

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 ORDER

4
5 **IN THE MATTER OF THE APPLICATION OF CHICK-FIL-**
6 **A FOR APPROVAL OF THE KEIZER STATION MASTER**
7 **PLAN AMENDMENT (AREA D – KEIZER STATION);**
8 **AMENDMENT OF ORDER IN THE APPLICATION OF**
9 **CHEMAWA STATION LLC ADOPTED SEPTEMBER 8, 2020**

10
11 The City of Keizer orders as follows:

12 Section 1. THE APPLICATION. This matter comes before the Keizer City
13 Council on the application of Chick-fil-A for a master plan amendment for the Keizer
14 Station Plan – Area D.

15 Section 2. JURISDICTION. The land in question in this Order is within the city
16 limits of the City of Keizer. The City Council is the governing body for the City of
17 Keizer. As the governing body, the City Council has the authority to make final land
18 use decisions concerning land within the city limits of the City of Keizer.

19 Section 3. PUBLIC HEARING. A public hearing was held on this matter before
20 the Keizer City Council on February 1, 2021. The following persons either appeared at
21 the City Council hearing or provided written testimony on the application before the
22 Council:

- 23 1. Shane Witham, Planning Director
24 2. Mike Towle, Civil Engineer, Applicant's Representative
25 3. Carolos Arias, Applicant's Representative
26 4. Steve Schwartz, Applicant's Representative

1 Section 4. EVIDENCE. Eyidence before the City Council in this matter is
2 summarized in Exhibit "A" attached.

3 Section 5. OBJECTIONS. No formal objections have been raised as to notice,
4 jurisdiction, alleged conflicts of interest, evidence presented or testimony taken at the
5 hearing.

6 Section 6. CRITERIA AND STANDARDS. The criteria and standards relevant
7 to the decision in this matter are set forth in Exhibit "B" attached.

8 Section 7. FACTS. The facts before the City Council in this matter are set forth
9 in Exhibit "C" attached.

10 Section 8. JUSTIFICATION. Justification for the City Council's decision in this
11 matter is explained in Exhibit "D" attached.

12 Section 9. ACTION. The decision of the City Council is set forth in Exhibit "E"
13 attached.

14 Section 10. FINAL DETERMINATION. This Order is the final determination in
15 this matter.

16 Section 11. EFFECTIVE DATE. This Order shall take effect immediately upon
17 its passage.

18 Section 12. AMENDMENT OF MASTER PLAN ADOPTED SEPTEMBER 8,
19 2020 FOR KEIZER STATION AREA D. The intent of the City Council is that this

1 Order, when fully effective and final, amends the previous Keizer Station Plan – Area D
2 Master Plan Order adopted on September 8, 2020.

3 Section 13. APPEAL. A party aggrieved by the final determination in a
4 proceeding for a discretionary permit or a zone change may have it reviewed under ORS
5 197.830 to ORS 197.834.

6 PASSED this 16th day of February, 2021.

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8 SIGNED this 16th day of February, 2021.



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11 
12 Mayor
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14 City Recorder
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EXHIBIT "A"

Evidence

Official notice has been taken of the reports and record in this matter, including the application and exhibits contained therein.

City Attorney Johnson read the statutory warning regarding quasi-judicial hearings. There was no objection to waiving the reading of the criteria and the Council declared no ex parte contacts, bias, or conflict of interest.

Planning Director Shane Witham then summarized his staff report noting that changes included increasing the parking area, relocation of the water feature/detention area and addition of a pedestrian plaza. He then fielded questions regarding the traffic signal and design of the water feature.

Mike Towle, Civil Engineer for Dowl who is part of this project, thanked Mr. Witham, introduced team members Carlos Arias and Steve Schwartz and offered to answer any questions.

Carlos Arias commended Mr. Witham for his professionalism and cooperation and thanked everyone noting that he looked forward to opening the new restaurant.

Steve Schwartz, echoed comments about the Keizer Planning Department and Mr. Witham, provided background information about Chick-fil-A, and fielded questions about vehicle stacking.

With no further testimony Mayor Clark closed the Public Hearing and the record.

