

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 ORDER

4
5 **IN THE MATTER OF THE APPLICATION OF CHEMAWA**
6 **STATION, LLC FOR APPROVAL OF THE KEIZER**
7 **STATION MASTER PLAN AMENDMENT (AREA D –**
8 **KEIZER STATION); AMENDMENT OF ORDER IN THE**
9 **APPLICATION OF CHEMAWA STATION LLC ADOPTED**
10 **SEPTEMBER 8, 2020 AND ORDER IN THE APPLICATION**
11 **OF CHICK-FIL-A ADOPTED FEBRUARY 16, 2021**
12

13 The City of Keizer orders as follows:

14 Section 1. THE APPLICATION. This matter comes before the Keizer City
15 Council on the application of Chemawa Station, LLC for a master plan amendment for
16 the Keizer Station Plan – Area D.

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

21 Section 3. PUBLIC HEARING. A public hearing was held on this matter before
22 the Keizer City Council on April 17, 2023. The following persons either appeared at the
23 City Council hearing or provided written testimony on the application before the
24 Council:

- 25 1. Shane Witham, Planning Director
26 2. Chris Lundberg, Applicant's Attorney

3. Delores Pigsley, Chair of the Siletz Tribe
4. Mark Langley, Confederated Tribe of the Grand Ronde
5. Alan Roodhouse, Applicant's Representative

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

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

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

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

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

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

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

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

1 Section 12. AMENDMENT OF MASTER PLAN ADOPTED SEPTEMBER 8,
2 2020 FOR KEIZER STATION AREA D. The intent of the City Council is that this
3 Order, when fully effective and final, amends the previous Keizer Station Plan – Area D
4 Master Plan Order adopted on September 8, 2020.

5 Section 13. AMENDMENT OF MASTER PLAN ADOPTED FEBRUARY 16,
6 2021 FOR KEIZER STATION AREA D. The intent of the City Council is that this
7 Order, when fully effective and final, amends the previous Keizer Station Plan – Area D
8 Master Plan Order adopted on February 16, 2021.

9 Section 14. APPEAL. A party aggrieved by the final determination in a
10 proceeding for a discretionary permit or a zone change may have it reviewed under ORS
11 197.830 to ORS 197.834.

12 PASSED this 15th day of May, 2023.

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14 SIGNED this 15th day of May, 2023.

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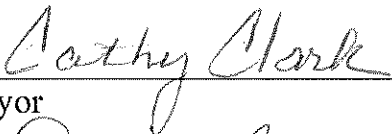
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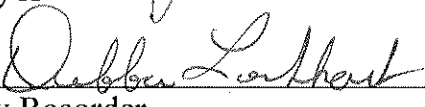
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Mayor


City Recorder

EXHIBIT "A"

Evidence

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

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

Planning Director Shane Witham summarized his staff report and explained that the maps show footprints and general layout and that Council does not approve the tenants. He reviewed the criteria for the master plan and then fielded questions regarding sidewalks, bike paths, storm water mitigation and the traffic study.

Chris Lundberg, attorney for the Siletz Tribe, provided a brief background on the project and explained that he had no objections to the conditions added by the City.

Delores Pigsley, Chair of the Siletz Tribe, urged Council approval of the application noting that the project would benefit the community and provide jobs for people in the area.

Mark Langley, representing the confederated tribe of Grand Ronde, voiced support for this economic development project noting that it would create jobs for the tribes and the community.

Alan Roodhouse, voiced support for this project, shared information about the anticipated timeline and tenants noting that the traffic generated by the anticipated tenants will be less than originally planned and with therefore level out the impact of Chick Fil-A and In-and-Out.

Discussion then took place regarding how to get bike/ped traffic from this development to the Keizer Little League fields, extending the MLK walkway path. Councilor Starr indicated that she supported the development but was skeptical of the traffic engineer study. Councilor Kohler noted that Council needed to talk to the railroad. Councilor Husseman added that conversations should take place with the railroad, Oregon Department of Transportation and anyone else who deals with traffic issues.

