CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

ORDER

IN THE MATTER OF THE APPLICATION OF BONAVENTURE SENIOR HOUSING, LLC, OREGON TERRITORY, LLC, AND JEROLD AND KATHLEEN EGNER FOR APPROVAL OF THE KEIZER STATION MASTER PLAN/LOT LINE ADJUSTMENT (AREA C – KEIZER STATION) (MASTER PLAN/LOT LINE ADJUSTMENT CASE NO. 2014-20); REPEAL OF ORDER IN THE APPLICATION OF E VILLAGE, LLC ADOPTED APRIL 18, 2011; REPEAL OF ORDER IN THE APPLICATION OF E VILLAGE, LLC ADOPTED DECEMBER 3, 2012; REPEAL OF ORDER IN THE MATTER OF THE APPLICATION OF E VILLAGE, LLC ADOPTED MARCH 18, 2013

The City of Keizer orders as follows:

Section 1. THE APPLICATION. This matter comes before the Keizer City Council on the application of Bonaventure Senior Housing, LLC, Oregon Territory, LLC, and Jerald and Kathleen Egner for a master plan/lot line adjustment for the Keizer Station Plan – Area C.

Section 2. JURISDICTION. The land in question in this Order is within the city limits of the City of Keizer. The City Council is the governing body for the City of Keizer. As the governing body, the City Council has the authority to make final land use decisions concerning land within the city limits of the City of Keizer.

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Section 3. PUBLIC HEARING. A public hearing was held on this matter before the Keizer City Council on January 20, 2015. The following persons either appeared at the City Council hearing or provided written testimony on the application before the Council:

1. Nate Brown, Community Development Director
2. Ben Settecase, Applicant Representative
3. Brian Moore, Applicant Representative
4. Dan Clem, Proponent
5. Mike DeBlasi, Opponent
6. Jack Yarbrough, Opponent
7. Jim Boatner, Proponent
8. Oregon Department of Transportation
9. Salem-Keizer School District
10. Marion County Surveyor
11. PGE
12. Keizer Fire District
13. Teresa and Jeffrey Deckard
14. Kevin Hohnbaum
15. Kittelson & Associates
16. Jon Thompson
17. Doug Harnar
18. Eric Shrewsury
19. Dana Krawczuk, Applicant's Attorney
20. Salem-Keizer Transit
21. Keizer Chamber of Commerce
22. Advantage Precast Inc.
23. Jackson's Body Shop
24. First Tech Federal Credit Union
25. Round Table Pizza
26. Mark Grenz, applicant's Engineer

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1 Section 4. EVIDENCE. Evidence before the City Council in this matter is
2 summarized in Exhibit "A" attached.
3 Section 5. OBJECTIONS. No formal objections have been raised as to notice,
4 jurisdiction, alleged conflicts of interest, evidence presented or testimony taken at the
5 hearing. Jack Yarbrough testified that he did not receive notice of the January 20, 2015
6 hearing. This issue is addressed in Exhibit "C" (Facts).
7 Section 6. CRITERIA AND STANDARDS. The criteria and standards relevant
8 to the decision in this matter are set forth in Exhibit "B" attached.
9 Section 7. FACTS. The facts before the City Council in this matter are set forth
10 in Exhibit "C" attached.
11 Section 8. JUSTIFICATION. Justification for the City Council's decision in this
12 matter is explained in Exhibit "D" attached.
13 Section 9. ACTION. The decision of the City Council is set forth in Exhibit "E"
14 attached.
15 Section 10. FINAL DETERMINATION. This Order is the final determination in
16 this matter.
17 Section 11. EFFECTIVE DATE. This Order shall take effect immediately upon
18 its passage.
19

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Section 12. CONDITIONAL REPEAL OF PREVIOUS MASTER PLAN ORDERS. The intent of the City Council is that this Order, when fully effective and final, replace previous Keizer Station Plan – Area C Master Plan Orders. The following Orders shall be repealed in its entirety:

1. Order in the Matter of the Application of E Village, LLC for Approval of the Keizer Station Master Plan/Subdivision (Area C - Keizer Station) (Master Plan Case No. 2010-16/Subdivision Case No. 2010-18) dated April 18, 2011;

2. Order in the Matter of the Application of E Village, LLC Responding to the LUBA Remand of the Approval of the Keizer Station Master Plan/Subdivision (Area C - Keizer Station) (Master Plan Case No. 2010-16/Subdivision Case No. 2010-18) dated December 3, 2012;

3. Order in the Matter of the Application of E Village, LLC for Keizer Station Master Plan/Subdivision Approval (Area C - Keizer Station) (Master Plan Case No. 2010-16/Subdivision Case No. 2010-18) (Decision Upon Reconsideration) datedMarch 18, 2013.

Note that the repeal of the above Orders is conditioned on this Order being fully upheld upon appeal, if any.

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Section 13. APPEAL. A party aggrieved by the final determination in a proceeding for a discretionary permit or a zone change may have it reviewed under ORS 197.830 to ORS 197.834.

PASSED this 17th day of February, 2015.

SIGNED this 17th day of February, 2015.

Mayor

City Recorder

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EXHIBIT "A"

Evidence

Official notice has been taken of the reports and record in this matter, including the application and exhibits contained therein.

City Attorney, Shannon Johnson, explained that the matter was before Council in a quasi-judicial hearing for Area C Master Plan. He suggested that the reading of the exact list of criteria set forth in the staff report be waived and asked if anyone objected. There were no objections. He added that any questions could be brought up during testimony and that testimony, arguments and evidence must be directed toward the criteria in the Comprehensive Plan or land use regulations believed to apply to this decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. In addition, any failure by the applicant to raise constitutional or other issues related to the proposed conditions of approval with sufficient specificity to allow the Council or its designee to respond to that issue precludes an action for damages in Circuit Court. He urged Councilors to focus on whether the applicant presents evidence sufficient to each criteria so that they qualify for approval. He noted that if anyone had any objection as to conflict of interest, ex parte contacts, bias, jurisdiction, notice and opportunity to be heard, it should be brought up at the time of testimony and any Council members wanting to disclose ex parte contacts, conflict of interest, bias or prejudice on this case should do so at this time.

Councilors indicated they had nothing to report.

Mayor Clark responded that she had been asked about the layout of the area at a coffee and she drew out the information and directed them to the City website.

Community Development Director Nate Brown explained that this issue consists of a change in the Master Plan and a Lot Line Adjustment for Area C. He provided background information including chronological history, notices given, and Keizer Station Master Plan requirements. He noted that issues have centered on transportation, neighborhood compatibility and stormwater management, and that this issue is an independent land use action and will supersede the previous decision, but many aspects of the current application are similar or identical to the previously approved master plan. He pointed out the changes which were listed in the staff report. He also reviewed the community outreach efforts of the developer and modifications developed as a result of those efforts. Mr. Brown urged Council to

adopt the transportation proposal submitted by the applicants. He reviewed mitigation efforts made to ensure neighborhood compatibility, noting that staff feels these measures create a neighborhood compatibility between the dissimilar uses allowed in the Mixed Use Zone and the neighboring residential areas. He noted that the design utilizes infiltration into the ground of all the stormwater that will be present on the site from impervious surfaces. The applicant will pay for the study by the City that will document that their proposal meets City requirements.

Mr. Brown then noted that the applicant has requested a few changes and he identified those changes not included in the Council list or staff report as well as various exhibits that had been added. These were listed in the "Staff Recommendations to Modify Conditions of Approval" handout.

Mr. Brown and Mr. Johnson then provided clarification and updates on the staff recommendations and the staff report including allocation of costs, reimbursement districts, parking, compatibility, 'human scale' development, addressing concerns voiced in the letter from the Fire District, property values, and modifications of conditions of approval to meet LUBA requirements.

Mayor Clark opened the public hearing.

Brian Moore, Director of Real Estate for Mountain West Real Estate, noted that his organization supports the staff recommendation for approval and agrees to the conditions. He presented letters of support for the record and provided information about his company. He then described the impact of the neighborhood outreach, explained the proposal and provided information regarding how this proposal reduces traffic. Mr. Moore showed a Power Point presentation highlighting features of the proposed development and pointing out that all aspects of the development comply with City Code.

Ben Settecase, Director of Senior Housing for Bonaventure (co-applicant with Mountain West), provided background and experiential information for his company. He noted that the proposal meets all the current development standards and the facility will create over 60 new jobs. He explained that this facility is similar to the one in South Salem, but will have less of an impact because of changes implemented after interaction with neighbors. He noted that the plan includes landscape amenities that will benefit Chemawa Road and that the facility will promote development without the strip commercial appearance; the commercial uses will mix harmoniously and support transit use. He concluded noting that the proposed use is more residential

in nature than the medical building with greater setbacks, less traffic and more landscaping.

Mark Grenz, Multi-Tech Engineering, responding to the Fire District letter. He explained that the comments were based on the site plan and information provided, but the Uniform Fire Code that the project will adhere to, provides for fully sprinkled buildings. When buildings are fully sprinkled, then the number of access points required for access is reduced significantly. Regarding turning radius, this detail has not been finalized and will be determined using a computer program which incorporates the measurement of the City's largest emergency vehicle, and submitted when the building permit application is submitted.

Mr. Brown added that the Fire District has been part of all the discussions and have participated and worked closely with the applicants. When the building permit application is submitted, there will be an additional level of scrutiny.

Mr. Moore added that Mountain West does not own any of the areas zoned for commercial retail use, but hopes that the area develops because it will create a synergy of activity between the two uses.

City Manager Chris Eppley noted that this satisfies the multi-level use part of the development.

Mr. Moore also provided information regarding the pedestrian pathway into the Keizer Little League fields.

Dan Clem, Salem, on behalf of the Keizer Chamber of Commerce, reported that the Board had voted unanimously to support this amendment. He brought attention to the Chamber letter submitted for the packet and four others from Keizer Station businesses and reviewed why the amendment and lot line adjustment are important. He noted that the project for area C2 is an investment of $39 million, and the development will create 60 new jobs and 180 units of housing that are close to transit, shopping and medical facilities. The traffic impact will be less than that anticipated by previous plans and the development prebuilds $3 million of infrastructure. He concluded by recommending approval.

Michael DeBlasi, Keizer, noted that he was not opposed to the project but was opposed to the layout and design of the project. He noted that does not fit the true mixed use scenario; residential units should be above the businesses and parking should be changed. He explained that most parking demand studies are based on areas that are auto dependent and over supplied. He added that parking is not really

'free' because tax revenue is lost because the land is not being used to its fullest potential. He suggested a street grid that would allow on-street parking and suggested that the city would have to repair the parking lots and infrastructure before there was enough tax collected to do so.

Jack Yarbrough, Keizer, voiced strong opposition to the development noting that the previous master plan included all the other property, the traffic study is inaccurate because it does not take into consideration what the traffic will be like when the other sites are developed. He added that he did not receive notice of meetings, but had attended the neighborhood meeting and voiced his opposition then and the developers had not returned any of his calls. He indicated that he would be contacting a consultant and an engineer to appeal this.

Councilor Smith noted that when Council reviews an application they need to make a decision based on if the application meets the requirements for Keizer Station and the Development Code. Mr. Yarbrough has indicated it is bad for his property but could he give an example of where the application fails?

Mr. Yarbrough indicated that he could not.

Jim Boatner, Keizer, representing Keizer Church of Christ, voiced support for the addition of the apartments and the senior housing facility.

Brian Moore and Ben Settecase provided additional information. Mr. Moore noted that the Traffic Impact Analysis absolutely counted all trips out of Area C as a whole at full build out. The only change was from medical use to assisted living and they vigorously assert that this is a benefit for the commercial area. He noted that he is confused by Mr. Yarbrough's opposition to the development because he understood that he wanted to sell his property. Mr. Moore thought that the funding and construction of improvements that would have burdened Mr. Yarbrough's property would have been welcomed. Mr. Moore added that Mr. Yarbrough's development stands to benefit from commercial development around this development.

Mr. Brown added that staff had confirmed that Mr. Yarbrough was mailed notice but there is no way to verify that the post office delivered it. Notice was published in the Keizer Times and signs were put up two weeks ago.

Ben Settecase added that he gathered Mr. Yarbrough's phone number at the neighborhood meeting and had two phone conversations with him that did not go further than what was said at tonight's meeting. Regarding comments from Mr.

DeBlasi, Mr. Settecase explained that there are 330 units of density going in and the parking is well integrated into the site plan. Mr. Moore added that this area is not 'vertical mixed use' as Mr. DeBlasi suggested, it is 'horizontal mixed use'.

With no further testimony Mayor Clark closed the Public Hearing and the record.

EXHIBIT "B"

Criteria and Standards

The criteria and standards reviewed in this case are found in the Keizer Development Code (KDC), the Keizer Station Plan, and the Uniform Fire Code. The specific criteria are set forth below:

1. KDC 2.107 (Mixed Use).
2. KDC 2.109 (Commercial Retail).
3. KDC 2.110 (Commercial Mixed Use).
4. KDC 2.302 (Street Standards).
5. KDC 2.303 (Off-Street Parking and Loading).
6. KDC 2.306 (Storm Drainage).
7. KDC 2.307 (Utility Lines and Facilities).
8. KDC 2.309 (Site and Landscaping Design).
9. KDC 2.312 (Yard and Lot Standards).
10. KDC 2.315 (Development Standards).
11. KDC 2.316 (Infill Development Standards).
12. KDC 3.106 (Lot Line Adjustment).
13. KDC 3.113 (Keizer Station Master Plan Review).
14. KDC 3.202 (General Procedures – Types I, II, and III Actions)
15. Uniform Fire Code, 1994 edition, Section 902.2.2.4.
16. Keizer Station Plan.

No other specific criteria and standards were identified at the hearing.

EXHIBIT "C"

Facts

FINDINGS: GENERAL

1. The applicants for the master plan (the "2015 Master Plan") and lot line adjustment in Case File 2014-20 (collectively, the "Project") are Ben Settecase, on behalf of Bonaventure Senior Housing, LLC and Jason Tokarski, of Mt West Investments on behalf of property owned by Oregon Territory, LLC and Jerold and Kathleen Egner (collectively, the "Applicants").

2. The Applicants have submitted an application for Master Plan approval of Keizer Station Area C and a concurrent Lot Line Adjustment application to consolidate eight of the existing parcels within the development into four parcels. The previous Master Plan approval for Area C was approved by City Council Order dated March 18, 2013 which approved both Master Plan Case 2010-16 (the "2013 Master Plan") and Subdivision 2010-18 (the "2013 Subdivision"). The Applicants do not intend to subdivide the property and Subdivision 2010-18 is null and void due to the fact that the previous applicant did not record the plat in a timely manner. (Note that references to the "2013 Master Plan" include the 2011 and 2012 Master Plans as well. See Finding 9).

3. The Applicants' request is to modify the 2013 Master Plan approval and in two specific areas (all of Subarea C3 and the southern portion of Subarea C2), with the balance of the 2013 Master Plan approval for Area C remaining unchanged. The changes approved in the 2015 Master Plan are limited to the following:

- The 53,000 square foot medical center is replaced with a 150 unit senior living retirement facility (Subarea C3).
- The number, specific location, and design of the individual buildings within the areas designated for multi-family development in Subarea C3 and the southern portion of Subarea C2 are modified and refined. The 2013 Master Plan approved a density range of 156 to 200 multifamily units, with 156 units shown on the site plan associated with the 2013 Master Plan. The 2015 Master Plan and its site plan specify that 180 multi-family units will be developed.
- At staff's request, the 2015 Master Plan site plan is updated to reflect the 2013 Master Plan's approved maximum development potential in Subarea C2 of 80,000 sq ft of a larger format retail building. The 2013

Master Plan allowed this intensity of development in the conditions of approval, so the 2015 Master Plan site plan is updated to more accurately reflect the conditions of approval in the 2013 Master Plan. No increase in development intensity for the larger format retail building is approved by the 2015 Master Plan.

- Staff identified an error on the map in the 2013 Master Plan for Subarea C1. The 2013 Master Plan inadvertently did not include a small piece of property located along the McLeod Road extension, within Subarea C1. The error is corrected in the 2015 Master Plan by including that property within Subarea C1 as parking.

The applicable criteria describe the minimum standards and level of detail required for a master plan to be approved. Those standards are the floor, not the ceiling, and a master plan may provide more detail that is otherwise required by the criteria. In this case, detailed plans for the apartments and senior living were provided, which enables Council to make findings of compliance for many standards that are typically deferred to building permit approval, as detailed elsewhere in these findings. The level of detail for the balance of the Project remains unchanged from the 2013 Master Plan approval. Said differently, if the 2015 Master Plan were voided, the underlying 2013 Master Plan approval would provide for the same development on the balance of Area C as approved in the 2015 Master Plan.

4. The boundaries of Area C were established when the City Council adopted the Keizer Station Plan (KSP). Area C is bounded by Lockhaven Drive on its north; the Portland & Western Railroad on the east perimeter; the south boundary line is along the south property line of the Keizer Church of Christ where it then heads west to the southwest corner of tax lot 8900 and 8800 where the boundary then heads north to Chemawa Road; and then it crosses Chemawa Road along the west side of tax lot 403 and 402; then heads in an easterly direction along the north side of tax lot 402 crossing to the east side of McLeod Lane then heading northwest to the intersection with Lockhaven Drive.

Area C is identified on the Marion County Tax Assessor's Maps as Township 6 South; Range 3 West; Section 36CA; Tax Lots # 00200 (SM3KZR, LLC); 00300 (SM3KZR, LLC); 00400 (Marion County Finance); 00500 (Oregon Territory Development, LLC); 00600 (Oregon Territory Development, LLC); 00700 (Oregon Territory Development, LLC); 00800 (Oregon Territory Development, LLC); 00900 (Jeff & Teresa Deckard); 01000 (Keizer Church of Christ); 01100 (Oregon Territory Development, LLC); 01200 (Oregon Territory Development, LLC); 01300 (E-Village, LLC); 01400 (E-Village, LLC); 01500(E-Village, LLC); 01700 (Jack Yarbrough); 01800 (Jack Yarbrough); 01900 (Jack Yarbrough); 02000 (ODOT); 02100 (E-Village, LLC); 02200 (E-Village,

LLC); 02300(E-Village, LLC); 02400 (E-Village, LLC); 02500 (Oregon Territory Development, LLC); 02600 (Oregon Territory Development, LLC); 02601 (Oregon Territory Development, LLC); 02700 (E-Village, LLC); 02800 (E-Village, LLC); 02900 (Oregon Territory Development, LLC); 03000 (City of Keizer); 03100 (North Pacific Trust); 03200 (City of Keizer); 03300 (City of Keizer); 03400 (City of Keizer); 03401 (Northwest National, LLC); 03500 (City of Keizer); and, 03501 (Northwest National, LLC); and on Section 36 CB Tax Lots #00100 (Sal & Ayala Cervantes); 00200(SM3KZR, LLC); 00300 (City of Keizer); 00400 (Eric Shrewsbury); 00402 (Justinder & Alicia Singh); 00403(Justinder Singh & Larry Watson); 08800 (Kathleen & Jerold Egner); 08900 (Oregon Territory Development, LLC); and, 09000 (City of Keizer). The KSP, which is applied if there is a conflict between the KSP and Keizer Development Code, specifically authorizes the submittal and approval of a master plan without the signature of all of the owners of property subject to the application or master plan.

5. The Area C contains approximately 33.92 acres.

6. Area C has street frontage on Lockhaven Drive, Keizer Station Boulevard, McLeod Lane, and Chemawa Road. The Master Planned portion of Area C has street frontage on Chemawa Road N.E., Lockhaven Dr., and McLeod Lane, which are all public streets. Chemawa Road in the North/South direction is a two lane street without sidewalks or bicycle lanes. Lockhaven Dr is a fully improved street with sidewalks and bicycle lanes along both sides of the street - on the North and South sides. McLeod Lane is a two-lane street without sidewalks or bicycle lanes. There is a signalized intersection with Lockhaven Dr., Chemawa Rd. and Keizer Station Blvd. and a signalized intersection at Lockhaven Dr. and McLeod Lane. Public bus transit is provided by Salem Area Transit with a transit center located to the north in Area B of the Keizer Station. Public water and sanitary sewer are available to serve the subject property.

7. The subject property is designated Commercial and Mixed Use on the Comprehensive Plan Map and is zoned Mixed Use (MU) and a small portion in the northwest quadrant is zoned Commercial Retail (CR). The 2011 and 2013 Master Plans determined that all uses in Area C were permitted. That analysis is unchanged and is confirmed in the 2015 Master Plan approval. The only change in use from those Master Plans is the senior living community, which is permitted outright in the MU zone as a multi-family use (the independent living units) and a health service use (assisted living and memory care units are a "health service" under SIC 805). KDC 2.107.02.A and 2.107.02.J.7.

8. The subject property is bordered to the north across Lockhaven Drive by Keizer Station Area B which, other than the transit station serving the Salem-Keizer Transit District buses, is undeveloped and zoned CM. To the east, across the railroad tracks, is Keizer Station Area 'D' which is undeveloped and is zoned Industrial Business Park (IBP). To the south, lands are designated Public and developed with the Keizer Little League fields. The properties to the west across Chemawa Rd. are primarily developed with single family residential homes on lands which are zoned RS. The main exception is the existing Countryside Christian Church, west of Chemawa Rd. and fronting along the west side of McLeod Lane, which is designated Commercial office (CO).

9. In April 2011, the City of Keizer ("City") approved a Master Plan (Master Plan Case 2010-12) and related Subdivision (Subdivision Case 2010-18) approval for Area C of the Keizer Station Plan (collectively, the "2011 Approvals").

