



**KEIZER COMMUNITY DEVELOPMENT
DEPARTMENT
NOTICE OF DECISION
Partition Case No. 2016-11**

I. REQUEST

The following report reviews a land use application to divide an existing parcel of approximately 16,608 square feet into two parcels containing approximately 9,300 square feet (Parcel 1) and 7,308 square feet (Parcel 2) for property located at 1030 Dearborn Avenue N, Keizer, OR. (See Exhibit '1.')

II. BACKGROUND

- A. APPLICANT / PROPERTY OWNER:** Eric Pittsley
- B. PROPERTY LOCATION:** The subject property is located at 1030 Dearborn Ave N. The Marion County Tax Assessor's office identifies the property as Township 7 South, Range 3 West, Section 02AC, Tax Lot # 07000. (See Exhibit '2.')
- C. PARCEL SIZE:** The subject property contains approximately 16,608 square feet in area.
- D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is developed with a single family dwelling which is served by public facilities.
- E. ZONING:** The subject property is zoned RS (Residential Single Family) and is designated Low Density Residential on the Comprehensive Plan.
- F. ADJACENT ZONING AND LAND USES:** Surrounding properties are developed with single family homes on land zoned RS (Residential Single Family).

III. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED THE PARTITION WITH CONDITIONS AND REQUIREMENTS** noted below. Findings in support of this decision are found in Section VI. starting on page 6 of this staff report.

Any interested person, including the applicant, who disagrees with this decision, may request an appeal be considered by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$250.00 fee. This fee may be refunded if the appeal is successful. An appeal request must be submitted in writing on a form provided by the City of Keizer. The appeal request must be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by **5:00 p.m. on June 24, 2016.**

Unless appealed, this decision becomes final on June 27, 2016.

Partition approval is only valid if the final plat is recorded prior to June 27, 2017.

IV. CONDITIONS AND REQUIREMENTS

The following conditions shall be completed, including review and approval by the appropriate department, prior to the time lines outlined below. Compliance with the Conditions of Approval shall be the sole responsibility of the applicants and/or property owner.

General:

1. The Keizer Development Code requires the developer to connect to public utility services. The Development Code also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer is responsible for all utility connection costs. The City's System Development Charges for park development, water system improvements and transportation improvements shall be the fee in place at the time of building permit application. These Development charges, as well as those involving the extension of sewer, water, and storm drainage, will apply to this request.

Prior to Preliminary Plat Approval:

2. A detailed preliminary plat shall be submitted to the Marion County Surveyor's Office for review. The Marion County Surveyor's Office will then submit the preliminary plat to Keizer for review. The Preliminary Plat must be submitted for review prior to submittal of a final plat.
 - a. Parcels ten acres and less must be surveyed.
 - b. Per ORS 92.050, plat must be submitted for review.
 - c. Checking fee, second Mylar fee, and recording fee is required.
 - d. A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

The detailed preliminary plat shall include the following provisions:

- e. The preliminary plat shall substantially conform to the proposed partition request.
- f. Lots shall comply with all area and dimension requirements for lots within the Residential Single Family (RS) zone (gross and net area must be shown).
- g. Include all engineering elements as required by the Department of Public Works requirements.
- h. Include a signature line for the City Engineer.
- i. Access easement area shall be shown on the plat and shall comply with city standards.
- j. Include on the plat that a maintenance agreement for the shared access easement will be recorded along with the final plat. The following language is acceptable language to the City:

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

Prior to Final Plat approval (Mylar):

3. The applicant shall submit a final partitioning plat prepared by a registered

professional surveyor which conforms to the approved preliminary plat. Following plat approval, the final plat and title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk by June 21, 2017. The plat shall include all engineering elements as required by the Department of Public Works and shall show all lot sizes and dimensions including both gross and net area.

4. Access easement shall be improved to a minimum of sixteen (16) feet of paved width within a 20 foot wide easement width. No parking shall be permitted within the minimum required width and “no parking” signs must be installed as required by the City. The improvement of the access easement and installation of the required no parking signage shall be completed prior to approval of the final plat. In lieu of this, the applicant may obtain a performance bond, improvement agreement or other instrument acceptable to the City as outlined in Section 3.202.02.F.3 and 3.202.05.B of the Keizer Development Code. Improvement agreements may be obtained from the Community Development Department.
5. A maintenance and replacement of the access easement and “no parking” signage shall be provided in the form of a maintenance agreement, or other instrument acceptable to the City and shall be recorded with the Marion County Clerk. A copy of the agreement shall be submitted to the Community Development Department for review and approval. The agreement shall also include language stipulating that the agreement cannot be extinguished without written approval of the City of Keizer.
6. Tree Replacement Plan to be submitted to the Community Development Department for review and approval showing where the 8 replacement trees will be planted.
7. The following applicable requirements/conditions of the Public Works Department must be met as outlined below:

SANITARY SEWERS:

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

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Construction permits will be required for any construction within a public street.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Each parcel will be required to have its own sanitary sewer service and will be required to connect to an approved public sanitary sewer line. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for Lot 2 and shall be permitted by the City of Salem prior to approval of the proposed partition plat.
- c.) The property is within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.

