



**KEIZER PLANNING DEPARTMENT
NOTICE OF DECISION
Partition Case 2024-09**

I. REQUEST

The following report reviews a land use application to divide a single parcel of land of approximately 6.46 acres into two separate legal lots. Parcel 1 will result in area of approximately 5.46 acres and will be located outside the city limits and urban growth boundary (UGB). Parcel 2 will result in a net area of approximately .53 acres and will be located inside the city limits of Keizer and within the UGB. (Exhibit 1)

This report will primarily address the portion of the property (Parcel 2) that is located within the City of Keizer, since that is the jurisdiction of Keizer and is intended to essentially create one legal parcel located within the City Limits of Keizer.

II. BACKGROUND

- A. APPLICANT/PROPERTY OWNER:** Kathleen R. Basinger Living Trust
- B. AGENT:** Margaret Y. Gander-Vo, Attorney
- C. PROPERTY LOCATION:** The subject property is located at 7624 Kayla Shae Street NE, identified on the Marion County Tax Assessor's as Township 6 South, Range 3 West, Section 23DD Tax Lots 00802 and 0805. (Exhibit 2)
- D. PARCEL SIZE:** The subject property is approximately 6.46 acres in area.
- E. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is currently developed with a single-family home and multiple outbuildings, all located outside the city limits and UGB. The property is not currently served by either public water or public sewer.
- F. ZONING:** The proposed Parcel 2 is zoned RS (Single Family Residential) and designated Low Density Residential (LDR) in the Comprehensive Plan.
- G. ADJACENT ZONING AND LAND USES:** The property to the north of proposed Parcel 2 is zoned Urban Transition (UT) and developed with a single-family dwelling. Other surrounding properties are zoned RS and developed with single family dwellings.

III. COMMENTS

- A.** The Keizer Public Works Department submitted comments (Exhibit 3) regarding requirements for right-of-way improvements and extension of public facilities necessary to serve the subject property (sanitary sewer, water and storm drainage).

- B. The Marion County Surveyor's office submitted comments (Exhibit 4) regarding the process for platting the partition.
- C. The City of Salem Public Works Department submitted comments stating the process for the sewer connection. (Exhibit 5)
- D. The City of Keizer Police Department submitted that they have reviewed the proposal and have no comments.
- E. A letter requesting comments was sent to the surrounding property owners within 250 feet of the subject property. Comments were received from two property owners.
 - a. Douglas Norval of 1683 Leewood Avenue NE submitted comments relating to the street connections between Kayla Shae Street and Heatherwood Avenue. (Exhibit 6)
 - b. Steven and Christina Mallette of 1674 Heatherwood Avenue submitted comments and questions relating to the storm facility requirements and the proposed sidewalk along their property. (Exhibit 7)

Staff Response to Citizen Comments:

Staff appreciates Citizen involvement in the land use process. Staff offers the following clarifications in response to the comments received:

- Mr. Norval's comments pertaining to providing the street connection from Kayla Shae Street to Heatherwood Avenue is valid and staff has addressed the requirement for the street connection through findings and proposed conditions contained in this staff decision.
- The Mallette's comments contained questions about the stormwater facility and future sidewalk adjacent to their property. The stormwater facility is proposed to be public and will be maintained by the City. The sidewalk will be constructed and future maintenance of the sidewalk is the responsibility of each abutting property owner per existing City ordinance.

IV. FINDINGS AND CONCLUSIONS

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

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

All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum width required by the underlying zone. Exceptions apply for Lots or parcels that are accessed via an access easement and flag lots.

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 proposed Parcel 2 will have access from both Kayla Shae Street and Heatherwood Av NE via a newly extended Kayla Shae Street. City of Keizer Public Works has submitted comments regarding the extension of Kayla Shae Street. A condition will be placed that dedication of right-of-way will be required a minimum of 46' along the west of Parcel 2. Kayla Shae Street will be required to be extended either to the north right-of-way line of Heatherwood Avenue or the north end of the new driveway to serve the future home on Parcel 2, whichever is greater. In addition, a Deferral Agreement will be required to be recorded on Parcel 2 stating at the time of additional development, the property owner will be required to construct the remaining portion of Kayla Shae Street along Parcel 2. With these condition, staff finds this request can satisfy this criterion.

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

FINDINGS: The subject property, proposed Parcel 2, is located in the RS zone. The RS zone requires new lots to have a minimum average width of 40' and a minimum average depth of 70' to accommodate single-family detached dwellings, duplexes, triplexes, quadplexes and cottage clusters. The applicant's proposed plan and written statement indicate Parcel 2 exceeds the minimum width requirement and the minimum depth requirement for these housing types in the RS zone.

The RS zone also regulates setback requirements in the dimensional standards section of the development code. Setback will be reviewed at the time of building permit approval, therefore, 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 minimum lot size for development in the RS zone is 4,000 square feet for a single-family detached dwelling or duplex, 5,000 square feet for a triplex, and 7,000 square feet for a quadplex or cottage cluster. In no case can the proposed parcels be less than the minimum required by the RS zone without variance approval.

The applicant's proposed site plan shows Parcel 2 as approximately 23,087 square feet in gross area. With the required right-of-way dedication width of 46' the length of Parcel 2, the net area is approximately 13,200 square feet.

As stated above, parcels over 7,000 square feet can be developed with a single-family detached dwelling, duplex, triplexes, quadplexes or a cottage cluster. The applicant's written statement indicates the desire to build a single-family home.

As a condition of partition approval, all requirements of the Marion County Surveyor's Office must be met. This includes surveying the property and showing both gross and net area of the proposed parcels on the plat which will ensure that minimum lot sizes and dimensions are adhered to. Staff finds this proposal can comply with 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 parcels comply with this standard. Proposed Parcel 2, located within the City of Keizer, will not 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.D. Access. All lots and parcels shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply - lots accessed via an access easement, lots in townhouse or Planned Unit Developments, cul-de-sac lots and flag lots.***

FINDINGS: The minimum lot width in the RS zone is 40'. The applicant's site plan indicates Parcel 2 will have frontage along Kayla Shae Street exceeding

40'. Parcel 1 is located outside the city limits and will obtain vehicular access from the proposed private access easement across Parcel 2. Staff finds this request satisfies this criterion.

4. ***Section 2.310.03.E. Flag Lots. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration maybe accessed.***

FINDINGS: The applicant's site plan and written statement indicate Parcel 2 will have access directly from Kayla Shae Street and Parcel 1 will be accessed via an access easement, that connects to Kayla Shae Street and will not be developed as a flag lot, therefore this criterion does not apply.

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

6. ***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: Both the City of Keizer Public Works Department (Exhibit 3) and City of Salem Public Works Department (Exhibit 5) 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.

7. ***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 an access easement over Parcel 2 to serve Parcel 1. The standards governing access easements will be further addressed later in this report. Staff finds this request can comply with this criterion.

8. ***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. One way this is done by ensuring that adequate street improvements are provided. 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 works standards.

Kayla Shae Street is designated in the City's TSP as a local road. Local roads and streets are the lowest roadway class. Their primary purpose is to provide local land access and to carry locally generated traffic at relatively low speeds to the collector street system. Local streets provide connectivity through neighborhoods and are designed to discourage cut-through vehicular traffic. The majority of roadways in Keizer are local streets.

Currently, Kayla Shae Street is stubbed to the south property line of proposed Parcel 2 and Heatherwood Avenue is stubbed to the west property line. Due to these stubbed connections, and because of future connectivity to Trebber Street, Kayla Shae Street will be required to be extended to the north property line and connected to Heatherwood Avenue. The Public Works department submitted comments that include requirements for improvements. These requirements were also addressed previously in this report. 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. 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: As mentioned above, 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 that logically continue the City's street system are provided in order to avoid traffic generation that exceeds the street system's carrying capacity, which then causes dangerous or hazardous traffic conditions. The City of Keizer has traditionally required developers to dedicate property for and construct standard street, sidewalk, sanitary sewer, storm drain and water supply improvements in subdivisions or partitions to meet the basic needs created by the development. The absence, in this instance, of the required street improvements would be cause for denial of the application on the basis that adequate street facilities are not available to serve the site. These traditional street improvements have been imposed to avoid excessive congestion, negative safety impacts and provide basic services to

preserve the health of the community and the residents of the proposed development. Such street improvements and dedications are now, and have traditionally been, part of the cost considered in the developer's reasonable investment-backed expectations for constructing the subdivision or partition.

