



**KEIZER COMMUNITY DEVELOPMENT  
DEPARTMENT**

**NOTICE OF DECISION  
Partition  
2020-08**

**I. REQUEST**

The following report reviews a land use application to divide an existing parcel totaling approximately 26,804 square feet into three parcels comprised of approximately 12,150 square feet net area (Parcel 1), 4,584 square feet net area (Parcel 2) and 5,000 square feet net area (Parcel 3). Parcel 1 will retain the existing 2-story dwelling, Parcel 2 will be built as a zero-lot line dwelling and both Parcels 2 and 3 are proposed to be 2-story dwellings. (Exhibit 1)

**II. BACKGROUND**

- A. APPLICANT/  
PROPERTY OWNER:** Glover Cole Properties LLC
- B. AGENT:** Gordon King
- C. PROPERTY LOCATION:** The subject property is located at 5297 Chehalis Dr N. The Marion County Tax Assessor's office identifies the property as Township 6 South, Range 3 West, Section 34DC, Tax Lot 04100. (See Exhibit 2)
- D. PARCEL SIZE:** The subject property contains approximately 26,804 square feet.
- E. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property contains an existing 2-story home which is served by both public water and sewer.
- F. ZONING:** The subject property is zoned RS (Single Family Residential) and is designated Low Density Residential on the Comprehensive Plan.
- G. ADJACENT ZONING AND LAND USES:** Surrounding properties are zoned RS (Residential Single Family) and single family homes is the dominate use.

**III. COMMENTS**

**AGENCY 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 consistent with state law.
- C. Salem Keizer School District 24J submitted comments (Exhibit 5) regarding school capacity.
- D. The City of Keizer Police Department, Keizer Fire District and the City of Salem Community Development Department state they have reviewed the proposal and have no comments.

**CITIZEN COMMENTS (Exhibit 6):**

A letter requesting comments was sent to the surrounding property owners within 250 feet of the subject property, three property owners responded:

Cory Walton (5335 Chehalis Dr N) and Kitrena Walton (1384 Golden Lane N): both submitted comments indicating an existing easement to their property to the north of the subject property. The easement includes 10' of the subject property and has been in place since 1981.

Duane Struve (5301 Chehalis Dr N) submitted comments about the existing easement and the concern of where the paving of the new access easement will be and placement of appropriate parking information.

**STAFF RESPONSE TO CITIZEN COMMENTS:**

This report includes findings and conclusions which systematically address the applicable review criteria of the Keizer Development Code. In addition, conditions have been placed on this application to ensure the applicant's proposal adheres to the requirements of the Development Code. All three comments received pertained to an existing easement that has been used by the Struve's and Walton's for many years, 10' of which is on the subject property. The existing 10' easement will be within the proposed 20' easement serving the new homes. The issue of the fence location and concerns pertaining to the removal of the fence are a civil matter, and not something subject to partition approval criteria. The easement documentation provided by the Walton's show the easement is a non-exclusive easement. This does not prevent the applicant/subject property owner from utilizing their property, but rather allows the Walton's/Struve's to pass over the northern 10' of it. This proposal will not preclude the Struve's and Walton's continuance of using the same 10' they are currently using, and staff is requiring as a condition of approval, that the existing 10' easement is shown/noted on the partition plat to assure this access right is maintained. In addition, the required "no parking" signs will be installed along the southerly side of the new access easement to prevent residents of the new development from parking within the easement area.

#### 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. The following exceptions shall apply: Lots or parcels may be accessed via an access easement developed in accordance with the provisions of Section 2.302.08, lots or parcels in townhouse developments or Planned Unit Developments may be accessed via public or private streets, cul-de-sac lots shall have a minimum frontage of 25 feet or flag lots, as permitted in Subsection 2.310.03, E.*

**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 lot will meet city standards and the lot can be developed in a manner that will ensure that all building setback requirements are met. The minimum lot frontage requirement on a public street in a RS zone is forty (40) feet for a single family home. Parcel 1 will have approximately 85 feet of frontage along Chehalis Dr N which exceeds the minimum lot frontage requirement.

Parcel 2 and Parcel 3 will gain their sole access from the private access easement. Both Parcel 2 and Parcel 3 will have approximately 52 feet of frontage along the access easement. Therefore, staff finds that each parcel meets the minimum lot frontage requirement, and thus satisfies 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 APPROVED.**

**FINDINGS:** The RS zone requires lots to have a minimum width of forty (40) feet and a minimum depth of seventy (70) feet for a single family home. The applicant's site plan and written statement indicate all three parcels exceed the minimum requirements of the RS zone. Parcel 1 is approximately 85 feet wide and 126 feet deep. Parcel 2 and Parcel 3 are approximately 52 feet wide and an average depth of approximate 85 feet.

The RS zone also regulates setback requirements in the dimensional standards section of the development code. The only setback that will be modified by this proposal is the rear yard setback for the existing home on Parcel 1. The minimum rear yard setback required for a two-story home is 20 feet; the applicant's site plan demonstrates the 20' minimum will be met and will be placed as a condition of partition approval.

As a condition of approval, each lot must meet the minimum required width and depth requirements of the RS zone and all dimensions must be shown on the preliminary and final plat. In addition, prior to final plat approval, a site plan prepared by a licensed engineer or surveyor must be submitted prior to final plat approval which shows the existing home in relation to the proposed rear lot to ensure the 20 foot setback requirement is met. With these conditions, staff finds this request can satisfy this criterion.