WATER SYSTEM:

- a.) The application is proposing one new individual water services for Lot 2. All new services

shall be connected to an existing water main. Each parcel shall have its own water service. Location of water meters shall be submitted for approval to the Public Works Department after all proposed utility locations are known.

- b.) The Keizer Fire District shall determine if a new hydrant is required to serve the proposed development.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) Frontage improvements are proposed for Thorman Avenue. The Applicant will be required to provide half street improvements along the Thorman Avenue frontage to local street standards with adequate pavement and sidewalk transitions at the south end of Lot 2. Submit a street frontage improvement plan for Thorman Avenue to the City of Keizer Public Works Department for review and approval prior to approval of the partition plat.
- b.) The proposed driveway drop on Dearborn Avenue for Lot 1 shall be minimum 18-ft wide.
- c.) City Code requires all building utility services to be underground.
- d.) The Keizer Development Code provides standards for private access easements. It will be the responsibility of the applicant to provide for adequate maintenance agreements for any proposed access easements.
- e.) All impervious surfaces on the site, including the proposed access easement area shall be designed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Dearborn Avenue. The plans for storm water quality and detention shall be submitted to the City of Keizer Public Works Department for review and approval prior to approval of the partition plat.
- f.) Submit a stormwater drainage plan for Thorman Avenue to the City of Keizer Public Works Department for review and approval prior to approval of the partition plat.

OTHER

- a.) Construction permits are required by the Public Works Department prior to any public facility construction as well as private utility construction within existing right of ways. A Construction Site Pollution Prevention Plan as required by Ordinance 2014-711 will also be required.
- b.) A Pre-design meeting with the City of Keizer Public Works Department will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review.
- c.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- d.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
- e.) The Partition Plat shall include a signature line for the City Engineer.

- f.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements.

Prior To Obtaining Building Permit(s):

8. All required public utility services shall be completed to the satisfaction of the Department of Public Works.
9. In addition to the design requirements of the RS zone, the new homes must comply with the standards of Section 2.102 (Residential Single Family), 2.314 (Standards for Single Family Dwellings), and 2.314 (Infill Development Standards). In addition, any placement of a manufactured dwelling shall be consistent with the requirements in Section 2.402.

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

10. The residential address requirements found in the Oregon Uniform Fire Code shall be completed as approved by the Keizer Fire District and City of Keizer Community Development Department. An address display sign must be installed at the intersection of the access easement and Thorman Ave identifying the addresses located on the easement.
11. Two streetscape trees must be planted on each lot. Trees must be a minimum 2" caliper when planted.
12. Replacement trees required by the tree replacement plan must be planted prior to building permit final. Trees must be a minimum 2" caliper when planted.
13. Three (3) on-site parking spaces shall be provided for Parcel 1 to serve the needs of the new duplex. Parking spaces must be a minimum 9' wide and 18' long. As an alternative, the applicant may choose to provide additional parking area adjacent to the access easement or submit an alternate parking plan to satisfy this requirement. If one of these alternative options is chosen, the change must be reflected on the plat.

V. COMMENTS

AGENCY COMMENTS:

- A. The Keizer Public Works Department submitted comments (Exhibit '3') regarding requirements for public facilities and improvements necessary to serve the subject property.
- B. The Marion County Surveyor's office submitted comments (Exhibit '4') regarding the process for platting the partition.
- C. The Salem Planning Department, and Jeff Warren, 1097 Dearborn Ave each submitted that they have reviewed the proposal and have no comments.

CITIZEN COMMENTS:

A letter requesting comments was sent to the surrounding property owners within 250 feet of the subject property. One response was received from Connie Toney, 6105 St Louis Rd, Gervais, expressing concerns regarding the impact that manufactured dwellings will have on surrounding property values, and that attaching a manufactured dwelling onto the existing house will not look right; increased traffic; on-street parking.

STAFF RESPONSE:

Staff appreciates the input provided and understands the concerns expressed by the Ms Toney. The decision and approval criteria for land developments are governed by the criteria in the Keizer Development Code. Use of a manufactured dwelling is permitted provided that it is consistent with the requirements outlined in Section 2.402; the applicant will be required to provide off street parking consistent with the development code; and, any affect either positively or negatively on surrounding property values is not a review criteria and so can't be weighed as part of the review of this application.

VI. FINDINGS AND CONCLUSIONS

The following are findings that address the Partition request to divide the property into three parcels in accordance with the Keizer Development Code. The approval, or denial, of a partition application is based on compliance with the decision criteria found in Section 3.107 of the Keizer Development Code. The criteria and staff's findings for the applicable sections of the Keizer Development Code are listed below:

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

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

FINDINGS: The subject property is located within a RS zone. The minimum lot frontage requirement on a public street in a RS zone is forty (40) feet for a single family home. Parcels that obtain access from an access easement must have at least 20 feet of frontage along the easement. The applicant's original site plan indicates that a single driveway will provide access for both Parcel 2 and for the proposed addition on to the existing home on Parcel 1 which would then become a duplex. As such parcel 2 will grant an easement to the new dwelling on Parcel 1. After submittal, the applicant emailed an alternative version that would have had a shared driveway for these two dwelling. This version was rejected by Public Works as it would have resulted in the driveway being located closer to the intersection of Thorman and Dearborn Avenue. Therefore this report relies on the original site plan. Section 2.310.03.D.1 states in part that "*Residential lots...may be accessed via an access easement developed in accordance with the provisions of Section 2.302.08.*" The specific provisions of Section 2.302.08 will be addressed later in this report, but it should be noted that staff finds the applicant's proposal complies with these provisions. Therefore, staff finds that each parcel meets the minimum lot frontage requirement, and thus satisfies this criterion.