The 2011 Approvals were appealed to the Oregon Land Use Board of Appeals ("LUBA"), who remanded the 2011 Approvals based upon the condition of approval related to the timing of when the non-retail vertical mixed use building needed to be constructed (the "Vertical Mixed Use Concurrency Requirement") and the methodology for calculating the projected traffic generated from the project. In response to these remand issues, the applicant modified the 2011 Approvals, through supplemental materials that were submitted on September 20, 2012 and additional evidence and testimony submitted on behalf of the applicant during the remand proceedings, which was approved as the 2013 Master Plan. The 2013 Master Plan addressed LUBA's remand and the applicant reduced the size of the Larger Format Store (LFS) (which eliminates the Vertical Mixed Use Concurrency Requirement), made minor changes to the mix of uses, adjusted the location of some of the buildings, consolidated and relocated some access points, and modified the lot dimensions of the related 9-lot subdivision to reflect the updated mix and arrangement of uses. Subsequent to City Council's approval of the 2013 Master Plan, a Notice of Intent to Appeal was filed at LUBA. Before any hearing took place at LUBA, an agreement was reached between the various parties involved in the action. Accordingly, the City voluntarily remanded its approval and incorporated terms in the agreement related to the construction of a sidewalk connection and additional landscaping as conditions of approval. As noted above, the 2013 Subdivision has expired, but the 2013 Master Plan remained in effect. As used herein, "2013 Master Plan" also includes portions of the previous Master Plans as well.

Council finds that the Project modifies the 2013 Master Plan. However, the KDC is silent about the process for modifying an existing master plan, on September 15,

2014 the City Council, consistent with Section 3.202.04.F of the Keizer Development Code, passed a minute motion that directed staff to refer the Area C master plan directly to the City Council. This was based on the fact the Council has background and familiarity with the issues regarding the current approval; the decisions and conditions will remain largely intact; the Council is the final decision body in Master Plan applications; and the reported changes will not significantly change the overall plan, stormwater or transportation issues. No appeal of that minute motion was filed.

10. The criteria upon which the decision on this matter is based on can be found in the Keizer Station Master Plan and the following sections of the Keizer Development Code ("KDC") Sections 2.107.02, 2.107.05, 2.302.03, 2.303, 2.306.06, 2.307.02, 2.209, 2.315.08, 3.105.08, 3.106.04 and 3.113.04.

11. The Public Works Department has submitted a memorandum with extensive comments and recommendations regarding the proposal. The Project, as conditioned, addresses all issues raised by the Public Works Department.

12. ODOT submitted comments relating to the submitted Traffic Impact Analysis that relate to the methodology of the analysis and comments relating to mitigation measures. Council finds that ODOT's preference for a particular methodology does not relate to any approval criterion. Moreover, as detailed elsewhere in these findings, City Public Works staff and independent consultant both reviewed and approved the Traffic Impact Analysis, and found that the methodology is consistent with ODOT's requested methodology. Accordingly, Council finds that the Traffic Impact Analysis is thorough and accurate, and relies upon it as a basis for this decision.

13. Salem – Keizer School District provided comments relative to projected level of estimated new students as a result of the redevelopment and its anticipated impacts on the school system. These comments do not relate to any applicable approval criteria.

14. The Marion County Surveyor provided comments relating to the platting process. These comments do not relate to any applicable approval criteria

15. PGE submitted comments that development cost per current tariff and service requirements and that 10 foot PUE is required on all front street lots

16. Keizer Fire District provided comments relating to fire code regulations pertaining to access, fire flows and fire hydrants. The Fire District's comments are typical, and are technical, objective and non-discretionary standards that are implemented at the time of building permit issuance. For example, either multiple

access points must be provided, or the units must be fully sprinkled. Council finds that it is feasible for the Project to comply with the Fire District's comments.

17. The Salem Community Development Department indicated that they had reviewed the proposal and had no comments.

18. Notice of the application mailed to affected property owners consistent with city requirements. Specifically, on October 30, 2014, the City mailed notice to all property owners of land within Area C and to property owners within 250 feet of the Area C Master Plan area requesting public comment, pursuant to KDC 3.202.04.F.

A City Council hearing on the Project was originally scheduled for December 1, 2014. The following is the chronology of the various notices sent by the City:

October 30, 2014	Request for Comments to Agencies/Notice of Public Hearing on December 1, 2014 (Certificate of Mailing indicates Request for Comments)
October 30, 2014	Request for Comments to Property Owner(s)/Notice of Public Hearing on December 1, 2014 (Certificate of Mailing indicates Request for Comments)
November 17, 2014	Email to Agencies with copy of post card indicating Rescheduled Public Hearing on January 20, 2014 [Error in Year]
January 6, 2015	Email to Agencies with Notice of Public Hearing on January 20, 2015
January 6, 2015	Notice of Public Hearing on January 20, 2015 (Certificate of Mailing indicates Notice of Public Hearing) (sent to Agencies and Owner(s))
January 8, 2015	Affidavit of Posting Notice on the subject property
January 9, 2015	Affidavit of Publication – Notice of Public Hearing on January 20, 2015 – Published in Keizertimes January 9, 2015

The staff report was made available on January 13, 2015, in accordance with ORS 197.763(4).

Mr. Jack Yarbrough testified at the January 20, 2015 hearing that he did not receive adequate notice of the hearing and therefore did not have enough time to prepare testimony. For the following reasons, the Council finds that Mr. Yarbrough received notice sufficient to provide him an adequate opportunity to participate in the Council's decision on the Application and address relevant criteria. Mr. Yarborough's substantial rights have not been prejudiced.

First, substantial evidence in the whole record demonstrates that Mr. Yarbrough in fact did receive notice of the application and public hearing. His name and address are noted on the mailing lists for the October 30, 2014 Request for Comments and Notice of Public Hearing for the rescheduled December 1, 2014 hearing , and the January 6, 2015 Notice of Public Hearing for the January 20, 2015 hearing. Affidavits of City staff indicate that the City sent the notices to Mr. Yarbrough's address. Notably, these notices were sent to the same address that Mr. Yarbrough indicated on the Public Hearing Sign Up Sheet for the January 20, 2015 City Council hearing.

Second, even if Mr. Yarbrough did not receive notice of the January 20, 2015 City Council hearing, no error was committed by the City. ORS 197.763(8) provides that "the failure of the property owner to receive notice...shall not invalidate such proceedings if the local government can demonstrate by affidavit that such notice was given." Affidavits provided by City staff, discussed above, demonstrate that the City sent Mr. Yarbrough notice of the January 20, 2015 hearing.

Third, even if the City did err in providing the required notices, the Council finds that such error was harmless and did not prejudice Mr. Yarbrough's substantial rights to participate in the decision. The Oregon Land Use Board of Appeals ("LUBA") has held that failure to comply with the technical requirements of ORS 197.763(3) is at most harmless error if the person who did not receive proper notice was able to participate in the in the local government proceeding. Mr. Yarbrough was present at the January 20, 2015 hearing and presented oral testimony. Therefore, he was clearly able to participate in the proceeding. At the beginning of the January 20, 2015 hearing, the City recited an explanation of the rights of all parties in the proceeding, including the right to request to have the hearing continued or the record held open. Mr. Yarbrough did not request that the hearing be continued or that the record be left open so that he could prepare specific testimony.

Although Mr. Yarbrough suggested in testimony that he did not have enough time to prepare testimony responsive to the approval criteria, the Council finds that substantial evidence in the whole record demonstrates that Mr. Yarbrough did in fact have sufficient time to prepare responsive testimony. As discussed above, the Council finds

that he was mailed notice of the rescheduled December 1, 2014 hearing and the January 20, 2015 hearing that was consistent with the notice provisions of KDC 3.204.02 and the substantive requirements of ORS 197.763(3). Notice of the rescheduled December 1, 2014 hearing gave Mr. Yarbrough notice of the Application and the approval criteria weeks before the initial January 20, 2015 evidential hearing. Mr. Yarbrough testified about attending the neighborhood meeting where the proposal was discussed. Therefore, Mr. Yarbrough had information about the Project several weeks prior to the January 20th hearing, which is additional evidence that he had sufficient time to prepare for the public hearing. In addition, Mr. Yarbrough made several statements at the January 20 hearing indicating that he did in fact have sufficient time to provide responsive testimony, but other matters took priority. These include the following: "I've been really busy on some other projects"; "I should have come more prepared"; and that Mr. Yarbrough had "got in contact with some consultants and engineers" prior to the hearing to review the Application.

For the reasons above, the Council finds that the City provided Mr. Yarbrough notice of the January 20, 2015 public hearing that provided him an adequate opportunity to prepare for, and participate in, the Council's decision on the Application. In the alternative, the Council also finds that any failure of the City to satisfy the technical requirements of ORS 197.763(3) and/or KDC 3.204.02 was harmless error and did not prevent Mr. Yarbrough from making objections with statements or evidence sufficient to allow the Council an adequate opportunity to respond to such objections.

19. Some of the written comments and verbal testimony at the January 20th provided for the record are noted below, although this is not an exhaustive list.

- Teresa and Jeffrey Deckard provided comments related to impacts to their property specifically as a result to street improvements along the frontage of their property and also comments relating to an agreement with the previous developers of Area C. With regard to the comments received from Mr. and Mrs. Deckard, a condition of approval requires the Applicants to construct improvements along the frontage of a portion of Ridge Drive. Any private agreement for the purchase of property that the Deckards may have had with the previous developers of Area C is not relevant to any applicable criteria.

- Kevin Hohnbaum provided comments that the proposal is not consistent with the intent of the Mixed Use zone designation; lack of adequate landscaping; design of buildings is not human scale; potential parking problems; impacts on Ridge Drive; and traffic impacts from the proposal. Responses to the issues raised by Mr. Hohnbaum's are addressed in the applicable findings below,

which specifically address landscaping, building design, parking, and impacts as a result of traffic. In addition, conditions have been developed that the developer will be required to meet in an effort to satisfy not only Mr. Hohnbaum's concerns but also requirements within the Keizer Development Code.

- Jack Yarborough testified at the January 20, 2015 in opposition to the Project. Mr. Yarborough stated that he did not receive notice of the hearing, described the process as a "sweetheart deal," questioned whether the previous Master Plan approvals were taken into consideration, and made generalized statements about street access and utilities. Detailed findings are provided elsewhere in these findings about the adequacy of the transportation system, access, and utilities, as well as findings about the alleged lack of notice, and how the 2015 Master Plan relates to, and considers, the 2011 and 2013 Master Plans. No bias, procedural or substantive irregularity has been suggested, and Council finds that the Project was subject to a rigorous public review process. Oregon law requires that opponents of a land use application raise their objections with statements or evidence sufficient to allow the Council an adequate opportunity to respond to such objections. ORS 197.763(1). Mr. Jack Yarbrough testified at the January 20, 2015 hearing that he opposed the Application, but his statements did not address the approval criteria or the substantial evidence demonstrating satisfaction of the approval criteria. When Councilor Smith asked Mr. Yarbrough if he could provide specific information about "where the Application was deficient," Mr. Yarbrough responded that he could not. For this reason, and the findings in support of the Project, the Council finds that Mr. Yarbrough did not identify any deficiencies in the Application with sufficient specificity to provide the Council an adequate opportunity to respond to any such deficiencies. The Council therefore finds that Mr. Yarbrough's testimony is not persuasive and presents no detailed evidence relevant to the approval criteria.

- Mike DeBlasi testified at the January 20, 2015, stating that he was not "opposed per se." Mr. DeBlasi suggested that the Project is not truly mixed use development, and is instead pods of development. As detailed elsewhere in these findings, the Mixed Use zone encourages a variety of uses, but does not require vertically mixed use structures. The Project's horizontal mix of uses is consistent with the Mixed Use zone and approval criteria.

FINDINGS: MASTER PLAN

20. The criteria for Master Plan approval are contained in KDC 3.113.04 of the Keizer Development Code. The criteria and findings are listed below:

A. The master plan shall meet the purpose and objective identified in the Keizer Station Design Plan. KDC 3.113.04.A.

1. Purpose. Area C is intended to allow for a mix of uses, both residential and commercial as well as opportunities for connection to public transit. Key issues that will need to be considered as the Keizer Station Center area develops include:

- Traffic operations on Lockhaven and Chemawa, especially at the intersection;
- Appropriate mix of uses;
- Compatibility with existing residential development

2. Objectives: Development in Area C will be focused on achieving the following objectives:

- Compatibility with existing residential development;
- Mix of uses that support transit development; and
- Preserving opportunities to support a future Commuter Rail Transit Station.

FINDINGS: The intent of this provision is that a proposal for a master plan be reviewed in part for compliance with the purpose and objectives within the Keizer Station Design Plan. This references the Keizer Station Plan and does not make each purpose statement in the KDC an approval standard. The proposal encompasses land that has already been identified as being designated as Area C within the Keizer Station, one of five areas that make up the Keizer Station shopping business complex. Area C is zoned both Mixed Use (MU) and Commercial Retail (CR). The Keizer Station Master Plan refers to Area C as being intended to allow for a mix of uses, both residential and commercial as well as opportunities for connection to public transit. The Project includes a variety of uses including both commercial and residential, as well as opportunities to enhance the existing transit system serving the area, as detailed elsewhere in these findings. While the MU zone's purpose statement isn't an applicable review criterion, it does offer development

guidance that is illustrative. This zone encourages development that combines differing uses whether in a single building or a complex of buildings that do not foster strip commercial appearance. And while the formation of nodes is encouraged, it is not an outright requirement. Moreover, vertically mixed use structures are not required. The Project combines both residential and commercial uses in relative close proximity to one another, which results in a node-like effect and therefore is consistent with this provision.

Traffic operations
The intent of this provision is to ensure that new development can identify and mitigate for any adverse impacts which they might cause to the transportation system as a result of the new development. The Project makes use of the existing city's street system that is located along the frontage of the Site, as well as the development of a new street. The Traffic Impact Analysis done by DKS ("TIA") analyzed and addressed the impacts on the transportation system as a result of the Project. The TIA analyzed the background traffic patterns, the proposed and potential types of developments that are likely to occur within Area C and analyzed for the projected 2020 traffic flows. The result of this study was to determine that some additional improvements to the existing street system will be needed. All of the property in Area C is not expected to be developed at once. Instead, the senior living community and multifamily housing are expected to be developed first (the "Partial Build" scenario), followed by the development of the balance of Area C (the "Full Build" scenario). Based upon this phased development, the TIA analyzed the traffic impacts and needed mitigating improvements under both a "Partial Build" and "Full Build" scenarios. Because the TIA analyzed a complete build out of Area C, Council rejects Mr. Yarborough's assertion that not all Area C traffic has been analyzed. Council finds that the TIA includes an analysis of the complete build out of Area C.

The TIA was an update to the October 2010 transportation impact analysis (the "2010 TIA") that was approved in support of the 2011 Approvals. The TIA found, and Council concurs, that the 2015 Master Plan results in a decrease of PM peak hour trips, as compared to the 2011 Approvals.

Because the Project will generate in excess of 250 vehicles trips per day, the city Public Works department and the city's Traffic Engineering Consultant (Kittelson and Associates, Inc.) reviewed and accepted the TIA, including the identified improvements to the transportation system to mitigate the impacts created by the proposed development. City Council agrees with the recommendations of the TIA, Public Works department and Kittelson, and

imposes conditions of approval that require the mitigation measures to be phased as called for in the TIA.

The conditions of approval also impose technical requirements for the transportation improvements, such as imposing street design standards and requiring that electrical lines be installed underground.

Testimony was offered that traffic on Ridge Dr., Chemawa Road and the affected intersections (including Verda and Chemawa) must be addressed. Council finds that these roadways and intersections were analyzed in the TIA, and that the required transportation system improvements ensure that the Project's impact on the transportation system will be mitigated. Comments were also offered that the existing dangerous section of Ridge Drive in front of the Keizer Little League fields must be improved, including new sidewalks. Council finds that the based upon the TIA, only 2% of the Project's trips are expected to travel along Ridge Drive. Additionally, pedestrian connections through the Project, including to the southern edge of the Site, will provide pedestrian amenities that will support the surrounding area, including the ball fields. For these reasons, requiring off-site dedications and improvements along Ridge Drive near the ball fields would impose a condition that is disproportionate to the impact of the Project.

As detailed above and in the TIA, the Project indicates a number of features within the Area C such as "right-in only" intersection improvements including traffic control, traffic signals and modifications, that will require construction during the first development activity for Area C (the Partial Build scenario), which will provide excess capacity and benefit the balance of Area C. It is expected that the Applicants will pursue a reimbursement district to finance many of the traffic improvements. While Council is supportive of this means of financing, any reimbursement district will be subject to City review and approval, pursuant to the reimbursement district ordinance.

Mix of uses

The Project's mix of uses, with the exception of the senior living facility, is similar to what was approved in the 2011 and 2013 Master Plans. The 2011, 2013 and 2015 Master Plans include office, restaurant (s), retail uses, and multi-family development throughout the site. The mix of uses complies with the code's requirements for balancing retail and non-retail/multi-family development and can be adequately served with infrastructure. The findings in the 2011 and 2013 Master Plans determined that the mix of uses was appropriate relied upon Area C's zoning, the KSP's allocation of 135,000

square feet of retail to Area C, the intent of Area C to be an economic engine, and the variety of uses in Area C. None of these elements of appropriateness have been modified by the 2015 Master Plan, so the findings remain valid, and are consistent with this provision as well as with the purpose of the Mixed Use zone that encourages a variety of uses.

Compatibility with existing residential development
The 2011 and 2013 Master Plans determined that the development of Area C was compatible with the nearby existing residential development. When the term 'compatibility" is used in the city's code, it is not used as an absolute term; but rather is used to describe a development mitigation goal achieved through various strategies. The term "compatibility" is a highly subjective term and thus by definition cannot be absolute in any event. Council finds that the KDC and KSP are the best sources to understand how the term "compatibility" is to be used. With reference to the applicable standards, Council finds that the term "compatibility" is designed to require appropriate and reasonable mitigation techniques; adverse off-site impacts and differences in the intensity or scale of uses are not prohibited. For example, KDC 2.309.05 states that "Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses". KDC 2.309.05 requires buffering for mitigation for "dissimilar adjoining uses," so uses that may be nearby, but not adjoining would not be covered by this standard.

KDC 3.113.05(D) requires that "developments in the activity center should be compatible with, and complement the surrounding neighborhood. This may require: 1) sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features. 2) Buffering of adjacent residential uses." This standard focuses on the master plan development and the "surrounding neighborhood". The surrounding neighborhood includes single family residential uses, two churches, a developed commercial area (Area A), a transit center (Area B), and railroad tracks that separate it from the undeveloped Area D of the Keizer Station. Compatibility is to be achieved through sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features as is detailed further in these findings.

The Project provides for a number of strategies that mitigate potentially adverse impacts as a result of the development in Area C so that it is compatible with existing uses that adjoin the Project, as well as the surrounding neighborhood.

As detailed elsewhere in these findings, the 2011 and 2013 Master Plans are very similar to the 2015 Master Plan, and the change is limited largely to replacing the medical office building with a senior residential community. Council finds that even with this change, the overall character of Area C remains intact, and the Project is compatible with adjoining existing residential development and the surrounding neighborhood. The existing residential development that is located in close proximity to the Site is predominately to the southwest of the project. There are no residential uses to the north across Lockhaven Drive; east across the railroad tracks; and to the south is the Keizer Church of Christ and one single family home in front of the church to the east. Overall, the Project remains consistent with the 2011 and 2013 Master Plans. The specific revisions are described in greater detail below by each sub-area and shows that the Project complies with this provision.

Area C1

The significant change from the 2011 and 2013 Master Plans is to include one parcel that was previously not included as part of the master plan. Tax Lot 063W36CB100 was not included even though it is clearly within Keizer Station Area C. This oversight has now been corrected. This approximate quarter acre parcel is now shown being able to provide parking for the adjacent commercial uses in this sub-area. This change will eliminate the potential of having the residential use surrounded on three sides by commercial uses which would have resulted in conflicts in uses between the dissimilar uses. This change will ensure greater compatibility between the adjacent uses. Also shown on the site plan are the public improvements including sidewalks along the site, including the parcels at the corner of McLeod Drive / Chemawa Road. This revision from the previous approvals will be compatible with the adjacent properties because there are no residential zones immediately adjacent to this change. While there are two residences across the street, they are part of Area C and are shown developed with future commercial uses. The other nearby parcel, while it is not part of Area C, is developed with a church and not a residential use. In consideration of these facts, Council finds that the Area C1, including its revisions, are compatible with nearby residential uses.

Area C2

The revisions to area C2 maintain its compatibility with existing residential development. The 2015 Master Plan site plan is updated to reflect the 2013 Master Plan's approved maximum development potential in Subarea C2 of

80,000 sq ft of a larger format retail store (LFS) building. The 2013 Master Plan allowed this intensity of development in the conditions of approval, so the 2015 Master Plan site plan is updated to more accurately reflect the conditions of approval in the 2013 Master Plan. No increase in development intensity for the LFS is approved by the 2015 Master Plan. The location of the LFS, along the west side of the railroad tracks on the east side of area C2, remains unchanged. There are no existing residential uses adjoining the LFS and there are limited residential uses within the surrounding area. The LFS will be separated from the existing church to the south, by multi-family housing and will be screened from other nearby properties to the southwest by the proposed senior living facility and other commercial buildings in this sub-area as they are built. In addition, the conditions of approval require significant tree planting throughout the development which will further provide additional screening. The larger format store is orientated such that the loading area is away from the neighborhood view and is screened with a wall to further buffering and screening. The apartments in this sub-area will be screened by landscaping and building orientation will also minimize any potential conflicts, although the code differentiates between existing and planned residential uses such that the issues of compatibility between the future LFS and the apartments are not a Code requirement.

