



KEIZER PLANNING DEPARTMENT

NOTICE OF DECISION Partition Case 2022-04

I. REQUEST

The following report reviews a land use application to divide an existing parcel totaling approximately 20,194 square feet located at 287 Dearborn Av N, Keizer into three parcels containing approximately 5,352 net square feet (Lot 1), 5,011 net square feet (Lot 2) and 5,002 square feet (Lot 3) (Exhibit 1).

II. BACKGROUND

- A. APPLICANT/PROPERTY OWNER:** 287 Dearborn LLC
- B. AGENT:** Willamette Engineering - Jerry Horner
- C. PROPERTY LOCATION:** The subject property is located at 287 Dearborn Av N. The Marion County Tax Assessor's office identifies the property as Township 7 South, Range 3 West, Section 02BC, Tax Lot # 03300 (Exhibit 2).
- D. PARCEL SIZE:** The subject property contains approximately 20,194 square feet.
- E. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property contains an existing home and shop which are proposed to be removed. The property is served by both public water and sewer. There is an existing driveway which will be consolidated with a proposed access easement from Dearborn Av N.
- F. ZONING:** The subject property is zoned Single Family Residential (RS) and is designated Low Density Residential (LDR) on the Comprehensive Plan. The subject property is also within the River-Cherry Overlay District (RCOD).
- G. ADJACENT ZONING AND LAND USES:** Surrounding properties to the east, west, and south are zoned RS and are developed with single family homes. The property to the north is zoned Medium Density Residential (RM) and is developed with multi-family dwellings.
- H. PREVIOUS LAND USE APPROVAL:** On October 2, 2021, the subject property was approved by the Hearings Officer for a 4-lot subdivision with City of Keizer land use case file 2021-13 but was not finalized by the recording of a plat with Marion County. This Partition application and approval will replace and nullify the previous subdivision approval.

III. COMMENTS - AGENCY

- A. The Keizer Public Works Department submitted comments (Exhibit 3) regarding requirements for public facilities and improvements necessary to serve the subject property.
- B. The Marion County Surveyor's Office submitted comments (Exhibit 4) regarding the process for platting the partition consistent with state law.
- C. Salem Keizer School District 24J submitted comments (Exhibit 5) indicating there is sufficient school capacity to serve the proposed development.
- D. The Keizer Police Department, Keizer Fire District, and City of Salem Community Development Department submitted that they have reviewed the proposal and have no comments.

CITIZEN COMMENTS:

A letter requesting comments was sent to the surrounding property owners within 250 feet of the subject property. No responses were received.

IV. FINDINGS AND CONCLUSIONS

The following are findings that address the Partition request to divide the property into three parcels in accordance with the Keizer Development Code. The approval, or denial, of a partition application is based on compliance with the decision criteria found in Section 3.107 of the Keizer Development Code. The criteria and staff's findings for the applicable sections of the Keizer Development Code are listed below:

- A. **SECTION 3.107.07.A - EACH PARCEL SHALL MEET THE ACCESS REQUIREMENTS OF SECTION 2.310.03.D.**

All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum width required by the underlying zone unless an exception applies.

FINDINGS: The intent of this provision is to ensure that all lots have a minimum frontage along a public street so that development may occur in compliance with city standards and building setback requirements. An exception applies for lots or parcels that are accessed via an access easement.

The subject property is located within the RS zone and within the RCOD. If the standards set forth in the RCOD conflict with standards in the underlying zoning districts, the RCOD development standards shall control. The minimum lot frontage along a public street for properties located in the RS zone is 40' but reduced to 35' if located within the RCOD.

Lot 1 has 100 feet of frontage along Dearborn Av N while Lot 2 and Lot 3 have frontage along a private access easement. All three lots will have their access from the access easement. Private Access Easements are required to be developed in accordance with the provisions of Section 2.302.08 and will be addressed later in this report. Staff finds this proposal can satisfy this criterion.

B. SECTION 3.107.07.B - EACH PARCEL SHALL SATISFY THE DIMENSIONAL STANDARDS OF THE APPLICABLE ZONING DISTRICT, UNLESS A VARIANCE FROM THESE STANDARDS IS APPROVED.

FINDINGS: As mentioned above, the subject property is located in the RS zone and within the RCOD. The RS zone requires new lots to have a minimum width of 40' and a minimum depth of 70' for a single-family home. The RCOD reduces the minimum width required to 35' but the minimum depth requirement of the RS zone of 70' remains. The applicant's proposed plan and written statement indicate all three lots exceed the minimum width requirement of the RCOD and the minimum depth requirement of the RS zone. Lot 1 is proposed to be approximately 81' wide and 100' deep; Lot 2 is proposed to be approximately 71' wide and 100' deep and Lot 3 is proposed to be approximately 50' wide and 100' deep.

The RS zone also regulates setback requirements in the dimensional standards section of the development code. The existing dwelling and shed will be removed. Setbacks on future dwellings will be reviewed at the time of building permit approval.

As a condition of partition approval, each lot must meet the minimum required width of the RCOD and the minimum required depth of the RS zone. All dimensions must be shown on the preliminary and final plat. With these conditions, staff finds this request can satisfy this criterion.

C. SECTION 3.107.07.C - EACH PARCEL SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 2.310.

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

FINDINGS: The property is located in the RS zone and within the RCOD. The RS zone requires new lots to have a minimum square footage of 4,000 square feet but properties within the RCOD are required to have a minimum lot area of 3,500 square feet for a detached single-family dwelling. Private access easements shall not be included when calculating the area of a lot. The applicant has submitted a site plan showing Lot 1 as approximately 8,129 square feet gross area and 5,352 square feet in net area; Lot 2 as approximately 7,076 square feet in gross area and 5,011 square feet in net area and Lot 3 as approximately 5,002 square feet in net area. All three lots exceed the minimum requirement of 3,500 square feet. As a condition of partition approval, the preliminary and final plat must show both net and gross area calculations, which will ensure this requirement is met. Therefore, with this condition of approval, staff finds this request satisfies this criterion.