EXHIBIT "B"

Criteria and Standards

The criteria and standards reviewed in this case are found in the Keizer Development Code (KDC) and the Keizer Station Plan. The specific criteria are set forth below:

1. KDC 3.113 (KSP Master Plan Review).
2. Keizer Station Master Plan.

No other specific criteria and standards were identified at the hearing.

EXHIBIT "C"

Facts

FINDINGS: GENERAL

1. The applicant is Chick-fil-A (Attn: Steve Schwartz). The applicant's representative is Mike Towle, PE (DOWL). The subject property is owned by the Confederated Tribes of the Siletz Indians and the Confederated Tribes of Grand Ronde.
2. The subject property is Area D (Commerce Center) of the Keizer Station Plan which is located at the Chemawa/Interstate 5 interchange. The subject property is identified on Marion County Tax Assessor's Map as Township 6 south Range 3 West; Section 36D, Lot #00400. The property is bisected by Ulali Drive which serves as access to the subject property and provides connectivity to Area A of the Keizer Station. The proposed amendment request primarily affects the property located on the internal (north) portion of the jug handle of Ulali Drive. The existing area outside (south) of the jug handle of Ulali Drive remains unchanged, with the exception of the relocation of the proposed water feature to the south side of Ulali Drive.
3. The subject property is designated is designated Campus Light Industrial on the Comprehensive Plan Map and is zoned IBP (Industrial Business Park).
4. The proposal is for an amendment to the previously adopted Master Plan for Area D. This amendment will modify the previously approved site plan by changing the location and number of buildings, overall parking lot layout, and landscaping features and amenities located within the internal portion of the jug handle. A water feature was previously proposed to be located within the internal portion of the jug handle (southwest corner of the site) is proposed to be relocated to the south side of Ulali Drive across the street from its original location. No other changes are proposed.
5. This is the second amendment to the approved Area D master plan. This master plan amendment is subject to a Type II-B procedure (KDC 3.101.02), which includes a public hearing and decision by the City Council.

FINDINGS: KEIZER STATION MASTER PLAN AMENDMENT

6. The Review Criteria for a Keizer Station Master Plan amendment are listed in Section 3.113.06 of the Keizer Development Code (KDC). The criteria and findings are listed below:

A. All applicable review criteria of Section 3.113.04 considering the type and extent of the proposed amendment.

FINDINGS: The review criteria found in Section 3.113.04 is wide ranging and includes things such as overall master plan objectives and arrangement of uses to landscaping, site planning, and architectural details. The proposed amendment is to change the number and location of proposed buildings, along with the overall site layout of the interior of the jug handle. The applicant submitted a site plan showing proposed building locations, overall parking lot layout, along with landscaped areas and the relocation of the water feature to the south side of Ulali Drive. While the detailed design of the internal jug handle portion of the site has changed, the changes do not substantially alter the basis of justification for approval, nor do they significantly alter the recommended conditions of approval. However, some of the original conditions will be modified and/or replaced to reflect changes proposed by this amendment. The following specific criteria of Section 3.113.04 gives the basis for justification for finding this proposal complies with this review criteria:

3.113.04.B.1. Design Standards:

The applicant indicates the proposed building will comply with all design standard provisions of the development code and previous master plan approval conditions. Conditions were placed on the original approval and subsequent amendment, that specific building designs would be regulated as a part of the building permit review and approval process to ensure compliance with the standards of the Keizer Development Code (KDC). These conditions will assure that all future buildings governed by this amendment will comply with this criterion.

3.113.04.B.2. Transportation System Standards:

The Public Works Department has reviewed the proposed amendment and provided comments and conditions relating to transportation facilities. In addition to the original conditions of approval governing Master Plan/Major Variance Case 2004-38, the conditions required by Master Plan Amendment/Major Variance Case 2020-10 require "the traffic signal required for access and egress to and from Ulali Drive for this section of Area D shall be designed, constructed and fully functional prior to any occupancy permits for any buildings with the Master Plan Amendment area." This condition will assure that traffic safety standards can be adhered to and is found to be necessary for compliance with the requirement of the Keizer Station Plan that access to adjoining properties be controlled.

