will provide service to this development consistent with the City's Master Storm Drain Plan for this area of Keizer. 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 percolation 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 percolation test and soil analysis shall be performed by a qualified geotechnical 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. 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 master utility plan shall be submitted to the Public Works department for review prior to the issuance of constructions permits for the proposed project. These requirements are addressed more in depth elsewhere in this report. Staff finds with appropriate conditions, this proposal will comply with this criterion.

9. SECTION 2.309 – SITE AND LANDSCAPING DESIGN

- a. *Section 2.309.04(C)(a) ...The City may require significant trees that are removed (including trees that are removed within the year 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 size is planted....in lieu of an on-site tree replacement plan, an off-site tree mitigation plan may be submitted to the Community Development Director for approval...(b) The above provisions include and apply to all significant trees located on the subject property or an any adjacent public right of way...*

**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. The applicant submitted a tree removal plan that shows 118 trees are proposed to be removed from the site to allow for the subdivision development. Comments were received concerning the removal of all trees on the site, questioning how that could be approved and urging the City to require retention of trees. While staff agrees that significant trees should be retained when practical, the KDC does not give authority to staff to outright prevent the removal of trees, only the ability to require the replacement of trees removed at up to a 2:1 ratio. The KDC gives flexibility to staff in order to consider each case on the merits and impacts to the surrounding neighborhood. Comments were received expressing concern over the removal of trees, and staff is recommended the applicant mitigate all trees removed at the maximum 2:1 ratio.

Staff recommends the applicant submit a modified tree removal and replacement plan, with attention given to attempt to save significant trees if possible. Thereby reducing the total number of trees removed. However, if all 118 trees are removed, staff recommends a total of 236 trees be required to be provided to replace the trees that are removed from the property in order to be consistent with the city’s 2:1 replacement ratio.

Replacement trees designated on the approved replacement plan will be required to be planted prior to final building inspection approval for each of the individual lots, and will be required to be a minimum of 2” caliper. The tree replacement plan shall show the location and quantities of required streetscape trees previously addressed in this report as well, that can be counted toward the overall replacement count. While it is clearly not practical to plant a total of 236 trees within the subdivision, trees should be planted within the subdivision, and the remainder accounted for through off-site mitigation. Staff recommends that in addition to the 30 streetscape trees that are to be provided (previously addressed in this report), a minimum of 1 replacement tree per lot be provided within the subdivision with the remaining trees accounted for through off-site mitigation.

Staff is recommending that as a condition of approval, the applicant must submit a modified tree removal and replacement plan. The final tree replacement plan will be required to be submitted to and approved by the Community Development Department prior to final plat approval. Staff finds with the above mentioned conditions, this request will 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 subject property will be automatically rezoned to Residential Single Family (RS) upon recordation of the plat. Therefore, the standards of the RS zone apply to this subdivision request. Within the RS zone, the minimum lot size for a detached single-family dwelling is 5,000 square feet, and the minimum lot size for an attached or zero side yard dwelling is 4,000 square feet. The applicant's site plan indicates lots range in size from 4,738 square feet (Lot 4) up to 5,034 square feet (Lot 6) which all exceed the minimum lot size required within the RS zone in Section 2.102.05. The applicant is requesting a minor variance for lots 2-4 to allow for the development of detached single-family dwellings on those lots, as opposed to developing zero side yard dwellings or attached dwellings. Staff is recommending approval of this variance request, which is addressed later in this report.

Staff finds that all of the proposed lots conform to the minimum lot size requirement of the RS zone district. Both gross and net area for all lot sizes shall be shown on the preliminary and final plat and lot sizes must comply with the standards of the RS zone. This is recommended as a condition of subdivision approval to assure this requirement is met. Therefore, staff finds this proposal can comply with 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 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. Cul-de-sac lots shall have a minimum frontage of 25 feet.***

**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. Lots 1-5, and Lots 8-13 have frontage along the new public street exceeding 40 feet in width, which is the minimum lot width in the RS zone. Lots 6-7 front on the cul-de-sac bulb turnaround and exceed 25 feet in frontage, which complies with this criterion. As a condition of approval, lot dimensions must be shown on the preliminary and final plat, which will ensure the minimum frontage requirements are met. Therefore, staff finds with this condition, 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. Therefore, this criterion 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 will be created by this proposal. Therefore this criterion is not applicable to this request.

*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 mostly regular shaped lots, with the exception that some of the lots are pie shaped, due to the fact they front on a cul-de-sac. The proposed lot lines run, as far as practicable, at right angles to the street right-of-way lines. 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 the applicant did provide a site plan showing building envelopes which demonstrates the proposed lots, can be developed with a single family dwelling on each lot. Staff finds 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. 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 applicant is proposing improvements to the existing streets abutting this development and to serve the residents of the subdivision. Street improvements, including sidewalks along both streets will be provided. In addition, the new street is being extended to the adjacent property, so that in the future connection to the adjacent neighborhood can be provided. Staff finds the proposed and required improvements are adequate to satisfy 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 subject property has frontage along Bair Road.

The Public Works department submitted comments that include requirements for frontage improvements. These requirements were also addressed previously in this report. The exact design and construction of improvements will be regulated through the public improvement permit review and approval process, and will be required to comply with the City of Keizer Design Standards. With these requirements placed as conditions of approval, this proposal will 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:** There will be no private streets that will be constructed as part of the proposed subdivision, so this section 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. The required improvements will be required to be consistent with Section 2.302. With this condition of approval, the proposal will comply with this criterion.

***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 at the street intersection and with this as a condition this application will 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 will 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. These requirements were also addressed in Section 2.306 elsewhere in this report. The applicant submitted a preliminary site grading and drainage plan. As a condition of subdivision approval, the

developers engineer shall submit an overall storm drainage plan that will provide service to this development consistent with the City's Master Storm Drain Plan for this area of Keizer. With these requirements placed as conditions of approval, this application complies with this provision.

***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 applicant proposes to connect all of the lots to sanitary sewer. The City of Salem Public Works Department submitted comments expressing concern with the preliminary sewer main design provided by the applicant. The Public Works Department submitted comments addressing this criterion which have been recommended as conditions of subdivision approval. The subject property is located outside the original Keizer Sewer District. Therefore, a sanitary sewer trunk line acreage fee will be required unless the owner can provide evidence that the property has previously been assessed for sewer service to the property by the Keizer Sanitary Sewer District. The current rate is \$7,460.00 per acre. 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 for any public sewer mains located within the subject property, if located outside platted right of ways, will need to be recorded in a form which meets the City of Salem Design Standards and shown on the subdivision plat. Any sanitary sewer easements shall be in favor of the City of Keizer. 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. It appears that a design exception to the City of Salem and City of Keizer standards for sewer construction will be required for this project. Approval of the design exception shall be required prior to approval of the subdivision construction plans or subdivision plat. Any submittals for an exception shall be copied to the City of Keizer for review.

These are development requirements and shall be placed as conditions of approval of this subdivision application. With the above mentioned conditions of approval, staff finds this proposal can comply with this criterion.

