



March 10, 2020

## **NOTICE OF HEARINGS OFFICER DECISION**

Subdivision Case 2020-03

You are receiving this Notice of the Hearings Officer's decision because you provided either written or verbal testimony on a proposed subdivision. Attached is a copy of the Hearings Officer's decision approving Subdivision Case 2020-03 for a 13-lot subdivision located at 1005 Bair Rd NE, Keizer and identified by Marion County Tax Assessor's Map No. 063W23DCTax lot 02400.

Any interested person, including the applicant, who disagrees with this decision, may appeal the decision to the City Council. Any such appeal must be filed with the Keizer Community Development Department on an appeal form provided by the City. A fee of \$365.00 is required for any appeal filed. The appeal form is to be submitted to Keizer Community Development Department, 930 Chemawa Road NE, PO Box 21000, Keizer, Oregon 97307-1000. The appeal form and fee must be received by the City by 5:00 pm March 20, 2020. Please see the Section 3.207 (Appeal Provisions) in the Keizer Development Code, for more information.

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

All attachments can be viewed at [www.keizer.org/subdivision-cases](http://www.keizer.org/subdivision-cases)

THE CITY OF KEIZER HEARINGS OFFICER

In the Matter of the Application of ) Case No. 2020-03
)
Trademark Enterprises LLC ) Subdivision
) (Bair Road)

ORDER

I. NATURE OF THE APPLICATION

This matter comes before the City of Keizer Hearings Officer on the application of Trademark Enterprises LLC to subdivide 1.99 acres into 13 lots. The applicant is also seeking a Minor Variance to the minimum lot size for three of the lots. The subject property is located at 1005 Bair Road Northeast and is identified on Marion County Tax Assessor Maps as T6S, R3W, Section 23DC Tax Lot 2400.

II. RELEVANT CRITERIA

The standards and criteria relevant to this application are found in the City of Keizer’s Development Code (KDC), especially Sections 3.108.06, 2.3, and 3.105.

III. PUBLIC HEARING

A public hearing was duly held on this application on February 25, 2020. At the hearing, the Planning Division file was made a part of the record as was the audio recording of the hearing. The following persons appeared at the hearing and provided testimony on the application:

- 1. Shane Witham Senior Planner, City of Keizer
2. Bill Peterson City Engineer, City of Keizer
3. Mark Grenz Applicant’s Representative
4. Mark Farrow Applicant
5. Joseph Gillis General Public
6. Nina Bassett Smith General Public
7. Barbara McCullough Jones General Public
8. Sandra McCullough Jones General Public
9. Kevin Fredinburg General Public
10. Shannon Moore General Public
11. Brian Bawley General Public
12. Matt Brownell General Public

At the beginning of the hearing, the Hearings Officer made the declaration required by ORS 197.763. The Hearings Officer disclaimed any ex parte contacts, bias, or conflicts of interest. The Hearings Officer stated that the only relevant criteria were those identified in the staff report, that participants should direct their comments to those criteria, and failure to raise all arguments may result in waiver of arguments at subsequent appeal forums. No objections were raised as to notice, justifications, conflicts of interest, or to evidence or testimony presented at the hearing. Shane Witham explained the nature of the application and recommended approval. Mark Grenz, the applicant's representative, and Mark Farrow of Trademark Enterprises LLC testified in favor of the application. A number of neighbors testified in opposition to the application. At the conclusion of the public hearing, the record was closed.

#### **IV. FINDINGS OF FACT**

The hearings officer, after careful consideration of the testimony and evidence in the record, issues the following findings of fact:

The subject property is approximately 1.99-acres in size and is located at 1005 Bair Road Northeast (Bair Road). The property is designated Low Density Residential on the Comprehensive Plan and is zoned Urban Transitional (UT). Upon subdivision, the UT property is automatically rezoned to Residential Single Family (RS). The property to the east is zoned UT. Properties to the west are zoned UT and RS. Properties to the north and south across Bair Road are zoned RS. All adjacent properties are developed with single family dwellings. The property currently contains a single family dwelling and associated outbuildings that would be removed. The application proposes to subdivide the property into thirteen lots. The applicant also requests a minor variance to reduce the minimum lot size of three lots below 5000 square feet.

The February 18, 2020 staff report does a thorough job of explaining that the application satisfies all of the applicable approval criteria. Most of the findings in the staff report were not challenged by any opponents. Therefore, it would be a waste of the City's money and resources to review and repeat all of the unchallenged findings in the staff report. I have reviewed the staff report and agree with those findings. I therefore adopt and incorporate the findings in the staff report in this decision, except as discussed further.

