



**KEIZER PLANNING DEPARTMENT
NOTICE OF DECISION
Partition Case 2022-09**

I. REQUEST

The following report reviews a land use application to divide an existing parcel totaling approximately 39,571 square feet into three parcels comprised of approximately 8,189 square feet (Parcel 1), 11,465 square feet (Parcel 2) and 19,831 (Parcel 3). The property is zoned Medium Density Residential (RM) and designated Medium High Density Residential (MHDR) on the Comprehensive Plan Map. (Exhibit 1)

II. BACKGROUND

- A. APPLICANT/PROPERTY OWNER:** Paul and Maria Cedillo
- B. AGENT:** Gerald Horner – Willamette Engineering
- C. PROPERTY LOCATION:** The subject property is located at 1620 Shady Lane NE. The Marion County Tax Assessor's office identifies the property as Township 7 South, Range 3 West, Section 11AA, Tax Lot 00603. (Exhibit 2)
- D. PARCEL SIZE:** The subject property contains approximately 39,571 square feet in area.
- E. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is undeveloped
- F. ZONING:** The subject property is zoned RM (Medium Density Residential) and designated Medium High Density Residential (MHDR) in the Comprehensive Plan.
- G. ADJACENT ZONING AND LAND USES:** Surrounding properties are developed with single family homes on land zoned RM. The property is adjacent to the Salem Parkway to the southeast.

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 separate sewer service lines.

- D. The Salem-Keizer Public Schools submitted comments (Exhibit 6) noting the school capacities and current enrollments.
- 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 three parcels in accordance with the Keizer Development Code. The approval, or denial, of a partition application is based on compliance with the decision criteria found in Section 3.107 of the Keizer Development Code. The criteria and staff's findings for the applicable sections of the Keizer Development Code are listed below:

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

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

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 RM zone is 40 feet for single-family detached homes, duplexes, triplexes, quadplexes or cottage clusters. Frontage along Shady Lane NE will be approximately 100 feet for Parcel 1, 237 feet for Parcel 3. Parcel 2 will be developed as a flag lot and will have access via an access flag. Flag lots are exempt from this requirement but will be later addressed in this report. Staff finds this proposal can satisfy this criterion.

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

FINDINGS: The RM 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 all parcels exceed the minimum width and depth requirements of the RM zone. Parcel 1 and Parcel 2 are both proposed to be rectangular shaped lots. Parcel 1 is proposed to be approximately 100 feet wide and 82 feet deep and Parcel 2 is proposed to be approximately 120 feet wide and approximately 82 feet deep. Parcel 3 is an irregular triangular shaped parcel with an average width over 140 feet and an average depth of over 80 feet.

As a condition of partition approval, each lot must meet the minimum required width and depth of the RM 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 minimum lot size for development in the RM zone is 4,000 square feet. In no case can the proposed parcels be less than the minimum required by the RM zone without variance approval. Parcel 1 is approximately 8,189 square feet in area, Parcel 2 is approximately 9,827 square feet in net area and Parcel 3 is proposed to be 19,831 square feet in area. All parcels exceed the minimum 4,000 square feet required. 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 proposed to be approximately 100 feet wide and 82 feet deep and Parcel 2 is proposed to be approximately 120 feet wide and approximately 82 feet deep. Parcel 3 is an irregular triangular shaped parcel that is approximately 287 feet wide and 163 feet deep. None of the three 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.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: In response to the existing irregularly shaped parcel, the creation of Parcel 2 as a flag lot allows additional development and alleviates long, narrow lots as would exist if developed with frontage along Shady Lane NE. The access strip shall not be used in the calculation of minimum lot size and shall be no less than 20 feet wide. The paving of the access flag, a minimum of 12 feet wide, will be placed as a condition of Certificate of Occupancy for the newly constructed dwelling. This proposal complies with this criterion.

4. ***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 as much as possible. The subject property is currently irregular in shape making

creating regular rectangular shaped lots impractical for all three parcels. The proposed plan is for two rectangular lots be created, Parcel 1 and Parcel 2, and one large triangle shaped property, Parcel 3. It should be noted that Parcel 3 is encumbered by a 40' wide drainage easement that does not allow for any type of construction within the easement and is partially located within the 100-year flood zone. Future development of Parcel 3 will require a Floodplain Development Permit from the City of Keizer. This development proposal will allow the property to be developed consistent with the intent of the provisions of the KDC. Therefore, staff finds this request satisfies this criterion.

