



**KEIZER PLANNING DEPARTMENT
NOTICE OF DECISION
Partition Case 2022-10**

AMENDED

I. REQUEST

The following report reviews a land use application to divide an existing parcel totaling approximately 28,066 square feet into three parcels comprised of approximately 17,168 square feet (Parcel 1), 5,407 square feet (Parcel 2) and approximate 5,090 square feet (Parcel 3). The subject property is zoned Single Family Residential (RS). (Exhibit 1)

II. BACKGROUND

- A. APPLICANT/AGENT:** Caleb Folsom
- B. APPLICANT/PROPERTY OWNER:** Seth and Natalie Ford
- C. PROPERTY LOCATION:** The subject property is located at 4255 Verda Ln NE. The Marion County Tax Assessor's office identifies the property as Township 7 South, Range 3 West, Section 01CC, Tax Lot 01600. (Exhibit 2)
- D. PARCEL SIZE:** The subject property contains approximately 28,066 square feet in area.
- E. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is developed with a single-family dwelling.
- F. ZONING:** The subject property is zoned RS (Single Family Residential) and designated Low Density Residential (LDR) in the Comprehensive Plan.
- G. ADJACENT ZONING AND LAND USES:** The properties to the north are zoned RS and developed with duplexes. Other surrounding properties are developed with single-family homes also zoned RS.

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 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. Exceptions apply for Lots or parcels that are accessed via an access easement and flag lots.

FINDINGS: The intent of this provision is to ensure that all lots have a minimum frontage along a 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. Exceptions apply for parcels gaining access from an access flag or access easement.

Although Parcel 1 has approximately 114 feet of frontage along Alder Dr NE, the access will be from Verda Lane NE via a newly constructed 20-foot wide access flag and will be located on the south side of the property. The existing driveway on the north side of the property must be abandoned. A Driveway/Sidewalk permit is required and must be approved through the Public Works Department. Removal of the existing driveway shall be completed prior to final plat approval, or must be assured through a performance bond, improvement agreement or other instrument acceptable to the City as outlined in Section 3.202.02.E.3 and 3.202.05.B of the Keizer Development Code. Parcel 2 will have frontage along an access easement and Parcel 3 will have approximately 80 feet of frontage along Verda Lane NE but also will gain access from the access easement. Access Flags are required to be developed in accordance with the provisions of Section 2.310.03E and Private Access Easements are required to be developed in accordance with the provisions of Section 2.302.08. Both will be addressed later in this report. All three parcels will gain access from either an access flag or access easement, Staff finds this proposal complies with this criterion.

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

FINDINGS: The 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 all parcels exceed the minimum width and depth requirements of the RS zone. Parcel 1 has an average width of over 100 feet and depth of over 116 feet. Both Parcel 2 and Parcel 3 are rectangular shaped lots and approximately 80 feet in width and 67 feet and 63 feet deep respectively. 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 minimum lot size for development in the RS zone is 4,000 square feet. In no case can the proposed parcels be less than the minimum required by the RS zone without variance approval. Parcel 1 is proposed to have a net area of approximately 17,168 square feet in area, Parcel 2 is proposed to have a net area of approximately 5,407 square feet and Parcel 3 is proposed to have a net area of approximately 5,090 square feet. All parcels exceed the minimum 4,000 square feet required. Both gross and net areas are required to be listed on the final plat. 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 80 feet wide and over 116 feet deep. Parcel 2 and Parcel 3 are both proposed to be approximately 80 feet wide and approximately 67 and 63 feet deep respectively. 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: The applicant wishes to develop Parcel 1 as a flag lot, but that the flag will also be an access easement that serves both Parcel 2 and Parcel 3. Therefore, the standards governing access easements will apply regardless of the

status of ownership of the flag pole/access easement portion. 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 ½ the dimension of the front lot line.***