The Project includes 102 dwelling units in 9 buildings plus a recreation multi-use building within this sub-area. As noted elsewhere in these findings, the number of units is consistent with the previous approval's findings. The 2015 Master Plan increases the apartment buildings' height from 2 stories to 3 (but still significantly lower than the maximum height of 50 feet in the MU zone), and modifies the specific location and orientation of several of the apartment buildings within the subareas of Area C that were previously approved for apartments. Conditions of approval ensure that the apartment buildings' design will comply with all design standards, including human scale. Human scaled buildings are more compatible with residential uses than monumental scale buildings. There are no existing residential uses to the east. The multi-family area will be buffered by landscaping, street trees and road. To the south there is a church and a single family home immediately to the east of the church, which is also within Area C. The apartment buildings, landscaping, street trees, and the width of the new road will all act to provide a buffer between these uses and the LFS. The senior living facility and other commercial buildings to the west will provide a visual buffer between many of the residences along Chemawa Road and the larger format store and multi-family units. The landscape areas will include water quality detention areas as a strategy for low impact development to reduce the impact of storm drainage

on city systems while at the same time will create natural settings. The previous approval determined that these uses were compatible with adjacent residential uses and Project is both consistent with those approvals and establishes an appropriate transition from this mixed use area to the nearby single family area. Therefore, Area C2, including the proposed changes, are consistent with this provision.

Area C3

The changes to this sub-area include eliminating the medical center and replacing it with a senior living facility, and also changes to the specific location and design of the apartment buildings in this sub-area. The changes to the apartment buildings are similar to those that will be constructed in area C2. While the overall location of the apartment buildings is in the same area that was approved previously for apartments, the specific location and orientation of some apartment buildings have changed. Additionally, the apartment building height has increased from two stories to three, but remain lower than the 50 foot maximum height in the MU zone. The height of the apartment buildings is mitigated by their distance from the west property line. Only one building is located 20 feet from this property line and it is the one in the southwest corner, which has no residential uses immediately to the south. The next closest building is almost 90 feet from the west property line. The MU zone requires that apartment buildings have a minimum 10 foot front yard; 10 foot side yard setback; and a 20 foot rear yard building in setback for two or more story buildings. The buildings exceed these minimum setback requirements. The site plan shows that part of the parking for these apartments will be situated between the apartment buildings and this west property line. The landscaping plan shows there will be 13 trees planted between the buildings and the west property line that will screen the buildings. The building design is shown featuring compliance with the previous condition governing design, and conditions of approval require compliance with building design standards. The buildings feature variation in materials, colors and have a significant amount of building off-sets so that there are no large blank building facades. The buildings have roof lines that are residential in design and character, which helps the buildings be compatible with adjacent residential areas. While this sub-area has residential uses that are either adjacent or nearby, the previous approval determined that this area can be developed in a manner that will be compatible with nearby residential uses. That conclusion is not altered by the revisions to subarea C3. The landscaping plan shows there will be street trees and other non-street trees planted both along the streets and also along the exterior property lines so that the result

will be a landscaped buffer between the nearby residential uses and the multi-family units.

The senior living facility is proposed to be a four story building; however it is designed such that its roof line has varying heights, with a two story portion of the building closest to the intersection of Chemawa Road / McLeod Lane. It has single story section on the side that is closest to the residences that are immediately to the west. This portion of the building is only one story and is approximately 40 feet from the west property line adjacent to residential uses. The tallest (4 stories) portion of the building is situated as far as possible from this common property line and also from Chemawa Road. The senior living facility makes use of a building design that incorporates changes of building materials (masonry, cementitious lap siding), colors (brown and beige tones) and textures that include both vertical and horizontal features. The building features a significant amount of building off-sets and various lines to the building design. It does not incorporate any large blank building facades nor is it a conventional "box" building. The effect of all of these features and mitigation measures is the building is sensitive to the visual impacts to both the street and to the neighbors to the southwest.

The building is shown setback almost 64 feet from the property line along Chemawa Road, 53 feet from McLeod Lane, and 40 feet to the properties to the southwest which will exceed the minimum setback requirements. The landscaping plan indicates there will be street trees planted along the frontage of both Chemawa Road and McLeod Lane. There is a significant amount of landscaping planted adjacent to the building, in the parking lot, along the parking areas, and also along the property line with homes to the southwest that will all further buffer the building. As noted above, the 2013 Master Plan was appealed to LUBA, but a settlement agreement was negotiated, the terms of which were imposed as conditions of approval. One of the settlement conditions of approval related to increased landscaping. That condition has been carried forward to the 2015 Master Plan as a condition of approval. Council finds that at least 23 of the required evergreen trees will be planted, 17 of which will be along and in the side-yard of the senior living community adjacent to Chemawa Road, in compliance with this condition. Council finds that Mr. Hohnbaum's testimony related to landscaping and the settlement agreement was based upon an earlier version of the Project. The final proposed Project, which is approved and conditioned, meets or exceeds the landscaping conditions and related settlement agreement.

Finally, the senior living facility that replaces the previously approved medical clinic generates fewer vehicular trips than the medical office, so the Project has less of an impact on the nearby neighborhood.

The Project maintains the Keizer Station Plan's (KSP) objective of compatibility with the existing residential development in the area by including a buffering between the proposed uses, through the use of generous landscaping, street connections that avoid intrusions and cut through traffic into existing residential development, and pedestrian scale amenities such as the plaza, gathering areas, and pathways. Various provisions in the KDC, which the Project meets or exceeds, ensure compatibility existing residential development by requiring mitigation measures such as screening and buffering requirements, building height restrictions, building setbacks and landscaping requirements. The standards, and the Project's compliance with them, ensure a harmonious coexistence of the differing uses in the individual zoning districts and maintain neighborhood compatibility that is both effective to the extent practicable and at the same time allowing the differing zones to develop in their stated objectives.

The Project complies with the required zoning compatibility, and exceeds compatibility standards by providing additional architectural modulation (stepping the building height back from boundaries, providing additional landscaping, providing increased tree planting and sizing, increased residential character design elements, and muted coloring). The City Council finds that these additional measures create neighborhood compatibility on the dissimilar uses allowed in the Mixed Use zone which is anticipated in the KDC. For these reasons, Council finds that the Project is consistent with the purpose of the Keizer Station Master Plan, with this criterion and the KDC.

Mix of uses that support transit development

The 2015 Master Plan's compatibility with existing residential development is addressed elsewhere in these findings, which are incorporated herein. Consistent with the 2011 and 2013 Master Plan approvals, the 2015 Master Plan continues to offer a mix of uses that supply crucial critical mass of transit ridership to support the significant transit improvements in nearby Area B. Further, the Project provides a variety of uses, both residential and commercial businesses including senior living facility, retail, restaurants, and offices and provides a walkable destination that does not currently exist for many of these services in this area. Development of the 2015 Master Plan will provide convenient pedestrian, bicycle and vehicle access to Area C from the nearby residential area. In addition, a condition of approval requires the

Project to work with the Salem Area Mass Transit District to provide an additional transit amenity, such as a sheltered bus stop will further enhance the opportunities for residents and visitors to support the transit system. Council finds it noteworthy that Cherriots/Salem Area Mass Transit District submitted a letter of support for the Project, and highlights the increased transit service that is expected to be routed adjacent to the Project. This convenience and additional transit amenity will allow for increased opportunities to walk or bicycle from the surrounding neighborhoods to Area C supporting interconnection, needed services and improving livability for the existing residential areas and so meets with this objective.

Preserving opportunities to support a future Commuter Rail Transit Station
The street improvements required by the 2011 and 2013 Master Plans, as well as the 2015 Master Plan, improves the street systems between Area C and Area B such that access to and from the transit facility is improved. The proposed mix of uses supports transit development in not only the proposed Master Planned portion of Area C as well as nearby areas, it especially supports the significant transit development approved and contemplated in Area B by providing significant mixed use ridership. The 2015 Master Plan preserves all opportunities to support a future Commuter Rail Transit Station planned for Area B adjacent to the transit station, and so meets this objective.

For all of these reasons, Council finds that the 2015 Master Plan meets this criterion.

B. <u>The master plan shall meet the following standards (design, transportation, utility, parking, landscaping) as identified in the Keizer Station Plan in addition to standards within applicable zones. If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied.</u> KDC 3.113.04(B).

Following Master Plan approval, as described earlier, subsequent development within Area C, shall satisfy the development standards of the underlying zone, along with the following standards:

1. Ground floor windows in the CM, CR, and MU zones, all street-facing elevations containing permitted uses as listed under Sections 2.110.02(F), (G), (H), (I), (J), and (K) shall have no less than 50 percent of the ground floor wall area with windows, display areas or doorway openings. KDC 2.315.08(B)(1)(a).

FINDINGS: The intent of this requirement is to avoid new developments from having stark building facades lacking architectural or aesthetic features. Buildings that are proposed within the master plan area that will be subject to this requirement include all buildings that will be used for the general categories of Construction Offices, Commercial Printing, Transportation, Communication and Utilities, Retail, and Business, Professional and Social Services, and Public Administration in Section 2.110. Therefore, all of the buildings in the Project, *except* for the apartments, are subject to this criterion.

The 2015 Master Plan does not alter the building design for any of the previously approved buildings, except for the modifications to the apartment buildings (explained elsewhere in these findings) and replacement of the medical office building with the senior living facility. Because the apartments and senior living facility are expected to be developed first, the Applicants provided detailed elevations of those buildings. Accordingly, as detailed in these findings, Council is able to make findings of compliance with some of the development standards. The balance of Area C, which has not changed from the 2013 Master Plan, is subject to conditions of approval that require compliance with these development standards.

The senior living facility has building facades that face towards both Chemawa Road and also along the extension of McLeod Lane. More than 50% of the building's ground floor wall area facing McLeod Lane is windows or doorways, and approximately 50% of the ground floor facing Chemawa Road is windows or doorways. Overall, the building has more than 50 percent of these two facades in windows or doorways in compliance with this provision.

The 2013 Master Plan determined that the LFS met this provision with the approval of an Alternative Design Solution in that additional windows or the use of faux windows could be used to meet this provision and will be continued to meet with this requirement. The design of the LFS has not changed with the 2015 Master Plan, so the findings is still applicable. The 2015 Master Plan includes a condition that assurance that compliance with this standard will be confirmed during permit review when building plans are submitted as part of the city's design review process.

2. Building facades. In the CM, CR, and MU zones, facades that face a public street shall extend no more than 30 feet without providing a variation in building materials, a building off-set of at least 2 feet, or a wall area this is entirely separated from other wall areas by a projection, such as a porch or a roof over a porch. No building facade shall extend for more than 300 feet

without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served. KDC 3.105.08(B)(2)(a).

FINDINGS: The intent of this provision is to require variations in materials and building design as a means to avoid having block shaped buildings that lack any sense of architectural variation. The architectural design of the buildings of Area C is consistent with this provision because the buildings provide a variation in materials and textures, and appropriate pedestrian connections are provided.

The senior living facility has numerous jogs and off-sets to the building on the facades that face McLeod Lane and Chemawa Road. There is a significant amount of building articulation in the building design, including that the building angles at an approximate 45 degree angle and a building bump out of almost 40 feet along the McLeod Lane facade. All other building off sets along this façade range from 2 to 5 feet in depth. The main entrance is visible from this street and has a covered drop off area. The façade that faces Chemawa Road also includes a significant amount of building articulation in the building design that includes the building not having a façade that is linear plane along the street. Rather, the building has several articulated facades that can be viewed from the street. On the east façade, the jogs and off-sets range from 2 to 5 feet in depth such that there is one every thirty feet or less. The senior living facility also makes use of changes in building materials. The building uses a combination of vertical board and batten and horizontal lap siding, both of which will be a cement siding material. Masonry ledge stone is also provided on various portions along the building facades. The building includes connections to the sidewalk system along each street. Based upon these factors, the overall effect of the variation of building materials and the various changes in the building's plane along the streets, Council find that the senior living facility complies with this section of the Code.

The level of detail submitted for the elevations of the apartment buildings in areas C2 and C3 also allow the Council to make findings of compliance with this section of the Code. The apartment buildings have numerous jogs and off-sets to the buildings on the facades that face McLeod Lane and Chemawa Road, and also along the other facades. The apartment buildings are generally about 100 to 120 feet in length and each has numerous jog and off-sets such that there is one every thirty feet or less. In addition, the buildings incorporate a variety of building materials such as horizontal and vertical siding, masonry stone features, and vertical architectural shingles. The buildings include connections to the sidewalk system, amenities such as recreational areas or open space within each

apartment complex, and also to the adjacent parking areas, and so meet with this section of code.

The 2013 Master Plan included a condition that the other uses (retail, office, and restaurants) all comply with this provision, and that condition has been carried forward with the 2015 Master Plan approval. Additionally, other than the modifications to the apartments and replacement of the medical office building with the senior living facility, no changes to the facades of the other buildings have changed. Accordingly, the findings in the 2013 Master Plan continue to apply to the 2015 Master Plan, and are incorporated herein. For example, the 2013 Master Plan noted that the proposed retail, shops, offices all will meet with this provision. Briefly, the design for Retail 1 will conform with this requirement by having windows, vertical features, changes of material and building offsets that will meet this provision. The mixed use building has variation along the facades that face the streets that utilize changes in building materials and colors and off-sets to develop a unique design. Office 5 and 6 each showed multiple changes of textures along the facades of the buildings and include stucco, siding, cultured stone, CMU blocks and contain variation in the plane of the façade so both meet this provision. Shops 7 and 8 were shown making use of cultured stone, split faced CMU and stucco and the primary building materials on the facades facing the streets and contains off-sets and so will comply with this provision. The larger format store includes variations in building materials, building offsets and colors in the overall design of the building to break up the overall mass and reduce the scale of the building. Materials on the building include split face concrete masonry units (CMU) and exterior insulated finish system (EIFS) painted with an earth-tone palette and accented with integral color split-face CMU archways and columns, regional stone material at the building's entry and below the windows and window facsimiles, awnings, translucent panels and metal supports that create the covered walkway and ornamental fencing. The front façade includes pedestrian connections to the building. No portion of the front façade will extend more than 30 feet without a variation in material or building offset of at least 2 feet. The proposed LFS was shown to meet these standards. Compliance for all buildings will be confirmed during permit review when building plans are submitted as part of the city's design review process. With this as a condition of approval will assure compliance with this requirement.

3. Awnings. Awnings or canopies, shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, acrylic fabric, laminated vinyl, metal or similar

standard material. Awnings and canopies of corrugated fiberglass or polycarbonate roofing shall be prohibited. Awnings and canopies shall not be back lit. KDC 2.315.08(B)(3).

FINDINGS: Given the fact that inclement weather is an often occurrence in the western part of Oregon it is important that awnings are provided not only for aesthetics purposes but also to protect pedestrians and enhance the shopping experience. Awnings and/or canopies provided along building storefronts that abut sidewalks. The senior living facility complies with this provision because includes a portico over the main building entrance and several of the secondary access doorways on other building facades include an awning or canopy over these doorways. The apartment buildings also comply with this provision because they include an awning or canopy over each of the building main entrances. The balance of the buildings in Area C have not changed, so the 2013 Master Plan's findings that each of the buildings in the remaining part of Area C would include metal awnings and metal canopies over doorways and or over window areas and so would meet with this provision has not changed. Compliance will be confirmed during permit review when building plans are submitted staff checks to assure plans are consistent with this approved master plan. With this placed as a condition of approval will assure compliance with this requirement is satisfied.

4. Materials and Texture.
   A. Building Materials.
      a. All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding. Metal siding as described in this section shall be allowed.
      b. Metal siding other than corrugated or reflective material are allowed except for residential buildings housing 3 or more dwellings and buildings within the EG zone metal siding is allowed with the exception of corrugated or reflective metal.
      c. Plain concrete block, plain concrete, plywood and sheet press board may not be used as exterior finish materials. KDC 2.315.08(B)(4).

FINDINGS: The intent of this provision is to require a greater attention to the architectural materials that are used so as to result in a development that is not only done consistent with this provision but one that also results in a higher quality finished product. The apartment buildings and senior living facility comply with this provision because they include a variety of materials such as hardi-plank siding, cultured stone and other materials

that are typical for this type of development. The materials selected for these buildings comply with this provision. The previous master plan showed that all of the buildings would make use of materials that include synthetic stucco on vertical features, split face CMU, horizontal siding above the windows, and cultured stone. No press board or plain concrete material is proposed. Compliance will be confirmed during permit review when building plans are submitted for review by the city. With this placed as condition of approval will assure compliance with this requirement.

B. Trim Material. Building trim shall be wood, brick, stone, stucco, vinyl siding material made to look like wood, or metal.

FINDINGS: The apartment buildings and senior living facility building trim will make use of primarily materials from this list. The senior living facility includes a 2 x 12" floor band and accent trim that will be painted "Black Fox". The apartment buildings include 1 x 3 or 1 x 4 cedar trim boards. Compliance for these buildings and the balance of Area C will be confirmed during permit review by the city when building plans are submitted for review. With this as condition will assure compliance with this requirement.

C. Roofing Material. Any roofing material is allowed including metal roofs.

FINDINGS: Both the apartment buildings and the senior living facility will use composition shingles which is an allowable roofing material. As part of the previous master plan the other buildings will use metal as a roofing material. Compliance will be confirmed during permit review when final building plans are submitted for review. With this as condition will assure compliance with this requirement.

D. Foundation Material. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet.

FINDINGS: The intent of this provision is to avoid having plain concrete be a predominate feature used as a foundation material. No building will use plain concrete where the foundation is revealed for more than 3 feet. Compliance will be confirmed during permit review when building plans are submitted for reviewed. With this as condition will assure compliance with this requirement.

21. Transportation system standards. The master plan shall meet the following standards as identified in the Keizer Station Plan in addition to standards within applicable zones. If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied. KDC 3.113.04(B)(2).

FINDINGS: The transportation operation findings are incorporated herein by reference.

A. General Requirements. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. KDC 2.302.03(A).

FINDINGS: The intent of this provision is to ensure that new development can identify and mitigate for any adverse impacts which they might cause to the transportation system as a result of the new development. The proposed development of Area C makes use of the existing city's street system that is located along the frontage of the site. It will also include the development of a new street. The Traffic Impact Analysis (TIA) done by DKS (dated January 2015) analyzed and addressed the impacts on the transportation system as a result of the development of Area C. This analysis looked at the background traffic patterns and the proposed and potential types of developments that are likely to occur within Area C and analyzed for the projected 2020 traffic flows. The result of this study was to determine that some additional improvements to the existing street system will be needed, as detailed in the traffic operations findings above. The city public works staff review of the proposal indicates the development will generate in excess of 250 vehicles trips per day. A Traffic Impact Analysis (TIA) for the subject property has been prepared by DKS dated January 2015 to provide information regarding the anticipated increase in overall traffic in the area and methods to mitigate for the anticipated increases. The analysis has been reviewed by the City's Traffic Engineering Consultant and accepted by the Public Works Department. The TIA has identified improvements to the transportation system to mitigate the impacts created by the proposed development. Litigation improvements are set forth elsewhere in this Order.

B. Continuation of Streets. Development proposals, including subdivisions and partitions, shall provide for the continuation of, and connection to, streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future

division of adjoining land, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. A temporary turnaround shall be constructed for stub streets in excess of 150 feet in length. KDC 2.302.03(B).

FINDINGS: The intent of this provision is to require the continuation of streets to provide connections to other streets, avoid dead-ends and to allow for safe and efficient traffic circulation. The Project includes the continuation of McLeod Lane. This street continuation will allow for a connection from Chemawa Road to Ridge Drive located to the east. This continuation will allow for the development of Area C in a manner that will result in an efficient street system in this immediate area. No turn-around will be needed as it will make a direct connection into Ridge Drive. Therefore, this section is satisfied.

C. Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the existing centerlines. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet. KDC 2.302.03(C).

FINDINGS: The intent of this provision is to require that new street intersections be designed to meet the city's street standards and avoid creating dangerous intersections. The Project affects the alignment of the existing street system, including the alteration of the Chemawa Road / McLeod Lane intersection. Specifically, the eastbound through lane of McLeod Lane west of Chemawa Road will be aligned with the eastbound lane of McLeod Lane east of Chemawa Road, as required by a condition of approval.

D. Future extension of streets. When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, streets, bicycle paths and/or pedestrian accessway facilities shall be platted and built to a boundary of the subdivision. The street may be platted without a turnaround unless the Public Works Department finds a turnaround is necessary for reasons of traffic safety. Any street extension exceeding 150 feet in length shall be provided with an approved turnaround as set forth in Section 902.2.2.4 "Dead Ends" of the Uniform Fire Code, 1994 edition. KDC 2.302.03(D).

FINDINGS: The intent of this provision is to require that streets extend across the site to allow for the opportunity for future extension of a street. The Project

does not require a future street extension onto an adjacent property. Land to the east is planned to be developed with Area D, however the railroad tracks make a natural boundary between the two areas and an extension into Area D is not warranted. Land to the south is developed with a church and further to the south is the city's little league baseball fields, and a street extension through the ball fields is not warranted. No new extension to the north is to be allowed given the location of Lockhaven Drive. While the lands to the west are developed with single family homes there is a larger 2 acre parcel adjacent to the area proposed to be developed with the apartment buildings. The owner of the parcel has requested that the city consider a connection to allow the rear portion of this parcel to be developed. While the previous land use approval had referred to this connection as an "access street stub" Council finds that it was not the intent to require that a public street be extended since such an extension would not be practical or desirable because it would not connect with any other street or properties. This connection will be an access easement and not a public street, so therefore this section is not applicable.

E. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require special intersection designs. Streets shall have at least 50 feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections that are not at right angles shall have minimum corner radii of 15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet.) KDC 2.302.03(E).

FINDINGS: The Project includes an alteration of the intersection at McLeod Lane and Chemawa Road so that the intersection will be at a right angle. Public improvements plans will be required to be submitted to Public Works for their review and approval to ensure compliance with this requirement.

F. Existing Streets. Whenever existing public streets adjacent to or within a tract are of a width less than the street design standards, additional right-of-way shall be provided at the time of subdivision, partitioning, or development. KDC 2.302.03(F).