3.113.04.B.4. Parking Standards:

The proposed amendment will modify the parking lot layout and increase the total number of parking spaces provided. Parking requirements are governed by KDC section 2.303 and identify the number of spaces required for individual uses. The applicant submitted a parking demand analysis prepared by Kittelson and Associates demonstrating the need for additional parking, beyond what is identified in the KDC.

The increased amount of parking and modified parking lot layout is designed to optimize the operation of the proposed Pad "A" site. This will provide adequate maneuverability, traffic flow, and parking for patrons frequenting the restaurant. The applicant's site plan and parking demand analysis for this proposal is both adequate and appropriate.

3.113.04.B.5. Landscape Standards:

The proposed amendment modifies the site plan and identified landscaped areas and amenities. The original conditions of approval governing Master Plan/Major Variance Case 2004-38 and subsequent Master Plan Amendment/Major Variance Case 2020-10 contained specific conditions regarding landscaping requirements. A landscaping plan was provided with this amendment application for the portion of the site being modified which generally demonstrates compliance with the established conditions and provisions of the KDC. As a condition of approval, a detailed landscaping plan must be provided to assure that compliance with the provisions of the KDC which will be part of the building permit review and approval process.

3.113.04.C.1. Pedestrian Access, Safety and Comfort:

The proposed amendment will relocate the proposed Pad "A" on the site. The applicant's site plan shows a public plaza amenity that will be provided on the southwest corner of the amendment area. This plaza will need to connect to the existing public sidewalk system. In addition, additional pedestrian connections to the existing sidewalk system on Ulali Drive will need to be provided. The exact location can be determined as a part of the building permit review and approval process for the Pad "A" site. This requirement is recommended as a condition of approval.

3.113.04.C.4. Creating and Protecting Public Spaces:

The master plan amendment proposes to relocate the water feature from the southwest corner of the master plan amendment area, across Ulali Drive to the south. The applicant proposes to provide a plaza feature in the southwest corner of the site to serve as a pedestrian to the development. The exact design has not yet been determined, but the applicant has provided conceptual renderings for both the water feature and the public plaza space. The water feature, plaza amenity, and other landscaping and pedestrian amenities shall be installed in conjunction with development of Area D.

The applicant's proposal demonstrates consistency with the criteria of the original approval of Master Plan/Major Variance Case 2004-38 and subsequent Master Plan Amendment/Major Variance Case 2020-10, and thus satisfies this criterion.

- B. The amendment is consistent with the adopted Master Plan, or achieves an equally desirable result.

FINDINGS: The proposed changes are generally consistent with the overall purpose of the adopted Master Plan and are minimal in nature. The changes generally achieve an equally desirable, if not superior result of the previous approval. The following changes are proposed:

- Reconfigure the site, decreasing the total number of buildings from 4 to 3, which is consistent with the original Master Plan/Major Variance Case 2004-38. The result is a reduction in overall building square footage by approximately 7,634 square feet. Buildings will still be developed with “flexible space” uses consistent with the provisions of the Keizer Station Plan and KDC, and will be required to meet all design requirements of the KDC. The reduction of the number of buildings will provide for more visual access to the site for the users that are being established as well as allowing for adequate open space and landscaping around proposed uses.
- Modify the parking lot layout and number of spaces provided to serve the proposed Pad “A” site. The number of parking spaces provided is an increase compared to that approved by Master Plan Amendment/Major Variance Case 2020-10. The applicant submitted a parking demand analysis prepared by Kittelson and Associates demonstrating the need for additional parking. The increased amount of parking and modified parking lot layout is designed to optimize the operation of the proposed Pad “A” site. This will provide adequate maneuverability, traffic flow, and parking for patrons frequenting the restaurant.
- Relocate the proposed water feature across Ulali Drive to the south side of the street, and install a public plaza in its original location. The relocation of the water feature will still provide the desired visual amenity as a “gateway” feature for Area D, regardless of which side of the street it is located on. In addition, a public space/plaza will be provided as an additional amenity in the previously approved location of the water feature.

