



January 4, 2024

NOTICE OF LAND USE DECISION

1. **Applications.** An application from Backlus Investments, LLC for a partition to divide an existing 4.38-acre parcel into two separate parcels comprised of approximately one acre and approximately 3.38 acres in area and for a comprehensive plan map change from Commercial (C) to Medium and High Density Residential (MHDR) for the norther 1-acre parcel, and a zone change from Commercial General (CG) to Medium Density Residential (RM) for the norther 1-acre parcel located at 1141 Chemawa Road N, Keizer Oregon.
2. **Description of Decision.** Keizer City has **GRANTED** the Partition, Comprehensive map amendment and Zone change application subject to conditions.
3. **Date of Decision.** The City Council adopted the decision on January 2, 2024.
4. **Time and Place to View Order.** You may view the Order granting the Partition, Comprehensive Plan and Zone change request on the City's website or at the following address:

Keizer City Hall
930 Chemawa Road NE
Keizer, OR 97303

The above materials may be viewed Monday through Friday (except holidays) between the hours of 8:00 am and 5:00 pm.

5. **Requirements for Appeal.** This land use decision may be appealed to the Land Use Board of Appeals. To appeal this land use decision you must file a Notice of Intent to Appeal with the Land Use Board of Appeals in the manner and within the time frame set forth in state statutes and administrative rules. In order to appeal the Decision a person must have appeared before the City Council or Hearing's Officer either orally or in writing, or be adversely affected or aggrieved.

If you any questions, concerns or comments regarding this decision, please contact Shane Witham, Planning Director at (503)-856-3439.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

A BILL

ORDINANCE NO.

2024- 871

FOR

AN ORDINANCE

IN THE MATTER OF THE APPLICATION OF BACKUS INVESTMENTS LLC FOR A PARTITION TO DIVIDE THE PROPERTY INTO TWO PARCELS, AND FOR A COMPREHENSIVE PLAN MAP CHANGE FROM COMMERCIAL TO MEDIUM AND HIGH DENSITY RESIDENTIAL FOR THE NORTHERN PARCEL, AND A ZONE CHANGE FROM COMMERCIAL GENERAL TO MEDIUM DENSITY RESIDENTIAL FOR THE NORTHERN PARCEL LOCATED AT 1141 CHEMAWA ROAD NORTH, KEIZER, OREGON (CASE NO. 2023-16)

The City of Keizer orders as follows:

Section 1. THE APPLICATION. This matter came before the Keizer City Council upon the application of Backus Investments LLC for a partition to divide the property into two parcels, and for a comprehensive plan map change from Commercial to Medium and High Density Residential for the northern 1-acre parcel, and a zone change from Commercial General to Medium Density Residential for the northern 1-acre parcel located at 1141 Chemawa Road North, Keizer, Oregon. The property is identified on the Marion County Tax Assessor's Map as Township 7 South; Range 3 West; Section 03BA; Tax Lot #02100. On November 7, 2023, the Keizer Hearings Officer recommended that the City Council approve the proposed Comprehensive Plan Map Amendment from Commercial to Medium and High Density Residential, and recommends that the City Council approve the Zone Change from Commercial General to Medium Density Residential, contingent upon the Council's approval of the

1 Comprehensive Plan Map Amendment.

2 Section 2. JURISDICTION. The land in question in this Ordinance is within the
3 city limits of the City of Keizer. The City Council is the governing body for the City of
4 Keizer. As the governing body, the City Council has the authority to make final land
5 use decisions concerning land within the city limits of the City of Keizer.

6 Section 3. PUBLIC HEARING. A public hearing was held on this matter before
7 the Hearings Officer on November 7, 2023 and before the City Council on December 4,
8 2023. The following persons either appeared at the Hearings Officer's hearing or at the
9 City Council hearing or provided written testimony on the application:

- 10 1. Shane Witham, Planning Director
- 11 2. Brandie Dalton, Multi-Tech Engineering, Applicant Representative
- 12 3. Mike DeBlasi, Citizen

13 Section 4. EVIDENCE. Evidence before the City Council in this matter includes
14 the staff report and attachments for the December 4, 2023 Council meeting, and all
15 evidence placed before and not rejected by the City Council, including the evidence set
16 forth in Exhibit "A" attached.

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

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

22

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

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

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

7 Section 10. FINAL DETERMINATION. This Ordinance is the final
8 determination in this matter.

9 Section 11. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
10 days after its passage.

11 Section 12. APPEAL. A party aggrieved by the final determination in a
12 proceeding for a discretionary permit or a zone change may have it reviewed under ORS
13 197.830 to ORS 197.835.

14 PASSED this 2nd day of January, 2024.

15
16 SIGNED this 2nd day of January, 2024.

17
18
19
20
21
22
23
24
25

Nathy Clark
Mayor

Dawn H. ...
Deputy City Recorder

EXHIBIT "A"

Evidence

Official notice has been taken of the Planning Department report, the Hearings Officer report, comments in the matter, the application and exhibits contained in the Record herein.

Mayor Clark opened the Public Hearing.

Planning Director Shane Witham stated that the property is at 1141 Chemawa Road N. Mr. Witham shared that it was where Loren's Sanitation is located and the property runs North through to Willow Lake. The application was to partition off the approximate North one-acre of that property so that they would have access to Willow Lake. The business function of Loren's Sanitation would remain the same. The desire was to take that northern one-acre and change the Comprehensive Plan designation and rezone it from a Commercial designation in the Comprehensive Plan to a Medium High Density Residential designation in the Comprehensive Plan, and to change the zoning that was currently Commercial General to Residential Medium Density. The applicant wished to develop the property with 20-unit, multi-family complex. Mr. Witham stated that it was a land use case that had public hearings both at the Hearing's Officer level and the City Council. He stated there was a Public Hearing on November 7 with the Hearing's Officer where there was one citizen who testified that they had expressed some concerns with the design support for the zone change and would prefer to see something different in the design of the development. The Hearing's Officer and staff recommendation was to approve the applicant's request with a slew of conditions that were included in the recommendation that would ensure the development of the property met the City's standards.

City Attorney Johnson stated the following:

"Thank you, Madam Mayor. Madam Mayor, now is the time for the statutory notice, which I will read for the participants and Council. The applicable substantive criteria for this case is quite voluminous for the zone change, Comprehensive Plan change, and partition, so there's a lot of criteria there. I would propose waiving the actual reading of that as set forth in the Staff Report. Is there any objection to waiving the actual reading of that? Hearing none we will deem that waived.

Testimony, arguments, and evidence must be directed toward the criteria or other criteria in the plan or land use regulations, which you believe apply to the decision. Failure to raise an issue accompanied by statements

of evidence sufficient to afford the Council and parties an opportunity to respond to that issue precludes an appeal to the Land Use Board of Appeals based on that issue.

With regard for the applicant, the failure of the applicant to raise constitutional or other issues related to any proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to that issue precludes an action for damages in Circuit Court.

With regard to the Council, are there any declarations of conflicts of interest, bias, or ex parte contact with this application?

Hearing none, going to the participants now for any participants prior to the close of the hearing; you need to state any objections, bias, conflicts of interest, ex parte contact, or jurisdiction of the Council to hear this matter or opportunity to be heard. So, if there's anything you object to, you need to speak on that issue. Are there any questions? Thank you, Madam Mayor."

Mayor Clark asked if there were any questions about the Staff Report of the Comprehensive Plan Map/Zone change case. The Council had no questions.

Brandie Dalton, Multi/Tech Engineering, the Applicant's representative, stated that all of her findings, the traffic information, and the site plan were included in the packet and showed how they were in compliance with all of the code requirements for the Comprehensive Plan zone change, along with the partition. Ms. Dalton stated that the Comprehensive Plan zone change was only for the northern one acre of the site, which would allow for future development of the property for housing needs. She noted that they had submitted a concept that showed a 20-unit complex. She explained that they included the concept to show how the property could be developed but that it was in no way binding. Ms. Dalton stated that they believed that they had demonstrated compliance with the Comprehensive Zone Plan Change and Partition criteria. They had reviewed all of the conditions of approval and had no problem with them nor did their client, the applicant.