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

FINDINGS: The subject property is located in a RS zone which requires lots to have a minimum width of forty (40) feet and a minimum depth of seventy (70) feet for residential uses. Both parcels exceed the minimum requirements of the RS zone. Parcel 1 is approximately 132 feet deep and 71 feet wide. Parcel 2 is approximately 132 feet deep and 55 feet wide. Therefore, as demonstrated on the applicant's site plan, each parcel meets this provision. As a condition of approval, each lot must meet the minimum required width and depth of the RS zone and all dimensions must be shown on the preliminary and final plat. With this condition, staff finds this request satisfies this criterion.

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

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

FINDINGS: The property is located in the RS zone which requires a minimum lot area of 5,000 square feet for a detached single family dwelling, and 7,000 square feet for a duplex located on a corner lot. Lot area is to be determined as a net area calculation and cannot include the area designated for the access easement portion of the property. The applicant's site plan shows that the proposed area for the parcels to be approximately 9,300 square feet (Parcel 1) and 7,308 square feet (Parcel 2) in area. Parcel 1 is proposed to have a duplex on it and exceeds the minimum lot size requirement. The preliminary plan shows the gross area only and does not indicate the net areas of the parcels. It appears there will be adequate area to accommodate the applicant's proposal to create 2 parcels. As a condition of partition approval, the preliminary and final plat must show both gross and net area calculations, which will ensure this requirement is met. In no case can the proposed parcels be less than the minimum required by the RS zone. Therefore, with this condition of approval, staff finds this request satisfies this criterion.

2. *Section 2.310.03.C. Lot width and depth. The depth of a lot or parcel shall not be more than 3 times the width of the parcel.*

FINDINGS: The intent of this provision is to prevent the creation of parcels which are unusually deep and narrow which can be difficult to serve and develop, and to promote an orderly and efficient development pattern and use of property. The proposed parcels comply with this standard. Parcel 1 is approximately 132 feet deep and 48 feet wide, while Parcel 2 is 55 feet wide and has a depth of approximately 131 feet. Therefore, neither parcel will have a length which is three times its width and therefore meets the minimum lot width and depth requirements as outlined the Keizer Development Code. This proposal complies with this criterion.

3. *Section 2.310.03.G. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the adjacent street. The rear lot line shall be no less than ½ the dimension of the front lot line.*

FINDINGS: The intent of this provision is to allow the division of property that will result in a more or less uniform shape thereby avoiding difficult to develop parcels. The subject property is rectangular in shape, and the applicant's proposal will result in dividing the parcel into 2 rectangular shaped parcels. The proposed lot lines run at right angles. The rear lot lines are all uniform with each front line not less than ½ the dimension of the front lot line. Therefore, staff finds this request satisfies this criterion.

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

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

5. *Section 2.310.05.C. Street Frontage Improvements. If the street frontage of the subject property exceeds 100 feet, or is located along a collector or arterial street, or extends an existing dedicated right of way, the applicant shall make improvements as outlined in Section 2.310.05.C.2 of the Keizer Development Code, unless it is determined by the City that any or all of the required improvements may not be practical or desirable due lack of connecting facilities, or topographical or engineering constraints that may preclude the placement of improvements.*

FINDINGS: The applicant proposes to partition a parcel that is a corner lot with frontage along Dearborn Ave and also along Thorman Ave. While the property has more than 100 feet of frontage along each street with Dearborn Ave having recently been improved to full city standards will not result in the need for any improvements along this frontage. However, Public Works submitted comments which have been made conditions of this partition approval which will ensure appropriate improvements are provided along the extent of the frontage with Thorman Ave. Therefore, staff finds that this request satisfies this criterion.

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

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

exceeds the street system's carrying capacity, which then causes dangerous or hazardous traffic conditions. The applicant proposes a two (2) parcel partition for residential development. The development features access onto Dearborn Ave (existing) and Thorman Ave and Public Works has commented that no new access will be allowed onto Dearborn Ave. The necessary improvement of a street is identified in Keizer Development Code Section 2.302.04. The table set forth in such section indicates the minimum improvements and right of way widths required. The improvement of streets adjacent to a partition is necessary to provide a safe and convenient transportation network to serve the residents of the applicant's proposal. The Keizer Development Code requires that new development make road improvements to bring their road frontage up to the road classification and construction standards. The legislative adoption of the street standards require road improvements and the road construction to be provided by the development as it occurs in proportion to its impacts. The residents of the partition will utilize road systems constructed by other developments at no cost to them or the applicant. Other benefits which necessarily flow to the future residents of this development from the completion of the street improvements include access for vehicles, bicyclists and pedestrians to the arterial road system serving this area of the City and improved access for emergency vehicles to the subject property and its residents.

