



**KEIZER PLANNING DEPARTMENT  
NOTICE OF DECISION  
Partition Case 2022-08**

**I. REQUEST**

The following report reviews a land use application to divide an existing parcel totaling approximately 10,454 square feet into two parcels comprised of approximately 5,083 square feet (Parcel 1) and 5,350 square feet (Parcel 2). The property is zoned Single Family Residential (RS) and designated Low Density Residential on the Comprehensive. (Exhibit 1)

**II. BACKGROUND**

- A. APPLICANT/PROPERTY OWNER:** Robin and Angela Guzman
- B. PROPERTY LOCATION:** The subject property is located at 2005 Keizer Road NE. The Marion County Tax Assessor's office identifies the property as Township 7 South, Range 3 West, Section 01BB, Tax Lot 3700. (Exhibit 2)
- C. PARCEL SIZE:** The subject property contains approximately 10,454 square feet in area.
- D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is developed with a single-family dwelling which is served by public facilities.
- E. ZONING:** The subject property is zoned RS (Residential Single Family) and designated Low Density Residential in the Comprehensive Plan.
- F. ADJACENT ZONING AND LAND USES:** Surrounding properties are developed with single family homes on land zoned RS (Single Family Residential). Across the street is an elementary school on land zoned Public (P)

**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 City of Salem Public Works Department submitted comments (Exhibit 5) stating the need for each lot will need to connect to their own sewer service line.
- D.** The Salem-Keizer Public Schools submitted comments (Exhibit 6) noting the school capacity and current enrollment for Kennedy Elementary.

- E. The City of Keizer Police Department and the Keizer Fire District submitted that they have reviewed the proposal and have no comments.
- F. A letter requesting comments was sent to the surrounding property owners within 250 feet of the subject property. No responses were received.

#### **IV. FINDINGS AND CONCLUSIONS**

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

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

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

**FINDINGS:** The intent of this provision is to ensure that all lots have a minimum frontage along a street so that access to serve the lots will meet city standards and the lots can be developed in a manner that will ensure all building setback requirements are met. The minimum lot frontage requirement on a public street in the RS zone is 40 feet for single-family detached homes, duplexes, triplexes, quadplexes or cottage clusters. Frontage along Keizer Road NE will be approximately 46 feet for Parcel 1 and 50 feet for Parcel 2. Both parcels exceed the minimum lot frontage requirement. Staff finds this proposal can satisfy this criterion.

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

**FINDINGS:** The RS zone requires lots for single-family detached homes, duplexes, triplexes, quadplexes or cottage clusters to have a minimum width of 40 feet and a minimum depth of 70 feet. The applicant's site plan and written statement indicate both parcels exceed the minimum width and depth requirements of the RS zone. Parcel 1 and Parcel 2 are proposed to be approximately 107 feet deep. Parcel 1 is proposed to be approximate 46 feet wide and Parcel 2 is proposed to be approximately 50 feet wide.

The RS zone also regulates setback requirements in the dimensional standards section of the development code. The existing two-story dwelling on Parcel 2 is proposed to remain and will be required to provide a side-yard setback of 5 feet. Prior to final plat approval, a site plan prepared by a licensed engineer or surveyor must be submitted which shows the existing home in relation to the proposed new side property line to ensure the 5' setback requirement is met.

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

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

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

**FINDINGS:** The property is located in the RS zone which requires a minimum lot area of 4,000 square feet for a detached single-family dwelling or duplex. In addition a triplex can be built on a lot over 5,000 square feet in area. In no case can the proposed parcels be less than the minimum required by the RS zone without variance approval. Parcel 1 is approximately 5,083 square feet in area, Parcel 2 is approximately 5,350 square feet in area. Both parcels exceed the minimum 4,000 square feet required for a detached single-family dwelling or duplex and the minimum 5,000 square feet for a triplex. Staff finds this request satisfies this criterion.

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

**FINDINGS:** The intent of this provision is to prevent the creation of parcels unusually deep and narrow which can be difficult to serve and develop, and to promote an orderly and efficient development pattern and use of property. The submitted site plan shows the proposed parcels comply with this standard. Parcel 1 is approximately 46' wide and 109' deep; Parcel 2 is approximately 50' wide and 109' deep. Neither of the 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.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 1/2 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 parcels. The subject property is a rectangular shaped property that will result in dividing the parcel 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 1/2 the dimension of the front lot line. This development proposal will allow the property to be developed consistent with the provisions of the KDC. Therefore, staff finds this request satisfies this criterion.