The applicant proposes a 2-lot partition. The development features an extension of Kayla Shae Street to the north. Public Works has submitted comments that a 46' wide right-of-way dedication is required along the west side of proposed Parcel 2 for this purpose. The proposed development will generate additional vehicle trips per day that will contribute to the cumulative traffic impact of the existing streets in the area. The applicant has proposed to dedicate the appropriate right-of-way and will build street improvements to connect to Heatherwood Avenue. A Deferral Agreement for the construction of the additional northern portion of Kayla Shae Street is proposed, and its execution will be placed as a condition of partition approval, to ensure future improvements are provided at the time of future division of Parcel 2.

It should be noted that no off-site improvements are proposed or required with this application and the applicant has and will continue to use the existing street system in the existing neighborhood to access their property. Historically, it is the expectation and practice that properties be responsible for their share of the public street frontage adjacent to their properties, and improvements are provided at the time of partitioning or subdividing. In this case, staff is making an exception and allowing for a Deferral Agreement for completion of the improvements on Kayla Shae Street to coincide with future redevelopment. At this time staff is requiring improvements be provided that will connect the existing street system and serve the new home proposed on Parcel 2.

The existing neighborhood contains approximately 1520 lineal feet of improved public street, which serves 44 individual dwellings. This results in approximately 34.5 lineal feet of public street per dwelling. This represents a fair share/roughly proportional impact for street improvements and dedications based on the surrounding neighborhood. The applicant's property has future development potential to allow several residential units depending on what the applicant constructs, and how many lots are created with future land division. The final build out of Kayla Shae Street all the way to the north property line will result in approximately 216 feet of new street (based on the applicant's site plan). This means the subject property would need to be able to provide 6.25 dwellings in the entirety of the property in order to match the existing neighborhoods proportional amount of street improvements on a per/dwelling basis. The applicant indicates they intend to only build one additional home at this time. However, that is a choice rather than a requirement of the development code. The property could easily be developed with a number of residential uses through a future land division or even without dividing the land (such as a cottage cluster of up to 8 units). Depending on lot sizes created at the time of a future land division, (townhomes, duplexes, triplexes, and quadplexes are outright allowed uses in the underlying zone) it is reasonable and practical to assume that at least 6.25 total dwellings will be created as a result of this partitioning. Therefore, due to the development potential of the

newly created and legalized Parcel 2, the required improvements, in conjunction with the proposed Deferral Agreement, result in satisfying the rough proportionality criterion. Staff finds the required dedication and improvements are roughly proportional to the impact of the partition request.

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 (Stormwater Management); 2.307 (Utility Lines and Facilities); and 2.309 (Site and Landscaping Design).

1. *Section 2.301 General Provisions.*

FINDINGS: The intent of this provision is to ensure that new development is served by adequate public facilities and avoid having the situation where the public facilities are inadequate. The KDC requires that appropriate public facilities be provided and the Public Works Department submitted comments which specifically outline the requirements of public facilities to the proposed development of proposed Parcel 2. Due to Parcel 1 being located outside of the City of Keizer and Urban growth boundary, these provisions do not apply to Parcel 1 and public facilities cannot be extended to serve Parcel 1. The installation of appropriate public facilities will be ensured through the building permit review and approval process and will be placed as a condition of partition approval; therefore, staff finds this proposal satisfies this criterion.

2. Section 2.302.03 - Street Standards – General Provisions

a. *Section 2.302.03.A - General Requirement. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the streets.*

FINDINGS: The subject property is proposed to be partitioned into 2 lots. The applicant proposes to extend Kayla Shae Street. In addition, a private access easement from Kayla Shae Street is proposed over proposed Parcel 2, to serve proposed Parcel 1.

The City has adopted minimum street standards that are found to be necessary to promote and maintain a healthy environment and to minimize impacts from the development upon surrounding properties and the area. These standards can be found in Section 2.302 and the Public Works Department comments that include specific conditions of approval in conformance with these standards to ensure public convenience and safety. These conditions are adopted into the recommended conditions of approval for this partition. The applicant's plans show that the right-of-way width for the extension of

Kayla Shae Street will be 46' in width which is acceptable. Details on right-of-way dedication and design will be reviewed and approved through the public construction permit review and approval process by the Public Works Department. Prior to submitting construction plans for the proposed partition a pre-design meeting with the developer's engineer and the Department of Public Works.

With the above-mentioned conditions, staff finds this proposal can satisfy this criterion.

- b. Section 2.302.03.B - Continuation of Street. Development proposals shall provide for the continuation of, and connection to, existing streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future division of land, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. A temporary turnaround shall be constructed for stub streets in excess of 150 feet in length. Exemptions from these street extensions can be found in Section 2302.03.B.1 – 5.***

FINDINGS: The intent of this provision is to require that the layout of new streets take into consideration their relationship to other streets and other factors so to develop a safe and efficient street systems and to avoid creating new land divisions which do not provide for street connectivity. In this particular case, the proposed partition will provide for the extension of Kayla Shae Street, which allows for future connectivity to Trebber Street to the north, if and when the adjacent property to the north chooses to dive and/or develop their property.

With the applicant's proposal to extend Kayla Shae Street for future connectivity with the parcel to the north, the proposal is consistent with the adopted street standards. With the above-mentioned conditions of approval, staff finds this proposal complies with this criterion.

- c. Section 2.302.03.C - Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the existing centerlines. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.***

FINDINGS: The purpose of this provision is to require that new streets meet the city's alignment and spacing standards so as to ensure safe vehicle travel. The applicant proposes to extend Kayla Shae Street, which will also connect to Heatherwood Avenue. The City

of Keizer Public Works department submitted comments stating a minimum dedication of 46' will be required along the west side of proposed Parcel 2. The east line of the right-of-way dedication shall be aligned with the existing east right-of-way of Kayla Shae Street and existing Trebber Street to the north. The west line of the dedication shall be the west line of the subject property. This requirement will be assured through the public construction permit review and approval process with the Public Works department. Therefore, this proposal satisfies this criterion.

- d. ***Section 2.302.03.D - Future extension of streets. When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, streets, bicycle paths and/or pedestrian accessway facilities shall be platted and built to a boundary of the subdivision. The street may be platted without a turnaround unless the Public Works Department finds a turnaround is necessary for reasons of traffic safety. Any street extension exceeding 150 feet in length shall be provided with an approved turnaround as set forth in Section 902.2.2.4 "Dead Ends" of the Uniform Fire Code, 1994 edition.***

FINDINGS: The proposed partition application extends the street system to the property to the north, which will allow for future connectivity to Trebber Street. The Public Works Department submitted comments allowing a three-quarter street improvement (including curb and gutter on the east side of the roadway) along the extension of Kayla Shae Street to local street standards. The north end of these improvements shall extend to the greater of the north right-of-way line of Heatherwood Avenue or the north end of the new driveway to the future home. A single-family dwelling is planned for proposed Parcel 2 and is allowed with these requirements. A Deferral Agreement must be executed for the remaining improvements for Kayla Shae Street to be required at the time of any future development of proposed Parcel 2. Therefore, this request complies with this criterion.

- e. ***Section 2.302.03.E - Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require special intersection designs. Streets shall have at least 50 feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections that are not at right angles shall have minimum corner radii of 15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet.***

FINDINGS: The Public Works Department submitted comments addressing requirements for street improvements which are recommended as conditions of partition approval. This requirement will be reviewed and approved through the public construction permit process. The Public Works department indicates that the east line of the right-of-way dedication shall be aligned with the existing east right-of-way of Kayla Shae Street and existing Trebber Street to the north. Staff finds this criterion can be complied with.