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

EXHIBIT "B"

Criteria and Standards

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

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

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

EXHIBIT “C”

Facts

FINDINGS: GENERAL

1. The applicant is Chemawa Station, LLC. The applicant’s representative is Christopher Lundberg. The subject property is owned by the Confederated Tribes of the Siletz Indians and the Confederated Tribes of Grand Ronde.
2. The subject property is Area D (Commerce Center) of the Keizer Station Plan which is located at the Chemawa/Interstate 5 interchange. The subject property is identified on Marion County Tax Assessor’s Map as Township 6 South Range 3 West; Section 36D, Lot #00400. The property is bisected by Ulali Drive which serves as access to the subject property and provides connectivity to Area A of the Keizer Station. The proposed amendment request affects only the property located south of the jug handle of Ulali Drive.
3. The subject property is designated Campus Light Industrial on the Comprehensive Plan Map and is zoned IBP (Industrial Business Park).
4. The proposal is for an amendment to the previously adopted Master Plan for Area D. This amendment will modify the previously approved site plan by changing the location and number of buildings and uses, overall parking lot layout, and landscaping features and amenities located in the area south of Ulali Drive. The original approval provided for a total of eight buildings with a gross leasable area of 87,975 square feet to be developed with a mix of retail, office, and flex-industrial uses. The proposed amendment will reduce the gross leasable area to 72,535 square feet and will include six buildings and a drive through coffee kiosk. Most of the proposed uses will involve eating and drinking uses, along with some retail, a car wash, tire sales, and hotel tenant. No changes are proposed to the northern side of Ulali Drive.
5. This is the third amendment to the approved Area D master plan. This master plan amendment is subject to a Type II-B procedure (KDC 3.101.02), which includes a public hearing and decision by the City Council.

FINDINGS: KEIZER STATION MASTER PLAN AMENDMENT

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

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

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

3.113.04.A. The master plan shall meet the purpose and objectives identified in the Keizer Station Design Plan:

The identified purpose for Area D is to have a mix of industrial uses. Key issues were identified for consideration including: the location and design of transportation facilities; traffic operations at the Chemawa Interchange; and physical constraints (e.g. power lines, utility easements and rail right-of-way) that will influence the amount of buildable land and building locations. The applicant's proposal addresses the identified key issues and no changes are proposed to the previously approved transportation system or traffic operations. Information was provided by the applicant's traffic engineer which demonstrates the current proposal is consistent with previous approvals for overall traffic generation, and the site plan considers the physical constraints of the site. A mix of uses are proposed for the site. The proposed uses, although different from previous approvals, do provide a mix of uses that are allowed by the Industrial Business Park zoning designation.

The identified objectives for Area D are focused on achieving: a source of employment opportunities; and protect traffic operations. The applicant's proposal represents a fairly substantial shift in proposed uses and employment opportunities provided by the plan. The original 2004 Master Plan and subsequent amendments envisioned the area south of Ulali Drive to be developed with a mix of uses to include a restaurant, some flex retail, and a substantial amount of office and flex-industrial uses. The current proposal eliminates the commercial office and flex-industrial uses, and increases the amount of eating and drinking establishments, proposes a hotel user, along with other retail and industrial uses. The applicant's written statement addresses this shift in proposed uses and employment opportunities that can be realized by this proposal. They have provided documentation regarding the lack of interest in office or flex-industrial users and point out the current proposal will result in a mix of uses that will provide a vibrant

commerce center and varied employment opportunities. Traffic operation for the site are controlled through a signalized intersection on Ulali Drive which is currently operational, and the applicant has provided a trip generation comparison prepared by their traffic engineer which shows that less trips will be generated by this proposal than originally approved. Therefore, staff finds this proposal complies with this criterion.

3.113.04.B.1. Design Standards:

The applicant indicates the proposed building will comply with all design standard provisions of the development code and previous master plan approval conditions. Conditions were placed on the original approval and subsequent amendments, that specific building designs would be regulated as a part of the building permit review and approval process to ensure compliance with the standards of the Keizer Development Code (KDC). These conditions will assure that all future buildings governed by this amendment will comply with this criterion. The applicant submitted building façade examples which demonstrate consistency with the architectural design of buildings that are developed throughout the Keizer Station Development. Therefore, staff finds this proposal complies with this criterion.