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

FINDINGS: The intent of this provision is to prevent the creation of parcels unusually deep and narrow which can be difficult to serve and develop, and to promote an orderly and efficient development pattern and use of property. The submitted site plan shows the proposed lots comply with this standard. Lot 1 is approximately 81' wide and 100' deep; Lot 2 is approximately 71' wide and 100' deep; and Lot 3 is approximately 50' wide and 100' deep. None of the lots will have a length three times its width and therefore meets the minimum lot width and depth ratio requirements as outlined in the KDC. This proposal complies with this criterion.

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

FINDINGS: The intent of this provision is to allow the division of property that will result in uniform shaped lots thereby avoiding difficult to develop lots. The subject property is a rectangular shaped property that will result in dividing the lot into 3 rectangular shaped lots. The proposed lot lines run at right angles and the rear lot lines are all uniform with each front line not less than ½ the dimension of the front lot line. This development proposal will allow the property to be developed consistent with the provisions of the KDC. Therefore, staff finds this request satisfies this criterion.

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

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

5. ***Section 2.310.05.A. Private Access. Private driveways serving flag lots, or private streets and access easements, shall be surfaced per the requirements of this code.***

FINDINGS: The applicant is proposing a 20' wide access easement to serve the newly created lots with a turnaround located between Lot 1 and Lot 2. The standards governing access easements will be further addressed later in this report. As a condition of partition approval, the proposed access easement will be required to be paved a minimum of 16' wide. Staff finds this request can comply with this criterion.

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

FINDINGS: The City has a legitimate governmental interest in assuring the development does not cause a public problem of inadequate, unsafe and inefficient

public transportation facilities. This is done by ensuring that adequate street improvements are provided in order to provide safe traffic and pedestrian and bicyclist access without which dangerous or hazardous traffic conditions are created. If the street frontage of the subject property exceeds 100' or is located along a collector or arterial street, as designated by the City's Transportation System Plan (TSP), or extends an existing dedicated right of way, the applicant shall improve the public street to current public standards. Dearborn Av N is designated in the City's TSP as a collector street. Collector streets are designed to be an intermediate street classification that distributes traffic from local streets onto arterial streets. They are designed to function with between 1,600 and 10,000 average daily trips.

The Public Works Department submitted comments pertaining to the street improvement requirements (Exhibit 3) which have been included as conditions for the partition approval. Dearborn Avenue is proposed to be widened to provide for a 17-foot half street on the North side of Dearborn with a 6-foot property line sidewalk. The exact design and construction of improvements will be regulated through the public improvement permit review and approval process, and will be required to comply with the City of Keizer Design Standards. In addition, Public Works has submitted comments for a street lighting district be created which will include adequate lighting for the widened portion of Dearborn Avenue. With these requirements placed as conditions of approval, this proposal will comply with this criterion.

D. SECTION 3.107.07.D - IMPROVEMENTS OR DEDICATIONS THAT ARE REQUIRED AS A CONDITION OF DEVELOPMENT APPROVAL, IF NOT VOLUNTARILY ACCEPTED BY THE APPLICANT, SHALL BE ROUGHLY PROPORTIONAL TO THE IMPACT OF THE DEVELOPMENT.

FINDINGS: The City has a legitimate governmental interest in assuring the development does not cause a public problem of inadequate, unsafe and inefficient public transportation facilities. This is done by ensuring that adequate streets are provided in order to avoid traffic generation that exceeds the street system's carrying capacity, which then causes dangerous or hazardous conditions. The Keizer Development Code requires that new development make road improvements to bring their road classification up to the road classification and construction standards. The legislative adoption of the street standards requires road improvements and road construction to be provided by the development as it occurs in proportion to its impacts. The functional classification of Dearborn Avenue is based upon the cumulative traffic impacts from the development of properties in the area which will use the streets, and in this case, the TSP designates Dearborn Avenue as a collector street. The existing improvements along the frontage of the subject property are inadequate and substandard. The proposed development will generate additional traffic (vehicle trips, bicycle, pedestrian) which will further strain the already inadequate transportation system in place. Therefore, staff finds that any increase in vehicle, bicycle, or pedestrian traffic would cause dangerous and/or hazardous traffic conditions. Failure to provide the appropriate improvements as outlined in the Keizer Development Code would be grounds for denial of the partition. The Keizer Public Works Department submitted requirements which have been made conditions of approval regarding the improvements necessary (Exhibit 3). The exact design will be regulated through the public construction

permit process, as required by the Public Works Department. It should be noted that right of way dedication is not anticipated, and no off-site improvements are being required as a part of this application. Therefore, staff finds the required improvements are roughly proportional to the impact of the development.

E. SECTION 3.107.07.E - EACH PARCEL SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS WITHIN SECTIONS 2.301 (General Provisions); 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); 2.309 (Site and Landscaping Design).

1. *Section 2.301 General Provisions. Public Facilities must be provided for all developments meeting the minimum requirements as outlined in Section 2.301.03. Public Facilities Improvements Requirements Table:*

FINDINGS: The intent of this provision is to ensure that new development is served by adequate public facilities and avoid having the situation where the public facilities are inadequate to serve the new development. The Keizer Development Code requires that appropriate public facilities be provided. The Public Works Department submitted comments (Exhibit 3) which specifically outline the requirements for the provision of public facilities to the proposed development of the three parcels. These comments have been incorporated into the conditions and requirements of this partition approval. Connection to the sanitary sewer system and water system will be required. An overall plan indicating how water service will be provided shall be submitted to the Public Works Department for approval. The proposed sanitary sewer service must be approved by both the City of Salem and City of Keizer. The installation of appropriate public facilities will be ensured through the permit review and approval process and will be placed as a condition of partition approval. Therefore, staff finds with the above-mentioned conditions of approval, this proposal satisfies this criterion.