All conditions of approval from the original Master Plan /Major Variance Case 2004-38 and subsequent Master Plan Amendment/Major Variance Case 2020-10 will apply to this amendment. Some minor changes to the existing conditions are proposed to align the new proposal, clarify requirements, and approval timeframes. The proposed amendment demonstrates consistency with the criteria of the original approval of the Master Plan/Major Variance and thus satisfies this criterion.

- C. The amendment does not result in additional traffic generation and is consistent with the adopted Traffic Impact Analysis.

FINDINGS: The proposal is to decrease the number of overall buildings within the interior of the jug handle, reducing the total building square footage. The applicant provided a trip generation memo/analysis prepared by Kittelson & Associates which

demonstrates compliance with this criterion. The trip generation comparison provided indicates the proposed amendment will not increase the overall anticipated trip generation of the site, and that the development proposal is consistent with the original adopted Traffic Impact Analysis. Therefore, the applicant's proposal satisfies this criterion.

EXHIBIT "D"

Justification

The applicant has the burden of proving that the application meets relevant standards and criteria to be applied in the particular case.

In this case, the applicant is requesting approval of Master Plan Amendment for Keizer Station – Area D.

The applicant has proposed changes to the amended master plan to modify the previously approved site plan by changing the location and number of buildings, overall parking lot layout, and landscaping features and amenities located within the internal portion of the jug handle. A water feature was previously proposed to be located within the internal portion of the jug handle (southwest corner of the site) is proposed to be relocated to the south side of Ulali Drive across the street from its original location. This amended plan meets the criteria of the current Keizer Station Plan and Keizer Development Code provisions.

The applicant has demonstrated that when the conditions set forth in Exhibit "C" are imposed and complied with, the proposal meets the applicable criteria set forth in the Keizer Development Code. As conditioned, the application should be granted.

EXHIBIT "E"

Action

[Note: Many of the conditions listed are from the 2004 Master Plan Order and have been completed.]

The City of Keizer hereby ORDERS as follows:

The application for approval of the amendment to the Keizer Station Area D Master Plan are hereby GRANTED subject to the conditions set forth below. Unless specifically stated otherwise herein, all conditions must be met prior to the issuance of any building permits (See Condition 63):

Previous Land Use Action:

- A. This application is an amendment to previous master plan. The previous master plan order is included as part of this record. The conditions set forth in this Exhibit E apply to all development within Area D.

CONDITIONS FOR MASTER PLAN:

1. The construction of all the public improvements and its associated landscaping must be completed within two years of the final date of the initial decision which can be extended upon approval by the Community Development Department. Any request for an extension must be made in writing prior to this date.
2. The applicant shall submit a phasing plan for all improvements for approval by the Community Development Department.
3. The development shall be required to meet all Development Code requirements relating to signs as found in Section 2.308.
4. The landscaping and pathway/pedestrian improvements including water features, plazas and other amenities for the entire Area D shall be provided as shown in the application or as modified by the conditions of approval. The final landscaping and pathway plans, as well as the design of the proposed water feature shall be approved by the Community Development Department prior to installation. The water feature, and all improvements and amenities located on the north side of Ulali Drive including the plaza, landscaping, and pathway improvements shall be completed prior to the issuance of the Certificate of Occupancy for the second building in Area D. The remaining landscaping and improvements shall be

constructed prior to issuance of the Certificate of Occupancy for the first building south of Ulali Drive.