With no further testimony Mayor Clark closed the Public Hearing.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to this application are found in the Keizer Development Code (KDC). The specific criteria are set forth below:

1. KDC 2.301 (General Provisions)
2. KDC 2.302 (Street Standards)
3. KDC 2.303 (Off-Street Parking and Loading)
4. KDC 2.305 (Transit Facilities)
5. KDC 2.306 (Stormwater Management)
6. KDC 2.307 (Utility Lines and Facilities)
7. KDC 2.309 (Site and Landscaping Design)
8. KDC 2.310 (Development Standards for Land Divisions)
9. KDC 3.107.07 (Partitions – Review Criteria)
10. KDC 3.109.04 (Comprehensive Plan Map Amendments – Criteria for Approval)
12. KDC 3.110.04 (Zone Change – Criteria for Approval)

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

EXHIBIT "C"

Facts

FINDINGS: GENERAL

1. The applicant is Backus Investments LLC.
2. The subject property is located at 1141 Chemawa Road North, Keizer, Oregon and is approximately 4.38 acres in size. The property is identified on the Marion County Tax Assessor Map as Township 7 South; Range 3 West; Section 03BA; Tax Lot 02100.
3. The property is designated Commercial (C) on the Comprehensive Plan and zoned CG (Commercial General). The applicant's proposal is to divide an existing 4.38 acre into two separate parcels comprised of approximately one acre and approximately 3.38 acres in area. The southern 3.38 acre parcel is developed with an existing commercial sanitation service provider and will continue to obtain its access from Chemawa Rd N. The northern one-acre parcel is proposed to obtain access from Willow Lake Rd and the applicant is proposing a comprehensive plan map amendment from Commercial to Medium and High Density Residential and a zone change from Commercial General to Medium Density Residential to the one-acre parcel to allow for the future development of a 20-unit multi-family development.
4. The property is developed with a commercial business and storage area for a sanitation service company and also contains a wireless telecommunications facility. The property is served by public water and sewer.
5. The surrounding properties to the north, south and west, are designated Low Density Residential on the Comprehensive Plan Land Use map and are zoned Single Family Residential (RS) and are developed with single family homes. Properties to the east (adjacent to the area proposed to remain Commercial and is currently zoned Commercial General) are designated as Commercial and zoned Commercial General, and contain a mix of business uses. Properties to east and northeast (adjacent to area proposed to be changed to Medium High Density Residential and zoned Medium Density Residential) are designated Medium High Density Residential and zoned Medium Density Residential and are developed with multi-family dwellings.
6. The Hearings Officer held a public hearing on this application on November 7, 2023. The City Council held a public hearing on this application of December 4, 2023.

FACTS: COMPREHENSIVE PLAN MAP AND RELATED FINDINGS.

7. The Review Criteria for a Comprehensive Plan Map amendment are listed in Section 3.109.04 of the Keizer Development Code (KDC).

- A. *3.109.04A. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.*

FINDINGS: This action will occur entirely within the city limits and no goal exceptions are required. Compliance with the Statewide Land Use Goals is reviewed below:

Goal 1 - Citizen Involvement: The proposed Comprehensive Plan Map and Zone change is being processed according to the provisions of the Keizer Development Code which include citizen involvement in the decision-making process. Notice of the public hearing and request for comments was mailed to surrounding properties and potentially affected parties, and a public process involving a public hearing, deliberation, and ordinance adoption will be followed. Consistent with local requirements citizens will be given an opportunity to comment and testify before the hearings officer and again before the City Council. The final decision rests with the City Council. This process is consistent with the provision for the opportunity for citizens to be involved in all phases of this planning process as required by this Goal and with implementing administrative rules within Oregon Administrative Rules. Therefore, this request complies with this goal.

Goal 2 – Land Use Planning: The City of Keizer’s Development Code has an established process for all decisions and actions related to this proposal which were acknowledged by LCDC (Land Conservation and Development Commission). This change is being reviewed consistent with those procedures outlined in the Comprehensive Plan and Development Code. The adoption proceeding is being conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times, public hearings will be conducted before the Hearings Officer, who will then make a recommendation to City Council. A public hearing will also be conducted before the city council. As such, the proposed Comprehensive Plan Map change is consistent with this statewide planning goal and administrative rules. Therefore, this request satisfies this goal.

Goal 3 - Agricultural Lands: The purpose of this goal is to protect lands that are designated for agricultural uses. The property is not designated as agricultural and the proposed change for the subject property is not adjacent to any lands that are in agricultural production or designated for agricultural uses. Therefore, the proposed

EXHIBIT "C"

Page 2 of 28

Comprehensive Plan Map amendment will not be inconsistent with the Farm Land Goal or with any implementing administrative rules.

Goal 4- Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. There are no lands designated within the city limits that allow commercial forestry. The proposed Comprehensive Plan Map change does not involve any land which is designated as forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed Comprehensive Plan Map amendment.

Goal 5- Open Spaces, Scenic and Historic Areas, and Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city has a number of policies aimed to protect these natural resources that are within the city. The property does not contain any identified open space, scenic, or any natural resources such as riparian, wetlands, aggregate, etc. The proposed Comprehensive Plan Map change will allow the property to be developed with a proposed multi-family complex which will provide needed housing. This change will not affect any of the city's natural resources protection regulations or the lawful use of any properties that are within this overlay zone. Therefore, the Comprehensive Plan Map change will be consistent with this goal and with administrative rules designed to implement this goal.

Goal 6- Air, Water and Land Resources Quality: The intent of this goal is to protect the city's air, water and land resource qualities. The city provides its residents with city water from groundwater sources. The future development of the property will be required to be connected to the municipal water system and so no wells will be drilled. New construction will be required to be connected to the established sanitary sewer system thereby reducing the likelihood of groundwater contamination from any failing on-site septic systems. The Comprehensive Plan Map change will result in allowing for the construction of a multi-family development as opposed to further development of one of the many uses allowed in the Commercial General zone. It should be noted that uses in the Commercial General zone may have a greater adverse impact on the air quality of the immediate area, or even Keizer as a whole. The proposed Comprehensive Plan Map change to Medium High Density Residential will not impact the quality of air, water, or land resources and so complies with this goal and with administrative rules that implement this goal. Therefore, this goal is not applicable to this application.

Goal 7- Areas Subject to Natural Disasters and Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains. The property is not

EXHIBIT "C"

Page 3 of 28

located within an identified 100-year floodplain so there are no issues associated with floodplain hazards for this property. There are no identified steep slopes on the subject property. There are no other identified natural hazard areas on the subject property. The proposed Comprehensive Plan Map change will neither impact this goal nor any administrative rules. Therefore, this request complies with this goal.

Goal 8– Recreational Needs: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. There are a number of parks, playgrounds, and other recreational opportunities within the city limits. This property is not identified as being needed to serve future park or recreation needs. This land use action will neither reduce nor will it alter or impact any other identified park or recreation sites. Therefore, request meets with this goal.

Goal 9 - Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality during the 20-year planning period. The proposed Comprehensive Plan Map change will change the property from Commercial to Medium High Density Residential, which theoretically could reduce economic development opportunities for that portion of the property. However, the entire property is currently developed with a commercial business providing employment opportunities, and the portion of the property proposed to be developed with multi-family housing was not planned to be developed or expanded onto. The property owner has utilized that space as a buffer to the adjacent residential neighborhood. Since the change will allow the property to be developed, this will actually be a benefit as it will result in the creation of a number of construction jobs during the development and future work from home opportunities for future residents of the complex. Granted, the overall economic development impact of this proposal is minimally beneficial and this proposal is not inconsistent with this goal.

Goal 10 - Housing: This goal requires the city to plan and provide for the housing needs of its residents. This change will affect one acre of land that has historically been zoned for Commercial use but is undeveloped. The result of the land use action will be the creation of a 1-acre parcel that will be developed with a 20-unit multi-family development. As such the proposed Comprehensive Plan Map change will have a positive impact on the city's overall housing inventory. The Comprehensive plan recognizes that a significant percent of future residential needs will be met through the use of infill development and redevelopment, and there are goals and policies that encourage rezoning parcels to accommodate higher densities. Therefore, this request satisfies this goal.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, sanitary sewer, has

EXHIBIT "C"

Page 4 of 28

an established street system, administrative, police and public safety services are also provided by the city. The proposed Comprehensive Plan Map change will allow for the development of the site with a 20-unit multi-family complex. Public Facilities and Services are available to serve the site, and the applicant will be required to provide frontage improvements along Willow Lake Rd to ensure the adequacy of transportation facilities. The property is able to be served by adequate public facilities. Transportation facilities are discussed below. Therefore, this request complies with this goal.