Opponents Barbara and Sandra McCullough-Jones (McCullough-Jones) submitted a detailed letter addressing various concerns with the proposed development.<sup>1</sup> Other opponents largely added to the issues raised by McCullough-Jones. Therefore, I will address the issues raised in the McCullough-Jones letter in the order they were raised.

McCullough-Jones argue that the staff report inaccurately describes their land as an existing single family dwelling with vacant land when it is currently being used as single family

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<sup>1</sup> Opponent Nina Bassett Smith submitted a letter that largely mirrors the language of the McCullough-Jones letter.

residence with open space for gardening and fruit trees. The staff report was providing a general description of the surrounding area. While I agree with McCullough-Jones that their land is also being used for gardening and fruit trees rather than being vacant, I do not see that that has any bearing on the applicable approval criteria. This argument does not provide a basis to deny the application.

McCullough-Jones argue that a packet sent by the City stated that compliance with “fire/life/safety code requirements” occur at the building permit stage. According to McCullough-Jones such issues should be addressed in the current proceedings. There are a number of such issues that are typically addressed at the building permit stage, however, the applicant must satisfy all of the applicable approval criteria for subdivision and variance approval in this proceeding. This argument does not provide a basis to deny the application. McCullough-Jones argue that there is already a shortage of on-street parking in the area and that the addition of the proposed subdivision would only increase parking problems. KDC 2.303 provides:

“Parking shall be provided to ensure adequate areas for the parking, maneuvering, loading, and unloading of vehicles and bicycles for all land uses in the City of Keizer.”

The staff report explains:

“The minimum off-street parking requirements listed within Section 2.303.06 of the Keizer Development Code have been determined to be the minimum necessary to provide adequate parking capacity for specified uses. This has been determined by the City to be the minimum needed to meet both the needs of the residences within the new dwellings as well as serving the needs of visitors to the new residences. Required parking spaces should be installed at the time homes are constructed on each of the lots within the subdivision. The applicant’s site plan and written statement address parking requirements and their intention to comply with the provisions of Section 2.303. The applicant’s site plan shows that 2 on-site parking spaces will be provided on all lots within the subdivision. On-street parking will be allowed as well. Comments were received from concerned neighbors regarding the lack of available parking, and concerns related to parking impacts to the neighborhood. While staff empathizes with the neighbor’s concerns, the KDC does not require additional parking to be provided when on-street parking is available. Parking requirements will be regulated through the building permit review and approval process. With these requirements placed as a condition of approval, staff finds the proposal meets this criterion.” Staff Report 11.

While I can certainly understand opponents’ concerns regarding availability of on-street parking, as the staff report explains the KDC requires two on-site parking spaces per lot and the proposed subdivision meets this requirement. KDC 2.303 is satisfied.

McCullough-Jones argue that under KDC 2.305 regarding transit facilities that such transit facilities are not very close and would result in too much additional traffic being generated by

the proposed subdivision. KDC 2.303 concerns the location and design requirements of transit facilities. In the present case, the proposed development does not rise to the level that would require installation of additional transit facilities. McCullough-Jones' actual argument seems to be more concerned with traffic than transit facilities. As the staff report explains, the proposed subdivision would generate approximately 120 additional daily vehicle trips. Under the KDC, a traffic impact analysis is only required when a proposed development would generate 250 or more additional daily vehicle trips. Therefore, the applicant was not required to submit a traffic impact analysis. While I do not doubt opponents' assertions that traffic can be onerous in the area, under the KDC the applicant is not required to address any potential traffic impacts other than making the required road improvements. KDC 2.305 is satisfied, and opponents' arguments regarding traffic do not provide a basis to deny the application. McCullough-Jones argue that the proposed storm drain plan may be inadequate. According to opponents, after development of a nearby subdivision flooding in the area increased dramatically. Opponents are concerned that the proposed subdivision may also increase flooding in the area. KDC 2.306 provides:

“No construction of any facilities in a development included in Subsection 2.306.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by a professional engineer, and approved by the City. These provisions shall also apply to any cut or fill on a property, which may impact the velocity, volume, or quality of surface water on adjacent property, or may impact any permanent natural body of water.”