FINDINGS: Evidence in the record indicates that McLeod Lane has a right of way width of approximately 70 feet to 40 feet at the intersection with Chemawa Road and that the Applicants have proposed additional right way dedication along the frontage of the site with this street. Lockhaven Drive has a right of way width of that ranges from 150 feet to 100 plus feet along the western side of the frontage near the intersection of McLeod Lane and Lockhaven Drive. Chemawa Road has a right of way width of 54 feet southwest of the intersection of McLeod Lane and

Chemawa Road to 40 feet northeast of this intersection. Additional right way is required to be dedicated along the frontage owned or controlled by the Applicants. With the requirement for additional right of way dedication along McLeod Lane, Chemawa Road, and the extension of McLeod Lane will assure that all streets along the property frontage will meet current city standards and so will satisfy this provision. St. Criox and Ridge Drive (the portion north of the intersection with McLeod Lane) will each need to be vacated as the opportunity becomes available as part of the eventual development of Area C.

G. Half-Streets. Half-streets may be approved where essential to the reasonable development of an area and when the City finds it to be practical to require the dedication of the other half when the adjoining property is developed. When a ¾ width street can reasonably be developed, as determined the Department of Public Works, a half street will be constructed with an additional 10 feet of pavement on the opposite side of the street from full improvement. KDC 2.302.03(G).

FINDINGS: No half streets are proposed so this provision is not applicable.

H. Cul-de-sacs. The maximum length shall be 800 feet. KDC 2.302.03(H).

FINDINGS: No cul-de-sac streets are proposed so this provision is not applicable.

I. Street Names. Street names and numbers shall conform to the established standards and procedures in the City. KDC 2.302.03(I).

FINDINGS: The extension of McLeod Lane east of Chemawa Road will continue to be named McLeod Lane so this section will be met.

J. Grades and Curves. Grades shall not exceed 7 percent on arterials, 10 percent on collector streets or 15 percent on any other street. Street grades of 15 percent shall not exceed 200 feet in length. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves. KDC 2.302.03(J).

FINDINGS: Lockhaven Drive, Chemawa Road and McLeod Lane are each arterial streets with grades and curves that conform to city standards. While the detailed construction drawings for the McLeod Lane extension have not been developed, compliance with this standard is feasible and it will be a requirement that this new street is designed and constructed to meet these standards. With this placed as a condition of approval this provision is satisfied.

K. Frontage Streets. If a development abuts or contains an existing or proposed arterial or collector street, the City may allow frontage streets, or may require reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to preserve the capacity and safety of the collector or arterial street. KDC 2.302.03(K).

FINDINGS: No frontage streets are proposed, so this section is not applicable.

L. Alleys. Alleys shall be provided in commercial and industrial zones unless other permanent provisions for access to off-street parking and loading facilities are provided. The corners of alley intersections shall have radii of not less than 10 feet. KDC 2.302.03(L).

FINDINGS: No alleys are proposed. The Site provides adequate access to off-street parking and loading facilities so this section will not be applicable.

M. Street Landscaping. Where required as part of the right-of-way design, planting strips shall conform with the following standards:

1. Street trees shall be planted at a ratio of no less than one tree per 30 feet of property frontage. Street trees shall conform with the list of acceptable trees included in the City's Street Tree Ordinance. Installation of street trees shall be included in any improvement agreement covering the installation of public facilities and services on a property.
2. Planting strips shall be planted and maintained in predominantly living groundcover materials with hard surfaces consisting of bricks, pavers, rocks, decorative concrete work, etc., only being included as part of an overall landscape design where living plant material is predominant. In no case shall asphalt be used within the planting strip.

KDC 2.302.03(M).

FINDINGS: The intent of this provision is to outline the specifications for planting of landscaping along streets. The landscaping plan demonstrates that street trees will be planted with appropriate spacing consistent with the requirement listed above. Street trees have already been planted along the south side of Lockhaven Drive along the frontage of the site. New trees will be required to be a minimum caliper of 2 inches and be planted along the frontage of the site

with McLeod Lane, both the existing portion and the extension, and also along the frontage with Chemawa Road. This is consistent with the trees which were planted in Area A and also with the city's Development Code. The vision of the Keizer Station master plan is that there be an abundance of trees so as to provide both shade during the summer months but to also provide a natural aesthetic sense to the shopping experience. Therefore, as conditioned, the Project meets this provision.

22. The master plan shall meet the following standards as identified in the Keizer Station Plan in addition to standards within applicable zones. If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied. (Utility Standards). KDC 3.113.04(B)(3).

A. Impact. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. KDC 2.307.02(A).

FINDINGS: The purpose of this provision is to avoid having runoff into any nearby streams or soil disturbances onto any adjacent property that might result as part of the construction of the new development. It is a development requirement that the development of any portion of Area C that all utility lines and facilities be designed and installed with the minimum feasible disturbance to soil and site. This will be verified by Public Works staff to assure compliance with this provision.

B. Water. All development that has a need for water service shall install water facilities and grant necessary easements pursuant to the requirements of the City. KDC 2.307.02(B).

FINDINGS: The intent of this provision is to ensure that adequate potable water serve is provided consistent with city standards to new developments to avoid having unsafe water delivery systems being installed. The evidence in the record demonstrates that it is feasible for the Project to comply with this standard. A Master Water System Plan needs to be developed for all of Area C showing proposed routes of public water mains, fire hydrants and individual services acceptable to the department of public works. The Master Water Plan shall conform to the adopted City of Keizer Water Master Plan Update, December, 2012. Prior to submittal of final construction plans the developer's engineer shall arrange for a pre-design conference to discuss water main sizing, meter sizing and locations, fire hydrant locations, fire sprinkler line locations and easement

width for all public lines located outside of proposed right of ways. Final location of all meters and fire hydrants shall be approved by the Keizer Public Works Department. Appropriate easements for all public water mains and fire hydrants will be required 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.

Final development plans shall be reviewed by the Keizer Fire District and the city of Keizer Public Works Department with regard to access and adequate location of fire hydrants prior to any issuance of public works construction permits by the City of Keizer. It will be the responsibility of the developer of each individual site to identify and abandon all existing wells prior to site grading in accordance with the rules of the Oregon State Water Resources Department unless the City has determined that water rights are available in some cases that could be transferred to municipal use by the city. The Developer shall submit to the Public Works Department a summary of the findings of existing wells.

A 7 ½ % payback agreement for the subject property is in place for reimbursement for costs associated with the elevated water tank constructed to serve the area. The Area C share of the costs is approximately $135,000.00. Payments shall be made when public improvement construction permits are issued or building permits are issued whichever occurs first. Reimbursement costs will be calculated on a square foot basis which will result in the total required payment. An improvement agreement or other acceptable form of guarantee for all required water system construction shall be in place prior to construction permits being issued or Lot Line Adjustment (Record of Survey) approval. Therefore, as conditioned, the Project meets this provision.

C. Private Utilities. All development that has a need for electricity, gas and communications services shall install them pursuant 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. KDC 2.307.02(C).

FINDINGS: Notwithstanding comments from PGE it is a development requirement that the electricity, gas, and communications services shall be installed pursuant to the requirements of the appropriate district or company serving the development. In addition, all of these facilities are required to be located underground, and so will comply with this provision. .

D. Sanitary Sewers. All development that has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the city. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities. KDC 2.307.02(D).

FINDINGS: The intent of this provision is require that new development construct and connect to an approved sanitary sewer system so as to avoid having to use on-site septic system that might otherwise fail and contaminate groundwater supplies. The Site is located within an area of Keizer that requires additional sanitary sewer capacity to be able to complete the Sanitary Sewer Master Plan. The Master Plan provides for an acreage fee to be assessed as the property develops to provide for the required sewer trunk lines. The record includes a Master Sewer Plan for the Project, and it indicates that all proposed development in Area C will be connected to the existing or relocated public sanitary lines in order to provide service to the area. Therefore, Council finds that is feasible for the Project to comply with this standard. A condition of approval requires the submission of a Master Plan which shall indicate how phasing of the abandonment of existing sanitary sewer lines will coincide with the proposed new construction of sanitary sewer lines.

City of Salem approval for local sewers is required. Permits from the City of Salem shall be issued prior to construction. A condition requires that, prior to submitting plans to the City of Salem for approval, plans must be submitted to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area. Connecting to existing sewers or new laterals that serve the general area will be the responsibility of the property owner at the time of development of the property and prior to the issuance of building permits. Appropriate easements will be required for any public or private sewer lines located within the subject property if located outside platted right of ways.

It will be the responsibility of the applicant's engineer to locate any existing wells (including those on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. Any conflicts between existing wells and proposed sanitary sewers shall be addressed by the developer prior to issuance of public works construction permits and prior to filing a Record of Survey. Easements for any existing sanitary sewer lines remaining in use located on the subject property will be required to be recorded in favor of the City of Keizer prior to issuance of any public improvement construction permits. An improvement agreement or other acceptable form of guarantee for all required construction shall be in place prior to construction permits being issued for public

sanitary sewer construction or Lot Line Adjustment (Record of Survey) approval. Therefore, as conditioned, the Project meets this provision.

E. Street Lights. When required, installation of street lights shall be pursuant to the requirements of the city and the company serving the development. KDC 2.307.02(E).

FINDINGS: The intent of this provision is to ensure that there is adequate lighting along the streets serving the new development. Currently, there are street lights along each of the three streets (Lockhaven Drive, McLeod Lane, and Chemawa Road) that front along Area C. If it is determined that additional street lights, in addition to the street lights that will be required along the McLeod Lane extension, are needed they will be located pursuant to city specifications so as to comply with this provision.

F. Easements. Easements shall be provided along property lines as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions, and on the final plat of all partitions. KDC 2.307.02(F).

FINDINGS: The intent of this requirement is that all utilities be placed in locations that are determined to be necessary so as to serve the site and avoid having utilities placed in a haphazard manner and not within defined easements. All easements shall be located in the appropriate locations based on actual approved plans. The 2015 Master Plan includes both sanitary sewer and water lines that will extend across portions of the Site to serve developments both within and adjacent to the development which will require that these facilities be located within an easement. No development may occur within an identified easement area. As there may be no final plat, all specific easement widths and locations shall be described in a manner acceptable to the city and recorded.

G. General Standards All development shall be planned, designed, constructed and maintained to:

1. Protect and preserve existing natural drainage channels to the maximum practicable extent;
2. Protect development from flood hazards;
3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;

4. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeding, phasing of grading;
5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
6. Provide dry wells, french drains, or similar methods, as necessary to supplement storm drainage systems;
7. Avoid placement of surface detention or retention facilities in road rights-of-way.

KDC 2.307.05.

FINDINGS: A Storm Drainage Master Plan is required for the development that includes all of Area C. Approval by the City of such Master Plan is required prior to issuance of any construction permits. The Master Plan shall include engineering calculations that provide for acceptable on-site disposal of the anticipated increase in storm water runoff. All parties recognize that basin lines will not match sub-area boundary lines. The existing storm drain system in Lockhaven Drive is determined to be a critical basin. The portions of Area C that will drain to this basin shall be analyzed as described below and developed by the applicant such that there is no increase in runoff beyond the baseline pre-developed condition for storm events up to and including the design frequency storm event in Keizer's critical basin standards (the 100 year event requirement).

The City shall conduct or contract to conduct a downstream study of the City's existing drainage capacity for both the Tecumseh/Allendale Drainage Basin and Lockhaven Drive Drainage Basin in an effort to minimize the drainage routed to these basins from Area C. Applicants shall pay one hundred percent (100%) of the reasonable costs of such study prior to the issuance of any public construction permits. Recommendations from such study together with requirements of the City's design standards shall be incorporated into the storm drainage master plan for the area.

A Preliminary Drainage Analysis for Keizer Station Area C dated October 17, 2014 and most recently revised November 4th, 2014 has been submitted by the Applicants' engineer and has been reviewed by the City Engineer. Modifications to the analysis will be necessary after results of the downstream study are available.

Low Impact Development Design as specified in the City of Keizer Department of Public Works Design Standards, Section 4.18, will be required for all of Area

C. In lieu of storm water quality manholes, the Public Works Department will require natural water quality treatment facilities. All storm water including roof drains are to be connected to an approved system designed to provide adequate drainage for all proposed impervious surfaces. Where on-site detention is planned, adequate Covenant, Conditions and Restrictions (CCR) shall be recorded to alert future owners/developers that detention, infiltration and/or treatment shall be required to be constructed to the standards in effect at the time of building permit application.

The Storm Drainage Master Plan shall include sufficient elevation information to allow evaluation of the appropriate grading that will accommodate vehicle and pedestrian access to the property immediately adjacent to the west of the multi-family residential area of the proposal. The applicant shall demonstrate to the City how any fill can be accomplished without negative impacts to the adjacent properties. A phasing plan shall be submitted to indicate how the storm water management plan will be developed to provide service to each area if the development is proposed to be constructed in phases. The developer shall submit to the Public Works Department a master plan for erosion control for areas permitted prior to any site construction. The plan shall be approved by the Public Works Department. Prior to any development, including site grading, the applicant shall obtain an NPDES permit from the Oregon Department of Environmental Quality and submit a copy of the approved plan to the City of Keizer Public Works Department.

Easements for any existing or proposed storm drain lines within the subject property will be required if not located within public right of ways. An improvement agreement or other acceptable form of guarantee for all required storm drainage construction shall be in place prior to construction permits being issued. Council finds that the Preliminary Drainage Analysis, required downstream study, low impact development design standards demonstrate that compliance with this standard is feasible, and the conditions of approval will assure compliance with this provision.

23. The master plan shall meet the following standards as identified in the Keizer Station Plan in addition to standards within applicable zones. If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied. (Parking Standards) KDC 3.113.04(B)(4).

A. Joint Use. Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to

Administrator approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties. KDC 2.303.05.

FINDINGS: The intent of this provision is to recognize the integrated nature of the proposed development and that a certain amount of shared parking will be appropriate to serve the various uses. This criterion is permissive; it does not impose any mandatory requirement that joint use parking must be utilized. Where feasible in Area C, the parking areas will be shared between the adjoining uses. The total amount of parking spaces will support the individual uses within Area C. This type of parking use is consistent with Area A and for the recently approved master plan for Area B and will allow the joint use of parking areas and to avoid requiring the development to provide an excessive amount of parking. It is anticipated that the option of a master parking plan will be developed for Area C and that cross access easements will be required between those areas of the Area C Master Plan that show excess parking for the particular use. The master plan indicates that approximately 1,068 parking spaces can be located throughout the site to accommodate the proposed level of development associated with Area C as shown in the master plan. This is an appropriate amount that complies with this provision where any excess for a particular use is contemplated to be shared.

B. Off-Street Automobile Parking Requirements. Off-street parking shall be provided in the amount not less than:

- Retail store: 1 per 300 square feet
- Bank, offices, medical clinic: 1 per 300 square feet
- Eating and drinking establishment: 1 per 125 square feet
- Multi-family: 2 spaces per unit
- Assisted living facility: to be determined case by case

KDC 2.303.06.

FINDINGS: The intent of this provision is to ensure that new developments provide sufficient parking to serve their needs. The parking provided on the site plan was calculated using the standards above. With the exception of the apartment buildings (for which a reduction is approved) and senior living facility (for which there is no parking ratio in the Code), the record demonstrates all uses within Area C will comply with the required on-site parking ratios, and will not use any on-street parking along any of the adjacent public streets. In particular, no on-street parking is available to serve the Project. The Project will include between approximately 1,068 and 1,110 parking spaces provided throughout the whole Site.

Sub-area C1 which is comprised of retail and mixed use building, and is not modified by the 2015 Master Plan, requires 153 parking spaces and 167 spaces are provided.

Sub-area C2 is comprised of a number of different uses including smaller retail businesses, restaurant(s), a larger format store and apartment buildings. An 80,000 square foot large format store would require 267 parking spaces (1 parking space per 300 square feet) and the remaining 21,000 square of retail in the other buildings will require 70 parking space at the same ratio, and the 5,000 square feet restaurant will require 40 parking spaces at a ratio of 125 square feet for each parking space. In total, 377 parking spaces are required to serve the sub-area C2 uses, and 509 parking spaces are provided. Given the proximity of the common parking areas and the location of the commercial buildings it is logical to assume that some of the parking will be shared parking spaces. In that case, a copy of the easement or a shared parking agreement for this area will be required to be submitted to the City. Therefore, this will meet this requirement.

The multi-family units in Area C2 are shown with 182 parking spaces and the minimum required is 204 parking spaces (2 parking spaces per unit so 102 units requires 204 parking spaces). This sub-area is 22 parking spaces shy of this requirement. The multi-family area C3 is shown with 146 parking and the minimum required is 156 parking spaces (2 parking spaces per unit, so 78 units requires 156 parking spaces).The sub-area is 10 parking shy of this requirements. Together, the Applicants are proposing that the amount of parking for the apartment be 32 parking spaces less than the code might normally require in other areas, which in total is a less than 9% reduction. However, Sections 2.107.05.G.4, 2.303.06.B and 3.113.04.C.3 allows for a reduction in the minimum parking standards. No testimony or evidence was offered objecting to the reduction in parking for the apartments.

Council incorporates by reference the findings below, related to KDC 3.113.04(C)(3). Further, Council finds that the requested reduction in parking for the apartments is appropriate due to the availability of abutting transit service, nearby transit related amenities, and the transit-oriented and pedestrian friendly nature of the development. A condition of approval requires the Project to work with the Salem Area Mass Transit District to provide an additional transit amenity, such as a sheltered bus stop will further enhance the opportunities for residents and visitors to support the transit system. Council finds it noteworthy that Cherriots/Salem Area Mass Transit District submitted a letter of support for the Project, and highlights the increased transit service that is expected to be routed

adjacent to the Project. This convenience and additional transit amenity will allow for increased opportunities to walk or bicycle from the surrounding neighborhoods to the apartments (and other uses) in Area C. Accordingly, the requested reduction in minimum parking spaces is approved, and the 328 vehicular parking spaces are adequate to serve the apartments.

Sub-area C-3 is also shown developed with a senior living facility. The Code does not include a parking ratio for senior living facilities, so the City exercises its discretion in determining the appropriate amount of parking. As context, multifamily living requires 2 spaces per unit, and nursing homes are required to provide 1 space per 3 beds. The senior living facility is shown with 98 parking spaces to serve 150 units, which is a ratio of 0.65 spaces per unit. The Applicants submitted evidence to support this proposed level of parking. The Applicants offered testimony explaining the extensive parking research they have conducted through the development of over 40 senior living communities. In the Applicants' experience, only about 30% of independent residents keep a car, which translates into approximately 20 cars for this Project. 24 covered parking spaces are provided for independent living residents. In the Applicants' experience, no assisted living or memory care residents drive or keep a car on site.

The Applicants submitted a list of 24 senior living facilities that they own and operate detailing the number of rooms per facility, amount of overall parking, and the parking ratio per facility. The facilities range from 84 units to 224 units with an average parking space per unit that ranges from 0.38 to 1.01 with an overall average that is 0.62 parking spaces per unit (which coincidentally is also the median value). The applicant is proposing 98 parking spaces that will serve 150 units for an average parking space to unit ratio of 0.65%. They have indicated that from their experience that the peak times at a senior living facility are 11:00 am to 12:00 pm and 5:00 pm and the average number of spaces used is between 50 to 55 parking spaces. This takes into consideration that many of the residents cannot, or will not, drive vehicles and so will have no need for parking spaces.

Testimony was offered that the parking provided at the senior living facility may be insufficient during holidays, and there could be overflow parking, potentially into the neighborhood. The applicant conducted a survey of parking demand on Christmas Day 2014 for several of their facilities and found only a slight increase in parking demand. Typically, families pick residents up from the senior living facility and take them off site on holidays.

No evidence was submitted that contradicted the applicant's parking surveys or analysis. The only testimony that questioned the adequacy of the senior facility's parking was speculative.

City Council determines that based on information supplied to the city by the applicant that the proposal provides a reasonable amount of parking that will meet the needs of residents, employees, and visitors to the facility, and that this criterion is met.

C. Standards for Disabled Person Parking Spaces. Disabled Person Parking Spaces shall comply with the requirements of the Uniform Building Code and ODOT standards. KDC 2.303.07.

FINDINGS: The intent of this provision is to guarantee compliance with state and federal regulations governing disabled parking. ADA parking shall be provided in the final plan as required and will be a condition of building permit review that is verified as part of the building plans review and the final building inspection, and so will assure compliance with this provision.

D. Bicycle Parking Bicycle Parking shall be required in all public and semi-public, commercial and industrial development as well as park-and-ride lots. KDC 2.303.08.

FINDINGS: This provision specifies the amount of bicycle parking that is required based on different type of uses. The larger format store will be required to provide six bicycle parking spaces, to serve the patrons who may travel by bike to this business. All other retail, office, and restaurant uses will need to provide bicycle parking based on the table in KDC 2.303.08. The senior living facility will be required to provide two bicycle parking spaces based in part on previous land use approvals which determined that this is an appropriate minimum amount of bicycle parking. All apartment buildings are required to provide one bicycle parking space for each two residential units. This will mean the apartments in area C2 will need to provide 51 bicycle spaces and the apartment in Area C3 will need to provide 39 bicycle spaces. With this placed as a condition of building permit review to be verified as part of the final building inspection the proposal complies with this provision.

E. Carpool and Vanpool Parking. New office or industrial development with 100 or more parking spaces shall designate at least 5% of the parking spaces for carpool or vanpool parking. These designated spaces shall be the closest parking spaces to the building entrance normally used by employees, with the exception of

handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" along with specific hours of use. Any other use establishing car and vanpool spaces may reduce the minimum parking requirement by 3 spaces for each carpool/vanpool space created. KDC 2.303.09.

FINDINGS: There are no planned industrial uses for Area C. The retail, senior living, and apartment buildings are excluded from this section. The cluster of office buildings is anticipated to provide less than the 100 parking spaces threshold, so Council finds that this provision is not applicable.