The functional classification of the fronting streets is based on the cumulative traffic impacts from the development of properties in the area which will use the streets. Thorman Ave along the frontage of the property is classified in the city's TSP as a local street. Dearborn Ave is designated as a collector road in the TSP. Functional classification is established in order to ensure that the streets have adequate carrying capacity for the traffic which will utilize it to avoid traffic generation that would cause dangerous or hazardous traffic conditions. The proposed development will generate additional vehicle trips per day that will contribute to the cumulative traffic impact of the streets.

Dearborn Ave along the frontage of the site meets city standards and will require no additional dedication or improvements by the applicant. The improvement of Thorman Ave along the frontage of the site will result in no additional dedication, but will require that the applicant is responsible for providing half street improvements with adequate paving, curb and sidewalk with adequate transition at the south end along the frontage of the site.

The area that needs to be improved will be approximately 630 square feet or approximately 0.02% of the identified impacted area along Thorman calculated by assuming a 60 foot roadway for the one block length from Dearborn to Brandon Street for a 550 foot length of the affected portion of this street). There are approximately 14 lots which are located in the immediate area that can be viewed to be dependent upon this segment for access. With the 1 new lot, there would be a total of 15 lots. The proposed 2 lots are approximately 15% of the lots within this affected area. These calculations indicate that the improvement of street frontage of approximately 0.02% of the overall area in the assumed impact area is less than 15% of the calculated impact area, and therefore would be roughly proportional to the impacts associated with the development of the property with a single family partition.

E. SECTION 3.107.07.E - EACH PARCEL SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS WITHIN SECTIONS 2.301 (General Provisions); 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); 2.309 (Site and Landscaping Design); and 2.316 (Infill Standards).

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

FINDINGS: The intent of this provision is to ensure that new development is served by adequate public facilities and avoid having the situation where public facilities are inadequate to serve new development. The Keizer Development Code requires appropriate public facilities be provided. The Public Works Department submitted comments (Exhibit '3') which specifically outline the requirements for the provision of public facilities to the proposed development of the three parcels. These comments have been incorporated into the conditions and requirements of this partition approval. Connection to the sanitary sewer system and the city's water system will be required. City of Salem and Keizer approval for connection and installation of sewer lines is required. It will be the applicant's responsibility to provide the necessary information to the Public Works department regarding fills necessary to obtain the required cover for any new sanitary sewer construction. Plans for connection shall be submitted to Keizer and Salem and permits must be obtained from the City of Salem prior to final plat approval. The applicant will be required to provide an adequately sized water main to the subject property that will provide both domestic and fire flows for the subject property, as well as the parcel proposed for future development to the east of the subject property. All public water mains shall be located within public rights of way or approved easements to the City of Keizer. The installation of appropriate public facilities will be ensured through the permit review and approval process and will be placed as a condition of partition approval. Therefore, staff finds with the above mentioned conditions of approval, this proposal satisfies this criterion.

- 2. *Section 2.302 Street Standards. Street standards are established to provide for safe, efficient, and convenient vehicular movement; adequate access to all proposed developments; and to provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights of way:***

FINDINGS: The subject property is served by an existing street that is substandard. Adequate street improvements along the frontage of the site with Thorman Ave are proposed and will be required with this proposal. No improvement along the frontage with Dearborn Ave will be required. The standards governing the access easement and provision of utilities are addressed elsewhere in this report. Therefore, staff finds this request can comply with this criterion.

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

FINDINGS: Section 2.302.08 contains the standards regarding the access easement design and construction. The applicant's proposal will make use of a private access easement to be located across Parcel 2 to provide a safe and convenient method of access for the new duplex on Parcel 1. A 20 foot wide easement with 16 feet of paved width will be required.

No parking is allowed within the minimum width requirement of the easement. If the applicant wishes to park adjacent to the easement, an additional 9 feet would need to be provided. A maintenance agreement, or other instrument acceptable to the City, will need to be signed and recorded specifying who will be responsible for maintaining the new access easement. To ensure that the access easement remains a clear travel lane there will be a prohibition on parking within the access easement and "no parking" signs must be installed accordingly. The location and language of the "no parking" signs must be approved by the City and the maintenance of the signs must be included on the maintenance agreement for the access easement. Based upon the submitted information and site plan, staff finds the proposed private access easement can comply with Section 2.302.08 and with the above mentioned conditions, this request satisfies this criterion.

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

FINDINGS: Section 2.303.06 requires that 2 on-site parking spaces are required for single family development. All spaces must be a minimum of 9 feet wide and 18 feet long. This requirement will be regulated through the building permit review process. For parcels served by an access easement an additional parking space is required for a total of 3 on-site parking spaces, with the new dwelling on Parcel 1 needing to provide for 3 parking spaces on this parcel. With this requirement placed as a condition of partition approval, staff finds this proposal can comply with this criterion.

