



**KEIZER PLANNING DEPARTMENT
NOTICE OF DECISION
Middle Housing Land Division
2025-15**

I. REQUEST

This application requests approval of a Middle Housing Land Division (MHL D) pursuant to ORS 92.031 and Section 3.115 of the Keizer Development Code (KDC). The subject property (parent lot) has applied for building permits for a two-household dwelling (duplex) under Building Permits 555-25-006629 and 555-25-006634. The proposal will create two separate legal lots (child lots), with each lot containing one dwelling unit from the proposed duplex (Exhibit 1).

II. BACKGROUND

- A. APPLICANT/OWNER:** Comfort Homes LLC
- B. PROPERTY LOCATION:** The subject property is located at 1332 and 1334 Oppek Street NE, Keizer, Oregon. The County Tax Assessor's map identifies the property as being located within Township 6 South; Range 3 West; Section 23DC; Tax Lot 17500. (Exhibit 2)
- C. PARCEL SIZE:** The subject property is approximately 0.12 acres in area.
- D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property has building permits under review for construction of a two-household dwelling (duplex). Each dwelling unit will be served by individual connections to the public water and sanitary sewer systems.
- E. ZONING:** The subject property is designated Low Density Residential (LDR) on the Comprehensive Plan Map, zoned Single Family Residential (RS).
- F. ADJACENT ZONING AND LAND USES:**
- West: RS zone – building permit under review for a duplex and MHL D
 - East: UT zone – existing single-family dwelling
 - South: RS zone - under construction with a single-family dwelling
 - North: RS zone - building permit under review for a duplex and MHL D

III. COMMENTS

- A.** The Keizer Public Works Department reviewed the proposal and submitted comments pertaining to stormwater and utilities (Exhibit 3).
- B.** The Marion County Surveyor's Office submitted comments regarding the process for platting (Exhibit 4).
- C.** The Marion County Building Inspection Division reviewed the proposal and submitted comments pertaining to the Certificate of Occupancy process. (Exhibit 5)

- D. The City of Salem Public Works Department submitted comments regarding the requirement for individual sewer connections (Exhibit 6).
- E. The Keizer Police Department and the City of Salem Planning Department reviewed the proposal and had no comments.
- F. A letter requesting comments was sent to the surrounding property owners within 250 feet of the subject property. Comments were received from the following:

Jeffrey and Richell Lutz, residing at 1317 Oppek Street NE, submitted written comments in opposition to the project. Their concerns included neighborhood and market impacts, traffic and parking issues, and construction practices. (Exhibit 7)

Staff Response

Staff acknowledges the concerns raised regarding neighborhood character, traffic, safety, property values, and construction practices. While these concerns are understood, state law (ORS 92.031 and House Bill 2001) requires cities to allow Middle Housing Land Divisions when the standards of the Keizer Development Code are met. The City does not have discretion to deny an application based on housing type, affordability, or market impacts.

The MHL D process does not authorize additional dwelling units but only divides lots for units already approved under existing building permits. Traffic enforcement, illegal parking, and construction-related issues are outside the scope of this review but may be addressed through the Police Department or Code Enforcement.

IV. FINDINGS AND CONCLUSIONS

- A. The applicant is requesting a Middle Housing Land Division. The subject property (parent lot) has building permits under review for construction of a duplex. The proposal will create two separate legal lots (child lots), with each lot containing one dwelling unit from the existing duplex.
- B. The decision criteria for a Middle Housing Land Division are contained in Section 3.115.06 of the KDC. Approval of a preliminary plat for a MHL D will be granted if the Zoning Administrator finds that the applicant has met all of the criteria. The criteria and staff's findings are listed below:

- 1. ***Existing Compliance. The middle housing development complies with the Oregon Residential Specialty Code and applicable KDC middle housing regulations. To demonstrate compliance with this criterion, the applicant shall submit approved building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and KDC middle housing regulations.***

FINDINGS A duplex is a middle-housing type permitted in the RS zone under the KDC. The subject property has building permits 555-25-006629 and 555-25-006634 under review for construction of a duplex. The Marion County Building Inspection Division will review the permits to confirm compliance with the Oregon Residential Specialty Code. Prior to recording the MHL D

final plat, the duplex building permits must be issued. After all required improvements are completed and conditions of approval satisfied, each child lot/dwelling shall obtain a separate Certificate of Occupancy. With these conditions, this criterion is satisfied.

2. ***Separate Utility Connections. To qualify for a MHLD separate utility, service connections for public water and sewer must be present for each dwelling unit.***

FINDINGS: The approved building permits for the duplex include provisions for separate service connections to public water and sewer. The applicant has indicated that each dwelling unit will be individually connected to both systems. Comments from the City of Keizer and the City of Salem Public Works Department note that any new connections to the existing sanitary sewer main in Oppek Street NE will require construction permits issued by the City of Salem. The applicant will be required to work with the Development Services Division to provide the necessary information in order to obtain permits for the additional service laterals. As a condition of approval, final individual connections to public water and public sewer shall be required. Following completion of all required utility installations, the applicant shall construct an overlay of the street pavement along Oppek Street NE within the boundaries of the Bohlander Meadows Subdivision. With these conditions, staff finds this criterion can be satisfied.