FINDINGS: The intent of this provision is to allow the division of property that will result in uniform shaped lots thereby avoiding difficult to develop 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 2 and Parcel 3, and one large irregular shaped property, Parcel 1. This development proposal will allow the property to be developed consistent with the intent of the provisions of the KDC. It should also be noted that Parcel 1 is partially located within the 100-year flood zone. No additional development is proposed for Parcel 1 at this time, however, any future development of Parcel 1 will require a Floodplain Development Permit from the City of Keizer. 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: The applicant is proposing a 20' wide access flag and easement to serve the newly created Parcels with a turnaround located between Parcel 1 and Parcel 2. The standards governing access flags and easements will be further addressed in this report. As a condition of partition approval, the proposed access flag/easement will be required to be paved a minimum of 16' wide prior to final plat approval. In lieu of this, the applicant may obtain a performance bond, improvement agreement or other instrument acceptable to the City as outlined in Section 3.202.02.E.3 and 3.202.05.B of the Keizer Development Code. If paving of the access easement is delayed, appropriate coordination and temporary access must be maintained for the existing home on Parcel 1 to access Verda Lane. Staff finds 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 and inefficient public transportation facilities. This is done by ensuring that adequate street improvements are provided in order to provide safe traffic and pedestrian

and bicyclist access without which dangerous or hazardous traffic conditions are created. Verda Lane is designated in the City Transportation System Plan as a minor arterial street and the subject property is approximately 100.23 feet in width. In consideration of the existing street improvements, no additional street frontage improvements are required with this proposal. The applicant is indicating that 4 feet of right-of-way will be dedicated along the frontage of Verda Lane which is acceptable to the Department of Public Works. In addition, the property owner will be required to sign a Non-remonstrance Agreement. This agreement will provide assurance that adequate public transportation facilities can be provided by allowing future improvement on Verda Lane NE, if necessary. With the above conditions placed as a condition of approval, 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, a four-foot right-of-way dedication will be required. The Keizer Development Code requires that new development make road improvements to bring their road classification up to the road classification and construction standards when they are located on a collector or arterial street. The property owner will be required to sign a Non-remonstrance Agreement pertaining to future improvements along Verda Lane NE, but no actual improvements are being required as a part of this application. The dedication required is roughly proportional to the impact of the development, 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 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: The subject property is served by an existing public street, Verda Lane NE. No improvements are required at this time but 4-feet of dedication along Verda Lane is proposed and accepted by the Department of Public Works

as stated previously in this report. The applicant proposes to access the newly created Parcels by a 20-foot wide access flag/easement located on the south side of the property. Staff finds this request can satisfy this criterion.

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

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

Width: A 20' wide easement with paved width of 16' is required for private access easements serving two or more dwelling units. In addition, the easement cannot exceed 300' in length. The improvement of the access easement/flag shall be completed prior to approval of the final plat. In lieu of this, the applicant may obtain a performance bond, improvement agreement or other instrument acceptable to the City as outlined in Section 3.202.02.E.3 and 3.202.05.B of the Keizer Development Code. The applicant shows on his plan a 20' wide easement that is approximately 175' in length located on the south side of the property, and therefore can comply with these standards.

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

Turn-around: The KDC requires a turn-around for access easements serving two or more dwelling units. The access easement is proposed to be approximately 175' in length and will serve all three lots, therefore a turn-around is required. The applicant has submitted a site plan (Exhibit 1) that shows an acceptable "hammerhead" turnaround located between Parcel 1 and Parcel 2.

Parking: No parking is allowed within the 20' required access easement width or turn-around area. This allows emergency vehicles to be able to access the new lots. "No Parking" signs are required to be approved by the City. Installation of No Parking signs are a requirement and must be installed when the access easement is constructed.

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

improvements within the boundaries of each lot. Parcel 2 and Parcel 3 both measure more than 60 feet along the access easement and will be required to plant two streetscape trees along the access easement. Planting of streetscape trees on Parcel 2 and Parcel 3 is a condition of Certificate of Occupancy for each new dwelling.

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

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

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

FINDINGS: 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, or in the case of Parcel 1 where no development is proposed, at the time of final plat approval. 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. 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 for Parcel 1 prior to final plat approval and at the time of building permit approval for both Parcel 2 and Parcel 3, 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 Verda Lane NE or Alder Dr 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.

