



**CITY OF KEIZER
MAJOR & MINOR VARIANCE
APPLICATION**

If there are any questions about this application, who should be contacted?

Name: Jeffrey A. Benner

Address: 80 SE Madison St., Ste 430, Portland, OR 97214

Daytime Phone Number: 503.784.6022

Fax: 503.670.0235 **Email:** jbenner@bsaarch.com

1. <u>Applicant Name</u>	<u>Address</u>
<u>Benner Stange Associates Architects, Inc.</u>	<u>80 SE Madison St., Ste 430</u>
<u>Phone 503.784.6022 cell</u>	<u>Portland, OR 97214</u>

2. <u>Property Owner Name</u>	<u>Address</u>
<u>Chemawa Station LLC</u>	<u>c/o Grand Ronde Tribe</u>
<u>Phone 503.879.2304</u>	<u>9615 Grand Ronde Road</u>
	<u>Grand Ronde, OR 97347</u>

3. The owners of record of the subject property do hereby request permission for a variance to the following standard See attachment. Specific to Area 'D', Keizer Station located in Keizer, OR.

4. Street Address of subject property North, East & West of Ulali Dr. South Chemawa Rd. NE, Keizer, OR

5. Size of subject property (acres or Sq. Ft.) Approx. 4.20 Acres

6. THE APPLICANT(s) SHALL CERTIFY THAT:

- A. The above variance request does not violate any deed restrictions that may be attached to or imposed upon the subject property.
- B. If the application is approved, the applicant will exercise the rights granted in accordance with that approval and will be subject to all conditions and limitations of approval.

- C. All of the above statement and any statements included on the plot plan and exhibits attached to the plot plan are true to the best of the applicant's knowledge; and the applicant acknowledges that any permit issued on the property may be revoked if it is found that any statements are false.
- D. The applicant acknowledges that this application and all applicable policies and criteria have been read and understood, and that the requirements and criteria for approving or denying the application are also understood.

SIGNATURE(s) of APPLICANT

JEFFREY A. BENSER
BSAA, INC. PRESIDENT

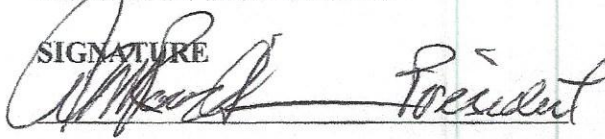


Dated this 20th day of APRIL, 2020

AUTHORIZATION BY PROPERTY OWNER(s)

Property owners and contract purchasers are required to authorize the filing of this application and must sign below. All signatures represent that they have full legal capacity to and do hereby authorize filing of this application and certify that the information and exhibits herewith submitted are true and correct.

SIGNATURE



ADDRESS & PHONE

by RPS Development Company, Inc.
 PO Box 947
 McMinnville, OR 97128

503-781-1771 (phone)

SIGNATURE

ADDRESS & PHONE

_____ (phone)

FOR OFFICE USE ONLY

Township _____ Range _____ Section _____
 Tax Lot Number(s) _____
 Zone/Map _____
 Neighborhood Association _____
 Comp Map _____

Application elements submitted:
 _____ (a) Title transfer
 _____ (b) Plot Plan
 _____ (c) Statement
 _____ (d) Filing fee

Date Application Determined Complete _____

Application Accepted By _____

MINOR VARIANCE APPLICATION

AREA 'D' – KEIZER STATION – KEIZER, OREGON

The intent of this Variance request is to further substantiate and document the November 01, 2004 City of Keizer City Council approval for this jug handle portion of Area 'D' and is a function of the constrained limited access.

THE CITY OF KEIZER DEVELOPMENT CODE

2.113 INDUSTRIAL BUSINESS PARK (IBP) / PREVIOUSLY SUBMITTED

Section "2.113.06 Yards Adjacent to Streets. Within an IBP District" (NOTE: This is consistent with the Variance requested and approved Section 2.113.05 in 2004.)