3.113.04.B.2. Transportation System Standards:

The Public Works Department has reviewed the proposed amendment and provided comments and conditions relating to transportation facilities. The traffic signal required for access and egress to and from Ulali Drive for this section of Area D is constructed and fully functional. Prior to any occupancy permits for the southern portion of Ulali Drive, the design for the signal and signage shall be reviewed by the Public Works Department for adequacy to serve the proposed development. This condition will assure that traffic safety standards can be adhered to and is found to be necessary for compliance with the requirement of the Keizer Station Plan. Therefore, staff finds this proposal complies with this criterion.

3.113.04.B.4. Parking Standards:

The proposed amendment will modify the parking lot layout. Recent changes to state law prevent the City from requiring a specific amount of minimum parking. However, the applicant's site plan provides parking that is designed to serve the proposed uses, with adequate aisle widths, parking space dimensions, and associated landscaping. Staff has reviewed the applicant's site plan and finds the proposal is both adequate and appropriate, as it provides maneuverability, traffic flow, and parking for patrons frequenting the development. As a part of the building permit approval process, details on parking and maneuvering areas along with associated landscaping will be reviewed for compliance with applicable provisions of the KDC. Therefore, staff finds this proposal complies with this criterion.

3.113.04.B.5. Landscape Standards:

The proposed amendment modifies the site plan and therefore modifies the associated landscaped areas. The original conditions of approval governing Master Plan/Major Variance Case 2004-38 and subsequent Master Plan Amendment/Major Variance Case 2020-10, and Master Plan Amendment Case 2020-24 contained specific conditions regarding landscaping requirements. A landscaping plan was provided with this amendment application for the portion of the site being modified which generally demonstrates compliance with the established conditions and provisions of the KDC. As a condition of approval, a detailed landscaping plan must be provided to assure that compliance with the provisions of the KDC. This will be reviewed and regulated as part of the building permit review and approval process. Therefore, staff finds this proposal complies with this criterion.

Staff finds the applicant's proposal demonstrates consistency with the criteria of the original approval of Master Plan/Major Variance Case 2004-38, subsequent Master Plan Amendment/Major Variance Case 2020-10, and Master Plan Amendment Case 2020-24, and thus satisfies this criterion.

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

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

- Modify the previously approved site plan by changing the location and number of buildings and uses, overall parking lot layout, and landscaping features and amenities located in the area south of Ulali Drive. The original approval provided for a total of eight buildings with a gross leasable area of 87,975 square feet to be developed with a mix of retail, office, and flex-industrial uses. The proposed amendment will reduce the gross leasable area to 72,535 square feet and will include six buildings and a drive through coffee kiosk. Most of the proposed uses will involve eating and drinking uses, along with some retail, a car wash, tire sales, and hotel tenant. No changes are proposed to the northern side of Ulali Drive.
- Modify the parking lot layout and number of spaces provided to serve the proposed development plan. Parking and loading areas provide adequate maneuverability, traffic flow, and parking for patrons frequenting the restaurant. Appropriate parking lot landscaping is shown on the applicants submitted landscape plan.

- Changes to the previously approved building façade examples for the area south of Ulali Drive. The proposal provides example building elevations that are consistent with the City's design standards and are intended to represent the type of construction that is proposed. While exact designs are not yet determined and have not been submitted, the examples demonstrate consistency with the existing buildings developed throughout the Keizer Station Area, and will be reviewed for compliance with City standards through the building permit review and approval process.

All conditions of approval from the original Master Plan /Major Variance Case 2004-38, subsequent Master Plan Amendment/Major Variance Case 2020-10, and Master Plan Amendment 2020-24 will apply to this amendment. Some minor changes to the existing conditions are proposed to align the new proposal, clarify requirements, and approval timeframes. Staff finds the proposed amendment demonstrates consistency with the criteria of the original approval of the Master Plan/Major Variance and thus satisfies this criterion.