5. *Section 2.305 Transit Facilities:*

FINDINGS: No transit facilities are proposed with this development, and are not necessary. Therefore, this criterion is not applicable to this proposal.

6. *Section 2.306 Adequate storm drainage shall be available to serve the existing and newly created parcels.*

FINDINGS: The intent of this provision is to ensure that adequate storm drainage is provided to avoid having runoff from the property become either a nuisance or hindrance to other properties. The Public Works Department has submitted comments regarding the requirements for storm drainage facilities and these requirements have been incorporated into this report as conditions of approval of the partition. Specifically, all runoff is to be kept on site and no storm runoff from the new development shall be directed to Dearborn Ave. Storm drainage plans shall be designed to be consistent with Section 2.306 of the Keizer Development Code and must be submitted to the Public Works Department for review and approval prior to plat approval. The applicant's site plan also indicates that a storm water drainage facility is proposed that will accommodate storm water needs for the subject property. The plans for storm water

quality and detention shall be submitted to the city of Keizer Public Works department for review and approval prior to approval of the partition plat. Appropriate erosion control permits must be obtained prior to any grading, fills, or excavation on the site. With these conditions of approval, staff finds this request can satisfy this criterion.

7. *Section 2.307 Adequate public facilities shall be available to serve the existing and newly created parcels.*

FINDINGS: The intent of this provision is to allow new development that is served by public facilities thereby avoiding the need to connect into private systems and avoid any potential groundwater contamination issues. Public water and sewer are available to serve the development. The Public Works Department submitted written requirements which have been made conditions of this partition approval addressing the specific public facility requirements relating to sanitary sewer, water, and street and drainage improvements necessary to accommodate the development. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways. With these conditions of approval, staff finds that this request complies with this criterion.

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

FINDINGS: Within the past year approximately four significant trees on the property were removed. The development code requires significant trees that are removed be replaced at a 2:1 ratio. Therefore, 8 replacements trees will be required as a part of this approval. A tree replacement plan will be required showing how many replacement trees will be planted. Replacement trees are to be a minimum 2" caliper when planted and would be required to be planted prior to final building permit approval for each of the parcels. Therefore, with this placed as a condition of approval this proposal will satisfy this criterion.

9. *Section 2.309.05. Screening and Buffering:*

FINDINGS: The development code requires that screening and buffering be used to eliminate or reduce impacts of certain types of development, and in specific situations. In this case, the proposal will result in a greater residential density in the existing established neighborhood. Comments were received from adjacent property owners expressing concern over the impact of the proposed development, therefore staff feels that it is appropriate to require this type of screening for this application as well. Section 2.309.05.A.7 states that "Screening and Buffering...shall be used to

mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar uses.” Staff finds that even though the uses are not truly dissimilar, there will be a visual impact to adjacent property owners, and with the additional density, there is a perception of incompatibility with the established neighborhood development pattern. Therefore, screening and buffering methods should be employed to help mitigate any adverse impact to adjacent properties. The applicant has indicated there is an existing 6 foot tall sight obscuring fence along the south and east property lines, which is an acceptable method of screening. Therefore, staff is requiring that a this six (6) foot tall sight obscuring fence continue to be located along these property lines. With this placed as a condition of approval, staff finds this request satisfies this criteria.

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

FINDINGS: The subject property proposed to be partitioned is less than 2 acres in area and is adjacent to existing residential development. Therefore, the infill development standards of Section 2.316 will be required to be met. These standards will apply to the newly proposed homes and will be regulated at the time of building permit approval and/or plat approval and are made a condition of this partition approval. The applicant submitted a conceptual house plan showing a single story home to be built on Parcel 2 and a single story addition onto the existing house on Parcel 1, which is acceptable and would require no additional mitigation other than the previously mentioned screening (fence). However, if the applicant chooses to build a taller structure on Parcel 2, additional setback would be required according to the requirements of section 2.316. Any placement of a manufactured dwelling shall need to be consistent with Section 2.402 and with all state building code requirements. With the above mentioned conditions of approval staff finds this proposal complies with the provisions of Section 2.316, and therefore, staff finds this request satisfies this criterion.

F. SECTION 3.107.07.F - ADEQUATE PUBLIC FACILITIES SHALL BE AVAILABLE TO SERVE THE EXISTING AND NEWLY CREATED PARCELS:

FINDINGS: The applicant has indicated that public water and sewer are available or can be extended to serve the subject property. As a condition of partition approval, the requirements of the Public Works Department regarding public facilities must be adhered to as outlined in the conditions of this report. As a condition of partition approval, the newly created parcel will need to be connected to public facilities. This request satisfies this criterion.

The proposed Partition complies with Section 3.107 of the Keizer Land Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria and approves the proposal subject to conditions outlined in Section IV. Conditions and Requirements starting on page 2 of this report.