5. A landscaping design for the area adjacent to the Interstate 5 freeway and the Salem Parkway shall be submitted to the Community Development Department for review and approval. The design shall demonstrate a coordinated design with Area A.
6. The land area devoted to industrial and commercial uses, as required in KDC 2.113, IBP Zone, shall be met and maintained within Area D. The amount of "Flex Space" use, as defined in Section 2.113.02.N.2 shall be limited to that specified in this section of the KDC.
7. Except as approved in the variance application, all KDC dimensional requirements for building heights, lots, and setbacks shall be met.
8. Street names and numbers shall conform to the established standards and procedures in the City. Street names shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No building permit shall be issued without approved street names. Due to the significance of this development as a landmark of the City of Keizer, street names must also receive approval of the City Council.
9. Street trees shall be planted at the locations and varieties specified in the submitted landscaping plan. A minimum caliper of 2 inches shall be used for street trees and all other trees in areas near pathways, walkways streets and parking areas. A final street tree planting plan shall be approved by the Community Development Department prior to planting. All other landscaping standards of the KDC shall be met. Evergreen trees may be varied in height as long as the average height of all evergreen trees planted shall be an average height of 6 feet at time of installation.
10. Ground cover and shrubbery shall be planted in conformity with the KDC and industry standards as approved by the Community Development Department, and shall reach full coverage by the third year of growth for ground cover and the fifth year of growth for shrubbery.
11. The amount of area landscaped, and the design thereof, shall conform substantially with the plan submitted as part of the original application (2004-38). A final landscaping plan shall be submitted for approval by the Community Development Department prior to planting. The landscaping plan shall incorporate the site plan modifications identified in Master Plan Amendment/Major Variance Case 2020-10 as well as Master Plan Amendment Case 2020-24. Design for the proposed water feature must receive final approval from the Community Development Department and will be required to be provided in conjunction with the

development of the interior of the jug handle area north of Ulali Drive. Additional detailed landscaping plans for the area south of Ulali Drive (Phase 2) shall be approved prior to issuance of building permits for that area.

12. Irrigation system plans shall be submitted for approval as part of the review process of building permits and public improvement permit process. Approved irrigation systems shall be installed prior to issuance of an occupancy permit.

13. A tree shall be planted for every eight lineal parking spaces not located adjacent to a building in accordance with KDC standards, and shall substantially conform to the landscaping plan submitted with the application. Additional parking lot trees must be provided within the interior parking lot islands of the Pad "A" site parking area consistent with the requirements of KDC Section 2.303.

14. Parking shall be provided as required by KDC 2.303, and shall substantially conform to what is shown on Exhibit "E-1". Parking driveway aisles shall be a minimum of 24 feet wide. A plan documenting compliance with parking requirements shall be provided for the Community Development Department's Master Plan approval. Verification shall be provided during building permit review.

15. Bicycle parking shall be provided as required by KDC 2.303.08. In addition, the bicycle rack design shall provide secure support for bicycles and the ability to lock bicycles securely. The bicycle rack design, installation, and locations shall be approved by the Community Development Department prior to installation.

16. Sufficient paved areas and designated loading areas shall be provided in accordance with KDC 2.303.10.

17. Pavement shall be provided for all driveways, loading, and parking areas as required by KDC 2.303.11.

18. Electric and mechanical equipment and other service areas such as trash/recycling dumpsters shall be screened with vegetation and/or fencing. The final landscaping plan shall be approved by the Community Development Department prior to planting.

19. Driveway entrances shall be a maximum of 36 feet wide.

20. Pedestrian systems crossing driveways, parking areas and loading areas shall be clearly identified through the use of stamped concrete, pavers or similar methods and shall be indicated on the building permit plans submitted. Additional pedestrian connections will be required to be provided in conjunction with the development of

the Pad "A" site. Connections must be provided to connect the public plaza, as well as the area along Ulali drive in the northwest quadrant of the site.

21. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. The lighting plan shall be approved by the Community Development Department.
22. The applicant shall construct connections to the regional multi-use path adjacent to the Salem Parkway. This shall provide connections to the pathway which border the Salem Parkway in both a south and the north direction as shown on the submitted plans.
23. Awnings shall be provided for all walkways adjacent to buildings that comply with Section 2.315 of the Keizer Development Code.
24. The proposed site lighting shall not cast any light or glare toward the residential properties to the west or allow any direct visual access to a direct lighting source from any residential property.
25. Security lighting shall be provided which provides secure illumination of the Chemawa Road under crossing, while being directed away from the flow of traffic, so as not to cause glare.
26. Building design elements including ground floor windows, facades, awnings and materials shall satisfy KDC 2.315.08.
27. The elevations of all buildings shall be varied in texture and materials and shall create a very human scale in massing and incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements and shall reflect the original proposal (2004-38) exemplified by that submitted for the Tenant Retail building and the NE Comer of Building Six (6), as well as the elevations submitted for Store 'C' as a part of the 2020-10 application. Different materials, varied at the same frequency as the architectural elements, shall be used and shall conform to the samples in the submitted materials. These materials shall be varied in type, and incorporate such things as cultured stone, a variety of split face Concrete Mortar Units (CMU's), as well as smooth faced CMU walls. The colors used shall be in compliance with the KDC Development Standards Section 2.315.08.B.5. ~~The roof shall be more greatly exaggerated than the submitted designs from the applicant.~~
28. Screening of roof-mounted equipment from adjacent public streets shall be required.

29. All accessory structures including trash receptacle and mechanical devices shall be screened from view in compliance with Section 2.315.08.C of the Keizer Development Code.
30. Maintenance of landscaping materials as specified in the Keizer Development Code Section 2.309, space tracts, plazas, and pathways shall be the responsibility of applicant.
31. Construction specifications (e.g., base rock, concrete/pavement thickness) for the separate pathways shall be subject to Public Works Department approval in accordance with Keizer City Standards.
32. The development shall conform to the requirements of all federal, state, and local requirements, including but not limited to ADA requirements.
33. During construction, adjoining properties shall be protected from impacts of noise at unreasonable hours, unreasonable dust, and safety concerns, and shall conform to Keizer City requirements regulating such impacts.
34. The applicant shall work with the Transit District to ensure compliance with the requirements found in Section 2.305 of the KDC.
35. In addition to complying with all development standards, all new utility connections and lines shall be located underground.

PUBLIC WORKS REQUIREMENTS: The following requirements are the conditions of approval by the Public Works Department.

MASTER PLAN

The Public Works Department has reviewed the applicant's submittals and has compared them with the requirements of the adopted Keizer Station Plan and subsequent submittals. The developer shall submit a detailed phasing plan for all required improvements (including site grading) prior to any construction and grading of the subject property. The following are conditions of approval of the master plan.

PUBLIC WATER SYSTEM:

Some of the public water system serving the area will have to be redesigned to make sure that the existing fire hydrants, water mains and valves are placed in acceptable locations to the Keizer Public Works Department and the Keizer Fire District. The existing fire line connection point may also have to be redesigned.

One of the existing water service lines will have to be abandoned since there will only be 3 services required for the new amendment.

SANITARY SEWER SERVICES:

The sanitary sewer service to the previously proposed tire store will have to be abandoned per the City of Salem standards and approved by the Keizer Public Works Department.

DETENTION BASIN AND STORM DRAINAGE:

The currently constructed detention basin and storm drainage system will be required to be redesigned to conform to the revised Master Plan. It is not apparent to the Public Works Department that there will be an overall reduction in impervious areas for the Pad "A" site portion of the property.

SANITARY SEWERS:

The subject property is located outside of the original Keizer Sewer District and therefore an acreage fee is required. The current acreage fee is \$7,460.00 per gross acre. The applicant indicates that the area of Area D is 15.68 acres. The acreage fee applied will be the fee in place at the time of development of the property. At the current acreage charge the acreage fee will be \$116,972.80. The Master Sewer Plan provides for a sewer trunk line to be constructed through Area A to a point on the north property line of the subject property. Connection to the sewer trunk will be the responsibility of the developers of Area D. Development of Area D will require coordination of the construction of the sewer trunk. Additionally, the following requirements shall be applied:

36. Prior to development of the subject property, a master sewer plan for the proposed development shall be submitted to the City of Keizer's Department of Public Works for review and approval. The plan shall include proposed rim and invert elevations, proposed alignment of sewer mains and proposed easements.

37. City of Salem approval for both sewer trunk lines and local sewers is required. Permits from the City of Salem shall be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer Public Works Department for review and determination of compliance with the City of Keizer's Master Sewer Plan for the area.

38. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.

39. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.