"1. Along the full extent of each lot line adjacent to a street, there shall be a required yard 20 feet in depth. (5/98)"

"2. Setbacks for accessory building and structures, except fences, shall be the same as for primary buildings. (5/98)"

"3. No parking will be allowed in required yards. (5/98)"

"4. No buildings or structures except transit shelters approved by the Salem Transit District shall be permitted in a required yard adjacent to a street. (5/98)"

"CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON", "ORDER"

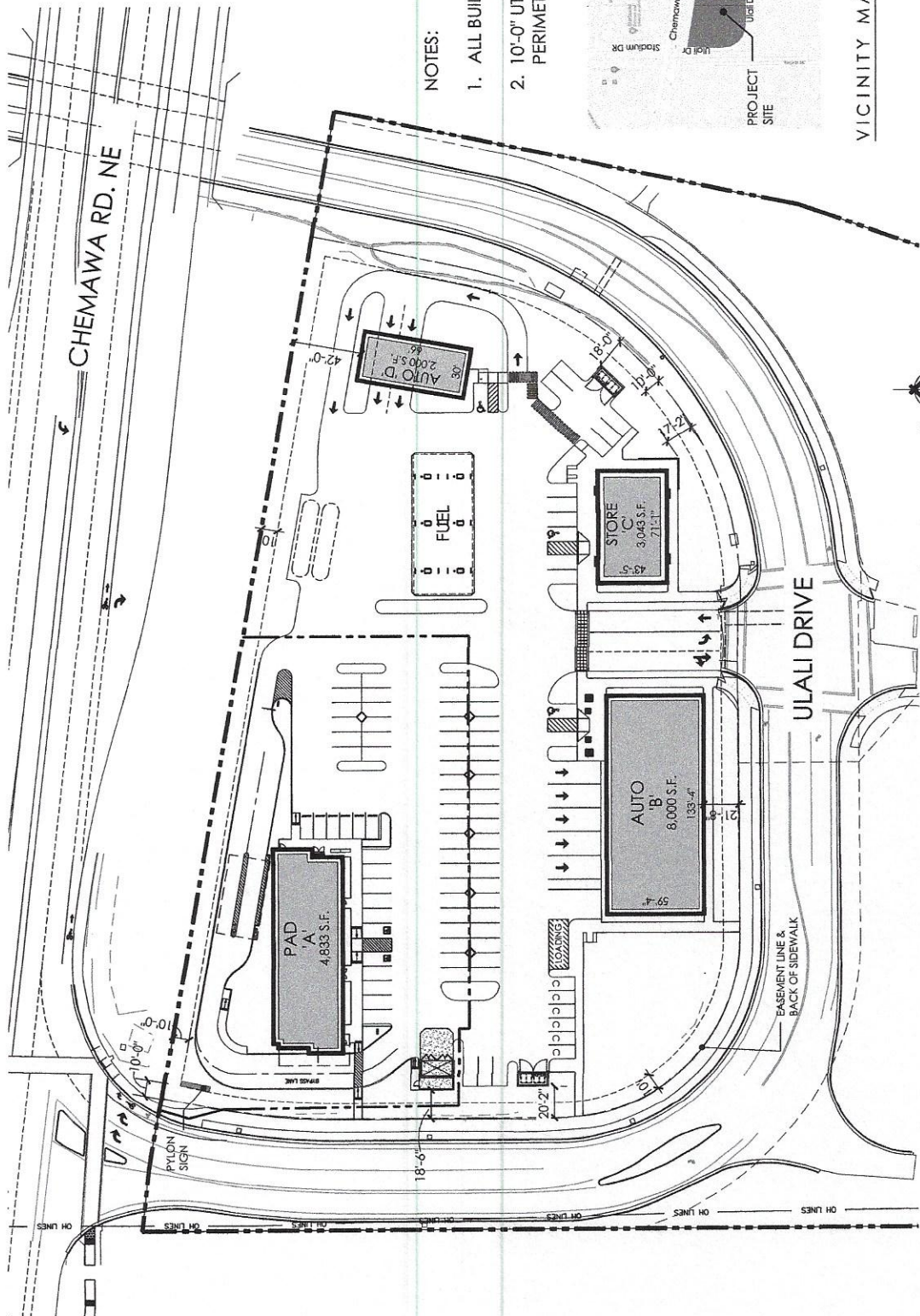
EXHIBIT "E", 'Action"

"Variance:" (Approved on November 01, 2004)

"Item 60. The Applicant shall locate the proposed structures and parking areas as indicated on the submitted site plan and shall maintain a minimum setback of ten (10) feet from the inner edge of the sidewalk on the north side of the Loop Road".