- f. Section 2.302.03.F - Existing Streets. Whenever existing public streets adjacent to or within a tract are of a width less than the street design standards, additional right-of-way shall be provided at the time of subdivision, partitioning, or development.*

FINDINGS: The intent of this provision is to require that developers of new residential land divisions be responsible for making needed improvements to the existing street systems that are either within, or adjacent to, a proposed subdivision. In this case, Kayla Shae Street will be extended to the north and a dedication of 46' will be required along the west side of proposed Parcel 2. The Public Works Department submitted comments which are recommended as conditions of approval for this application. Those conditions indicate the applicant's proposal is acceptable. With the Public Works Department comments placed as conditions of approval, staff finds this section is satisfied.

- g. Section 2.302.03.G - Half-streets may be approved where essential to the reasonable development of an area and when the City finds it to be practical to require the dedication of the other half when the adjoining property is developed. When a $\frac{3}{4}$ width street can reasonably be developed, as determined the Department of Public Works, a half street will be constructed with an additional 10 feet of pavement on the opposite side of the street from full improvement.*

FINDINGS: No half street will be constructed; therefore, this section is not applicable.

- h. Section 2.302.03.H - Cul-de-sacs. The maximum length shall be 800 feet.*

FINDINGS: No cul-de-sacs will be constructed; therefore, this section is not applicable.

- i. Section 2.302.03.I - Street names and numbers shall conform to the established standards and procedures in the City.*

FINDINGS: The purpose of this provision is to ensure that streets are named in accordance with City procedures to avoid duplicate or

confusing street names. This proposal includes the extension of an already named street, Kayla Shae Street, as well as a new private access easement that will serve proposed Parcel 1. The access easement will not be required to be named. Staff finds this section is satisfied.

- j. *Section 2.302.03.J - Grades shall not exceed 7 percent on arterials, 10 percent on collector streets or 15 percent on any other street. Street grades of 15 percent shall not exceed 200 feet in length. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves.***

FINDINGS: The purpose of this provision is to ensure that new streets are constructed consistent with the city's established street grade standards and avoid having new streets that may be too steep and potentially endanger public safety. The area is relatively flat and there are no concerns regarding grades of the proposed street improvements. A preliminary grading and drainage plan was submitted as a part of this application. A final grading and drainage plan will be required as a condition of approval to ensure that adequate drainage is provided, as well as construction permits, which will regulate the design of the proposed improvements. With these requirements placed as conditions of approval, this proposal will satisfy this criterion.

- k. *Section 2.302.03.K - Frontage Streets. If a development abuts or contains an existing or proposed arterial or collector street, the City may allow frontage streets, or may require reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to preserve the capacity and safety of the collector or arterial street.***

FINDINGS: The purpose of this provision is to minimize impacts that a new development may have on arterial and collector streets. The proposed partition does not abut or contains an existing or proposed arterial or collector street, therefore this criterion is not applicable.

- l. *Section 2.302.03.L - Alleys shall be provided in commercial and industrial zones unless other permanent provisions for access to off-street parking and loading facilities are provided. The corners of alley intersections shall have radii of not less than 10 feet.***

FINDINGS: The property is located in a residential zone and no alleys are proposed. Therefore, this provision is not applicable.

- m. ***Section 2.302.03.M. - Street Landscaping. Where required as part of the right-of-way design, planting strips shall conform to the following standards:***

1. ***Street trees shall be planted at a ratio of no less than one tree per 30 feet of property frontage. Street trees shall conform with the list of acceptable trees included in the City's Street Tree Ordinance. Installation of street trees shall be included in any improvement agreement covering the installation of public facilities and services on a property.***
2. ***Planting strips shall be planted and maintained in predominantly living groundcover materials with hard surfaces consisting of bricks, pavers, rocks, decorative concrete work, etc., only being included as part of an overall landscape design where living plant material is predominant. In no case shall asphalt be used within the planting strip.***

FINDINGS: The purpose of this provision is to outline the standards relating to providing street landscaping. The frontage along west side of Kayla Shae Street will provide street frontage improvements and drainage facilities. Landscaping requirements will be regulated through the review of the drainage facilities as a part of the public construction permit review and approval process. Staff finds this criterion can be met.

- n. ***Section 2.302.03.N.5 – Access Control Standards. Double Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification.***

FINDINGS: The proposed partition will be accessed from a local street and a proposed private access easement. The developer will be required to obtain driveway permit approval for the new driveway drop on Kayla Shae Street for the planned single-family dwelling. Staff finds this proposal complies with this criterion.

- o. ***Section 2.302.03.O. – Trees along Public Streets. Streetscape trees are required along public streets, shall comply with the provisions of Section 2.309, and must be located according to the following provisions:***

1. ***Streetscape trees shall be planted within the boundaries of each lot within 10 feet of street improvements.***
2. ***Lots measuring less than 60 feet in width shall be required to plant one streetscape tree. Lots measuring more than 60 feet in width shall be required to plant two streetscape trees.***

3. Streetscape trees shall be selected from a list of approved trees.

FINDINGS: Streetscape trees will be required along the frontage of proposed Parcel 2. The applicant has not provided a tree planting plan as a part of their application materials. As a condition of partition approval, a tree plan must be submitted to the Planning Department prior to final plat approval showing the location of trees proposed to satisfy this requirement. Streetscape trees will be required to be planted prior to final building permit approval for proposed Parcel 2. With this requirement placed as a condition of subdivision approval, staff finds this proposal can comply with this criterion.

p. Section 2.302.04 - General Right-Of-Way And Improvement Widths

The standards outlined in this section shall be the minimum requirements for all streets, except where a variance is requested as permitted under Subsection 2.302.05.

FINDINGS: The Public Works Department has submitted comments which have been incorporated into the recommended conditions and requirements of this report, which outline the necessary requirements for this partition proposal. As a condition of partition approval, the requirements outlined in the Public Works requirements must be adhered to. Right-of-way will be required to be dedicated for the extension of Kayla Shae Street as shown on the applicant's plans. A 46' right-of-way is shown, which is acceptable. The design of the Kayla Shae Street extension will be reviewed and approved through the public improvement permit review and approval process with the Public Works Department. With these requirements placed as conditions of subdivision approval, staff finds this proposal can comply with this criterion.

q. Section 2.302.06 - Construction Specifications

Construction specifications for all public streets shall comply with the standards of the most recently adopted public works street standards of the City of Keizer.

FINDINGS: The intent of this provision is to ensure that construction of new streets that are needed to serve new parcels, meet all City standards for street construction. The partition will feature a public streets extension that will be improved to public works specifications. Public improvement permits will be required and construction drawings must be submitted to the Public Works Department for their review and approval, consistent with all applicable adopted construction specifications and standards adopted by the city. With this placed as a condition of approval, staff finds this provision will be met.

r. **Section 2.302.08 - Private Access Easements**

A private access easement created as the result of an approved partitioning or subdivision shall conform to standards governing the following: 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 access and utility easement is proposed to serve proposed Parcel 1. For single family homes and duplex dwellings, a minimum 20-foot wide access easement with a paved width of 16 feet is required. 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 has indicated in their written statement and site plan that a 20' wide access easement is proposed, and can comply with these standards.

B. Maintenance: Provisions for the maintenance of the access easement 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. Prior to final plat approval, the City of Keizer Planning Department will review and approve the Agreement for recording. The agreement is to be recorded against both parcels immediately following the recording of the plat. Prior to issuance of any building permits for the new home on proposed Parcel 2, submission of documentation of recording to the City is required.

C. Turn-around: The KDC requires a turn-around for access easements serving two or more lots. The access easement proposed will serve only one lot, therefore a turnaround is not required.

D. Parking: No parking is allowed within the required access easement width according to fire district standards. This allows emergency vehicles to travel the easement to get to proposed Parcel 1. The access easements will serve as the sole access for only Parcel 1 via the existing driveway, so no specific signage is required.

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. The proposed access easement will be provided where the existing driveway is already located, which has trees planted along it. This requirement is not applicable to this request.

F. Screening: In this case, the access easement is proposed in order to provide legal means of access across proposed Parcel 2. The existing driveway to Parcel 1 is not being changed and is pre-existing. Therefore, this requirement is not applicable to this request.

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.

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

FINDINGS: The minimum off-street parking requirements listed within Section 2.303.06 of the Keizer Development Code have been determined to be the minimum necessary to provide adequate parking capacity for specified uses. This has been determined by the City to be the minimum needed to meet the needs of the residences within a new dwelling. Required parking spaces must be installed at the time a dwelling is. The applicant's written statement indicates the plan to build one single family dwelling on the proposed Parcel 2. This parking requirement will be regulated through the building permit review and approval process. With these requirements placed as a condition of approval, staff finds the proposal can meet this criterion.

Section 2.305 Transit Facilities:

FINDINGS: No transit facilities are proposed with this development, and are not necessary. Therefore, this criterion is not applicable to this proposal.

4. *Section 2.306 Provide for the management and control of stormwater runoff from all new development.*

FINDINGS: The intent of this provision is to minimize, and avoid, storm drainage and erosion runoff problems that may be associated with development by requiring that a storm drainage and erosion control plan be submitted for review and approval prior to any development occurring on the site. The applicant submitted a preliminary grading and drainage plan and stormwater analysis as part of their application materials, and has indicated they intend to comply with the City's requirements regulating stormwater management. The Public Works Department submitted comments containing additional items that will need to be addressed in the final design. The Applicant's engineer is required to submit a final overall

storm drainage plan and design calculations, demonstrating conformation to the Standards.

With these requirements placed as conditions of approval, this application complies with this provision.

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

FINDINGS: To provide adequate services and facilities appropriate for residential development, the applicant shall meet the standards set forth in Section 2.307 of the KDC relating to water, sanitary sewer, private utilities, street lights and easements. This is a development requirement and compliance will be ensured during review of the construction and engineering drawings. Staff finds with appropriate conditions; this proposal will comply with this criterion.

6. *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. The applicant has submitted a site plan of all existing trees. No trees are marked for removal but if a significant tree is removed, replacement trees are required to be planted consistent with the city's 2:1 replacement ratio. As a condition of approval, applicant is required to submit a tree removal plan if applicable. 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 proposed Parcel 2. Because it is located outside of the City limits and UGB, proposed Parcel 1 cannot be connected to the public water, sewer or storm systems. 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.

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.

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 Planning Department, 930 Chemawa Road NE, Keizer by **5:00 p.m. on August 5, 2024.**

Unless appealed, this decision becomes final on August 6, 2024.

Partition approval is only valid if the final plat is recorded prior to August 6, 2026.

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 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 is 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. Parcel 2 shall comply with all area and dimension requirements for lots within the Single Family Residential (RS) zone.

- g.** Both gross and net area calculations must be shown on the preliminary and final plat. (net area does not include access easement)
 - h.** Include all engineering elements as required by the Department of Public Works requirements.
 - i.** Include a signature line for the City Engineer.
- 3. The Deferral Agreement for the future extension and improvement of Kayla Shae Street to the north property line shall be provided to the City for final review and approval by the City Attorney.

Prior to Final Plat approval (Mylar):

- 4. The final Deferral Agreement shall be executed between the applicant and City with all appropriate signatures. The applicant will be responsible for the costs associated with recording the document.
- 5. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor which conforms to the approved preliminary plat. Following plat approval, the final plat and title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk by August 6, 2026. The plat shall include all engineering elements as required by the Department of Public Works.
- 6. Provisions for the maintenance of the access easement shall be provided in the form of a maintenance agreement, homeowners association, or other instrument and provided to the City of Keizer Planning Department for review and approval.
- 7. The access easement must be built or installed prior to approval of the final plat. Or documentation must be provided showing the existing improved driveway is located within the platted access easement. 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 KDC. Contact the Planning Department for Improvement Agreements.
- 8. Two street trees must be planted on Parcel 2 along the newly constructed Kayla Shae Street. Trees must be 2" caliper and 8' tall when planted. Existing trees on the property may be able to satisfy this requirement if located appropriately. The applicant's tree plan shall show the location of proposed or existing trees which satisfy this requirement.
- 9. The following applicable requirements/conditions of the Public Works Department must be met as outlined below:

Street System:

- a.) Dedicate a minimum 46-foot-wide right-of-way along the west side of proposed Parcel 2 as an extension of Kayla Shae Street. The east line of the right-of-way dedication shall be aligned with the existing east right-of-way of Kayla Shae Street and existing Trebber Street to the north. The west line of

the dedication shall be the west line of the subject property. Alternatively, the applicant may submit an application for a property line adjustment between the subject property and Tax Lots 4000 and 5400 to adjust the west property line prior to right-of-way dedication. (KDC 2.302.04, 2.310.05.C)

- b.) Dedicate a 10-foot public utility easement (PUE) along the frontage of all street rights-of-way. (KDC 2.302.04)
- c.) Construct a Three-quarter Street Improvement (including curb and gutter on the east side of the roadway) along the extension of Kayla Shae Street to local street standards. The north end of these improvements shall extend to the greater of the north right-of-way line of Heatherwood Avenue or the north end of the new driveway to the future home. (Keizer Design Standards 3.04)
- d.) Construct Kayla Shae Street as a typical street section with a centerline crown at the center of the right-of-way. (Keizer Standard Detail ST-22)
- e.) Provide a driveway access approach to the proposed Parcel 2 future dwelling as part of the Kayla Shae Street. This driveway approach shall be located so that it is not directly across from Heatherwood Avenue. (KDC 2.302.03.N)

Sanitary Sewer System:

- a.) Pay a Sewer Acreage Fee of \$7,460.00 per acre for proposed Parcel 2 unless the applicant can provide evidence that the Fee has already been paid for this property.
- b.) Extension of the existing public sanitary sewer mains is not required unless it is necessary to provide service to the future dwelling on proposed Parcel 2.
- c.) Proposed Parcel 1 cannot be connected to the City sanitary sewer system as it is located outside of the City and the UGB.
- d.) City of Salem approval for local sewer permits will need to be issued prior to construction.
- e.) It will be the responsibility of the Applicant's engineer to locate any existing sewer services that serve the subject property and provide evidence that it is available for reuse. Any septic tank and drainfield located on the proposed Parcel 2 and within the City of Keizer shall be abandoned according to the requirements of the appropriate agency and evidence of compliance submitted to the City prior to issuance of any building permits on the subject property.

Water System:

- a.) Extend and interconnect the existing water mains in Kayla Shae Street and Heatherwood Avenue. Extend the water main in Kayla Shae Street to the north end of the street improvements.
- b.) Proposed Parcel 1 cannot be connected to the City water system as it is located outside of the City and the UGB.
- c.) Final development plans shall be reviewed by Marion County Fire District #1 regarding access and adequate location of fire hydrants prior to any issuance of Public Construction permits by the City of Keizer.
- d.) Any existing wells on the proposed Parcel 2 and within the City of Keizer 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.
- e.) Location of all water meters shall be approved by the Public Works Department.

Storm Drainage System:

- a.) Construct stormwater collection, conveyance, treatment, and retention facilities to accommodate new impervious surfaces in the rights-of-way and future impervious surfaces on proposed Parcel 2, in accordance with Keizer Design Standards Chapter 400.
- b.) Extension of the existing storm system mains is not required unless it is necessary to provide service to the future dwelling on proposed Parcel 2.
- c.) Proposed Parcel 1 cannot connect to the City storm drainage system as it is located outside of the City and the UGB.
- d.) Stormwater runoff from all proposed building rain and foundation drains shall be conveyed to the proposed Stormwater Facilities.
- e.) Public Works has reviewed the preliminary stormwater plans and report provided with this application for reasonable conformance with the Keizer Design Standards. The following items will need to be addressed in the final design in addition to the Chapter 400 requirements:
- f.) The overflow connection from the proposed Stormwater Quality Facility in the southeast corner of proposed Parcel 2 to the City stormwater system shall be designed in accordance with Chapter 400.
- g.) The infiltration testing to determine the design infiltration rate shall be performed on the project site rather than using test from other locations.

- h.) The Applicant's engineer shall submit a final overall storm drainage plan and design calculations, demonstrating conformance to the Standards, for review and approval prior to issuance of construction permits for the development.
- i.) A grading and drainage plan shall be developed for the subject property in conformance with the Keizer Design Standards. The plan shall include details of adequate stormwater conveyance 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 erosion control or construction permits for the development.