Goal 12- Transportation: The city has an adopted Transportation System Plan (TSP) that describes the city's transportation systems. This system includes street, transit, bike, and pedestrian systems. Chemawa Road is classified as a collector street and Willow Lake Road is classified as a local street in the TSP. Chemawa Road is improved and as a condition of approval, Willow Lake will be required to be improved along the frontage of the subject property. The applicant submitted a Traffic Analysis as a part of their application which indicates the proposed change will not have a detrimental impact to the transportation system. In fact, the resultant development is likely to produce less vehicle trips than if it were developed with an allowed Commercial use. Therefore, this request is consistent with this goal.

Goal 13- Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. This will be reviewed and regulated through the building permit review and approval process at the time of future development. Therefore, this request meets with this goal.

Goal 14- Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with this goal. The subject property is within the urban growth boundary and is also within the city limits of the City of Keizer. This change will not result in the need for an extension of urban services to a rural area. The proposed Comprehensive Plan Map change impact on the intent of this goal as it only will involve one parcel that is within the city limits and not the use of any land that is being transitioned from rural to urbanized uses. Therefore, this request satisfies this goal.

Goal 15 – Willamette River Greenway: This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands adjacent to the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed Comprehensive Plan map change will not impact the Willamette River. Because the property involved in this application is not located within the Willamette River Greenway the proposed

Comprehensive Plan Map change will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and therefore finds this goal is not applicable to this application.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 Ocean Resources) govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable. This goal is not applicable to this application.

The proposal to change the Comprehensive Plan designation from Commercial to Medium and High Density Residential complies with the comprehensive plan criterion.

B. *Section 3.109.04.B. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.*

FINDINGS: The proposed re-designations are appropriate for the Plan designations. The policy statements registered in the Plan in relation to this application request are as follows:

1. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES Policy (2)(f) (5)- Provide for higher density and more economical residential developments as an alternative to single-family detached housing.

FINDINGS: This policy encourages increased density for residential uses as a means of providing more economical options for people to live and work in Keizer. While the subject property is not currently designated for residential use, the applicant proposes to change the property from a Commercial designation to Medium High Density Residential. This request is consistent with this goal, as opposed to some other alternative residential designation (such as Low Density Residential).

2. Section III.C. SIGNIFICANT NATURAL AND CULTURAL FEATURES—Goal 2 (a) (1) Preserve and maintain agricultural lands within the UGB until needed for urban development.

FINDINGS: The purpose of this goal is to protect lands that are designated for agricultural uses. The Comprehensive Plan Map change involves a property that is within the boundaries of the city limits of Keizer and is not in agricultural production or near any lands that are designated for agricultural use. The proposed change will not impact any properties that are designated to allow agricultural uses. Therefore, the proposed Comprehensive Plan Map amendment will comply with this goal within the Comprehensive Plan.

EXHIBIT "C"

Page 6 of 28

3. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES – Goal 2 (a) (2) Conserve open space and protect natural, cultural and scenic resources.

FINDINGS: The intent of this goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city has a number of policies aimed to protect these natural resources that are within the city. The subject property is currently undeveloped and underutilized. The property does not contain any historic structures on it nor does it contain any identified historic area. The property does not contain any identified open space, scenic, or any natural resources such as riparian, wetlands, aggregate, etc that preclude or constrain its use. The proposed Comprehensive Plan Map change will allow the property to be developed with a multi-family complex. The property is nearby to Keizer Rapids Park, which is designated as open space. This change will not affect any of the city's natural resources protection regulations or the lawful use of any properties that are within this overlay zone. Therefore, the map change will be consistent with this goal within the Comprehensive Plan.

4. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES – Goal 2 (a) (3) Maintain and improve the quality of air, water and land resources.

FINDINGS: The intent of this goal is to protect the city's air, water and land resource qualities. The city provides its residents with city water from groundwater sources. The proposed development will be required to connect to the municipal water system and no new wells will be drilled. The new construction will be required to be connected to the established sanitary sewer system thereby reducing the likelihood of groundwater contamination. In addition, there will be required storm water improvements to address runoff from the development that will prevent water resource contamination from point source discharge. The Comprehensive Plan Map change will result in the construction of a 20-unit multi-family development and not in any manufacturing uses on that portion of the site, so it will not result in the production of any odors and will have no adverse impact on the air quality of either the immediate area, or that of Keizer as a whole. Whereas, without the proposed change, the Commercial designation could allow for a greater intensity development that may result in adverse impacts. Therefore, the proposed Comprehensive Plan Map change not impact the quality of air, water, or land resources and so complies with this goal.

5. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES – Goal 2 (a) (4) Protect life and property from natural disasters and hazards.

FINDINGS: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains. According to FIRM map # 41047C0332G, dated January 19, 2000 the property is not located within an identified 100-year floodplain and so there are no issues associated with floodplain hazards. There are no identified steep slopes on the subject property so there will be no hazards resulting from steep slopes. There are no other identified natural hazard areas on the subject property. The proposed Comprehensive Plan Map change will be consistent with this goal within the Comprehensive Plan. Therefore, this request meets with this goal.

6. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES – Goal 2 (a) (5) Encourage energy conservation.

FINDINGS: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. This will be addressed through the building permit and review process. Therefore, this request meets with this goal.

7. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES – Goal 2 (a) (6) Protect, conserve, enhance and maintain the natural, scenic, historical, economic and recreational qualities of lands along the Willamette River.

FINDINGS: This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands adjacent to the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed Comprehensive Plan map change will not impact the Willamette River. Because the property involved in this application is not located within the Willamette River Greenway the proposed Comprehensive Plan Map change will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulation. Therefore, this request complies with this goal.

8. Section III.A. SIGNIFICANT NATURAL AND CULTURAL FEATURES - Goal 2 (f) (4) Encourage renewal and conservation of existing urban neighborhoods and buildings, and create a multi-centered land use pattern to decrease travel needs. In-filling of passed over vacant land should be

encouraged. Emphasis on close locational relationships among developments for living, working, shopping and recreation should be encouraged through planned mixed-use zones.

FINDINGS: The proposed Comprehensive Plan map change will allow for the redevelopment of an underutilized portion of a designated Commercial parcel with a 20-unit multi-family development. This will result in the utilizing a portion of a property that has historically been vacant. The portion of the property that is proposed to be changed, is directly adjacent to other properties that are designated for residential uses and are developed with multi-family uses. In that regard, this parcel is well situated to providing needed housing to the surrounding area. Therefore, the proposal satisfied this goal of the comprehensive plan.

9. Section III.B. URBAN GROWTH AND GROWTH MANAGEMENT - Goal (2)(c) Encourage development in areas already served by major public facilities before extending services to unserved areas.

FINDINGS: The property proposed to have a Comprehensive Plan Map change is located within the Urban Growth Boundary. The site is served, and will continue to be served by all necessary public utilities, fire protection and transportation facilities. This map change will allow the proposed development to be located in an area that is already served by major public facilities, including water, sanitary sewer, storm drainage, and streets, and transit. The applicant will be required to connect to services and will be required to provide street frontage improvements along Willow Lake Rd as a condition of approval. Therefore this request meets this goal.

10. Section III.C. LAND-USE AND ECONOMIC DEVELOPMENT GOALS AND POLICIES: Economic, Commercial, and Industrial Development. Objective 1.7: Policies 1.7 (d) Discourage commercial and industrial developments from...directing major customer traffic outside the immediate neighborhoods from filtering through nearby residential streets.

FINDINGS: This request proposes to change the designation of the north 1 acre of property that is currently designated Commercial which has frontage on Chemawa Rd N and Willow Lake Rd N. The result is that the north 1 acre will be designated to Medium High Density Residential and will obtain access to Willow Lake Rd N and the south portion of the site, which is developed with an active commercial sanitation service provider will continue to access Chemawa Rd N. It should be noted that Chemawa Rd N is designated as a collector street in the City's transportation system plan, while Willow Lake Rd

EXHIBIT "C"

Page 9 of 28

N is designated a local street. The applicant's proposal demonstrates consistency with this policy in that it will prevent future commercial development from accessing the local street and instead will allow for residential development onto the local street, which is appropriate. Therefore this request is consistent with this policy.

11. Section III.C. LAND-USE AND ECONOMIC DEVELOPMENT - RESIDENTIAL DEVELOPMENT GOALS, OBJECTIVES AND POLICIES:

a) *Residential Development Goal 1: Provide residential land to meet a range of needed housing types:*

FINDINGS: Land that is located to the east and northeast of this property involved in this application is designated Medium High Density Residential and developed with multi-family developments. Properties to the north, south, and west east are designated Low Density Residential and are developed with single family homes. The property is proposed to be developed with a 20-unit multi-family complex which will provide for an identified needed housing type. Keizer as a whole is predominantly developed with detached single-family homes, and the adopted Housing Needs Analysis identifies a need for additional multi-family development within the city to accommodate growth. This property is currently underutilized and the portion of the property subject to this request is currently designated Commercial. There are no plans for development of commercial uses on this site, and the applicant proposes to designate the north 1 acre of the property Medium High Density Residential to allow for the development and utilization of a portion of the land. Therefore, this request is consistent with this goal to provide additional residential land to meet needed housing types.

b) *Residential Development Goal 2: Encourage the location of residential development where full urban services, public facilities, and routes of public transportation are available.*

FINDINGS: The site is located within the city limits and can be fully served by all urban services. City water and sanitary sewer are available and as a condition of approval, the development will be required to serve the development with appropriate urban services. Street frontage improvements will be required along Willow Lake Rd as a condition of approval. Transit service is available nearby on Windsor Island Rd. Therefore, this proposal complies with this goal.

- c) ***Residential Development Objective 2.1: Coordinate new residential development with the provision of an adequate level of services and facilities, such as sewers, water, transportation facilities, schools and parks.***

FINDINGS: The site is located within the city limits that can be fully served by all urban services. Street frontage improvements will be required along Willow Lake Rd and transit service is available nearby on Windsor Island Rd. Keizer Rapids Park is a large regional park in the nearby area. Educational services are provided by the Salem-Keizer School District and also be Chemeketa Community College. As part of their review the school district commented that they had reviewed the application and commented that sufficient school capacity exists in the elementary, middle, and high school and that anticipate a total of 7 new students that will live in the proposed multi-family development. Therefore, the proposal complies with this objective.

- d) ***Residential Development Goal 3: Stabilize and protect the essential characteristics of residential environments, including natural features.***

FINDINGS: The proposed comprehensive plan change will result in 1 acre of the site being changed from Commercial to Medium High Density Residential so the site can then be developed with multi-family dwelling units. The development of the site will be required to comply with the standards within the RM zone district with regard to density, building setback, landscaping, building design, parking and driveway location to ensure that it minimizes any impacts on the characteristics of the surrounding area. The remaining portion of the property will retain the Commercial designation and continue being operated as a sanitation service business. The proposal will essentially create a sort of buffer for the adjacent residential neighborhood to the commercial use and zone by providing housing which is consistent with the surrounding area. Multi-family development is established in the immediate area and this property, when developed with a multi-family will not destabilize the surrounding neighborhood, whereas the development of a heavy commercial use could. Therefore, this request complies with this goal.

- e) ***Residential Development Objective 3.1: Ensure compatibility among all types of new and existing residential uses, and between residential and non-residential uses.***

FINDINGS: The focus of this objective is to ensure compatibility between uses. In this case single family uses, multi-family uses, and commercial uses are all located in the surrounding area. The proposed change will locate Medium High Density Residential land directly adjacent to existing Medium High Density Residential Land and it will also serve to buffer the existing Low Density Residential land from the Commercial land. At the time of development of the multi-family complex, the development will be required to comply with the standards within the RM zone district with regard to density, building setback, landscaping, etc., to ensure that it minimizes any impacts on the surrounding area. The building setback combined with the width of Willow Lake Rd will result in the placement of any building not being placed so that it will be in close proximity to any nearby residence. While it could be argued the Low-Density Residential land to the west could be impacted, the impact is less than if the property were to retain the existing Commercial designation. In addition to the required building setbacks there are also landscaping requirements that will ensure that the development is buffered and screened. For these reasons, the proposal complies with this objective.

- f) Residential Development Policy 3.1 (1): Protect existing and proposed residential areas from conflicting non-residential land uses while providing for compatible mixed-use development (residential and non-residential).*

FINDINGS: Since only residential development is sought, this will correct an issue that currently exists due to the fact the existing Commercial designation could result in incompatible development with the neighborhood on Willow Lake Rd. No mixed use development is proposed, and is not permitted. Therefore, this proposal complies with this policy.

- g) Residential Development Goal 4: Provide and allow for appropriate levels of residential development consistent with comprehensive plan designations.*

FINDINGS: The Comprehensive Plan notes that:

"Lands devoted to multi-family residential uses are insufficient to meet forecasted need for multi-family units. Therefore, the City will:

- Permit rezoning to higher intensity residential uses to meet the identified housing needs, provided such proposals are consistent with the policies of this plan.*

EXHIBIT "C"

Page 12 of 28

- *Consider rezoning parcels to higher residential density to meet identified multi-family housing needs, provided such proposals are consistent with the policies of this plan.*
- *Parcels to be considered for rezoning should have access to major transportation corridors that are served by transit, are served (or can be served) by all urban services, including parks and recreational facilities, and are in close proximity to opportunities for shopping, employment and schools.”*

The proposed comprehensive plan map change to Medium High Density Residential will result in the site being developed with multi-family dwellings. The applicant’s site plan indicates that 20 units are proposed to be constructed on the 1-acre property. For comparison, if the site were developed under the current designation, it would be developed with Commercial uses, and not provide any additional housing. Granted, this property is not currently imagined for residential development, and one could argue this goal is not directly applicable. It is appropriate, however, to include this analysis due to the fact that it demonstrates that not only is Keizer in need of residential land, but also that this request is seeking to maximize the density of the land proposed to be changed. Instead of pursuing a re-zone to Low Density Residential or simply allowing this property to sit underutilized, this proposal will provide housing consistent with this goal. Therefore, this request complies with this goal.

- h) Plan Diagram and Special Land Use Policy 1: Provide appropriately designated vacant buildable land in adequate quantities to meet the forecast needs of Keizer to 2033.*

FINDINGS:

The Comprehensive Plan indicates that lands devoted to multi-family residential uses are insufficient to meet forecasted need for multi-family units. It identifies four strategies for the city to pursue. These are:

- (a) Plan for medium and high density residential uses consistent with the 20-year housing demand analysis.
- (b) Permit rezoning to higher intensity residential uses to meet the identified housing needs, provided such proposals are consistent with the policies of this plan.
- (c) Consider rezoning parcels to higher residential density to meet identified multi-family housing needs, provided such proposals are consistent with the policies of this plan. Parcels to be considered for

rezoning should have access to major transportation corridors that are served by transit, are served (or can be served) by all urban services, including parks and recreational facilities, and are in close proximity to opportunities for shopping, employment and schools.

- (d) In the medium and high density residential designation, allow a mix of housing types in two general levels of residential density; medium density (from 8 to 16 units per acre), and high density (over 16 units per acre), and identify criteria and locations for these two sub-categories in the Keizer Development Code.

Consistent with the comprehensive plan the city has identified that a deficit exists to meet projected housing needs, including those needed for future multi-family needs. The proposed rezoning is located adjacent to existing multi-family development and near transit service. Sanitary sewer water is able to serve the property and there is capacity in the systems to allow the connection of the site to these facilities. City services such as police and administration will be provided. Keizer Rapids park is nearby and provides many recreational opportunities to the general public and is available to future residents of this proposed complex. The River Road commercial corridor provides for ample opportunities for shopping and employment. The proposed comprehensive plan map change to Medium and High Density Residential will conform with the density provisions of this policy.

- i) **Urban Growth Policy 1: Contain urban development within planned urban areas where basic services such as sewers, water facilities, police and fire protection can be efficiently and economically provided.**

FINDINGS:

This proposal to change the comprehensive plan designation to Medium and High Density Residential will allow for the property that is located within the city limits to be developed with a multi-family apartment complex. The site can be served by all city services. Water lines and sanitary sewer lines are located in the streets fronting the site and have capacity to serve the site. Police and administration will be provided by the city. Fire service will be provided by the Keizer Fire District. Allowing the comprehensive plan change will help to offset some of the needed land to meet future residential needs, and so meets with this policy.

- j) Urban Growth Policy 2: Conserve resources by encouraging orderly development of land by adopting efficiency measures that will further allow for the efficient use of urban land.*

FINDINGS: Because this application involves land that is proposed to be used for residential use, efficiency measures are applicable and will be useful to assist the city in the future in determining how efficient the city's land supply is being used. Identified efficiency measures seek to increase the pedestrian, bicycle, transit and land use and funding measures. With the development of the site responsible for providing lacking frontage improvements along its portion of Willow Lake Rd, this proposal will be consistent with those measures. In addition, with the site located near transit service on Windsor Island Rd, this will also be consistent with the measures since it will increase the number of dwelling units located within a ¼ mile of a transit stop thereby allowing for the potential for the new residents to use the transit system rather than relying only on their cars for transportation. For these reasons it will allow for the efficient use of the land and so will meet with this policy.

- k) Urban Growth Policy 3: Preserve farmland and open space not needed for urban growth.*

FINDINGS: The proposal will allow land that is within the city limits to be developed with multi-family dwelling units. Because the land is within the city limits it will allow the city to meet some of its projected residential land needs inside the urban area thereby avoiding the need to place needed residential units on land that is located outside the city limits. While this property has historically been used for commercial use, the portion of the property proposed to be changed is currently underutilized and undeveloped. The existing commercial sanitation service business will continue to operate on the portion of the land that is not proposed to be changed. The property does not provide open space or farmland and therefore the proposed change has no impact on farmland or open space needs of the city. For these reasons, the proposal complies with this policy.

- l) Urban Growth Policy 4: Make more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area.*

FINDINGS: This proposal will allow for the site to change the comprehensive plan designation to Medium and High Density Residential. Because water lines and sanitary sewer lines are located adjacent to the site and there is sufficient capacity in these facilities to serve the site and no expensive

extensions will be necessary. Police and administration will be provided by the city of Keizer and fire safety services will be provided by the Keizer Fire District. The applicant will be required to provide lacking frontage improvements along Willow Lake Rd. The proposal reflects an economical use of city facilities and services. Because the city has an identified deficit of residential land to meet its future needs and the proposed change will help to offset this identified need and so will meet this policy.

m) Urban Growth Policy 9: Maintain an adequate land supply to meet the needs of the city.

FINDINGS: The Comprehensive Plan identifies a need for additional commercial, institutional, residential, and parks land. While it could be argued that changing 1 acre of Commercial land exacerbates the need for commercial land, the proposal is appropriate and complies with this criterion. The property is not currently being utilized to its full potential, but the land is developed and isn't considered vacant. The proposed change does not affect the existing Commercial use of the property and it is highly unlikely that the long-time franchise solid waste hauler will cease to operate at its current location. It is unlikely that any additional Commercial benefit from this property will be realized, whereas with the proposed change an additional 1 acre of Medium High Residential land will be added to help address an identified need. Therefore, this proposal is consistent with this policy.

Section 3.109.04B is satisfied.

C. Section 3.109.04.C. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.

FINDINGS: The City of Keizer currently lacks adequate land for multi-family residential development. Amending the current Comprehensive Plan designation for the northern 1 acre of this property will provide additional land to meet this need in a positive manner. More importantly the subject property is an adequate area to meet this need. The area proposed to be changed from Commercial to Medium High Density is adjacent to existing properties that are designated and developed with multi-family uses. While there are other sites that are appropriate for development of this type within the city, the only other properties in this vicinity that are designated for multi-family are already developed. Furthermore, even with the sites located elsewhere within the city, there is still an identified need for additional multi-family

EXHIBIT "C"

Page 16 of 28

development. This proposal is logical in that it proposes to change 1 acre of underutilized Commercial land (that does not currently serve a viable purpose beyond housing a wireless telecommunication facility) to Medium High Density Residential land which will provide additional housing opportunities, which will help to address an established need. Allowing this Comprehensive Plan Map change to will promote an efficient and effective use of the property. This criterion is satisfied.

- D. *Section 3.109.04.D. The Plan provides more than the projected need for lands in the existing land use designation.*

FINDINGS: The intent of this criteria is that changes proposed do not exacerbate existing deficiencies in existing land supplies. It is important to note that this request involves only 1 acre of land that is currently designated for Commercial use. The City of Keizer's land use inventory is found in the city's Comprehensive Plan. That information indicates there is a need for both additional Commercial land as well as additional Residential land. The need for additional Residential land is significantly greater than the need for Commercial land and due to the fact, the subject property is currently not being utilized for any purpose, this request is a logical approach to helping provide needed housing. The subject site could arguably be redeveloped with a higher intensity Commercial use to maximize its potential but that is highly unlikely due to it being occupied by a franchise solid waste hauler. Additionally, if the property were redeveloped with higher intensity Commercial uses, this would pose impacts to the surrounding neighborhood to the north. If the remainder of property were to be redeveloped, opportunity exists to provide additional Commercial opportunities on the existing site, which mitigates the impact of the change of 1 acre of the existing land. This criterion is satisfied.

- E. *Section 3.109.04.E. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity.*

FINDINGS: The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity of the proposed map change. The surrounding lands are developed with a variety of commercial, multi-family, and residential uses. This proposed Comprehensive Plan designation is an efficient use of the land and will allow the property to be developed with a multi-family complex that will not only provide a buffer to the neighborhood from the existing commercial use, but will also provide housing. It will allow for the development of the site such that it will be adjacent to other multi-family development and is near a public transportation route. In fact, it can be argued that with the construction of a new multi-family complex that will be designed to be aesthetically pleasing and provide landscaping, that it will be an improvement to the current vacant portion of the Commercial use. Therefore, the proposal complies with this criterion.

- F. *Section 3.109.04.F. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.*

FINDINGS: The proposed Comprehensive Plan Map change will allow the property to be developed with a 20-unit multi-family development. The new development will be required to adhere to the design standards of the Keizer Development Code and will provide landscaped yards and areas in accordance with city regulations. The site will be developed sensitively to the adjacent properties and will be consistent with code requirements so it is not anticipated to adversely affect uses on any adjacent lands. To minimize any impacts the site will include screening and buffering measures. This will include sight obscuring fencing along adjacent RS zoned property. The property involved in this application will have no buildings constructed on it and so will avoid any impacts that might be associated with building construction or building placement. The applicant submitted a traffic analysis which was reviewed by the City Engineer and a 3rd party traffic engineer which indicates the change from Commercial to Medium High Density Residential actually results in less traffic impact than if the property were to be developed consistent with the Commercial designation. The proposed change and subsequent development of this property will allow for the efficient development of the 1-acre site. This criterion is satisfied.

- G. *Section 3.109.04.G. Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.*

FINDINGS: The property will be served by all necessary public facilities, transportation and community services. The proposed Comprehensive Plan Map change will allow for the development of the 1-acre portion of the site with a 20-unit multi-family complex. Street frontage improvements will be provided along the frontage of Willow Lake Rd. The Public Works Department submitted comments with conditions and requirements that have been placed as conditions of approval which ensure this criterion will be met. This criterion is satisfied.

The proposal complies with the requirements of the comprehensive plan amendment criteria in Section 3.109.

FACTS: ZONE CHANGE AND RELATED FINDINGS

8. The Review Criteria for a Zone Change is listed in Section 3.110 of the Keizer Development Code (KDC).

- A. *Section 3.110.04.A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.*

FINDINGS: If the proposed Comprehensive Plan Map amendment from Commercial to Medium High Density Residential on the 1-acre parcel of the proposed partitioned property located at 1141 Chemawa Road is approved, then the proposed rezoning of the property to Medium Density Residential (RM) is appropriate and consistent with the description and policies of the proposed Comprehensive Plan land use designation of the property. This criterion is satisfied.

- B. *Section 3.110.04.B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.*

FINDINGS: The subject property involved in the zone change request consists of the proposed 1-acre parcel that will be the norther parcel of the proposed 2 lot partition. The parcel is proposed to be developed with a 20-unit, multi-family complex. The applicant submitted a site plan that shows a proposed layout, which indicates the property can be developed consistent with the provisions of the RM zoning designation. The ground on each of the two properties is relatively flat with no discernable change in elevation. The parcel does not have any unusual features, nor any apparent physical limitations that might require special measures or considerations that would prevent or impair the development of the proposed use on either parcel. There is an existing wireless telecommunication facility on the parcel which is shown on the applicant's site plan. At the time of development and as a part of the building permit review and approval process, the development will be required to comply with the standards of the Keizer Development Code. As such, the capacity of the parcel will not be exceeded by the proposed development. The proposed use can be accommodated on the proposed site without exceeding the physical capacity of the site. This criterion is satisfied.

- C. *Section 3.110.04.C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.*

FINDINGS: The Keizer Development Code outlines specific requirements for property development. These standards govern building design, landscaping, parking, buffering, vision clearance areas, special setbacks, and other applicable development requirements. There is nothing unusual about this property that suggests the allowed uses in the proposed zone change would have any particular difficulty in meeting those development requirements. The property is intended to be developed with a multi-family apartment complex as is shown on the applicant's site plan. Setbacks, lot coverage, and landscaping requirement will be regulated as a part of the building permit review and approval process, which will ensure the development requirements are met. The proposed zone change will satisfy this criterion.

- D. *Section 3.110.04.D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.*

FINDINGS: The existing public facilities have the capacity to meet the service needs of the proposed uses that are permitted within the proposed zone change. The intent of the proposed zone change is the proposed 1-acre parcel can be developed with a multi-family apartment complex. The Public Works Department submitted comments containing conditions and requirements that address public facility provisions necessary for the development, which are conditions of approval for this request. With these conditions of approval, this request meets this criterion.

- E. *Section 3.110.04.E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.*

FINDINGS: The proposed zone change to Medium Density Residential (RM) is to allow the development of the 1-acre parcel with a multi-family apartment complex. This is consistent with the purpose statement of the RM zone which is:

“The RM (Medium Density Residential) zone is primarily intended for multiple family development on a parcel, or attached dwellings on separate lots, at medium residential densities. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan. They are suited to locations near commercial areas and along collector and arterial streets where limited access is necessary so that traffic is not required to travel on local streets through lower density residential areas.”

Therefore, this request complies with this criterion.

- F. *3.110.04.F. The following additional criteria shall be addressed:*
- 1. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.*

FINDINGS: The City of Keizer currently lacks an adequate supply of land to allow for multi-family development within the Urban Growth Boundary to meet projected growth. The city has undertaken planning efforts through the Keizer Revitalization Plan to re-zone the River Road corridor to mixed use in hopes that additional housing be provided in mixed use buildings. However, the adopted Housing Needs Analysis indicates a need for multi-family development sites.

Amending the zone designation from Commercial General (CG) to Medium Density Residential (RM) will provide 1 additional acre of additional land to meet this need in a positive manner. The current zoning of the property is CG and it is developed with a commercial operation of a solid waste franchise hauler. The applicant proposes to rezone only the north 1-acre parcel that will result from the partitioning. As was discussed previously in this report, commercial use of this area would result in greater impacts to the surrounding neighborhood, as opposed to what the applicant is proposing with the re-zone. Due to noise, traffic, and aesthetics associated with CG zone, The current zoning of CG is less appropriate for the property that fronts along Willow Lake Rd and adjacent to the established neighborhood. In addition, if the Comprehensive Plan designation is changed to Medium High Density Residential as proposed, the CG designation would be inappropriate and inconsistent with the Comprehensive Plan Designation. The applicant's proposal to change the zoning to RM will promote an efficient and effective use of this parcel for multi-family development. Additionally, it should be noted that there are no other RM zoned parcels available for development in this area that are vacant. This request meets this criterion.

2. *The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone during the next 5 years.*

FINDINGS: It is important to note that this request involves only 1 acre of land that is currently designated for Commercial Use. The City of Keizer's land use inventory is found in the city's Comprehensive Plan. Currently there is a deficit of available Commercial land within the city, but the applicant's proposal is a logical change that is consistent with the intent of this criteria. The intent of this criteria is that zone changes should not reduce land supplies in a negative manner that eliminate possibilities for development. It should be noted that the Comprehensive Plan encourages multi-family development in conjunction with commercial uses and some of the commercial zones allow for multi-family housing outright. This application, while it does reduce commercial land by 1 acre, is a minimal impact to the overall need identified. Taking into consideration this site is already developed with a viable commercial user, and that it is unlikely to be further developed, this change is merited. This request meets the intent of this criterion.

3. *The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.*

FINDINGS: The proposed zoned change from Commercial General (CG) to Medium Density Residential (RM) will not adversely affect adjacent properties given that RM zone is less intensive than the CG zone. The proposed land use designation will not destabilize the land use pattern in the vicinity. Rather, it will result in the property developing with a residential use, which is consistent with the surrounding neighborhood. This proposed zone designation will result in an efficient use of the land and will provide for better protections to the residential neighborhood, than the current designation of CG. Therefore, this request meets this criterion.

The applicant has satisfied the criteria for a zone change as requested.

FACTS: PARTITION AND RELATED FINDINGS

The applicant requested to partition the subject property to divide the property into two parcels. The procedure to follow to accomplish the applicant's goal is a partition. Section 3.107 of the KDC sets for the criteria and procedure for a partition.

9. Section 3.107.07 sets forth the criteria for a partition and provides that a partition may be approved provided that the applicant provides evidence of the following:

- A. *Section 3.107.07.A. Each parcel shall meet the access requirements of Section 2.310.03.D.* All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum width required by the underlying zone.

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 lots will meet city standards and the lots can be developed in a manner that will ensure all building setback requirements are met. The minimum lot frontage requirement on a public street in the RM zone for multi-family development is 50 feet. Frontage along Willow Lake Rd will be approximately 217 feet and the applicant submitted a site plan with this application showing a proposed layout which demonstrates the property can be developed effectively. The portion of the property which is zoned Commercial General is currently developed with a solid waste franchise hauler with access to Chemawa Road. There are no proposed changes to the parcel which fronts along Chemawa Road. The CG zone does not have minimum lot dimensions or sizes, but rather a requirement that parcels be adequate to contain all structures within the required setbacks. Tis proposal can satisfy this criterion.

- B. *Section 3.107.07.B. Each parcel shall satisfy the dimensional standards of the applicable zoning district, unless a variance from these standards is requested and approved.*

FINDINGS: The RM zone requires lots for multi-family developments have a minimum width of 50 feet and a minimum depth of 80 feet. The applicant's site plan and written statement indicate Parcel 1 will exceed the minimum width and depth requirements of the RM zone. Parcel 2 is zoned CG and there are no minimum dimensional standards required in the CG zone. Parcels must be adequate to contain development within required setbacks. Parcel 2 is currently developed with a commercial business (solid waste franchise hauler) and the proposed partition will not affect the existing development on Parcel 2. As a condition of partition approval, each lot must meet the minimum required width and depth requirements of the underlying zone. All dimensions must be shown on the preliminary and final plat. With these conditions, this request can satisfy this criterion.

C. *Section 3.107.07.C. Each parcel shall comply with the requirements of Section 2.310.*

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

FINDINGS: Parcel 1 is proposed to be zoned RM, which requires a minimum lot area of 9,000 square feet for multi-family development. Parcel 1 is proposed to be approximately 1 acre in area. Parcel 2 is zoned CG and is proposed to be 3.38 acres in area. There is no minimum lot size requirements in the CG zone. T this request satisfies this criterion.

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

FINDINGS: The intent of this provision is to prevent the creation of parcels that are unusually deep and narrow, which can be difficult to serve and develop. In addition, lot width to depth ratios promote an orderly and efficient development pattern and use of property. Parcel 1 is proposed to be approximately 217 feet wide and approximately 200 feet depth, which complies with this standard. Parcels located in zones where there are no minimum lot size requirements are exempt from this requirement. Parcel 2 is zoned CG where there is no minimum lot size, so is exempt. Therefore, this proposal complies with this criterion.

3. *Section 2.310.03.G. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the adjacent street. The rear lot line shall be no less than ½ the dimension of the front lot line.*

FINDINGS: The intent of this provision is to allow the division of property that will result in uniform shaped lots thereby avoiding difficult to develop parcels. The subject property is a rectangular shaped property that will result in dividing the parcel

EXHIBIT "C"

Page 23 of 28

into 2 rectangular shaped lots. The proposed lot lines run at right angles and the rear lot lines are all uniform with each front line not less than ½ the dimension of the front lot line. This development proposal will allow the property to be developed consistent with the provisions of the KDC. Therefore, this request satisfies this criterion.

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

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

5. ***Section 2.310.05.C. Street Frontage Improvements.***

FINDINGS: The City has a legitimate governmental interest in assuring the development does not cause a public problem of inadequate, unsafe or inefficient public transportation facilities or creating dangerous and hazardous traffic conditions by ensuring that adequate street improvements are provided at the time of development. If the street frontage of the subject property exceeds 100' or is located along a collector or arterial street (as designated by the City's Transportation System Plan), or extends an existing dedicated right of way, the applicant shall improve the public street upon which it fronts to current public standards. In addition, multi-family and commercial development require street frontage improvements, even if no partitioning or land use approval is required.

Chemawa Road is improved and no additional improvements are needed along the Chemawa Road frontage. Willow Lake Road is currently not improved, so street frontage improvements will be required. The Public Works Department submitted comments which have been made conditions of approval of this application which require frontage improvements along Willow Lake Road. With this condition of approval, this request will comply with this criterion.

- D. ***Section 3.107.07.D. Improvements or dedications that are required as a condition of development approval, if not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the developments.***

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 are provided in

order to avoid traffic generation that exceeds the street system's carrying capacity. The Keizer Development Code requires that all new development make road improvements to bring their road classification up to the road classification and construction standards. The legislative adoption of the street standards requires road improvements and road construction to be provided by the development as it occurs in proportion to its impacts. The functional classification of Willow Lake Road is based upon the cumulative traffic impacts from the development of properties in the area which will use the streets, and in this case, the TSP designates Willow Lake Road as a local street. The existing improvements along the frontage of the subject property are inadequate and substandard. The proposed development will generate additional traffic (vehicle trips, bicycle, pedestrian) which will further strain the already inadequate transportation system in place. Therefore, any increase in vehicle, bicycle, or pedestrian traffic would cause dangerous and/or hazardous traffic conditions. Failure to provide the appropriate improvements as outlined in the Keizer Development Code would be grounds for denial of the partition. The Keizer Public Works Department submitted requirements which have been made conditions of approval regarding the improvements necessary. The exact design will be regulated through the public construction permit process, as required by the Public Works Department. Therefore, the required improvements are roughly proportional to the impact of the development and satisfies this criterion.

- E. *Section 3.107.07.E. Each parcel shall comply with the applicable requirements within Sections 2.301 (General Provisions); 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); and 2.309 (Site and Landscaping Design).*

1. Section 2.301 General Provisions.

FINDINGS: The intent of this provision is to ensure that new development is served by adequate public facilities and avoid having the situation where the public facilities are inadequate. The Keizer Development Code requires that appropriate public facilities be provided and the Public Works Department submitted comments which specifically outline the requirements for the provision of public facilities to the proposed development. The installation of appropriate public facilities will be ensured through the building permit review and approval process and will be placed as a condition of partition approval; therefore, this proposal satisfies this criterion.

2. *Section 2.302 Street Standards.*

FINDINGS: Street standards are established to provide for safe, efficient, and convenient vehicular movement; adequate access to all proposed developments; and to provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way. The development site fronts Willow Lake Road, and the existing development located on the proposed parcel 2 fronts Chemawa Road. Both are existing public street. Chemawa Road is improved, but Willow Lake Road lacks appropriate improvements. No improvements are required for Chemawa Road, but Willow Lake Road will be required to be improved to full city standards. This will be reviewed and approved through the public construction permit process as regulated by the Public Works Department. This request can satisfy this criterion.

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

FINDINGS: Streetscape trees are required along public streets. Lots measuring less than 60 feet in width shall be required to plant one streetscape tree. Lots measuring 60 feet or more in width shall be required to plant two streetscape trees. Trees must be planted within the boundaries of each lot and within 10' of the public improvements. Parcel 2 is currently developed with a commercial use and full frontage improvements, and therefore this criterion is not applicable to Parcel 2. At the time of development of Parcel 1, streetscape trees shall be provided along Willow Lake Road. These trees will be required to be shown in the landscaping plan required as a part of the building permit review and approval process. This request can satisfy this criterion.

4. *Section 2.303 Off-Street Parking and Loading:*

FINDINGS: Section 2.303.06 regulates parking requirements for multi-family development. The applicant submitted a site plan that shows they intend to provide 34 parking spaces to serve the complex. The traffic analysis review prepared by DKS engineering provided comments on the site plan indicating that some of the parking spaces shown at the end of drive aisles appear problematic and that AutoTurn templates should be submitted to the City for review to assure the proposed parking is functional. Section 2.306 requires that 1.5 parking spaces per 2-bedroom unit and 1 parking space per 1-bedroom unit + 1 additional parking space for every 10 dwelling units be provided. There are 12 - 2-bedroom units, and 8 - 1-bedroom units proposed for a total of 20 dwelling units. This requires 28 total parking spaces for the proposed development. The applicant's proposal shows that the parking requirements outlined in the development code can be met. At the time of development of the

multi-family complex, parking requirements will be reviewed and approved through the building permit review and approval process. Parking lot landscaping will also be required for the multi-family complex and be reviewed and approved as a part of the landscaping plan review and approval in conjunction with the building permit review and approval. With these conditions, this proposal can comply with this criterion.

5. *Section 2.305 Transit Facilities:*

FINDINGS: No transit facilities are proposed with this development. Transit service is available nearby on Windsor Island Road and there is transit stop located at the intersection of Willow Lake Road and Windsor Island Road. Therefore, this criterion is met.

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

FINDINGS: The intent of this provision is to ensure adequate storm drainage is provided, and avoid having runoff from properties becoming a nuisance or hindrance to other properties. The applicant provided a preliminary drainage report as a part of their application.

The Public Works Department has submitted comments regarding the requirements for storm drainage facilities. Prior to final plat approval, a storm drainage plan must be designed for the on-site improvements meeting the current design standards. No storm water runoff from the new development shall be directed to Chemawa Road or Willow Lake Road. Plans for on-site drainage shall be submitted to the Public Works Department for approval of the method of disposal of the storm water. Any UIC for the storm water proposal will have to be registered with the State of Oregon. With these conditions of approval, this request can satisfy this criterion.

7. *Section 2.307 – Utility Lines and Facilities: Adequate public facilities shall be available to serve the existing and newly created parcels.*

FINDINGS: The intent of this provision is to allow new development to be served by public facilities thereby avoiding the need to connect into private systems and avoid any potential groundwater contamination issues. Public water and sewer are available to serve the development. The Public Works Department submitted written requirements that are conditions of this partition approval addressing the specific public facility requirements relating to sanitary sewer, water, and street and drainage improvements necessary to accommodate the development. With these conditions of approval, this request complies with this criterion.

8. *Section 2.309 Site and landscaping design.*

FINDING: The applicant will be required to submit a landscaping plan for review and approval in conjunction with the building permit review and approval process for the proposed multi-family development. Landscaping will be required to be provided consistent with the provisions of section 2.309. This will be regulated through the building permit process. Screening and buffering methods will be required to be employed between the proposed multi-family us and adjacent single-family residential property to the west, as well as screening being provided between the proposed multi-family development and adjacent commercial general use. Section 2.309 also regulates the removal and replacement of significant trees. No trees are proposed to be removed with this development, and there are no significant trees located in the area proposed for development of the multi-family complex. With the above-mentioned conditions; this request will comply with this criterion.