F. Off-Street Loading Requirements. Commercial office buildings shall require a minimum loading space size of 12 feet wide, 20 feet long and 14 feet high in the following amounts: for buildings over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space. All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 30 feet long, and 14 feet high in the following amount: for buildings containing over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space. KDC 2.303.10.

FINDINGS: The intent of this requirement is to specify the loading dimension requirements so as to ensure that there are safe and adequate off-street loading facilities to serve the needs of each new business. The larger format store is shown with a loading area located at the back of the building. The loading area is shown to be able to accommodate 4 delivery trucks at one time, which complies with this provision. The senior living facility includes a loading area approximately 40 feet long and 18 feet wide on the west side of the building. The apartment buildings are not required to provide a separate off street loading area. Sufficient paved areas and designated loading areas will be required to be identified on building permit plans and verified as part of the final inspection to assure compliance with this provision.

G. Parking and Loading Area Development Requirements KDC 2.303.11.

1. Surfacing. All driveways, parking and loading areas shall have a durable, hard, dust free surface built to Department of Public Works standards. KDC 2.303.11(A).

FINDINGS: This is required to eliminate any unpaved parking areas from being used which might result in nuisance problems related to dust, drainage, and poor construction. The master plan indicates that the parking and loading

areas will be paved. Pavement shall be required as part of the building permit process and will need to be consistent with city requirements and so will satisfy this provision.

2. Parking Spaces
   Dimensions. Parking spaces shall be a minimum 9 feet wide and 18 feet in length.

   Compact Spaces. Compact parking spaces, at a reduced width of 8.5 feet, shall be permitted on sites with more than five (5) parking spaces. No more than 30% of the required parking shall be compact spaces and each space must be identified as a "Compact Space." KDC 2.303.11(B).

FINDINGS: The intent of this requirement is to specify the parking lot and space dimension requirements so as ensure that there are safe and adequate parking facilities to serve the public which will frequent the new businesses. The vast majority of the parking spaces in the Project will be standard parking spaces that measure 9 feet by 18 feet, with the remainder being considered as compact parking spaces. As noted above, the apartments are required to provide 328 total parking spaces, which is an approved reduction. The required apartment parking includes 35 total compact parking spaces (32 in Area C2 and 3 in Area C3), which is less than 11% of the required parking spaces, in compliance with this standard. Parking space number and dimensions will be verified at the time of building permit submittal and also at final occupancy to assure compliance with this provision.

3. Aisle. The following minimum aisle dimensions shall apply:

   Without adjacent parking:

   One-way: 12 feet
   Two-way: 22 feet

With adjacent parking:

PARKING ANGLE	DRIVEWAY WIDTH
0 to 40	12 feet
41 to 45	13 feet
46 to 55	15 feet
56 to 70	18 feet
71 to 90	24 feet

KDC 2.303.11(C).

FINDINGS: The intent of this requirement is to specify the parking lot and space dimension requirements so as ensure that there are safe and adequate parking facilities to serve the public and residents of the proposed development. All parking lot aisles in the Project are 24 feet wide, in compliance with this standard. Field verification will be required as part of the final inspection to ensure compliance.

4. Screening. When any public parking or loading area is within or abuts a residential zone along a side or rear lot line, the parking or loading area shall be separated from the lot line by a 20 foot landscaped yard, or shall be screened from the residential property with an ornamental fencing or wall of at least 4 feet in height. KDC 2.303.11(D).

FINDINGS: The intent of this provision is to minimize any impacts between parking and loading areas and adjacent residential uses. Residential zoning (which is developed with residential single family homes) abuts the Site to the west. While there are residential uses at the southwest corner of the McLeod Lane /Chemawa Road intersection, on the east side of McLeod Lane, and also along St Croix Ave, these parcels are in Area C and will be redeveloped with commercial developments pursuant to the 2015 Master Plan. Therefore, it is not necessary to provide screening from these residential uses that are approved for commercial redevelopment. There are no residential zones or uses located to the east, north, or south of Area C.

There is a residential zone adjacent to the senior living facility and also the apartments that in area C3. A row of parking that will serve the residents of the apartments is located within 20 feet of this property line as well as a portion of the parking lot for the senior living facility is also within 20 feet of

the this same RS zone. Therefore, consistent with this requirement, a condition of approval requires an ornamental fence or wall at least four feet in height that screens the parking area from the adjacent residential uses is required.

To the south of the larger format store there is a single family dwelling which is located approximately 250 feet from the larger format store. An apartment and a church are located approximately 160 feet to the south of the loading area of the LFS building. It is expected that from time to time there will be delivery trucks utilizing the loading area behind this building, but there are no customer parking lots in this area. This combination of landscaped buffer and sight obscuring fence satisfies this provision.

5. Lighting. All lighting shall be directed entirely onto the loading or parking area and away from any residential use. The lighting shall not cast a glare or reflection onto the public rights-of-way. KDC 2.303.11(E).

FINDINGS: The purpose of this provision is ensure that the site is adequately illuminated without the lighting becoming a nuisance to neighboring properties or a hazard to vehicles on the public streets. A condition requires that the exterior lighting be designed with light fixtures that have shields that will direct light away from residential uses, so this provision is satisfied.

6. Landscaping. A tree shall be planted for every eight lineal parking spaces not located adjacent to a building. The planting space shall measure no less than 4 feet square and be surrounded by concrete curbing. The plant shall be of a species that the root system will not interfere with underground utilities or the parking surface, and, is capable of achieving a 15 foot radius. The specific planting enclosure and appropriate tree selection will be provided by the City. KDC 2.303.11(F).

FINDINGS: The intent of this requirement is to create a parking area which has sufficient trees within it. The requirement of a tree per every 8 parking spaces results in a "greening" of the parking areas and increases the overall amount of landscaping within the proposed development. The record includes detailed landscaping plans for the multi-family areas and the senior living facility, which demonstrates compliance with this standard. Given the land area available in the balance of Area C and that the minimum parking standards are exceeded (meaning, some parking spaces could be converted to landscaped areas, if necessary), Council finds that it is feasible for the balance

of the Project to comply with this standard. The specific species of trees used within the parking lots will be approved during final approval and will be verified during on-site field inspection. As conditioned this requirement is met.

7. Traffic Flow. Service drives to off-street parking areas shall be designed and constructed to allow flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site. KDC 2.303.11(G).

FINDINGS: This provision is geared to the safety of pedestrian and vehicles entering and exiting Area C. The access to and from the parking lots will be controlled and designed to provide suitably spaced driveway intersections on Chemawa Road and McLeod Lane. No driveways are proposed along Lockhaven Drive. One full turn ingress / egress is proposed off McLeod Lane, two right-in, right-out drives are shown along Chemawa Road, and 5 driveways along the extension of McLeod Lane (4 serving the development of Area C and 1 serving the church to the south). The driveway locations have been reviewed by the City and the locations are acceptable. The design of the parking areas will comply with city standards for parking lot design and will provide for safe travel within the parking areas which will be constructed in Area C. This will include 24 foot wide travel aisles which will comply with minimum width requirements. This design will provide for safe and efficient traffic flow throughout the site and will meet the provisions of this section.

8. Entrance/Exits. Service drive exits shall have a minimum vision clearance area of 15 feet from the intersection of the street and driveway. KDC 2.303.11(H).

FINDINGS: The intent of this provision is to assure that new developments construct driveway intersections that are safe and that the vision clearance area is free of plants, signs or other objects that might otherwise interfere with a driver's line of sight. The full entrances and the right-in / right-out only entrances will provide access to the developments within Area C and all be required to be designed to have safe and adequate vision clearance areas. The plants which will be selected for planting in these areas will be required to not interfere with vision clearance at the intersection of the street and the access points. All signage will be required to be located outside this vision clearance area. This provision is not unique to the development of Area C but is a requirement of all new developments throughout the city. Compliance with

this provision is required by a condition of approval and will assure a safe development proposal.

9. Bumper Rails. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail to prevent a motor vehicle from extending over an adjacent property, a street, or a sidewalk. The bumper shall be at least 4" high and located a minimum of 3 feet from the property line. KDC 2.303.11(I).

FINDINGS: This is a design detail, which is not required to be shown in the submitted plans, but will be required to be provided in specific plans as part of the building permit review.

24. Landscaping standards. The master plan shall meet the following standards as identified in the Keizer Station Plan in addition to standards within applicable zones. If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied. KDC 3.113.04(B)(5).

A. Minimum Area Requirements. Landscaped areas may include landscaping around buildings; in open spaces and outdoor recreation areas; in islands and perimeter planting areas in parking and loading areas; and in areas devoted to buffering and screening as required in this Section and elsewhere in this Order. The following area requirements shall be the minimum areas devoted to landscaping: A minimum of 15% of the gross land area shall be devoted to landscaping in commercial developments and a minimum 25% in residential areas. KDC 2.309.03.

FINDINGS: The purpose of this provision is to establish minimum landscaping requirements to ensure that an acceptable level of landscaping is provided. The city through its development code requirements has identified that 15% of a site that is proposed to be developed for new commercial developments, and 25% for new residential areas as the minimum amount of landscaping necessary.
As depicted on the landscaping plan, the Project's landscaping includes a variety of trees, shrubs, and miscellaneous flowering plants and grasses, located around the buildings, along the streets, within the parking areas and also within the small open space areas. Area C-3 includes both residential and multi-family uses in separate areas within that sub area. Thus, regarding the proposed 3.47 acres of multi-family use, the submitted site plan shows that approximately 69% of the site will be developed with buildings, parking areas, walkways, trash receptacles leaving

approximately 31% of the site to be landscaped, in compliance with this landscaping standard requirement. The portion of the Site that will be developed with the senior living facility is about 4.5 acres and approximately 65% will be developed (with building, parking lot, and walkways) which will result in approximately 35% of the Site landscaped, and therefore in compliance with this standard.

Area C2 includes both commercial and multi-family uses in separate areas within this sub area. The multi-family use development in C-2 will occupy approximately 65% with development (buildings, parking lot, and walkways), so approximately 35% of the area will be landscaped, in compliance with this standard.

The senior living facility is located in Area C3. No specific landscape plans for the commercial uses in Area C2 have been provided yet.

Evidence in the record establishes that the balance of MU-zoned Area C complies with this standard. The site plan shows landscaping around the buildings, in and adjacent to the open plazas, within the parking areas and along the parking and loading areas.

In addition to the tree plantings required under the Keizer Development Code, the condition from the 2013 Master Plan approval that memorializes the settlement agreement is being carried forward to the 2015 Master Plan. The condition requires that an additional 100 trees shall be provided to replace the trees that were or are to be removed. These shall be in addition to the required parking lot and street trees. An alternative to planting these trees can be to provide funding into the city's tree replacement program. In addition to other landscaping conditions set forth herein, at least twenty of the 100 trees shall be 12 foot or taller specimen evergreens. A portion of the larger size evergreens are be planted adjacent to the senior living facility on Chemawa Road in such a way as to reasonably provide screening for the residential area across Chemawa Road pursuant to the approved tree planting plan. Such larger trees shall be planted in the same time frame as set forth in the landscaping conditions herein. All existing mature trees adjacent to the senior living facility shall be retained to the extent practicable. As discussed elsewhere in these findings, the Project includes 23 of the larger evergreen trees, 17 of which are between the senior living facility and Chemawa Road, so the Council finds that the residential area is adequately screened and this portion of the condition is exceeded. The submitted landscaping plans demonstrate that it is feasible for the Project to comply with the balance of this landscaping standard and condition.

B. Screening and Buffering. Screening shall be used to eliminate or reduce the visual impacts of the following uses:

1. Commercial and industrial uses when abutting residential uses.
2. Industrial uses when abutting commercial uses.
3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.
4. Outdoor storage areas.
5. Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses.
6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.

Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques. KDC 2.309.05.

FINDINGS: Properties to the north and east are not residentially developed and are each within Keizer Station and have approved master plans to allow for non-residential developments. South of the proposed development is a single family home and a church on lands zoned MU that are within the boundary of Area C. To the south of these uses is the Keizer Little League on land that is designated Public. No industrial uses are planned for Area C, only commercial uses that are allowed in the MU and CR zones. Lands outside the boundary of Area C along Chemawa Road, on the west side of McLeod Lane are primarily developed with single family homes. There is a residential zone adjacent to the senior living facility and the apartments that are in area C3. A row of parking that will serve the residents of the apartments is located within 20 feet of this property line as well as a portion of the parking lot for the senior living facility is also within 20 feet of the this same RS zone. Therefore, consistent with this requirement a condition of approval requires an ornamental fence or wall at least 4 feet in height to screen the parking area from the adjacent residential uses. If the final development plans include electrical and mechanical equipment, this equipment is also required to be screened.

All parking areas are surrounded by landscaping consisting of ground cover, shrubs, and trees. The specific screening details will need to be reviewed and confirmed to comply with the master plan during the building permit process to confirm compliance with this provision. In consideration of this, the proposal will comply with this provision.

Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:

1. Planting Area: Width not less than 15 feet, planted with the following materials:
   A. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart.
   B At least one row of evergreen shrubs that will grow to form a continuous hedge at least five feet in height within one year of planting.
   C Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.
2. Berm Plus Planting Area: Width not less than 10 feet, developed in accordance with the following standards:
   A. Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.
   B. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use.
   C. The combined total height of the berm and hedge shall be not less than five feet.
3. Wall Plus Planting Area: Width must not be less than five feet developed in accordance with the following standards:
   A. A masonry wall or fence not less than five feet in height.
   B. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
4. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the City.

FINDINGS: A buffer is provided between the uses and the properties to the south, as is indicated on the site plan in support of the 2015 Master Plan. This buffer will include a variety of tree species and assorted shrubs that will screen the development. As discussed elsewhere in these findings, parking that is located within 20 feet of residential uses shall be screened by a minimum 4 foot high fence or wall and buffering shall be provided in accordance with these requirements to be able to buffer the apartments and the senior living facility from the adjacent residential zoned parcels. In addition, the small commercial area in the southwest corner of the Chemawa Road / McLeod Lane intersection is conditioned to provide screening and buffering along the common property lines with adjacent residential uses as the area is redeveloped. With these placed

as conditions of approval will assure that the adjacent residential properties are adequately buffered from commercial uses.

C. Planting Height. No sight-obscuring plantings exceeding 30 inches in height shall be located within any required vision clearance area in accordance with KDC 2.312.09. KDC 2.309.06(A).

FINDINGS: The intent of this provision is to avoid having landscaping from becoming a vision hazard in the vision clearance triangle that is located at the intersection of driveways and streets. The types of plants which will be planted near driveway and street intersections will be required to be low growing species that will not attain a height of 30 inches. The landscaping plan indicates that street trees will not be planted within the vision clearance area. As such, the Project does not result in a vision clearance hazard, and complies with the standard.

D. Plant Materials. Plant materials shall not cause a hazard. Landscape plant materials over walks, pedestrian paths and seating areas shall be pruned to a minimum height of eight feet and to a minimum height of 15 feet over streets and vehicular traffic areas. KDC 2.309.06(B).

FINDINGS: The intent of this provision is to avoid plant material from becoming a hazard to pedestrians or to vehicles. Based on the landscaped plan showing the potential plantings in the areas of the pedestrian paths, this problem is not anticipated. Street trees which extend over sidewalks, streets, or paths and seating areas will be required to be pruned regularly to the specific height limits in code and so will comply with this requirement. Therefore, this provision is met.

E. Utility Interference. Landscape plant materials shall be selected, which do not generally interfere with utilities above or below ground. KDC 2.309.06(C).

FINDINGS: This is to avoid having conflicts between landscaped material and utilities. Utilities will be placed underground so there will be no above ground utilities. No conflicts are foreseen between the preliminary landscaping plan and the placement of required utilities and so this section will be complied with.

F. Installation. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic. KDC 2.309.06(D).

FINDINGS: The intent of this provision is to avoid having landscaped material planted in a manner that is inconsistent with industry standards thereby increasing

the likelihood of the material not surviving. Proper tree planting will be confirmed as part of the building permit approval process to assure compliance with this requirement.

G. Suitability. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems, and be sound, healthy, and free from defects, diseases, and infections. KDC 2.309.06(E).

FINDINGS: The plants which will be required to be planted will be those that are appropriate for the conditions of the site and climate considerations. The landscaping plan indicates the species and variety of plants that will be planted and they comply with this provision. The landscaping plan included in the record indicates that approximately 51 trees will be planted along McLeod Lane (area C2 and C3), and 8 trees along Chemawa Road (area C3 only). Since there are already a number of trees along the frontage of the site and Lockhaven Drive, if any of them are to be removed as part of the development then they must be replaced. The plan specifies that the trees will be 2 inch caliper trees, which is consistent with city requirements. The trees are indicated to include species such as Red Maple trees, oak trees, linden trees, cherry trees, flowering pear. These species are typical in other developments of this type and are suited for the climate and other conditions. The tree planting plan will allow for uniform tree planting and will allow for a mix of canopy colors, provide a natural buffer to some aspects of the development, and are also suitable tree species for this area and should be able to survive. This will be inspected as part of the building permit review to assure compliance with this provision.

H. Deciduous Trees. Deciduous trees should be fully branched, have a minimum caliper of 2 inches, and a minimum height of 8 feet at the time of planting. KDC 2.309.06(F).

FINDINGS: The intent of this provision is to avoid having trees that may be too small to be otherwise considered as a tree from being planted. Deciduous trees allow for plantings that will result in a fully branched canopy and thereby avoid "stick" trees lacking any canopy. As noted above, the Project includes deciduous trees that will meet or exceed this 2 inch caliper size. This will be confirmed in the building permit process and will be verified during final inspection to further ensure compliance.

I. Evergreen Trees. Evergreen trees shall be a minimum of 6 feet in height, fully branched at time of planting. KDC 2.309.06(G).

FINDINGS: The intent of this provision is to avoid having evergreen trees planted that may be too small to be otherwise considered as a tree from being planted. Some evergreen trees will be planted for landscaping effect but deciduous trees will be the primary tree that is planted throughout the development. The previous landscaping plan indicated that evergreen trees including firs, cedar, and pines would be planted throughout the development. None are shown throughout the areas to be developed with apartments, although conifers are shown to be planted around the senior living facility in area C3. If any are to be planted they will need to be planted minimum 6 feet tall when planted.

In addition to the tree plantings required under the Keizer Development Code, the condition from the 2013 Master Plan approval that memorializes the settlement agreement is being carried forward to the 2015 Master Plan. The condition requires that an additional 100 trees shall be provided to replace the trees that were or are to be removed. These shall be in addition to the required parking lot and street trees. An alternative to planting these trees can be to provide funding into the city's tree replacement program. In addition to other landscaping conditions set forth herein, at least twenty of the 100 trees shall be 12 foot or taller specimen evergreens. A portion of the larger size evergreens are be planted adjacent to the senior living facility on Chemawa Road in such a way as to reasonably provide screening for the residential area across Chemawa Road pursuant to the approved tree planting plan. Such larger trees shall be planted in the same time frame as set forth in the landscaping conditions herein. All existing mature trees adjacent to the senior living facility shall be retained to the extent practicable. As discussed elsewhere in these findings, the Project includes 23 of the larger evergreen trees, 17 of which are between the senior living facility and Chemawa Road, so the Council finds that the residential area is adequately screened and this portion of the condition is exceeded. The submitted landscaping plans demonstrate that it is feasible for the Project to comply with the balance of this landscaping standard and condition.

J. Shrubbery. Shrubs shall be supplied in a minimum 1 gallon containers or 8 inch burlap balls with a minimum spread of 12 to 15 inches. KDC 2.309.06(H).

FINDINGS: The purpose of this provision is to specify the size of shrubbery that is determined to be a viable size for landscaping. The plan indicates that 16 different species of shrubs will be used. These include vine maple, Oregon grape, dogwood, viburnum and other species. The landscaping plan indicates that they will be

planted in one – two gallon size containers, with two gallon containers the predominant sized container. This is considered to be an industry standard and will result in both healthy plants and plants which can grow to fill in landscaped areas. This standard is met and will be verified in the final landscaping and planting plan.

K. Ground Cover. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container or a 2 1/4 inch container or equivalent if planted 18 inches on center. KDC 2.309.06(I).

FINDINGS: This standard seeks to avoid having bark dust or gravel from becoming a substitute for landscaping. Rather it seeks to incorporate ground cover into the landscaping to fill out the empty spots in the landscaped areas and provide depth and balance to the landscaping. This standard will be verified in the final landscaping and planting plan and will be verified during final inspection to assure compliance with this provision.

L. Irrigation. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1,000 square feet of landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials. Sprinkler heads shall not cause any hazard to the public. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks. KDC 2.309.06(J).

FINDINGS: The purpose of this provision is to avoid having plants die during the summer months. By requiring that an irrigation system be included in the landscaped areas will increase the survivability of the landscaped material. An irrigation system is proposed to be included for the entire development. Irrigation plans will need to be reviewed and approved as part of the building permit review process. This provision is satisfied.

M. Re-planting. Trees or shrubbery which die-off shall be replaced with a new plant of the same or similar type. Replacement is ultimately the responsibility of the property owner. KDC 2.309.06(K).

FINDINGS: This provision seeks to avoid having empty holes in the landscaping as plants die if they are not replaced. This will be done as necessary if any of the plants die and so will assure compliance with this provision.

N. Maintenance. Landscaping shall be continually maintained. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property. KDC 2.309.06(L).

FINDINGS: The intent of this section is to avoid having the landscaped areas become an unmaintained weed infested area, but rather to have it be an area which is continually maintained and which adds an aesthetic balance to the development. This shall be expected by the city and will be placed as condition of approval to ensure continual compliance.

O. Plant Protection. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods. KDC 2.309.06(M).

FINDINGS: The purpose is to avoid locating plants in areas that would result in their being damaged or destroyed. The master plan appears to have the landscaped areas well-protected from foot traffic or vehicle traffic. This will need to be confirmed when the final landscaping plans are submitted for approval as part of the building permit process.