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

FINDINGS: The proposal is to decrease the number of overall buildings and gross leasable square footage on the southern side of Ulali Drive. The applicant provided a trip generation memo/analysis prepared by Kittelson & Associates which demonstrates compliance with this criterion. The trip generation comparison provided indicates the proposed amendment will not increase the overall anticipated trip generation of the site, and the development proposal is consistent with the original adopted Traffic Impact Analysis. Therefore, the applicant's proposal satisfies this criterion.

EXHIBIT "D"

Justification

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

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

The applicant has proposed changes to the amended master plan to modify the previously approved site plan by changing the location and number of buildings, overall parking lot layout, and landscaping features and amenities located south of Ulali Drive. This amended plan meets the criteria of the current Keizer Station Plan and Keizer Development Code provisions.

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

EXHIBIT "E"

Action

[Note: Many of the conditions listed are from the ~~2004 Master Plan~~ previous Master Plan Approvals and Amendments, and have been completed.]

The City of Keizer hereby ORDERS as follows:

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

Previous Land Use Action:

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

CONDITIONS FOR MASTER PLAN:

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

remaining landscaping and improvements shall be constructed prior to issuance of the Certificate of Occupancy for the first building south of Ulali Drive.

5. A landscaping design for the area adjacent to the Interstate 5 freeway and the Salem Parkway shall be submitted to the ~~Community Development Planning~~ Department for review and approval. The design shall demonstrate a coordinated design with Area A.

6. The land area devoted to industrial and commercial uses, as required in KDC 2.113, IBP Zone, shall be met and maintained within Area D. The amount of "Flex Space" use, as defined in Section 2.113.02.N.2 shall be limited to that specified in this section of the KDC.

7. Except as approved in the variance application, all KDC dimensional requirements for building heights, lots, and setbacks shall be met.

8. Street names and numbers shall conform to the established standards and procedures in the City. Street names shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No building permit shall be issued without approved street names. Due to the significance of this development as a landmark of the City of Keizer, street names must also receive approval of the City Council.

9. Street trees shall be planted at the locations and varieties specified in the submitted landscaping plan. A minimum caliper of 2 inches shall be used for street trees and all other trees in areas near pathways, walkways streets and parking areas. A final street tree planting plan shall be approved by the ~~Community Development Planning~~ Department prior to planting. All other landscaping standards of the KDC shall be met. Evergreen trees may be varied in height as long as the average height of all evergreen trees planted shall be an average height of 6 feet at time of installation.

10. Ground cover and shrubbery shall be planted in conformity with the KDC and industry standards as approved by the ~~Community Development Planning~~ Department, and shall reach full coverage by the third year of growth for ground cover and the fifth year of growth for shrubbery.

11. The amount of area landscaped, and the design thereof, shall conform substantially with the plan submitted as part of the original application (2004-38). A final landscaping plan shall be submitted for approval by the ~~Community Development Planning~~ Department prior to planting. The landscaping plan shall

incorporate the site plan modifications identified in Master Plan Amendment/Major Variance Case 2020-10, ~~as well as Master Plan Amendment Case 2020-24, and Master Plan Amendment Case 2023-02.~~ Design for the proposed water feature must receive final approval from the ~~Community Development Planning~~ Department and will be required to be provided in conjunction with the development of the interior of the jug handle area north of Ulali Drive. Additional detailed landscaping plans for the area south of Ulali Drive (Phase 2) shall be approved prior to issuance of building permits for that area.

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

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

14. Parking shall be provided as required by KDC 2.303, and shall substantially conform to what is shown on Exhibit "E-1" and ~~(as shown in Master Plan Amendment Case 2020-24)~~ (Order adopted on February 16, 2021 for Keizer Station Area D). Parking driveway aisles shall be a minimum of 24 feet wide. A plan documenting compliance with parking requirements shall be provided for the ~~Community Development Planning~~ Department's Master Plan approval. Verification shall be provided during building permit review.