3. ***Formal easements will be provided as necessary for each dwelling unit on the site for: (a) locating, accessing, replacing, and servicing all utilities; (b) minimum 5-foot wide pedestrian access from each dwelling unit to a private or public road, consistent with KDC 2.315.06.A.7; (c) any common use areas or shared building elements; (d) any dedicated driveways or parking; (e) any dedicated common area; and (f) access easements for private streets shall comply with KDC 2.302.08.***

FINDINGS: The proposed Middle Housing Land Division will divide the existing duplex lot into two separate legal lots, one for each dwelling unit. To ensure both lots remain functional and accessible, the final plat will be required to establish formal easements as necessary. Utility easements must be provided for locating, accessing, replacing, and servicing all water, sewer, and other utilities serving each dwelling. If there are any common building elements such as shared walls, roof overhangs, or drainage facilities, appropriate easements will be recorded to allow for continued maintenance and use.

Pedestrian access easements at least five feet in width from each dwelling unit to the street will also be required, consistent with KDC 2.315.06.A.7. Similarly, if driveways, parking areas, or other shared improvements are located on one lot but serve both dwellings, the plat must include access and use easements to preserve shared rights.

The Marion County Surveyor's Office submitted comments regarding the requirements to record the final plat (Exhibit 4). In addition, the KDC requires that the plat be recorded within 3 years and include the following:

- a. The final plat shall prohibit further division of the resulting child lots.
- b. The final plat shall include a notation stating that approval was granted under ORS Chapter 92.
- c. The final plat shall include a notation identifying the type of middle housing approved on the parent lot, and that this middle housing type remains subject to the development requirements and standards that applied to the original middle housing development prior to the middle housing land division.
- d. The final plat shall include a notation stating that accessory dwelling units are not permitted on child lots created through a middle housing land division.

With these provisions addressed on the final plat, staff finds that this criterion can be satisfied.

4. ***One Dwelling Unit per Lot. Exactly one dwelling unit will be located on each resulting child lot, except for lots, parcels, or tracts used as common areas, on which no dwelling units will be permitted. Resulting child lots may have accessory structures provided the accessory structure complies with applicable zoning requirements.***

FINDINGS: The subject property has building permits 555-25-006629 and 555-25-006634 under review for construction of a duplex. The proposed Middle Housing Land Division will create two child lots, each of which will contain one of the dwelling units. No additional dwelling units are proposed on either lot, and no child lots are proposed to be designated as common areas where dwellings would be prohibited. Because the land division will result in exactly one dwelling unit on each child lot, this criterion is satisfied.

5. ***Comply with Building Code. Buildings or structures on a child lot will comply with applicable Building Code provisions relating to new property lines.***

FINDINGS: The subject property has building permits 555-25-006629 and 555-25-006634 under review for construction of a duplex and will be review by the City of Keizer and Marion County Building Inspection Division. As part of that review, the structure will be evaluated for compliance with the Oregon Residential Specialty Code, including requirements for fire and life safety, building separation, and property line setbacks that apply when new lot lines are created. Comments from the Building Inspection Division require each child lot unit to obtain its own Certificate of Occupancy. All

conditions of the building permit must be satisfied prior to the issuance of a Certificate of Occupancy. Based on these requirements, staff finds that this criterion is satisfied.

6. ***Notwithstanding the creation of new child lots, structures or building located on the newly created lots will comply with the Oregon Residential Specialty Code.***

FINDINGS: The subject property has building permits currently under review for construction of a duplex and will be reviewed and approved by the Marion County Building Inspection Division. As part of the permit review process, the structure will be evaluated for compliance with the Oregon Residential Specialty Code, including standards for structural integrity, fire separation, and life-safety provisions applicable to new construction. The creation of new child lots through this Middle Housing Land Division will not alter the approved building footprint or design. Final inspections by the Building Inspection Division will ensure continued compliance with the Oregon Residential Specialty Code prior to issuance of Certificates of Occupancy. Each child lot unit must obtain its own Certificate of Occupancy. Based on these requirements, staff finds that this criterion is satisfied.

7. ***Frontage improvements. Where a resulting child lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated prior to the creation of the child lot, pursuant to 2.310.05.C. Street frontage improvements or additional right-of-way must be completed or guaranteed prior to the MHL.***

FINDINGS: The subject property has frontage on Oppek Street NE, a public street providing access to the site. As part of the review process, the City of Keizer Public Works Department evaluated the existing right-of-way and street improvements. Public Works staff indicated that no additional right-of-way dedication are required with this application, as the existing improvements meet current City standards for local streets. However, following completion of all required utility installations, the applicant shall construct an overlay of the street pavement along Oppek Street NE within the boundaries of the Bohlander Meadows Subdivision. Because no deficiencies were identified and no additional improvements are required beyond the overlay, staff finds that this criterion is satisfied.

V. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED** the Middle Housing Land Division application subject to the conditions and requirements found below. Findings in support of this decision are found in Section IV of this decision.

Any interested person, including the applicant, who disagrees with this decision, may request that the application be appealed to the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$250.00 fee. This fee will be refunded if the appeal is

upheld. Requests for appeal to the Hearings Officer must be in writing and be received in the Keizer Planning Department, 930 Chemawa Road NE.