2. *Section 2.302 Street Standards. Street standards are established to provide for safe, efficient, and convenient vehicular movement; adequate access to all proposed developments; and to provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights of way:*

FINDINGS: The subject property is proposed to be partitioned into 3 lots and is located on Dearborn Av N which has been designated a collector street in the City's TSP. Each lot will have their access consolidated into one access point off of Dearborn Av N via a shared private access easement with a turn-around located between Lot 1 and Lot 2. Currently, Dearborn Av N is substandard in street improvement width. The Public Works department is requiring Dearborn Avenue be widened to provide for a 17-foot half street on the North side of Dearborn with a 6-foot property line sidewalk. All street improvements proposed for Dearborn Avenue shall comply with the Public Works Design Standards for a Collector Street. Design and construction will be regulated through the public construction permitting process. With these conditions placed as a condition of approval, staff

finds this request can satisfy this criterion.

3. ***Section 2.302.03.M - Street Landscaping.***

FINDINGS: When required as part of the right-of-way design, planting strips must be planted with street trees and living plant material. Hard surfaces, excluding asphalt, can also be used. Acceptable trees are listed with the City of Keizer's Street Tree Ordinance and are required to be planted no less than one tree per 30 feet of property frontage as allowed by the street improvement design. Installation of street trees shall be included in any Improvement Agreement covering the installation of public facilities and services and must be included in the Public Works construction permit process. In addition, right-of-way street trees shall be shown on the tree replacement plan. Staff finds this criterion can be satisfied.

4. ***Section 2.302.08. Private Access Easements. A. Width; B. Maintenance; C. Turn-around; D. Parking; E. Trees Along Access Easements; F. Screening:***

FINDINGS: The intent of this provision is to assure private access easements are constructed in a manner consistent with city standards thereby avoiding the creation of a substandard access that might be unusable for vehicular traffic.

A. Width: A 20' wide easement with paved width of 16' is required for private access easements serving two or more dwelling units. In addition, the easement cannot exceed 300' in length. The improvement of the access easement shall be completed prior to approval of the final plat. In lieu of this, the applicant may obtain a performance bond, improvement agreement or other instrument acceptable to the City as outlined in Section 3.202.02.E.3 and 3.202.05.B of the Keizer Development Code. The applicant shows on his plan a 20' wide easement that is approximately 152' in length, and therefore can comply with these standards.

B. Maintenance: Provisions for the maintenance of the access easement, fencing along the access easement, address display signage and "no parking" signs shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City and shall be recorded with the Marion County Clerk. The agreement shall include language stipulating that the agreement cannot be extinguished without written approval from the City of Keizer. The City of Keizer Planning Department will review and approve the Agreement for recording. The applicant is required to record the Maintenance Agreement immediately after the recording of the Plat. Before issuance of a Certificate of Occupancy for the new homes, submission of proof of recording to the City is required. This will be a condition of partition approval.

C. Turn-around: The KDC requires a turn-around for access easements serving two or more dwelling units, in addition the Keizer Fire District require a turnaround for dead-end access roads in excess of 150' in length. The access easement is proposed to be approximately 152' in length and will serve all three lots, therefore a turn-around is required to serve both the City of Keizer and Fire District requirements. Turn-arounds shall be either a circular turn-around, or a "tee" or "hammerhead"

turn-around. The applicant has submitted a site plan (Exhibit 1) that shows an acceptable hammerhead turnaround located between Lot 1 and Lot 2.

D. Parking: No parking is allowed within the 20' required access easement width or turn-around area. This allows emergency vehicles to be able to access the new lots. All private access easements serving at the sole access for two or more parcels or lots shall display "No Parking" signs approved by the City. Installation of No Parking signs are a requirement before Certificate of Occupancy of a new home.

E. Trees Along Access Easements: In certain cases, streetscape trees are required along access easements. If required, trees shall comply with the provisions of Section 2.309 of the KDC. Lots measuring along the access easement less than 60' shall plant one streetscape tree and lots measuring more than 60' along the access easement shall be required to plant two streetscape trees. Streetscape trees are selected from a list of approved trees and planted within 10 feet of the access improvements within the boundaries of each lot.

Both Lot 1 and Lot 2 measure more than 60' along the access easement and both will be required to plant two streetscape trees along the access easement. Planting of streetscape trees on Lot 1 and on Lot 2 is a condition of Certificate of Occupancy for each new dwelling.

F. Screening: Unless waived in writing by the adjacent property owners, a 6' high sight-obscuring fence, wall, or hedge is required along the exterior side of an access easement to provide screening to any adjacent properties. In this case, a fence will be required along the east side of the access easement. This requirement is placed as a condition of partition plat approval.

Based upon the submitted site plan, the proposed private access easement can comply with Section 2.302.08, and with the above-mentioned conditions, staff finds this request satisfies this criterion.

5. ***Section 2.303 - Off-Street Parking and Loading.***

FINDINGS: Section 2.303 of the KDC requires single-family dwellings having their sole access by an access easement to provide three on-site parking spaces. However, lots located within the RCOD, with access via an access easement or on a street that restricts on-street parking, are required to provide a minimum of two parking space or a maximum of three parking spaces. All three lots are served solely by an access easement and located with the RCOD requiring a minimum of two parking spaces and a maximum of three parking spaces. Parking will be reviewed as part of the dwelling permit approval. Staff finds this proposal can comply with this criterion.

6. ***Section 2.305 Transit Facilities:***

FINDINGS: No transit facilities are proposed or necessary with this development; therefore, this criterion is not applicable to this proposal.

7. ***Section 2.306 – Storm Drainage***

FINDINGS: The intent of this provision is to ensure adequate storm drainage is provided, and avoid having runoff from properties becoming a nuisance or hindrance to other properties. The Public Works Department has submitted comments (Exhibit 3) regarding the requirements for storm drainage facilities.