***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 applicant's plan shows they intend to extend the existing 8" water main located across Bair Rd into the newly proposed subdivision to serve the subdivision and extend it to the east property line. In addition, the application shows that a new fire hydrant will be provided on the east side of the street near the cul-de-sac bulb turnaround area. The Public Works Department submitted comments addressing this criterion which have been recommended as conditions of subdivision approval. The comments received indicate that a master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Appropriate easements for all public water mains, fire hydrants, and private services will be required if construction is to be 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. Final development plans shall be reviewed by the Marion County Fire District with regard to access and adequate location of fire hydrants prior to issuance of Public Construction permits by the City of Keizer. All required fire hydrants shall be served by an 8 inch water main. 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. Location of all water meters to be approved by the Public Works Department. With these requirements placed as conditions of approval, staff finds this request will meet 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:** The intent of this provision to require that sidewalks are required by new developments such as subdivisions in an effort to enhance the mobility of pedestrians who both will reside in the proposed subdivision, as well as those who may use this facility but will not reside in the new subdivision. As was addressed earlier in this report, sidewalks are proposed to be installed along the frontage of Bair Rd, as well as along the frontage of the new public street. Therefore, staff finds this proposal will comply with this criterion.

***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. A street lighting district will be required for the proposed development, and shall be created at the expense of the applicant to provide for adequate street lights along the frontage of all proposed new lots. This will assure street lighting

improvements will provide for a safe, livable development and shall comply with the City regulations and requirements. Therefore, this proposal will comply with this criterion.

***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. With this placed as a condition of approval, staff find this proposal will comply with this criterion.

***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 application can meet this criterion. This is addressed as a condition of subdivision approval and is a development requirement.

***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 placed as a condition of approval, the application will 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:** The applicant is not proposing a planting strip or separated sidewalk. Therefore, this criterion is not applicable to this request.

***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 2.314 – STANDARDS FOR SINGLE FAMILY DWELLINGS**

**FINDINGS:** This section contains the design standards for all new single family dwellings constructed within the RS zone. These design requirements will be regulated through the building permit review and approval process and intended to be advisory at this point.

**14. SECTION 2.316 – INFILL DEVELOPMENT STANDARDS**

**a. 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 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. The subject property proposed to be subdivided is less than 2 acres in area and is adjacent to an open space tract to the north which is part of residential development, subdivision lots to the west and two larger UT zoned parcels directly to the east and west of the development site. Even through the UT zoned parcels are not part of an existing residential development/neighborhood, those are the properties most impacted by the development, and comments were received regarding the compatibility of the proposed development. Therefore, staff is recommending that the infill development standards of Section 2.316 apply to this subdivision request.

The applicant's submitted information did not adequately address the infill criteria or requirements, and it was unclear as to the proposed building heights. Comments were received regarding this specific issue. Staff requested and received additional information from the applicant regarding these issues in order to review the application for compliance. The applicant provided a site plan indicating the average height of the adjacent residences, along with a written statement indicating their intent to comply with the criteria of Section 2.316. (Exhibit 13)

For the two properties zoned UT, adjacent to the subdivision (abutting lots 9-13 and lots 1-3), the approximate height of the existing homes is 20 feet. For the property abutting lots 4-5, the existing home is approximately 25 feet in height. For the property abutting lot 6, the existing home is approximately 20 feet in height. The applicant has indicated they intend to build no more than 5 feet above the existing adjacent homes, or they will provide an increased setback of one additional foot for every one foot over the maximum height, which is what KDC Section 2.316 requires. Staff recommends that a maximum building height of 25 feet be placed as a condition of approval for the subdivision to assure the development is consistent with what is proposed. Or that in the case, a new home exceeds 25 feet in height, additional setback distance will be provided. This regulation should be reviewed for compliance at the time of building permit approval.

With the above mentioned conditions of approval, staff finds this proposal complies with the provisions of Section 2.316, and therefore, staff finds this request satisfies this criterion.

**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 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. The applicant has indicated that all of the lots will be developed with single-family homes. The subject property will be automatically re-zoned to RS upon recordation of the plat and is therefore regulated by Section 2.102 of the KDC.

Section 2.102.05.A requires that each lot to be developed with a residential use contain a minimum average width of 40 feet and a depth of 70 feet. All of the proposed lots meet or exceed this provision. It should be noted that some of the lots are pie shaped but on average, they exceed 40feet of average width.

Section 2.102.06.I specifies a minimum density of 4 units per acre and a maximum density of 8 units per acre for property that is subdivided in the RS zone. The proposed subdivision is 1.99 acres in area (according to the Marion county tax assessor records) and is proposed to be subdivided into 13 lots. This complies with the density provisions of the RS zone, and is equal to a density of 6.5 dwelling units per acre.

Section 2.102.05.B contains the setback requirements in the RS zone. The property contains a single family home and associated outbuildings which are all proposed to be removed. Removal of all existing structures will be required to allow for the subdivision development. This will be placed as a condition of subdivision approval, and must be accomplished prior to final plat approval.

Staff finds this proposal complies with the minimum lot dimension and density requirements of this section of the code. With the above mentioned conditions of approval, staff finds this proposal will satisfy 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 will 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 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 ten (13) lot subdivision for residential development. The development features access from an existing street and will construct a new internal street to serve the development. Right of way dedication is proposed and will be required for Bair Rd to allow for the completion of the street. The necessary improvement of a street is identified in Keizer Development Code Section 2.302.04. The table set forth in such section indicates the minimum improvements and right of way widths required.

The improvement of streets adjacent to subdivisions is necessary to provide a safe and convenient transportation network to serve the residents of the applicant's subdivision. The Keizer Development Code requires that new development make road improvements to bring their road frontage up to the designated road classification and construction standards. The legislative adoption of the street standards require road improvements and the road construction to be provided by the development as it occurs in proportion to its impacts. The residents of the subdivision will utilize road systems constructed by other developments at no cost to them or the applicant. Other benefits which necessarily flow to the future residents of this development from the completion of the street improvements include access for vehicles, bicyclists and pedestrians to the arterial road system serving this area of the City and improved access for emergency vehicles to the subject property and its residents.

The functional classification of the fronting streets is based on the cumulative traffic impacts from the development of properties in the area which will use the streets. Bair Rd is identified as a local street. Functional classification is established in order to ensure that the streets have adequate carrying capacity for the traffic which will utilize it to avoid traffic generation that would cause dangerous or hazardous traffic conditions. The proposed development will generate additional vehicle trips per day that will contribute to the cumulative traffic impact of the streets. These dedications are necessary to comply with the adopted street standards and provide for traffic safety for the proposed development. Staff finds the required dedication and improvements are roughly proportional to the impact of the subdivision request, since they are solely necessitated by the subdivision development.

#### **IV. FINDINGS: MINOR VARIANCE**

A minor variance is being requested to reduce the minimum lot size for lots 2-4 to allow for the development of detached single-family dwellings, as opposed to zero lot line dwellings. A minimum lot size of 5,000 square feet is required by Residential Single Family (RS) Zone Section 2.102.05.A for detached single family dwellings, therefore variance approval is needed. The review criteria for a Minor Variance are found in Section 3.105.04 of the Keizer Development Code. The following findings are offered supporting the staff recommendation to approve the minor variance request:

##### **Section 3.105.04:**

***A. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or, the variance requested is consistent with the intent and purpose of the provision being varied; or the applicant in good faith is unable to comply with the standard without undue burden which is grossly disproportionate to the burden born by others affected by the specific provisions of the code sought to be varied.***

**FINDINGS:** Lot size requirements in the RS zone have been established to assure residential development adheres to the minimum requirements of the underlying zoning designation. These minimum requirements are established in order to provide for the orderly development of parcels, which are of an adequate dimension to allow the development of a single family home and provide appropriate setbacks to property lines and open space between adjacent uses. These standards help to ensure an overall aesthetically consistent and pleasing pattern of development in residential neighborhoods, and to allow for landscaped areas and open space around residences for personal use. In addition, lots sizes are intended to help implement appropriate urban densities.