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

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

**FINDINGS:** The property is located in the RS zone which requires a minimum lot area of 5,000 square feet for a detached single family dwelling and a minimum lot area of 4,000 square feet for zero side yard dwelling units. Lot area is to be determined as a net area calculation and cannot include the area designated for the access strip or flag lot portion of the property. In no case can the proposed parcels be less than the minimum required by the RS zone without variance approval. As a condition of partition approval, the preliminary and final plat must show both gross and net area calculations, which will ensure this requirement is met.

Parcel 1 is approximately 12,150 square feet in net area, Parcel 2 is approximately 4,584 square feet in net area and Parcel 3 is approximately 5,000 square feet in area. Parcel 1 and Parcel 3 either exceed or meet the minimum lot size required by the RS zone for detached single family dwellings. The Applicant's written statement indicates Parcel 2 will be developed as a zero side yard dwelling unit according to Section 2.204 of the Keizer Development Code. Detached zero side yard dwellings must be built contiguous to, or within six inches of a side property line. Furthermore, as a condition of approval, a five (5) foot wide maintenance easement shall be provided across the adjoining property for the benefit of Parcel 2 providing for ingress, egress, and use of the adjacent property for the purpose of maintenance, repairing, and replacing the premises. The maintenance easement shall be shown on the final plat.

Staff finds that with the above referenced conditions of approval, 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 which are unusually deep and narrow which can be difficult to serve and develop, and to promote an orderly and efficient development pattern and use of property. The submitted site plan shows the proposed parcels comply with this standard. Parcel 1 is approximately 85 feet wide and 126 feet deep. Parcel 2 and Parcel 3 are approximately 52 feet wide and an average depth of approximate 115 feet. None of the parcels will have a length which is three times its width and therefore meets the

minimum lot width and depth ratio requirements as outlined in the Keizer Development Code. This proposal complies with this criterion.

3. ***Section 2.310.03.G. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the adjacent street. The rear lot line shall be no less than 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 a more or less uniform shape thereby avoiding difficult to develop parcels. The subject property is a rectangular shaped property that will result in dividing the parcel into 3 rectangular shaped parcels. This development proposal will allow the property to be developed consistent with the provisions of the Keizer Development Code. The proposed lot lines run at right angles. The rear lot lines are all uniform with each front line not less than ½ the dimension of the front lot line. Therefore, staff finds this request satisfies this criterion.

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

**FINDINGS:** The Public Works Department submitted comments (Exhibit 3) pertaining to utility easements and facilities which have been included as conditions for the partition approval. This is a development requirement and shall be placed as a condition of approval of this partition application. Therefore, this request can comply with this criterion.

5. ***Section 2.310.05.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 foot wide private access easement to serve the newly created Parcel 2 and Parcel 3 with a turnaround between the 2 lots. As a condition of partition approval, the proposed access easement will be required to be 20 feet minimum in width and paved a minimum of 16 feet wide. Staff finds this request can comply with this criterion.

6. ***Section 2.310.05.C. Street Frontage Improvements. If the street frontage of the subject property exceeds 100 feet, or is located along a collector or arterial street, or extends an existing dedicated right of way, the applicant shall improve the following unless it is determined by the City that any or all of the required improvements may not be practical or desirable due to lack of connecting facilities, or topographical or engineering constraints that may preclude the placement of improvements:***

- a. ***Public Streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities.***
- b. ***Sidewalks, meeting City standards, along public street frontage.***

*c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off the new street.*

**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. The subject property has approximately 115' frontage along Chehalis Dr N and will be required to provide street frontage improvements along Chehalis Dr N to include street widening, curb, gutter, sidewalks, and drainage. The Public Works Department has submitted comments (Exhibit 3) indicating specific requirements for street frontage improvements which detail what will be required. These requirements will be placed as a condition of final plat approval and will be reviewed as part of the public construction permit and building permit processes.

Therefore, with the above conditions placed as a condition of approval, staff finds this request may comply with this criterion.

**7. 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.

**8. Section 2.310.07 Improvement Procedures. In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City.**

**FINDINGS:** Improvement procedures are outlined in Section 2.310.07 which pertaining to plan review, notification, inspection, underground facilities, and final engineering plans. The Public Works Department submitted comments with specific requirements for public improvements. Required improvements will be regulated through the Public Works Departments Construction Permit process. Plans for improvements must be prepared in accordance with the City requirements and work shall not start until plans have been approved by the City. Improvements shall be constructed under the inspection of the City Engineer and the Director of Public Works and may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service

connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to the City. Staff finds this request can comply with this criterion.

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

*FINDINGS:* The City has a legitimate governmental interest in assuring the development does not cause a public problem of inadequate, unsafe and inefficient public transportation facilities. This is done by ensuring that adequate streets that logically continue the City's street system are provided to avoid traffic generation that exceeds the street system's carrying capacity. The Keizer Development Code 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 require 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.

The Public Works Department submitted comments (Exhibit 3) regarding this application which requires street improvement along Chehalis Drive, which is consistent with the requirements of the Keizer Development Code. The required improvements to Chehalis Drive shall consist of a street widening equal to 17 feet from the existing right of way centerline to the face of curb, type a curb and gutter and a five-foot sidewalk. Street improvements have traditionally been, part of the cost considered in the developer's reasonable investment-backed expectations for development.