Specifically, all impervious surfaces on the site, including the proposed access easement area, are to be designed to keep all storm water runoff on-site. No storm water runoff, from the new development, shall be directed to Dearborn Av N. The applicant has submitted a proposed drainage plan and stormwater details, however, prior to final plat approval, final plans consistent with Section 2.306 of the KDC, for on-site drainage, including storm water quality, detention, and outlet, shall be submitted to the Public Works Department for review and approval. Before any soil disturbance on the subject property, an Erosion Control Permit must be obtained from the City of Keizer. As a condition of approval, a final grading and drainage plan will be required for the proposed development and all lot corners shall have finished grade elevations indicated on the plan prior to the recording of the partition plat. With this placed as a condition of approval, staff finds this request can satisfy this criterion.

8. ***Section 2.307 – Utility Lines and Facilities***

FINDINGS: The intent of this provision is to allow new development to be served by public facilities thereby avoiding the need to connect into private systems and avoid any potential groundwater contamination issues. Public water and sewer are available to serve the development. The Public Works Department submitted written requirements that are conditions of this partition approval addressing the specific public facility requirements relating to sanitary sewer, water, and street and drainage improvements necessary to accommodate the development. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways. With these conditions of approval, staff finds that this request complies with this criterion.

9. ***Section 2.309 Site and landscaping design.***

FINDING: The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of mature/significant trees. Significant trees defined in Section 2.309.04.C of the KDC as having a height of more than 50' and/or having a trunk diameter more than 12" at breast height. In particular, this provision aims to replace significant trees at a ratio of 2:1.

The applicant submitted a tree removal plan that shows ten significant trees are marked for removal from the site, therefore, in order to be consistent with the city's 2:1 replacement ratio, 20 trees are to be planted to replace the trees that are removed. Giving allowances for four streetscape trees required along the access easement and two street trees along Dearborn Av N as part of the right-of-way design, 14 additional trees are required. Trees must be a minimum 2" caliper, planted prior to final building permit approval.

It will be a condition of final plat approval that a *Tree Replacement Plan* be submitted and approved by the Planning Department that shows all trees required, including replacement trees, streetscape trees along the access easement and the streetscape trees required along Dearborn Av N and part of the right-of-way design. The replacement plan could propose planting trees on the subject lots and/or off-site through our off-site tree mitigation program. Development of the property in conformance with an approved *Tree Removal and Replacement Plan* will be a condition of Certificate of Occupancy of any new dwellings. Staff finds with the above-mentioned conditions; this request will comply with this criterion.

F. SECTION 3.107.07.F - ADEQUATE PUBLIC FACILITIES SHALL BE AVAILABLE TO SERVE THE EXISTING AND NEWLY CREATED PARCELS:

FINDINGS: The applicant has indicated that public water and sewer are available or can be extended to serve the subject property. As a condition of partition approval, the requirements of the Public Works Department regarding public facilities must be adhered to as outlined in Exhibit 3 of this report. This request satisfies this criterion.

The proposed Partition complies with Section 3.107 of the Keizer Land Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and approves the proposal subject to conditions outlined in Section VI. Conditions and Requirements below.

V. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED THE PARTITION WITH CONDITIONS AND REQUIREMENTS** noted below. Findings in support of this decision are found in Section IV of this staff report.

Any interested person, including the applicant, who disagrees with this decision, may request an appeal be considered by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$250.00 fee. This fee may be refunded if the appeal is successful. An appeal request must be submitted in writing on a form provided by the City of Keizer. The appeal request must be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by **5:00 p.m. on May 31, 2022.**

Unless appealed, this decision becomes final on June 1, 2022.

Partition approval is only valid if the final plat is recorded prior to June 1, 2024.

VI. CONDITIONS AND REQUIREMENTS

The following conditions shall be completed, including review and approval by the appropriate department, prior to the time lines outlined below. Compliance with the Conditions of Approval shall be the sole responsibility of the applicants and/or property owner.

General:

1. The KDC requires the developer to connect to public utility services. The Development Code also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer is responsible for all utility connection costs. The City's System Development Charges for park development, water system improvements and transportation improvements shall be the fee in place at the time of building permit application. These Development charges, as well as those involving the extension of sewer, water, and/or storm drainage, will apply to this request.

Prior to Preliminary Plat Approval:

2. A detailed preliminary plat shall be submitted to the Marion County Surveyor's Office for review. The Marion County Surveyor's Office will then submit the preliminary plat to Keizer for review. The Preliminary Plat must be submitted for review prior to submittal of a final plat.
 - a. Parcels ten acres and less must be surveyed.
 - b. Per ORS 92.050, plat must be submitted for review.
 - c. Checking fee and recording fee required.
 - d. A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

The detailed preliminary plat shall include the following provisions:

- e. The preliminary plat shall substantially conform to the proposed partition request.
- f. The final plat must show both gross and net area calculations.
- g. The final plat must show the access easement and turnaround area.
- h. Include all engineering elements as required by the Department of Public Works requirements.
- i. Include a signature line for the City Engineer.

Prior to Final Plat approval (Mylar):

3. Following plat approval, the final plat and title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk by **June 1, 2024**. The plat shall include all engineering elements as required by the Department of Public Works and shall show all lot sizes and dimensions.
4. Required access easement improvements, including no parking signs and required screening, shall be completed or assured through a performance bond, Improvement Agreement or other instrument acceptable to the City prior to the approval of the final plat of the partition. Improvement Agreements are obtained through the City of Keizer Planning Department.

5. A maintenance agreement, homeowners association, or other instrument acceptable to the City and shall be reviewed by the City before plat is recorded and recorded with Marion County immediately following the recording of the Plat. The agreement shall provide provisions for the maintenance of the access easement, fencing along the access easement, address display signage and “no parking” signs. Before issuance of a Certificate of Occupancy for the new homes, submission of proof of recording to the City is required.
6. The existing dwelling and shed are required to be moved or demolished.
7. A Tree Replacement Plan must be submitted and approved by the Planning Department to include replacement trees, streetscape trees along the access easement and the trees that are required along Dearborn Av N as part of the right-of-way design. A total of 20 trees is required to be planted. The replacement plan could propose planting trees on the subject lots and/or off-site through our off-site tree mitigation program. Payment must be made prior to final plat approval if payment into the off-site mitigation program is desired.
8. Unless waived in writing by the adjacent property owners, a 6’ sight-obscuring fence, wall, or hedge is required along the east side of the access easement to provide screening to the adjacent property.
9. Public Works Department Conditions and Requirements (Exhibit 3):

SANITARY SEWERS:

The subject property is located within the original Keizer Sewer District. Therefore, a sanitary sewer trunk line acreage fee will not be required.