The applicant is requesting variance approval to allow for a 5.24% reduction in the lot size of 3 lots within the subdivision in order to develop detached single family dwellings, as opposed to zero lot line dwellings. The applicant would not need a variance to construct zero lot line dwellings, but wishes to construct detached single family dwellings, as that is the predominant development pattern in the area. This request for lot size reduction was necessitated by the fact that additional right of way dedication was needed to provide a cul-de-sac bulb turnaround, instead of a temporary turnaround on the newly proposed public street. This was identified by staff and emergency service personnel as preferable, since it is unknown as to when the new street will actually connect through to the existing section of Keystone Loop. If it were connected through, there would be no need for a turnaround.

It should be noted that no other modifications to lot dimensions or required setbacks are proposed, only the reduction in lot size to allow for a detached single family dwelling instead of a zero lot line dwelling. In this case minimum lot size standards of the zone are still being met, the only difference

is that instead of building an attached zero lot line dwelling or stand-alone zero lot line dwelling, the applicant wishes to build detached single family dwellings throughout the subdivision. Granting of the variance does not create additional density beyond what is planned for in the City's Comprehensive Plan and is consistent with the density requirements of the KDC.

As a condition of variance approval, the applicant will be limited to variance approval only for that which is proposed. Staff feels with all things taken into consideration, this request demonstrates consistency with the intent and purpose of the lot area requirements outlined in the development code. Staff finds this request satisfies this criterion.

***B. The impact of the development due specifically to the varied standards will not unreasonably impact adjacent existing or planned uses and development.***

FINDINGS: The property is proposed to be subdivided into a 13 lot subdivision, with each lot containing a single family dwelling. Adjacent properties are developed with residential uses, and the zoning of the parcel is RS, which allows for low density residential neighborhoods. The applicant is not requesting a variance to setbacks or lot coverage requirements, but rather only a reduction for minimum lot area for establishing a detached single family dwelling in the RS zone. The applicant could develop the lots with single family attached or zero lot line dwellings as proposed with no need for a variance. However, the applicant wishes to build detached single family dwellings, which are more consistent with the surrounding development pattern. Realistically, the only properties impacted by this variance proposal are the lots requesting the variance themselves. No reductions to building setbacks or lot coverage are proposed, so the proximity of the proposed structures to adjacent uses will be no different than if no variance was granted. It could be argued that if the developer chose to build attached zero lot line dwellings (which are allowed outright) there could actually be a greater impact on the adjacent property owners since the building massing would be greater, and no open space between buildings would be provided. The requested variance will allow for detached single family dwellings to be established on each lot of the subdivision, with setbacks between all buildings provided according the provisions of the KDC.

Taking all of these factors into consideration, staff finds the proposal will not unreasonably impact adjacent existing or planned uses. Therefore, this request satisfies this criterion.

***C. The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance.***

FINDINGS: The required lot size in the RS zone for a detached single family dwelling is 5,000 square feet in area. A 20 percent reduction to this standard is equal to 1,000 square feet. The applicant is requesting to be allowed to construct detached single family dwellings on lots of 4,738 and 4,740 square feet in area. This is a reduction of 262 square feet in lot area which is equal to a reduction of 5.24% of total lot area. Therefore minor variance approval is requested and staff finds

that it is the minimum necessary to allow for this proposal. As a condition of variance approval, the proposed lot sizes must substantially conform to what is proposed. This requirement will be regulated as part of the subdivision check plat and Mylar review and approval process. Staff finds this request satisfies this criterion.

*D. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.*

FINDINGS: There are no other previous land use actions that would not allow this particular variance. Staff therefore finds this request satisfies this criterion.

## **V. RECOMMENDATION AND CONDITIONS**

The available evidence indicates the subdivision proposal and minor variance request complies with the decision criteria. Staff recommends approval of the subdivision and minor variance 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 outside the original Keizer Sewer District. Therefore, a sanitary sewer trunk line acreage fee will be required unless the owner can provide evidence that the property has previously been assessed for sewer service to the property by the Keizer Sanitary Sewer District. The current rate is \$7,460.00 per acre.

- 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 for any public sewer mains located within the subject property, if located outside platted right of ways, will need to be recorded in a form which meets the City of Salem Design Standards and shown on the subdivision plat. Any sanitary sewer easements shall be in favor of the City of Keizer.

- 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.
- d) It appears that a design exception to the City of Salem and City of Keizer standards for sewer construction will be required for this project. Approval of the design exception shall be required prior to approval of the subdivision construction plans or subdivision plat. Any submittals for an exception shall be copied to the City of Keizer for review.

WATER SYSTEM:

- a.) A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Appropriate easements to the City of Keizer will be required for all public water mains, fire hydrants and private services if construction is to be 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 Marion County 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.
- c.) 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 to the Public Works Department that any abandonment of existing wells has been completed in accordance with such requirements.
- d.) Location of all meters to be approved by the Public Works Department.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) The Applicant's engineer shall submit an overall storm drainage plan that will provide service to this development consistent with the City's Master Storm Drain Plan for this area of Keizer.
- b.) 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 percolation 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 percolation test and soil analysis shall be performed by a qualified geotechnical 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. 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.

- c.) 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.
- d.) The proposed new street, designated as Reservoir Street on the application, shall have a minimum of a 46 foot right of way with a minimum of 32 feet curb to curb street improvement with 5 foot sidewalks on each side of the street. Bair Road shall have a minimum of a 48 foot right of way with a minimum of 34 feet curb to curb street improvement. The sidewalk improvements on Bair Road will be required as part of the house construction on lots 1 and 13. The short section of street extending eastward towards Keystone Loop, an existing local street east of the proposed new subdivision, shall be designed so that the proposed centerline of the new street improvement matches the existing street improvement centerline of Keystone Loop.

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.) An improvement agreement shall be executed between the developer and the City of Keizer prior to recording of the subdivision plat.
- f.) A master utility plan including all proposed power, telephone, gas and cable TV. lines shall be submitted to the Public Works Department for review prior to the Department issuing construction permits for the proposed project.
- g.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property. Additionally, if required by the Oregon Department of Environmental Quality, a 1200-C permit will be required from the Oregon Department of Environmental Quality and furnished to the City of Keizer

by the developer prior to issuance of an erosion control permit.

- h.) Developer shall coordinate the location of mailboxes with the U.S. Postal Service.
- i.) A street lighting district shall be created at the expense of the applicant to provide for adequate street lights along the frontage of all proposed new lots.

**Prior to Preliminary Plat Approval:**

- 4. 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. The process for plat review and submittal shall be regulated by the Marion County Surveyor's Office. All requirements of the Marion County Surveyor's Office and applicable state statutes shall be followed which may include, but not be limited to the following:
  - a. Subdivision name must be approved per Oregon Revised Statute 92.090.
  - b. Must be surveyed and platted per Oregon Revised Statute 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 (lots 2-4 may be less than 5,000 square feet per variance approval). The final plat must show both gross and net area calculations.
  - l. Include all dedication as required by Public Works.
- 5. 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. Information regarding streetscape and replacement tree requirements for each lot.
- b. Building height restriction of 25 feet and/or requirement to provide additional setback per KDC Section 2.316.

**Prior to Final Plat approval:**

6. The existing dwelling and outbuildings must be removed.
7. The applicant shall submit a revised Tree Removal and Replacement Plan to the Community Development department for review and approval, showing the approximate location of all streetscape and replacement trees to be planted. Significant trees removed shall be replaced at a ratio of 2 replacement trees for every 1 tree removed.