Staff finds the required dedication and improvements are roughly proportional to the impact of the partition request, since they are necessitated by 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); 2.309 (Site and Landscaping Design); and 2.316 (Infill Standards).**

*1. Section 2.301 General Provisions. Public Facilities must be provided for all developments meeting the minimum requirements as outlined in Section 2.301.03. Public Facilities Improvements Requirements Table:*

**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 to serve the new development. The Keizer Development Code requires that appropriate public facilities be provided. The Public Works Department submitted comments which specifically outline the requirements for the provision of public facilities to the proposed development of the three parcels. These comments have been attached as Exhibit 3 of this partition approval. Connection to the sanitary sewer system and water system will be required. Each parcel shall have its own water service, and an overall plan indicating how water service will be provided shall be submitted to the Public Works Department for approval. The proposed sanitary sewer service must be approved by both the City of Salem and City of Keizer. The installation of appropriate public facilities will be ensured through the permit review and approval process and will be placed as a condition of partition approval. Therefore, staff finds with the above mentioned conditions of approval, this proposal satisfies this criterion.

2. ***Section 2.302 Street Standards. 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:***

**FINDINGS:** Parcel 1 will continue to be served by an existing public street, Chehalis Drive. Chehalis Drive is a local street consisting of an existing 60' right-of-way and therefore no-right-of way dedication is required with this application. The total frontage of the subject property along Chehalis Drive is over 100' therefore, street improvements are required. The required improvements shall consist of a street widening equal to 17' from the existing right-of-way centerline to the face of curb, type a curb and gutter and a 5' sidewalk. The plans for the required improvements shall include appropriate tapers at each end of the improvements. Parcel 2 and Parcel 3 will gain access from a newly constructed 20' wide access easement with a minimum paved width of 16'. The standards governing the access easement and provision of utilities are addressed elsewhere in this report. With these conditions placed as a condition of approval, staff finds this request can satisfy this criterion.

3. ***Section 2.302.03.O Trees Along Public Street. The purpose of the site and landscaping design requirements is to provide standards that can be used in the development of property. A development design that incorporates landscaping serves to enhance the appearance of not only the subject property but also that of the City; provides shade and windbreaks where appropriate to conserve energy in building and site design; and provides for buffer and screening of conflicting land uses.***

**FINDINGS:** Parcel 1 has frontage along Chehalis Dr N of approximately 85 feet. Therefore, Parcel 1 will be required to plant two (2) streetscape trees along the Chehalis Dr. frontage. Trees shall be selected from a list of approved trees



and shall be planted within the boundary of the lot and within 10 feet of street improvements in accordance with Section 2.309. Streetscape trees will be required to be planted on Parcel 1 as a condition of final plat approval. Staff finds with this requirement, this request can satisfy this criterion.

4. **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 easement which might be unusable for vehicular traffic. Comments were received from the adjacent property owners to the north regarding an existing access easement which was created across both the subject property as well as the adjacent property directly to the north when a right of way was vacated, to provide access to the property in the rear of the northern adjacent parcel. This resulted in creation of a 10 foot wide easement on both the subject property, as well as the property to the north. Staff discussed this issue with the applicant, and encourages the applicant and the two property owners to the north to consider working together to combine the easements or possibly grant full access rights to the proposed easement for all property owners. If the applicant and adjacent properties agree to some sort of modification to what is proposed and determine that it is mutually beneficial, it may be possible to “extinguish” the existing access easements and replace it with a new easement serving all of the properties. While the city cannot require this, if it is desired, the standards for a combined easement would have to adhere to the KDC minimum requirements. This would not require any additional land use action, but could be addressed at the time of platting the partition.

**A. Width:** The applicant’s proposal will make use of a newly created private access easement to serve Parcel 2 and Parcel 3. The proposed access easement must be 20 feet wide. No parking is allowed within the minimum 20 foot width requirement. The minimum paved width for the proposed easement must be 16 feet to serve two dwelling units and must be located substantially in the center of the easement. In addition the easement cannot exceed 300 feet in length. The applicant shows on his plan a 20 foot easement with 16 feet of paved width that does not exceed 300 feet in length and therefore complies with these standards.

**B. Maintenance:** Provisions for the maintenance of the access easement shall be provided in the form of a Maintenance Agreement, homeowner’s association, or other instrument acceptable to the City. This will be placed as a condition of partition approval.

**C. Turn-around:** A turn-around shall be required for any access easement which is the sole access for two or more residences. The access easement proposed will serve Parcel 2 and Parcel 3, therefore a turn-around is required. The applicant’s proposal shows a turn-around, the final design of which must comply with City of Keizer standards which will be reviewed as a part of the platting process.

**D.** **Parking:** To ensure that the access easement remains a clear travel lane there will be a prohibition on parking within the access easement and “no parking” signage must be installed accordingly. Maintenance of the signs must be included on the Maintenance Agreement for the access easement. The location and language of the “no parking” signs must be approved by the City. In consideration of the existing 20’ easement that includes the north 10’ of the subject property, the required “no parking” signs will be installed along the southerly side of the new access easement, unless the final design of the easement is modified.

Parking must be provided as outlined in section 2.303, addressed elsewhere in this report. It should be noted that Parcel 2 and Parcel 3 will be required to provide 3 on-site parking spaces to comply with this standard and will be reviewed at the time of building permit approval. Staff finds that this request satisfies this criterion.

**E.** **Trees Along Access Easements:** Streetscape trees are required along access easements. Lots measuring less than 45 feet in width shall plant one (1) tree and lots with more than 45 feet in width shall be required to plant two (2) streetscape trees within the boundaries of each lot and within 10 feet of the access improvements. Parcel 1 and Parcel 2 both measures more than 45 feet along the access easement and will be required to plant two (2) streetscape trees. Planting of the streetscape trees along Parcel 1 will be required prior to final plat approval. Planting of streetscape trees on Parcels 2 and 3 will be placed as a condition of final building permit approval.