The applicant has submitted a *Tree Removal Plan* but does not specify the height of trees being removed or include trees that have been removed in the last 2 years. It will be a condition of final plat approval that both a *Tree Removal Plan* and a *Tree Replacement Plan* be submitted and approved by the Planning Department prior to final plat approval. Development of the property in conformance with an approved *Tree Removal and Replacement Plan* will be a condition of final plat approval for Parcel 1 or Certificate of Occupancy of any new dwellings on Parcel 2 and Parcel 3. 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 August 29, 2022.**

Unless appealed, this decision becomes final on August 30, 2022.

Partition approval is only valid if the final plat is recorded prior to August 30, 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 and recording fee is required.
 - d. A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

The detailed preliminary plat shall include the following provisions:

- e. The preliminary plat shall substantially conform to the proposed partition request.
- f. Lots shall comply with all area and dimension requirements for lots within the Single Family Residential (RS) zone.
- g. Both gross and net area calculations must be shown on the preliminary and final plat.
- h. Include all engineering elements as required by the Department of Public Works requirements.
- i. Include a signature line for the City Engineer.

Prior to Final Plat approval (Mylar):

- 3. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor which conforms to the approved preliminary plat. Following plat approval, the final plat and title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk by August 30, 2024. The plat shall include all engineering elements as required by the Department of Public Works.
- 4. The applicant shall submit both a *Tree Removal Plan* and a *Tree Replacement Plan* to the Planning Department for approval.
- 5. Planting of trees on Parcel 1 according to the approved *Tree Replacement Plan*, if applicable. Trees must be a minimum 2” caliper when planted.
- 6. Provisions for the maintenance of the access easement, fencing/hedge along the access easement, address display signage and “no parking” signs shall be provided in the form of a maintenance agreement, homeowners association, or other instrument and provided to the City of Keizer Planning Department for review and approval.
- 7. Installation of the access easement, no parking signs, address display signs, the three required parking spaces on Parcel 1, and the abandonment/removal of the existing driveway access must be completed prior to final plat approval or assured through a performance bond, Improvement Agreement or other instrument acceptable to the City. This may necessitate a temporary easement or other instrument to assure that Parcel 1 retains access to Verda Lane during the construction phase of the improvements. Any proposed temporary access agreement must be reviewed and approved by the City Attorney. Improvement Agreements are obtained through the City of Keizer Planning Department. A Driveway/Sidewalk Permit must be obtained through the Public Works Department for the construction of the new access point and modification of the existing driveway to eliminate the access point.
- 8. Unless waived in writing by the adjacent property owners, a 6’ sight-obscuring fence, wall, or hedge is required along the south side of the access easement to provide screening to any adjacent properties. If waived, documentation must be submitted to the City of Keizer Planning Department.

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

GENERAL CONDITIONS

The application is for creating 3 lots where 1 currently exists. The existing lot is indicated on the applicant's submittal as a 28,066 sq. ft. parcel. The new lots, Parcels 1, 2, and 3 will be approximately 17,1687 sq. ft., 5,407 sq. ft., and 5,090 sq. ft. net area, respectively. Proposed Lots 1, 2 and 3 will have access to Verda Lane via a private access easement.

SANITARY SEWERS:

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

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Construction permits will be required for any construction within a public street or access easement.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Each parcel will be required to have its own sanitary sewer service and will be required to connect to an approved public sanitary sewer line. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for 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.
- f.) It may be necessary to relocate the existing sewer service line serving the existing residence. The engineer for the proposed development will be required to submit a plan for sanitary sewer service to the proposed new lots.

WATER SYSTEM:

- a.) The application will require new individual water services. New service lines from the existing water main to the new water meters shall be installed by City forces and paid for by the developer or builder.

- b.) The Keizer Fire District will determine if an additional fire hydrant is required to serve the area.
- 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.) No public street improvements are required for the proposed development, but the developer will be required to sign a non-remonstrance agreement for future improvements to Verda Lane if necessary. The applicant is indicating that 4 feet of right of way will be dedicated along the frontage of Verda Lane. The proposed dedication is acceptable to the Department of Public Works. A 10-foot PUE will be required to be dedicated along the new right of way on the partition plat.

A storm drainage plan shall be designed for the on-site improvements to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Verda Lane. 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. A stormwater drainage analysis shall be submitted to the Public Works department for review and approval.

- 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.