25. Pedestrian Access, Safety and Comfort. KDC 3.113.04(C)(1).

a. To ensure safe, direct, and convenient pedestrian circulation, development, shall provide a continuous pedestrian and/or multi-use path system.
b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible.
c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas.
d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.
e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale.
f. For driveways that service more than 100 parking spaces, shall not have any parking within twenty-five feet of the driveway intersection. This area shall be landscaped in accordance with Section 2.309 of the Keizer Development Code.
g. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines.

FINDINGS: The intent of this provision is to provide a pedestrian system that both serves the needs of residents, as well as the needs of visitors to the businesses in Area C. The record includes a site plan that shows the location of walkways and sidewalks that will connect with the buildings, parking areas and streets both within and along the perimeter Area C. The site plan shows the location of sidewalks along all of the public streets both within Area C as well as along the perimeter of Area C. The sidewalks will connect the proposed uses to the surrounding neighborhood, and will allow for a safe connection from the multi-family apartments and the senior living facility and neighboring areas. The series of internal concrete walkways, sidewalks, and plazas are directly connected to the new sidewalks associated with all public street improvements. All walking areas will be required to be designed and constructed to city standards thereby making them safe for pedestrians.

The shared walkway and bicycle path originally shown located along the eastern border of Area C-2 is not required because it is unnecessary and unsafe. It is unnecessary because a robust sidewalk system is included in the Project. It is not safe because the southern end of the Ridge Drive pathway connects into an area that will be awkward to safely design and the northern end of the pathway does not allow for a straight crossing of Lockhaven Drive. However, the Ridge Drive right of way is required to either be vacated or a building setback variance must be obtained. In addition, the area where this pedestrian pathway connects with the eastern end of McLeod lane will need to be revised in order to provide a safe connection for pedestrian and bicyclists at this street connection.

The senior living and apartment buildings are shown with connections to the internal sidewalk system such that it will allow for convenient and safe connections to the parking areas associated with the multi-family apartment, the senior living facility, and also to the sidewalk system. The buildings are shown with awning or canopies that will provide protection from the elements to those entering or exiting the buildings. This will also help to create a pedestrian scale to the buildings. Sub-section (f) requires that for driveways with more than 100 parking spaces that no parking spaces be located within 25 feet of the driveway intersection. Because this is presumed that the driveway intersects with a public street two areas are found to be not consistent with this provision and will need to be modified to be consistent with this provision. This includes the driveway that serves the apartments in Area C2 off McLeod Lane, and the driveway off of McLeod Lane in Area C1. The second driveway serving the apartments in area C2 is off a private drive and not a public street and is not bound by this provision. The senior living facility has parking spaces that meet this provision. The apartments in area C3 are accessed via a private driveway and so are determined

to not be bound by this provision. In addition, all areas that are regulated by this provision shall be landscaped consistent with the landscaping regulations in Section 2.309. Therefore, with the requirements that no parking spaces be located within 25 feet of the driveway intersection will ensure that the proposal meets with this provision.

Testimony was offered that the pedestrian pathways required by KDC 2.107.05.G and KDC 3.113.04 were not satisfied because the senior living use is 4-stories in some locations, and even with setbacks it is not "pedestrian scale" and "human scaled design." KDC 2.107.05.G and KDC 3.113.04 emphasize the need for internal pedestrian connections between buildings, parking areas and the street. The size of the building or width of setback is immaterial to compliance with pedestrian connection standards, and no specific concern with the Project's compliance with pedestrian pathways has been raised. As detailed elsewhere in these findings, the Project complies with the code standards related to pedestrian access, safety and comfort.

"Pedestrian scale" is accomplished by incorporating inviting pedestrian features, such as recessed entries and canopies, into a building's entry. As detailed elsewhere in these findings and incorporated herein, the senior living use is pedestrian scale because it includes welcoming architectural features such as awning or canopies that will provide protection from the elements to those entering or exiting the buildings.

Human scaled design is addressed in detail elsewhere in these findings, which are incorporated herein to respond to the allegation that the senior living use does not comply with the pedestrian pathways because it is not a human scaled design.

The 2015 Master Plan approval carries for conditions of approval that were imposed on the 2013 Master Plan, memorializing the settlement agreement. The condition subjects Area C to a mitigation fee, with the money specifically dedicated for the improvement of missing sections of sidewalk along Chemawa Road between Area C and the Chemawa Road/Verda Lane intersection. This fee does not require the developers of Area C to actually construct or finance all of this improvement since the city will also be participating in this improvement project.

26. Crime Prevention and Security. Crime prevention shall be considered in the site design through application of all of the following guidelines:

a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b;

b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized;

c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining;

d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or

e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines.

KDC 3.113.04(C)(2).

FINDINGS: The intent of this provision is to encourage crime prevention strategies as part of the design of new areas to be master planned. The 2015 Master Plan contains elements such as landscaping, use of pavement features that will define ownership through design. The apartment buildings in area C2 and the senior living facility in area C3 are proposed to be located so they will be visible from the adjacent streets. The apartments that are proposed in area C3 are not clearly visible from the street and will make use of lighting and landscaping to promote surveillance and safety. The open spaces are shown located throughout the development adjacent to buildings and are visible from the street so as to discourage activity not associated with the primary uses of the development. The proposed landscaping that is shown surrounding both the senior living facility and the apartment buildings is shown located along the perimeter of each site as well as adjacent to the various buildings in a manner that should not block or limit the surveillance of the site. The various building entrances are located such that they will discourage crime. For these reasons, the proposal satisfies this provision.

27. Reduced Parking. Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. KDC 3.113.04(C)(3).

FINDINGS: The applicant has requested a reduction to the parking standards as they relate to apartment development. The city's off-street parking standards in Section 2.303 require 2 parking spaces for each residential use. The apartments in area C3 show 146 parking spaces, where a minimum of 156 parking spaces for the proposed 78 units is required. This is 10 parking spaces below the minimum. The apartments in area C2 show 182 parking spaces provided for the 102 units which will require 204 parking spaces. This is 22 parking spaces shy of the required minimum parking spaces. This will result in a total of 32 parking spaces below the required minimum for the proposed multi-family development or 8.9% of the overall parking spaces for this use.

Council incorporates by reference earlier findings related to KDC 2.303.06. Council finds that the reduced level of on-site parking is supported by a combination of a number of factors. These include a review of other nearby jurisdiction's parking requirements for multi-family developments from 1 parking space per unit to 2.5 parking spaces per unit based in some cases on the type of units being constructed. An average of all 8 jurisdictions with the high end used for those cities' that have a range results in an average of 1.7 parking spaces per unit. The record includes a list of similar sized apartment projects that have been constructed within the area. The six apartment complexes range in size from 81 to 180 units and have a range of parking spaces from 1.52 to 1.82 for an overall average of 1.69 parking spaces. Even with the reduced parking ratio, the apartments in Area C would be at the highest end with regard to average parking spaces per unit. Keizer is also at the highest end with regard to number of parking spaces required to be provided for each unit.

Additionally, transit service is readily available, and the requirement install additional transit amenities such as covered bus shelter will enhance the overall transit system and increase the opportunities for residents to use the transit system. This is consistent with the purpose and objective of the Keizer Station Plan, which seeks to increase opportunities for transit use. The apartment areas include sidewalks that will connect to the sidewalk system along the street and so will encourage safe and efficient connections from the apartment units to the

nearby transit stop. In addition, with the transit station located nearby in Area B located to the north across Lockhaven Drive will provide for convenient opportunities for residents to use the transit system. Cherriots' testimony of support notes these opportunities, and is persuasive. The analysis that the proposed level of parking will be at the high end of similar developments and that the city's parking requirements is also at the high end compared to other jurisdictions is also compelling and persuasive evidence that the parking spaces ratio in the Code may be high. Council finds that the proposed number of parking spaces serving the apartments, and the average ratio of 1.82 parking spaces per unit, is appropriate to serve the needs of the residents in the apartments and so satisfies this criterion.

28. Creating and Protecting Public Spaces

a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping.

b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council. KDC 3.113.04(C)(4).

FINDINGS: The intent of this provision is to require that some amount of public space be provided. Within Area C as a whole there are a number of spaces that can be used by the public. The portion of the Site that will be developed with multi-family residential and the senior living facility has less of emphasis on the public aspect, which is appropriate because these spaces primarily serve the needs of the residents, not the general public. However, each of the areas is shown with open space and also recreation amenities such as a multi-use recreation building as in Area C2, and a multiuse sports court in area C3. The senior living facility in area C3 is shown with several areas that include open space around the building and on the site. There is also a sidewalk system surrounding the building. In each of these areas the amount of open space is deemed to be appropriate for the level of uses occurring on the site. For these reasons the proposal satisfies this criterion.

29. Human Scaled Building Design. Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking. KDC 3.113.04(C)(5).

FINDINGS: The intent of this provision is to avoid constructing buildings that have large building facades that are devoid of any aesthetic features and lose their human scale. The MU zone of the KDC requires in part, that retail uses larger than 10,000 square feet "incorporate human scale design elements". However, nowhere in the KDC is the term "human scale" defined. The term "human scale" is fairly subjective, when used in the context of land use planning. As discussed at the January 20th hearing, human scale buildings are approachable and inviting, as opposed to monumental scale buildings (such as the State Capitol building), which are imposing and intimidating. More objectively, the KDC's requirement to "incorporate human scale design elements" is not a standalone requirement, but rather a part of a detailed requirement relating to the use of architectural features on retail buildings over 10,000 square feet in area. It is the intent of the KDC to provide human scale architectural features and design elements to enhance the way that people interact with these types of buildings. These types of features could include, but are not limited to, the use of awnings, covered entries, pedestrian walkways, storefronts, ground floor windows, and other amenities that are designed to encourage human activity and enhance the pedestrian experience.

The 2015 Master Plan includes a variety of building footprints that have both design character and include architectural features which create a pleasing and aesthetic environment. The buildings are shown with jogs and off-sets in the building façades that both face the streets, and also on the facades that face towards the interior parking areas that will result in an aesthetically pleasing building design. In addition, the number and placement of windows and entryway locations will help to convey a sense of rhythm in the presentation of the buildings. The elevation plans for the apartments and senior living facility are detailed enough to allow the Council to find that these buildings are human scaled in design, as detailed elsewhere in these findings. A condition requires that the balance of the buildings within Area C provide for features that contain human scaled building design, and the feasibility of achieving this design is detailed elsewhere in these findings.

The 2015 Master Plan includes drawings which include design and the architectural details of the buildings that are proposed to be changed from the previous approval. The design of the multi-family apartments in areas C2 and C3 each include jogs and off-sets in the building façades that face the streets that will result in an aesthetic building design and avoid having any blank walls facing the street. Specifically, the apartments have numerous jogs and off-sets to the buildings on the facades that face McLeod Lane and Chemawa Road, and also along the other facades. The apartment buildings are generally about 100 to 120 feet in length and each has numerous jog and off-sets such that there is one every thirty feet

or less. In addition, the buildings incorporate a variety of building materials such as horizontal and vertical siding, masonry stone features, and vertical architectural shingles. The roof forms are pitched roof as is typically found in residential buildings. The spacing between the windows and doors result in a balanced line of design and avoid any long walls without any windows or doorways and so is keeping in line with the intent of human scale. The buildings include connections to the sidewalk system, amenities within each apartment complex, and also to the adjacent parking areas, and so meet with this section of code.

The senior living facility has numerous jogs and off-sets to the building on the facades that face McLeod Lane and Chemawa Road. There is a significant amount of building articulation in the building design. This includes the building angling an approximate 45 degree angle and a building bump out of almost 40 feet along the McLeod Lane facade. Building off sets along this façade range from 2 to 5 feet in depth. The main entrance is visible from this street and has a covered drop off area. The façade that faces Chemawa Road also includes a significant amount of building articulation in the building design that includes the building not having a façade that is linear along the street. Rather, the building has several facades that can be viewed from the street in such a way that while there is not a linear plane facing the street there will be various portions of the building that can be viewed. And as on the east façade the jogs and off-sets range from 2 to 5 feet in depth. The senior living facility also makes use of changes in building materials. The building is shown using a combination of horizontal board and batten and vertical siding. Masonry ledge stone is also provided in various portions along the building facades. The building includes a pedestrian connection to the sidewalk system.

Written comments were received that the senior living facility building is not human scaled and does not comply with the standard due to its size, proximity to residential homes, and insufficient building setbacks. As indicated in findings elsewhere, and incorporated herein, while the building will be four stories it will be stair-stepped such that it will have only its one and two story sections closest to either Chemawa Road or to the nearby residential properties to the west. It is shown approximately 40 feet from the west property line adjacent to residential uses where it is only one story at this location. The tallest (4 stories) portion of the building is situated as far as possible from this common property line and also from Chemawa Road. The building is shown setback almost 64 feet from the property line along Chemawa Road, 53 feet from McLeod Lane, and 40 feet to the properties to the southwest which will exceed the minimum setback requirements. As discussed in the section on landscaping the site will be landscaped in accordance with the city's landscaping provisions and will include both street trees and other larger trees on the site that will act to buffer the building. Moreover, 23 specimen sized evergreens

will be planted, 17 of which are between the building and Chemawa to provide additional screening, which is in excess of the minimum Code standards and settlement agreement condition of approval. Council finds that, considering the overall effect of the variation of building materials combined with the various changes in the building's plane along the streets, the building's setback and enhanced landscaping, the senior living facility is of human scale design, and complies with this section of the code.

The remainder of the buildings in Area C, which are unchanged by the 2015 Master Plan, will be governed by the design conditions of approval that are carried over from the 2013 Master Plan, and are incorporated herein. The LFS building will entail windows along the north facing building façade, canopies, and a roof line that will have changes in elevation with a mid-section that will be higher than the ends. Additionally, through the use of varying materials and colors and architectural features, as well as added landscaping, it has an appealing aesthetic character.

Retail 1 makes use of windows, entryways, changes in color and building materials as well as roof line elevations to make a human scale building design. The two mixed use buildings (Buildings 2 and 3) make use of differing colors and materials to present an interesting architectural design. In addition, the ground floor of each building is shown with windows and storefronts that will provide a commercial sense to the building design and a sense of rhythm to the window placement. Office 5 and 6 each make use of windows, differing building materials, colors, and entry ways to provide a varying design that will be human scale. Also, the roof line makes use of changes in elevation of the parapets to avoid a uniform roofline. Shops 7 and 8 continue this architectural theme and area similar to the office buildings and a variety of human-scale elements will be utilized so as to comply with this KDC provision.

The applicant has requested that the condition of approval that governs building design and human scale be revised from its original wording such that the effect would be to strike the reference to "human scale". In the previous approval this was condition #49, however due to renumbering this is now condition #54. While this condition has been slightly revised from the previous approval it still maintains the original intent with regard to human scale. As previously noted, this requirement to "incorporate human scale design elements" is not a standalone requirement, but rather a part of a detailed requirement relating to the use of architectural features on retail buildings over 10,000 square feet in area. It is the intent of the KDC to provide human scale architectural features and design elements to enhance the way that people interact with these types of buildings.

The term "human scale" is determined to generally refer to the use of human-proportioned architectural features and site design elements clearly oriented to human activity. A building has a good human scale if its details, elements and materials allow people to feel comfortable using and approaching it. Features that give a building human scale also encourage human activity. Finally, the submitted designs for the both the apartment buildings and the senior living facility each contain sufficient building design and architectural features that the Council finds that the apartments and senior living facility are human scale, and the inclusion of this condition is intended to ensure that final building plans are consistent with the design submitted as part of this review.

30. Request for Reallocation of Retail Square Footage Limit - The Keizer Station Plan (as amended) allows an applicant to request a reallocation of the retail square footage limits in the context of a master plan or master plan amendment application. If an applicant is requesting such reallocation, the applicant shall comply with the following criteria:

a. Does not result in significant adverse traffic impacts beyond those mitigated in the Keizer Station Master Plan TIA as that TIA now exists or as it may from time to time be amended (Keizer Station TIA unless additional mitigation beyond that specified in the Keizer Station TIA is required to make such identified traffic impacts consistent with the Level of Service and volume/capacity Standards in the Keizer Station TIA;

b. The reallocation results in a total limitation of no more than 975,000 square feet for all of the Keizer Station Plan area;

c. Other property owners in the Keizer Station will not be unduly burdened by the direct or indirect effects of the reallocation.

d. Residents and/or property owners in the vicinity of Keizer Station will not be unduly burdened by the direct or indirect effects of the reallocation.

e. Considering all positive and negative impacts overall, the citizens of Keizer will benefit from the reallocation.

A reallocation shall not reduce the amount of square footage allowed in an approved Master Plan for a different Area without the amendment of the Master Plan for such different Area. In other words, a reallocation can reduce the square footage for another Area, but not below the restricted use levels approved in the Master Plan for that Area. KDC 3.113.04(C)(6).

FINDINGS: This proposal does not include request for any reallocation, so this criterion is not applicable.

31. Conditions of Approval - The City may attach conditions to any development within an Activity Center to achieve the following objectives:

A. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require:

1. Orienting building and facilities towards transit services.
2. Minimizing transit/auto conflicts.
3. Encouraging transit supportive uses.
4. Minimizing walking distance to transit stops.
5. Avoiding excess parking areas.
6. Encouraging shared parking and structures or under-structure parking.

B. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require:

1. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development.
2. Separating auto and truck circulation and activities from pedestrian areas.
3. Pedestrian-oriented design.
4. Pedestrian amenities.
5. Bicycle parking.
6. Outdoor lighting.

C. Coordination. Coordination of development within an Activity Center area. This may require:

1. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements.
2. Siting and orientation of land uses.
3. Frontage roads or shared access.

D. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require:

1. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features.
2. Buffering of adjacent residential uses.

E. Other Conditions. The Council may impose other conditions of approval it deems appropriate for the health, safety, and welfare of the citizens of Keizer or to ensure the desired implementation of the approved master plan.

F. Traffic Impact. To minimize congestion and traffic impact within the development and in adjacent areas.

Section 3.113.05

FINDINGS: These findings determine that the Project complies with, or it is feasible to comply with, all applicable approval criteria. The 2015 Master Plan

includes conditions of approval that ensure that the Project will comply with the criteria. Allowances for transit, pedestrian and bicyclist needs have been addressed in the findings and conditions have been included that the applicant provides necessary facilities such as a transit stop, bike and pedestrian facilities both within and along the development. Because this is planned to be a phased development there are conditions that outline the extensions of necessary public facilities and the landscaping that will need to be provided in the later phases. Arrangements for re-imbursement for providing additional capacity to serve future development shall be approved by the city council pursuant to ordinances. The issue of compatibility with the surrounding neighborhood has been addressed with conditions that will require strict compliance with building design, location, and screening and buffering requirements. The findings document the impact as a result of the traffic onto the existing street system and there are conditions that specifically address this and that outline the level of improvements the developer will be responsible to provide to mitigate these impacts. The approval also contains other conditions that are appropriate for the health, safety, and welfare of the citizens of Keizer, and to ensure the desired implementation of the approved master plan, and so therefore satisfies this provision.

32. Findings on Other Master Plan Issues Raised.

Testimony was offered that the Project does not comply with KDC 2.107.01 because the Project does not encourage the formation of neighborhood "nodes of activity" and the proposed trees do not provide any kind of buffer. As a preliminary matter, Council finds that KDC 2.107.01 is the purpose statement for the Mixed Use (MU) zone. It is an aspirational summary that is implemented by the development standards in KDC Chapter 2.107. KDC 2.107.01 is not an applicable approval criterion, and cannot be the basis for denying or requiring alternations to the application. Nonetheless, Council finds that the Project does encourage the formation of neighborhood nodes and it provides a buffer between busy streets and residential neighborhoods.

A neighborhood node is a pattern of development that takes advantage of the intersections of streets by clustering development near the street. The Project encourages a node of activity by including buildings in close proximity to the street at each intersection quadrant in Area C (Chemawa Road and McLeod Lane intersection and the southern half of the Chemawa Road and Lockhaven Drive intersection). Strip commercial appearance is minimized by having some parking screened from the street by buildings. Additionally, the senior living retirement facility will have residents and employees on site 24 hours, 7 days a week, which is

an active use -- particularly as compared to the previously approved medical office building.

Busier streets, such as McLeod Lane, are buffered from residential neighborhoods by stepping down the intensity of uses in Area C from larger format retail in Area C2 to senior living and multifamily in Area C3, as well as significant landscaping and additional setbacks, as detailed elsewhere in these findings and incorporated herein. .

Testimony was also offered that the Project is not "truly" mixed use development because the uses are not vertically mixed. KDC 3.113 implements the Keizer Station Plan, and KDC 3.113 does not require mixed use development. The underlying zone is Mixed Use (MU). The purpose statement of the MU zone, KDC 2.107.01, describes the zone as promoting a mix of uses within a single building (e.g., vertically mixed) or a complex (e.g.,. horizontally mixed). The purpose statement specifically provides that "it is not required that every building within a mixed use area is developed with different uses within it," and instead, "clusters of residential and commercial uses around landscaping features or parking areas will also occur." KDC 2.107.01 is an aspirational summary of the intent of the MU zone; it is not an approval criterion. Nevertheless, the Project's horizontal mix of uses, some of which are clustered around landscaping features or parking areas, is consistent with the intent of the MU zone.

Testimony questioned whether the proposal should be reviewed as a new master plan because it was a substantial change to Area C. Council disagrees that the change proposed to Area C from the 2013 Approval is substantial. The changes to the previously approved apartment buildings are limited to building layout and orientation, and the replacement of the medical office with a senior living facility results in reduced trip generations. Nevertheless, the proposal was processed as a new master plan.

The 2015 Master Plan meets all relevant approval criteria and is APPROVED by the Council subject to the attached conditions of approval.

FINDINGS: LOT LINE ADJUSTMENT

The following facts and findings address the lot line adjustment application, which is a separate and independent application which is being reviewed concurrently with the master plan for convenience.