40. It will be the responsibility of the developer's engineer to locate any existing wells (including those on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. Any conflicts between existing wells and proposed sanitary sewers shall be addressed by the developer prior to issuance of public works construction permits.

WATER SYSTEM:

The developer has submitted a master water system plan showing proposed routes of public water mains and fire hydrants. The master plan is generally acceptable to the Public Works Department, however, prior to submittal of final construction plans the developer's engineer shall arrange for a pre-design conference to discuss water main sizing, meter sizing and locations, fire hydrant locations, fire sprinkler line locations and easement width for all public lines (including fire hydrant lines) located outside of right of ways. Additionally, the developer will be required to coordinate construction activities with the developers of Area A. Final location of all meters is to be approved by the Keizer Department of Public Works. To provide for adequate peak consumption and fire protection requirements it has been determined that additional public facilities will be required including but not limited to elevated storage facilities, wells, connection to existing mains on the west side of the BNRR right of way, and any other off-site construction required to provide required peak flows to the proposed development. It is the Department of Public Works understanding that the developers of Area A in conjunction with developers of Area D are undertaking a study to determine the required water system improvements necessary for the development of the Keizer Station area. No permits for the subject property shall be issued until the Department of Public Works has reviewed and accepted the study. Appropriate easements for all public water mains and fire hydrants 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.

41. Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to any issuance of public works construction permits by the City of Keizer.

42. It will be the responsibility of the developer to abandon all existing wells prior to site grading. All abandonment shall be in accordance with the rules of the Oregon State Water Resources Department.

STORM DRAINAGE IMPROVEMENTS:

43. The developer has submitted plans indicating the present drainage patterns and runoff characteristics. The property is within a critical drainage basin and strict compliance with city ordinances will be necessary. No increase in runoff will be allowed as development occurs. Prior to any development of the subject property an overall storm water master plan including invert elevations, pipe sizes and alignment, easements, detention calculations, water quality measures and an approved point of discharge shall be submitted to the Department of Public Works for approval. A point of discharge has been identified on the ODOT system in Interstate 5. ODOT approval shall be required for water quality, conveyance systems and points of discharge. It is the understanding of the Department of Public Works that the engineers for the developers of Area A and Area D are studying the two areas and the storm drainage from Area D will be connected to a system constructed in Area A. The location for the proposed connection will be on the north property line of the subject property.

44. Storm water detention will be required for this site. All storm water including roof drains are to be connected to an approved system designed to provide adequate drainage for proposed new driveways, parking lots and other impervious surfaces.

45. A grading and drainage plan shall be developed for the subject property. Details shall include adequate conveyance of storm water from adjacent property across the subject property.

46. If it is anticipated that the property will develop in phases, prior to any development, a phasing plan shall be submitted to indicate how the storm water management will be developed to provide service to each area.

47. The developer shall submit to the Department of Public Works a master plan for erosion control for the entire site. The master plan shall be approved by the Department of Public Works. Prior to any development, including site grading, the applicant shall obtain an NPDES permit from the Oregon Department of Environmental Quality.

TRANSPORTATION:

48. The proposed development requires construction of an underpass under the BNRR between Areas A and B as well as an underpass of Chemawa Road between

Areas A and D. Additionally, other off-site improvements have been identified in the Transportation Plan developed for the Keizer Station Plan. These improvements include but are not limited to, construction of an extension of Radiant Drive to Lockhaven Drive and continuing to Chemawa Road to a point south of the intersection of Chemawa Road and McLeod Lane, construction of a pedestrian under-crossing of the BNR at Tepper Lane, and other improvements necessary to provide compliance with the adopted Keizer Station Plan adopted Feb. 3, 2003. Additionally, a regional multi-use pathway has been identified on the Keizer Station Village Center Master Plan. The path location shall be coordinated with the Area A development, ODOT and the Keizer Community Development Department. The path shall be of P.C.C. and constructed to a width of 12 feet or as approved by the City. Coordination of the above improvements with the developers of Area A will be required to insure all elements of the required road improvements are in place prior to issuance of any building permits for the subject property.