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

REPORT PREPARED BY: Sam Litke, Senior Planner

Approved by:



DATE: 6/14/16

Nate Brown, Community Development Director

DEVELOPER/OWNER:

ERIC PITTSLEY
PO BOX 20864
KEIZER, OR 97307

LOT DATA:

LOTS - 2
AVERAGE SQ. FT. - 8,304 GROSS
LOTS/ACRE - 5.26

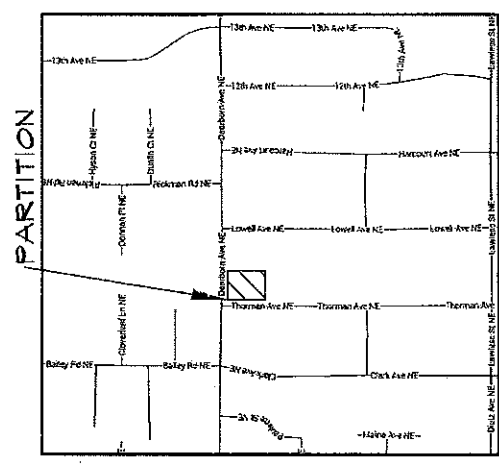
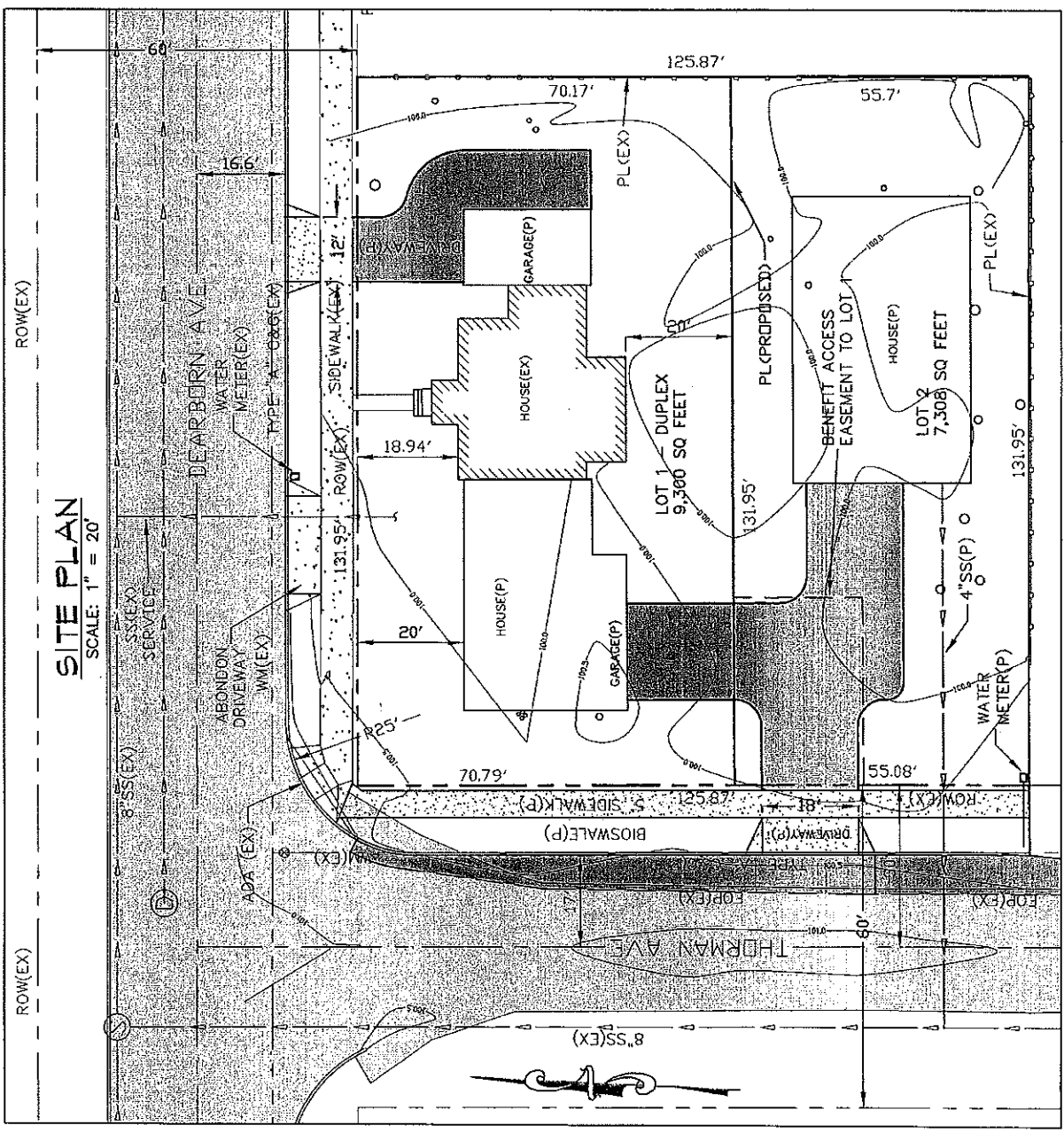
PARTITION DATA

SECTION - 02AC
TOWNSHIP - 7 SOUTH
RANGE - 3 WEST
TOTAL ACREAGE - 0.38 ACRES
EXISTING ZONING - RSF

LEGEND:

- E - EXISTING
- (P) - PROPOSED
- EX - EXISTING
- PL - PROPERTY LINE
- G - GAS

SITE PLAN
SCALE: 1" = 20'



VICINITY MAP

PRELIMINARY
NOT FOR CONSTRUCTION

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

2 LOT PARTITION
APPLICATION
PLAN

Exhibit 1,

07 3W 02AC
KEIZER

924 20 22 0

924 20 290

07 3W
SEE MAP
07 3WD28A

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MARION COUNTY, OREGON
SW1/4 NE1/4 SEC2 T7S R3W W.M.
SCALE 1" = 100'

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The diagram illustrates a two-stage wastewater treatment process. Stage 1 is a sedimentation tank where influent enters from the left. A sludge blanket is present at the bottom, with sludge being recycled back to the influent line. The effluent from Stage 1 flows into the influent line of Stage 2, which is a bioreactor. Stage 2 also has a sludge blanket at the bottom, with sludge being recycled back to its influent line. The final effluent exits from the top of Stage 2.

0.19 AC

5900
0.38 AC

<u>Taxlot Boundary</u>	<u>Historical Bour</u>
<u>Road Right-of-Way</u>	<u>Easement</u>
<u>Railroad Right-of-Way</u>	<u>Railroad Centre-Line</u>
<u>Private Road ROW</u>	<u>Taxcode Line</u>
<u>Subdivision Plat Brnry</u>	<u>Map Boundary</u>
<u>Waterline - Taxlot Brnry</u>	<u>Waterline - Non Brnry</u>

SYMBOL TYPES	
• Survey Monument	+ 1/16TH Section Cor.
: Road Station	1/4 Section Cor.
⊙ D/C Corner	16 15 Section Corner
	21 22

Tax Code Number
 00000000
 All acres listed are Net Acres, excluding any
 portions of the parcel within public ROWs.
 Acreage
 0.00 AC
 NOTES
 If a net mark is indicated on the end of a line,
 then the dimension goes to the next mark. This is used
 when dimensions are listed to a tie stake or other
 stake dimensioned to a tie stake.

Ex

hibit '2'

DISCLAIMER FOR A1

100% PURE MOUNTAIN PEAK A1

FOR ADDIT

07 3W 02AC

Pi

07 3W-02AC

07 3W 02AC

073W02DA

1

2AC

70

PARTITION CASE NO. 2016-11
APPLICANT – ERIC PITTSLEY
ADDRESS – 1030 DEARBORN AVENUE NE
ZONE: RESIDENTIAL SINGLE FAMILY

PUBLIC WORKS DEPARTMENT CONDITIONS AND REQUIREMENTS

GENERAL CONDITIONS

The application is for creating 2 parcels where 1 currently exists. The existing lot is approximately 16,608 sq. ft. The 2 parcels proposed are Lot 1, 9,300 sq. ft. and Lot 2, 7,308 sq. ft. Proposed Lot 1 is proposed to be a duplex lot with access to both Dearborn Avenue and Thorman Avenue. Proposed Lot 1 has an existing driveway access to Dearborn Avenue which will be relocated further east. The applicant is proposing to create an access easement for access to both lots from Thorman Avenue.

SANITARY SEWERS:

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

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Construction permits will be required for any construction within a public street.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Each parcel will be required to have its own sanitary sewer service and will be required to connect to an approved public sanitary sewer line. Plans for connection to the sanitary sewer system shall be submitted to the City of Keizer and the City of Salem for Lot 2 and shall be permitted by the City of Salem prior to approval of the proposed partition plat.
- c.) The property is within the original Keizer Sewer District and is therefore not subject to an acreage fee for sanitary sewer.

WATER SYSTEM:

- a.) The application is proposing one new individual water services for Lot 2. All new services shall be connected to an existing water main. Each parcel shall have its own water service. Location of water meters shall be submitted for approval to the Public Works Department after all proposed utility locations are known.
- b.) The Keizer Fire District shall determine if a new hydrant is required to serve the proposed development.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) Frontage improvements are proposed for Thorman Avenue. The Applicant will be required to provide half street improvements along the Thorman Avenue frontage to local street standards with adequate pavement and sidewalk transitions at the south end of Lot 2. Submit a street frontage improvement plan for Thorman Avenue to the City of Keizer Public Works Department for review and approval prior to approval of the partition plat.
- b.) The proposed driveway drop on Dearborn Avenue for Lot 1 shall be minimum 18-ft wide.
- c.) City Code requires all building utility services to be underground.
- d.) The Keizer Development Code provides standards for private access easements. It will be the responsibility of the applicant to provide for adequate maintenance agreements for any proposed access easements.
- e.) All impervious surfaces on the site, including the proposed access easement area shall be designed to keep all storm water runoff on-site. No storm water runoff from the new development shall be directed to Dearborn Avenue. The plans for storm water quality and detention shall be submitted to the City of Keizer Public Works Department for review and approval prior to approval of the partition plat.
- f.) Submit a stormwater drainage plan for Thorman Avenue to the City of Keizer Public Works Department for review and approval prior to approval of the partition plat.