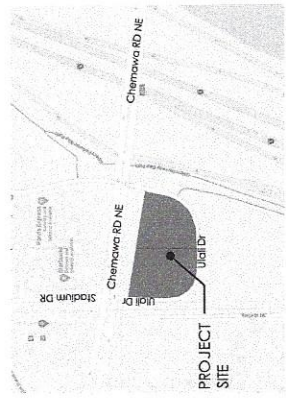
Per the attached Chemawa Station – Area 'D' Site Plan dated April 06, 2020, the following clarifies the intent of the latest site plan complying with the original approved Variance of November 01, 2004 and subsequent discussions and communications with The City of Keizer's Planning Staff.

- A. Building structures, trash enclosures, screen walls, parking spaces, and any loading spaces/zones will not be located closer than 15'-0" adjacent to the back of sidewalk along Ulali Drive or adjacent property lines.
- B. The proposed Monument Sign at the northwest corner of the site will be positioned 10'-0" clear of the back of sidewalk along Ulali and the northerly property line.
- C. Drive thru lanes servicing Pad 'A' and Auto 'D', or any other future drive thru lanes will be located not less than 10'-0" from the back of sidewalk along Ulali Drive or the north property line respectfully.



AREA 'D' SITE PLAN
SCALE: 1" = 30'

- NOTES:
1. ALL BUILDINGS ARE ONE STORY
 2. 10'-0" UTILITY EASEMENT AROUND PERIMETER OF PROPERTY



VICINITY MAP

Owner:
Chemawa Station LLC
Grand Bonds, OR
Developer:
RFS Development Company
P.O. Box 947 McMinnville, OR 97128
Phone: (503) 781-1771

Chemawa Station - Area 'D'

Ulali Drive | Keizer, Oregon

April 20, 2020



SD10

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QUITCLAIM DEED

This quitclaim deed is made by the United States of America, pursuant to Public Law 110-78 for the Secretary of the Interior to convey real property to the Confederated Tribes of the Grand Ronde Community of Oregon and the Confederated Tribes of the Siletz Indians of Oregon all of the interest in the following property situated in the County of Marion and State of Oregon.

Legal Description


The parcel of land lying in the S. 1/2 of Section 36, Township 6 South, Range 3 West, W.M., Marion County, Oregon and being a portion of that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded April 23, 1974 in Book 776, Page 290 of Marion County Record of Deeds; the said parcel being described as follows:

Beginning at the intersection of a line parallel with and 25 feet Easterly of the center line of the main track of the Burlington Northern, Inc. Railroad (formally the Oregon Electric Railway) with a line parallel with and 170 feet Northwesterly of the center line of the Southbound lane of the Salem Parkway Freeway); thence Northeasterly parallel with said center line of the Southbound lane to a point opposite Engineer's Station "SB3 132+00; thence North 34° 17'44" East 332.35 feet; thence North 7° 44'13" East 89.93 feet to a point opposite and 450 feet Westerly of Engineer's Station 1798+50 on the center line of the Pacific Highway, thence North 22 degrees 40' East parallel with said Pacific Highway center line to a point opposite Engineer's Station 1976+10; thence North 21° of 16'10" East 410.12 feet to a point opposite Engineer's Station 1792+00 on said Pacific Highway center line; thence North 13° 34'35" East 29035 feet to the Southerly line of that property designated as Parcel 1 and described in that deed to the State of Oregon, by and through the Department of Transportation, Highway Division, recorded in Book 772, Page 417 Marion County Record of Deeds; thence Northwesterly along said Southerly line to said parallel line 25 feet Easterly of the center line of the main track of the Burlington Northern, Inc. Railroad; thence Southerly along said last mentioned parallel line to the point of beginning.