**F.** **Screening:** To mitigate impact to adjacent properties, a sight obscuring fence, wall, or hedge may be required to be placed along the exterior side of an access easement for access easements located along a neighboring property. The proposed site plan indicates the access easement is adjacent to the neighboring property to the north. Because there is also an easement on the properties to the north that includes 10’ of the subject property, screening will not be required. Staff finds the screening requirement is not applicable or practical in this matter. It should be noted that if the applicant and adjacent property owners to the north decide to combine the easements or modify the design, screening would be required to be provided on t

Based upon the submitted written information and 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.

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

***FINDINGS:*** Section 2.303.06 requires that two (2) off-street parking spaces be provided for single family development, and dwellings having their sole access from an access easement must provide three (3) parking spaces. Parking spaces must be a minimum of 9 feet wide and 18 feet long. The proposed access easement will serve as the sole access for Parcel 2 and Parcel 3. Therefore, as a condition of partition approval, Parcel 2 and Parcel 3 must provide 3 on-site parking spaces. Parcel 1 will obtain its vehicular access from Chehalis Dr N, a public street. Two off-street parking spaces will be required for Parcel 1. Required parking spaces for Parcel 2 and Parcel 3 will be made a condition of building permit approval. Staff finds, with these conditions, this request satisfies this criterion.

6. ***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.

7. ***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 that adequate storm drainage is provided to avoid having runoff from the property become either a nuisance or hindrance to other properties. The Public Works Department has submitted comments regarding the requirements for storm drainage facilities and these requirements have been incorporated into this report as conditions of approval of the partition. Specifically, all runoff is to be kept on site and no runoff can be diverted to Chehalis Dr N. Storm drainage plans shall be designed to be consistent with Section 2.306 of the Keizer Development Code and must be submitted to the Public Works Department for review and approval prior to plat approval. With this placed as a condition of approval, staff finds this request can satisfy this criterion.

8. ***Section 2.307 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 which have been made 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. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways. Private Utilities such as gas, electricity, and communication services shall be installed according to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground. With these conditions of approval, staff finds that this request complies with this criterion.

9. ***Section 2.309 Site and landscaping design. Section 2.309.05(B)(7f) - The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of mature trees. Depending on these factors, the City of Keizer may require removal of mature trees. Development of the property in conformance with an approved landscaping plan shall be a condition of land use approval or building permit. The City may require significant trees that are removed (including trees that are removed within the year prior to the application) be replaced at the rate of up to two new trees for each significant tree removed. Replacement trees shall have a trunk, when measured at six (6) inches above ground level, of at least two (2) inches when planted, and shall be a type that will be at least twelve (12) inches in diameter at ground level when fully mature Landscaping must be provided as outlined in section 2.309:***

***FINDINGS:*** The applicant indicates that 4 small trees located in the area of the new access easement, a scrub deciduous tree on Parcel 2 and a walnut tree on Parcel 3 will need to be removed. A replacement plan must be submitted to the Community Development Department for review and approval. The development code requires that significant trees that are removed be replaced up to a 2:1 ratio and will be required to be planted prior to final building permit approval for each of the parcels. Significant trees are defined as trees having a height of more than 50' and/or having a trunk whose diameter is more than 12" in diameter at breast height. With this placed as a condition of building permit final approval, staff finds this request can satisfy this criterion.

3. ***Section 2.316.03-Infill Development Parcel Criteria. An infill development is any residential development less than two (2) acres in size, and which directly abuts an existing residential neighborhood.***

***FINDINGS:*** The purpose of this section is to allow residential infill development to achieve the planned densities specified in the Comprehensive Plan and to conserve livability and neighborhood quality while promoting neighborhood compatibility. Infill developments shall be designed to be sensitive to the established patterns of existing neighborhood development.

The subject property proposed to be partitioned is less than 2 acres in area and is adjacent to existing residential development. Therefore infill development standards of Section 2.316 will be required to be met for the newly proposed homes on Parcel 2 and Parcel 3. The applicant submitted an infill plan showing the building footprint, proposed setbacks, area, and height of the proposed homes. This plan has not been reviewed for full compliance with the development code, but it does adequately demonstrate the property can be developed consistently with the surrounding area.

Additional setbacks may be required for new dwellings that exceed five (5) feet above the height of the existing abutting dwellings. In this case the proposed new homes are adjacent to vacant land. The applicant submitted a development plan which shows the existing house on proposed Parcel 1 is a 2-story home

approximately 22' in height. The applicant's proposal indicates the homes proposed for Parcel 2 and Parcel 3 will be two-story homes not to exceed 24 feet in height, which is acceptable. With the above mentioned conditions of approval, staff finds this proposal complies with the provisions of Section 2.316, and therefore, staff finds this request satisfies this criterion.

**G. 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 the conditions of this report. As a condition of partition approval, the newly created parcel will need to be connected to public facilities. 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. Findings in support of this decision are found in Section IV starting on page 3 of this staff report.

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 Community Development Department, 930 Chemawa Road NE, Keizer by **5:00 p.m. on May 7, 2020.**

**Unless appealed, this decision becomes final on May 8, 2020.**

**Partition approval is only valid if the final plat is recorded prior to May 8, 2021.**

## **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/or 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 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. The final plat must show both gross and net area calculations.
- h. Include all engineering elements as required by the Department of Public Works requirements.
- i. Include a signature line for the City Engineer.
- j. Include on the plat, language indicating that a maintenance agreement for the shared access easement will be recorded along with the final plat. The following language is acceptable language to the City:

*A Maintenance agreement for the shared access easement has been recorded on this \_\_\_\_ day of \_\_\_\_\_, 201\_ in reel \_\_\_\_ page \_\_\_\_\_ of the Marion County Oregon Deed of Records.*

**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 May 8, 2021. The plat shall include all engineering elements as required by the Department of Public Works and shall show all lot sizes and dimensions. Both gross and net area must be shown.
4. All applicable requirements/conditions of the Public Works Department as described in Exhibit 3 must be met.
5. A 5' Maintenance Easement shall be shown on the final plat. The maintenance easement shall be provided across Parcel 1 for the benefit of Parcel 2 providing for ingress, egress, and use of the property for the purpose of maintenance, repairing, and replacing the premises.