If all 118 streetscape trees are removed, a total of 236 replacement trees shall be provided within the subdivision or accounted for in an off-site mitigation plan. Off-site mitigation should be utilized to avoid overcrowding. Payment into the City's landscape mitigation fund must be made prior to plat approval. If the applicant wishes to propose larger specimen trees for replacement, the Community Development Director may reduce the total number of replacement trees required. Regardless of how many trees are provided through off-site mitigation, streetscape trees will be required (30 total within subdivision) to be planted for each lot according to the quantities identified in this report. In addition to streetscape trees, a minimum of 1 replacement tree must be provided on each lot.

8. 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.
9. 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 and shall contain language regarding the preservation of streetscape and replacement trees, and building height restrictions.
10. 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):**

11. 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.
12. Proposed dwellings must comply with the design standards of KDC Section 2.314, and may not exceed 25 feet in height, unless additional setback distance is provided as outlined in KDC Section 2.316.

**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 Marion County Fire District #1 and the Community Development Department.
14. Streetscape trees will be required to be planted prior to final building permit approval for each lot. Trees must be planted consistent with Section 2.309 of the KDC which requires a minimum 2" caliper and 8 feet in height for deciduous trees. Streetscape trees shall be planted in the quantities as follows:
  - Lots 1 and 13 = 2 trees along Bair Rd + 2 trees along new public street (total of 4)
  - Lot 10 = 4 trees along the new public street (2 on each frontage)
  - Lots 2-5, 8-9, and 11-12 = 2 trees along new public street
  - Lots 6 and 7 = 1 tree along new public street
15. Trees designated as replacement trees from the final approved Tree Replacement Plan must be planted within the subdivision for each individual lot as required.
16. Applicant or any contractors building on lots shall comply with all applicable city regulations regarding noise, dust, times of construction, etc.



MARION COUNTY, OREGON  
SW1/4 SE1/4 SEC23 T6S R3W W.M.  
SCALE 1" = 100'

LEGEND

- LINE TYPES**
- Taxlot Boundary
  - Road Right-of-Way
  - Railroad Right-of-Way
  - Private Road ROW
  - Subdivision/Plat Bndry
  - Waterline - Taxlot Bndry
  - Waterline - Non Bndry
- CORNER TYPES**
- + 1/16th Section Cor.
  - ⊕ 1/4 Section Cor.
  - ⊙ DLC Corner
  - ⊕ Section Corner
- NUMBERS**
- Tax Code Number
  - 000 00 00 0
- NOTES**
- Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW

CANCELLED NUMBERS

100
101
400
500
600
800
1000
1300
1400
1500
2201

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 1/23/2018

KEIZER

06 3W 23DC

SEE MAP 063W26A8

SEE MAP 063W26A9

SEE MAP 063W26AA

SEE MAP 063W26AB

SEE MAP 063W26AC

SEE MAP 063W26AD

SEE MAP 063W26AE

SEE MAP 063W26AF

SEE MAP 063W26AG

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TO: DINA RUSSELL, ASSISTANT PLANNER  
RE: SUBDIVISION CASE NO. 2020-03 (MARK FARROW)  
DATE: FEBRUARY 13, 2020

**PUBLIC WORKS DEPARTMENT REQUIREMENTS:**

The application is for 13 lots on 1.99 acres.

**SANITARY SEWERS:**

The subject property is located outside the original Keizer Sewer District. Therefore, a sanitary sewer trunk line acreage fee will be required unless the owner can provide evidence that the property has previously been assessed for sewer service to the property by the Keizer Sanitary Sewer District. The current rate is \$7,460.00 per acre.

- 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 for any public sewer mains located within the subject property, if located outside platted right of ways, will need to be recorded in a form which meets the City of Salem Design Standards and shown on the subdivision plat. Any sanitary sewer easements shall be in favor of the City of Keizer.
- 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.
- d.) It appears that a design exception to the City of Salem and City of Keizer standards for sewer construction will be required for this project. Approval of the design exception shall be required prior to approval of the subdivision construction plans or subdivision plat. Any submittals for an exception shall be copied to the City of Keizer for review.

**WATER SYSTEM:**

- a.) A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Appropriate easements to the City of Keizer will be required for all public water mains, fire hydrants and private services if constructed outside of the 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 Marion County 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.
- 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 meters to be approved by the Public Works Department.

#### STREET AND DRAINAGE IMPROVEMENTS:

- a.) The Applicant's engineer shall submit an overall storm drainage plan that will provide service to this development consistent with the City's Master Storm Drain Plan for this area of Keizer.
- b.) 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 percolation 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 percolation test and soil analysis shall be performed by a qualified geotechnical 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. 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.
- c.) 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.
- d.) The proposed new street, designated as Reservoir Street on the application, shall have a minimum of a 46 foot right of way with a minimum of 32 feet curb to curb street improvement with 5 foot sidewalks on each side of the street. Bair Road shall have a minimum of a 48 foot right of way with a minimum of 34 feet curb to curb street improvement.

The sidewalk improvements on Bair Road will be required as part of the house construction on lots 1 and 13. The short section of street extending eastward towards Keystone Loop, an existing local street east of the proposed new subdivision, shall be designed so that the proposed centerline of the new street improvement matches the existing street improvement centerline of Keystone Loop.

#### 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.
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- e.) An improvement agreement shall be executed between the developer and the City of Keizer prior to recording of the subdivision plat.
- f.) A master utility plan including all proposed power, telephone, gas and cable TV. lines shall be submitted to the Public Works Department for review prior to the Department issuing construction permits for the proposed project.
- g.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property. Additionally, if a 1200-C permit is required by the Oregon Department of Environmental Quality the permit shall be furnished to the City of Keizer by the developer prior to issuance of an erosion control permit.
- h.) Developer shall coordinate the location of mailboxes with the U.S. Postal Service.



# EXHIBIT 4

## REQUEST FOR COMMENTS

February 4, 2020

TO: Staff, Agencies and Utilities

FROM: Dina Russell, Assistant Planner

CASE: Subdivision Case No. 2020-03

RESPONSE DATE: **February 14, 2020**

APPLICATION: The applicant is requesting to subdivide one parcels of approximately 1.99 acres into 13 lots ranging in size from approximately 4,738 square feet to 5,034 square feet. The applicant is also requesting a minor variance to lot size. The proposal is for a single family dwelling to be located on each lot. The property is zoned Single Family Residential (RS) and Low Density Residential on the Comprehensive Plan Map.

APPLICANT: Mark Farrow

ADDRESS: 1005 Bair Rd NE

ZONE: Residential Single Family (RS)

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 **February 14, 2020** in order that we may process the application in a timely manner. Phone calls are acceptable if it is not possible to respond in writing by this date. If we receive no response, we will assume your agency has no concerns. You may use this response form, or, attach a separate letter. Please return your written responses to the Keizer Community Development Department, P.O. Box 21000, Keizer, Oregon 97307-1000. Questions regarding the application may be directed to Dina Russell, Assistant Planner, at (503) 856-3442. Thank you for your assistance.