The center line of the Southbound lane of the Salem Parkway referred to herein is described as follows:

Beginning at Engineer's center line Station "SB3" 119+31.79 said station being 631.49 feet South and 2091.90 feet West of the East quarter corner of Section 36, Township 6 South, Range 3 West, W.M.; thence South 26° 50' West 185 feet; thence on a spiral curve right (the long chord of which bears South 49 degrees 40' West) 500 feet; thence South 52 degrees 10' West 156.54 feet to Engineer's center line Station "SB3" 134+61.23 equals "SB 134+61.23; thence on a spiral curve left (the long chord of which bears South 29° 11'15" West 1031.94 feet to Engineer's center line station "SB" 151+49.71.

Return:


Bureau of Indian Affairs
Northwest Regional Office
911 N.E. 11th Avenue
Portland, Oregon 97232

The center line of the Pacific Highway referred to herein is described as follows:

Beginning at Engineer's center line Station 1775+00 said station being 822.11 feet North and 1407.85 feet West of the East quarter corner of Section 36, Township 6 South, Range 3 West, W.M.; thence South 22° 40' West 826.99 feet to Engineer's center line Station 1783+26.99 Back equals 1783+36.56 Ahead; thence continuing South 22° 40' West of 2455.41 feet; thence on a spiral curve left the long chord of which bears South 21° 36' west, 400 feet; thence on a 3580.99 foot radius curve left (the long chord of which bears South 13 degrees 00'09" West) 808.03 feet to Engineer's center line Station 1820+00.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 15.66 acres, more or less.

Also, a parcel of land lying in the SW1/4 of Section 36, Township 6 South, Range 3 West and in the NW1/4 of Section 1, Township 7 South, Range 3 West, W.M., Marion County, Oregon and being a portion of that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, Recorded April 23, 1974 in Book 776, Page 290 of Marion County Record of Deeds; the said parcel being described as follows:

Beginning at the Southwest corner of that property designated as Parcel 2 and described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded in Book 776, Page 417 of Marion County Records of Deed; thence Northeasterly parallel with and 137 feet Northwesterly of the center line of the Pacific Highway to a point opposite Engineer's Station 1815_00; thence Northeasterly in a straight line to a point opposite and 170 feet Northwesterly of Engineer's Station 1809 on said center line; thence North 7 degrees 44'13" East 220 feet, more or less, to a line which is parallel with and 270 feet Southeasterly of the center line of the Southbound lane of the Salem Parkway (formerly the Salem Freeway); then Southwesterly parallel with said last mention center line to a line parallel with and 25 feet Easterly of the center line of the main track of the Burlington Northern, Inc. Railroad (formerly the Oregon Electric Railway); thence Southerly parallel with said main track center line to a point on the Westerly extension of the Southerly line of said property designated as Parcel 2 in said State of Oregon deed, recorded in Book 772, Page 417; thence Easterly along said Westerly extension to the point of beginning.

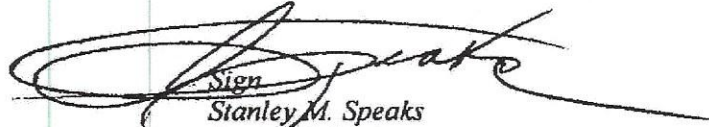
The center line of the Pacific Highway referred to herein is described on Page 2 of this deed.

The center line of the Southbound lane of the Salem Parkway referred to herein is described on Page 2 of the deed.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of to which this description applies contains 4.20 acres, more or less.

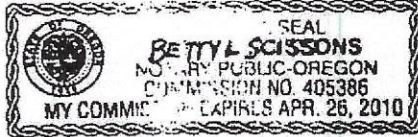
Witness my hand this 7 day of December, 2007.

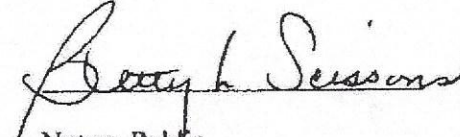

Sign
Stanley M. Speaks
Regional Director
Bureau of Indian Affairs
Portland, Oregon

State of Oregon

County of Multnomah

This instrument was acknowledged before me this 7th day of December 2007
By Stanley M. Speaks
In witness whereof I hereunto set my hand and official seal:




Notary Public

Bureau of Indian Affairs
Northwest Regional Office
911 N.E. 11th Avenue
Portland, Oregon 97232

REEL:2897

PAGE: 443

December 11, 2007, 11:26 am.