Prior To Obtaining Building Permit(s):

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

Prior to Obtaining Building Permit Final:

11. The residential address requirements found in the Oregon Uniform Fire Code shall be completed as approved by the Keizer Fire District and City of Keizer Planning Department. Address display sign are required at Verda Lane identifying addresses on access easement.
12. Two streetscape trees must be planted on Parcel 2 and Parcel 3 along the access easement. The tree must be a minimum 2” caliper when planted.
13. The property owner must submit documentation to the City of Keizer Planning Department that the Maintenance Agreement has been recorded with Marion County Recorders Office.
14. Parking spaces requirements will be reviewed according to KDC Section 2.303 for both Parcel 2 and Parcel 3 and placed as a condition on the new dwelling’s building permit Certificate of Occupancy.
15. Planting of trees on Parcel 2 and Parcel 3 according to the submitted *Tree Replacement Plan*, if applicable. Trees must be a minimum 2” caliper when planted.

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

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

REPORT PREPARED BY: Dina Horner, Assistant Planner

Approved by:



DATE: August 18, 2022

Shane Witham, Planning Director

OWNER:
 SETH & NATALIE FORD
 4255 VERDA LN NE
 KEIZER, OR 97303
 TAX LOT 073W01CC01600

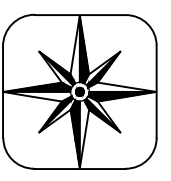
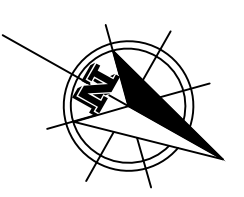
SURVEYOR:
 GREGORY L WILSON
 BARKER SURVEYING
 3657 KASHMIR WAY SE
 SALEM, OR 97317
 (503) 588-8800
 GREG@BARKERWILSON.COM

ZONE:
 LOW DENSITY-RESIDENTIAL
 (LDR)
 TOTAL AREA:
 28,066 SQ. FT.