The staff report states:

“The intent of this provision is to minimize, and avoid, storm drainage and erosion runoff problems that may be associated with development by requiring that a storm drainage and erosion control plan be submitted for review and approval prior to any development occurring on the site. Comments were received expressing concerns over the proposed development and impacts that may result from development of the site. Specifically, concern was raised over the possibility of increased flooding and run off impacts to adjacent properties, caused by the proposed development.

“The Public Works department submitted comments which are recommended as a condition of subdivision approval which address storm drainage requirements, to assure the design complies with City standards.

“Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property. Additionally, if required by the Oregon Department of Environmental Quality, a 1200-C permit will be required from the Oregon Department of Environmental Quality and furnished to the City of Keizer by the developer prior to issuance of an erosion control permit. The applicant submitted a preliminary grading and drainage plan. The Public Works Department submitted comments containing requirements that

will assure the proposed development will comply with City storm drainage requirements.

“The applicant’s engineer shall submit an overall storm drainage plan that will provide service to this development consistent with the City's Master Storm Drain Plan for this area of Keizer. Storm water quality and detention improvements will be required in conformance with the City of Keizer Public Works Department Design Standards. The developer's engineer shall conduct on-site percolation tests, (the location and frequency of tests are to be coordinated with the City of Keizer Public Works Department) to determine the suitability of the soils for the proposed disposal system. The percolation test and soil analysis shall be performed by a qualified geotechnical engineer. Storm Water calculations shall be submitted in conjunction with the project design drawings and shall indicate how the development complies with the City of Keizer Public Works Design Standards for the basin. All storm water runoff from the property shall be kept on site. The owner will be required to provide evidence that any private storm drain systems meeting the definition of UIC have been reviewed and permitted by the Oregon Department of Environmental Quality.

“A grading and drainage plan shall be developed for the subject property. Details shall include adequate conveyance of storm water from all contributing areas across the subject property and shall include existing elevations and proposed lot corner elevations. The plan shall be submitted to and approved by the Public Works Department prior to the issuance of any Public Construction permits for street or storm drainage for the subject property. Grading and drainage plans shall be in conformance with the City of Keizer Public Works Design Standards. Additional information regarding street grades, site grading, inverts, etc., will be required for review prior to any plan approval. With these requirements placed as conditions of approval, this application complies with this provision.” Staff Report 11-12.

As the staff report explains, the applicant is required to submit a storm drainage plan that is approved by the City. The City Public Works Department determined that the proposed storm drainage plan satisfied the applicable City standards. As the City Engineer explained at the public hearing, the proposed subdivision would be required to retain water on site. The proposed subdivision must ensure that there is no additional runoff – in time or amount – than currently exists on the property. The City engineer also explained that storm drainage requirements have changed since the subdivision that appears to have increased flooding in the area was approved. While I can understand opponents’ concerns about potential additional flooding in the area, under the current City standards no adverse effects should occur to surrounding properties. KDC 2.306 is satisfied.

McCullough-Jones also expressed concerns that the grading of the subject property might affect their trees along their boundary with the subject property. The applicant explains that

the grading plan provides for protection of the critical root zones of opponents' trees along the boundary.

McCullough-Jones (and other opponents) argue that the variance to the minimum lot size should not be granted because it would increase density too much in the area, which opponents argue is already too dense. The RS zone establishes a minimum density of 4 units per dwelling and a maximum density of 8 dwelling per unit. The proposed subdivision would have a density of approximately 6.5 dwelling per unit, which is squarely within the permitted density. The minimum lot size in the RS zone is 5000 square feet. The applicant proposes to reduce the minimum lot size of three lots by two to three hundred square feet. The applicant seeks the variance not to increase density but to allow for all of the lots to have detached single family dwellings rather than having zero lot line dwellings. The staff report explains:

“The subject property will be automatically rezoned to Residential Single Family (RS) upon recordation of the plat. Therefore, the standards of the RS zone apply to this subdivision request. Within the RS zone, the minimum lot size for a detached single-family dwelling is 5,000 square feet, and the minimum lot size for an attached or zero side yard dwelling is 4,000 square feet. The applicant’s site plan indicates lots range in size from 4,738 square feet (Lot 4) up to 5,034 square feet (Lot 6) which all exceed the minimum lot size required within the RS zone in Section 2.102.05. The applicant is requesting a minor variance for lots 2-4 to allow for the development of detached single-family dwellings on those lots, as opposed to developing zero side yard dwellings or attached dwellings. Staff is recommending approval of this variance request, which is addressed later in this report.” Staff Report 14.