General:

- a.) The partition plat map and exhibits shall show the location of all existing easements on the properties, as well as provide easements for all existing utilities crossing the proposed Parcels.
- b.) The applicant or applicant's engineer shall request and attend a pre-design conference with City staff prior to submitting construction drawings for review.
- c.) The applicant shall enter into an Improvement Agreement with the City, prior to approval of the final plat, to guarantee the required public improvements. A stipulation of the Agreement shall be that building permits for proposed Parcel 2 will not be approved by the City until the public improvements are complete and accepted by the City. (KDC 2.310.05.D)
- d.) Construction permits will be required for any construction within a public street, right-of-way, or City easement, for any public infrastructure on private property, and for erosion control and stormwater management on private property. (KDC 2.302.06)
- e.) Street opening permits are required for any work within the City right-of-way or easements that is not covered by a construction permit. (KDC 2.302.06)
- f.) Erosion control permits shall be obtained from the City prior to the disturbance of any soil on the subject property. (KDC 2.306.05)
- g.) A pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
- h.) The Applicant shall coordinate the location of individual or cluster box unit (CBU) mailboxes with the U.S. Postal Service.
- i.) New electricity, gas, and communications services to serve the development shall be installed underground and pursuant to the requirements of the company serving the development. (KDC 2.307.02.C)

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 documentation to the City of Keizer Planning Department that the Maintenance Agreement for the access easement has been recorded with Marion County Recorder's Office.
12. Provided parking must comply with the provisions of the KDC. Spaces must be 9' wide and 18' long and must be a hard, durable, dust-free surface built according to public works standards.

Prior to Obtaining Building Permit Final:

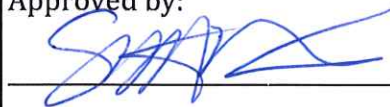
13. The residential address requirements found in the Oregon Uniform Fire Code shall be completed as approved by the Keizer Fire District and City of Keizer Planning Department. Address display sign are required at Dearborn Road N identifying addresses on access easement.

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 of this report.

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

DATE: July 25, 2024

BASINGER PARTITIONING PLAN

SEC. 23 & 24, T. 6 S., R. 3 W., W.M.

CITY OF KEIZER

MARION COUNTY, OREGON

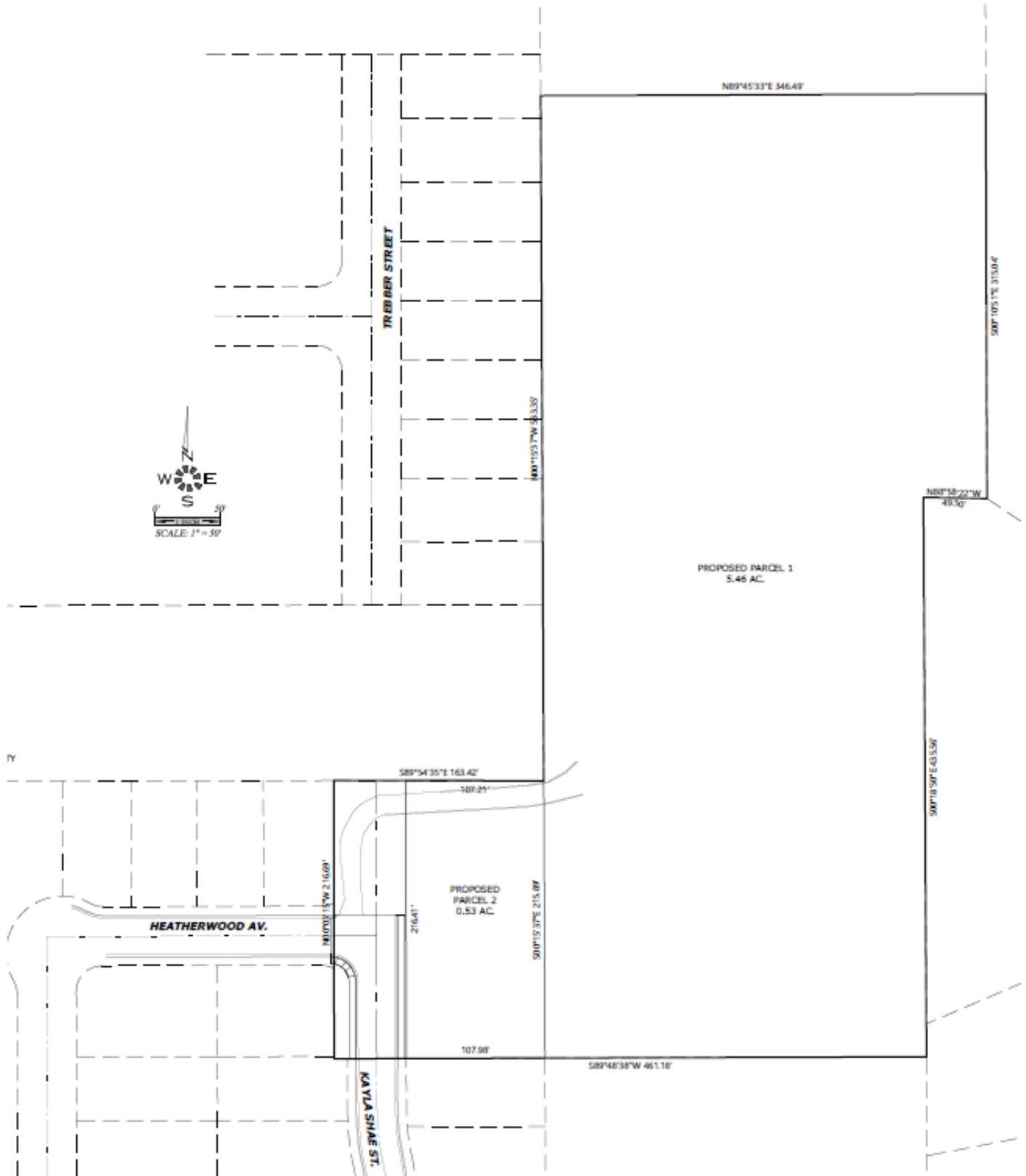




EXHIBIT 3

PARTITION CASE NO. 2024-09

PROPERTY ADDRESS: 7624 KAYLA SHAE ST NE

The applicant is requesting to partition a single parcel of 6.46 acres into two separate legal lots. PROPOSED PARCEL 1 will result in area of approximately 5.46 acres and will be located outside the city limits and Urban Growth Boundary (UGB). PROPOSED PARCEL 2 will result in a net area of approximately .53 acres and will be located inside the city limits of Keizer and within the UGB. The property is located at 7624 Kayla Shae (063W23DD Tax Lots 00802 and 00805 AND 063W24C Tax Lot 03900).

EXISTING CONDITIONS:

- a) The existing property has access to the City street system at the east end of Heatherwood Avenue NE and north end of Kayla Shae Street NE. Both are local streets in the Keizer Transportation System Plan (TSP).
- b) The subject property is located outside of the original Keizer Sewer District.
- c) The existing dwelling and the portion of the property designated as PROPOSED PARCEL 1 on the application is located outside of the Keizer City Limits and the Salem-Keizer Urban Growth Boundary (UGB).
- d) An 8-inch City PVC sanitary sewer main is located along Heatherwood Avenue NE, terminating at a cleanout near the east end of the street.
- e) An 8-inch City PVC sanitary sewer main is located along Kayla Shae Street NE, terminating at a manhole approximately 25 feet south of the end of the street.
- f) An 8-inch City ductile iron water main is located along the south side of Heatherwood Avenue NE, terminating just east of the end of the street.
- g) An 8-inch City ductile iron water main is located along the east side of Kayla Shae Street NE, terminating just south of the end of the street.
- h) The subject property is located within the Labish Ditch stormwater "Critical Basin" as defined in Keizer Design Standards Chapter 100.
- i) A 12-inch City storm drain is located along the southwest corner of the property, crossing from Heatherwood Avenue NE to Kayla Shae Street NE.
- j) Wetland areas along the waterway on the east side of the subject property are denoted in the National Wetland Inventory.
- k) Per Flood Insurance Rate Map Numbers 41047C0192G and 41047C0194G, the properties are located outside of any mapped Special Flood Hazard Areas (SFHA).

PUBLIC WORKS DEPARTMENT REQUIREMENTS. The Public Works Department has reviewed the development application, preliminary construction plans, preliminary stormwater report, and supporting information, and recommends the following conditions of approval and development requirements:

Street System:

- a) Dedicate a minimum 46-foot-wide right-of-way along the west side of PROPOSED PARCEL 2 as an extension of Kayla Shae Street NE. The east line of the right-of-way dedication shall be aligned with the existing east right-of-way of Kayla Shae Street NE and existing Trebber Street NE to the north. The west line of the dedication shall be the west line of the subject property. Alternatively, the applicant may submit an application for a property line adjustment between the subject property and Tax Lots 4000 and 5400 to adjust the west property line prior to right-of-way dedication. (KDC 2.302.04, 2.310.05.C)
- b) Dedicate a 10-foot public utility easement (PUE) along the frontage of all street rights-of-way. (KDC 2.302.04)
- c) Construct a Three-quarter Street Improvement (including curb and gutter on the east side of the roadway) along the extension of Kayla Shae Street NE to local street standards. The north end of these improvements shall extend to the greater of the north right-of-way line of Heatherwood Avenue NE or the north end of the new driveway to the future home. (Keizer Design Standards 3.04)
- d) Construct Kayla Shae Street NE as a typical street section with a centerline crown at the center of the right-of-way. (Keizer Standard Detail ST-22)
- e) Provide a driveway access approach to the PROPOSED PARCEL 2 future dwelling as part of the Kayla Shae Street NE. This driveway approach shall be located so that it is not directly across from Heatherwood Avenue NE. (KDC 2.302.03.N)

Sanitary Sewer System:

- a) Pay a Sewer Acreage Fee of \$7,460.00 per acre for proposed Parcel 2 unless the applicant can provide evidence that the Fee has already been paid for this property.
- b) Extension of the existing public sanitary sewer mains is not required unless it is necessary to provide service to the future dwelling on PROPOSED PARCEL 2.
- c) PROPOSED PARCEL 1 cannot be connected to the City sanitary sewer system as it is located outside of the City and the UGB.
- d) City of Salem approval for local sewer permits will need to be issued prior to construction.
- e) It will be the responsibility of the Applicant's engineer to locate any existing sewer

services that serve the subject property and provide evidence that it is available for reuse. Any septic tank and drainfield located on the PROPOSED PARCEL 2 and within the City of Keizer shall be abandoned according to the requirements of the appropriate agency and evidence of compliance submitted to the City prior to issuance of any building permits on the subject property.

Water System:

- a) Extend and interconnect the existing water mains in Kayla Shae Street NE and Heatherwood Avenue NE. Extend the water main in Kayla Shae Street NE to the north end of the street improvements.
- b) PROPOSED PARCEL 1 cannot be connected to the City water system as it is located outside of the City and the UGB.
- c) Final development plans shall be reviewed by Marion County Fire District #1 regarding access and adequate location of fire hydrants prior to any issuance of Public Construction permits by the City of Keizer.
- d) Any existing wells on the PROPOSED PARCEL 2 and within the City of Keizer 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.
- e) Location of all water meters shall be approved by the Public Works Department.

Storm Drainage System:

- a) Construct stormwater collection, conveyance, treatment, and retention facilities to accommodate new impervious surfaces in the rights-of-way and future impervious surfaces on PROPOSED PARCEL 2, in accordance with Keizer Design Standards Chapter 400.
- b) Extension of the existing storm system mains is not required unless it is necessary to provide service to the future dwelling on PROPOSED PARCEL 2.
- c) PROPOSED PARCEL 1 cannot connect to the City storm drainage system as it is located outside of the City and the UGB.
- d) Stormwater runoff from all proposed building rain and foundation drains shall be conveyed to the proposed Stormwater Facilities.
- e) Public Works has reviewed the preliminary stormwater plans and report provided with this application for reasonable conformance with the Keizer Design Standards. The following items will need to be addressed in the final design in addition to the Chapter 400 requirements:
 - (i) The overflow connection from the proposed Stormwater Quality Facility in the southeast corner of PROPOSED PARCEL 2 to the City stormwater system shall be designed in accordance with Chapter 400.

- (ii) The infiltration testing to determine the design infiltration rate shall be performed on the project site rather than using test from other locations.

The Applicant's engineer shall submit a final overall storm drainage plan and design calculations, demonstrating conformance to the Standards, for review and approval prior to issuance of construction permits for the development.

- f) A grading and drainage plan shall be developed for the subject property in conformance with the Keizer Design Standards. The plan shall include details of adequate stormwater conveyance 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 erosion control or construction permits for the development.

General:

- a) The partition plat map and exhibits shall show the location of all existing easements on the properties, as well as provide easements for all existing utilities crossing the proposed Parcels.
- b) The applicant or applicant's engineer shall request and attend a pre-design conference with City staff prior to submitting construction drawings for review.
- c) The applicant shall enter into an Improvement Agreement with the City, prior to approval of the final plat, to guarantee the required public improvements. A stipulation of the Agreement shall be that building permits for PROPOSED PARCEL 2 will not be approved by the City until the public improvements are complete and accepted by the City. (KDC 2.310.05.D)
- d) Construction permits will be required for any construction within a public street, right-of-way, or City easement, for any public infrastructure on private property, and for erosion control and stormwater management on private property. (KDC 2.302.06)
- e) Street opening permits are required for any work within the City right-of-way or easements that is not covered by a construction permit. (KDC 2.302.06)
- f) Erosion control permits shall be obtained from the City prior to the disturbance of any soil on the subject property. (KDC 2.306.05)
- g) A pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
- h) The Applicant shall coordinate the location of individual or cluster box unit (CBU) mailboxes with the U.S. Postal Service.
- i) New electricity, gas, and communications services to serve the development shall be installed underground and pursuant to the requirements of the company serving the development. (KDC 2.307.02.C)

Marion County Surveyor's Office

Page 1 of 2

Comments on Planning Action: Keizer Partition 2024-09Date 6 / 25 / 2024 Person Commenting Kent InmanSubdivision:

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

Partition:

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

Property Line Adjustment:

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

(See Page 2 for additional comments)

Property Line Adjustment (continued):

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

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

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

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

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

Other comments specific to this Planning Action:

555 Liberty Street SE / Room 305 • Salem OR 97301-3503 • Phone 503-588-6173 • www.cityofsalem.net

July 3, 2024

Dina Horner, Assistant Planner
City of Keizer Planning Division
930 Chemawa Road NE
Keizer, OR 97303
Delivered via email: Hornerd@keizer.org

**SUBJECT: Response to Request for Comments Partition 2024-09:
7624 Kayla Shae Street NE, Keizer, OR 97303**

To Whom It May Concern:

This letter is furnished in response to your request for comments on a two-parcel partition application for property located at 7624 Kayla Shae Street NE (Partition 2024-09). The City of Salem, Development Services Division, would like to provide the following comments:

The subject property is located outside of Salem City Limits and within the City of Keizer. As indicated in the documents provided in the request for comments, Proposed Parcel 1 will be located outside of Keizer City limits and outside of the Keizer UGB.

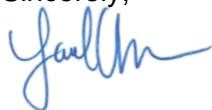
City of Salem sanitary sewer mains are located in Kayla Shae Street NE and Heatherwood Avenue NE and are available to serve only **Proposed Parcel 2**, located within the Keizer City limits. As Proposed Parcel 1 is located outside of the Keizer City limits and outside of the Keizer UGB, City of Salem sanitary sewer mains are **not available to serve Proposed Parcel 1**.

The request for comments includes plans for a proposed three-quarter street improvement and includes a new City of Salem sanitary sewer main within the street improvement. It is recommended that construction of the new sanitary sewer main be included in the deferral agreement so that it is not constructed until such time that it will be utilized.

New service connections for **Proposed Parcel 2** and the proposed main extension will require construction permits in accordance with the *Salem Revised Code, the Public Works Design Standards, and Standard Construction Specifications*. Permits will not be issued by the City of Salem Permit Application Center until all construction plans have been approved by the Development Services Division. Construction drawings can be submitted by email to developmentservices@cityofsalem.net.

If there are any questions or additional information required, please contact me using the information provided below.

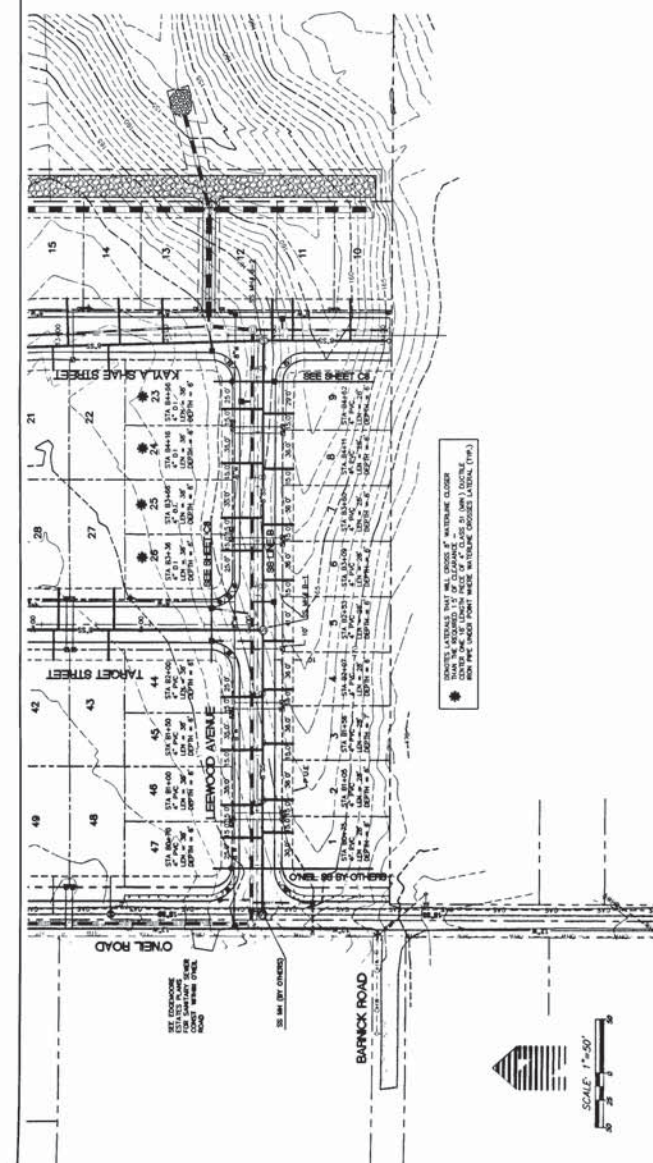
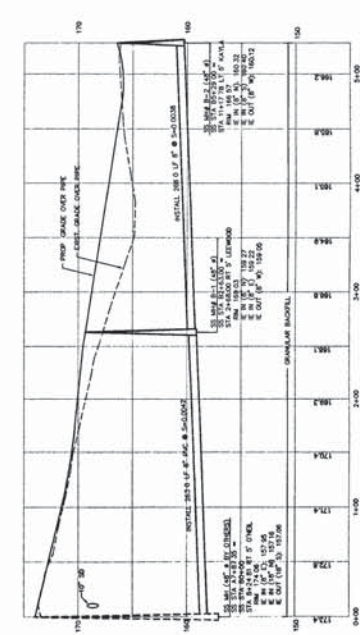
Sincerely,



Laurel Christian, Infrastructure Planner III
Community Planning and Development Department
lchristian@cityofsalem.net

965013

SANITARY LINE B PROFILE
 SCALE: HORIZ. 1"=50'
 VERT. 1"=5'



- SANITARY SEWER SYSTEM GENERAL NOTES**
1. All sanitary sewer lines shall be constructed in accordance with City of Portland, Oregon, Department of Public Works, Division of Engineering, Sanitary Sewer Design Manual, dated 1997.
 2. All sanitary sewer lines shall be constructed in accordance with City of Portland, Oregon, Department of Public Works, Division of Engineering, Sanitary Sewer Design Manual, dated 1997.
 3. All sanitary sewer lines shall be constructed in accordance with City of Portland, Oregon, Department of Public Works, Division of Engineering, Sanitary Sewer Design Manual, dated 1997.
 4. All sanitary sewer lines shall be constructed in accordance with City of Portland, Oregon, Department of Public Works, Division of Engineering, Sanitary Sewer Design Manual, dated 1997.
 5. All sanitary sewer lines shall be constructed in accordance with City of Portland, Oregon, Department of Public Works, Division of Engineering, Sanitary Sewer Design Manual, dated 1997.
 6. All sanitary sewer lines shall be constructed in accordance with City of Portland, Oregon, Department of Public Works, Division of Engineering, Sanitary Sewer Design Manual, dated 1997.
 7. All sanitary sewer lines shall be constructed in accordance with City of Portland, Oregon, Department of Public Works, Division of Engineering, Sanitary Sewer Design Manual, dated 1997.
 8. All sanitary sewer lines shall be constructed in accordance with City of Portland, Oregon, Department of Public Works, Division of Engineering, Sanitary Sewer Design Manual, dated 1997.
 9. All sanitary sewer lines shall be constructed in accordance with City of Portland, Oregon, Department of Public Works, Division of Engineering, Sanitary Sewer Design Manual, dated 1997.
 10. All sanitary sewer lines shall be constructed in accordance with City of Portland, Oregon, Department of Public Works, Division of Engineering, Sanitary Sewer Design Manual, dated 1997.

**SANITARY LINE B
 SANITARY SEWER PLAN AND PROFILE**

KEIZER, OREGON

BRONKOWSKI LAND COMPANY, 16325 SW BROWNES FERRY ROAD #203, LAKE OSWEGO, OR 97035

TEL: (503) 635-2998 X21, FAX: (503) 635-3174

EXP. 04/30/98

AS-BUILT

PROJECT NO. 965013

DATE: 12/19/97

DESIGNED BY: J. SLATER

CHECKED BY: J. SLATER

CREATED BY: J. SLATER

SHEET TITLE: SANITARY SEWER

SHEET NUMBER: C7

03/21/97

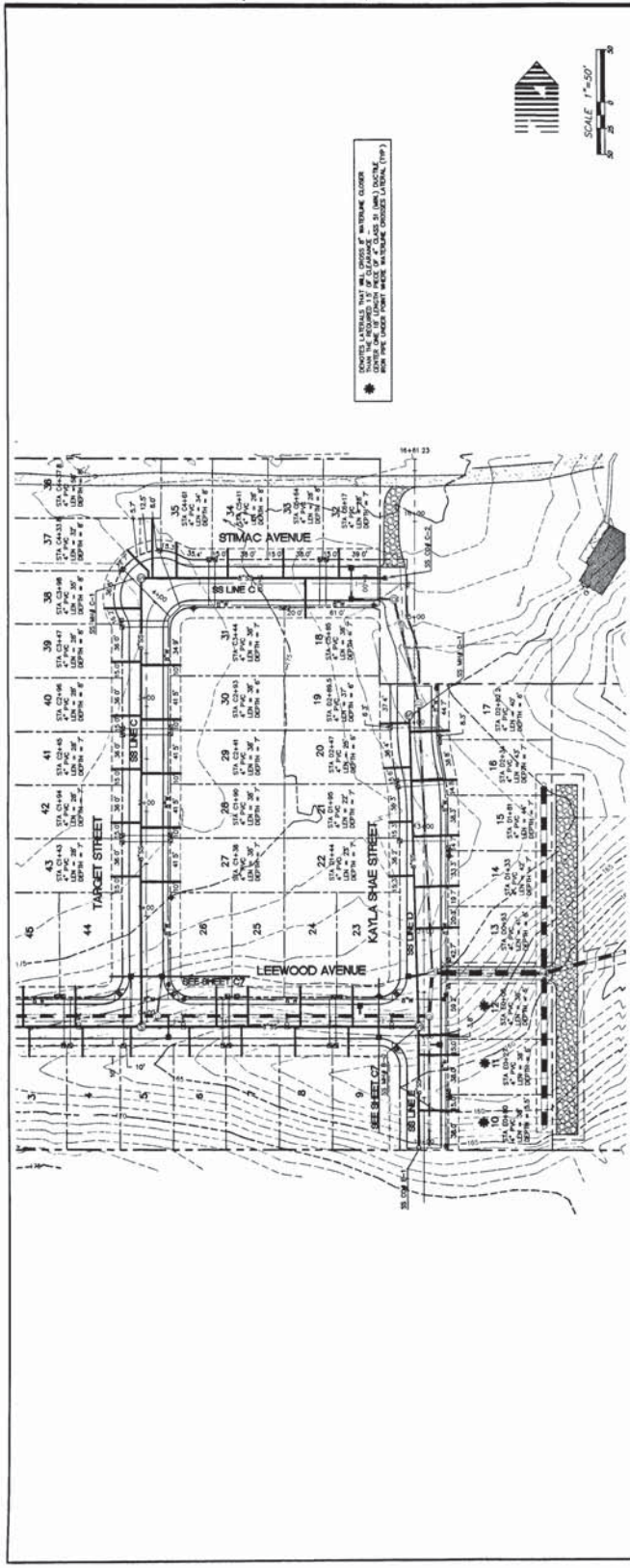
03/21/97

DESIGN INC.
W R G
10450 SW Nimbus Ave., Portland, Oregon 97223
503/603-9933 FAX 503/603-9944
PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

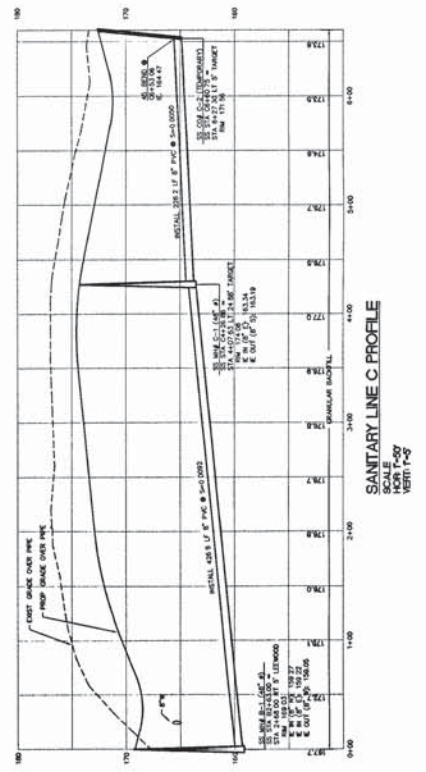
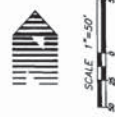


KEIZER, OREGON
BENCHMARK LAND COMPANY, 16325 SW BOOKS PERRY ROAD #203, LAKE OSWEGO, OR 97035
TEL: (503) 635-2996 x21, FAX: (503) 635-3174
SANTARY SEWER PLAN AND PROFILE
EXP. 06/20/98

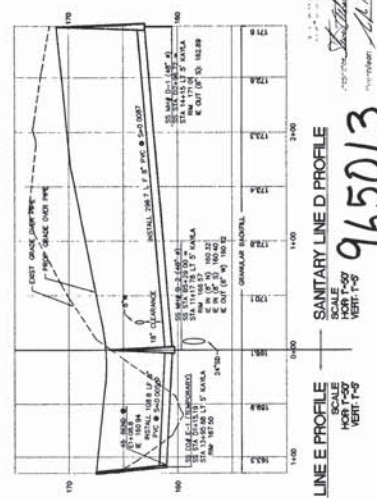
AS-BUILT
PROJECT NO. PLM005
DATE 1/2/97
DESIGNED BY J. SUTTER
ENGINEERED BY J. WILLIAMS
CHECKED BY J. WILLIAMS
SHEET TITLE
SANTARY SEWER
SHEET NUMBER
C8



* MANHOLE LOCATIONS SHOWN ON BASIS OF SURVEYING RECORDS. FROM THE RECORDS IT IS DETERMINED THAT THE MANHOLE LOCATIONS SHOWN ON THIS PLAN ARE CORRECT. NO OTHER POINTS WERE LOCATED ON THE PLAN.



SANTARY LINE C PROFILE
SCALE
HORIZ. 1"=50'
VERT. 1"=5'



SANTARY LINE D PROFILE
SCALE
HORIZ. 1"=50'
VERT. 1"=5'

965013
J. SUTTER
J. WILLIAMS



City of Keizer

Phone: (503) 856-3442 • Fax: (503) 390-8288
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

REQUEST FOR COMMENTS

TO: Neighboring Property Owner of 7624 Kayla Shae
DATE: June 24, 2024
CASE: Partition 2024-09

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

Comments must be submitted in writing and received in our office by 5:00 pm on July 9, 2024.

Send comments or questions to:

Dina Horner, Assistant Planner
Email: Hornerd@keizer.org Phone: (503) 856-3442
City of Keizer Planning Division
930 Chemawa Rd NE, Keizer OR 97303

REQUEST: The applicant is requesting to partition a single parcel of 6.46 acres into two separate legal lots. Parcel 1 will result in area of approximately 5.46 acres and will be located outside the city limits and Urban Growth Boundary (UGB). Parcel 2 will result in a net area of approximately .53 acres and will be located inside the city limits of Keizer and within the UGB. The property is located at 7624 Kayla Shae (063W23DD Tax Lots 00802 and 00805 AND 063W24C Tax Lot 03900).

APPLICANT/PROPERTY OWNER: Michael R. and Kathleen R. (Trustees) Basinger
ZONING DESIGNATION: Residential Single Family (RS)

PLEASE CHECK THE APPROPRIATE ITEMS:

☐ I/We reviewed the proposal & determined I/we have no comment (**no need to return**).

☐ My/Our comments are in the attached letter.

☒ My/Our comments are: Approval should be contingent on construction of the planned connection between Kayla Shae St. and Heatherwood Ave, including pavement and sidewalk, for adequate neighborhood walkability circulation and public facilities.

Name: Douglas Norval
Phone: 503-409-2370 Email: ddnorval@gmail.com
Address: 1683 Leewood Ave NE
Date: 07/09/2024

EXHIBIT 7

Steven and Christine Mallette

1674 Heatherwood Ave. NE
Keizer, OR 07303
mallettec@yahoo.com
mallettes@hotmail.com

City of Keizer Planning Division
Attn.: Dina Horner, Assistant Planner
930 Chemawa Rd NE
Keizer, OR 97303

July 9, 2024

Subj.: Land Use Case Partition 2024-09 – 7624 Kayla Shae

Dear Dina Horner,

Thank you for your letter and request for comments dated June 24, 2024. As the owners of a neighboring property, we would like to file the following comments and concerns:

We understand that the partition of the neighboring property will necessitate road and sidewalk improvements adjacent to our property. Specifically, we are asking to confirm that the city is planning to install an SQF structure and a connecting sidewalk that would connect Heatherwood Ave. to Kayla Shae.

- Please define the ownership of the area where the SQF structure will be placed? In other words, who owns the strip of land adjacent to our property and reaching East to the planned continuation of the public sidewalk on Kayla Shae?
- What are the dimensions, specific placement as it relates to our property, building materials, and vegetation for the SQF structure?
- Who is responsible for the maintenance of the SQF structure, such as: a) monitoring for site appropriate public usage, b) trash and debris removal, and c) grass cutting and potential tree maintenance? What will be the frequency of these maintenance events?
- Who is responsible for the maintenance of the planned adjacent sidewalk such as the removal of ice, snow, and debris?
- Who assumes the liability for both of these aforementioned structures in the event of a public safety concern or legal claim?
- What is the approximate timeline for this work?

We appreciate your time and efforts to keep us informed of the status of this project and ask to be included in any planned or anticipated hearings or decision points.

Best regards,

Steven and Christine Mallette