OTHER

- a.) Construction permits are required by the Public Works Department prior to any public facility construction as well as private utility construction within existing right of ways. A Construction Site Pollution Prevention Plan as required by Ordinance 2014-711 will also be required.
- b.) A Pre-design meeting with the City of Keizer Public Works Department will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review.
- c.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- d.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.

- e.) The Partition Plat shall include a signature line for the City Engineer.
- f.) Any existing wells on the subject property shall be abandoned in accordance with the Oregon State Water Resources Department requirements.

Comments on Planning Action: Keizer Partition Case No. 2016-11

Date 5 / 11 / 2016 Person Commenting Phil Jones

Subdivision:

- ☐ 1. Subdivision name must be approved per ORS 92.090.
- ☐ 2. Must be surveyed and platted per ORS 92.050.
- ☐ 3. Subdivision plat must be submitted for review.
- ☐ 4. Checking fee and recording fees required.
- ☐ 5. Per ORS 92.065 - Remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation.
- ☐ 6. A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Partition:

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

Property Line Adjustment:

- ☐ 1. No survey required. The resultant property is greater than ten acres.
- ☐ 2. Must be surveyed per ORS 92.060 (7) and the survey submitted for review.
- ☐ 3. Survey checking fee required at the time of review.
- ☐ 4. Property line adjustment deed shall be recorded with the county clerk.
Marion County Planning requires perimeter descriptions of the resultant properties.

Per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment.
- ☐ 5. Property Line Adjustment within a recorded subdivision or partition plat
(Requires a Re-plat)

Re-plat: (Reconfiguration of lots or parcels and public easements within a recorded plat.)

- ____ 1. Must comply with all provisions per ORS 92.185 (6)
- ____ 2. Must be surveyed and platted per ORS 92.050, and the plat submitted for review.
- ____ 3. Checking fee and recording fees required.
- ____ 4. A current or updated title report must be submitted at the time of review.
- ____ 5. The portion of the subdivision or partition plat proposed for replatting contains utility easement(s) that will need to be addressed. Per ORS 92.185 (4), when a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation must notify the governing body in writing within 14 days of the mailing or other service of the notice.

If it is necessary to re-configure the utility easement created by this partition plat (see map), then it will be the responsibility of the applicant to determine the names of all of the utility companies affected by the proposed re-configuration, and give this list of names to the Marion County Surveyor's Office. Letters of notice will be sent by this office to the affected utility companies, who will determine whether or not the easement is to be maintained.

Other comments specific to this Planning Action:



rec'd 5/9/16

Exhibit 5

REQUEST FOR COMMENT

May 6, 2016

TO: Area Property Owner(s)
FROM: Sam Litke, Senior Planner
CASE: Partition Case No. 2016-11
APPLICANT: Eric Pittsley

RESPONSE DATE: **May 20, 2016**

APPLICATION: The applicant is requesting to partition a 16,608 square foot parcel into 2 parcels comprised of 9,300 square feet and 7,308 square feet located at 1030 Dearborn Avenue NE and also identified on Marion County Tax Assessor maps as Township 07 South; Range 3 West; Section 02AC; Tax Lot 07000. The property is designated Low Density Residential on the Comprehensive Plan map and is zoned Residential Single Family (RS).

The City of Keizer, Planning Department is soliciting comments from affected property owners on the above referenced land use application. Your comments should address the criteria listed on the reverse side of this request. These comments will be considered as part of the staff report. Please return your comments to our office by April 26, 2016 in order that we may process the application in a timely manner. If we receive no response, we will assume you have no concerns. You may use this response form, or, attach a separate letter. Please return your written responses to the Keizer Planning Department, P.O. Box 21000, Keizer, Oregon 97307-1000. Questions regarding the application may be directed to Shane Witham, Associate Planner, at (503) 856-3439. Thank you for your assistance.

May 20/16
Per
Shane
5/10/16
9:38 AM

PLEASE CHECK THE APPROPRIATE ITEMS:

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

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

☒ My/our comments are in the attached letter.

☐ My/our comments are: _____

Response Date: 5/16/16
Phone No. (not required) _____

Person commenting: Connie Toney / Shares LLC
Address 6105 Stillows Rd, Grants, OR 97026
Email address cshatch@hotmail.com

May 15, 2016

TO: Sam Litke, Senior Planner
City of Keizer, Planning Department

FROM: SHARCO, LLC
Property Owners – 1027 Dearborn Ave. NE

RE: Partition Case No. 2016-11
Applicant Eric Pittsley

Our comments regarding this application are: We are not in favor of this partition because:

1. Two new manufactured homes with 1 existing home is too much for that lot to handle & still look decent without lowering property values.

OR

Adding a manufactured home to an existing home already there just to make a duplex will not look right & will lower the property values around it.

2. Adding two more homes on that lot will increase traffic on an already busy street.
3. The car parking on Thurman Ave. is another problem with restricting the flow of traffic at the intersection of Thurman & Dearborn.