The staff report explains why a variance is justified, and I agree with those findings. The variance only seeks a 5.24% reduction in lot size. The variance is necessitated due to the fact that the applicant is being required to give up additional property to provide for cul-de-sac bulb turnaround for emergency services even though the road will eventually go through the adjoining property rather than ending in a cul-de-sac. And again, the variance does not actually increase the proposed density, instead it avoids having zero lot line dwellings.

McCullough-Jones argues that it is not necessary to remove all 118 existing significant trees on the subject property. While the proposed tree removal and replacement plan proposes to remove all of the existing trees, there is nothing in the KDC that prevents the removal of trees. KDC 2.309.04(C)(a) requires the replacement of significant trees, as well as separate standards for providing street trees. The proposed tree removal and replacement plan provides for the required street trees, and the applicant will have to provide replacement trees at a 2 to 1 ratio. As it is not feasible to provide 236 replacement trees on the subject property, some replacement trees will be provided through off-site mitigation. This satisfies KDC 2.309.04.

McCullough-Jones question whether the proposed development meets the Infill Development Standards of KDC 2.316. KDC 2.316.04(A) requires that infill development “shall be designed to be sensitive to the established patterns of existing neighborhood development.”

Development plans must show: (1) the proposed building area; (2) the proposed building heights for proposed homes; and (3) a landscaping plan showing location, size, and type of trees and plant materials, proposed fences, and any other features that provide screening and buffering to adjacent properties. KDC 2.316.04(B) provides building height restrictions for infill development. The City required the applicant to submit additional information to address these requirements. The applicant provided additional information which the staff report found satisfied the requirements:

“For the two properties zoned UT, adjacent to the subdivision (abutting lots 9-13 and lots 1-3), the approximate height of the existing homes is 20 feet. For the property abutting lots 4-5, the existing home is approximately 25 feet in height. For the property abutting lot 6, the existing home is approximately 20 feet in height. The applicant has indicated they intend to build no more than 5 feet above the existing adjacent homes, or they will provide an increased setback of one additional foot for every one foot over the maximum height, which is what KDC Section 2.316 requires. Staff recommends that a maximum building height of 25 feet be placed as a condition of approval for the subdivision to assure the development is consistent with what is proposed. Or that in the case, a new home exceeds 25 feet in height, additional setback distance will be provided. This regulation should be reviewed for compliance at the time of building permit approval.” Staff Report 21.

With the additional information provided by the applicant, I agree with the staff report that the infill development standards of KDC 2.316 are satisfied.<sup>2</sup>

The applicant has satisfied all of the applicable approval criteria.<sup>3</sup>

In conclusion, while I can certainly understand opponents’ concerns regarding traffic and parking, among other things, the applicant has satisfied all of the applicable approval criteria. It appears that the applicant was able to allay many if not all of the concerns of opponents at the public hearing by means of friendly dialogue with neighbors, for which I commend the applicant. City staff was also extremely helpful in explaining issues and answering questions for participants. Finally, the excellent submissions from neighbors that made arguments under specific approval criteria (which does not always happen) allowed the issues to be addressed and often solved in a very productive manner.

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<sup>2</sup> The applicant also stated that the subject property would be fully fenced.

<sup>3</sup> One opponent argues that the proposed development would adversely affect his property values. Even if that were true, that is not an applicable approval criterion and would not provide a basis to deny the application.

## V. DECISION OF THE HEARINGS OFFICER

It is hereby found that applicant has met or will meet the burden of proving the applicable standards and criteria for approval of the proposed subdivision and minor variance upon satisfying the following conditions, which 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 or property owner.

## VI. CONDITIONS OF APPROVAL

### General Requirements:

1. The following requirements are regulated and must be met to the satisfaction of the Public Works Department regarding sanitary sewers, water systems, street and drainage improvements, and other requirements:

### SANITARY SEWERS:

The subject property is located outside the original Keizer Sewer District. Therefore, a sanitary sewer trunk line acreage fee will be required unless the owner can provide evidence that the property has previously been assessed for sewer service to the property by the Keizer Sanitary Sewer District. The current rate is \$7,460.00 per acre.