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the Applicant’s engineer shall submit plans to the City of Keizer Public Works Department for review and determination of compliance with the City’s Master Sewer Plan for the area.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property, if located outside platted right of ways, will need to be recorded in a form which meets the City of Salem Design Standards and shown on the partition plat. Any sanitary sewer easements shall be in favor of the City of Keizer.
- c.) It will be the responsibility of the Applicant’s engineer to locate any existing sewer services within Dearborn Av. (including those serving the adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. The Applicant, prior to platting of the proposed partition, shall eliminate any conflicts between existing wells and proposed sanitary sewers.
- d.) If a design exception to the City of Salem standards for sewer construction will be required for this project, any submittals for an exception shall be copied to the City of Keizer for review.

WATER SYSTEM:

- a.) A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Appropriate easements to the City of Keizer will be required for all public water mains, fire hydrants and private services 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.
- b.) 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 Construction permits by the City of Keizer. All required fire hydrants shall be served by an 8-inch water main.
- c.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements. The Applicant shall provide evidence to the Public Works Department that any abandonment of existing wells has been completed in accordance with such requirements.
- d.) Location of all meters to be approved by the Public Works Department.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) The Applicant's engineer shall submit an overall storm drainage plan that will provide service to this development consistent with the City's Master Storm Drain Plan for this area of Keizer.
- b.) Storm water quality and detention improvements will be required in conformance with the City of Keizer Public Works Department Design Standards. The developer's engineer shall conduct on-site percolation tests, (the location and frequency of tests are to be coordinated with the City of Keizer Public Works Department) to determine the suitability of the soils for the proposed disposal system. The percolation test and soil analysis shall be performed by a qualified professional engineer. Storm Water calculations shall be submitted in conjunction with the project design drawings and shall indicate how the development complies with the City of Keizer Public Works Design Standards for the basin. All storm water runoff from the property shall be kept on site. No public storm drain system exists for the development to connect to.
- c.) A grading and drainage plan shall be developed for the subject property. Details shall include adequate conveyance of storm water from all contributing areas across the subject property and shall include existing elevations and proposed lot corner elevations. The plan shall be submitted to and approved by the Public Works Department prior to the issuance of any Public Construction permits for street or storm drainage for the subject property. Grading and drainage plans shall be in conformance with the City of Keizer Public Works Design Standards. Additional information regarding street grades, site grading, inverts, etc., will be required for review prior to any plan approval.

- d.) Dearborn Avenue is proposed to be widened to provide for a 17 foot half street on the North side of Dearborn with a 6 foot property line sidewalk. Dearborn Avenue is indicated on the City of Keizer Functional Classification Map as a Collector Street and all street improvements proposed for Dearborn Avenue shall comply with the Public Works Design Standards for a Collector Street. The half street improvement shall be a minimum of 17 feet from centerline. Adequate right of way is available for the required Dearborn Avenue improvement. A striping plan for Dearborn Avenue be required to provide for a safe and uniform traffic movement along the newly widened street.

OTHER

- a.) Construction permits are required by the Public Works Department prior to any public facility construction.
- b.) A Pre-design meeting with the City of Keizer Public Works Department will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review.
- c.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- d.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
- e.) An improvement agreement shall be executed between the developer and the City of Keizer prior to recording of the partition plat if recorded prior to completion of the public improvements.
- f.) A master utility plan including all proposed power, telephone, gas and cable TV. lines shall be submitted to the Public Works Department for review prior to the Department issuing construction permits for the proposed project.
- g.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.
- h.) Developer shall coordinate the location of mailboxes with the U.S. Postal Service.
- i.) The developer of the proposed project shall create a street lighting district for the new partition which will include adequate lighting for the widened portion of Dearborn Avenue.
- j.) A PUE along all public street right of ways shall be shown on the plat for the proposed development.
- k.) Any septic tank and drain field located on the subject property and within the City of Keizer shall be abandoned according to the requirements of the appropriate agency. Evidence of satisfactory compliance shall be submitted to the City of Keizer prior to issuance of any building permits on the subject property.

Prior To Obtaining Building Permit(s):

10. All required public utility services shall be completed to the satisfaction of the Department of Public Works.
11. The property owner must submit proof that the recording has taken place with Marion County for the maintenance of the access easement, fencing along the access easement, address display signage and “no parking” signs before a building permit will be issued.

Prior to Obtaining Building Permit Final and Certificate of Occupancy for each dwelling within the partition:

12. Improvement Agreement, if used to delay construction of the private access easement, must be satisfied and all improvements must be completed prior to a Certificate of Occupancy for any new dwelling.
13. Two streetscape trees will be required to be planted on both Lot 1 and Lot 2 as a condition of final building permit approval for each dwelling.
14. Replacement trees identified on the final Tree Removal and Replacement plan must be installed as shown on the approved plan.
15. The residential address requirements found in the Oregon Uniform Fire Code shall be completed as approved by the Keizer Fire District and City of Keizer Community Development Department. Address display sign required at entrance to access easement identifying the addresses of the houses on Lot 2 and Lot 3.

If you have any question about this application or the decision please call (503) 856-3441 or visit the Planning Department at 930 Chemawa Rd NE, Keizer, Oregon.