SOURCE OF CONTOURS ARE FROM THE
 TOPOGRAPHIC SURVEY THAT WAS
 PERFORMED BY BARKER SURVEYING

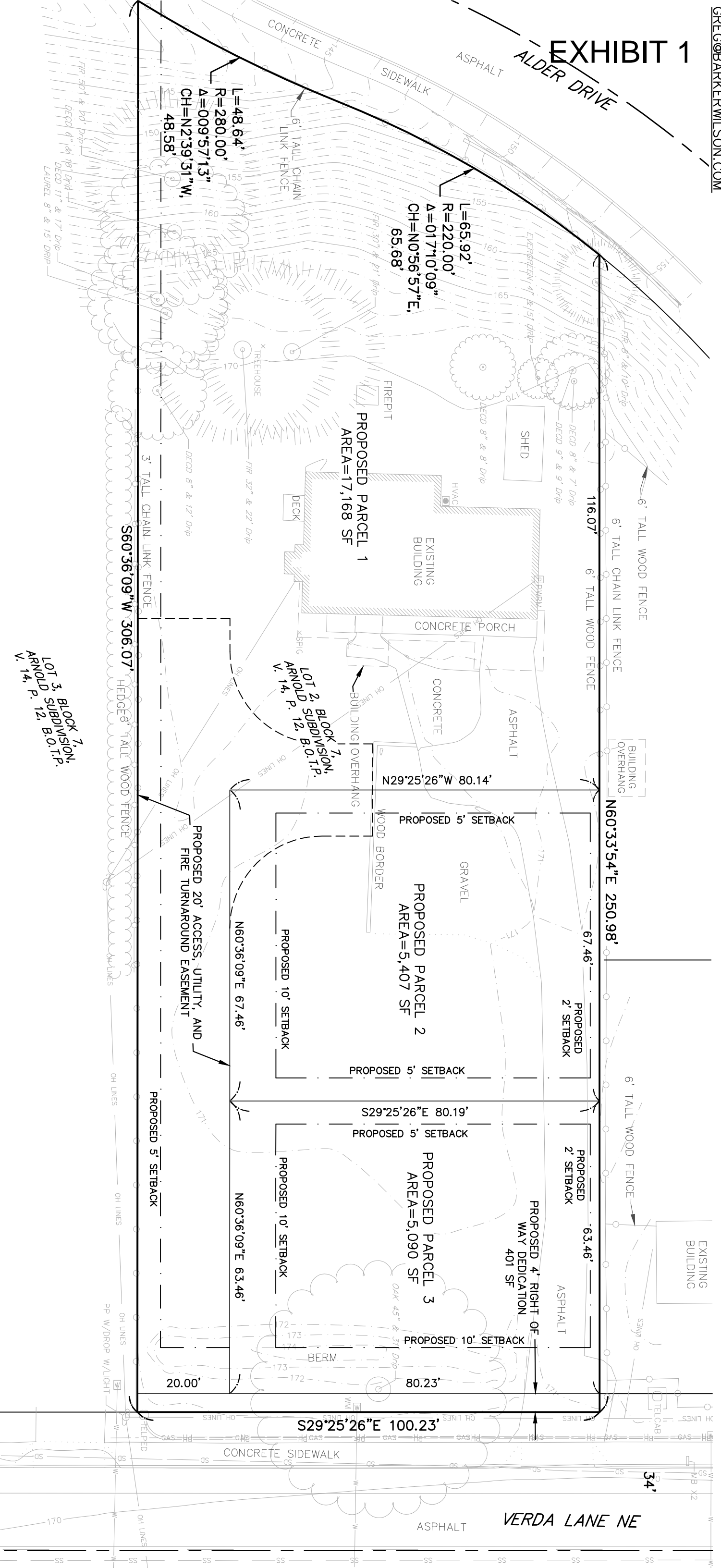
PRELIMINARY PARTITION PLAT

SCALE: 1"=20'
 DATE: 4/18/2022



BARKER
 SURVEYING

EXHIBIT 1



LOT 3, BLOCK 7,
 SUBDIVISION,
 ARNOLD P. 12, B.O.T.P.
 V. 14,

07 3W 01CC 18TH

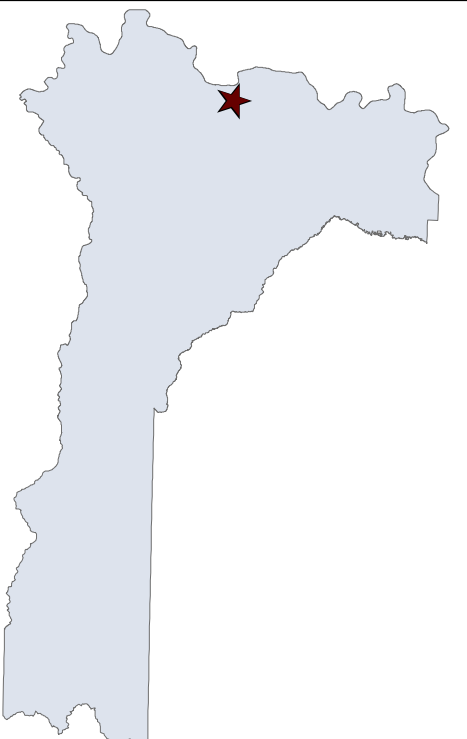
EXHIBIT 2

07 3W 01CC



07 3W 01CC

KEIZER



MARION COUNTY, OREGON
 SW1/4 SW1/4 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

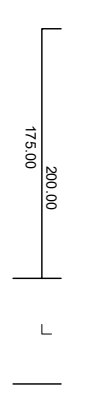
NUMBERS

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
1301
1303
1304
1500
1503
2300
3000
3002

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 01CC

PARTITION CASE NO. 2022-10
ADDRESS – 4255 VERDA LANE NE. CALEB FOLSOM
ZONE: RESIDENTIAL SINGLE FAMILY

PUBLIC WORKS DEPARTMENT CONDITIONS AND REQUIREMENTS

GENERAL CONDITIONS

The application is for creating 3 lots where 1 currently exists. The existing lot is indicated on the applicant's submittal as a 28,066 sq. ft. parcel. The new lots, Parcels 1, 2, and 3 will be approximately 17,1687 sq. ft., 5,407 sq. ft., and 5,090 sq. ft. net area, respectively. Proposed Lots 1, 2 and 3 will have access to Verda Lane via a private access easement.