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

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

**5. Section 2.310.05.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 or inefficient public transportation facilities or creating dangerous and hazardous traffic conditions by ensuring that adequate street improvements are provided at the time of development. 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), or extends an existing dedicated right of way, the applicant shall improve the public street upon which it fronts to current public standards. If the street frontage of the subject property is less or equal to 100' and not along a collector or arterial street, the applicant is required to sign a Non-Remonstrance Agreement with the City of Keizer for possible future street improvements.

Keizer Road NE is a local street and the lot has a street frontage of approximately 96 feet, therefore, no street frontage improvements will be required with this application, however, the property owner is required to sign a Non-Remonstrance Agreement for possible future street improvements. The applicant shall pay recording fees, incurred during this process, to the City of Keizer prior to the City recording the agreement. This agreement shall stipulate that the current and future property owner(s) will agree to waive the right to remonstrate against any local improvement project benefiting the subject property respecting participation in right-of-way improvements of Keizer Road NE. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. The signing and recording of a Non-Remonstrance Agreement will be placed as a condition of approval of this partition application, therefore, staff finds this request may comply with this criterion.

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

**FINDINGS:** As stated above, no street improvements are required at this time however, the property owner will be required to sign a Non-remonstrance Agreement pertaining to future improvements along Keizer Road NE. No actual improvements or dedications are being required as a part of this application, therefore staff finds this criterion is satisfied.

E. **SECTION 3.107.07.E - EACH PARCEL SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS WITHIN SECTIONS 2.301 (General Provisions); 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); 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 two parcels. The installation of appropriate public facilities will be ensured through the building permit review and approval process and will be placed as a condition of partition approval; therefore, staff finds this proposal satisfies this criterion.

2. *Section 2.302 Street Standards.*

**FINDINGS:** Street standards are established to provide for safe, efficient, and convenient vehicular movement; adequate access to all proposed developments; and to provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way. Keizer Road NE, an existing public street, serves the subject property and will continue to serve both parcels. No improvements or dedications are proposed or required with this application. Staff finds this request can satisfy this criterion.

3. *Section 2.302.03.O Trees Along Public Streets.*

**FINDINGS:** Streetscape trees are required along public streets. Lots measuring less than 60 feet in width shall be required to plant one streetscape tree. Lots measuring 60 feet or more in width shall be required to plant two streetscape trees. Trees must be planted within the boundaries of each lot and within 10' of the public improvements. With this partition application both Parcel 1 and Parcel 2 measure less than 60' in width requiring one streetscape tree to be planted on each parcel. There are several large significant evergreen trees along the frontage of the property which are being retained and can serve to satisfy the streetscape tree planting requirements for the new proposed parcel. There is an existing tree located on Parcel 2 which also satisfies this requirement. Therefore, not additional streetscape trees are required. Staff finds this request can satisfy this criterion.

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

**FINDINGS:** Section 2.303.06 requires that 2 on-site parking spaces per dwelling for a detached single-family dwelling. Duplexes and Triplexes are required one parking space per dwelling unit. Parcel 1 and Parcel 2 gain their access from a public street. Therefore, two on-site parking spaces will be required on each parcel

for either a single-family detached dwelling or a duplex. A requirement to provide three on-site parking spaces would be required and regulated through the building permit review and approval process, if a triplex is built. Parking spaces are required to be a minimum 9' x 18' and will be reviewed at the time of building permit approval. Staff finds this proposal 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 Adequate storm drainage shall be available to serve the existing and newly created parcels.***

***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 Keizer Road NE.

Prior to final plat approval, plans consistent with Section 2.306 of the KDC, for on-site drainage including storm water quality, detention, and outlet, shall be submitted to the Public Works Department for review and approval. Before any soil disturbance on the subject property, an Erosion Control Permit must be obtained from the City of Keizer. As a condition of approval, a final grading and drainage plan will be required for the proposed development and all lot corners shall have finished grade elevations indicated on the plan prior to the recording of the partition plat. With this placed as a condition of approval, staff finds this request can satisfy this criterion.

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. 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. In particular, this provision aims to replace significant trees at a ratio of 2:1.

Based on the applicant's written statement, no trees are proposed to be removed with this development. 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, planted prior to final building permit.