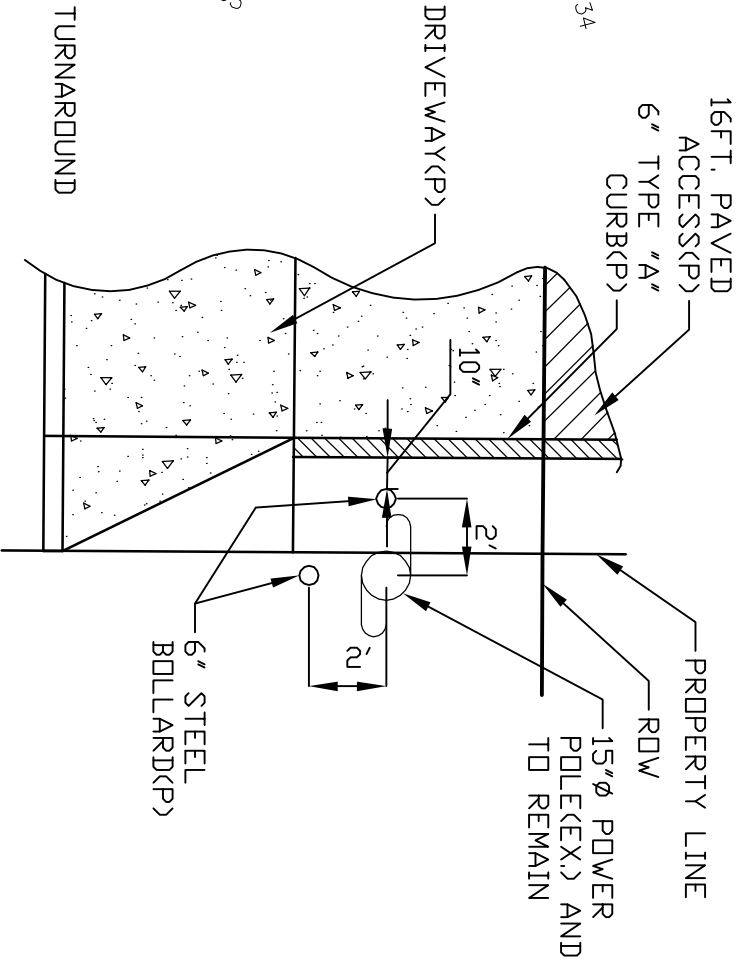
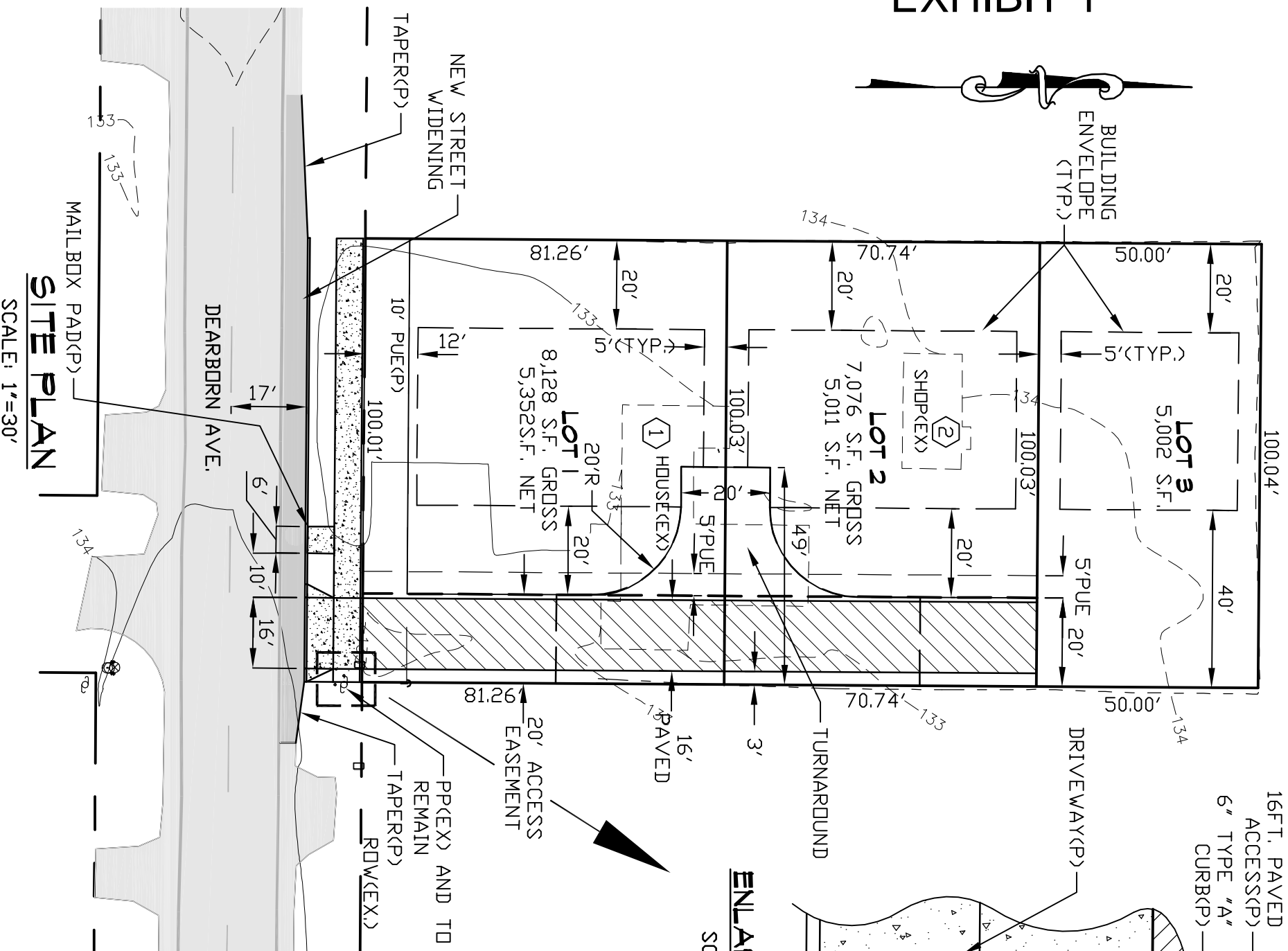
REPORT PREPARED BY: Dina Horner, Assistant Planner

Approved by:


Shane Witham, Planning Director

5/18/22

EXHIBIT 1



ENLARGED PLAN
SCALE: 1"=5'

DEVELOPER/OWNER:

DOUG DOTY
287 DEARBORN LLC
441 STATE ST
SALEM, OR 97301

PARTITION DATA

TOWNSHIP - 7 SOUTH
RANGE - 3 WEST
SECTION - 11BB
TAX LOT - 3900
TOTAL ACREAGE - 20,204 SQ. FT
(0.463 ACRE)
EXISTING ZONING - RS(RCOD)

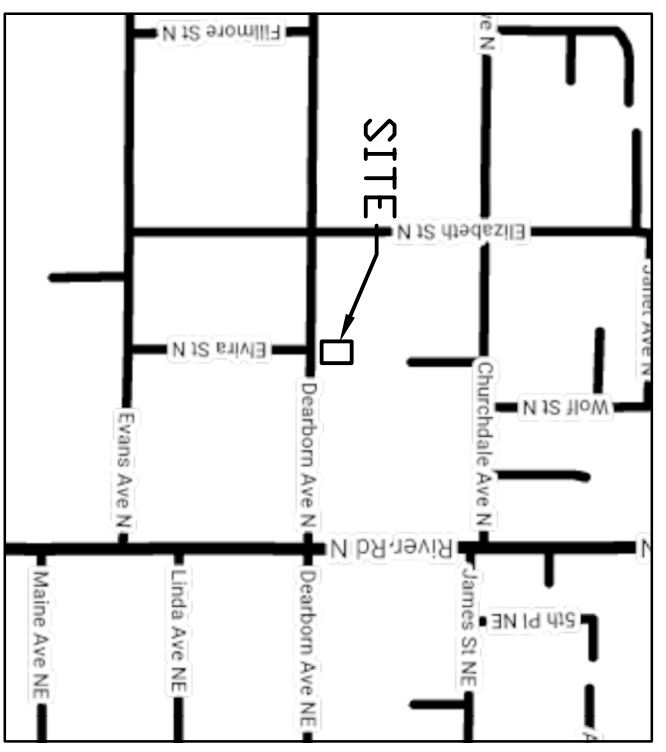
SITE NOTES:

- HOUSE TO BE REMOVED.
- SHOP TO BE REMOVED.

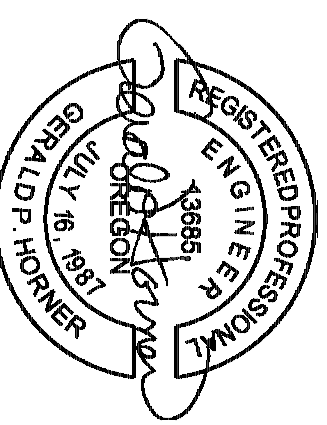
LEGEND:

- EX - EXISTING
- G - GAS
- PL - PROPERTY LINE
- (P) - PROPOSED
- TYP - TYPICAL

**FOR APPLICATION
NOT FOR CONSTRUCTION**



VICINITY MAP



EXPIRES: JUNE 30, 2023

| | | |
|--|--|--|
| <p>DEARBORN 3-LOT PARTITION APPLICATION 287 DEARBORN AVE N KEIZER, OR 97303</p> | <p>TENTATIVE 3 LOT SITE PLAN DRIVENWAY EAST</p> | <p>ENGINEER: WILLAMETTE ENGINEERING INC. P.O. BOX 9032 SALEM, OREGON 97305 PH: 503-304-0905 FAX: 503-304-9512</p> |
| <p>DESIGNED BY: GPH DRAWN BY: MCF DATE: 04-05-22 JOB NO.: 2022-22 CLIENT NO.: DRAWING NO.: C1 REV: 0</p> | | |

TO: DINA HORNER, ASSISTANT PLANNER
RE: PARTITION CASE NO. 2022-04 (287 DEARBORN LLC)
ADDRESS: 287 DEARBORN AV N
DATE: May 5, 2022

PUBLIC WORKS DEPARTMENT REQUIREMENTS:

The application is for a 3 lot partition where a previous land use decision was approved for a 4 lot subdivision. The property is approximately 0.463 acres in size.

SANITARY SEWERS:

The subject property is located within the original Keizer Sewer District. Therefore, a sanitary sewer trunk line acreage fee will not be required.

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the Applicant's engineer shall submit plans to the City of Keizer Public Works Department for review and determination of compliance with the City's Master Sewer Plan for the area.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property, if located outside platted right of ways, will need to be recorded in a form which meets the City of Salem Design Standards and shown on the partition plat. Any sanitary sewer easements shall be in favor of the City of Keizer.
- c.) It will be the responsibility of the Applicant's engineer to locate any existing sewer services within Dearborn Av. (including those serving the adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. The Applicant, prior to platting of the proposed partition, shall eliminate any conflicts between existing wells and proposed sanitary sewers.
- d.) If a design exception to the City of Salem standards for sewer construction will be required for this project, any submittals for an exception shall be copied to the City of Keizer for review.

WATER SYSTEM:

- a.) A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Appropriate easements to the City of Keizer will be required for all public water mains, fire hydrants and private services 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.