- Appeal requests due: **September 22, 2025, by 5:00pm**
- Decision final if no appeal: **September 23, 2025**

VI. CONDITIONS AND REQUIREMENTS

1. **Expiration of Approval** - This MHLD approval shall expire three (3) years from the date of decision if the final plat has not been recorded with Marion County, unless an extension is granted in accordance with the KDC.
2. **Compliance with Agency Comments** - The applicant shall comply with all applicable requirements of reviewing agencies, including but not limited to the City of Salem Public Works Department, the Marion County Building Inspection Department and the Marion County Surveyor's Office. Compliance with agency requirements is the responsibility of the applicant and shall be verified prior to final plat approval.
3. **Comply with all City of Keizer Public Works conditions.** Conditions of approval shall be completed prior to City approval of the final plat. The applicant may request that the Director authorize deferral of these required improvements to be completed prior to the City's support of certificates of occupancy for any buildings on the subject properties.
 - a. The applicant shall, under City-approved permits, construct a domestic water and sanitary sewer service to each child lot that is not yet served.
 - b. The location of all water meters and backflow prevention devices are required to be approved by the Public Works Department prior to construction.
 - c. City of Salem approval for local sewer permits will need to be issued prior to the start of construction of the additional sanitary sewer services.
 - d. Stormwater runoff from all proposed development on the child lots shall be conveyed to the stormwater facilities constructed with Bohlander Meadows Subdivision. The approved storm drainage connection for the development of each parent lot is a weep hole through the existing curb along Oppek Street NE. Prior to City approval of the final plat, the applicant shall construct at least one weep hole for each child lot at a location that the development of said lot can access for gravity discharge.
 - e. New electricity, gas, and communications services to serve each of the child lots shall be installed underground and pursuant to the requirements of the company serving the subject properties.

- f. Street opening permits are required for any work within the City right-of-way or easements that is not covered by a construction permit.
- g. After all the required utility installations listed above have been constructed, the applicant shall construct a minimum 1-inch grind and asphalt concrete overlay of the street pavement along Oppek Street NE, within the boundaries of the Bohlander Meadows Subdivision, in conformance with Local street requirements in the KDS.
- h. Construction permits will be required for any construction within a public street, right-of-way, or City easement, for any public infrastructure on private property, and for erosion control and stormwater management on private property.
- i. Erosion control permits shall be obtained from the City prior to the disturbance of any soil on the subject property.
- j. The applicant shall coordinate the location of individual or cluster box unit (CBU) mailboxes with the U.S. Postal Service.

The following conditions of approval shall be shown on the Final Plat:

- k. The Final Plat map and exhibits shall show the location of all existing easements on the properties, as well as provide easements for all existing and proposed utilities crossing the proposed Parcels.
 - l. A water meter easement, consistent with the easements dedicated on Marion County Subdivision Plat S49-065, shall be dedicated at each new water meter location.
- 4. **Permits and Approvals** - All applicable permits shall be obtained from the City of Salem, City of Keizer, Marion County, and any other applicable agencies prior to site development, utility installation, or construction.
 - 5. **Consistency with Tentative Plan** - Development of the subject property shall substantially conform to the approved tentative plan and findings included in this decision, except as modified by conditions of approval.
 - 6. **Responsibility for Improvements** - The applicant shall be responsible for the cost and installation of all required improvements, including but not limited to utilities, easements, and any street frontage improvements determined necessary by the City.
 - 7. **Final Plat Submittal** - Prior to recording, the applicant shall submit a final plat prepared by a licensed surveyor. The plat shall identify all child lots, easements, access provisions, and other requirements consistent with the approved tentative plan. The plat must be reviewed and approved by the City of Keizer Planning Division, City Engineer, and the Marion County Surveyor prior to recording.


8. **Separate Utility Connections** - Prior to final plat approval, the applicant shall provide documentation verifying that each dwelling unit has an individual connection to public water and public sewer. Any new connections to the sanitary sewer main in Oppek Street NE shall require construction permits issued by the City of Salem. The applicant shall coordinate with the City of Salem Development Services Division to obtain all necessary permits and approvals for the additional service laterals. Proof of completed and approved connections shall be submitted to the City of Keizer Planning Division.
9. **Easements** - The final plat shall show all required easements to serve each child lot, including but not limited to:
- Public and private utilities;
 - Shared building elements such as common walls, roof overhangs, and drainage facilities;
 - Pedestrian access easements;
 - Driveways, parking areas, or other common areas that serve more than one lot.
- Easement language shall be reviewed and approved by the City prior to final plat approval.
10. **One Dwelling Unit per Lot** - Each child lot created through this Middle Housing Land Division shall be limited to one dwelling unit, corresponding to one-half of the approved duplex (Building permits 555-25-006629 and 555-25-006634).
11. **Building Code Compliance** - The approved duplex shall comply with all applicable provisions of the Oregon Residential Specialty Code, including but not limited to standards relating to property line setbacks, fire separation, and life safety. Compliance shall be verified through the Marion County Building Inspection Division prior to issuance of occupancy permits for each child lot.

The application complies with Section 3.115 Middle Housing Land Division of the KDC. Therefore, the above request for a Middle Housing Land Division for property located at 1332-1334 Oppek Street NE is approved.

If you have any question about this application or the decision, please call (503) 856-3441 or visit the Planning Department at the above address.