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

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

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

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

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

20. Pedestrian systems crossing driveways, parking areas and loading areas shall be clearly identified through the use of stamped concrete, pavers or similar methods and shall be indicated on the building permit plans submitted. Additional pedestrian connections will be required to be provided in conjunction with the development of the Pad "A" site(as shown in Master Plan Amendment Case 2020-24). Connections must be provided to connect the public plaza, as well as the area along Ulali drive in the northwest quadrant of the site.

21. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. The lighting plan shall be approved by the ~~Community Development~~Planning Department.

22. The applicant shall construct connections to the regional multi-use path adjacent to the Salem Parkway. This shall provide connections to the pathway which border the Salem Parkway in both a south and the north direction as shown on the submitted plans.

23. Awnings shall be provided for all walkways adjacent to buildings that comply with Section 2.315 of the Keizer Development Code.

24. The proposed site lighting shall not cast any light or glare toward the residential properties to the west or allow any direct visual access to a direct lighting source from any residential property.

25. Security lighting shall be provided which provides secure illumination of the Chemawa Road under crossing, while being directed away from the flow of traffic, so as not to cause glare.

26. Building design elements including ground floor windows, facades, awnings and materials shall satisfy KDC 2.315.08.

27. The elevations of all buildings shall be varied in texture and materials and shall create a very human scale in massing and incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements and shall reflect the original proposal (2004-38) exemplified by that submitted for the Tenant Retail building and the NE Comer of Building Six (6), as well as the elevations submitted for Store 'C' as a part of the 2020-10 application, and the example elevations submitted as part of the 2023-03 application. Different materials, varied at the same frequency as the architectural elements, shall be used and shall conform to the samples in the submitted materials. These materials shall be varied in type, and incorporate such things as cultured stone, a variety of split face Concrete Mortar Units (CMU's), as well as smooth faced CMU walls. The colors used shall be in compliance with the KDC Development Standards Section 2.315.08.B.5.

28. Screening of roof-mounted equipment from adjacent public streets shall be required.

29. All accessory structures including trash receptacle and mechanical devices shall be screened from view in compliance with Section 2.315.08.C of the Keizer Development Code.

30. Maintenance of landscaping materials as specified in the Keizer Development Code Section 2.309, space tracts, plazas, and pathways shall be the responsibility of applicant.

31. Construction specifications (e.g., base rock, concrete/pavement thickness) for the separate pathways shall be subject to Public Works Department approval in accordance with Keizer City Standards.

32. The development shall conform to the requirements of all federal, state, and local requirements, including but not limited to ADA requirements.

33. During construction, adjoining properties shall be protected from impacts of noise at unreasonable hours, unreasonable dust, and safety concerns, and shall conform to Keizer City requirements regulating such impacts.

34. The applicant shall work with the Transit District to ensure compliance with the requirements found in Section 2.305 of the KDC.

35. In addition to complying with all development standards, all new utility connections and lines shall be located underground.

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

MASTER PLAN:

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

The traffic signal required for access and egress to Ulali Drive for this section of Area D has been designed, constructed and fully functional for the area between Ulali Drive and Chemawa Road. However, prior to any occupancy permits for any buildings on the south side of Ulali Drive, the design for the signal and signage for the area shall be reviewed for adequacy to serve the proposed development.

PUBLIC WATER SYSTEM:

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

One of the existing water service lines will have to be abandoned since there will only be 3 services required for the new amendment. (Master Plan Amendment Case 2020-24)

The existing public water system from Ulali Drive to the elevated water reservoir will be required to be located and possibly relocated if the existing water main conflicts with the proposed new street and utility system for the area south of Ulali Drive.

A water system layout to provide service to all of the proposed new buildings shall be submitted to the City of Keizer Public Works Department for review and approval and possible new easements.

Adequate access easements to the existing elevated water reservoir shall be provided prior to any new construction on the subject property.

SANITARY SEWER SERVICES:

The sanitary sewer service to the previously proposed tire store will have to be abandoned per the City of Salem standards and approved by the Keizer Public Works Department. (Master Plan Amendment Case 2020-24)

A sanitary sewer plan to provide service to the area shall be submitted for approval to the City of Keizer Department of Public Works and the City of Salem Department of Public Works. Any unpaid acreage fees for the subject property shall be paid prior to connection of any of the area proposed for development to the sanitary sewer system.

DETENTION BASIN AND STORM DRAINAGE:

The currently constructed detention basin and storm drainage system will be required to be redesigned to conform to the revised Master Plan. It is not apparent to the Public Works Department that there will be an overall reduction in impervious areas for the Pad "A" site portion of the property. (Master Plan Amendment Case 2020-24)

The currently constructed detention basin and storm drainage system will be required to be reviewed for adequacy to serve the revised Master Plan.

The storm drainage system for the proposed development shall include green infrastructure for storm water treatment.

SANITARY SEWERS:

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

36. Prior to development of the subject property, a master sewer plan for the proposed development shall be submitted to the City of Keizer's Department of

Public Works for review and approval. The plan shall include proposed rim and invert elevations, proposed alignment of sewer mains and proposed easements.

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

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

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

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

WATER SYSTEM:

The developer has submitted a master water system plan showing proposed routes of public water mains and fire hydrants. The master plan is generally acceptable to the Public Works Department, however, prior to submittal of final construction plans the developer's engineer shall arrange for a pre-design conference to discuss water main sizing, meter sizing and locations, fire hydrant locations, fire sprinkler line locations and easement width for all public lines (including fire hydrant lines) located outside of right of ways. Additionally, the developer will be required to coordinate construction activities with the developers of Area A. Final location of all meters is to be approved by the Keizer Department of Public Works. To provide for adequate peak consumption and fire protection requirements it has been determined that additional public facilities will be required including but not limited to elevated storage facilities, wells, connection to existing mains on the west side of the BNRD right of way, and any other off-site construction required to provide required peak flows to the proposed development. It is the Department of Public Works understanding that the developers of Area A in conjunction with developers of Area D are undertaking a study to determine the required water system improvements necessary for the development of

the Keizer Station area. No permits for the subject property shall be issued until the Department of Public Works has reviewed and accepted the study. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections.

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

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

STORM DRAINAGE IMPROVEMENTS:

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

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

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

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

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

TRANSPORTATION:

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

49. All new streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards and in conformance with the final Transportation Impact Analysis adopted for the Keizer Station Plan. The loop street shall be designed to arterial standards in terms of structural section and geometrical configuration or engineered alternative as approved by the Department of Public Works. Preliminary construction specifications and plans for all transportation mitigation measures necessary to satisfy the improvements identified in the "Transportation Impact Analysis, Keizer Station Plan" for all street construction, including retaining walls, fencing, landscaping, sidewalks, signing, etc. shall be submitted to the Department of Public Works for review prior to submitting final plans

for approval. The Department of Public Works will review the proposed plans and make recommendations for any additional work and coordination with other development in the area as needed. Prior to approval of any development on the subject property or issuance of any construction permits, the developer shall submit an access and utility easement document suitable for recording for review and approval by the Department of Public Works.

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

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

GENERAL:

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

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

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

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

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

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

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

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

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

60. In certain circumstances, findings of fact in ~~both~~ the September 2020 Order, February 2021 Order, —and this Order may contain conditions or clarifications of conditions set forth in this Exhibit. In such cases, the conditions or clarifications of conditions in those findings of fact are incorporated herein as if fully set forth.