If trees are removed, a *Tree Replacement Plan* will be required to be submitted and approved by the Planning Department prior to any tree removal. The replacement plan could propose planting trees on the subject parcels and/or off-site through our off-site tree mitigation program. Development of the property in conformance with an approved *Tree Removal and Replacement Plan* will be a condition of Certificate of Occupancy of any new dwellings. Staff finds with the above-mentioned conditions; this request will comply with this criterion.

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

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

**V. DECISION**

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED THE PARTITION WITH CONDITIONS AND REQUIREMENTS** noted below.

Any interested person, including the applicant, who disagrees with this decision, may request an appeal be considered by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$250.00 fee. This fee may be refunded if the appeal is successful. An appeal request must be submitted in writing on a form provided by the City of Keizer. The appeal request must be received in the Keizer Planning Department, 930 Chemawa Road NE, Keizer by **5:00 p.m. on July 25, 2022.**

**Unless appealed, this decision becomes final on July 26, 2022.**

**Partition approval is only valid if the final plat is recorded prior to July 26, 2024.**

## VI. CONDITIONS AND REQUIREMENTS

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

### **General:**

1. The 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, second Mylar 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 Residential Single Family (RS) zone.
- g. Include all engineering elements as required by the Department of Public Works requirements.
- h. 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 July 26, 2024. The plat shall include all engineering elements as required by the Department of Public Works.
4. The property owner shall sign a non-remonstrance agreement with the City of Keizer for future street improvements along Keizer Road NE which shall be recorded against the



property. Any recording fees incurred during this process shall be paid by the applicant to the City of Keizer prior to recording.

5. A site plan prepared by a licensed engineer or surveyor must be submitted which shows the existing home on Parcel 2 in relation to the proposed side property line to ensure the 5' setback requirement is met.
6. If it is determined that any significant trees will be removed for development, a tree removal and replacement plan must be submitted to and approved by the Planning Department.
7. The following applicable requirements/conditions of the Public Works Department must be met as outlined below:

#### GENERAL CONDITIONS

The application is for dividing a 10,454 sq. ft. lot into 2 parcels. Parcel 1 will be a 5,083 sq ft parcel with frontage on Keizer Rd; Parcel 2 will be a 5,350 sq. ft. parcel with frontage on Keizer Rd. Proposed Parcel 2 has an existing residence which will remain and Proposed Parcel 1 will be a vacant parcel.

#### 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) Currently a sanitary sewer service line exists which is connected to the sanitary sewer lateral in Keizer Road and serves the existing residence. A new sewer service line will be required to serve the future residence on proposed Parcel 1. City of Salem approval for local sewer permits will need to be issued prior to construction. Construction permits will be required for any construction within a public street or access easement.
- b) The property is within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.
- c) Any septic tank and drain field on the subject property shall be abandoned according to the requirements of the appropriate agency. Evidence of satisfactory compliance shall be submitted to the City of Keizer prior to issuance of any building permits on the subject property.
- d) The required new sewer service line will be required to connect to the existing public sewer line in Keizer Road at the cost of the developer of the proposed partition in a location approved by the City of Keizer Public Works Department and the City of Salem.

#### WATER SYSTEM:

- a) An existing water main exists in Keizer Road which will provide service to the proposed new Parcel 1.

- b) The Keizer Fire District will determine the location of fire hydrants required to serve the new development if any are needed. The developer of the project will be responsible for contacting the fire district.
- c) Location of water meters shall be submitted for approval to the Public Works Department after all proposed utility locations are known.
- d) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements.

**STREET AND DRAINAGE IMPROVEMENTS:**

- a) A storm drainage plan shall be designed for the on-site improvements proposed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Keizer Road. Plans for the on-site drainage shall be submitted to the Public Works Department for approval of the method of disposal of the storm water. Any UIC for the storm water proposal will have to be registered with the State of Oregon.
- b) A grading and drainage plan will be required for the proposed development and all lot corners shall have finished grade elevations indicated on the plan. The grading and drainage plan shall be submitted for review and approval prior to recording of the partition plat.
- c) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.

**OTHER**

- a) Construction permits are required by the Public Works Department prior to any public facility construction as well as private utility construction within existing right of ways.
- 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) A 10-foot-wide Public Utility Easement (PUE) shall be shown on the plat for the proposed partition along the frontage of Keizer Road.
- g) All utilities to serve the development shall be underground.