6. A site plan prepared by a licensed engineer or surveyor must be submitted which shows the existing home in relation to the proposed rear lot to ensure the 20' minimum setback requirement is met.
7. Both gross and net area calculations must be shown on the preliminary and final plat.
8. Two streetscape trees are required to be planted along the frontage of Parcel 1.
9. The proposed access easement shall be a minimum of twenty (20) feet of unobstructed width; with a minimum paved width of sixteen (16) feet which shall be located substantially within the center of the access easement. The improvement of the access easement, turn-around, easement and installation of "no parking" signs 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. Improvement Agreements are obtained from the Community Development Department.

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

10. All required public utility services shall be completed to the satisfaction of the Department of Public Works.
11. Parcel 2 must be developed according to the standards in Section 2.404 of the KDC – Zero Side Yard Dwelling Units.
12. The proposed homes on Parcel 2 and Parcel 3 must be consistent with the applicant's proposal and must comply with the setback requirements outlined in KDC Section 2.316 and the Standards for Single Family Dwellings in KDC Section 2.314.
13. A Tree Removal and Replacement Plan must be submitted to the Community Development Department for review and approval prior to applying for building permits.

**Prior to Obtaining Building Permit Final for each dwelling within the partition:**

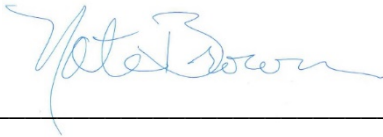
14. Two streetscape trees will be required to be planted on Parcel 2 and Parcel 3 as a condition of final building permit approval.
15. Parcel 2 and Parcel 3 must provide 3 on-site parking spaces. Parking spaces must be a minimum of 9 feet wide and 18 feet long.
16. Replacement trees must be planted according to the Tree Removal and Replacement Plan before Certificate of Occupancy for each new dwelling.
17. [ws1]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 Community Development Department. An address display sign must be installed at the intersection of Chehalis and the new access easement to identify the addressed of the new homes on the easement.

The proposed Partition complies with Section 3.107 of the Keizer Land Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and approves the proposal subject to conditions outlined in Section IV. Conditions and Requirements starting on page 12 of this report.

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

REPORT PREPARED BY: Dina Russell Assistant Planner/Shane Witham, Senior Planner

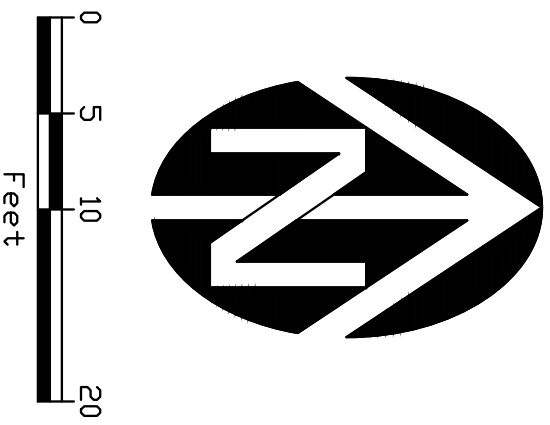
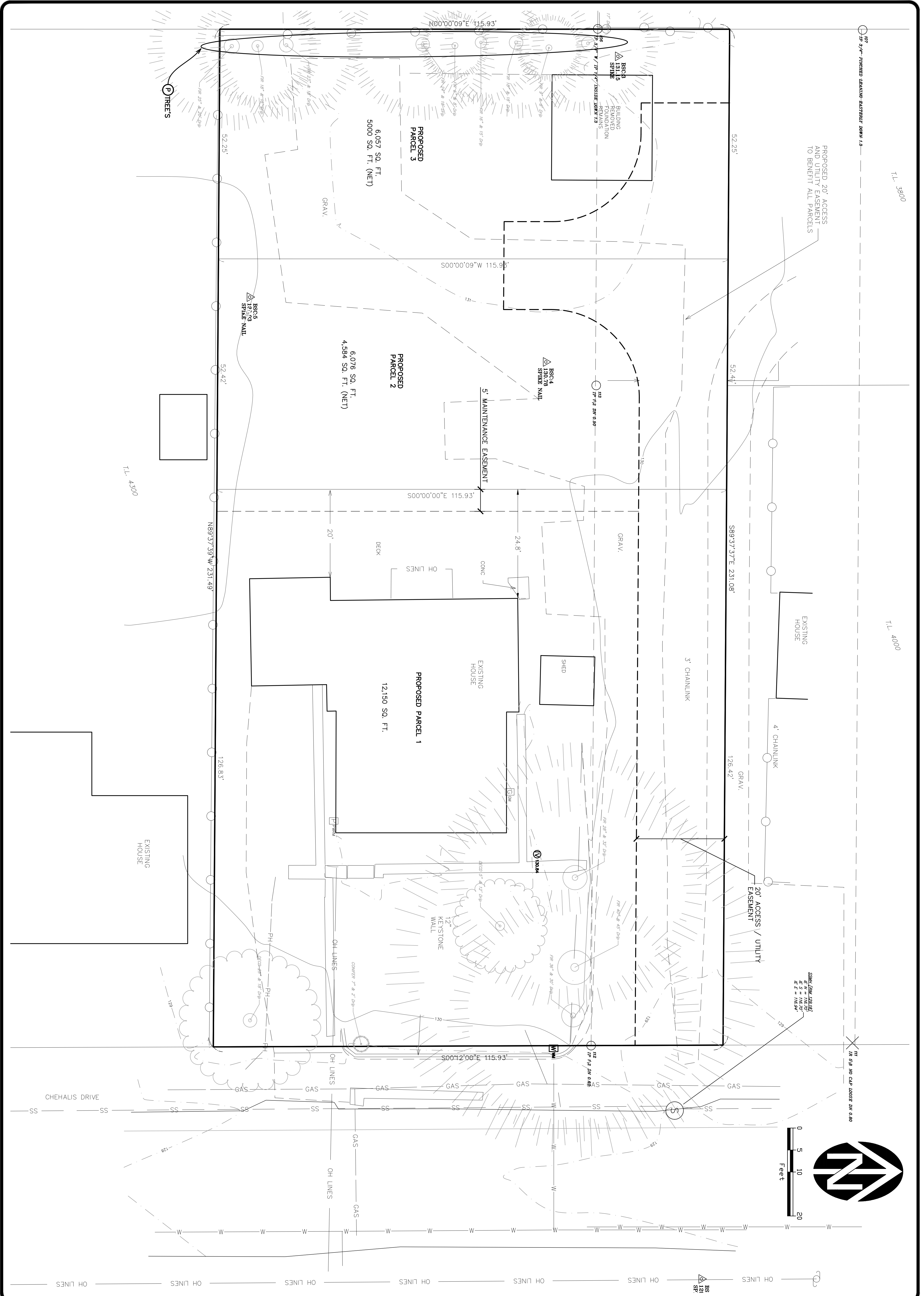
Approved by:



DATE: April 27, 2020

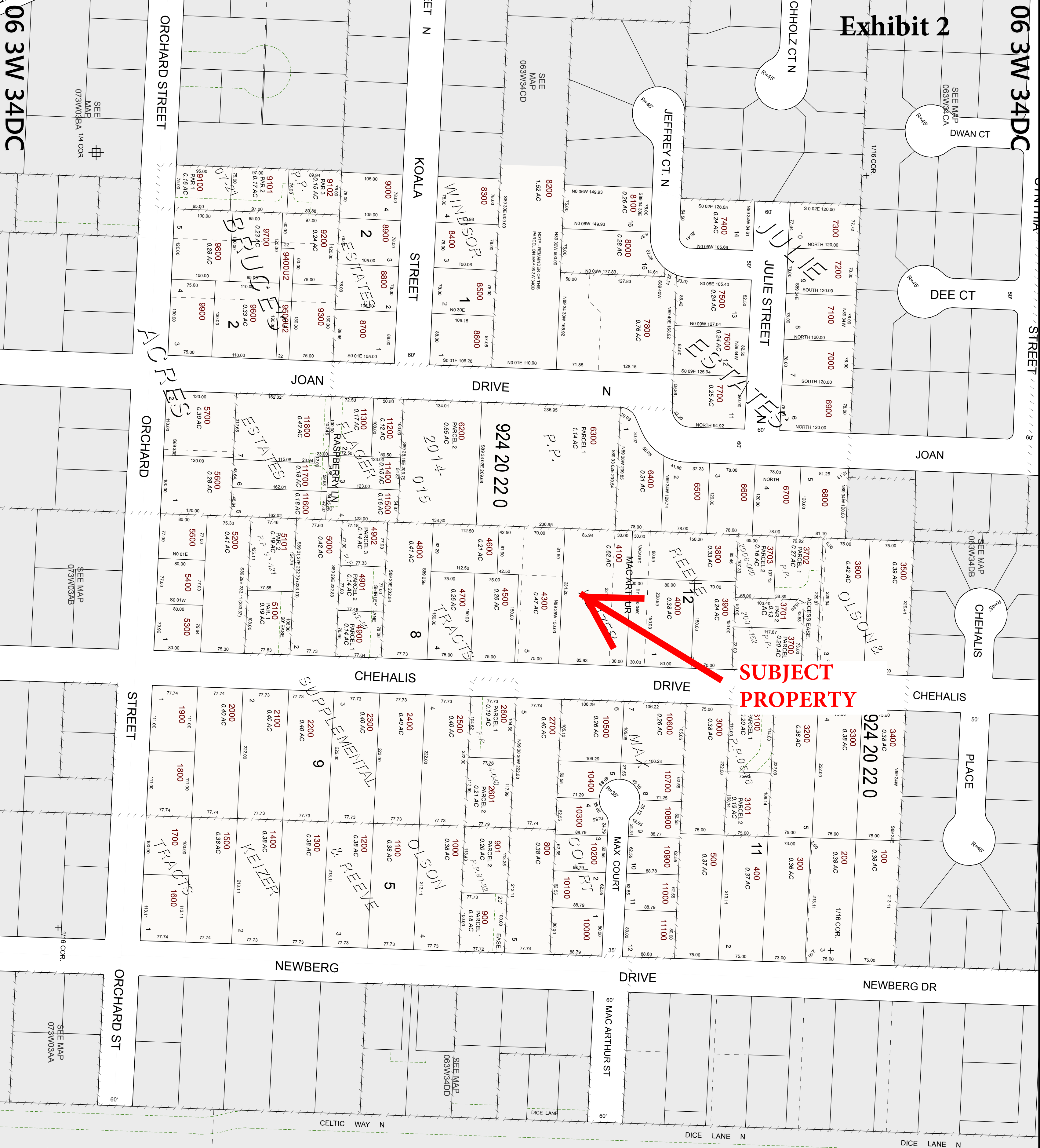
Nate Brown, Community Development Director