- a. City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the Applicant's engineer shall submit plans to the City of Keizer Public Works Department for review and determination of compliance with the City's Master Sewer Plan for the area.
- b. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property, if located outside platted right of ways, will need to be recorded in a form which meets the City of Salem Design Standards and shown on the subdivision plat. Any sanitary sewer easements shall be in favor of the City of Keizer.
- c. It will be the responsibility of the Applicant's engineer to locate any existing wells (including on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. The applicant, prior to platting of the proposed subdivision, shall eliminate any conflicts between existing wells and proposed sanitary sewers.
- d. It appears that a design exception to the City of Salem and City of Keizer standards for sewer construction will be required for this project. Approval of the design exception shall be required prior to approval of the subdivision construction plans or subdivision plat. Any submittals for an exception shall be copied to the City of Keizer for review.

#### WATER SYSTEM:

- a. A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Appropriate easements to the City of Keizer will be required for all public water mains, fire hydrants and private services if construction is to be outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections.
- b. Final development plans shall be reviewed by the Marion County Fire District with regard to access and adequate location of fire hydrants prior to any issuance of Public Construction permits by the City of Keizer. All required fire hydrants shall be served by an 8 inch water main.
- c. Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements. The developer shall provide evidence to the Public Works Department that any abandonment of existing wells has been completed in accordance with such requirements.
- d. Location of all meters to be approved by the Public Works Department.

#### STREET AND DRAINAGE IMPROVEMENTS:

- a. The Applicant's engineer shall submit an overall storm drainage plan that will provide service to this development consistent with the City's Master Storm Drain Plan for this area of Keizer.
- b. Storm water quality and detention improvements will be required in conformance with the City of Keizer Public Works Department Design Standards. The developer's engineer shall conduct on-site percolation tests, (the location and frequency of tests are to be coordinated with the City of Keizer Public Works Department) to determine the suitability of the soils for the proposed disposal system. The percolation test and soil analysis shall be performed by a qualified geotechnical engineer. Storm Water calculations shall be submitted in conjunction with the project design drawings and shall indicate how the development complies with the City of Keizer Public Works Design Standards for the basin. All storm water runoff from the property shall be kept on site. The owner will be required to provide evidence that any private storm drain systems meeting the definition of UIC have been reviewed and permitted by the
- c. A grading and drainage plan shall be developed for the subject property. Details shall include adequate conveyance of storm water from all contributing areas across the subject property and shall include existing elevations and proposed lot corner elevations. The plan shall be submitted to and approved by the Public Works

Department prior to the issuance of any Public Construction permits for street or storm drainage for the subject property. Grading and drainage plans shall be in conformance with the City of Keizer Public Works Design Standards. Additional information regarding street grades, site grading, inverts, etc., will be required for review prior to any plan approval.

- d. The proposed new street, designated as Reservoir Street on the application, shall have a minimum of a 46 foot right of way with a minimum of 32 feet curb to curb street improvement with 5 foot sidewalks on each side of the street. Bair Road shall have a minimum of a 48 foot right of way with a minimum of 34 feet curb to curb street improvement. The sidewalk improvements on Bair Road will be required as part of the house construction on lots 1 and 13. The short section of street extending eastward towards Keystone Loop, an existing local street east of the proposed new subdivision, shall be designed so that the proposed centerline of the new street improvement matches the existing street improvement centerline of Keystone Loop.

#### OTHER

- a. Construction permits are required by the Public Works Department prior to any public facility construction.
- b. A Pre-design meeting with the City of Keizer Public Works Department will be required prior to the Developer's Engineer submitting plans to either the city of Keizer or the City of Salem for review.
- c. Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- d. A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.
- e. An improvement agreement shall be executed between the developer and the City of Keizer prior to recording of the subdivision plat.
- f. A master utility plan including all proposed power, telephone, gas and cable TV lines shall be submitted to the Public Works Department for review prior to the Department issuing construction permits for the proposed project.
- g. Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property. Additionally, if required by the Oregon Department of Environmental Quality, a 1200-C permit will be required from the Oregon Department of Environmental Quality and furnished to the City of Keizer by the developer prior to issuance of an erosion control permit.
- h. Developer shall coordinate the location of mailboxes with the U.S. Postal Service.

- i. A street lighting district shall be created at the expense of the applicant to provide for adequate street lights along the frontage of all proposed new lots.