**Prior To Obtaining Building Permit(s):**


- 8. All required public utility services shall be completed to the satisfaction of the Department of Public Works.
- 9. In addition to the design requirements of the RS zone, the new dwelling on Parcel 1 must comply with the standards of Section 2.102 (Residential Single Family) and 2.314 (Standards for Single Family Dwellings). In addition, any placement of a manufactured dwelling shall be consistent with the requirements in Section 2.402.

**Prior to Obtaining Building Permit Final for the dwelling on Parcel 1:**

- 10. 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.

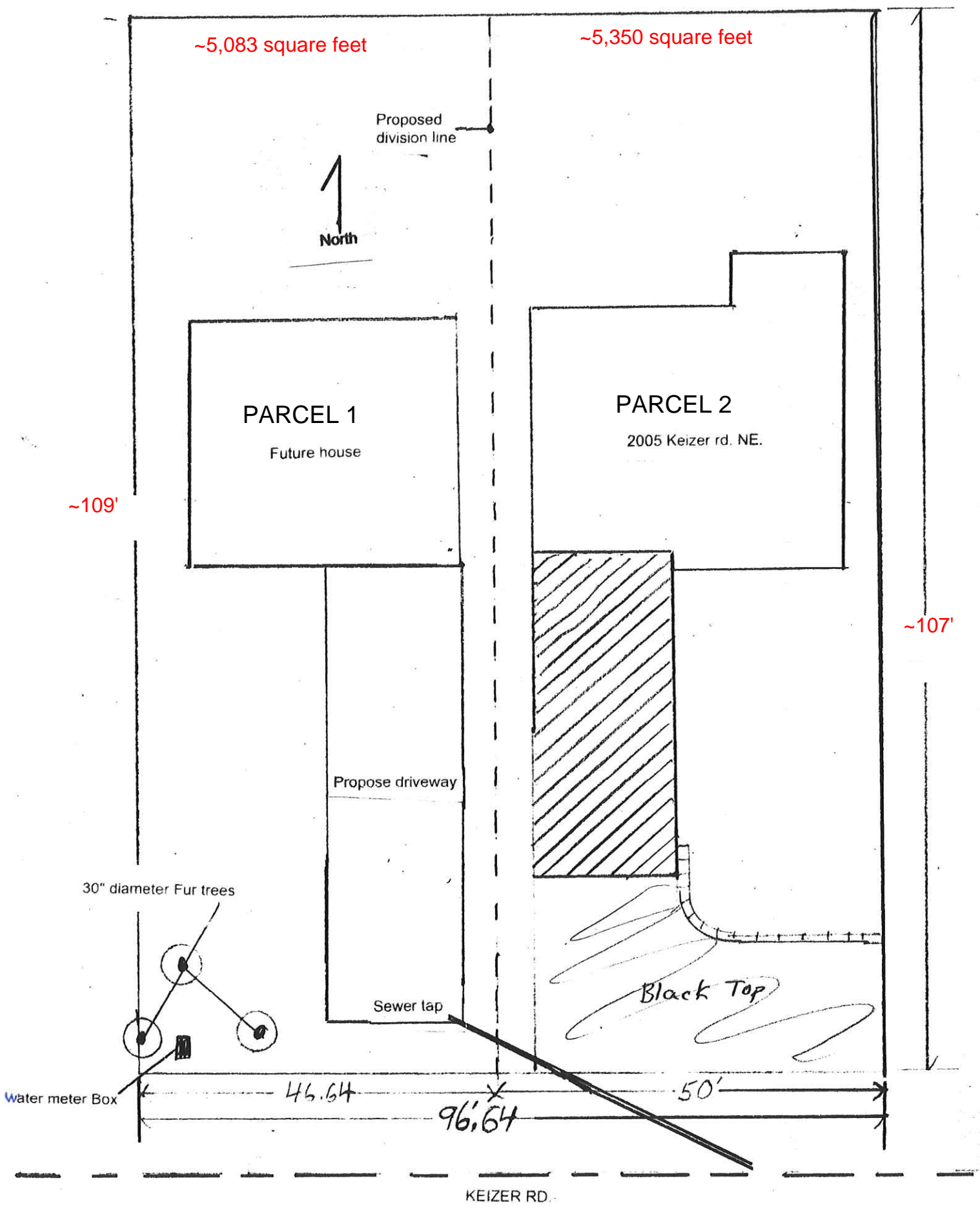
The proposed Partition complies with Section 3.107 of the Keizer Land Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and approves the proposal subject to conditions outlined in Section VI. Conditions and Requirements of this 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: <u>7/15/22</u>
Shane Witham, Planning Director	