32. The review criteria for a lot line adjustment are listed in Section 3.106.04 of the Keizer Development Code (KDC).

A. The adjustment of lot lines results in no more parcels than originally existed. KDC 3.106.04(A).

FINDINGS: The lot line adjustment only involves 8 of the lots in Area C and results in the consolidation of these same lots with the result that 4 lots will then be left as a result of the property line adjustment. No new parcels will be created. Nor will any other parcels in Area C be affected. Marion County Surveyor's Office provided comments that since the properties involved in the lot line adjustment process were not created through any subdivision platting process that no subdivision or partition platting process will be necessary. However, consistent with ORS 92.060(7) a survey is required and will need to be submitted to the Marion County Surveyor's Office for their review with appropriate fee and that it be recorded. Therefore, this request satisfies this criterion.

B. The proposed lot line adjustment results in parcels that meet all area and dimension standards of this Code. KDC 3.106.04(B).

FINDINGS: The properties that are involved in the lot line adjustment portion of the application are zoned MU (Mixed Use) and are subject to the standards outlined in Keizer Development Code Section 2.107.05 Dimensional Standards. The lot that will be developed with a senior living facility and future retail, office and restaurant uses are commercial developments. This section of the development code has no minimum lot size for commercial uses and no minimum lot width or minimum lot depth provisions. The site plan indicates that the senior living facility in area C3 will be 4.65 acres in size (Parcel 2) and will allow for a development that can meet the minimum building setbacks and provide sufficient parking, loading, and landscaping. Accordingly, the senior living facility lot is adequately sized for the development.

Multifamily development in the MU zone is required to be on lots that have a minimum of 6,000 square feet average width of 50 feet, and an average depth of 80 feet. The 2 lots that will be developed with the apartments are shown 4.66 acres (Parcel 3) in area C2 and 3.48 acres (Parcel 1) in area C3, which exceeds the minimum size requirement. The parcel that will be developed with apartments in C2 is approximately 660 feet in length and 340 feet in width; the parcel that will be developed with apartments in C3 is approximately 480 feet in length and 305 feet in width. Parcel 4 is shown with 3.28 acres and is not proposed for development at this time but would be developed consistent with the master plan. Each of the lots is shown with a width and depth that exceeds the minimum standards. The proposed development of two parcels with apartment will result in

a density of 21.8 units per acre on one parcel and 16.8 units per acre on the other parcel which complies with the density provisions in Section 2.107.07.I, which allows up to a maximum of 24 units per acre on land that is located within the Keizer Station. The lots are vacant and setback requirements will be regulated at the time of building permit approval for the development of any of the parcels involved in the adjustment of the common lot lines. However, given the size of the lots, as compared to the scale of development, it is feasible for setback standards to be met. As a condition of approval the Marion County Surveyor's Office requirements regarding the property line adjustment process shall be complied with. Therefore, this request satisfies this criterion.

C. The proposed lot line adjustment does not locate lot lines in violation of the setback and height provisions of the Code relative to existing structures and improvements. KDC 3.106.04(C).

FINDINGS: With the exception of the Egner parcel, the majority of land involved in this Project is vacant so the issue of any current setback or building height violations is a moot issue. Also, any potential Enger dwelling setback violation caused by the dwelling straddling a common property line is moot because the dwelling will be removed or demolished as part of the development of the senior living facility. To ensure that this dwelling does not in fact result in a violation of building setbacks, a condition is imposed requiring that it be removed prior to property adjustment survey being recorded or other suitable agreement being approved by the City.

Setbacks to any proposed future structures including the senior living facility and the apartment buildings, as well as all future commercial developments, will be regulated at the time of development through the building permit review and approval process. Given the size of the lots and based on the submitted site plans, it is feasible that any future buildings will not violate setbacks and heights requirements as a result of the property line adjustment. At such time each building will be required to comply with the provisions within the MU zone regarding building setbacks and building heights, landscaping, etc. Therefore, this request satisfies this criterion.

D. The proposed lot line adjustment does not result in two parcels which meet the criteria for an Infill Development Parcel, as defined in Section 2.316.03 Infill Development Parcel Criteria. KDC 3.106.04(D).

FINDINGS: The proposed lot line adjustments will not change the status of the lots as infill or non-infill parcels. Currently, the parcels are not subject to the

criteria for infill development, since they are part of an area proposed for commercial development that was not subject to infill standards, and also the area exceeds the 2 acre threshold for determining compliance with the in-fill regulations. Therefore, this request satisfies this criterion.

EXHIBIT "D"

Justification

The applicant has the burden of proving that the application meets relevant standards and criteria to be applied in the particular case.

In this case, the applicant is requesting approval of Master Plan/Lot Line Adjustment for Keizer Station – Area C.

The Keizer Station Design Plan was adopted in February 2003 for the area formerly known as the Chemawa Activity Center. The Keizer Station Plan (KSP) sets forth a detailed vision for the northwest and southwest quadrants of the I-5 interchange. This well-situated and strategic property has been planned for a mix of commercial and industrial uses with emphasis on pedestrian-friendly design and attractive, streetscape amenities.

The Keizer City Council originally approved a Master Plan/Subdivision for Keizer Station – Area C by Orders dated April 18, 2011, December 3, 2012, and March 18, 2013. This application results in a new decision and approval with many aspects being similar or identical to the previous approved plan. Therefore, the original Master Plan is null and void upon final and effective adoption of this Order.

Concerns were raised at the hearing regarding the layout and design of the project, and the traffic study being inaccurate. These issues were discussed and reviewed.

The applicant has met its burden of showing compliance with all the applicable criteria. The Master Plan/Lot Line Adjustment request includes the uses envisioned by the KSP. As properly conditioned, the Master Plan presents a vibrant and energetic vision for Area C. The KSP goals of a northern gateway to Keizer, a focal point for commerce and community activities, and a source of employment opportunities are enhanced and realized by this proposal. The criteria have been satisfied with the aid of appropriate conditions.

The Master Plan application, along with the Lot Line Adjustment application, are approved.

EXHIBIT "E"

Action

The City of Keizer hereby ORDERS as follows:

The application for approval of the master plan and subdivision are hereby GRANTED subject to the following conditions and requirements:

CONDITIONS FOR MASTER PLAN:

Previous Land Use Actions:

1. Approval of the subdivision as part of the previous master plan (Subdivision 2010-18) is considered null and void due to the previous applicant failing to record the plat in a timely manner.

2. Approval of the previous Master Plan for Area C is considered to be null and void and replaced with this Master Plan of Area C.

3. This application is a new land use decision which replaces the previous master plan only at time of adoption. The new master plan contains many similar or identical elements of the previous approval. The previous master plan order is included as part of this record. These conditions of approval apply to all development within Area C. In addition, the elevations, texture and building materials for the buildings set forth in subarea C3 and C2 are in compliance with Condition 54.

Lot Line Adjustment

4. A Record of Survey shall be submitted to the Marion County Surveyor's office for review. Marion County Surveyor's office will then submit the Record of Survey to Keizer for review and approval.
   a. A checking fee is required.
   b. Must be surveyed and recorded per Oregon Revised Statue 92.050.
   c. Per Oregon Revised Statue 92.065 remaining monumentation bond may be required if some of the properties 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.

Prior to the City granting approval of the Record of Survey the applicant shall provide the following provisions:

d. All engineering elements as required by the Department of Public Works.

e. Right-of-way dedication for the proposed development in a format acceptable to the city.

f. Applicant shall provide the city with easements for all public water mains, fire hydrants, 10 foot wide public utility easements (PUE) shall be shown along all new dedicated right-of-ways, and any public sewer mains located within the subject property (if located outside of dedicated right-of-ways). These easements will be recorded. These easements shall meet the City of Keizer or City of Salem (where applicable) Design Standards.

g. To ensure that the Egner dwelling does not in fact result in a violation of building setbacks it will be a condition that it be removed prior to property adjustment survey being recorded unless another suitable agreement is approved by the city.

5. The plan submitted will require the vacation of public street rights-of-way and the abandonment of some existing sanitary sewer lines. The developer shall submit a plan for accomplishing the required vacation of rights-of-way and sewer abandonment prior to any building permit. The Keizer City Council may choose to initiate the street vacations, however, the Applicant shall pay actual out-of-pocket costs of City in connection with the vacation process.

Sanitary Sewers:

(Note: The subject property is located within an area of Keizer that requires additional sanitary sewer capacity to be able to complete the Sanitary Sewer Master Plan. The Master Plan provides for an acreage System Development Charge to be assessed as the property develops to provide for the required sewer trunk lines. The area to be assessed has been determined to be 14.58 acres and is identified on Exhibit 1 attached to this report. The current acreage fee is $7,460.00 per acre which would result in a total assessment of $108,766.80 payable at the time of issuance of public works construction permits if the entire assessment area was developed. The acreage fee is assessed based on current tax lots, so that if any portion of one particular tax lot within the area to be assessed is developed, the acreage fee charged shall be for the entire tax lot. In addition, Applicants should note that the City of Salem indirectly imposes a treatment plant sanitary sewer System Development Charge as well.)

6. A Master Sewer Plan for the proposed development has been prepared which indicates that all proposed development in Area C will be connected to the existing or relocated public sanitary lines in order to provide service to the area. The applicant shall submit a Master Plan which shall indicate how phasing of the abandonment of existing sanitary sewer lines will coincide with the proposed new construction of sanitary sewer lines.

7. City of Salem approval for local sewers is required. Permits from the City of Salem shall 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 for review and determination of compliance with the City's Master Sewer Plan for the area.

8. Connecting to existing sewers or new laterals that serve the general area will be the responsibility of the property owner at the time of development of the property and prior to the issuance of building permits.

9. Appropriate easements will be required for any public or private sewer lines located within the subject property if located outside platted right-of-ways.

10. It will be the responsibility of the applicant's engineer to locate any existing wells (including those on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. Any conflicts between existing wells and proposed sanitary sewers shall be addressed by the developer prior to issuance of public works construction permits and prior to filing a Record of Survey.

11. Easements for any existing sanitary sewer lines remaining in use located on the subject property will be required to be recorded in favor of the City of Keizer prior to issuance of any public improvement construction permits.

12. An improvement agreement or other acceptable form of guarantee for all required construction shall be in place prior to construction permits being issued for public sanitary sewer construction or Lot Line Adjustment (Record of Survey) approval.

Water System:

13. Master Water System Plan needs to be developed for all of Area C showing proposed routes of public water mains, fire hydrants and

individual services acceptable to the department of public works. The Master Water Plan shall conform to the adopted City of Keizer Water Master Plan Update, December, 2012. Prior to submittal of final construction plans the developer's engineer shall arrange for a pre-design conference to discuss water main sizing, meter sizing and locations, fire hydrant locations, fire sprinkler line locations and easement width for all public lines located outside of proposed right-of-ways. Final location of all meters and fire hydrants shall be approved by the Keizer Public Works Department. Appropriate easements for all public water mains and fire hydrants will be required if such construction is to be outside of public right-of-ways. This includes, but is not limited to, future development by parties other than the current Applicants. Any system development charges for water system improvements will be those in place at the time of individual service connections.

14. Final development plans shall be reviewed by the Keizer Fire District and the city of Keizer Public Works Department with regard to access and adequate location of fire hydrants prior to any issuance of public works construction permits by the City of Keizer.

15. It will be the responsibility of the developer of each individual site to identify and abandon all existing wells prior to site grading in accordance with the rules of the Oregon State Water Resources Department unless the City has determined that water rights are available in some cases that could be transferred to municipal use by the city. The Developer shall submit to the Public Works Department a summary of the findings of existing wells. Such summary shall be submitted prior to the issuance of any public construction permits.

16. A payback agreement for the subject property is in place for reimbursement for costs associated with the elevated water tank constructed to serve the area. The Area C share of the costs is $135,000.00. Payments shall be made when public improvement construction permits are issued or building permits are issued whichever occurs first. Reimbursement costs will be calculated on a square foot basis which will result in the total required payment.

17. An improvement agreement or other acceptable form of guarantee for all required water system construction shall be in place prior to construction permits being issued or Lot Line Adjustment (Record of Survey) approval.

Storm Drainage Improvements:

18. A Storm Drainage Master Plan is required for the proposed development that includes all of Area C. Approval by the City of such Master Plan is required prior to issuance of any construction permits. The Master Plan shall include engineering calculations that provide for acceptable on-site disposal of the anticipated increase in stormwater runoff.

    All parties recognize that basin lines will not match sub-area boundary lines. The existing storm drain system in Lockhaven Drive is determined to be a critical basin. The portions of Area C that will drain to this basin shall be analyzed as described below and developed by the applicant such that there is no increase in runoff beyond the baseline pre-developed condition for storm events up to and including the design frequency storm event in Keizer's critical basin standards (the 100 year event requirement).

    The City shall conduct or contract to conduct a downstream study of the City's existing drainage capacity for both the Tecumseh/Allendale Drainage Basin and Lockhaven Drive Drainage Basin in an effort to minimize the drainage routed to these basins from Area C. Developers of Area C shall pay one hundred percent (100%) of the reasonable costs of such study prior to the issuance of any public construction permits. The cost of this study will be eligible to be considered for reimbursement under any approved reimbursement district if established. The City of Keizer shall complete this study within 45 days of the date of adoption of this Order by the City Council, or the date any and all appeals of such Order are exhausted, whichever is later.

    A Preliminary Drainage Analysis for Keizer Station Area C dated October 17, 2014 and most recently revised November 4th, 2014 has been submitted by the Applicant's engineer and has been reviewed by the City Engineer. Recommendations from such study together with requirements of the City's design standards shall be incorporated into the storm drainage master plan for the area, and may require modifications to any storm drainage master plan submitted prior to the completion of the downstream study.

19. Low Impact Development Design as specified in the City of Keizer Department of Public Works Design Standards, Section 4.18, will be required for all of Area C. In lieu of storm water quality manholes, the Public Works Department will require natural water quality treatment facilities. All storm water including roof drains are to be connected to an approved system designed to provide adequate drainage for all proposed

impervious surfaces. Where on-site detention is planned, Covenant, Conditions and Restrictions (CCRs) or other recorded instrument shall be recorded to alert future owners/developers that detention, infiltration and/or treatment shall be required to be constructed to the standards in effect at the time of building permit application. Such documents shall be approved by the City Attorney prior to recording and shall, at a minimum, provide the right by the City to enforce any and all stormwater facilities maintenance.

20. The Storm Drainage Master Plan shall include sufficient elevation information to allow evaluation of the appropriate grading that will accommodate vehicle and pedestrian access to the property immediately adjacent to the west of the multi-family residential area of the proposal. The applicant shall demonstrate to the City how any fill can be accomplished without negative impacts to the adjacent properties.

21. A phasing plan shall be submitted to indicate how the storm water management plan will be developed to provide service to each area if the development is proposed to be constructed in phases.

22. The developer shall submit to the Public Works Department a master plan for erosion control for areas permitted prior to any site construction. The plan shall be approved by the Public Works Department. Prior to any development, including site grading, the applicant shall obtain an NPDES permit from the Oregon Department of Environmental Quality and submit a copy of the approved plan to the City of Keizer Public Works Department.

23. Easements for any existing or proposed storm drain lines within the subject property will be required if not located within public right-of-ways.

24. An improvement agreement or other acceptable form of guarantee for all required storm drainage construction shall be in place prior to construction permits being issued.

Transportation:

25. The city public works staff review of the proposal indicates the development will generate in excess of 250 vehicles trips per day. A Traffic Impact Analysis (TIA) for the subject property has been prepared by DKS dated January 2015 to provide information regarding the anticipated increase in overall traffic in the area and methods to mitigate for the anticipated increases. The analysis has been reviewed by the City's

Traffic Engineering Consultant and accepted by the Public Works Department. The TIA has identified improvements to the transportation system to mitigate the impacts created by the proposed development. Prior to the issuance of a final certificate of occupancy for any development in Area C, the transportation system improvements identified in DKS' January 2015 TIA shall be installed. Improvements may be phased as allowed in the TIA.

26. The Site Plan indicates a number of features within the master plan area such as "right-in only" intersection improvements including traffic control, traffic signals and modifications, etc. that will require construction during the first development activity for Area C.

Additionally, off-site improvements will be required. These off-site improvements are the costs identified to improve North-bound I-5 on-ramp, Lockhaven/14th intersection and Lockhaven/River Rd. intersection. The total cost for Area C off-site mitigation is $222,869.00.

The off-site improvement fees are to be paid as assessed on a proportional share of the estimated trips. This proportional share of off-site transportation improvement costs is determined by assessing the trip generation amounts contained in the approved TIA as follows:

Description	Amount
Apartments – Phase 1 and Phase 2	$32,649.60
Senior Adult Housing	$ 5,678.19
Assisted Living	$ 7,097.74
Office 2	$34,069.15
Restaurant	$15,615.03
Retail 1	$ 8,517.29
Retail 4	$ 5,394.27
Retail 5	$ 3,123.01
Large Retail Building	
Retail 6	$34,636.97
Retail 7	$50,535.90
Retail 8	$ 6,813.83
Retail 9	$ 6,813.83
Future Development North	$ 6,529.92
Future Development South	$ 5,394.27

Such proportional amounts shall be paid prior to issuance of any construction permits for the individual uses. These amounts shall not be varied even if the size or exact use of the development is different than contemplated. Due to continuing increases in construction costs, if such amount is not paid, prior to April 1, 2015, or within one (1) year thereafter, the off-site improvement costs shall increase by the construction Cost

Index as set forth in the Engineering News Record Northwest (Seattle, WA) on an annual basis until paid.

All new intersections shall be designed to the standards of the City of Keizer Department of Public Works under the standard construction permit process. All signalization shall be designed to City of Salem standards and reviewed by the City of Salem for required operations, maintenance and materials. Conduits for signal interconnects and required fibre optics cables and junction boxes to existing and proposed controller cabinets will be required between the three major intersections (Lockhaven/McLeod, Lockhaven/Chemawa Road and Chemawa Road/McLeod). The portion of McLeod Lane east of Chemawa Road shall be constructed to Collector Street Standards. Appropriate right-of-way dedication for necessary construction of the above intersection will be determined during the design phase of the proposed new streets. Final alignment plans of Chemawa Road improvements including all future widening, both north and south of Lockhaven Drive, shall be submitted by the applicant to the City for review during the plan review process. There shall be no temporary "right out" access onto Chemawa Road from the existing St. Croix Way.

Applicants shall grant a temporary public easement and construct an accessway to connect to the southerly end of St. Croix Way to provide access to that public street. When the area of St. Croix Way redevelops, the City will take necessary steps to extinguish such easement.

27. Street construction improvement plans shall include undergrounding of all existing and proposed electrical power lines. The developer will be required to form a street lighting district using PGE's Option A. The required street light system shall be constructed by the developer during the street construction for the development. Boundaries of the Street Lighting Improvement District will be defined by the Public Works Director.

28. The Developers' engineer shall provide an analysis of available sight distance at the proposed intersection of McLeod Lane and Ridge Drive. It appears that existing trees along the north line of the existing home on Ridge Drive will present a vision obstruction for vehicles entering and exiting the access to the home. If so, this shall be remedied prior to issuance of construction permits for the right-of-way.

29. The Applicant shall grant a private easement and construct an access way in the vicinity of the boundary of Area C-3 and the Harner property, Marion County Tax Lot 6, 3W, 36CB, 8201, Parcel 2. Such access way

shall be completed prior to issuance of any occupancy permits for the proposed Area C Phase 2 multi-family buildings in the area abutting the access way, or the proposed senior adult housing facility, also abutting the access way, whichever occurs first. At time of development of the Harner property (not a part of Area C), Harner or his successors shall have the responsibility to make the necessary improvements to connect to such access way.

General:

30. Unless stated otherwise herein, all required plans must be approved by the City prior to issuance of any construction permits. The development shall be constructed substantially as set forth in the attached final approved site plan marked as Exhibit 2 and by this reference incorporated herein.

31. Construction permits are required by the Public Works Department prior to any public facility construction or site grading, including preparation for development.

32. 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.

33. Street opening permits are required for any work within the City right-of-way that is not covered by a Construction Permit.

34. If appropriate, facility phasing plans and arrangements for reimbursing developers for providing additional capacity to serve future development shall be approved by the Keizer Department of Public Works and the City Council pursuant to local ordinance.

35. All easements shall be located in appropriate locations based on actual approved plans. No final plat or Record of Survey shall be approved prior to approval of construction plans including easement widths and locations.

36. An improvement agreement or other acceptable form of guarantee for all required public construction shall be in place prior to public construction permits being issued.

Site Development

37. Buildings shall be substantially located as shown on the approved Master Plan. The exact building footprint may be varied; however, in no event

shall the buildings be substantially relocated and/or increased in size over the maximum shown on the approved Master Plan. Uses may not be changed from those approved in the Master Plan. The term "substantially" shall be understood to mean general area and configuration.

38. Prior to building permit approval, applicant must receive final approval for street vacation or variance for those portions of Ridge Drive subject to encroachment, or modify the site plan to eliminate the encroachment.

39. The proposed site lighting shall be shielded to direct light away from adjacent residential properties. Light features for pedestrian walkways shall be low in height (8 feet or less).

40. Maintenance of the storm drainage facilities and landscaping located on private property, and for the public areas, shall be the responsibility of the property owners.

41. In addition to the development standards of Utility Lines and Facilities - Section 2.307 all new utility connections, facilities, and lines shall be located underground.

42. Prior to the issuance of a certificate of occupancy for a retail use in subarea C2, an additional entryway feature shall be provided on the southeast corner of Chemawa Road / Lockhaven Drive intersection to reflect that shown on the southwest corner in order to provide a gateway.

Lot Development/Parking Lot

43. All dimensional requirements for building heights, lots, and building setbacks shall be met as specified in KDC Section 2.107 and 2.109. Current layout of several features of the multi-family development in Area C2 do not comply with setbacks unless Ridge Drive is vacated.