5. ***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.

6. ***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: Parcel 2 will be developed as a flag lot. The access strip shall be no less than 20 feet wide and paved a minimum of 12 feet wide. The paving of the access flag will be placed as a condition of Certificate of Occupancy for the newly constructed dwelling, therefore, this request can comply with this criterion.

7. ***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, 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.

The subject property exceeds 100' of street frontage along a public street; improvements are required to Shady Lane NE. The applicant submitted a site plan showing that street frontage improvements will be provided. The Public Works Department has submitted comments (Exhibit 3) on the requirements and specifics of improvements. These requirements will be placed as a condition of final plat approval and will be reviewed as part of the public construction permit. Therefore, with the above conditions placed as a condition of approval, staff finds this request may comply with this criterion.

8. *Section 2.310.05.D - Completion Requirements.*

FINDINGS: All required improvements are to be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section are to be completed or assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the partition. Improvements are approved through the Public Works Construction Permit process. At the discretion of the Public Works Director, certain improvements may be further postponed through a non-remonstrance agreement, or other performance agreement. This requirement will be placed as a condition of final plat approval.

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. Shady Lane NE is classified as a local street in the City of Keizer's Transportation System Plan but not currently built to local street standards. The KDC requires that new development make road improvements to bring their road frontage up to the designated road classification and construction standards. The legislative adoption of the street standards requires road improvements and the road construction to be provided by the development as it occurs in proportion to its impacts. The residents of the partitioned lots will utilize road systems constructed by other developments at no cost to them or the applicant. Other benefits which necessarily flow to the future residents of this development from the completion of the street improvements include access for vehicles, bicyclists and pedestrians to the road system serving this area of the City and improved access for emergency vehicles to the subject property and its residents. Improvements have been addressed earlier in this report and Public Works has submitted comments on specific requirements. Staff finds this requirement for street improvements is roughly proportional to the impact of the development.

E. **SECTION 3.107.07.E - EACH PARCEL SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS WITHIN SECTIONS 2.301 (General Provisions); 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); 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 three 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. Construction specifications for all public streets shall comply with the standards of the most recently adopted public works/street standards of the City of Keizer. Construction permits are required by the Public Works Department.

Shady Lane NE, an existing public street, serves the subject property and will continue to serve all parcels. As mentioned earlier in the report, Public Works requires improvements along Shady Lane NE within the existing 60' right of way and is detailed in Exhibit 3. With these conditions placed as a condition of final plat approval, staff finds this request can satisfy this criterion.

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

FINDINGS: Streetscape trees are required to be planted on lots that front 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, Parcel 1 and Parcel 3 both front Shady Lane NE and measures more than 60' in width requiring two streetscape trees to be planted on each parcel prior to Certificate of Occupancy of a building permit. Staff finds this request can satisfy this criterion.

Section 2.303 Off-Street Parking and Loading:

FINDINGS: Section 2.303.06 of the KDC lists the required parking based on the number of dwelling units and the use of the parcel and is reviewed at the time of building permit review. Detached single-family dwellings require 2 on-site parking spaces per dwelling, while duplexes, triplexes, quadplexes, cottage clusters are required one parking space per dwelling unit. Multi-family is based on the number of bedrooms of each unit. In addition, single family dwellings having their access from an access easement or flag are required to provide 1 additional space. Parking spaces are required to be a minimum 9' x 18'. With the condition that parking be reviewed at the time of building permit approval, staff finds this proposal can comply with this criterion.

4. ***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.

5. ***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 Shady Lane 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.

6. ***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.

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

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

The applicant's written statement does not specify if 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. 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 Medium Density Residential (RM) 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 following applicable requirements/conditions of the Public Works Department must be met as outlined below:

GENERAL CONDITIONS

The application is for dividing a 39,571 sq. ft. parcel into 3 parcels. Parcel 1 will be a 8,189 sq ft parcel with frontage on Shady Lane; Parcel 2 will be a 11,465 sq. ft. parcel with a flag lot connection to Shady Lane and Parcel 3 will be a 19,831 sq. ft. parcel with access to Shady Lane.