CONTROL #: 212170

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 36.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 ORDER

3 IN THE MATTER OF THE APPLICATION OF CHEMAWA STATION
4 LLC FOR APPROVAL OF THE KEIZER STATION MASTER PLAN
5 (AREA D-COMMERCE CENTER) AND MAJOR VARIANCE
6 (MASTER PLAN/MAJOR VARIANCE CASE NO. 2004-38)

7 The City of Keizer orders as follows:

8 Section 1. THE APPLICATION. This matter came before the Keizer City
9 Council on the application of Chemawa Station LLC for a master plan and major
10 variance for the Keizer Station Plan - Area D (Commerce Center).

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

15 Section 3. PUBLIC HEARING. A public hearing was held on this matter before
16 the Keizer City Council on October 18, 2004. The following persons either appeared
17 at the City Council hearing or provided written testimony on the application before the
18 Council:

- 19 1) Eric Scott, Representing Chemawa Station LLC
20 2) Ken Deener, KJD Architecture
21 3) Hermanus Steyn, Kittleson & Associates

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

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

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

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

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

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

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

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

18 ///

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1 Section 12. APPEAL. A party aggrieved by the final determination in a
2 proceeding for a discretionary permit or a zone change may have it reviewed under
3 ORS 197.830 to ORS 197.834.

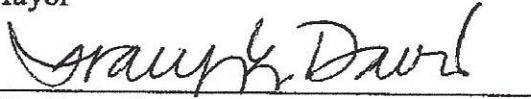
4 PASSED this 1st day of November, 2004.

5 SIGNED this 1st day of November, 2004.

6
7
8
9



Mayor



City Recorder

EXHIBIT "E"

Action

The City of Keizer hereby ORDERS as follows:

The application for approval of the master plan and variance are hereby GRANTED subject to the conditions set forth below. Unless specifically stated otherwise herein, all conditions must be met prior to the issuance of any building permits (See Condition 63):

1. The construction of all the public improvements and its associated landscaping must be completed within two years of the final date of this decision which can be extended upon approval by the Community Development Director. This approval is only valid when the construction is completed by November 2, 2006. Any request for an extension must be made in writing prior to this date.
2. The applicant shall submit a phasing plan for all improvements for approval by the Community Development Director.
3. The development shall be required to meet all Development Code requirements relating to signs as found in Section 2.308.
4. The landscaping and pathway improvements including water features, plazas and other amenities for the entire Area D shall be provided as shown in the application or as modified by the conditions of approval. The final landscaping and pathway plans shall be approved by the Community Development Director prior to installation. These landscaping and pathway improvements shall be provided in conjunction with the first building permit approved for the development or as specifically approved by the City of Keizer.
5. A landscaping design for the area adjacent to the Interstate 5 freeway and the Salem Parkway shall be submitted to the Community Development Director's for review and approval. The design shall demonstrate a coordinated design with Area A.
6. The land area devoted to industrial and commercial uses, as required in KDC 2.113, IBP Zone, shall be met and maintained within Area C. The amount of "Flex Space" use, as defined in Section 2.113.02.N.2 shall be limited to that specified in this section of the KDC.
7. Except as approved in the variance application, all KDC dimensional requirements for building heights, lots, and setbacks shall be met.

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

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

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

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

58. Unless otherwise specifically modified by this decision, development of all structures and parking areas shall comply with remaining requirements of the Keizer Development Code, and shall provide for the public good by providing a minimum of ten (10) stalls for Park and Ride vehicles. The amount of designated Park and Ride spaces may be increased. These spaces shall be posted indicating parking only for Park and Ride between the hours of 7 a.m. and 5 p.m. Monday through Friday.

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

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

VARIANCE:

60. The applicant shall locate the proposed structures and parking areas as indicated on the submitted site plan and shall maintain a minimum setback of ten (10) feet from the inner edge of the sidewalk on the north side of the Loop Road.

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