44. Parking areas shall be provided and shall comply with design requirements outlined in KDC Section 2.303. For driveways that service more than 100 parking spaces, there shall not be any parking within twenty-five feet of the driveway intersection.

45. Bicycle parking shall be provided as required by KDC Section 2.303.08. 12 bicycle parking spaces shall be provided for Larger Format Store. In addition, the bicycle rack design shall provide secure support for bicycles and the ability to lock bicycles securely. The bicycle rack design, installation, and locations shall be approved by the Community Development Director prior to installation.

46. All driveway, loading, and parking areas shall be paved as required in KDC Section 2.303.

47. A tree shall be planted for every eight lineal parking spaces in accordance with KDC standards or as shown on the Master Plan.

48. To provide for adequate vision clearance the landscaping material shall be selected to provide for the maintenance of adequate site distance as specified in Section 2.309 and if necessary additional clear vision area shall be provided at driveway intersections as approved by the Community Development Director.

49. Driveways from public streets or shared accessways shall provide pedestrian crossings a maximum of 36 feet wide. These crossings shall make use of contrasting materials and textures (e.g. scored concrete) to clearly identify the walkway.

50. Pedestrian walkways must be lighted to a level where they can be used at night by employees and customers. Internal walkway crossings shall be demarcated with a highly visible surface marking.

51. The senior living facility at the southeast corner of McLeod Lane/Chemawa Road intersection shall be located to provide a 30 foot setback from the street as shown on the submitted site plans.

52. Accessory Structures shall meet all applicable regulations.

Building Design

53. Building design elements for commercial uses shall include, but are not limited to ground floor windows, facades, awnings and materials that shall satisfy KDC Section 2.315.08.

54. The elevations of all buildings shall be varied in texture, building materials and shall create a human scale in their design elements. To implement a human scale, elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements (such as, patterns and textures), punctuated frequently with various architectural features (such as doorways, windows, pergolas, gables, and differing planes). A variety of materials, varied at the same frequency as the architectural elements, shall be used with no single type being used more than 50% of the building

facade. The colors used shall be in compliance with the examples included in the applicant's submittal.

55. Final building designs for commercial uses shall conform with the design concepts above, and shall be reviewed by the Community Development Director for compliance with this master plan approval and applicable design standards in KDC Section 2.315 as part of the building permit review.

56. Apartments buildings in area C2 and area C3 shall be situated substantially as shown on submitted plans and shall be similar to the design on the submitted plans. A maximum of 102 dwelling units in area C2 and 78 dwelling units in area C3 is permitted.

57. Senior Living facility in area C3 shall be situated substantially as shown on submitted plans and shall be constructed to the design on the submitted plans.

Landscaping/Buffering

58. Final Landscaping plan shall be submitted for review and approval.

59. Street trees shall be planted with 30-foot spacing using a type approved by the City of Keizer. A minimum caliper of 2 inches shall be used for street trees, and at least 8 feet high for evergreens near public pathways, walkways and streets. Other evergreen trees shall be at least six feet high and deciduous trees a minimum of 11/2 inch caliper. A final street tree planting plan shall be approved by the Community Development Director prior to planting. Parking lot trees shall be planted in material suitable to support rapid establishment with asphalt substrate removed. All other landscaping standards of the KDC shall be met. Evergreen trees shall be planted as a visual buffer in the area directly across the street from residential zone property.

60. Ground cover and shrubbery shall be planted in conformity with the KDC and industry standards as approved by the Community Development Director, and shall reach full coverage by the third year of growth.

61. Buffering shall be provided in a manner which is consistent with the proposed Master Plan. In the CR zone, storage, trash and service functions must be screened as required by the Keizer Development Code. Electric and mechanical equipment shall be screened with vegetation and/or fencing.

62. All landscaped areas shall be irrigated. Irrigation system plans shall be submitted for approval as part of the building permit review process. Approved irrigation systems shall be installed prior to issuance of an occupancy permit.

63. In addition to the tree plantings required under the Keizer Development Code, an additional 100 trees shall be provided to replace the "significant" trees that were or are to be removed. These shall be in addition to required parking lot and street trees. An alternative to planting these trees can be to provide funding into the city's tree replacement program. In addition to other landscaping conditions set forth herein, at least twenty of the 100 trees shall be 12 foot or taller specimen evergreens. A portion of the larger size evergreens shall be planted adjacent to the planned senior living facility building on Chemawa Road in such a way as to reasonably provide screening for the residential area across Chemawa Road pursuant to the approved tree planting plan. Such larger trees shall be planted in the same time frame as set forth in the landscaping conditions herein. All existing mature trees adjacent to the senior living facility building shall be retained to the extent practicable.

64. Any parking spaces that are located within 20 feet of a residential zone shall be screened by a 4 foot tall ornamental fence or wall.

65. Any trees that die or are diseased along the streets and on-site must be replaced within 45 days or as soon as practicable considering the appropriate planting season. This is a continuing condition.

66. A landscaped focal point shall be provided at the southeast corner of McLeod Lane/Chemawa Road intersection to provide additional visual amenity as approved by the Community Development Director.

67. All existing wells on the subject property shall be abandoned unless specifically authorized by the Public Works Director. Any existing neighboring well conflicts with proposed sanitary sewers shall be reported to the department of Public Works and a method for resolving the conflict shall be determined prior to the construction of any sanitary sewers on the subject property. A copy of a well abandonment permit from the State Water Resources Department indicating completion of the abandonment of all wells on the property shall be submitted to the Public Works Department, unless authorized otherwise.

68. Upon approval of the detailed preliminary plat/engineering plans and construction of public improvements (or acceptable improvement agreements), a final plat for the Lot Line Adjustment or Record of Survey, which conforms to the preliminary plat approval, must be submitted for review to Marion County Surveyor's Office. Future land divisions or lot line adjustments shall be governed by the appropriate procedures and will require separate and individual applications.

Building Permit(s):

69. No building permits shall be issued until the Record of Survey is recorded and all conditions of any construction permits are completed to the satisfaction of the Department of Public Works.

Prior to Obtaining Building Permit Final:

70. The building address requirements found in the Oregon Uniform Fire Code shall be completed as approved by the Keizer Fire District and Community Development Department.

71. Sanitary sewer permits must be received and/or sewer taps and system development charges must be paid to the City of Salem pursuant to applicable regulations.

72. During construction, residential properties shall be protected from impacts of noise at unreasonable hours, unreasonable dust, and safety concerns, and shall conform to Keizer city requirements regulating such impacts.

Off-Site Sidewalk Improvements:

73. Applicants shall pay $50,000 towards off-site permanent sidewalk construction. The City shall construct the sidewalk improvements as described below. If the entire $50,000 is not paid prior to issuance of the first public improvement permit, Applicant shall sign an Improvement Agreement in recordable form. This improvement may be eligible for re-imbursement agreement if established. Such Agreement shall be in substantially the following form:

    1. PAYMENT BY APPLICANT. Applicant shall pay to City the total sum of $50,000.00. Such payment shall be made as follows:

        a. $25,000.00 shall be paid to City prior to issuance of any public improvement permits for Keizer Station – Area C. Applicant

agrees and understands that such permits shall not be issued until payment is received.

b. The remaining $25,000.00 shall be paid either two (2) years after the first payment is made; OR prior to the issuance of any building permits for commercial or any non-residential structures, whichever occurs first. Applicant agrees and understands that such building permits shall not be issued until payment is received. If such amount is not paid as set forth above, City may pursue collection by any appropriate legal remedy, including foreclosure as a mortgage under state law.

2. CONSTRUCTION TIMELINE. City will complete the sidewalk improvements described herein on or before the end of the next fiscal year after payment of the entire $50,000.00 payment by Applicant. City shall not be required to build the sidewalk until the entire amount is paid.

3. CONSTRUCTION DETAILS. The City will construct the sidewalk as follows:

a. The permanent sidewalk improvements will be built from the location where the south boundary of Keizer Station – Area C intersects with Chemawa Road Northeast to Verda Lane along one (1) side of the road (southeast or "freeway" side).

b. The City will not replace or reconstruct existing portions of sidewalk along the route.

c. The new sidewalk will be a minimum of six (6) feet in width complying with all permanent sidewalk regulations, including, but not limited to current Americans with Disability Act standards.

d. Depending on the timing of construction, the City may choose to delay construction of a small section of the permanent sidewalk between Verda Lane and Lucinda Avenue for up to one (1) year after completion of the main portion of the new sidewalk. If the City chooses this option, the City will construct a temporary walkway within the timelines set forth in Section 2.

4. CONSTRUCTION COSTS. City will be responsible for any and all construction costs of the new sidewalk and hold Applicant harmless therefrom.

5. THIRD PARTY BENEFICIARY. The parties specifically identify Keep Keizer Livable and Kevin Hohnbaum as third party beneficiaries. However, third party beneficiaries causes or claims of action are limited to only specific performance of this Agreement.

6. SUCCESSORS AND ASSIGNS. The benefits conferred by this Agreement, and the obligations assumed hereunder, shall inure to the benefit of and bind the heirs, successors and assigns of the Parties, including any party acquiring an interest in the Project, or any portion thereof.

7. WRITTEN AMENDMENT. Any amendments to this Agreement shall be made in writing and executed by all parties to this Agreement.

8. ATTORNEY FEES. In the event of a suit, action, arbitration, or other proceeding of any nature whatsoever, including, without limitation, any proceeding under U.S. Bankruptcy Code, is instituted to interpret or enforce any provision of this Agreement, or with respect to any dispute relating to this Agreement, including, without limitation, any action in which a declaration of rights is sought or an action for rescission, the prevailing party shall be entitled to recover from the losing party its reasonable attorney fees and all other fees, costs and expenses actually incurred and reasonably necessary in connection therewith, as determined by the judge or arbitrator at trial or arbitration, as the case may be, or on any appeal or review, in addition to all other amounts provided by law.

9. CITY COLLECTION. The City agrees that it will attempt to collect the $50,000.00 from Applicant. The City agrees to use its reasonable efforts to collect the $50,000.00 in the normal course of business according to the City's standard procedures. City may choose to not pursue collection efforts, if it is a reasonable business decision.

10. NO PARTNERSHIP. Nothing contained in this Agreement or any acts of the parties hereby shall be deemed or construed by

the parties, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or any association between any of the parties.

Other

74. To meet the provision of the requested parking reduction the applicant shall provide a transit amenity such as a bus stop shelter at a location to be determined by the Transit District.

75. Larger Format Store is allowed to be increased from 72,000 square feet to no more than 80,000 square feet if all site conditions are met and all concurrency requirements are complied with.

76. Area C is intended to be phased development with future phases bound by these conditions.

77. The city will vacate sections of St. Croix and Ridge Drive as future development allows this to be feasible. If a portion of Ridge Drive is vacated, appropriate access to remaining parcels shall be provided.

78. Keizer Development Code has "concurrency" requirements that must be met to allow construction of a retail use building over 10,000 square feet (Larger Format Store). For a building no larger than 80,000 square feet this will require non-retail/non-single family home uses ("required mixed use development") in the master plan area have a total square footage of at least 25% of the gross leasable area of the Larger Format Store. KDC 2.107.05(D)(1). KDC 2.107.05(D)(3) provides required mixed use developments be constructed before or concurrently with the Larger Format Store. The applicant shall demonstrate compliance with these requirements as follows:

    a. The applicant shall apply for all necessary building permits for required mixed use development prior to or simultaneously with the application for building permits for the Larger Format Store.

    b. The applicant shall receive the necessary building permits for the required mixed use development prior to or simultaneously with the necessary building permits for the Larger Format Store. The building permits for the Larger Format Store shall not be issued unless the building permits for the required mixed use development have been granted.

c. All certificates of occupancy for the required mixed use development shall be issued prior to or simultaneously with the certificate of occupancy for the Larger Format Store. The certificate of occupancy for the Larger Format Store shall not be issued unless the certificate of occupancy for the required mixed use development has been granted.

79. Any outdoor display or storage of merchandise shall be limited to the area immediately adjacent to building(s).

80. As used throughout this Order, the term "Applicants or Applicant" includes future developers/owners as applicable.

81. The Applicant shall grant a public easement to the City for pedestrian use on the subject property connecting the proposed McLeod Lane to the Keizer Little League Park south of the Site, through Area C3. The easement shall be no greater in width than the approved apartment walkways. The exact location of this easement shall not interfere with the approved site plan, and shall be agreed upon by the Applicant and City. The Applicant shall be required to develop a hard surface pedestrian path in the easement at least as wide as the apartment walkways on the portion of the path that is located on C3. The applicant shall not be required to permit access on or across the easement between sunset and sunrise and at other times mutually agreed upon by the City and the Applicant.

82. In certain circumstances, Exhibit "C" (Facts) contain conditions or clarification of conditions set forth in this Exhibit. In such cases, the conditions or clarifications of conditions are incorporated herein as if fully set forth.

83. Unless stated otherwise, all conditions must be complied with prior to issuance of public construction permit or building permit.

84. Sidewalks complying with Americans with Disabilities Act and the Keizer Street Standards shall be constructed as shown on the attached Site Plan. For the first phase of construction (apartments and senior living development), the following sidewalk sections shall be constructed prior to issuance of any occupancy permits:

a. On the east ("freeway" side) of Chemawa beginning at the Chemawa/Lockhaven intersection to the southeast corner of the senior living development.

b. From the end of the existing sidewalk on the southwest side of existing McLeod Lane (next to Countryside Church) to the McLeod/Chemawa intersection, then through Area C to the southeast corner of the Area.

c. Beginning on the opposite side of the McLeod/Chemawa intersection abutting the retail development in Area C-2, continuing on McLeod past the Phase 1 multi-family development to the southeast corner of such development (adjacent to the railroad tracks).

EXHIBIT "A"
MASTER SEWER PLAN ASSESSMENT "AREA C"
NE 1/4 SW 1/4 SEC. 36, T. 6 S., R. 3 W., W.M.
MARION COUNTY, OREGON

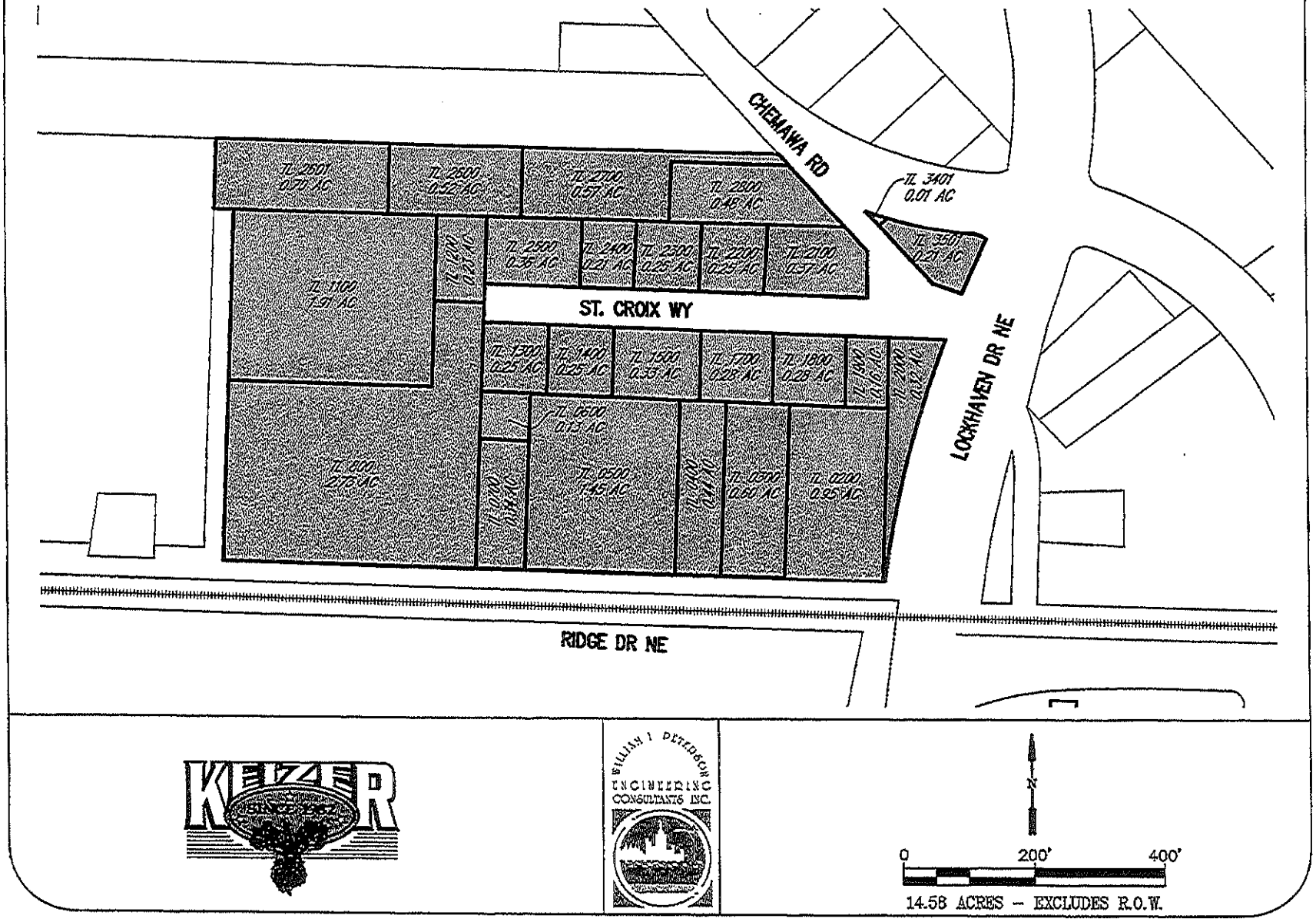
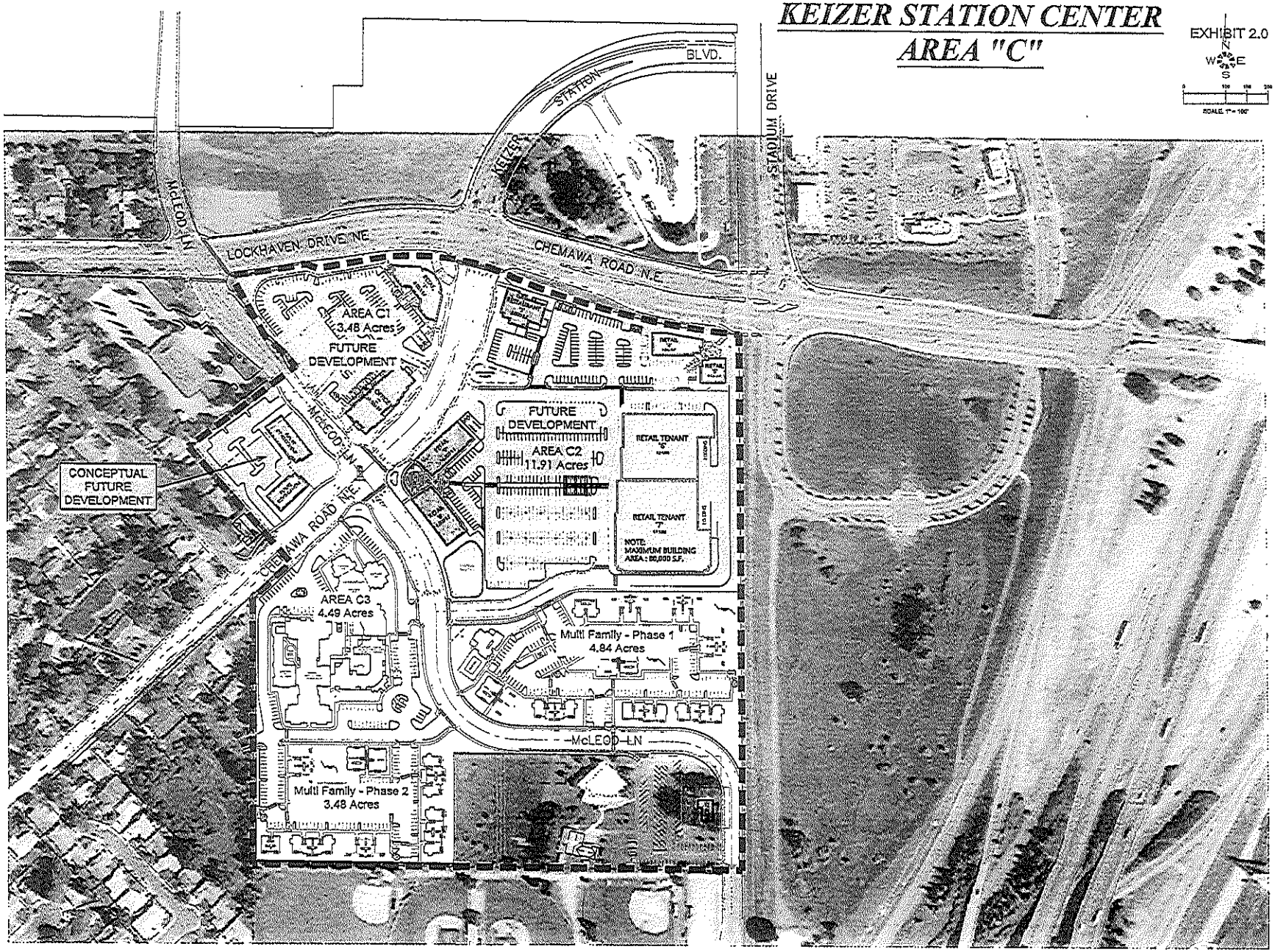


Exhibit "1"

KEIZER STATION CENTER
AREA "C"

EXHIBIT 2.0



MULTI/TECH
ENGINEERING SERVICES, INC.

COVER SHEET
SITE PLAN

KEIZER STATION
CENTER

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

Design: M.D.G.
Drawn: P.H.S.
Checked: M.D.G.
Date: OCT 2014
Scale: AS SHOWN

JOB # 601

MP3