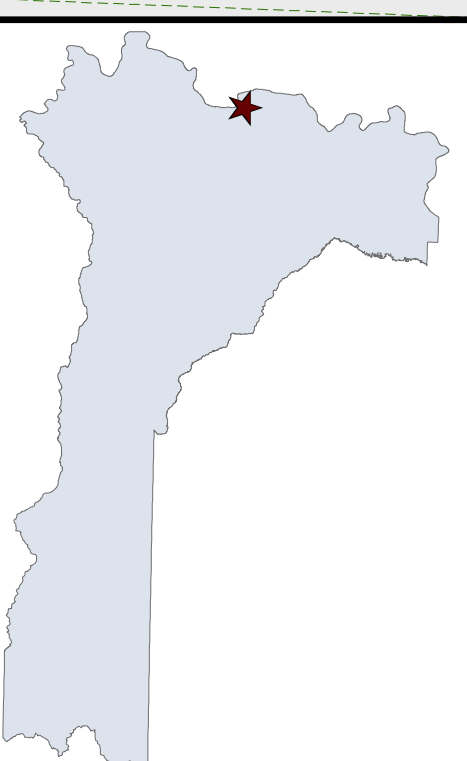
<b>DRAWING</b> <b>C2.0</b> <b>JOB NUMBER</b> <b>3101.0000.0</b>	<b>GORDON KING</b> 4742 LIBERTY RD #414 SALEM, OR 97302		<b>WESTECH ENGINEERING, INC.</b> CONSULTING ENGINEERS AND PLANNERS 3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3986 E-mail: westech@westech-eng.com	<b>REGISTERED PROFESSIONAL ENGINEER</b> 11843 <b>OREGON</b> JULY 16, 1993 <b>STEVEN A. WARD</b> RENEWS: 6/30/2020	VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION	BY				
	NO.	DATE			DESCRIPTION		BY							
<b>PRELIMINARY PLAN</b>		DSN. <b>SAW</b> DRN. <b>AK/IH</b> CKD. <b>SAW</b> DATE: <b>DEC 2018</b>	<table border="1"> <tr> <td>1</td> <td> </td> <td> </td> <td> </td> </tr> </table>	1										
1														

Exhibit 2



**SUBJECT PROPERTY**

KEIZER



MARION COUNTY, OREGON  
SW1/4 SE1/4 SEC34 T6S 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.
- ⊙ D/LC Corner

**NUMBERS**

- Tax Code Number
- 000 00 00 0

**NOTES**

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

CANCELLED NUMBERS

700
2800
2900
4200
4400
5800
5900
6000
6100
7900

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT [www.marion.or.us](http://www.marion.or.us)

PLOT DATE: 1/23/2018

KEIZER

# EXHIBIT 3

PARTITION CASE NO. 2020-08  
ADDRESS – 5297 CHEHALIS DR. N.  
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 Marion County Tax Records as an approximate 26,805 sq. ft. parcel. The new lots, Parcel 1, 2, and 3 will be approximately 12,150 sq. ft. net area, 4,584 sq. ft. net area, and 5,000 sq. ft. net area, respectively. All three lots will have access to Chehalis Dr. N. 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.

### WATER SYSTEM:

- a.) The application will require that each parcel have its own individual water service. New service lines shall be installed by City forces and paid for by the developer or builder.
- b.) The Keizer Fire District will determine if the existing fire hydrant located in Chehalis Drive is adequate for the proposed development.

- 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.) Chehalis Drive is a local street consisting of an existing 60 foot right of way and therefore no right of way dedication is being required. The total frontage of the subject property is over 100 feet, therefore street improvements shall be required. The required improvements to Chehalis Drive shall consist of a street widening equal to 17 feet from the existing right of way centerline to the face of curb, type a curb and gutter and a five-foot sidewalk. The plans for the required improvement shall include appropriate tapers at each end of the improvement. A drainage plan for the public improvement of Chehalis Drive shall be submitted to the Public Works Department for 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 designed to keep all storm water runoff from all impervious surfaces including the proposed access easement on-site. The grading and drainage plan shall include measures for storm water quality and detention. No storm water runoff from the new development shall be directed to Chehalis Drive. The grading and drainage plan shall be submitted to the City of Keizer Public Works Department for review and approval prior to approval and 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.) No building permits shall be issued prior to the completion and acceptance of the required Public Improvements.

Comments on Planning Action: \_\_\_Keizer Partition Case No. 2020-08\_\_\_

Date\_\_4\_/\_\_6\_/\_\_2020\_ Person Commenting \_\_ Phil Jones \_\_\_\_\_

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

Property Line Adjustment:

- \_\_\_ 1. 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)]

Marion County Planning requires perimeter descriptions of the resultant properties.

- \_\_\_ 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:**



REQUEST FOR COMMENTS

March 30, 2020

TO: City of Keizer Public Works, City of Keizer Police Dept, City of Salem Public Works, City of Salem Community Dev, Salem-Keizer School District, AKS Engineering, Keizer Fire District, Marion County Community Dev, Marion County Surveyor's Office, Marion County Tax Assessor's

FROM: Dina Russell, Assistant Planner
CASE: Partition Case No. 2020-08
RESPONSE DATE: April 13, 2020

APPLICATION: The applicant is requesting to partition a 26,804 square foot parcel into 3 parcels comprised of 12,150 square feet net area (Parcel 1), 4,584 square feet net area (Parcel 2) and 5,000 square feet net area (Parcel 3). The property is designated Low Density Residential on the Comprehensive Plan map and is zoned Residential Single Family (RS).