REPORT PREPARED BY: Dina Horner, Assistant Planner

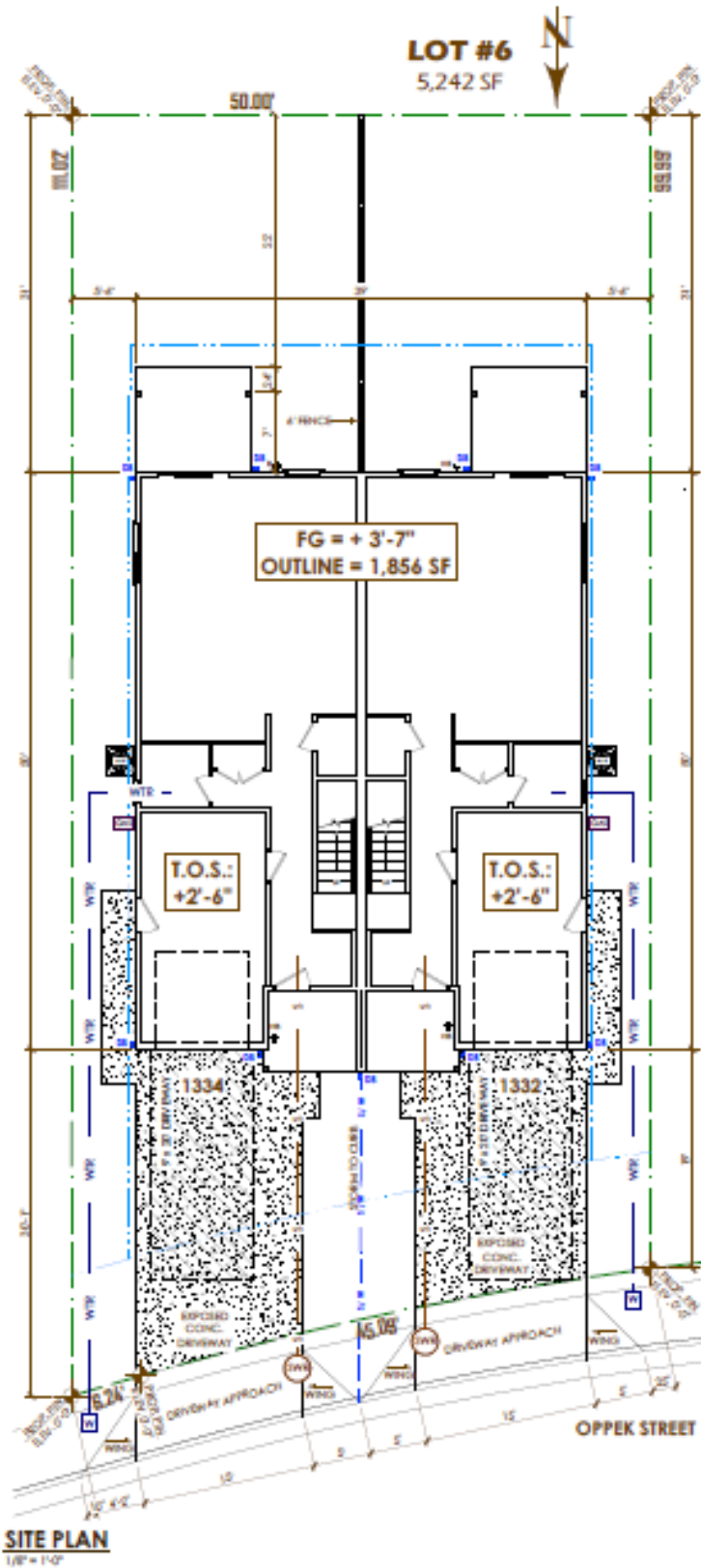
APPROVED BY:


Shane Witham, Planning Director

Date:

9/10/25

EXHIBIT 1



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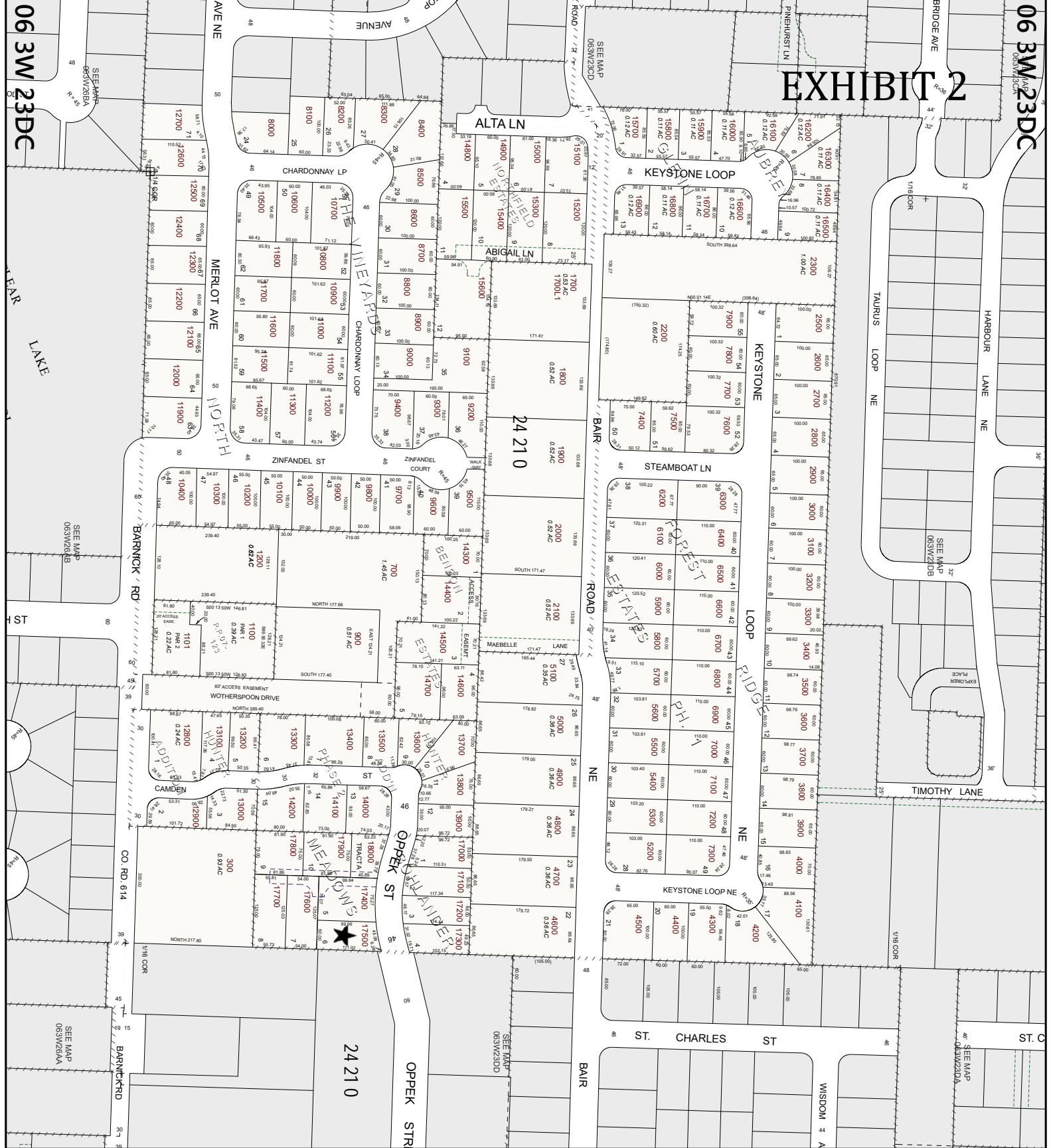
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KEIZER



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

EXHIBIT 2



LEGEND

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

CORNER TYPES

- + 1/6th Section Cor.
- ⊕ 1/4 Section Cor.
- ⊙ D/C Corner
- ⊕ Section Corner
- 21 22

NUMBERS

Tax Code Number
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NOTES

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



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EXHIBIT 3

Keizer Public Works Comments

RFC MHL D 2025-12 through 15

August 26, 2025

Page 1 of 3

MIDDLE HOUSING LAND DIVISION CASE NO. 2025-12

PROPERTY ADDRESS: 1319 & 1321 OPPEK STREET NE (LOT 1)

MIDDLE HOUSING LAND DIVISION CASE NO. 2025-13

PROPERTY ADDRESS: 1325 & 1327 OPPEK STREET NE (LOT 2)

MIDDLE HOUSING LAND DIVISION CASE NO. 2025-14

PROPERTY ADDRESS: 1328 & 1330 OPPEK STREET NE (LOT 5)

MIDDLE HOUSING LAND DIVISION CASE NO. 2025-15

PROPERTY ADDRESS: 1332 & 1334 OPPEK STREET NE (LOT 6)

The Applicant, Comfort Homes, LLC, requests approval for four (4) Middle Housing Land Division (MHL D) partitions pursuant to ORS 92.031 and Section 3.115 of the Keizer Development Code. The Subject Properties (Parent Lots 1, 2, 5, and 6 of Bohlander Meadows Subdivision, Marion County Subdivision Number S49-056) are developed as planned for duplexes. A duplex structure on Parent Lot 1 is currently under construction with an issued building permit (Marion County Permit Number 555-25-001819-DWL). The proposed division for each Parent Lot will create two separate legal Lots (Child Lots), each containing one dwelling unit of each duplex building. The Subject Properties are zoned Urban Transition (UT), have a Comprehensive Plan designation of Low Density Residential (LDR), and are located at the addresses listed above (063W23DC Tax Lots 17000, 17100, 017400, and 17500).

The following comments are based on our review of the proposed development as it relates to City infrastructure and in general conformance with applicable Public Works portions of the Keizer Development Code (KDC), City of Keizer utility Master Plans and Transportation System Plan (TSP), Keizer Design Standards (KDS), and Keizer Construction Specifications (KCS).

EXISTING CONDITIONS:

- a) The existing Subject Properties each have access and frontage along Oppek Street NE, a Local street in the TSP. This street was constructed within the last two years as a 32-foot-wide improvement within a 46-foot-wide right-of-way.
- b) An 8-inch PVC City sanitary sewer main is located in Oppek Street NE. A single sanitary sewer service (size and material not noted) was constructed to each Parent Lot as part of the Bohlander Meadows Subdivision.
- c) A system of 10- and 12-inch PVC City storm mains are located in Oppek Street NE. No storm laterals are constructed to serve the Subject Properties, as each Parent Lot is designed to drain to a weep hole in the curb along Oppek Street NE, there connecting to the City storm drainage system.
- d) An 8-inch ductile iron City water main is located in Oppek Street NE. A single 1-inch domestic water service and meter box was constructed to each Parent Lot as part of the Bohlander Meadows Subdivision.
- e) The Subject Properties are located within the stormwater "Labish Critical Basin" as defined in Keizer Design Standards Chapter 100.
- f) Per the Oregon Rapid Wetland Assessment Protocol (ORWAP), the Subject Properties do not include any mapped wetlands or hydric soils.