Robin Guzman  
503-871-7237  
1/16" = 1'

# EXHIBIT 1

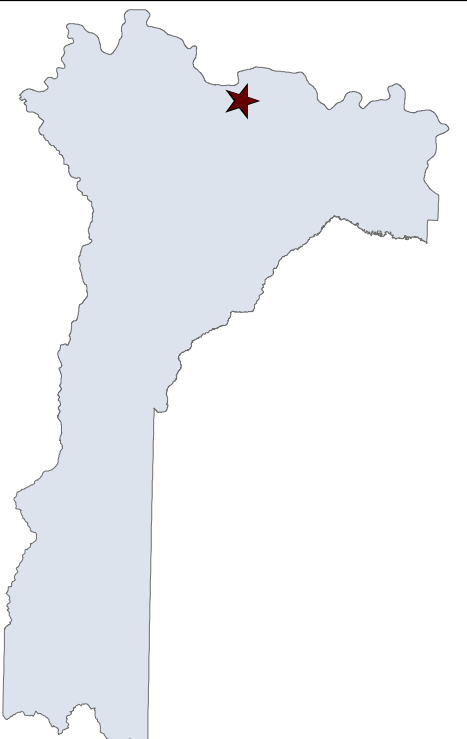




07 3W 01BB

07 3W 01BB

KEIZER



MARION COUNTY, OREGON  
NW1/4 NW1/4 SEC1 T7S R3W W.M.  
SCALE 1" = 100'