- b.) 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 Construction permits by the City of Keizer. All required fire hydrants shall be served by an 8-inch water main.
- c.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements. The Applicant shall provide evidence to the Public Works Department that any abandonment of existing wells has been completed in accordance with such requirements.
- d.) Location of all meters to be approved by the Public Works Department.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) The Applicant's engineer shall submit an overall storm drainage plan that will provide service to this development consistent with the City's Master Storm Drain Plan for this area of Keizer.
- b.) Storm water quality and detention improvements will be required in conformance with the City of Keizer Public Works Department Design Standards. The developer's engineer shall conduct on-site percolation tests, (the location and frequency of tests are to be coordinated with the City of Keizer Public Works Department) to determine the suitability of the soils for the proposed disposal system. The percolation test and soil analysis shall be performed by a qualified professional engineer. Storm Water calculations shall be submitted in conjunction with the project design drawings and shall indicate how the development complies with the City of Keizer Public Works Design Standards for the basin. All storm water runoff from the property shall be kept on site. No public storm drain system exists for the development to connect to.
- c.) A grading and drainage plan shall be developed for the subject property. Details shall include adequate conveyance of storm water from all contributing areas across the subject property and shall include existing elevations and proposed lot corner elevations. The plan shall be submitted to and approved by the Public Works Department prior to the issuance of any Public Construction permits for street or storm drainage for the subject property. Grading and drainage plans shall be in conformance with the City of Keizer Public Works Design Standards. Additional information regarding street grades, site grading, inverts, etc., will be required for review prior to any plan approval.
- d.) Dearborn Avenue is proposed to be widened to provide for a 17 foot half street on the North side of Dearborn with a 6 foot property line sidewalk. Dearborn Avenue is indicated on the City of Keizer Functional Classification Map as a Collector Street and all street improvements proposed for Dearborn Avenue shall comply with the Public Works Design Standards for a Collector Street. The half street improvement shall be a minimum of 17 feet from centerline. Adequate right of way is available for the required Dearborn Avenue improvement. A striping plan for Dearborn Avenue be required to provide for a safe and uniform traffic movement along the newly widened street.

OTHER

- a.) Construction permits are required by the Public Works Department prior to any public facility construction.
- b.) A Pre-design meeting with the City of Keizer Public Works Department will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review.
- c.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- d.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
- e.) An improvement agreement shall be executed between the developer and the City of Keizer prior to recording of the partition plat if recorded prior to completion of the public improvements.
- f.) A master utility plan including all proposed power, telephone, gas and cable TV. lines shall be submitted to the Public Works Department for review prior to the Department issuing construction permits for the proposed project.
- g.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.
- h.) Developer shall coordinate the location of mailboxes with the U.S. Postal Service.
- i.) The developer of the proposed project shall create a street lighting district for the new partition which will include adequate lighting for the widened portion of Dearborn Avenue.
- j.) A PUE along all public street right of ways shall be shown on the plat for the proposed development.
- k.) Any septic tank and drain field located on the subject property and within the City of Keizer shall be abandoned according to the requirements of the appropriate agency. Evidence of satisfactory compliance shall be submitted to the City of Keizer prior to issuance of any building permits on the subject property.

Comments on Planning Action: _Keizer PAR 2022-04_____

Date _04/27/2022__ Person Commenting __Phil Jones_____

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. No survey required for the property that is greater than ten acres.
- 2. Must be surveyed per ORS 92.060 (7) and the survey submitted for review.
- 3. 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 prior to submitting the property line adjustment survey. Deed recording reference numbers shall be noted on the survey map. 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. [See Marion County Zoning Code MCC 16.33.140(E) and MCC 17.172.120(E)]
- ___ 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, prior to the recording of the re-plat. Deed recording reference numbers shall be noted on the plat. 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.

If it is necessary to re-configure the utility easement created by this partition plat (see map), then it will be the responsibility of the applicant to determine the names of all of the utility companies affected by the proposed re-configuration, and give this list of names to the Marion County Surveyor's Office. Letters of notice will be sent by this office to the affected utility companies, who will determine whether or not the easement is to be maintained.

Other comments specific to this Planning Action:

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EXHIBIT 5

DAVID FRIDENMAKER, Manager
 Facility Rental, Planning, Property Services
 3630 State Street, Bldg. C ● Salem, Oregon 97301-5316
 503-399-3335 ● FAX: 503-375-7847

Christy Perry, Superintendent

May 4, 2022

Dina Horner, Planner
 Keizer Community Development Department
 P.O. Box 21000
 Keizer OR 97307-1000

RE: Land Use Activity Case No. Partition Case No. 2022-04, 287 Dearborn Av N

The City of Keizer issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade.. The schools identified to serve the subject property are:

| School Name | School Type | Grades Served |
|----------------|-------------|---------------|
| Cummings | Elementary | K thru 5 |
| Claggett Creek | Middle | 6 thru 8 |
| McNary | High | 9 thru 12 |

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

| School Name | School Type | School Enrollment | School Design Capacity | Enroll./Capacity Ratio |
|----------------|-------------|-------------------|------------------------|------------------------|
| Cummings | Elementary | 433 | 498 | 87% |
| Claggett Creek | Middle | 888 | 969 | 92% |
| McNary | High | 2,075 | 2,200 | 94% |

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

| School Type | Qty. of New Residences | Housing Type | Average Qty. of Students per Residence | Total New Students |
|-------------|------------------------|--------------|--|--------------------|
| Elementary | 3 | SF | 0.168 | 1 |
| Middle | | | 0.098 | 0 |
| High | | | 0.144 | 0 |

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

| School Name | School Type | School Enrollment | New Students During Past 2 yrs | New Student from this Case | Total New Students | School Design Cap. | Enroll. /Cap. Ratio |
|----------------|-------------|-------------------|--------------------------------|----------------------------|--------------------|--------------------|---------------------|
| Cummings | Elem. | 433 | 3 | 1 | 4 | 498 | 88% |
| Claggett Creek | Mid. | 888 | 11 | 0 | 11 | 969 | 93% |
| McNary | High | 2,075 | 23 | 0 | 23 | 2,200 | 95% |

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main

road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

| School Name | School Type | Walk Zone or Eligible for School Transportation |
|----------------|-------------|---|
| Cummings | Elementary | Walk Zone |
| Claggett Creek | Middle | Walk Zone |
| McNary | High | Walk Zone |

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

| School Type | Number of Students | Estimate of Facility Cost Per Student* | Total Cost of Facilities for Proposed Development* |
|--------------|--------------------|--|--|
| Elementary | 1 | \$64,220 | \$64,220 |
| Middle | 0 | \$76,882 | \$0 |
| High | 0 | \$89,544 | \$0 |
| TOTAL | | | \$64,220 |

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2021 Fourth Quarter.

Sincerely,

David Fridenmaker, Manager
 Planning and Property Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation