City of Keizer

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930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

November 13, 2023

NOTICE OF PLANNING COMMISSION ORDER

Partition/Major Variance Case 2023-12

You are receiving this Notice of the Planning Commission order because you provided either written or verbal testimony on a proposed subdivision. Attached is a copy of the Hearings Officer's decision Partition/Major Variance Case 2023-12 for a 2-lot partition located at 527 Dearborn Av N, Keizer, OR also identified by Marion County Tax Assessor's Map No. 073W03AD Tax Lot 02700.

Any interested person, including the applicant, who disagrees with this decision, may appeal the decision to the City Council. Any such appeal must be filed with the Keizer Planning Department on an appeal form provided by the City. A fee of $440.00 is required for any appeal filed. The appeal form is to be submitted to Keizer Planning Department, 930 Chemawa Road NE, PO Box 21000, Keizer, Oregon 97307-1000. The appeal form and fee must be received by the City by 5:00 pm **November 27, 2023**. Please see the Section 3.207 (Appeal Provisions*)* in the Keizer Development Code, for more information.

If you any questions, concerns or comments regarding this decision, please contact the Keizer Planning Department at (503) 856-3439 or 856-3442.

All attachments can be viewed at:
https://www.keizer.org/maps/location/Partition/MajorVariance2023-12

BEFORE THE PLANNING COMMISSION FOR THE CITY OF KEIZER

ORDER

IN THE MATTER OF THE APPLICATION OF MICHAEL AND SUSIE LE FOR A PARTITION AND MAJOR VARIANCE ON PROPERTY LOCATED AT 527 DEARBORN AVENUE N, KEIZER, OREGON (CASE NO. 2023-12)

The Keizer Planning Commission orders as follows:

Section 1. THE APPLICATION. This matter comes before the Keizer Planning Commission on the application of Michael and Susie Le to divide an existing parcel totaling approximately 16,160 square feet into two parcels comprised of approximately 7,000 square feet and approximately 6,600 square feet. The proposal also includes a major variance request to reduce the minimum required setback from the existing home to the private access easement. The property is identified on the Marion County Tax Assessor's Map as Township 7 South, Range 3 West, Section 03AD, Tax Lot 02700. On September 18, 2023, the Planning Director approved the requested partition and major variance request. The Planning Director's decision was appealed to the Planning Commission.

Section 2. JURISDICTION. The land in question in this Order is within the city limits of the City of Keizer. This appeal concerns both a Partition (Type I-B) and a Major Variance (Type I-D). Pursuant to KDC 3.201.01(B), cases involving multiple

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application types are heard and decided at the higher type. Because the higher type is the Major Variance case, this appeal is before the Planning Commission. See KDC 3.105.05 and the Land Use Application Process matrix following KDC 3.101.04

Section 3. PUBLIC HEARING. A public hearing was held on this matter before the Keizer Planning Commission on November 8, 2023.

Section 4. ADOPTION OF NOTICE OF DECISION. The Keizer Planning Commission adopts the attached Keizer Planning Department Notice of Decision as its own, including the evidence, criteria, facts and justification set forth therein.

Section 5. ACTION. The Keizer Planning Commission hereby approves the partition and major variance request as conditioned in the attached Keizer Planning Department Notice of Decision.

Section 6. FINAL DETERMINATION. This Order is the final determination in this matter, unless appealed.

Section 7. EFFECTIVE DATE. This Order is effective immediately.

Section 8. APPEAL. A party aggrieved by the final determination in this matter may appeal to the Keizer City Council pursuant to the procedure set forth in the Keizer Development Code.

DATED: Nov 8th, 2023.

Matt Lawyer, Chair

Keizer City Attorney
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PO Box 21000
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KEIZER PLANNING DEPARTMENT
NOTICE OF DECISION
Partition Case 2023-12

I. REQUEST

The following report reviews a land use application to divide an existing parcel totaling approximately 16,160 square feet into two parcels comprised of approximately 7,000 square feet (Parcel 1) and approximately 6,600 square feet (Parcel 2). The proposal also includes a major variance request to reduce the minimum required setback from the existing home to the private access easement. Currently, the property is developed with a single-family dwelling and accessory dwelling unit (ADU). (Exhibit 1)

II. BACKGROUND

A. ***APPLICANT/PROPERTY OWNER***: Michael and Susie Le

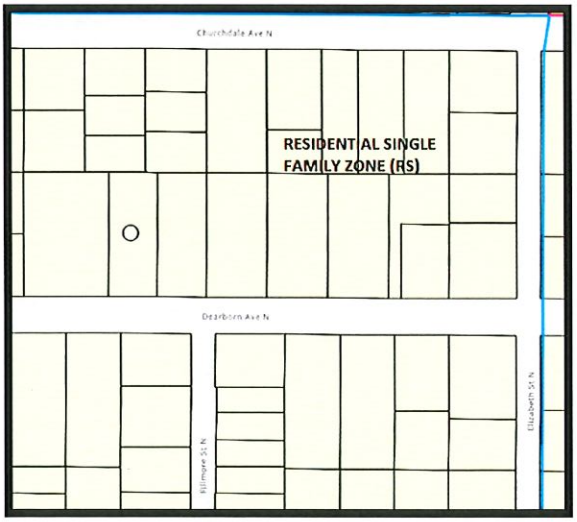
B. ***PROPERTY LOCATION:*** The subject property is located in the 527 Dearborn Av N, identified on the Marion County Tax Assessor's as Township 7 South, Range 3 West, Section 03AD Tax Lot 02700. (Exhibit 2)

C. ***PARCEL SIZE:*** The subject property is approximately 16,160 square feet in area.

D. ***EXISTING DEVELOPMENT AND PUBLIC FACILITIES:*** The subject property is currently developed with a single-family home and accessory dwelling unit. The property is currently served by both public water and public sewer.

E. ***ZONING:*** The subject property is zoned RS (Single Family Residential) and designated Low Density Residential (LDR) in the Comprehensive Plan.

F. ***ADJACENT ZONING AND LAND USES:*** 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 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.

C. The Keizer Fire District submitted comments (Exhibit 5) regarding the major variance request.

D. The City of Salem Public Works Department submitted comments (Exhibit 6) stating the process for the sewer connection.

E. The Salem-Keizer Public Schools submitted comments (Exhibit 7) noting the school capacities, current enrollments and expected impact of development.

F. The City of Keizer Police Department and the West Keizer Neighborhood Association submitted that they have reviewed the proposal and have no comments.

G. A letter requesting comments was sent to the surrounding property owners within 250 feet of the subject property. Comments were received from the following:

   a. Wendell Weckert - 557 Dearborn Av N (Exhibit 8)

   b. Sharla Hill - 497 Dearborn Av N (Exhibit 9)

   c. John Hill - 497 Dearborn Av N (Exhibit 10)

   d. Stephen Kalb - 4880 Delight St N (Exhibit 11)

   e. Patsy Ozenna-LeMay - 507 Dearborn Av N (Exhibit 12)

   f. Arthur Mauer - 4860 Delights St N (Exhibit 13)

STAFF RESPONSE: This report includes findings and conclusions that systematically address the applicable review criteria of the Keizer Development Code. Staff has placed conditions of approval on this application which will ensure the applicant's proposal adheres to the requirements of the Development Code. Some of the concerns expressed by neighbors are addressed through the findings and conditions in this report, but unfortunately many concerns expressed are outside the scope of the applicable review criteria. While staff understands the sentiment behind the concerns expressed over the partitioning of this property, the applicant has shown a preliminary plan that exceeds the minimum requirements of the RS zone for lot size and dimensional standards. Staff also had several phone conversations and in-person conversations with some of those that submitted comments. Staff appreciates the engagement, effort, and participation in the land use process of those individuals that submitted comments.

IV. FINDINGS AND CONCLUSIONS - PARTITION

The following are findings that address the Partition request to divide the property into two lots 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. 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 existing home has frontage along Dearborn Avenue of approximately 80' which exceeds the minimum lot width requirement of 40'. The applicant is proposing the existing driveway on Dearborn Av N be removed and that both lots obtain vehicular access from the proposed access easement. Both parcels will exceed the minimum requirement of 20' of frontage along the access easement. This will be placed as a condition of approval and will be confirmed through the process of platting the partition. Staff finds this proposal can comply with 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 is located in the RS zone. 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 applicant's proposed plan and written statement indicate both lots exceed the minimum width requirement and the minimum depth requirement of the RS zone.

The RS zone also regulates setback requirements in the dimensional standards section of the development code. The minimum rear-yard setback required for a one-story home is 14'. The existing one-story home on Parcel 1 will need to demonstrate the minimum rear-yard setbacks will be met with the new created Parcel 2. A site plan, prepared by a licensed engineer or surveyor and submitted to the City of Keizer Planning Department demonstrating the existing dwelling on Parcel 1 meets the minimum rear setback requirement of the RS zone for a one-story dwelling will be placed as a condition of approval. With this condition, 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 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. Comments were received from neighbors expressing concern over the submitted site plan and questioning the accuracy of the proposal. 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 which will ensure that minimum lot sizes and dimensions are adhered to.

The applicant's proposed site plan shows Parcel 1 as approximately 7,000 square feet in area with an existing single-family dwelling. The applicant's site plan indicates the existing house will remain. Currently, an ADU is located on the new proposed Parcel 2. ADU's are only allowed in conjunction with a single-family dwelling. Even though Parcel 2 is proposed to be approximately 6,600 square feet in area, future development will be limited to a single-family home, unless the existing ADU were to be removed. Due to the ADU's current location, the ADU cannot qualify as a primary dwelling as it does not meet the setback requirements of a primary dwelling. As a condition of partition approval, a new dwelling is required to be built on Parcel 2 within one-year of the recording of this partition, or the ADU must be removed. To ensure this requirement is met, an Improvement Agreement (or other instrument acceptable to the City) will be required to be recorded with Marion County Clerk's office. Cost for recording will be the responsibility of the applicant.

All parcels exceed the minimum 4,000 square feet required. Staff finds with the above-mentioned conditions of approval; this request can satisfy 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. Neither of the two parcels 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.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 applicant's site plan indicates Parcel 1 complies with this standard. Both lots will obtain vehicular access from the proposed private access easement and exceed the minimum frontage requirement of 20' on the easement. Therefore, 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 indicates Parcel 2 will be accessed via an access easement 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 a rectangular 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 and City of Salem Public Works Department's 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 a 20' wide access easement to serve the newly created lots with a turnaround located on Parcel 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.

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. 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 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). Dearborn Avenue is proposed to be widened according to Collector Street Standards. 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: 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. The Keizer Development Code requires that all 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. 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 (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 Keizer Development Code requires that appropriate public facilities be provided and 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 lots. The City of Salem also submitted comments (Exhibit 6) specific to sanitary sewer utilities which will be required to be followed at the time of development. The installation of appropriate public facilities will be ensured through the Public Works construction permit and building permit approval processes and will be placed as a condition of partition approval; therefore, staff finds this proposal satisfies this criterion.

2. Section 2.302 Street Standards.

FINDINGS: The intent of this provision is to assure parcels are created in a manner consistent with city standards thereby avoiding the creation of a substandard access that might be unusable for vehicular traffic. No new public streets are proposed with this development, but as was addressed elsewhere in this report, street frontage improvements along Dearborn Avenue are proposed and will be required with this application. A private access easement is proposed to serve the development, providing access to both parcels. Staff finds this request can comply with this criterion.

3. ***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 and emergency personnel. In addition, the City requests comments from the Keizer Fire District where the Fire Code may differ from the City's Development Code. The Fire District has submitted comments pertaining to the access easement (Exhibit 5) that are incorporated into this decision. Staff finds the proposed plan can satisfy this criterion.

Width: A 20' wide easement, not to exceed 300' in length, with paved width of 16' is required for private access easements serving two or more dwelling units. In addition, the RS zone requires a 5' setback from the edge of an access easement to a structure. The applicant has submitted an application for a major variance to this setback requirement reducing the setback to 2'. No modification to the access width is requested. This variance request will be reviewed later in this report.

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 a 20' wide easement that does not exceed 300' in length, and therefore can comply with these standards. As a condition of partition approval, the access easement area and location must be shown on the partition plat ensuring all standard are met.

Maintenance: Provisions for the maintenance of the access easement, fencing/hedge 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 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 before recording. The applicant is required to record the Maintenance Agreement immediately after the recording of the Plat and provide a copy to the City. Prior to issuance of a building permit for the new dwellings, submission of proof of recording to the City is required. This will be a condition of partition approval.

Turn-around: The KDC requires a turn-around for access easements serving two or more dwelling units. The access easement is proposed to serve both lots, therefore a turn-around is required. The applicant has submitted a site plan (Exhibit 1) that shows a turn-around located on Parcel 2. This will be reviewed by the City Engineer at the time of plat review to ensure dimensions and turning radius requirements are met.

Parking: No parking is allowed within the 20' required access easement width or turn-around areas allowing emergency vehicles to be able to access the new parcels. Installation of "No Parking" signage is required to be installed when the access easement is constructed.

Trees Along Access Easements: In certain cases, streetscape trees are required along access easements. When required, trees shall comply with the provisions of Section 2.309 of the KDC. Lots measuring along the access easement less than 60 feet shall plant one streetscape tree and lots measuring more than 60 feet 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 lots measure more than 60 feet along the access easement and will be required to plant two streetscape trees along the access easement. Planting of streetscape trees is a condition of Certificate of Occupancy for each new dwelling.

Screening: Unless waived in writing by the adjacent property owners, a 6' tall sight-obscuring fence, wall, or hedge is required along the exterior side of an access easement to provide screening to any adjacent properties. 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.

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

FINDINGS: Oregon Administrative Rule (OAR) 660-012-0440 eliminates off-street parking requirements for properties within ½ mile of frequent transit corridors. The subject property is located approximately .30 miles from the Cherriot's bus route on River Road. However, the applicant's site plan indicates parking will be provided. Parcel 1 will relocate the parking area to the rear of the existing house and parking areas are shown for both the new single-family dwelling and the existing ADU on Parcel 2. When parking spaces are provided, they are required to be a minimum 9' x 18'. Staff finds this request can comply with this criterion.

5. ***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.

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

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 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.

Prior to final plat approval, plans consistent with Section 2.306 of the KDC, for on-site drainage including storm water quality and detention 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.

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

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. The existing ADU is connected to public water through a shared water meter with the existing house on Parcel 1. As a condition of approval, a new water meter will be required to be installed for Parcel 2 prior to recording of the partition plat. With these conditions of approval, staff finds that this request complies with this criterion.

8. ***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 indicated on the site plan submitted that no trees are planned to be removed and no other trees have been removed in the last 2 years. However, if it is determined later that a tree or trees need to be removed, replanting will be required at the City's 2:1 replacement ratio. Two trees are to be planted to replace each tree that is removed. Trees must be a minimum 2" caliper and planted prior to final building permit approval. If trees are removed, a *Tree Replacement Plan* will be required to be submitted and approved by the Planning Department. 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.

V. FINDINGS AND CONCLUSIONS – MAJOR VARIANCE

A. The applicant is proposing to reduce the setback required to an access easement to 2' where a minimum of 5' is required. Therefore, variance approval is required as this proposal does not comply with requirements of the Keizer Development Code.

B. The decision criteria for a Major Variance are contained in Section 3.105.05 of the Keizer Development Code. The criteria and staff's findings are listed below:

1. ***The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.***

FINDINGS: The subject property is zoned RS and is intended for residential development. Partitions are listed as a special permitted use in the RS zone subject to provisions including but not limited to such things as minimum lot size, dimensions, access, and utilities. The Comprehensive Plan and Buildable Lands Inventory assume the possibility of redevelopment and infill development in residential areas. The subject property is approximately 0.37 acres in area, which is more than 3x larger than the minimum lot size of the RS zone, and the applicant is proposing to Partition the property into two separate parcels.

The applicant is requesting this variance due to the location of the existing home in relation to the proposed access easement. The minimum setback required is 5' from the edge of an access easement to the exterior wall of a building. A portion of the existing home is located only 2' from where the edge of the proposed access easement will be, therefore, a variance is being requested in order to allow for the establishment of the access easement.

It should be noted, the applicant had conversations with City Staff and the Keizer Fire District regarding this issue, and originally proposed a Minor Variance request to reduce the access easement width from 20' to 17'. This would not have necessitated the need for a variance to the setback, however, based upon input from the Fire District related to fire, life, and safety concerns, the applicant is requesting a Major Variance to the setback provision instead. The Fire District submitted comments which indicate support for this variance request to ensure the access easement width is maintained.

As a condition of variance approval, the applicant will be limited to variance approval only for that which is proposed. With this condition, staff finds this request satisfies this criterion.

2. ***The applicant in good faith is unable to comply with the standard without undue burden. The applicant must demonstrate that the burden is substantially greater than the potential adverse impacts caused by the proposed variance.***

FINDINGS: The applicant is requesting variance approval to the 5-foot setback requirement so they can provide a 20-foot wide access easement to the proposed partitioned lot. While the applicant could remove a portion of the existing home, it would entail a significant expense and process and would also displace existing residents creating a significant burden. If the applicant were to remove 3' from a portion of the existing home, the setback provision could be met and no variance would be needed, however, because it only affects the existing property, there are no real potential adverse impacts caused by this proposed variance request to adjacent property owners. By locating the easement closer to the existing home than the required 5', there could, theoretically, be greater potential for property damage due to a vehicle striking the existing home. In order to address this possibility, the applicant proposes to install bollards to provide protection to the existing home. This will be placed as a condition of approval.

Therefore, staff finds the burden of this particular development code provision is substantially greater than any potential adverse impact. Therefore, this request satisfies this criterion.

3. ***The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property.***

FINDINGS: The variance request in itself will not be detrimental to property or improvements in the neighborhood of the subject property. The request only affects the subject property and will not locate the development closer to any adjacent property. Comments were received from multiple neighbors who are opposed to both the partition and variance request and concerns were expressed regarding the variance request that the existing home is not "up to code" and shouldn't be rented out. However, the requested variance is only for reducing the setback to the proposed access easement and has nothing to do with other "code" provisions. Due to the fact that this request has no impact on adjacent properties, staff finds this request satisfies this criterion.

4. ***There has not been a previous land use action approved on the basis that variances would not be allowed.***

FINDINGS: There are no other previous land use actions that would not allow this particular variance. Staff therefore finds this request satisfies this criterion.

5. ***The variance will not significantly affect the health or safety of persons working or residing in the vicinity.***

FINDINGS: The requested variance will not affect the health or safety of persons in the vicinity. The variance request is not adjacent to another property, but rather is a request for a smaller setback from the existing home to the private access easement located on the subject property. The reduction in setback only impacts the subject property. The existing home has no doors that open towards the easement and the applicant proposes to install bollards which will provide protections for the existing home. The variance is being requested to allow for the access easement to be 20' in width which will ensure fire, life, and safety needs will be met.

6. ***The variance will be consistent with the intent and purpose of the provision being varied.***

FINDINGS: The intent and purpose of the access easement setback requirement is to provide adequate separation between the travel lane and existing and proposed structures for safety. This also results in aesthetic benefits of landscaping and providing open space for protection against property damage. The setback requested to be varied is for the distance between the proposed private access easement and a portion of the existing home. Currently, there is an existing gravel driveway (located in the same area as the proposed access easement) which is used for access to the existing ADU. The existing gravel driveway is proposed to be paved and enlarged to comply with City standards for access easements and to allow for the division of the existing parcel into 2 separate parcels.

Considering the driveway area is already in existence, the built environment will not be adversely affected by this request, and the reduction in setback will only impact the existing home. The applicant has indicated their intent to install bollards to protect the existing home. Staff finds with these conditions; this request satisfies this criterion.

C. The proposed Major Variance conforms to Section 3.105 of the Keizer Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and recommends approval of the proposal subject to conditions outlined below.

VI. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED THE PARTITION AND MARJOR VARIANCE 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 September 28, 2023.**

Unless appealed, this decision becomes final on September 29, 2023.

Partition approval is only valid if the final plat is recorded prior to September 29, 2025.

VII. 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 Keizer Development Code 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. Lots 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.

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. 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 September 29, 2025. The plat shall include all engineering elements as required by the Department of Public Works.

4. Provisions for the maintenance of the access easement, fencing/hedge 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 and provided to the City of Keizer Planning Department for review and approval.

5. The access easement, turn around area, address display signage and "no parking" signs must be built or installed 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. Contact the Planning Department for Improvement Agreements.

6. A site plan, prepared by a licensed engineer or surveyor must be submitted to the City of Keizer Planning Department demonstrating the existing dwelling on Parcel 1 meets the minimum rear setback requirement of the RS zone.

7. 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. If waived, documentation must be submitted to the City of Keizer Planning Department.

8. Bollards shall be installed to protect the existing home. The location and number of bollards provided shall be reviewed and approved by the City and Keizer Fire District prior to installation.

9. An improvement agreement or other instrument acceptable to the City shall be executed ensuring the construction of a new home on Parcel 2 or removal of the ADU within one year of recording the partition plat. All recording fees shall be the responsibility of the applicant.

10. A new water service shall be provided to Parcel 2 to serve the ADU and future home consistent with the requirements of the Public Works Department.

11. The following applicable requirements/conditions of the Public Works Department must be met as outlined below:

GENERAL CONDITIONS

The application is for creating 2 Parcels where 1 Parcel currently exists. The subject property is approximately 16,160 square feet in area. Proposed Parcel 1 will be 7,000 square feet and Proposed Parcel 2 will be 6,600 square feet. The existing Parcel has an existing access easement to Dearborn Avenue along the East property line as well as an additional driveway access on the West property line. The applicant is proposing to utilize the existing access easement along the East property line for proposed Parcels 1 and 2 and remove the existing driveway along the West property line. The application is also for a Major Variance to reduce the required 5-foot setback to a 2-foot setback along a portion of an existing structure adjacent to the existing access easement.

SANITARY SEWERS:

It is the developer's responsibility to connect the proposed development to the appropriate master plan sewer lines designed to serve the area.

a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Street opening permits will be required for any construction within a public street.

b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Each parcel will be required to have its own sanitary sewer service and will be required to connect to an approved public sanitary sewer line. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for proposed parcel 2 and shall be permitted by the City of Salem prior to approval of the proposed partition plat.

c.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways. Easements will be required for all private sewer lines that cross private properties.

d.) The property is within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.

WATER SYSTEM:

a.) The application indicates where a new water service meter will be located to serve Proposed Parcel 2. All new services shall be connected to an existing Public water main. The Keizer Fire District shall determine if a new hydrant is required to serve the proposed development. An overall plan indicating how water service will be provided to the proposed new parcels shall be submitted to the Public Works Department for approval.

b.) Each parcel shall have its own water service. Location of water meters shall be submitted for approval to the Public Works Department.

STREET AND DRAINAGE IMPROVEMENTS:

a.) The Keizer Development Code states that all new development on collector streets will require street improvements at the time of development. The City of Keizer Transportation System Plan classifies Dearborn Avenue as a Collector Street. Dearborn Ave will be required to be widened to Collector Street Standards to include curb, sidewalk and storm drainage. Plans will be required to be prepared by a Professional Engineer registered in the State of Oregon. No development of the subject property will be allowed until the required access easement has been platted and improved per the conditions of the subject partition. Access easements are required to be 20 feet in width with a 5-foot setback from existing dwellings. A plan providing adequate turning movements shall be submitted for review and approval by the Public Works Department prior to approval of the partitioning plat.

b.) The Keizer Development Code requires standards for private access easements. It will be the responsibility of the applicant to provide for adequate maintenance agreements for any existing or proposed access easements.

c.) All impervious surfaces on the site, including the proposed access easement area shall be designed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Dearborn Avenue. The plans for storm water quality and detention shall be submitted to the City of Keizer Public Works Department for review and approval prior to approval of the partition plat.

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.) The Partition Plat shall include a signature line for the City Engineer.

f.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements.

Prior To Obtaining Building Permit(s):

12. All required public utility services shall be completed to the satisfaction of the Department of Public Works.

13. The new dwelling to be built on Parcel 2 is required to be built within one-year of the recording of this partition, or the ADU must be removed.

14. The property owner must submit documentation to the City of Keizer Planning Department that the Maintenance Agreement has been recorded with Marion County Recorder's Office.

15. Provided parking must comply with the provisions of the Keizer Development Code. 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:

16. 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.

17. Two streetscape trees must be planted on each lot along the access easement. The trees must be a minimum 2" caliper when planted.

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.

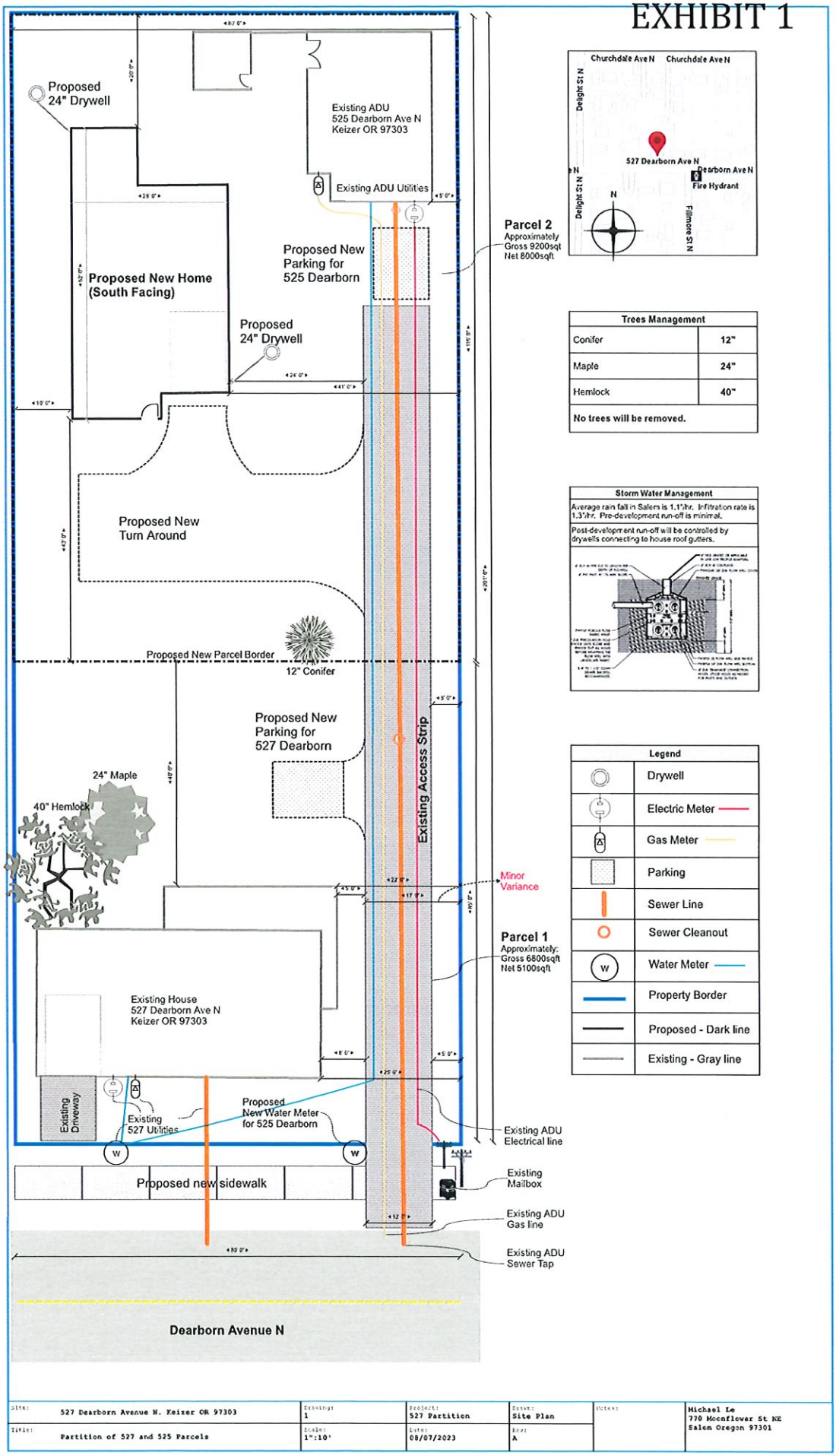
REPORT PREPARED BY: Dina Horner, Assistant Planner

Approved by:

DATE: September 18, 2023

Shane Witham, Planning Director

EXHIBIT 1

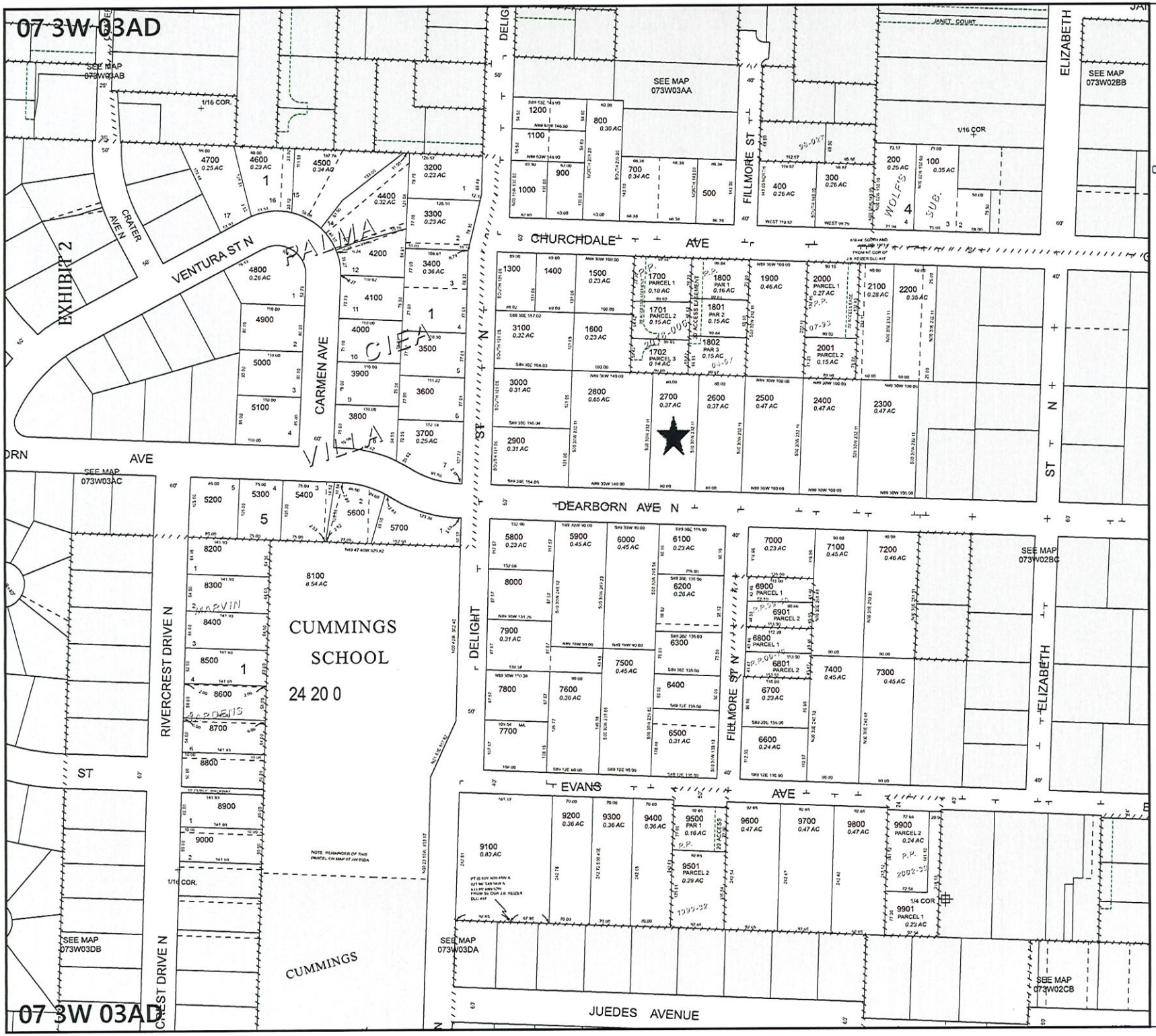


Trees Management	
Conifer	12"
Maple	24"
Hemlock	40"
No trees will be removed.	

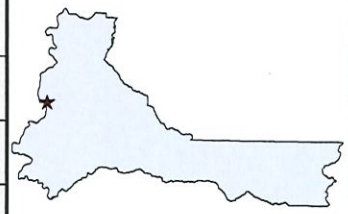
Storm Water Management
Average rain fall in Salem is 1.1"/hr. Infiltration rate is 1.3"/hr. Pre-development run-off is minimal.
Post-development run-off will be controlled by drywells connecting to house roof gutters.

Legend	
	Drywell
	Electric Meter
	Gas Meter
	Parking
	Sewer Line
	Sewer Cleanout
W	Water Meter
	Property Border
	Proposed - Dark line
	Existing - Gray line

Site: 527 Dearborn Avenue N. Keizer OR 97303	Drawings: 1	Project: 527 Partition	Drawn: Site Plan	Notes:	Michael Le 770 Moonflower St NE Salem Oregon 97301
Title: Partition of 527 and 525 Parcels	Scale: 1":10'	Date: 08/07/2023	Rev: A		



07 3W 03AD
KEIZER



MARION COUNTY, OREGON
SE1/4 NE1/4 SEC3 T7S R3W W.M.
SCALE 1" = 100'

LEGEND

LINE TYPES

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

CORNER TYPES

- 1/16TH Section Cor.
- 1/4 Section Cor.
- DLC Corner
- 16 15 / 21 22 Section Corner

NUMBERS

Tax Code Number
00 00 0

Acreage
0.25 AC

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

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

CANCELLED NUMBERS

600
4300
5500
7901

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

Assessors Office
Cartography Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 10/16/2020

KEIZER
07 3W 03AD

EXHIBIT 3

PARTITION/MAJOR VARIANCE CASE NO. 2023-12
APPLICANT – MICHAEL AND SUSIE LE
ADDRESS – 527 DEARBORN AVENUE N

PUBLIC WORKS DEPARTMENT CONDITIONS AND REQUIREMENTS

GENERAL CONDITIONS

The application is for creating 2 Parcels where 1 Parcel currently exists. The subject property is approximately 16,160 square feet in area. Proposed Parcel 1 will be 7,000 square feet and Proposed Parcel 2 will be 6,600 square feet. The existing Parcel has an existing access easement to Dearborn Avenue along the East property line as well as an additional driveway access on the West property line. The applicant is proposing to utilize the existing access easement along the East property line for proposed Parcels 1 and 2 and remove the existing driveway along the West property line. The application is also for a Major Variance to reduce the required 5-foot setback to a 2-foot setback along a portion of an existing structure adjacent to the existing access easement.

SANITARY SEWERS:

It is the developer's responsibility to connect the proposed development to the appropriate master plan sewer lines designed to serve the area.

a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Street opening permits will be required for any construction within a public street.

b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Each parcel will be required to have its own sanitary sewer service and will be required to connect to an approved public sanitary sewer line. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for proposed parcel 2 and shall be permitted by the City of Salem prior to approval of the proposed partition plat.

c.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways. Easements will be required for all private sewer lines that cross private properties.

d.) The property is within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.

WATER SYSTEM:

a.) The application indicates where a new water service meter will be located to serve Proposed Parcel 2. All new services shall be connected to an existing Public water main. The Keizer Fire District shall determine if a new hydrant is required to serve the proposed development. An overall plan indicating how water service will be provided to the proposed new parcels shall be submitted to the Public Works Department for approval.

b.) Each parcel shall have its own water service. Location of water meters shall be submitted for approval to the Public Works Department.

c.) STREET AND DRAINAGE IMPROVEMENTS:

a.) The Keizer Development Code states that all new development on collector streets will require street improvements at the time of development. The City of Keizer Transportation System Plan classifies Dearborn Avenue as a Collector Street. Dearborn Ave will be required to be widened to Collector Street Standards to include curb, sidewalk and storm drainage. Plans will be required to be prepared by a Professional Engineer registered in the State of Oregon. No development of the subject property will be allowed until the required access easement has been platted and improved per the conditions of the subject partition. Access easements are required to be 20 feet in width with a 5-foot setback from existing dwellings. A plan providing adequate turning movements shall be submitted for review and approval by the Public Works Department prior to approval of the partitioning plat.

b.) The Keizer Development Code requires standards for private access easements. It will be the responsibility of the applicant to provide for adequate maintenance agreements for any existing or proposed access easements.

c.) All impervious surfaces on the site, including the proposed access easement area shall be designed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Dearborn Avenue. The plans for storm water quality and detention shall be submitted to the City of Keizer Public Works Department for review and approval prior to approval of the partition plat.

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.) The Partition Plat shall include a signature line for the City Engineer.

f.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements.

Marion County Surveyor's Office

Comments on Planning Action: ___Keizer Partition/Major Variance 2023-12____

Date__9_/_08_/_2023_ Person Commenting __ Kent Inman_____

EXHIBIT 4

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.

__X__ 2. Parcels ten acres and less must be surveyed.

__X__ 3. Per ORS 92.050, plat must be submitted for review.

__X__ 4. Checking fee and recording fees required.

__X__ 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:

REQUEST FOR COMMENTS

EXHIBIT 5

DATE: August 24, 2023
CASE: Partition 2023-12

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 area attached.

Comments must be submitted in writing and received in our office by 5:00 pm on 9/7/2023. If we do not receive a response by the end of the comment period, we will assume you have no concerns.

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 divide an existing parcel totaling approximately 16,160 square feet into two parcels comprised of approximately 7,000 square feet (Parcel 1) and approximately 6,600 square feet (Parcel 2). The proposal also includes a major variance request to reduce the minimum required setback of 5 feet from the existing home to the private access easement to 2 feet. Currently, the property is developed with a single-family dwelling and accessory dwelling unit. The property is located at 527 Dearborn (073W03AD02700).

APPLICANT: Michael and Susie Le
ZONE: Residential Single Family (RS)

PLEASE CHECK THE APPROPRIATE ITEMS:

_____ Our agency reviewed the proposal and determined we have no comment.

_____ Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.

_____ Our comments are in the attached letter.

X Our Agency's comments are: _____

~~The fire district supports the major variance as it allows the required 20 foot access to the ADU~~ and the proposed SFD at the rear of the property.

Name: Anne-Marie Storms
Agency: Keizer Fire District
Phone: 503-390-9111
Email: astorms@keizerfire.com
Address: 661 Chemawa Road NE, Keizer
Date: 9/8/23

EXHIBIT 6

REQUEST FOR COMMENTS

DATE: August 24, 2023
CASE: Partition 2023-12

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 area attached.

Comments must be submitted in writing and received in our office by 5:00 pm on 9/7/2023. If we do not receive a response by the end of the comment period, we will assume you have no concerns.

Send comments or questions to:
Dina Horner, Assistant Planner
Email: Hornerd@keizer.org Phone: (503) 856-3442
City of Keizer Planning Division
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APPLICANT: Michael and Susie Le
ZONE: Residential Single Family (RS)

PLEASE CHECK THE APPROPRIATE ITEMS:

_____ Our agency reviewed the proposal and determined we have no comment.

_____ Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.

_____ Our comments are in the attached letter.

X Our Agency's comments are: _____

Any connections to City of Salem Sewer, located in Dearborn Avenue N, will require construction permits in accordance with the City of Salem Revised Code, the City of Salem Public Works design Standards, and City of Salem Standard Construction Specifications. Permits will not be issued by the City of Salem until all construction plans have been approved by the Public Works Department. Construction Drawings can be submitted by email to: Developmentservices@cityofsalem.net

Name: Laurel Christian, Planner II
Agency: City of Salem Public Works Department
Phone: 503-588-6211 ext. 7445
Email: Lchristian@cityofsalem.net
Address: 555 Liberty Street SE, Salem, OR 97301
Date: August 25, 2023

EXHIBIT 7

SALEM•KEIZER PUBLIC SCHOOLS

Business & Support Services
2450 Lancaster Drive NE • PO Box 12024 • Salem, Oregon 97309
503-399-3036 • FAX: 503-399-3407

Andrea Castañeda, Superintendent

September 5, 2023

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

RE: Land Use Activity Case No. Partition 2023-12, 527 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	803	969	83%
McNary	High	2,102	2,200	96%

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	4	SF	0.168	1
Middle			0.098	0
High			0.144	1

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	7	1	8	498	89%
Claggett Creek	Mid.	803	17	0	17	969	85%
McNary	High	2,102	35	1	36	2,200	97%

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	Eligible for School Transportation
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	$86,190	$86,190
Middle	0	$92,235	$0
High	1	$98,280	$98,280
TOTAL			$184,470

Table 6

*Estimates based on average of Indicative Construction Costs from "RLB Construction Cost Report North America Q4 2022"

Sincerely,

David Fridenmaker
Business and Support Services

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

EXHIBIT 8

City of Keizer

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

RECEIVED
CITY OF KEIZER
SEP - 7 2023
PLANNING DEPARTMENT

REQUEST FOR COMMENTS

TO: Neighboring Property Owner of 527 Dearborn
DATE: August 24, 2023
CASE: Partition Application with Major Variance Case 2023-12

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.

If you would like to submit comments, comments must be submitted in writing and received in our office by 5:00 pm on September 7, 2023.

To:

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 divide an existing parcel totaling approximately 16,160 square feet into two parcels comprised of approximately 7,000 square feet (Parcel 1) and approximately 6,600 square feet (Parcel 2). The proposal also includes a major variance request to reduce the minimum required setback from the existing home to the private access easement. Currently, the property is developed with a single-family dwelling and accessory dwelling unit. The property is located at 527 Dearborn (073W03AD02700).

APPLICANT & PROPERTY OWNERS: Michael and Susie Le
ZONE: Residential Single Family (RS)

PLEASE CHECK THE APPROPRIATE ITEMS:

✓ My/Our comments are in the attached letter.

____ My/Our comments are: _____

Name: Wendell Weckert
Phone: 503 692-0873 503 380 4039 cell
Email: W.Weckert@GMAIL.COM
Address: 557 DEARBORN Ave N. KEIZER, OR 97303
Date: 8700 S.W. COMANCHE WAY, TUALATIN, OR 97062
8-07-2023

September 7, 2023 at 13:32

KEIZER COMMENT#1-09/7 - Drainage

Neighboring property owner 527 Dearborn
Partition Application with Major Variance
Case 2023-12

Planning Division
Diana Horner, Assistant Planner
City of Keizer Planning Division
930 Chemawa Rd NE, Keizer OR 97303

Wendell Weckert
557 Dearborn Ave N
Keizer, OR 97303

(directly adjacent to west property line of subject property.

Also
Wendell Wallace Weckert II TRE
8700 SW Comanche WY
Tualatin, OR 97062

Continuous ownership >70 years.
(Greater than construction date of 1954)

Keizers garden lots were not laid out for what the city is now trying to make them, whatever that is. There were small lots for people who wanted just a house. Large lots for people who wanted gardens, trees, space for kids, full frontage parking and absence of noise or congestion. And alternative arrangements for those who wanted neither.

These Garden lots provide:
Option to raise food for cash or donation
Gardens to raise affordable clean food
Trees for food, shade, environment
Soil vegetation and drainage
Parking for family, friends, and visitors
Setbacks for privacy
Noise isolation for peace and relaxation
These are some family values we were raised with, still hold and want to preserve, share and pass on.
Garden lots should minimize or eliminate conflicts over trees, drainage, parking, noise, and setbacks.

Government is acting as if they don't realize these values, don't agree with them and want to override with what?

We want to restore as many of these properties and values as possible. Fix these homes fix these deficiencies, do not destroy them. They are not replaceable.

Subject property (527) has since 1947 been a distressed, home carpentry built and modified structure. There have been about five owners. The foundation was poured on faulty assumptions of where property boundaries were located.
Consequently, the scaled back garage has not been large enough for most cars.
Drainage has always been inadequate for the roof and yard runoff.
After the drains silted up drainage has migrated to garage floor and discharges to my property, a current violation. Sand bags in front of garage door and diversionry trenches on my property were evidence of this prior to property going on market for this last sale.
Remedial action would require excavation and conversion of asphault- cement driveway into a drywell.
Because minimal side set back requirements were never possible all drainage is discharged to my property. Simple eye or measuring would have made this very evident to any buyer prior to sale.

Back yard drainage is equally problematic. Roof downspouts if they ever existed. Seem to have silted up. After the last of several remodels including foundation extensions, it is likely drain fields were not completed. For whatever reason, the approximately 40 inches of annual roof rain discharges near the foundation and again flows to temporary ditches and berms on my property needed to arrest further water incursion. This is a discharge violation in many jurisdictions and requires additional maintenance on my part for shortcomings of the subject property.
To make matters worse,the back of the subject property as well as other property to the east form a visible shallow silt lined depression feature which adds a plume of settling storm water to the downspout water.

The evidence of this is the mud which has infiltrated the gravel and it is too wet to grow grass. If you follow the contours of this flow you find as it continues under Dearborn. My relatively new driveway and parking is cracking and sinking into the mud. The most recent repave of Dearborn is cracking and deteriorating as the water moves west towards lot 5800. It is reasonable to conclude this pattern is the reason for the topographical dip at this place on Dearborn and the depth of the road fill on Delight Street.

The addition of each new impervious roof structure, and caping of the soil with foundations has only compounded the drainage problem. While all concrete flatwork can be specked with bricks it is expensive and can not be guaranteed forever. Drywells cut tree roots and tree roots plug drywells. The drywell noted on the NE corner of the sketch needs to come out. This excavation cuts across the tree roots, this will compromise, weaken, then kill the trees.

This project is already in a flood plain I see nothing in this partition or variance package that addresses more than a meaningless perculation down a small hole, then what happens to the water? What about the rest of the water? Where does it go?

September 7, 2023 at 13:49

KEIZER COMMENT#2-09/7 - Parking

The existing house and ADU has no usable covered garage or parking.

Keizers lots were never laid out with sufficient parking. The exception is those houses with parking across the full front or long drives. When people have a family or group barbecue cars can fill the gravel in front of 4 houses head in with their tail hanging out and twice that if they park parallel. Existing parking for this house with its ADU now is only half of what is needed. Adding more units will add more drivers hence more cars. Their kids are just now reaching driving age, their friends will be driving.
Please don't say park on the lawn, that ruins the lawn and half the year turns the lawn into a mud hole. This is not what a lawn is for. If I parked on the lawn at City Hall especially in winter I am sure I would be ticketed. The back yard with fire lane prohibitions rule out additional adequate parking in the rear.

I am tired of being the parking lot and attendant for the neighborhood, their kids, family, party guests and contractors. During the rainy season after they leave I am the one who must go out a rake in the tire tracks. Pick up cigarette butts, and food wrappers. Every house needs their own adequate parking not some abbreviated ADU based on the naive assumption they, their friends and associate's don't own vehicles. Even if occupants take public transit they still own and in Oregon use covered parking for their and their friends cars and motorcycles.

When I go out weekly to pull or spray weeds I don't want others cars and trucks on my property covering the weeds, that is my property not theirs. Weed pulling and spraying is temperature and moisture dependent. Miss these window and the workload increases geometrically.

If this lot proposal goes thru with its plan to add curb ditch and sidewalks to the fog line vehicle parking, walking, jogging and even bicycling becomes even more prohibitively dangerous, not a good idea.

If this shoulder were a safe option McNary High School Track would have them, they don't. The reason they do not is it would lead to falls, broken bones, eye and face injuries. People should not need to jump curbs, ditches, and bushes when they go out for an evening walk, jog, run or bicycle.
The city really really needs to get input from everyone with more real world experiences on this. Right now Keizer has a mess going. Don't replicate the Dearborn NE mistake in front of this or any other lot. The existing fog line and quarter minus gravel is good for travel, drainage and it's cheap. Put the money elsewhere. Many adjacent streets should be an embarrassment for Keizer. Not everyone wants their front parking taken away we need it, it's our property.

2

September 7, 2023 at 13:56

KEIZER
COMMENT#3-09/7 - Noise

The existing ADU at the back NE corner is served by a round River rock road going straight back near the side property line (about 160′ long, and about 20′ wide). As expected the sound when traveled by car or garbage cart is like an amplified metal can full of rock. Morning, noon, and night this noise is unexpected, unnerving, and unallowable at any time or location even if it were on a logging road in the mountains. The badly chosen rock needs to be removed with a front loader. The ADU does not need a road. It needs a sidewalk or path. The garbage cart needs to go up near the main house. Neighbors should not be forced to listen to this rock tumbler day and night.

The shorter section of this road from the street to the back of the main house needs to be eliminated or quieted. The objective of all this is to restore some acceptability to the neighbors next door and across the street.

Any further parking or transit needs to be met in front of the house if possible, or thru restricting vehicle ownership on this site.

Again this house, this neighborhood, was never made for this type of renter occupancy. This is not to say there would not be the chance for another property to offer or rent off -street, out of sight parking on another piece of property nearby.

The next category of noise involves party and domestic noise. Ownership needs to either have someone on sight who is responsible, or make it clear that neighbors are encouraged to escalate the complaint at volume and times appropriate without exception and renters are screened more closely for lifestyle until a compatible renter occupancy is found. The city and police need to recognize these are rentals not owner occupied homes, someone needs to fill those responsibility rolls with regard to behavior, drugs, alcohol, health and everything else a responsible adult owner would be doing. With all proposed dwellings fully occupied this could be a daunting task.

needs to fill those responsibility rolls with regard to behavior, drugs, alcohol, health and everything else a responsible adult owner would be doing. With all proposed dwellings fully occupied this could be a daunting task.
Page 3 of 4

If the partition applicants are not ready to do this they need to reconsider if they want to get into this business. This is a zero tolerance situation everyone needs to understand the owners will be responsible to the full extent of the law. Some things can not be relegated. The propert owners need to be more open with their business identity, names, real address, availability and location.
Page 4 of 4

September 7, 2023 at 14:05

KEIZER COMMENT#4-09/7 - Setback

Neighbor

The city of Keizer has been remiss with property set back disclosure and enforcement. There have been multiple opportunities to correct this during the many permittings and remodels. This partitioning exercise provides still another opportunity for correction. The first application of capital should be to correct prior oversights and errors.

The existing main house, west propert line, has always been in violation and is the first variance. This is visible, easily disclosed to the new buyer before they purchased. Yet the site drawing mailed from the city intentionally hides this. The city needs to start doing their jobs not trying to cover up for developers. We are entitled to correct and complete information.

The existing ADU is the same. It started life as a garden shed. Thru successive modifications setbacks were never repermitted or corrected. The city stopped the previous owners from completing and occupying once, then rubber stamped the current owners for construction, utilities and occupancy. The current drawings mailed by the city failed to disclose and misstated set backs in place for this building. We have been on the receiving end of misstatements and misbehavior by these people but should be able to rely on the city. It is apparent we can not.

Moving forward, the drawings are bad for various reasons. The most significant features missing along the western property line are major living trees and shrubs. Not purely a setback, they have similar legal consequences.

First there is no 40 inch hemlock tree there or anywhere else on the property.

There are approximately a dozen significant items growing on or over the property line. Those growing on the line are under Oregon Law jointly owned and protected. Those growing over the line have their own protections.

Some of these trees have roots covering an acre. This conflicts with anything sighted on this proposed partition. The majority of these trees were planted to commemorate Oregons 1959 Centennial Celebration.

The NW drywell is a threat cutting across all tree roots, probably addressed elsewhere.

Again, Keizer is playing into the partitioners agenda of deceipt and misrepresentation. By definition doing this in conjunction with a government procedure constitutes fraud. Not new or unexpected from the partitioner, but certainly not expected in material sent thru the US Mail from the city.

The perspective portrayed in these drawings is deceptive there is not room for all these structures.

The address in the lower right corner is not their full address. Try Honolulu.

The print is too small to read, and being mailed with a holiday makes full response problematic but strategically understandable. Certainly trumps 70 years complying with ethical expectation and laws.

September 7, 2023 at 14:13

KEIZER
COMMENT#5-09/7 - Trees

The trees topic is partly addressed in section #4 setback. It is now noon on the 7th and I will try to wrap this up so I can meet your submission deadline of 5:00 PM.

Fortunately I opened mail more timely than usual and was able to spread the word. Because of lockboxes and priorities many people open Mail on an intermittent basis. Much of my time in the last week has been talking with others, taking measurements, verifying information generally sorting it out. The time available to do this more thoroughly has not been there. However in discussions with arborists, attorneys, and data search I believe ADU legislation has created a bag of worms which at this stage puts the burden on residents and local government to maintain order and quality of life for everyone.

There is a lot of land grab going on in Oregon with unfortunate consequences which will be regretted down the road. There is a lot of bad uncontrolled development without provisions. The idea was to provide needed housing, but without regulation we are ending up with deteriorated neighborhoods and a lot of mancaves.

My personal big loss will be of the 100 foot to 150 foot trees near the property line. While jointly supported by previous owners, these trees have been a red flag to those seeking the partition. Thru e-mail harassment, intimidation, fraud, lies, and trespass an attempt has been to take more than was paid for. In return so far, we have gotten a lot of nuisance. The removal of these trees is key to their partitioning and turning a profit on their purchase. The existing residents have paid and will continue to pay for the partitioners profits.

I have already lost one large 100' plus pine to inappropriately poured concrete and construction of a shed to close to the property line. The concrete, sheet metal, and limb debris is still stacked on my property. The responsibility for removal and cleanup rests squarely on the partitioners. To avoid controversy I foolishly cleaned up the debris. The breaks, limbs, branches and damage was all on the partitioners property.

My future legal and cost burden will occur years down the road after additional trees are killed because of trimming, and excavation into the upper branches and shallow root zones of this grove of trees. Remember, these trees were grown, watered, fertilized, and encouraged over the last 60 years by all owners on land zoned, protected and used for that and other compatible purposes.
Also remember that these roots extend and cover more than an acre.

Every lot has a development maximizing potential. There are better options for this lot that are compatible with existing and future neighborhood goals. This partition proposal locks in bad development which will probably be turned and put back on the market, leaving just problems for the rest of us.

Sorry, I need to print and deliver this. I am not taking time to adequately proof. Please excuse spelling and grammaticals.

Please be aware I have compelling photo documentation and e-Mail to back up any claims I have made. Also be aware the petitioners are already so sure of this they have already begun cutting my trees and clearing theirs. Fortunately their arborist refused to cut into my trees as drastically as the partitioners told him to cut. Probably to not get involved in professional and legal violations. The arborist was also told adjacent property owners had given full permission to cut when none had.

Appears they have already been given a green light by someone at the city.

Horner, Dina

EXHIBIT 9

Subject: FW: Comments for Requested variance for 527 Dearborn Ave N,

----- Forwarded Message -----
From: "Sharla" <kapshill@aol.com>
To:
Cc: "SHARLA HILL" <kapshill@aol.com>
Sent: Mon, Sep 4, 2023 at 7:47 PM
Subject: Comments for Requested variance for 527 Dearborn Ave N,

Dear City Planner
930 Chemawa Rd. NE. Keizer OR
97303

My name is Sharla Hill I live at 497 Dearborn Ave. N.

Grievance 1:
The proposed subdivision/lot division and building of two more homes to add to the original 1947 home and an ADU in the back that was only meant to be a shop back when it was built all this at the address of 527 Dearborn Ave. N.
To add these additional homes that could and most likely will add two cars per new dwelling, means that lot (original 527 Dearborn N) would add now up to 8 cars then to our little stretch of Dearborn that is already seeing to my eye almost a 75% increase in traffic as it is now as people avoid Chemawa . They are all speeding, loud cars all day all night.
Not to mention the added vehicle noise coming and going up that little driveway that will be only a few feet from my friend and neighbor's home. The addition of the one ADU conversion in the back and the renters that came to both houses on 527 when it sold to the Le's . It has been a consistent noise nuisance to the neighbors on both sides as well as myself one lot away. Adding two more rentals there will only multiply the discomfort for all of us here who have up until all this new building has been allowed, enjoyed a nice quiet and safe neighborhood.

Grievance 2:
For Mr. and Mrs Le to say they have a hardship that keeps them from abiding by the codes that says they need 5 feet and only have 2 feet they are requesting an easement to get those cars to the back of that lot is a joke! If they can afford to build so many rental houses and yes they are all rentals how could this cause them a hardship! In my mind if they can't bring the original home up to code it should not be able to be rented!
The Le's as far as I know have never lived at 527. In fact they do not even own the property they have listed as contact address that is 770 Moonflower St. NE in Salem on the paperwork sent to my FIL who owns our house 497, in fact they are known to reside in Honolulu, so they have no hardship nor concern for how those of us who actually live here feel or the impact these new dwelling additions of more people more cars more noise ect, will affect our health and wellbeing. Saying they want to provide housing for a growing Keizer population is a huge stretch of the imagination.
My in laws John and Joyce Hill own 497 Dearborn Ave, N, and in fact John's mother and brother built 497 in 1946 . Hills have always lived here. Now my husband, my disabled son and I have lived here for 18 years. In that time, I have seen Keizer grow exponentially and not for the better in my opinion. Noise, crime and traffic on Dearborn are to the point of becoming unbearable for the people who have lived here for many years or sometimes generations as in the case of the Hill family. Many of the neighbors

have also lived here for almost as many years and we look out for each other and none I have spoken to are happy with this proposal.
I have a simple request also I would like to suggest that the proposal drawing does not look to be the correct scale for that property. I have walked that property before the Le's bought it and looked at satellite photos of that property going back to 2016 I suggest you do the same before allowing this to happen. John HIll was a working contractor up till recently and my husband works in the trade and they both say that the drywell for the proposed SFD in the back is too close to the fence. Has that code changed from the 10ft that it was before?
One question I have, does the City of Keizer care at all about the longtime residents that have lived here and loved our small town? Peace, quiet and safety are disappearing and being replaced with transient renters and absentee owners of these rental properties. This has brought in too much noise from parties, construction, loud cars and sirens day and night ect, pollution, crime and even gangs now! Wasn't letting the abomination that is the apartment development on the cow property on Verda enough for Keizer? That development alone will add hundreds of more cars to make driving any place here impossible, considering it's already so hard to navigate River Rd now! More people and children our schools can't handle all added to our already congested little space and side roads like Dearborn N. So now Keizer is allowing every little space to be divided and built on by people who don't even live, work or shop here!
If you allow this request to change the rules this time it will set a precedent that we as long time residents of Keizer do not count or matter and shame on Keizer for allowing this to happen to this once nice little town.
Sincerely.
Sharla Hill
497 Dearborn Ave N
Keizer, Or 97303

EXHIBIT 10

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

RECEIVED
CITY OF KEIZER
SEP 07 2023
PLANNING DEPARTMENT

TO: Neighboring Property Owner of 527 Dearborn
DATE: August 24, 2023
CASE: Partition Application with Major Variance Case 2023-12

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.

If you would like to submit comments, comments must be submitted in writing and received in our office by 5:00 pm on September 7, 2023.

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

95 x 80 = 7600 sf

REQUEST: The applicant is requesting to divide an existing parcel totaling approximately 16,160 square feet into two parcels comprised of approximately 7,000 square feet (Parcel 1) and approximately 6,600 square feet (Parcel 2). The proposal also includes a major variance request to reduce the minimum required setback from the existing home to the private access easement. Currently, the property is developed with a single-family dwelling and accessory dwelling unit. The property is located at 527 Dearborn (073W03AD02700).

106 x 80 = 8480 sf

APPLICANT & PROPERTY OWNERS: Michael and Susie Le
ZONE: Residential Single Family (RS)

PLEASE CHECK THE APPROPRIATE ITEMS:

____ My/Our comments are in the attached letter.

✓ My/Our comments are: you have 2 cars parking infront of 525 Where is the SFD parking? The driveway is not big enough for a fire truck to turn around. I am against the Variance. This means there will be 4 rental house there.

Name: Sallie Hill
Phone: 503-449-8600
Email: -0-
Address: 492 Dearborn Ave N. Keizer, Or. 97303
Date: 9-5-23

EXHIBIT 11

4880 Delight ST N
Keizer, Oregon 97303

September 4, 2023

Dina Horner, Assistant Planner
City of Keizer
930 Chemawa Rd NE
Keizer, OR 97307-1000

RE: Partition Application with Major Variance Case 2023-12

Comments regarding development at 527 Dearborn

My property abuts 527 Dearborn to the north. The flow of ground water is from south to north at this location. The increase in hardscape of the proposed development may affect the drainage on my property and impact my horticultural activities. Although the plans include so-called dry wells for the drainage of the proposed SDF, the inclusion of significant pavement for the easement will increase runoff since the existing access is graveled and thus provides drainage. With the proposed ADU in the future, the total amount of hardscape is significant and will certainly impact the hydrology and ecology of the neighborhood.

It is not clear in the site plan how the proposed SFD will be positioned regarding front, side and back of the building and the compliance with setback requirements. In addition the city code prohibition of parking in the access easement, including the turnaround, raises concern that adequate parking spaces are provided. It appears that the development code requires 3 parking spaces unless on-street parking is available. Does the turnaround incorporate the required 60' diameter?

While not a fan of infilling which I feel detracts from the character of RS zoning in Keizer, I respect the right of the property owner to legally develop his property as he chooses. I do request that the City of Keizer exercise its responsibility to provide proper oversight during the progression of the development. My recent experience with the construction of a new house on the north side of my property was that contractors will not always honor the requirements of the approved plans and that the City was not vigilant to ensure compliance without being prompted.

Thank you for the opportunity to participate in this process.

Sincerely yours,

Stephen Kalb
Ke7exx@yahoo.com
971-2184257

EXHIBIT 12

To: City of Keizer Planning Division, Dina Horner, Assistant Planner

Date: September 3, 2023

Case: Partition Application with Major Variance Case 2023-12 at 527 Dearborn Ave. N

Dear Ms. Horner,

I am writing this to express my concern over the application to subdivide the property at 527 Dearborn Ave. N. and the major variance to reduce the minimum requirements for the width of the easement used as a driveway. I live adjacent to the property at 507 Dearborn Ave. N.

The guidance of how the contents of the comments are to be directed leaves out the background information that needs to be taken into consideration. The points outlined should also include the human element. I purchased my property 24 years ago with the intent that it is my "foverever" home. I bought the house because of its location in an established single family dwelling residentially classified area with large lots.

The property at 527 was purchased in 2019 with the intent that it was going to resided in by the owners. That did not happen. I spoke with the owner shortly before it was to be rented. At that time, there was a temporary wire fence behind the house. I asked if the land was going to be subdivided. The answer was no. Now that is not the case. I have had to experience the noise of renters in the primary home in the form of parties every weekend for the first two and a half years. The noise and foul language during the parties is disturbing. Parties have went until 2:30 am on many occasions. I generally have to sleep on my couch on the nights of the parties because it is located at the front of my house. My bedroom is at the rear of my home, which is directly across from the noise of the parties.

When the shop in the back of the lot became an ADU, neighbors were not notified by the city. The remodeling of the shop took place during online teaching. My windows rattled when the utility lines were being put in the ground. My students could hear the construction vehicles while trying to learn. The ADU has had

people in it that pull the garbage can down the lane at late hours. It has happened between the hours of 10:00pm through 2:20 am. It is loud enough to wake me up.

The following correspondence directly relates to items listed in the proposal:

Regarding Section 2.310.03D It is stated that the current driveway the renters of 527 Dearborn use (as well as parking behind the house) will be closed off due to the proposed new sidewalk. This means that there will be eight cars driving down the lane next to my house. The lot map shows parking for 527 in the back located close to the proposed new ADU. Four cars have to share the proposed parking area. If people in either unit have family or friends over, there will be no parking for them. They will have to park on Fillmore. Parking for the existing ADU is shown in its current location. However, there is no notation of parking for the new proposed home. The easement area next to the proposed new parcel border is not labeled. I would assume that parking will not be allowed there so emergency vehicles can have a place to backup. The driveway is not "grandfathered" into being able to pass the ordinance that would allow emergency vehicles to back out in a single lane.

Putting in a sidewalk sets a precedent for future sidewalks to be built along Dearborn Ave N. All neighbors will have to have family and friends also park along Fillmore to visit us. That is not easy for elders to do.

Section 2.301 (general provisions)

1. "Both parcels will be accessed from Dearborn Ave. N." This means an increase in traffic next to my property. There will be times when more than one car needs to leave at the same time. Eight cars in a tight area mixed with possible kids walking, on bikes or playing is a tight fit that brings safety forward as an issue.
2. "The development will meet the landscape, health and environmental requirements during construction." Adjacent to the property on the west is a grove of redwood trees that were planted in 1959 and are now 64 years old. When construction is being done, there may be potential damage to the root system. Keizer celebrates unique and historical trees. These trees should be listed as such. (see Keizer.org for tree locations throughout Keizer.)

The clean up for the first ADU unit was not completed. There is still an unsightly containment "rope" of about six-eight inches in diameter made of straw and netting located near the mailbox that we see every day. It is left over from repurposing the shop into the ADU in 2020.

Maintaining health standards means that there will be a porta potty on site for the duration of construction. The renters will have to have that located near one of them so it can be accessed for servicing.

Listening to prolonged construction isn't good for anyone's mental health; especially when I spend my time outdoors developing my yard into a peaceful retreat. Years worth of effort will not be enjoyed with the addition of two homes containing an unknown amount of people, eight cars and possible dogs that bark and cats that enter my yard. Both rental agreements for the existing two units state that pets are not allowed. Both units have had barking dogs and cats in them.

Section 2.302 (street standards)

1. "Owners are aware that new curb and sidewalk improvements are required for this application." As mentioned, this puts all the traffic for four houses down a single lane. On garbage pick up days, how do 8-12 containers for four houses even fit across the front of the property for garbage pick up? The noise for putting out cans and retrieving them doubles increases with the additional units.

Section2.303 (off street parking)

1. As mentioned, there is no notation of parking for the new proposed home. It can not possibly share the same area as the existing ADU due to the limited with of the existing parking area. The area next to the proposed new parcel border is not labeled as parking. I would assume that parking will not be allowed there so emergency vehicles can have a place to backup. The driveway is not "grandfathered" into being able to pass the ordinance that would allow emergency vehicles to back out in a single lane.

Section 2.306 (storm water management)

1. If there is no current storm water management control, then why was the retro fit of the shop allowed in the first place? Digging for the control area may damage the trees on the property to the west of the proposed drywell (one of two drywalls proposed).

Additional concerns:

Page one of the variance application states that "The owners are unable to comply with Keizer City Code without undue burden. The existing SFD was built in 1947 and to bring it up to current development codes would create a substantial financial hardship." One should wonder if the SFD meets safety codes for renters. Renters are not generally made aware of code improvements that are needed but owners are made aware of them at the time of purchase. If updating such things would be a financial hardship for the owners, then one has to wonder how they plan on being financially solvent to build two new structures that will comply with current code requirements.

The addition of a steel bollard is mentioned at the back of the property. What will it be protecting? It is supposed to be used to create a protective or architectural perimeter. No mention is made of why it is needed.

"The owners are aware that the variance will be consistently varied with the current Keizer Development Code." Does that mean if they are granted the variance, they get to operate under rules that are different than what is used for other people? If the variance is allowed, it opens up possibilities for other developers to pursue different types of variances as well. We have city wide rules to help people comply with ordinances, not to allow for individuals to ask that changes be made to benefit them. The changes will benefit the owners financially.

In tiny print at the bottom of the map for the site, the owners list their address as being in Salem. That is the address of a family member as stated by the owner the first time I met him. The owners reside in Honolulu, Hawaii. They are out of state owners who are not emotionally attached to our city.

Also in tiny print are measurements on the plan that are not easy to read, even with magnification. Neighbors have had a challenge in reading the measurements.

The proposed property map does NOT look like it was made to scale. It appears on paper that there is room for building. The reality is that there will be two more

homes added with little space between them. My quality of life and of those who live near 527 and 525 Dearborn Ave. N. will significantly be impacted if the variance is allowed and the property is divided into two parcels for the purpose of adding an additional home and ADU unit.

The owners state that the additional homes would help Keizer. Keizer has been robustly adding apartments as evidenced by the current construction of 112 units at Verda Crossing and the addition of Cherry City Crossing apartments. There are many other apartments and homes for rent or for sale already.

In conclusion, please review the comments about the human elements that need to be taken into consideration when deciding the future of any property changes being proposed in established neighborhoods where homes are occupied by long term owners that do not wish to live by rotating renters that have no attachment to where they live or how they behave.

Respectfully submitted,

Pat Ozenna-LeMay
507 Dearborn Ave. N
Keizer, Or 97303

EXHIBIT 13

City of Keizer

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

RECEIVED
CITY OF KEIZER
SEP - 7 2023
PLANNING DEPARTMENT

REQUEST FOR COMMENTS

TO: Neighboring Property Owner of 527 Dearborn
DATE: August 24, 2023
CASE: Partition Application with Major Variance Case 2023-12

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.

If you would like to submit comments, comments must be submitted in writing and received in our office by 5:00 pm on September 7, 2023.

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 divide an existing parcel totaling approximately 16,160 square feet into two parcels comprised of approximately 7,000 square feet (Parcel 1) and approximately 6,600 square feet (Parcel 2). The proposal also includes a major variance request to reduce the minimum required setback from the existing home to the private access easement. Currently, the property is developed with a single-family dwelling and accessory dwelling unit. The property is located at 527 Dearborn (073W03AD02700).

APPLICANT & PROPERTY OWNERS: Michael and Susie Le
ZONE: Residential Single Family (RS)

PLEASE CHECK THE APPROPRIATE ITEMS:

_____ My/Our comments are in the attached letter.

* My/Our comments are: I approve of this variance. Should make a nice addition to the neighborhood

Name: Arthur V Mauer
Phone: 503-339-7415
Email: avmauer@comcast.net
Address: 4860 Delight St.
Date: 9-6-23