- g) Per Flood Insurance Rate Map Numbers 41047C0194G the Subject Properties are located outside of any mapped Special Flood Hazard Area (SFHA).
- h) Per the Statewide Landslide Information Layer for Oregon (SLIDO) maps (maintained by the Oregon Department of Geology and Mineral Industries), the Subject Property is outside of any mapped landslide susceptibility areas.

RECOMMENDED CONDITIONS OF APPROVAL

The following conditions of approval shall be completed prior to City approval of the Final Plat. The Applicant may request that the Director authorize deferral of these required improvements instead be completed prior to the City's support of certificates of occupancy for any buildings on the Subject Properties (KDC 2.310.05.D):

- a) The Applicant shall, under City-approved permits, construct a domestic water and sanitary sewer service to each Child Lot that is not yet served. (KDC 2.310.05)
- b) The location of all water meters and backflow prevention devices are required to be approved by the Public Works Department prior to construction. (Keizer Design Standards 500.3.H)
- c) City of Salem approval for local sewer permits will need to be issued prior to the start of construction of the additional sanitary sewer services. (Salem-Keizer IGA for Wastewater Treatment)
- d) Stormwater runoff from all proposed Development on the Child Lots shall be conveyed to the stormwater facilities constructed with Bohlander Meadows Subdivision. The approved storm drainage connection for the development of each Parent Lot is a weep hole through the existing curb along Oppek Street NE. Prior to City approval of the Final Plat, the Applicant shall construct at least one weep hole for each Child Lot at a location that the development of said Lot can access for gravity discharge. (KDC 2.310.05)
- e) New electricity, gas, and communications services to serve each of the Child Lots shall be installed underground and pursuant to the requirements of the company serving the Subject Properties. (KDC 2.307.02.C)
- f) Street opening permits are required for any work within the City right-of-way or easements that is not covered by a construction permit. (KDC 2.302.06)
- g) After all the required utility installations listed above have been constructed, the Applicant shall construct a minimum 1-inch grind and asphalt concrete overlay of the street pavement along Oppek Street NE, within the boundaries of the Bohlander Meadows Subdivision, in conformance with Local street requirements in the KDS. (KDC 2.310.05)
- h) Construction permits will be required for any construction within a public street, right-of-way, or City easement, for any public infrastructure on private property, and for erosion control and stormwater management on private property. (KDC 2.302.06)
- i) Erosion control permits shall be obtained from the City prior to the disturbance of any soil on the subject property. (KDC 2.306.05)

- j) The Applicant shall coordinate the location of individual or cluster box unit (CBU) mailboxes with the U.S. Postal Service.

The following conditions of approval shall be shown on the Final Plat:

- k) The Final Plat map and exhibits shall show the location of all existing easements on the properties, as well as provide easements for all existing and proposed utilities crossing the proposed Parcels. (KDC 2.302.03.N)
- l) A water meter easement, consistent with the easements dedicated on Marion County Subdivision Plat S49-065, shall be dedicated at each new water meter location. (KDC 2.310.03.H)

Comments on Planning Action: Keizer MHLD 2025-15

Date 8 / 27 / 2025 Person Commenting Kent Inman

Subdivision:

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

Partition:

- ☐ 1. Per ORS 92.055 – Parcels over 10 acres can be unsurveyed.
- ☒ 2. Parcels ten acres and less must be surveyed.
- ☒ 3. Per ORS 92.050, plat must be submitted for review.
- ☒ 4. Checking fee and recording fees required.
- ☒ 5. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Property Line Adjustment:

- ☐ 1. The adjusted line must be surveyed and monumented per ORS 92.060 (7).
- ☐ 2. Survey checking fee required at the time of review.

(See Page 2 for additional comments)

Property Line Adjustment (continued):

- ____ 4. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office. Per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment.

- ____ 5. A re-plat (**in the form of a partition plat**) is required, due to the adjustment of a partition plat parcel line or subdivision lot line. A property line adjustment deed for the area being transferred shall be recorded with the Marion County Clerk's Office. As per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment.

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

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

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

Other comments specific to this Planning Action:



EXHIBIT 5

REQUEST FOR COMMENTS

DATE: August 11, 2025

CASES: MHL 2025-12- 1319 and 1321 Oppek Street NE – Lot 1 Bohlander Meadows
MHL 2025-13- 1325 and 1327 Oppek Street NE – Lot 2 Bohlander Meadows
MHL 2025-14- 1328 and 1330 Oppek Street NE – Lot 5 Bohlander Meadows
MHL 2025-15- 1332 and 1334 Oppek Street NE – Lot 6 Bohlander Meadows

The Planning Division is soliciting comments you may wish to have considered in the City's review of the above land use case. Application materials are attached.