### PLEASE CHECK THE APPROPRIATE ITEMS:

- Our agency reviewed the proposal and determined we have no comment.
- Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.
- Our comments are in the attached letter.
- Our Agency's comments are: \_\_\_\_\_

Response Date: 2/7/2020

Person commenting: Paula Smith, Fire Marshal  
MCFD#2

### ATTACHMENTS

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

BOARD OF DIRECTORS

Kim Batchelor  
Sue Curths  
Tom Marks  
Patrick Sieng  
Mike Welter



FOUR CORNERS STATION  
MIDDLE GROVE STATION  
PRATUM STATION  
MACLEAY STATION  
BROOKS STATION  
CLEAR LAKE STATION  
LABISH CENTER STATION  
COLLEGE STATION

CHIEF OF DISTRICT  
Kyle McMann

Date: February 7, 2020

Comments for: 1005 Bair Rd NE Keizer, Or. / Subdivision 2020-03

This project must meet the following code requirements per Marion County Fire District No. 1:

1. **Single-family dwelling required fire flow:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1000 gpm. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to 2019 Oregon Fire Code Appendix B.
2. **Fire safety during construction:** Approved fire department access road, required water supply, fire hydrants, and safety precautions shall be installed and serviceable prior to and during the time of construction. (2019 Oregon Fire Code Chapter 33)
3. **Fire apparatus access road width and vertical clearance:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet; 26 feet adjacent to fire hydrants (2019 OFC D103.1) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (2019 OFC 503.2.1 & D103.1)
4. **Turning radius:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (2019 Oregon Fire Code 503.2.4 & Appendix D 103.3)
5. **Premise identification:** Buildings shall have address numbers or approved identification placed in a position that is plainly legible and visible from the access road fronting the property. Numbers shall contrast with their background and shall be a minimum of 4 inches' height with a minimum stroke width of ½ inch. (2019 Oregon Fire Code 505)
6. **No Parking Signs:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles or a turnaround is required, "No Parking – Fire Lane" signs shall be installed on both sides if 20' feet - 26' feet, roads more than 26' feet wide - 32' feet wide shall be posted on one side as a fire lane. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. (2019 Oregon Fire Code 503.3 & D103.6, D103.6.1 & D103.6.2)

*If you have any questions please contact me,*



*Paula Smith, Fire Marshal*

*Marion County Fire District No. 1  
300 Cordon Rd NE  
Salem, Oregon 97317*

*503-588-6513 Office  
503-522-4006 Cell  
503-588-6537 Fax*

[paulas@mcfd1.com](mailto:paulas@mcfd1.com)



# REQUEST FOR COMMENTS

February 4, 2020

TO: Staff, Agencies and Utilities

FROM: Dina Russell, Assistant Planner

CASE: Subdivision Case No. 2020-03

RESPONSE DATE: **February 14, 2020**

APPLICATION: The applicant is requesting to subdivide one parcels of approximately 1.99 acres into 13 lots ranging in size from approximately 4,738 square feet to 5,034 square feet. The applicant is also requesting a minor variance to lot size. The proposal is for a single family dwelling to be located on each lot. The property is zoned Single Family Residential (RS) and Low Density Residential on the Comprehensive Plan Map.

APPLICANT: Mark Farrow  
 ADDRESS: 1005 Bair Rd NE  
 ZONE: Residential Single Family (RS)

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 **February 14, 2020** in order that we may process the application in a timely manner. Phone calls are acceptable if it is not possible to respond in writing by this date. If we receive no response, we will assume your agency has no concerns. You may use this response form, or, attach a separate letter. Please return your written responses to the Keizer Community Development Department, P.O. Box 21000, Keizer, Oregon 97307-1000. Questions regarding the application may be directed to Dina Russell, Assistant Planner, at (503) 856-3442. Thank you for your assistance.

PLEASE CHECK THE APPROPRIATE ITEMS:

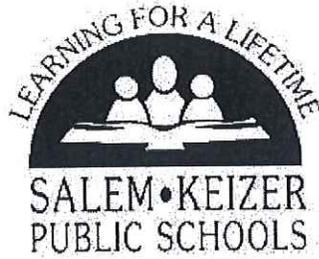
- Our agency reviewed the proposal and determined we have no comment.
- Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.
- Our comments are in the attached letter.
- Our Agency's comments are: \_\_\_\_\_

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

Response Date: 2-11-20 Person commenting

ATTACHMENTS

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



DAVID FRIDENMAKER, Manager  
Facility Rental, Planning, Property Services  
3630 State Street, Bldg. C ● Salem, Oregon 97301-5316  
503-399-3335 ● FAX: 503-375-7847

Christy Perry, Superintendent

February 11, 2020

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

RE: Land Use Activity Case No. Subdivision 2020-03, 1005 Bair Rd. NE

The City of Keizer issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

<b>School Name</b>	<b>School Type</b>	<b>Grades Served</b>
Forest Ridge	Elementary	K thru 5
Whiteaker	Middle	6 thru 8
McNary	High	9 thru 12

*Table 1*

### **SCHOOL CAPACITY & CURRENT ENROLLMENT**

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Forest Ridge	Elementary	280	318	88%
Whiteaker	Middle	782	931	84%
McNary	High	2,091	1,869	112%

Table 2

### POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	13	SF	0.194	3
Middle	13	SF	0.101	1
High	13	SF	0.143	2

Table 3

### POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Forest Ridge	Elem.	280	0	3	3	318	89%
Whiteaker	Mid.	782	0	1	1	931	84%
McNary	High	2,091	1	2	3	1,869	112%

Table 4

### ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be

provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Forest Ridge	Elementary	Walk Zone
Whiteaker	Middle	Eligible for School Transportation
McNary	High	Eligible for School Transportation

Table 5

### ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	3	\$54,925	\$164,775
Middle	1	\$64,045	\$64,045
High	2	\$73,164	\$146,328
<b>TOTAL</b>			<b>\$375,148</b>

Table 6

\*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2019 First Quarter.

Sincerely,



David Fridenmaker, Manager  
Planning and Property Services

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



# EXHIBIT 6

## REQUEST FOR COMMENTS

February 4, 2020

TO: Staff, Agencies and Utilities

FROM: Dina Russell, Assistant Planner

CASE: Subdivision Case No. 2020-03

RESPONSE DATE: **February 14, 2020**

APPLICATION: The applicant is requesting to subdivide one parcels of approximately 1.99 acres into 13 lots ranging in size from approximately 4,738 square feet to 5,034 square feet. The applicant is also requesting a minor variance to lot size. The proposal is for a single family dwelling to be located on each lot. The property is zoned Single Family Residential (RS) and Low Density Residential on the Comprehensive Plan Map.

APPLICANT: Mark Farrow  
 ADDRESS: 1005 Bair Rd NE  
 ZONE: Residential Single Family (RS)

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 **February 14, 2020** in order that we may process the application in a timely manner. Phone calls are acceptable if it is not possible to respond in writing by this date. If we receive no response, we will assume your agency has no concerns. You may use this response form, or, attach a separate letter. Please return your written responses to the Keizer Community Development Department, P.O. Box 21000, Keizer, Oregon 97307-1000. Questions regarding the application may be directed to Dina Russell, Assistant Planner, at (503) 856-3442. Thank you for your assistance.

### PLEASE CHECK THE APPROPRIATE ITEMS:

- Our agency reviewed the proposal and determined we have no comment.
- Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.
- Our comments are in the attached letter.

Our Agency's comments are: Public Works staff have reviewed the proposal and it appears the preliminary design for the sanitary sewer main does not meet City of Salem Public Works Design Standards (PWDS). The sewer is required to meet PWDS pursuant to the Intergovernmental Agreement for Wastewater Treatment between City of Salem and Keizer, Section 1(d). Applicable COS permits are required.