**Prior to Preliminary Plat Approval:**

1. A detailed preliminary subdivision plat shall be submitted to the Marion County Surveyor's office for review. Marion County Surveyor's office will then submit the plat to Keizer for review and approval. The Preliminary Plat must be submitted for review prior to submittal of a final plat. The process for plat review and submittal shall be regulated by the Marion County Surveyor's Office. All requirements of the Marion County Surveyor's Office and applicable state statutes shall be followed which may include, but not be limited to the following:
  - a. Subdivision name must be approved per Oregon Revised Statute 92.090.
  - b. Must be surveyed and platted per Oregon Revised Statute 92.050.
  - c. Subdivision plat must be submitted for review.
  - d. Checking fee and recording fees required.
  - e. Per Oregon Revised Statute 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.
  - f. 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:

- g. The preliminary plat shall substantially conform to the proposed subdivision request.
- h. Include all engineering elements as required by the Department of Public Works.
- i. For all public water mains, fire hydrants and any public sewer mains located within the subject property (if located outside platted right of ways) easements will be required and will need to be recorded. These easements shall meet the City of Keizer or City of Salem (where applicable) Design Standards and shall be shown on the subdivision plat.
- j. 10 foot wide public utility easements (PUE) shall be shown along all dedicated right of ways.
- k. All lots must conform to the lot dimension standards within the RS zone (lots 2-4 may be less than 5,000 square feet per variance approval). The final plat must show both gross and net area calculations.
- l. Include all dedication as required by Public Works.

2. With the Preliminary plat a copy of the proposed CC&R's, Owners Agreements, Articles and By-Laws shall be submitted to the Community Development Department for review by the City Attorney as outlined in Section 3.108.07 of the Keizer Development Code. The following information should be included within the instrument(s):
  - a. Information regarding streetscape and replacement tree requirements for each lot.
  - b. Building height restriction of 25 feet and/or requirement to provide additional setback per KDC Section 2.316.

**Prior to Final Plat approval:**

1. The existing dwelling and outbuildings must be removed.
2. The applicant shall submit a revised Tree Removal and Replacement Plan to the Community Development department for review and approval, showing the approximate location of all streetscape and replacement trees to be planted. Significant trees removed shall be replaced at a ratio of 2 replacement trees for every 1 tree removed.

If all 118 streetscape trees are removed, a total of 236 replacement trees shall be provided within the subdivision or accounted for in an off-site mitigation plan. Off-site mitigation should be utilized to avoid overcrowding. Payment into the City's landscape mitigation fund must be made prior to plat approval. If the applicant wishes to propose larger specimen trees for replacement, the Community Development Director may reduce the total number of replacement trees required. Regardless of how many trees are provided through off-site mitigation, streetscape trees will be required (30 total within subdivision) to be planted for each lot according to the quantities identified in this report. In addition to streetscape trees, a minimum of 1 replacement tree must be provided on each lot.

3. Upon approval of the detailed preliminary plat and engineering plans, a final plat for the subdivision, which conforms to the preliminary plat approval, must be submitted for review to Marion County Surveyor's Office.
4. Upon approval of the preliminary agreement, a final copy of any CC&R's, Homeowner Agreements, or other instrument shall be submitted to the Community Development Department which conforms to the agreements submitted during preliminary plat approval and shall contain language regarding the preservation of streetscape and replacement trees, and building height restrictions.
5. The final plat for the subdivision shall be recorded within 1 year from the date of final decision on this application. A one year extension may be approved by the Community Development Director. Requests for extensions must be received in writing at least thirty days prior to the one year time period.

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

1. No building permits shall be issued until the plat is recorded and all conditions of any construction permits are completed to the satisfaction of the Department of Public Works.
2. Proposed dwellings must comply with the design standards of KDC Section 2.314, and may not exceed 25 feet in height, unless additional setback distance is provided as outlined in KDC Section 2.316.

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

1. The residential address requirements found in the Oregon Uniform Fire Code shall be completed as approved by Marion County Fire District #1 and the Community Development Department.
2. Streetscape trees will be required to be planted prior to final building permit approval for each lot. Trees must be planted consistent with Section 2.309 of the KDC which requires a minimum 2" caliper and 8 feet in height for deciduous trees. Streetscape trees shall be planted in the quantities as follows: • Lots 1 and 13 = 2 trees along Bair Rd + 2 trees along new public street (total of 4) • Lot 10 = 4 trees along the new public street (2 on each frontage) • Lots 2-5, 8-9, and 11-12 = 2 trees along new public street • Lots 6 and 7 = 1 tree along new public street
3. Trees designated as replacement trees from the final approved Tree Replacement Plan must be planted within the subdivision for each individual lot as required.
4. Applicant or any contractors building on lots shall comply with all applicable city regulations regarding noise, dust, times of construction, etc.

DATED: March 9, 2020



Fred Wilson

City of Keizer Hearings Officer