SANITARY SEWERS:

- a.) It is the developer's responsibility to connect the proposed development to the appropriate master plan sewer lines designed to serve the area.
- b.) An existing 15-inch sanitary sewer main is located in the Shady Lane Right of Way. 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.

- c.) 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 all parcels and shall be permitted by the City of Salem prior to recording of the partition plat.
- d.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside of the platted right of ways. Easements will be required for all private sewer lines that cross private properties.
- e.) The property is within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.
- f.) 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.

WATER SYSTEM:

- a.) An existing 6" inch water main that reduces down to a 4-inch water main at the existing fire hydrant is located within the existing Shady Lane right of way. The development will require new individual water services to serve proposed parcels 1, 2 and 3.
- b.) The Keizer Fire District will determine the location of fire hydrants required to serve the new development. The existing hydrant located near Proposed Parcel 1 may be adequate to serve the proposed new development. 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.) The proposed development will require a variable width widening of the existing street improvements for Shady Lane to match the current street improvement to the west of the subject property. The final improvement shall be centered in the existing right of way of Shady Lane. Additionally, a 5-foot-wide concrete sidewalk will be required along south side of the new street widening. The easterly end of the new curbing and street improvement will depend on information submitted by the applicant regarding wetlands at the eastern end of the existing right of way and Proposed Parcel 3. The wetlands analysis shall be submitted to the Public Works Department for review prior to submittal of street, curb and sidewalk plans. A suitable location for access from the east end of the new required sidewalk to the existing sidewalk on the north side of Shady Lane will be required.

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 Shady Lane. When the storm water system is designed, the required improvement between the new sidewalk and pavement will be determined by the City. 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.
- g.) All utilities to serve the development shall be underground.

Prior To Obtaining Building Permit(s):

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

Prior to Obtaining Building Permit Final:

- 6. 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.

7. Two streetscape trees must be planted on Parcel 1 and Parcel 3. The tree 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:

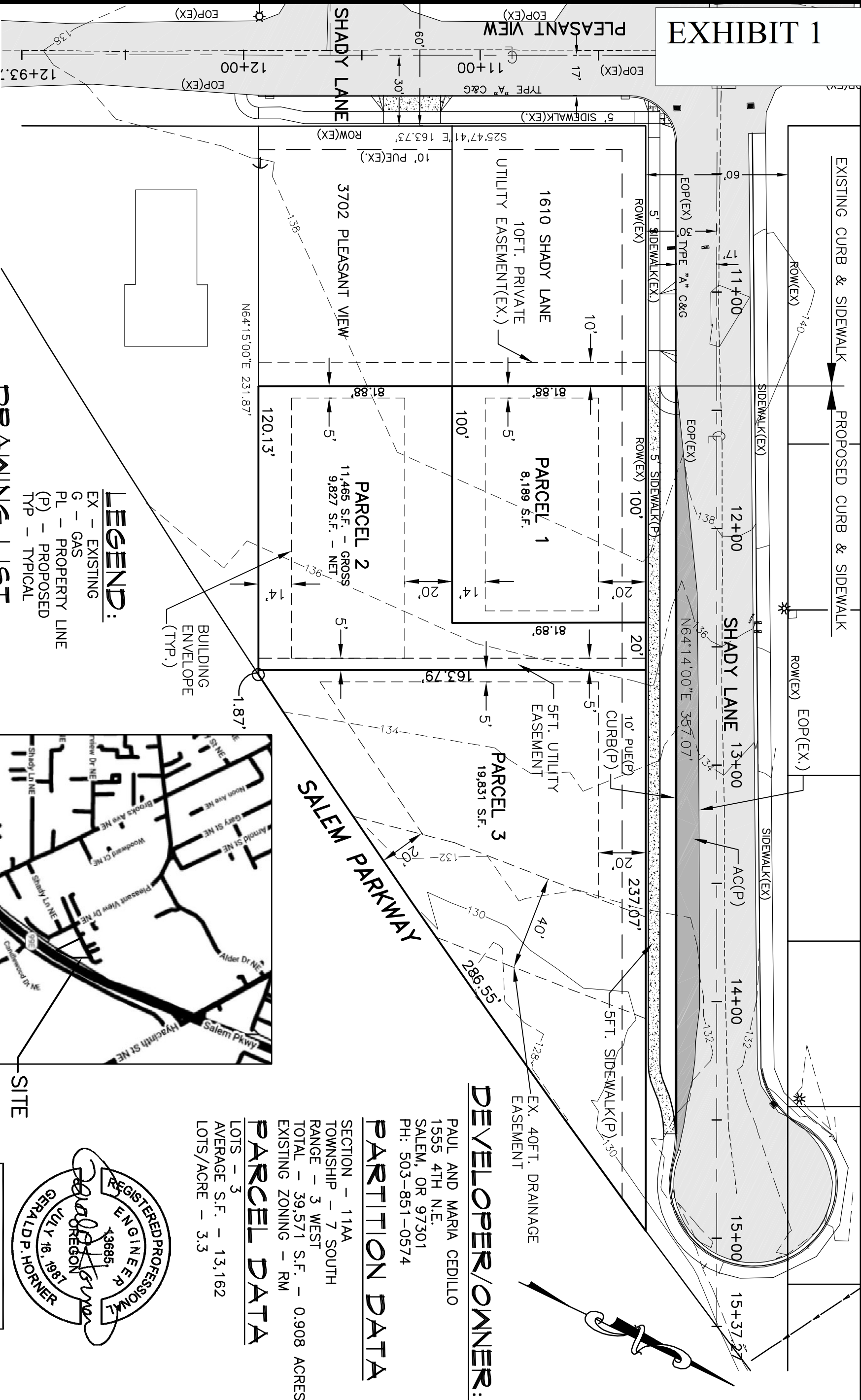


Shane Witham, Planning Director

DATE:

7/15/22

EXHIBIT 1



DEVELOPER/OWNER:

PAUL AND MARIA CEDILLO
 1555 4TH N.E.
 SALEM, OR 97301
 PH: 503-851-0574

PARTITION DATA

SECTION - 11AA
 TOWNSHIP - 7 SOUTH
 RANGE - 3 WEST
 TOTAL - 39,571 S.F. - 0.908 ACRES
 EXISTING ZONING - RM

PARCEL DATA

LOTS - 3
 AVERAGE S.F. - 13,162
 LOTS/ACRE - 3.3

LEGEND:

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

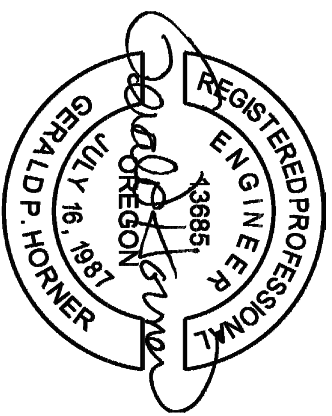
DRAWING LIST:

- C1 PROPOSED PARTITION SITE
- C2 EXISTING CONDITIONS
- C3 SANITARY AND WATER PLAN
- C4 GRADING AND INFILTRATION TRENCHES

SITE PLAN

SCALE: 1" = 40'