Response Date: 2/13/2020

Person commenting: Robin Dalke, CFM  
 Development Services Operations Manager  
 City of Salem  
 555 Liberty St SE, Suite 325  
 Salem, OR 97301  
 503-588-6211

### ATTACHMENTS

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

## City of Keizer

FEB 14 2020

Phone: (503) 856-3440 • Fax: (503) 390-8288  
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

February 3, 2020

TO: Area Property Owner(s)  
 FROM: Shane Witham, Senior Planner (withams@keizer.org)  
 RE: Subdivision/Variance 2020-03

The City of Keizer, Planning Department is soliciting comments from affected property owners on the above referenced land use application. Your comments should address the criteria listed on the reverse side of this request. These comments will be considered as part of the staff report. Please return your comments to our office by February 14, 2020 in order that we may process the application in a timely manner. If we receive no response, we will assume you have no concerns. You may use this response form, or, attach a separate letter. Please return your written responses to the Keizer Planning Department, P.O. Box 21000, Keizer, Oregon 97307-1000. Questions regarding the application may be directed to Shane Witham, Senior Planner, at (503) 856-3439. Thank you for your assistance.

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APPLICANT: Mark E. Farrow, Trademark Enterprises LLC

LOCATION: The subject property is located at 1005 Bair Rd NE; Marion County Tax Assessor's Map No. 063W23DC Tax Lot 02400.

## 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: (you may submit a separate piece of paper or email) Nearby Abigail Lane  
is a private road, the maintenance of which falls on the homeowners. I request that  
construction traffic be barred from using Abigail Lane, and that the contractor/  
developer commit to repairing any damage done if the prohibition is not followed.

Response Date: 02/14/2020 Person commenting: Michael Buscher  
 Phone No. (not required) 971-304-7675 Address 1040 Bair Rd, Keizer



# City of Keizer

Phone: (503) 856-3440 • Fax: (503) 390-8288  
 930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

February 3, 2020

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APPLICANT: Mark E. Farrow, Trademark Enterprises LLC

LOCATION: The subject property is located at 1005 Bair Rd NE; Marion County Tax Assessor's Map No. 063W23DC Tax Lot 02400.

PLEASE CHECK THE APPROPRIATE ITEMS:

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

\_\_\_\_\_ My/our comments are in the attached letter.

\_\_\_\_\_ My/our comments are: (you may submit a separate piece of paper or email) \_\_\_\_\_

*Bair Road is not a standard width road and we have a minor congestion problem early morning and late evening. The North side of the road needs to be properly completed to address my only issue. 2 cars per lot atleast plus another 2 cars on this short road.*

Response Date: Feb 6 2020 Person commenting: Jim Hardy

Phone No. (not required) \_\_\_\_\_ Address 898 Bair Rd

*I also feel they should be as required as 5,000 square feet lots. Jobs are so small now kids play in the streets.*

FEB 07 2020



# City of Keizer

Phone: (503) 856-3440 • Fax: (503) 390-8288  
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

COMMUNITY DEVELOPMENT

February 3, 2020

TO: Area Property Owner(s)  
FROM: Shane Witham, Senior Planner (withams@keizer.org)  
RE: Subdivision/Variance 2020-03

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RESPONSE DATE: **February 14, 2020**

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APPLICANT: Mark E. Farrow, Trademark Enterprises LLC

LOCATION: The subject property is located at 1005 Bair Rd NE; Marion County Tax Assessor's Map No. 063W23DC Tax Lot 02400.

PLEASE CHECK THE APPROPRIATE ITEMS:

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

My/our comments are in the attached letter.

My/our comments are: (you may submit a separate piece of paper or email) \_\_\_\_\_

SEE ATTACHED

Response Date: 2/7/2020 Person commenting:

Phone No. (not required) (971) 599-3999 Address \_\_\_\_\_

**Larry and Sheri Brown  
1067 Keystone Loop NE  
Keizer, OR 97303-3254**

To: Keizer Planning Department

Ref: Variance Case No. 2020-03

I reside at 1067 Keystone Loop NE, Keizer, OR 97303. My wife and I purchased this home in 1999 brand new. The density of the housing on Keystone Loop has created many problems one of the biggest is lack of parking and the same will be true on Reservoir Street. Many homeowners today have many vehicles sometimes as many as 5-6 not including RV's. The size of the lots does not allow for off-street parking of cars, trucks and RV's. Eventually it appears that Reservoir Street will connect to Keystone Loop creating not only more parking issues but traffic also.

To reduce the size of lots in these neighborhoods seems to be just throwing fuel on the existing fires. At a minimum current lot sizes should be maintained.

If I could do it again I would not buy into this type neighborhood and if asked would advise people to give buying serious thought.

Sincerely,

Larry W. Brown



# City of Keizer

RECEIVED  
CITY OF KEIZER

FEB 14 2020

Phone: (503) 856-3440 • Fax: (503) 390-8288  
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

COMMUNITY DEVELOPMENT

February 3, 2020

TO: Area Property Owner(s)  
FROM: Shane Witham, Senior Planner (withams@keizer.org)  
RE: Subdivision/Variance 2020-03

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APPLICANT: Mark E. Farrow, Trademark Enterprises LLC

LOCATION: The subject property is located at 1005 Bair Rd NE; Marion County Tax Assessor's Map No. 063W23DC Tax Lot 02400.

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: (you may submit a separate piece of paper or email) See Attached

We are the owners of 1055 Bair Rd NE, Keizer

Response Date: 02-14-2020 Person commenting: Barbara & Sandra

Phone No. (not required) 503-516-0211 Address McCullough-Jones  
1165 Jays DR NE, Keizer



## McCullough-Jones

1165 Jays Drive NE  
Keizer, Oregon 97303

Phone: 503-516-0211  
Email: barbjmj@gmail.com

February 13, 2020

Mr. Shane Witham, Senior Planner  
Keizer Planning Department  
P.O. Box 21000  
Keizer, OR 97307-1000

Dear Mr. Witham,

Per your letter dated February 3, 2020 regarding authorization for Subdivision/Variance 2020-03 located at 1005 Bair Rd NE, Marion County Tax Assessor's Map No. 063W23DC Tax Lot 02400, we are providing the following comments to the above referenced land use application.

Our property is located at 1055 Bair Rd NE, Keizer described in the applicant's proposal as being "East: Single Family Residential; existing single-family dwellings and vacant land".

**This resident is currently being used as a single-family dwelling. The land is NOT VACANT but is currently/annually being used as open space and garden/fruit trees area for personal sustainable gardening.**

On page 3 of the packet sent us, the applicant states, "Compliance with applicable fire/life/safety code requirements occurs as a building permit is submitted to and reviewed by the City for issuance of a building permit for the subject property".