SANITARY SEWERS:

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

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Construction permits will be required for any construction within a public street or access easement.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Each parcel will be required to have its own sanitary sewer service and will be required to connect to an approved public sanitary sewer line. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for 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.
- f.) It may be necessary to relocate the existing sewer service line serving the existing residence. The engineer for the proposed development will be required to submit a plan for sanitary sewer service to the proposed new lots.

WATER SYSTEM:

- a.) The application will require new individual water services. New service lines from the existing water main to the new water meters shall be installed by City forces

and paid for by the developer or builder.

- b.) The Keizer Fire District will determine if an additional fire hydrant is required to serve the area.
- 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.) No public street improvements are required for the proposed development, but the developer will be required to sign a non-remonstrance agreement for future improvements to Verda Lane if necessary. The applicant is indicating that 4 feet of right of way will be dedicated along the frontage of Verda Lane. The proposed dedication is acceptable to the Department of Public Works. A 10 foot PUE will be required to be dedicated along the new right of way on the partition plat.

A storm drainage plan shall be designed for the on-site improvements to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Verda Lane. 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. A stormwater drainage analysis shall be submitted to the Public Works department for review and approval.

- 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.

Comments on Planning Action: _KEIZER PAR 2022-10_____

EXHIBIT 4

Date _07/14/2022__ Person Commenting __Stephanie Heuschkel_____

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. The resultant property 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. 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: Replat Lot 2, Block 7 of Arnold Subdivision in Keizer into three parcels.



REQUEST FOR COMMENTS

July 1, 2022

TO: Staff and Agencies
FROM: Dina Horner, Assistant Planner
CASE: Partition Case No. 2022-10
RESPONSE DATE: July 15, 2022

APPLICATION: The applicant is requesting to partition an approximate 28,066 square foot parcel into three parcels containing approximately 17,168 square feet (Parcel 1), 5,407 square feet (Parcel 2) and approximate 5,090 square feet (Parcel 3). The property is also identified on Marion County Tax Assessor maps as township 7 South; Range 3 West; Section 01CC; Tax Lot 01600. The subject property is zoned Single Family Residential (RS).

APPLICANT: Caleb Folsom
ADDRESS: 4255 Verda Ln NE
ZONE: Residential Single Family (RS)

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 15, 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 to connect to their own sewer service line.

Response Date: 7/11/2022 Person commenting: Zach Diehl
City of Salem, Public Works



REQUEST FOR COMMENTS

July 1, 2022

TO: Staff and Agencies
FROM: Dina Horner, Assistant Planner
CASE: Partition Case No. 2022-10
RESPONSE DATE: July 15, 2022

APPLICATION: The applicant is requesting to partition an approximate 28,066 square foot parcel into three parcels containing approximately 17,168 square feet (Parcel 1), 5,407 square feet (Parcel 2) and approximate 5,090 square feet (Parcel 3). The property is also identified on Marion County Tax Assessor maps as township 7 South; Range 3 West; Section 01CC; Tax Lot 01600. The subject property is zoned Single Family Residential (RS).

APPLICANT: Caleb Folsom
ADDRESS: 4255 Verda Ln NE
ZONE: Residential Single Family (RS)

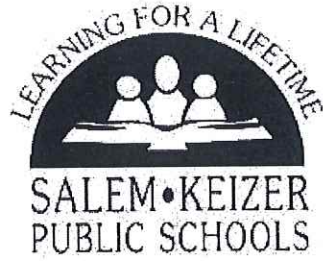
The Planning Department is soliciting comments from affected agencies on the above referenced land use application. These comments will be considered as part of the staff report. Please return your comments to our office by July 15, 2022 in order that we may process the application in a timely manner. 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.
[X] Our comments are in the attached letter.
Our Agency's comments are:

Response Date: 7-13-22 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

July 13, 2022

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

RE: Land Use Activity Case No. Partition 2022-10, 4255 Verda 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	2	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
Weddle	Elem.	360	22	0	22	396	97%
Claggett Creek	Mid.	888	12	0	12	969	93%
McNary	High	2,075	52	0	52	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	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, 2022 First 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