LEGEND

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

CORNER TYPES

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

NUMBERS  
Tax Code Number  
00 00 0

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

NOTES

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



CANCELLED NUMBERS

3000
3400
3401
4800

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

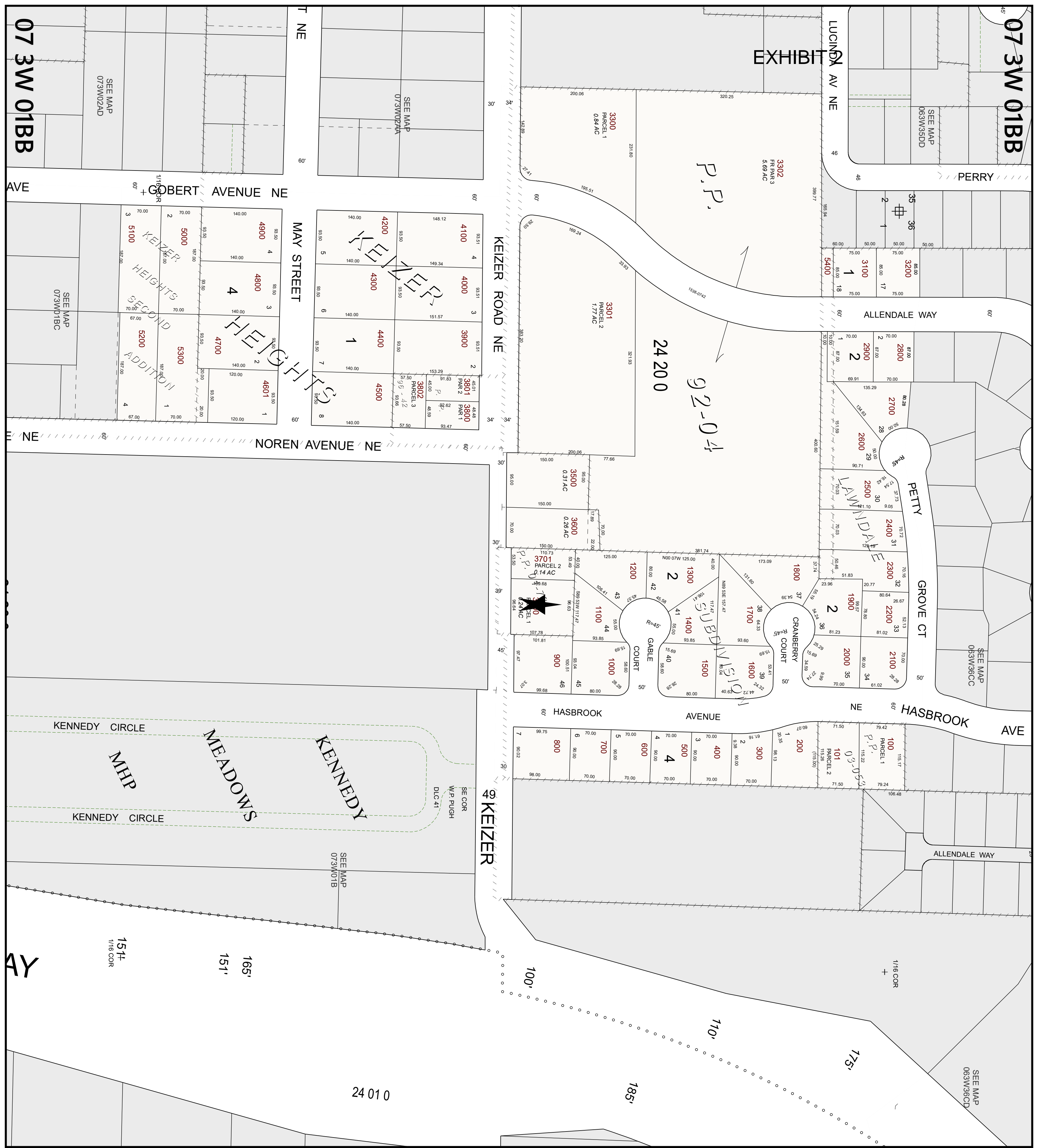


FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
www.marion.or.us

PLOT DATE: 10/16/2020

KEIZER

07 3W 01BB



07 3W 01BB

07 3W 01BB

# EXHIBIT 3

PARTITION CASE NO. 2022-08

ADDRESS – 2005 KEIZER RD. NE.

ZONE: RESIDENTIAL SINGLE FAMILY AND DESIGNATED LOW DENSITY

## PUBLIC WORKS DEPARTMENT CONDITIONS AND REQUIREMENTS

### **GENERAL CONDITIONS**

The application is for dividing a 10,454 sq. ft. lot into 2 parcels. Parcel 1 will be a 5,083 sq.ft parcel with frontage on Keizer Rd; Parcel 2 will be a 5,350 sq. ft. parcel with frontage on Keizer Rd. Proposed Parcel 2 has an existing residence which will remain and Proposed Parcel 1 will be a vacant parcel.

### **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.) Currently a sanitary sewer service line exists which is connected to the sanitary sewer lateral in Keizer Road and serves the existing residence. A new sewer service line will be required to serve the future residence on proposed Parcel 1. City of Salem approval for local sewer permits will need to be issued prior to construction. Construction permits will be required for any construction within a public street or access easement.
- b.) The property is within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.
- c.) Any septic tank and drain field on the subject property shall be abandoned according to the requirements of the appropriate agency. Evidence of satisfactory compliance shall be submitted to the City of Keizer prior to issuance of any building permits on the subject property.
- d.) The required new sewer service line will be required to connect to the existing public sewer line in Keizer Road at the cost of the developer of the proposed partition in a location approved by the City of Keizer Public Works Department and the City of Salem.

### **WATER SYSTEM:**

- a.) An existing water main exists in Keizer Road which will provide service to the proposed new Parcel 1.
- b.) The Keizer Fire District will determine the location of fire hydrants required to serve the new development if any are needed. The developer of the project will be responsible for contacting the fire district.

- c.) Location of water meters shall be submitted for approval to the Public Works Department after all proposed utility locations are known.
- d.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements.

**STREET AND DRAINAGE IMPROVEMENTS:**

- a.) A storm drainage plan shall be designed for the on-site improvements proposed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Keizer Road. Plans for the on-site drainage shall be submitted to the Public Works Department for approval of the method of disposal of the storm water. Any UIC for the storm water proposal will have to be registered with the State of Oregon.
- b.) A grading and drainage plan will be required for the proposed development and all lot corners shall have finished grade elevations indicated on the plan. The grading and drainage plan shall be submitted for review and approval prior to recording of the partition plat.
- c.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property.

**OTHER**

- a.) Construction permits are required by the Public Works Department prior to any public facility construction as well as private utility construction within existing right of ways.
- 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.) A 10 foot wide Public Utility Easement (PUE) shall be shown on the plat for the proposed partition along the frontage of Keizer Road.
- g.) All utilities to serve the development shall be underground.