**We strongly believe that addressing the safety of the neighborhood AFTER granting this extreme variance is counter to addressing the unnecessary density caused by the proposed project. We are entitled to know how the issues of neighborhood health and safety will be addressed prior to the City granting any variances on lot size.**

Regarding, "KMC 2.303 Off-Street Parking and Loading":

**Data shows homes in Keizer have an average of two (2) cars per residence. While the requirement is to provide a "minimum of two parking spaces will be provided on the site for each lot" that is not how people currently live. If you drive through the immediate neighborhood impacted by this development it is obvious that considerable public street space is used for ON-STREET parking on a regular basis. This practice, while common, results in two cars not being able to pass safely at the same time when coming upon two cars parked on the street across from each other. Further compounding street access is the number of basketball hoops that either stationed ON THE STREET or on the public sidewalk are limiting pedestrian right-of-ways.**

Regarding, "KMC 2.305 Transit Facilities":

**Findings show the nearest neighborhood "activity centers" are Forest Ridge Elementary School and Clear Lake Elementary School. Having these two schools in close proximity to the proposed development presents potential added traffic to the neighborhood as students access the schools. Transit Route 9 only travels on Wheatland Road to the Park Meadow Apartments which is nearly a mile away from the development. There are no bike lanes or continuous sidewalks for the route to catch the bus on Wheatland Road. That means more cars on the road which is what happens in neighborhoods too densely built-up.**

Regarding, "KMC 2.306 Storm Drainage":

**The findings show, "Storm drain plans are required to be submitted to and approved by the Public Works Department for final plat approval or for individual building permits on the subject property". This section of the proposed development presents SIGNIFICANT AND COSTLY UNDUE BURDEN TO THE NEIGHBORING PROPERTIES.**

**Since the Bair Property was developed about 4 years ago, under the very same code shown above, we have experienced UNPRECEDENTED flooding on our property. Our garage built in approximately 1962 HAS NEVER FLOODED until the property to the south of us was developed. The south end of our property is constantly "swamped". The garage has a cement foundation and since the Bair property development, we have seen and cleaned-up water that is percolating up through the foundation. We have had professional water management companies look at the issue and they all come to the same conclusion – it is well known in the construction world that Keizer has inadequate storm drain requirements. With the addition of more roofs and asphalt being built in the neighborhood water is not making into the storm drain system or the system is not adequately moving the water, and a significant amount is finding its way onto neighboring properties. With FOUR dwellings proposed along our west property line we have grave concerns this already existing problem will only get worse. Who will mitigate the problem? City code is clearly inadequate. We request a plan that shows an enforceable path of responsibility for ensuring water from their development does NOT AFFECT OUR PROPERTY IN ANY WAY.**

**The proposal states, "The site is relatively level and grading will be done according to acceptable building code and construction standards when development occurs". We are GRAVELY CONCERNED that during grading the trees, plants, and landscaping currently existing on our property will experience significant loss. Grading up to the property line will remove and destroy the root system of existing old growth (60+ years old) plantings, specifically arborvitae. Who is responsible for covering our loss – loss of some old growth (60+ years old) arborvitae and old growth (60+ years old) fruit trees that still bear fruit which we preserve EVERY season are irreplaceable? How will the developer GUARANTEE our old growth landscaping will not be damaged during development, and what will they do when it is damaged? It can take days, months or years for this damage to occur. How is that timeframe mitigated in this process?**

Regarding, KMC 2.310.03 (A) Minimum Lot Area

The applicant is seeking a "minor variance" from the required minimum lot size requirement. Current requirements are for a lot size to be "at least 5,000 square feet". The applicant states, "the lots range in size from 4,738 square feet to 5,034 square feet within an average lot size of 4,947 square feet".

**With thirteen (13) single family dwelling lots being proposed, the average lot size is woefully inadequate and would create unnecessary density stress in an already over-built area. This is supported by the fact the average lot size for the entire development does not meet or exceed the lot size requirement. Therefore, the proposal does not constitute a "minor" variance. It completely negates the purpose of the minimum lot size requirement.**

**Because of the increased density, we believe an adequate number of single family units on the property at 1005 should be a MAXIMUM OF TEN (10) single family residents. The variance requested means that three of the lots (#2, 3, and 4) represent approximately 23 percent of the buildings, while another 54 percent just meet or exceed the minimum lot size by three (3) or less square feet (#1,5, 7, 8, 9, 11 and 12).**

Regarding, "KMC 2.310.07: Improvement Procedures:

**It is morally indefensible to say, "all 118 trees are proposed for removal. The applicant is aware that replanting may be required. Street trees will be provided where feasible."**

**To allow these findings to stand will destroy many healthy, old growth trees on the property. The removal of these 118 trees will affect the air quality and sound abatement in a neighborhood already in jeopardy with the additional automobiles accompanying a housing development.**

**A typical hardwood tree can absorb as much as 48 pounds of carbon dioxide per year. We believe strongly that some of these trees BE retained and a significant number be planted as part of the development. Trees planted must be healthy and mature enough to withstand transplant in a new development.**

Regarding, "INFILL DEVELOPMENT: 2.316 Infill Development Standards:

**We are requesting written confirmation on the following items cited in this section BEFORE the granting of any variances or permits:**

- 1. *Proposed building area***
- 2. *Proposed building heights for proposed homes.***
- 3. *A landscaping plan showing location, size, and type of trees and plant materials, proposed fences, and any other features that provide screening and buffering to adjacent properties.***

**We have observed that fencing added to local developments have generally been eight (8) foot cedar/treated lumber that barely last two seasons. One reason they do**

not last is the 4"x4" posts are not cemented in place. The materials and height seem reasonable.

Findings state, "Setbacks will be provided as required by code for one-story homes". Does this mean ALL of the buldings proposed for this development will be ONE-STORY ONLY?

Regarding, "B. Building Height Restriction.":

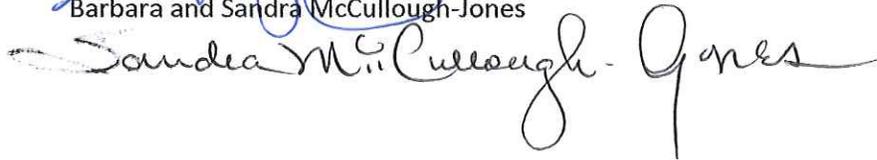
If the homes are only ONE-STORY how does this restriction apply? What is the total square footage of the dwelling to be built. Please identify lot by lot for clarity.

Thank you for addressing our concerns.

Sincerely,

 2/13/20

Barbara and Sandra McCullough-Jones

 2/13/20

RECEIVED  
CITY OF KEIZER  
FEB 14 2020  
COMMUNITY DEVELOPMENT

MR. Shane Witham, Senior Planner  
Keizer Planning Department  
P.O. Box 21000  
Keizer, OR 97307-1000

Dear Mr. Witham,

Per your letter dated February 3, 2020 regarding authorization for Subdivision/Variance 2020-03 located at 965 Bar Road, Marion County Tax Assessor's Map No. 063W23DC Tax Lot 02400, we are providing the following comments to the above referenced land use application.

My property is located at 965 Bair Rd NE, Keizer described in the applicant's proposal as being "West: Single Family Residential; existing single-family dwellings and vacant land".

**This resident is currently being used as a single-family dwelling. The land is NOT VACANT but is currently/annually being used as open space and garden/fruit trees area for personal sustainable gardening.**

On page 3 of the packet sent us, the applicant states, "Compliance with applicable fire/life/safety code requirements occurs as a building permit is submitted to and reviewed by the City for issuance of a building permit for the subject property".

I strongly believe that addressing the safety of the neighborhood AFTER granting this extreme variance is counter to addressing the unnecessary density caused by the proposed project. We are entitled to know how the issues of neighborhood health and safety will be addressed prior to the City granting any variances on lot size.

Regarding, "KMC 2.303 Off-Street Parking and Loading":

Data shows homes in Keizer have an average of two (2) cars per residence. While the requirement is to provide a "minimum of two parking spaces will be provided on the site for each lot" that is not how people currently live. If you drive through the immediate neighborhood impacted by this development it is obvious that considerable public street space is used for ON-STREET parking on a regular basis. This practice, while common, results in two cars not being able to pass safely at the same time when coming upon two cars parked on the street across from each other. Further compounding street access is the number of basketball hoops that either stationed ON THE STREET or on the public sidewalk are limiting pedestrian right-of-ways.