APPLICANT: Glover Cole Properties LLC
ADDRESS: 5297 Chehalis Dr N
ZONE: Residential Single Family (RS)

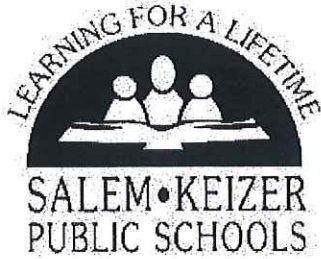
The Community Development Department is soliciting comments from affected agencies on the above referenced land use application. These comments will be considered as part of the staff report. Please return your comments to our office by April 13, 2020 in order that we may process the application in a 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 Community Development Department, P.O. Box 21000, Keizer, Oregon 97307-1000. Questions regarding the application may be directed to Dina Russell, 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: 4.6.20 Person comm... Salem-Keizer Public Schools, Planning and Property Services 3630 State Street, Salem OR 97301 David Fridenmaker, Manager 503-399-3335

ATTACHMENTS (3)



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

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Christy Perry, Superintendent

April 6, 2020

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

RE: Land Use Activity Case No. Partition 2020-08, 5297 Chehalis Dr. N

The City of Keizer issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

<b>School Name</b>	<b>School Type</b>	<b>Grades Served</b>
Keizer	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
Keizer	Elementary	609	596	102%
Claggett Creek	Middle	1,006	995	101%
McNary	High	2,091	1,869	112%

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 2014 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	0.194	0
Middle	2	SF	0.101	0
High	2	SF	0.143	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
Keizer	Elem.	609	0	0	0	596	102%
Claggett Creek	Mid.	1,006	2	0	2	995	101%
McNary	High	2,091	4	0	4	1,869	112%

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
Keizer	Elementary	Walk Zone
Claggett Creek	Middle	Eligible for School Transportation
McNary	High	Walk Zone

Table 5

### ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	0	\$54,925	\$0
Middle	0	\$64,045	\$0
High	0	\$73,164	\$0
TOTAL			\$0

Table 6

\*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2019 Fourth Quarter.

Sincerely,



David Fridenmaker, Manager  
 Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Director-Custodial, Property and Auxiliary Services, Michael Shields, Director of Transportation

# Exhibit 6

My name is Cory Walton and I live at 5335 Chehalis Dr. N. The proposed construction plan or partition case 2020-08 looks as if a driveway or street is proposed to be built on an existing long-standing easement that I have right to. I use this easement to access my shop and back of my property frequently. Mr. King was informed of the easement by both myself and the other owner of the easement the Struve's after he had a surveyor come put markers up. Mr. King was informed that the survey markers did not reflect the easement, and if he wished to talk in more detail of the easement to please contact myself or the Struve's. It comes as a surprise that Mr. King instead of contacting myself or the Struve's about use of the easement instead decided to submit a partitioning plan or preliminary construction plan to the city without informing the city of a possible easement that exists. I wish to protect my easement as private and fenced as it has for the better part of 40 years. I also do not believe that the proposed two-story housing and extremely small lot size is appropriate for what has been essentially a backyard in a longstanding neighborhood. My sister Kitrena Walton has sent in the documentation of the easement. If any other documentation or paperwork is needed I would be happy to provide it upon request.

Thank you for your time,

Cory Walton

503-851-3032

PLEASE CHECK THE APPROPRIATE ITEMS:

**Comments submitted will be made a part of the decision and are not considered confidential.**

I/we reviewed the proposal and determined I/we have no comment.

My/our comments are in the attached letter.

My/our comments are: The proposed easement is used / owned by the Struves and waltons which live in the 2 homes north of the easement. Gordon has spoke w/ the Struves and w/ Amie (who lives in the Walton home) and was told there is an easement that been in place for over 30 years. The existing ~~35~~ 3ft fence does not represent the ~~actual~~ actual easement line.

Response Date: 4/3/2020 Person commenting: Kitrena Water

Phone No. (not required) 503 871 3118 Address 1384 Golden Ln. N.  
Email address KDwaltoname@aol.com

Comments submitted regarding this partitioning must address the following criteria:

- A. Each parcel shall meet the access requirements of Section 2.310.03.D.
- B. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is requested and is approved.
- C. Each parcel shall comply with the requirements of Section 2.310.
- D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact.
- 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); 2.309 (Site and Landscaping Design); and, 2.316 (Infill Development).
- F. Adequate public facilities shall be available to serve the existing and newly created parcels.

Copies of the Keizer Development Code are available for viewing at the Community Development Department or on the City of Keizer website.

**From:** [DWAIN C. STRUVE](#)  
**To:** [Witham, Shane](#)  
**Subject:** Comments-Partition Case 2020-08  
**Date:** Friday, April 03, 2020 4:18:07 PM

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After a cursory review of the "Request For Proposal" dated March 30, 2020 and discussions over the phone on April 3, 2020, I wish to make the following concerns known to the City of Keizer Planning Department.

1. The proposed plot diagram indicates a "proposed 20' access and utility easement —" The placement of proposed easement is adjoining and existing "access and utility easement" to the North of the applicants property line. The concern here is the placement of the 16' paved portion of the proposal. [Note: I have copies of the recorded easement, granted by Marion County Planning Department, as part of the Vacation of Mac Arthur road in 1980.]
2. Continued access to a Lot, (approx. 180' x 80') West of the Struve property , by the owners of the lot (Walton's) would need to be considered in the placement of the proposed easement.
3. Placement of "appropriate parking information" [public/private] needs consideration. I appreciate all your concerns in this matter. If there is further information needed please feel free to contact me:

Dwain Struve  
5301 Chehalis Dr. N.  
Keizer, Oregon  
(503) 393-1458