Comments must be submitted in writing and received in our office by 5:00 pm on August 26, 2025. If we do not receive a response by the end of the comment period, we will assume you have no concerns.

REQUEST: This application requests approval for 4 Middle Housing Land Division (MHL) applications pursuant to ORS 92.031 and Section 3.115 of the Keizer Development Code (KDC). The subject properties (parent lots) are developed or planned for duplexes. Lot 1 is currently under construction with an issued building permit (555-25-001819). The proposed division for each parent lot will create two separate legal lots (child lots), each containing one dwelling unit from the duplex.

This request is consistent with the City's implementation of House Bill 2001, which authorizes the division of middle housing to expand homeownership opportunities. The resulting child lots will meet or exceed all applicable City standards and will not require variances or exceptions.

The proposed division will not modify the existing building footprint or site layout. All structures will continue to comply with applicable provisions of the Oregon Residential Specialty Code and the KDC, including setback requirements, building separation standards, and property line location requirements under the Building Code.

APPLICANT: Comfort Homes LLC

PLEASE CHECK THE APPROPRIATE ITEMS:

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

Current duplex will only have one Certificate of Occupancy. New dwelling permits will be required to provide Certificate of Occupancies for each new dwelling.

Name: Troy Wheeler
Agency: Marion County Building Inspection
Phone: 503-373-4424
Email: Twheeler@co.marion.or.us
Address: 5155 Silverton Rd NE, Salem 97305
Date: August 26, 2025

Send comments or questions to:

Dina Horner, Assistant Planner

Email: Hornerd@keizer.org Phone: (503) 856-3442

City of Keizer Planning Division

930 Chemawa Rd NE, Keizer OR 97303



REQUEST FOR COMMENTS EXHIBIT 6

DATE: August 11, 2025

CASES: MHL D 2025-12- 1319 and 1321 Oppek Street NE – Lot 1 Bohlander Meadows
MHL D 2025-13- 1325 and 1327 Oppek Street NE – Lot 2 Bohlander Meadows
MHL D 2025-14- 1328 and 1330 Oppek Street NE – Lot 5 Bohlander Meadows
MHL D 2025-15- 1332 and 1334 Oppek Street NE – Lot 6 Bohlander Meadows

The Planning Division is soliciting comments you may wish to have considered in the City’s review of the above land use case. Application materials are attached.

Comments must be submitted in writing and received in our office by 5:00 pm on August 26, 2025. If we do not receive a response by the end of the comment period, we will assume you have no concerns.

REQUEST: This application requests approval for 4 Middle Housing Land Division (MHL D) applications pursuant to ORS 92.031 and Section 3.115 of the Keizer Development Code (KDC). The subject properties (parent lots) are developed or planned for duplexes. Lot 1 is currently under construction with an issued building permit (555-25-001819). The proposed division for each parent lot will create two separate legal lots (child lots), each containing one dwelling unit from the duplex.

This request is consistent with the City’s implementation of House Bill 2001, which authorizes the division of middle housing to expand homeownership opportunities. The resulting child lots will meet or exceed all applicable City standards and will not require variances or exceptions.

The proposed division will not modify the existing building footprint or site layout. All structures will continue to comply with applicable provisions of the Oregon Residential Specialty Code and the KDC, including setback requirements, building separation standards, and property line location requirements under the Building Code.

APPLICANT: Comfort Homes LLC

PLEASE CHECK THE APPROPRIATE ITEMS:

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

Public Sanitary Sewer mains were constructed Oppek Street NE under City of Salem Permit Number 24-107244-PC. The plan to further divide the lots will require additional connections to the main. A permit revision (24-107244-01-PC) was submitted for additional services; however, this permit has not been issued. Any connections to the existing sanitary sewer main in Oppek Street NE will require construction permits issued by the City of Salem in accordance with the City of Salem Revised Code, the City of Salem Public Works Design Standards, and the City of Salem Construction Specifications. Permits will not be issued by the City of Salem for connection until all construction plans have been reviewed and approved by the Development Services Division. Construction drawings can be submitted by email to developmentservices@cityofsalem.net. The applicant should work with the Development Services Division to provide necessary information to issue the permit for the additional service laterals.

Name: Laurel Christian, Infrastructure Planner III

Agency: City of Salem, Development Services Division

Phone: 503-584-4632

Email: lchristian@cityofsalem.net

Address: Mailing Address: P.O. Box 14300, Salem, OR 97309

Date: August 18, 2025

Send comments or questions to:

Dina Horner, Assistant Planner

Email: Hornerd@keizer.org Phone: (503) 856-3442

City of Keizer Planning Division

930 Chemawa Rd NE, Keizer OR 97303

From: [Richell](#)
To: [Horner, Dina](#)
Subject: Comments on Lots 1,2,5, or 6 Bohlander Meadows to be divided into child lots
Date: Tuesday, August 26, 2025 4:37:04 PM

CAUTION: This email originated from Outside Your Organization. Exercise caution when opening attachments or on clicking links from unknown senders. Please contact Information Technology for assistance.