Comments on Planning Action: \_Keizer PAR 2022-08\_\_\_\_\_

Date \_06/23/2022\_\_ Person Commenting \_Phil Jones\_\_\_\_\_

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

Property Line Adjustment:

- 1. No survey required for the property that is greater than ten acres.
- 2. Must be surveyed per ORS 92.060 (7) and the survey submitted for review.
- 3. Survey checking fee required at the time of review.

(See Page 2 for additional comments)



Property Line Adjustment (continued):

- \_\_\_ 4. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office prior to submitting the property line adjustment survey. Deed recording reference numbers shall be noted on the survey map. Per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment. [See Marion County Zoning Code MCC 16.33.140(E) and MCC 17.172.120(E)]
- \_\_\_ 5. A re-plat (in the form of a partition plat) is required, due to the adjustment of a partition plat parcel line or subdivision lot line. A property line adjustment deed for the area being transferred shall be recorded with the Marion County Clerk's Office, prior to the recording of the re-plat. Deed recording reference numbers shall be noted on the plat. As per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment.

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

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

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

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

**Other comments specific to this Planning Action:**

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# REQUEST FOR COMMENTS

June 16, 2022

TO: Staff and Agencies

FROM: Dina Horner, Assistant Planner

CASE: Partition Case No. 2022-08

RESPONSE DATE: **June 30, 2022**

APPLICATION: The applicant is requesting to partition an approximate 10,454 square foot parcel into two parcels containing approximately 5,083 square feet (Parcel 1) and approximate 5,350 square feet (Parcel 2). The property is also identified on Marion County Tax Assessor maps as township 7 South; Range 3 West; Section 01BB; Tax Lot 3700. The subject property is designated in the Keizer Comprehensive Plan map as Low Density Residential (LDR) and is zoned Residential Single Family (RS).

APPLICANT: Robin and Angela Guzman

ADDRESS: 2005 Keizer Rd NE

The Planning Department is soliciting comments from affected agencies on the above referenced land use application. These comments will be considered as part of the staff report. Please return your comments to our office by June 30, 2022 in order that we may process the application in a timely manner. Phone calls are acceptable if it is not possible to respond in writing by this date. If we receive no response, we will assume your agency has no concerns. You may use this response form, or, attach a separate letter. Please return your written responses to the Keizer Planning Department, P.O. Box 21000, Keizer, Oregon 97307-1000. Questions regarding the application may be directed to Dina Horner, Assistant Planner, at (503) 856-3442. Thank you for your assistance.

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.
- Our Agency's comments are: Each lot will need to connect to their own sewer service line.

Response Date: 6/27/2022 Person commenting: Zach Diehl  
City of Salem, Public Works



# EXHIBIT 6

## REQUEST FOR COMMENTS

June 16, 2022

TO: Staff and Agencies

FROM: Dina Horner, Assistant Planner

CASE: Partition Case No. 2022-08

RESPONSE DATE: **June 30, 2022**

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APPLICANT: Robin and Angela Guzman  
 ADDRESS: 2005 Keizer Rd NE

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### 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.
- Our Agency's comments are: \_\_\_\_\_

Response Date: 6.28.22 Person comm

Salem-Keizer Public Schools, Planning and Property Services  
 3630 State Street, Salem OR 97301  
 David Fridenmaker, Manager  
 503-399-3335



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

Christy Perry, Superintendent

June 28, 2022

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

RE: Land Use Activity Case No. Partition Case No. 2022-08 at 2005 Keizer Rd NE

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
Kennedy	Elementary	K thru 5
Whiteaker	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
Kennedy	Elementary	365	524	70%
Whiteaker	Middle	677	918	74%
McNary	High	2,075	2,200	94%

Table 2



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

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

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

Table 3

**POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT**

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

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll. /Cap. Ratio
Kennedy	Elem.	365	0	0	0	524	70%
Whiteaker	Mid.	677	33	0	33	918	77%
McNary	High	2,075	51	0	51	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
Kennedy	Elementary	Walk Zone
Whiteaker	Middle	Walk Zone
McNary	High	Eligible for School Transportation

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	0	\$64,220	\$0
Middle	0	\$76,882	\$0
High	0	\$89,544	\$0
TOTAL			\$0

Table 6

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

Sincerely,

David Fridenmaker, Manager  
 Planning and Property Services

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