VICINITY MAP



EXPIRES: JUNE 30, 2023

FOR APPLICATION

NOT FOR CONSTRUCTION

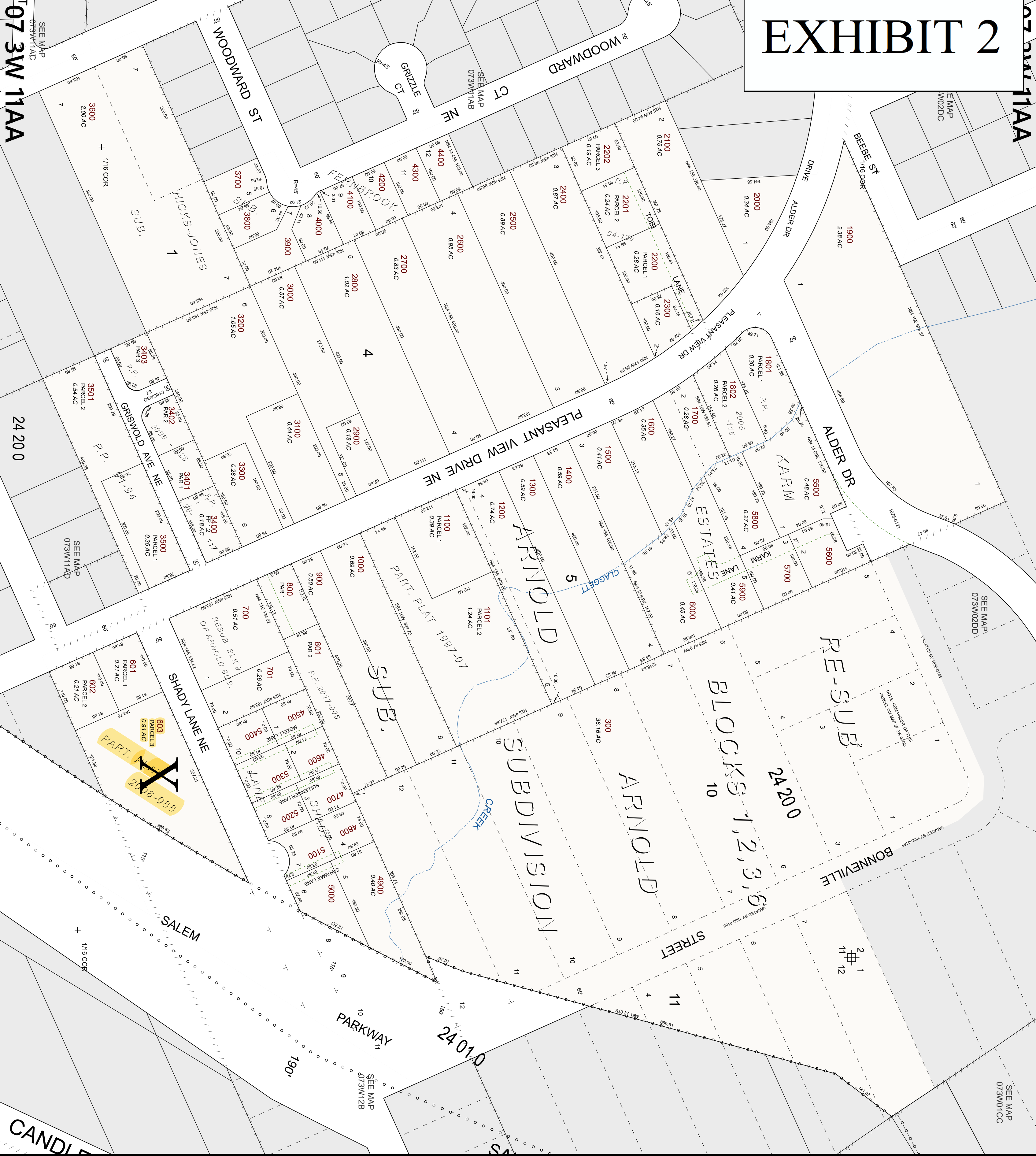
ENGINEER:
 WILLAMETTE ENGINEERING INC.
 P.O. BOX 9032
 SALEM, OREGON 97305
 PH: 503-304-0905
 FAX: 503-304-9512

TITLE SHEET AND SITE PLAN

SHADY LANE PARTITION APPLICATION
 LOT 3 PARTITION - 2008-88
 KEIZER, OR

DESIGNED BY:	GPH
DRAWN BY:	MCF
DATE:	04-16-22
JOB NO.:	2022-27
CLIENT NO.:	
DRAWING NO.:	C1
REV.:	0

EXHIBIT 2



07 3W 11AA

KEIZER



MARION COUNTY, OREGON
 NE 1/4 NE 1/4 SEC 11 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.
- ⊙ DLC Corner
- ⊕ 1/4 Section Cor.
- ⊕ 15 Section Corner
- ⊕ 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

100
200
300
400
500
600
700
800
900
1000

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 10/16/2020

KEIZER

07 3W 11AA

PARTITION CASE NO. 2022-09
ADDRESS – 1620 SHADY LANE NE.
ZONE: MEDIUM DENSITY RESIDENTIAL (RM)

PUBLIC WORKS DEPARTMENT CONDITIONS AND REQUIREMENTS

GENERAL CONDITIONS

The application is for dividing a 39,571 sq. ft. parcel into 3 parcels. Parcel 1 will be a 8,189 sq ft parcel with frontage on Shady Lane; Parcel 2 will be a 11,465 sq. ft. parcel with a flag lot connection to Shady Lane and Parcel 3 will be a 19,831 sq. ft. parcel with access to Shady Lane.