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

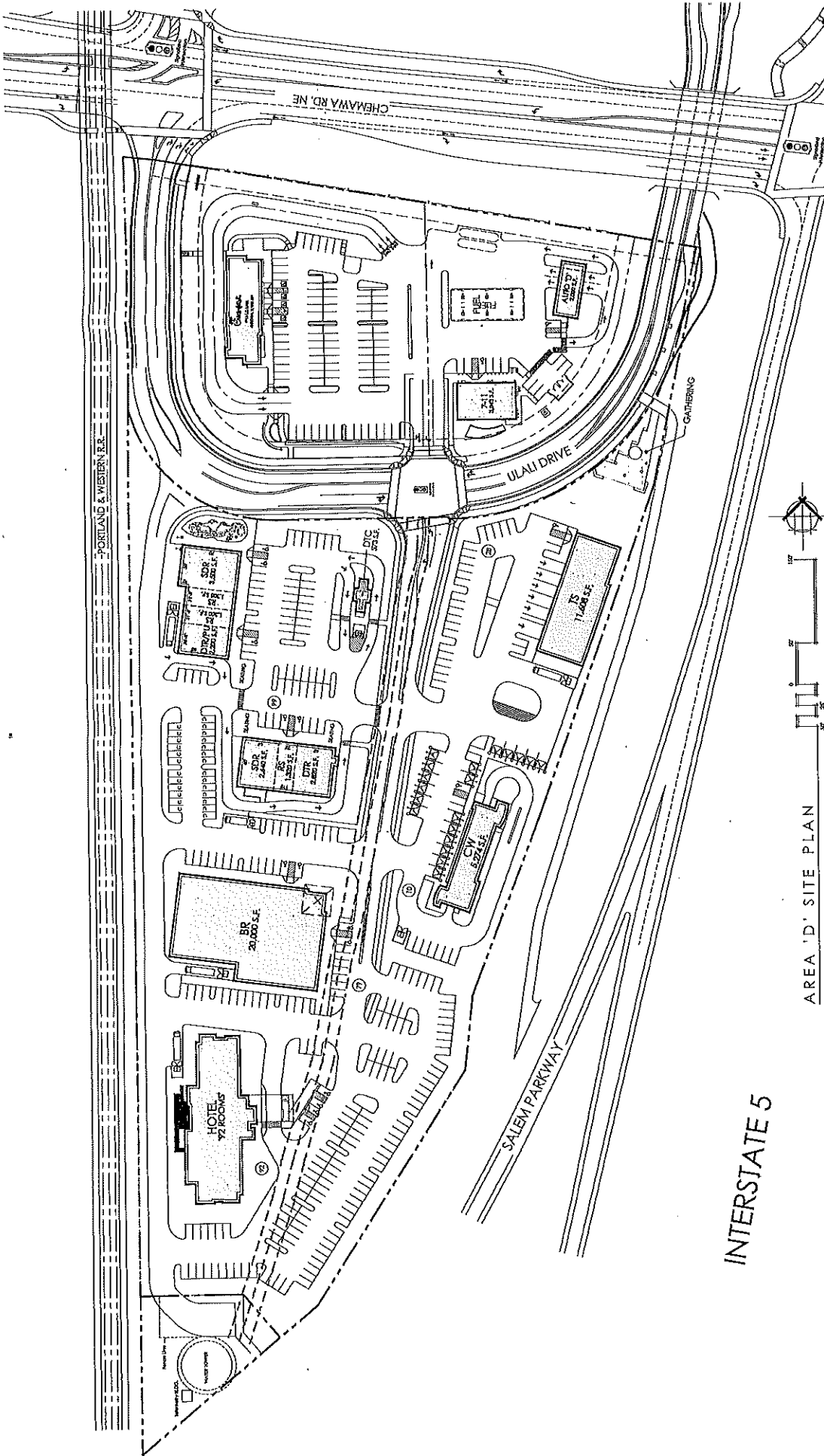
VARIANCE:

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

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

63. Unless expressly stated otherwise with these conditions, no building permits shall be issued until all conditions have been met or the applicant has demonstrated with

certainty in the City's discretion the ability to meet such conditions. For example, no building permit shall be issued until contracts have been let for all infrastructure. Building permits may also be held until sufficient infrastructure is completed to support the requested development.



AREA 'D' SITE PLAN

March 08, 2023

BENNER STANGE ASSOCIATES ARCHITECTS, INC.
 THE WATERMAN BUILDING
 SUITE 210-PORTLAND, OR 97204
 FAX (503) 241-2204
 www.bsaarchitects.com

BSAA
 ARCHITECTURE & PLANNING

CHEMAWA STATION - AREA 'D'

Ulali Drive | Keizer, Oregon

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