F. *Section 3.107.07.F. Adequate public facilities shall be available to serve the existing and newly created parcels.*

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

As conditioned, the applicant has met the criteria for a partition.

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 to divide an existing 4.38 acre into two separate parcels comprised of approximately one acre and approximately 3.38 acres in area. The southern 3.38 acre parcel is developed with an existing commercial sanitation service provider and will continue to obtain its access from Chemawa Rd N. The northern one-acre parcel is proposed to obtain access from Willow Lake Rd and the applicant is proposing a comprehensive plan map amendment from Commercial to Medium and High Density Residential and a zone change from Commercial General to Medium Density Residential to the one-acre parcel to allow for the future development of a 20-unit multi-family development.

The applicant has shown the application meets with the relevant criteria. However, the record shows that the City has a deficit of land available for commercial purposes, but it also shows that there is a deficit of Medium and High Density Residential (MHDR) designated land. This could be a situation where the proposed Comprehensive Plan Map Amendment just makes the deficit of available commercial land worse, while making a small incremental improvement to the Medium and High Density Residential (MHDR) supply, it has been determined that an acre-for-acre change and comparison is not the best way to view and evaluate the goals and policies implicated in this situation. It has been determined that in balance, efficient development will likely be encouraged by development of this one acre for Medium and High Density Residential (MHDR) allowed uses. In balancing competing goals and policies, the proposed Medium and High Density Residential (MHDR) Comprehensive Plan Map designation and RM (Medium Density Residential) zone will make the best use of the subject property and will have an overall benefit to the community.

With the determination that it is appropriate to grant the Comprehensive Plan Map Amendment, the proposed Zone Change from Commercial General to Medium Density Residential is the most appropriate zoning for the 1 acre parcel.

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

EXHIBIT "E"

Action

The City of Keizer hereby ORDERS as follows:

The application to divide an existing 4.38 acre parcel into two separate parcels comprised of approximately one acre and approximately 3.38 acres in area and to change the comprehensive plan map amendment from Commercial to Medium and High Density Residential and zone change from Commercial General to Medium Density Residential to the one-acre parcel is hereby GRANTED subject to the following conditions and requirements:

General:

1. The Keizer Development Code requires the developer to connect to public utility services. The Development Code also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer is responsible for all utility connection costs. The City's System Development Charges for park development, water system improvements and transportation improvements shall be the fee in place at the time of building permit applications. These Development charges, as well as those involving the extension of sewer, water, and storm drainage, will apply to this request.
2. The Comprehensive Plan Map amendment and Zone Change will be effective upon recordation of the partition plat.
3. The development of the property shall comply with all applicable requirements of the Keizer Development Code, other applicable City regulations and the building requirements of the Marion County Building Inspection Division.
4. The proposed multi-family development on Parcel 1 will be limited to 20 units, as proposed, and the building and site design (including landscaping) must comply with all provisions of the Keizer Development Code.

Prior to Preliminary Plat Approval:

5. A detailed preliminary plat shall be submitted to the Marion County Surveyor's Office for review. The Marion County Surveyor's Office will then submit the preliminary plat to Keizer for review. The Preliminary Plat must be submitted for review prior to submittal of a final plat.
 - a. Parcels ten acres and less must be surveyed.
 - b. Per ORS 92.050, plat must be submitted for review.

EXHIBIT "E"

Page 1 of 5

- c. Checking fee and recording fees required.
- d. A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

The detailed preliminary plat shall include the following provisions:

- e. The preliminary plat shall substantially conform to the proposed partition request.
- f. Lots shall comply with all area and dimension requirements for the proposed underlying zone.
- g. Include all engineering elements as required by the Department of Public Works requirements.
- h. Include a signature line for the City Engineer

Prior to Final Plat approval (Mylar):

6. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor which conforms to the approved preliminary plat. Following plat approval, the final plat and title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk within 2 years of the date of the final decision. The plat shall include all engineering elements as required by the Department of Public Works.

7. The following applicable requirements/conditions of the Public Works Department must be met as outlined below:

GENERAL CONDITIONS

Access to the property currently is from Chemawa Road N. and Willow Lake Road N. After the partition is platted, access to the northerly area, Proposed Parcel 1 will be from Willow Lake Road N. and access to the southerly area, proposed Parcel 2 will be from Chemawa Road N.

SANITARY SEWERS:

It is the developer's responsibility to connect the proposed development to the appropriate master plan sewer lines designed to serve the area.

- a) City of Salem approval for local sewer permits will need to be issued prior to construction. Street opening permits will be required for any construction within a public street.
- b) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Each parcel will be required

EXHIBIT "E"

Page 2 of 5

to have its own sanitary sewer service and will be required to connect to an approved public sanitary sewer line. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for both parcels and shall be permitted by the City of Salem prior to approval of the proposed partition plat.

- c) Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways. Easements will be required for all private sewer lines that cross private properties.
- d) The subject property is 4.306 acres and is located outside the original sanitary sewer district, therefore the property is subject to a sanitary sewer acreage fee of \$7,460 per acre unless the applicant can show that the acreage fee has been paid. The total sanitary sewer assessment fee of \$32,107.84 for the subject property shall be paid prior to the recording of the proposed partition plat.

WATER SYSTEM:

- a) An overall plan indicating how water service will be provided to the proposed new parcels shall be submitted to the Public Works Department. The plan shall indicate where fire hydrant service is currently located and where any new fire hydrants will be located. Any new required fire hydrants shall be located within adequate public easements dedicated to the City of Keizer. The applicant will be required to submit their development plan to the Keizer Fire District for determination of where fire hydrants are required. The District's decision shall be forwarded to the Public Works Department for final review.
- b) Each parcel shall have its own water service. Provisions for connecting any future or existing structures to an approved public main shall be a requirement prior to the approval of the proposed partition plat. Location of water meters shall be submitted for approval to the Public Works Department.

STREET AND DRAINAGE IMPROVEMENTS:

- a) Public street improvements will be required for Willow Lake Road.
- b) The Keizer Development Code requires standards for private access easements. It will be the responsibility of the applicant to provide for adequate maintenance agreements for any existing or proposed access easements.

- c) The applicant has submitted a Traffic Analysis for the subject application and a review from DKS Associates is attached.
- d) A storm drainage plan shall be designed for the on-site improvements meeting the current design standards. No storm water runoff from the new development shall be directed to Chemawa Road or Willow Lake Road. When the storm water system is designed, the required improvement between the new sidewalk and pavement will be determined by the City. Plans for the on-site drainage shall be submitted to the Public Works Department for approval of the method of disposal of the storm water. Any UIC for the storm water proposal will have to be registered with the State of Oregon.

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) The Partition Plat shall include a signature line for the City Engineer.
- f) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department.

Prior To Obtaining Building Permit(s):

- 8. All required public utility services shall be completed to the satisfaction of the Department of Public Works.
- 9. A landscaping plan must be submitted for review and approval demonstrating compliance with landscaping provisions and parking lot landscaping. The plan must show streetscape trees along Willow Lake Road.
- 10. Parking space functionality must be confirmed to the satisfaction of the City Engineer for the parking lot layout. AutoTurn templates should be submitted to the City confirming proposed parking stalls are functional.

Prior to Obtaining Building Permit Final for the dwelling on Parcel 1:

11. Sight distance must be verified, documented, and stamped by a registered professional Civil Engineer licensed in the State of Oregon to assure that buildings, signs, or landscaping does not restrict sight distance.
12. The residential address requirements found in the Oregon Uniform Fire Code shall be completed as approved by the Keizer Fire District and City of Keizer Planning Department.
13. Landscaping shall be provided as required by the approved landscaping plan including street trees, parking lot landscaping and screening and buffering to adjacent uses.
14. Applicant or any contractors building on the parcel shall comply with all applicable city regulations regarding noise, dust times of construction, etc.