49. All new streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards and in conformance with the final Transportation Impact Analysis adopted for the Keizer Station Plan. The loop street shall be designed to arterial standards in terms of structural section and geometrical configuration or engineered alternative as approved by the Department of Public Works. Preliminary construction specifications and plans for all transportation mitigation measures necessary to satisfy the improvements identified in the "Transportation Impact Analysis, Keizer Station Plan" for all street construction, including retaining walls, fencing, landscaping, sidewalks, signing, etc. shall be submitted to the Department of Public Works for review prior to submitting final plans for approval. The Department of Public Works will review the proposed plans and make recommendations for any additional work and coordination with other development in the area as needed. Prior to approval of any development on the subject property or issuance of any construction permits, the developer shall submit an access and utility easement document suitable for recording for review and approval by the Department of Public Works.

50. The developer's engineer shall submit detailed traffic signal plans indicating phasing, recommended interties, materials to be used, etc. to the City of Keizer Department of Public Works for approval prior to construction. All traffic signal plans shall be designed to City of Salem/ODOT Standards where appropriate.

The traffic signal required for access and egress to and from Ulali Drive shall be designed, constructed and fully functional prior to issuance of any occupancy permits for any building.

GENERAL:

51. A street lighting master plan shall be developed. A street lighting district or other approved method of providing for adequate illumination of the proposed loop street shall be submitted to the Department of Public Works for review and approval. Decorative lighting approved by the Department of Public Works shall be used and shall be installed and maintained by the applicant if a street lighting district is not formed.

52. Construction permits are required by the Department of Public Works prior to any public facility construction. Contact the City Engineer's office at (503) 390-7402 for the necessary permit information that is required. The development shall be constructed substantially as set forth in the attached Exhibit "E-1" ~~marked as Exhibit 1~~ and by this reference incorporated herein.

53. A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the city of Keizer or the City of Salem for review.

54. Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.

55. Facility phasing plans and arrangements for reimbursing developers for providing additional capacity to serve future development shall be approved by the Keizer Department of Public Works and the City Council prior to any construction.

56. All easements to be located in the appropriate locations based on actual approved plans.

57. An improvement agreement or other acceptable form of guarantee for all required construction shall be in place and appropriate easements recorded prior to construction permits being issued.

58. Unless otherwise specifically modified by this decision, development of all structures and parking areas shall comply with remaining requirements of the Keizer Development Code.

59. The City of Keizer employs Marion County Building Department for the processing of building permits. Therefore, the applicant shall meet all requirements of the Marion County Building Division pertaining to building code issues.

60. In certain circumstances, Exhibit "C" and "C-1" (Facts)-findings of fact in both the September 2020 Order and this Order may contain conditions or

clarifications of conditions set forth in this Exhibit. In such cases, the conditions or clarifications of conditions in ~~Exhibit "C" and Exhibit "C-1"~~ those findings of fact are incorporated herein as if fully set forth.

In order for the Master Plan to receive final approval the applicant will be required to submit documentation demonstrating compliance with all applicable federal, state and local requirements. This shall include all conditions adopted by the City Council which apply to this Master Plan. These shall be submitted to the Community Development Department for verification and final approval.

VARIANCE:

61. The applicant shall locate the proposed structures and parking areas as indicated on the submitted site plan and shall maintain a minimum setback of ten (10) feet from the inner edge of the sidewalk on the north side of Ulali Drive or any adjacent property lines.

62. This variance was revised based upon amenities and landscaping shown in the plans submitted. These amenities provided mitigate any visual impact this variance may create. Therefore all improvements such as landscaping, pathways and amenities shown on the proposal must be implemented.

63. Unless expressly stated otherwise with these conditions, no building permits shall be issued until all conditions have been met or the applicant has demonstrated with certainty in the City's discretion the ability to meet such conditions. For example, no building permit shall be issued until contracts have been let for all infrastructure. Building permits may also be held until sufficient infrastructure is completed to support the requested development.

KEIZER STATION - AREA D
NE CHEMAWA RD AND ULALI DR, KEIZER OR 97303

[illegible]

Exhibit "E-1"