Regarding, "KMC 2.305 Transit Facilities":

Findings show the nearest neighborhood "activity centers" are Forest Ridge Elementary School and Clear Lake Elementary School. Having these two schools in close proximity to the proposed development presents potential added traffic to the neighborhood

as students access the schools. Transit Route 9 only travels on Wheatland Road to the Park Meadow Apartments which is nearly a mile away from the development. There are no bike lanes or continuous sidewalks for the route to catch the bus on Wheatland Road. That means more cars on the road which is what happens in neighborhoods too densely built-up.

Regarding, "KMC 2.306 Storm Drainage":

The findings show, "Storm drain plans are required to be submitted to and approved by the Public Works Department for final plat approval or for individual building permits on the subject property". This section of the proposed development presents SIGNIFICANT AND COSTLY UNDUE BURDEN TO THE NEIGHBORING PROPERTIES.

Since the Bair Property was developed about 4 years ago, under the very same code shown above, I have experienced UNPRECEDENTED flooding on my property. Run off from the road runs onto my front lawn. The houses on north property line have flooded to 18 inches of water since the four house were built about 15 years ago. My concern is that the entire east side of my property will be flooded throughout the winter.

Regarding, KMC 2.310.03 (A) Minimum Lot Area

The applicant is seeking a "minor variance" from the required minimum lot size requirement. Current requirements are for a lot size to be "at least 5,000 square feet". The applicant states, "the lots range in size from 4,738 square feet to 5,034 square feet within an average lot size of 4,947 square feet".

With thirteen (13) single family dwelling lots being proposed, the average lot size is woefully inadequate and would create unnecessary density stress in an already over-built area. This is supported by the fact the average lot size for the entire development does not meet or exceed the lot size requirement. Therefore, the proposal does not constitute a "minor" variance. It completely negates the purpose of the minimum lot size requirement.

Because of the increased density, we believe an adequate number of single family units on the property at 1005 should be a MAXIMUM OF TEN (10) single family residents. The variance requested means that three of the lots (#2, 3, and 4) represent approximately 23 percent of the buildings, while another 54 percent just meet or exceed the minimum lot size by three (3) or less square feet (#1,5, 7, 8, 9, 11 and 12).

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To allow these findings to stand will destroy many healthy, old growth trees on the property. The removal of these 118 trees will affect the air quality and sound abatement in a neighborhood already in jeopardy with the additional automobiles accompanying a housing development.

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Regarding, "B. Building Height Restriction.":

If the homes are only ONE-STORY how does this restriction apply? What is the total square footage of the dwelling to be built. Please identify lot by lot for clarity.

Thank you for addressing my concerns.

Sincerely,



Nina Bassett-Smith  
965 Bair Road NE  
Keizer, Or  
97303  
smithrb41@comcat.met  
503-390-6621



# City of Keizer

EXHIBIT 12

Phone: (503) 856-3440 • Fax: (503) 390-8288  
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

RECEIVED  
CITY OF KEIZER February 3, 2020

FEB 18 2020

COMMUNITY DEVELOPMENT

TO: Area Property Owner(s)  
FROM: Shane Witham, Senior Planner (withams@keizer.org)  
RE: Subdivision/Variance 2020-03

The City of Keizer, Planning Department is soliciting comments from affected property owners on the above referenced land use application. Your comments should address the criteria listed on the reverse side of this request. These comments will be considered as part of the staff report. Please return your comments to our office by February 14, 2020 in order that we may process the application in a timely manner. If we receive no response, we will assume you have no concerns. You may use this response form, or, attach a separate letter. Please return your written responses to the Keizer Planning Department, P.O. Box 21000, Keizer, Oregon 97307-1000. Questions regarding the application may be directed to Shane Witham, Senior Planner, at (503) 856-3439. Thank you for your assistance.

RESPONSE DATE: February 14, 2020

APPLICATION: The applicant is requesting to subdivide one parcels of approximately 1.99 acres into 13 lots ranging in size from approximately 4,738 square feet to 5,034 square feet. The applicant is also requesting a minor variance to lot size. The proposal is for a single family dwelling to be located on each lot. The property is zoned Single Family Residential (RS) and Low Density Residential on the Comprehensive Plan Map.

APPLICANT: Mark E. Farrow, Trademark Enterprises LLC

LOCATION: The subject property is located at 1005 Bair Rd NE; Marion County Tax Assessor's Map No. 063W23DC Tax Lot 02400.

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: (you may submit a separate piece of paper or email) \_\_\_\_\_

- TOO MANY HOUSES, TOO SMALL OF LOTS.
- MAXIMUM SHOULD BE 10 HOUSES (NOT 13), FOLLOW CODE.
- RETHINK REMOVAL OF "118 TREES".
- DO NOT ALLOW MAJOR COMPACTING/VIBRATIONS OF NEARBY HOMES

Response Date: 2-14-2020 Person commenting: Clay PUNSTON

Phone No. (not required) 503-881-0394 Address 708 BAIR RD NE, KEIZER

## Witham, Shane

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**From:** Witham, Shane  
**Sent:** Monday, February 17, 2020 1:27 PM  
**To:** Witham, Shane  
**Subject:** bair rd subdivision  
**Attachments:** 20200217110717.pdf

**From:** Jeremy Grenz [<mailto:JGrenz@mtengineering.net>]  
**Sent:** Monday, February 17, 2020 11:19 AM  
**To:** Witham, Shane  
**Subject:** RE: bair rd subdivision

Shane,

Please find the attached pdf with approximate heights of the homes adjacent to the subject property. To comply with the building height restrictions of the infill development standards of the KDC, the applicant proposed to limit the new buildings to no more than 5 feet above the existing dwellings immediately adjacent, or provide an increased setback of one additional foot for every one foot over the maximum height.

Please let me know if you need anything else.

Thanks,

Jeremy



Marion County Surveyor's Office

Comments on Planning Action: Keizer Subdivision/Variance 2020-03

Date 2/18/2020 Person Commenting Phil Jones

Subdivision:

- 1. Subdivision name must be approved per ORS 92.090.
- 2. Must be surveyed and platted per ORS 92.050.
- 3. Subdivision plat must be submitted for review.
- 4. Checking fee and recording fees required.
- 5. Per ORS 92.065 - Remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation.
- 6. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Partition:

- 1. No survey required on parcels created over ten acres.
- 2. Parcels ten acres and less must be surveyed.
- 3. Per ORS 92.050, plat must be submitted for review.
- 4. Checking fee and recording fees required.
- 5. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Property Line Adjustment:

- 1. No survey required. The resultant property is greater than ten acres.
- 2. Must be surveyed per ORS 92.060 (7) and the survey submitted for review.
- 3. Survey checking fee required at the time of review.

(See Page 2 for additional comments)

Property Line Adjustment (continued):

- \_\_\_ 4. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office prior to submitting the property line adjustment survey. Deed recording reference numbers shall be noted on the survey map. Per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment. [See Marion County Zoning Code MCC 16.33.140(E) and MCC 17.172.120(E)]

Marion County Planning requires perimeter descriptions of the resultant properties.

- \_\_\_ 5. A re-plat (in the form of a partition plat) is required, due to the adjustment of a partition plat parcel line or subdivision lot line. A property line adjustment deed 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:**