August 25, 2025
Attention Dina Horner
Assistant Planner
City of Keizer Planning Division

Reply to **Request For Comments**
From Neighboring Property Owners
Jeffrey and Richell Lutz
1317 Oppek Street NE
Keizer, OR 97303

Cases:

MHLD 2025-12- 1319 and 1321 Oppek Street NE – Lot 1 Bohlander Meadows
MHLD 2025-13- 1325 and 1327 Oppek Street NE – Lot 2 Bohlander Meadows
MHLD 2025-14- 1328 and 1330 Oppek Street NE – Lot 5 Bohlander Meadows
MHLD 2025-15- 1332 and 1334 Oppek Street NE – Lot 6 Bohlander Meadows

Dear Planning Division,

Here are my comments/questions that I (Richell Lutz) would like considered in the City's review of the above land use case:

I am writing to express my strong opposition to the approval for 4 Middle Housing Land Division applications (by Comfort Homes LLC) pursuant to ORS 92.031 and Section 3.115 of the Keizer Development Code. While the local community may be unable to prevent development, that in itself will be detrimental to the area, nearly all residents in the neighborhood are completely opposed to the addition of multi-family housing that will cause traffic and safety problems, decreased property values and pride of home ownership, and conflicts that are a hardship for homeowners needing to further monitor the land developers, Comfort Homes LLC, in the existing community.

While I appreciate the city's effort to implement House Bill 2001, how can building more duplexes expand homeownership opportunities in Oregon? As I see it, the average person wanting to seek home ownership cannot afford the approximate \$800,000 price tag for these units. I venture to guess, that these units will likely be owned by corporations or companies that have the wealth to do so and lack the pride of home ownership. In addition, the average person cannot afford the approximate \$3,000 monthly rental fee. So again, I say, how does this expand home ownership in

our community, and the pride that comes with that? Parallel to that concern is the negative impact this will have on the value of our homes and properties.

With the development of more multi-family living units comes the increase in automotive traffic and street parking. Although the City has stated that they cannot deny this particular application based on parking conditions, the safety of pedestrians and drivers are major areas of concern. Now that Oppek Street NE is a through street, there has already been an increase in traffic causing noise, congestion, and potential for wreck or injury. I have witnessed, time and again, vehicles speeding, parking against traffic along the curb, parking at the corner of Oppek and Camden (thoroughly blocking the turning driver's line of vision around the corner), and parking in front of the red fire hydrant that stands at the front of our property on the SW side.

If this application is approved, I would beg the City and Developer to look (in a timely manner) at the traffic flow and parking on Camden to Oppek; especially where Camden and Oppek meet. It's possible some of the safety problems that I've mentioned above can be solved, or at least improved, by installing speed bumps and/or stop signs, painting curbs around corners yellow to indicate no parking, and painting the curb red in front of the fire hydrant. It's possible as well, that signs and paint along one whole side of these streets indicating no parking may add to all residents' safety of self and vehicles.

The last comment I wish to include speaks to the experience I've had living next door to this development. Unfortunately, I have not been impressed with Comfort Homes LLC, (with the exception of the tree/logging crew who were extremely considerate of the noise ordinance and fire safety/dust control, as well as being downright friendly) and I would hesitate, based on the history they have created in our neighborhood, to engage further with or allow accommodations for this developer. I have had multiple negative experiences with Comfort Homes LLC when there has been a concern. My husband and I have tried talking with subcontractors, calling and speaking with Comfort Homes LLC, posting signs of communication on our own property, all without much improvement. At some of the worst points of disruption, and what appeared as inconsiderate choices or behaviors on their part, we finally made reports to Code Enforcement and someone in, I believe, City Building Permits.

After that, there would be some temporary improvement to the problems, but almost always the crews would fall into bad habits again. Here are few examples of the conditions we've lived next door to for about a year now:

- 1) Beginning staging and creating significant vehicle or construction noise before 7:00 AM. (Cement trucks running, beeps from Comfort Van LLC yellow van being backed up to Lot 1's back patio, etc.)
- 2) The playing of music (so loud from their work van that was parked on the street that I could hear it in my house with the windows closed, the air conditioning on, and my hearing aids removed.)
- 3) Garbage and debris everywhere, including overflowing dumpsters. Not just on their site, but many times I would find it in my yard and driveway, and in the City street.
- 4) Dangerous debris, such as nails in our side yard. I know they were from the

construction because they were brand new and the kind you use with a nail gun. (I have never used a nail gun on my property and Lot 1 is the only property to border our side yard.

5) The fence we own, that stands on our private property bordering Lot 1, has been abused in a variety of ways. This abuse includes the knocking off of one of our pickets with no communication, the pushing of dirt up against the bottom as to create a retaining wall (which was repeated a second time to a portion of the fence even after posting signs of "Private Property"), and the stacking and leaning of heavy materials against it (such as two fiberglass tub/shower units still in their 2x4 shipping packages).

(Please see attached photos for some of the examples. I have videos with sound as well, but at this time I am unable to attach. Feel free to contact me if you would like them.)

In conclusion I would strongly urge you, City of Keizer, to disapprove the applications for the proposed division of the two Oppek parent lots into legal sized child lots. I hope you will take into consideration my comments when it comes to impacting our small Oppek/Camden Community with this case. The traffic and safety problems, the decreased property values and pride of home ownership, and the hardship of further monitoring the land developers, Comfort Homes LLC, all speak to not approving this particular land use case/ and or changes to this land use case.

And, from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meetings or write letters and emails. Thank you for your continued service and support of our communities.

Best Regards,
Richell Lutz