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.) An existing 15-inch sanitary sewer main is located in the Shady Lane Right of Way. 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.) 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 all parcels and shall be permitted by the City of Salem prior to recording of the partition plat.
- c.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside of the 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.
- e.) 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.

WATER SYSTEM:

- a.) An existing 6" inch water main that reduces down to a 4 inch water main at the existing fire hydrant is located within the existing Shady Lane right of way. The development will require new individual water services to serve proposed parcels 1, 2 and 3.
- b.) The Keizer Fire District will determine the location of fire hydrants required to

serve the new development. The existing hydrant located near Proposed Parcel 1 may be adequate to serve the proposed new development. 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.) The proposed development will require a variable width widening of the existing street improvements for Shady Lane to match the current street improvement to the west of the subject property. The final improvement shall be centered in the existing right of way of Shady Lane. Additionally, a 5-foot-wide concrete sidewalk will be required along south side of the new street widening. The easterly end of the new curbing and street improvement will depend on information submitted by the applicant regarding wetlands at the eastern end of the existing right of way and Proposed Parcel 3. The wetlands analysis shall be submitted to the Public Works Department for review prior to submittal of street, curb and sidewalk plans. A suitable location for access from the east end of the new required sidewalk to the existing sidewalk on the north side of Shady Lane will be required.

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 Shady Lane. When the storm water system is designed, the required improvement between the new sidewalk and pavement will be determined by the City. 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.
- g.) All utilities to serve the development shall be underground.

Comments on Planning Action: _Keizer PAR 2022-09_____

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 17, 2022

TO: Staff and Agencies
FROM: Dina Horner, Assistant Planner
CASE: Partition Case No. 2022-09
RESPONSE DATE: July 1, 2022

APPLICATION: The applicant is requesting to partition an approximate 39,571 square foot parcel into three parcels containing approximately 8,189 square feet (Parcel 1), 11,465 square feet (Parcel 2) and approximate 19,831 square feet (Parcel 3). The property is also identified on Marion County Tax Assessor maps as township 7 South; Range 3 West; Section 11AA; Tax Lot 00603. The subject property is designated in the Keizer Comprehensive Plan map as Medium-High Density Residential (MHDR) and is zoned Medium Density Residential (RM).

APPLICANT: Paul and Maria Cedillo
ADDRESS: 1620 Shady Ln NE
ZONE: Medium Density Residential (RM)

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 July 1, 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.
[X] Our Agency's comments are: Each lot will need a separate sewer service. New paving adjacent to sewer manholes will need review by the City of Salem.

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

EXHIBIT 6



REQUEST FOR COMMENTS

June 17, 2022

TO: Staff and Agencies

FROM: Dina Horner, Assistant Planner

CASE: Partition Case No. 2022-09

RESPONSE DATE: **July 1, 2022**

APPLICATION: The applicant is requesting to partition an approximate 39,571 square foot parcel into three parcels containing approximately 8,189 square feet (Parcel 1), 11,465 square feet (Parcel 2) and approximate 19,831 square feet (Parcel 3). The property is also identified on Marion County Tax Assessor maps as township 7 South; Range 3 West; Section 11AA; Tax Lot 00603. The subject property is designated in the Keizer Comprehensive Plan map as Medium-High Density Residential (MHDR) and is zoned Medium Density Residential (RM).

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 ADDRESS: 1620 Shady Ln NE
 ZONE: Medium Density Residential (RM)

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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: 6.30.22 Person commen

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 30, 2022

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

RE: Land Use Activity Case No. Partition 2022-09, 1620 Shady Ln 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
Weddle	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
Weddle	Elementary	360	396	91%
Claggett Creek	Middle	888	969	92%
McNary	High	2,075	2,200	94%

Table 2

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

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

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

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

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

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll. /Cap. Ratio
Weddle	Elem.	360	21	1	22	396	97%
Claggett Creek	Mid.	888	11	0	11	969	93%
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
Weddle	Elementary	Walk Zone
Claggett Creek	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	1	\$64,220	\$64,220
Middle	0	\$76,882	\$0
High	0	\$89,544	\$0
TOTAL			\$64,220

Table 6

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

Sincerely,

David Fridenmaker, Manager
Planning and Property Services

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